NOI EXHIBIT I: CONDITIONAL ALTERNATIVE PROPOSED RULE

20.6.4.808 CLOSED BASINS - Watercourses within Smelter Tailing Soils Investigation Unit lands at the Chino Mines Company, excluding those waters listed in section 809 and including but not limited to:

(i) the mainstem of Lampbright Draw beginning at the confluence of Lampbright Draw with Rustler Canyon (at DMS coordinates 32° 44' 42.591" N 108° 00' 05.082" W) and all tributaries that originate west of Lampbright Draw to the intersection of Lampbright Draw with Highway 180 (at DMS coordinates 32° 35' 50.422" N 108° 03' 09.858" W)

(ii) all tributaries of Whitewater Creek that originate east of Whitewater Creek from the confluence of Whitewater Creek with Bayard Canyon (at DMS coordinates 32° 45' 38.722" N 108° 07' 36.053" W) downstream to the intersection of Whitewater Creek with Highway 180 (at DMS coordinates DMS: 32° 35' 49.690" N 108° 05' 07)

A. Designated Uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute and/or chronic aquatic life criteria for copper set forth in Subsection I of Section 900 shall be determined by multiplying that criteria by the Water Effect Ratio ("WER") adjustment expressed by the following equation:

$$WER = \frac{[10^{\,0.588+(0.703\times\log DOC)+(0.395\times\log Alkalinity)}\,]\times(\frac{100}{Hardness})^{0.9422}}{19.31}$$

For purposes of this section, DOC is dissolved organic carbon, expressed in units of mg C/L; alkalinity is expressed in units of mg/L as $CaCO_3$; and hardness is expressed in units of mg/L as $CaCO_3$. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.

20.6.4.809 CLOSED BASINS - Ephemeral watercourses within Smelter Tailing Soils Investigation Unit lands at the Chino Mines Company, limited to:

(i) Chino Mines property Subwatershed Drainage A and tributaries thereof;

(ii) Chino Mines property Subwatershed Drainage B and tributaries thereof (excluding the portion of the northwest tributary containing Ash Spring and the Chiricahua Leopard Frog critical habitat transect);

(iii) Chino Mines property Subwatershed Drainage C and tributaries thereof (excluding reaches containing Bolton Spring and the Chiricahua Leopard Frog critical habitat transect);

(iv) Subwatershed Drainage D and tributaries thereof (Drainages D-1, D-2, D-3, and D-4) and,

(v) Subwatershed Drainage E and all tributaries thereof.

A. Designated Uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute and/or chronic aquatic life criteria for copper set forth in Subsection I of Section 900 shall be determined by multiplying that criteria by the Water Effect Ratio ("WER") adjustment expressed by the following equation:

$$WER = \frac{[10^{\,0.588+(0.703\times\log DOC)+(0.395\times\log Alkalinity)}\,]\times(\frac{100}{Hardness})^{0.9422}}{19.31}$$

For purposes of this section, DOC is dissolved organic carbon, expressed in units of mg C/L; alkalinity is expressed in units of mg/L as $CaCO_3$; and hardness is expressed in units of mg/L as $CaCO_3$. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.