



**INSPECTION**  
**3/25/2016**  
Capitan Iron Mine

**INSPECTION NARRATIVE:**

Arrived at the site a few minutes past 8AM. MMD-MARP has recently received numerous complaints and reports from nearby residences of loud noises and fugitive dust from the mining activity. The complaints include claims that the operator is using explosives, of which the operator denies.

The operator has recently taken steps to “improve” the access road (USFS 489A) going from State Highway 246 in to the mine. The operator was recently informed (allegedly) by MSHA that they would have to widen the road, place berms in certain stretches, and straighten out bends and turns if the operator planned to use mine haul trucks. Subsequently, the operator performed these “improvements” without modifying Permit LI005ME, and without MMD’s knowledge. Furthermore, the operator did not seek to change or alter their special use access agreement with the USFS.

The road had been slightly widened (approximately 4’ in some areas) which could be attributable to maintenance. It is unclear if the widening of the access road constitutes disturbance and/or a violation of the permit terms and conditions.

However, where the access road has bends and turns the operator has constructed berms on the downhill side of the access road. These berms are clearly constructed out of mine waste as acknowledged by the operator’s representative. Additionally, the operator has pushed some of the mine waste, or berm material, down in to an unnamed arroyo/drainage. Placement of mine waste in to a drainage without a permit may be construed as violating Section 404 and/or 401 of the Clean Water Act for the discharge of dredged or fill material in waster of the United States. This will be reported to the New Mexico Environment Department for their consideration of enforcement action(s) if any.

The operator has placed a cyclone fence around the approved 5 acre limit of disturbance. However it was observed that mined and processed materials have been placed outside the approved disturbance limit and fence. Furthermore, some clearing and grubbing has occurred outside the approved 5 acre limit of disturbance.

The mining is occurring in a pit created by using a pneumatic hammer mounted on a trackhoe. The current dimensions of the active pit is approximately 30 feet in length, 20 feet in width, and a maximum depth of 7 feet. I walked the perimeter (fenced) of the disturbance limit. There was no evidence of the use of explosives. Furthermore, the operator is adamant that they do not use explosives.

The processing equipment consists of the trackhoe and pneumatic hammer, a 4 inch minus screen, and a combination crusher and magnetic separator. The equipment is still laid out in the same pattern as it was during the October 2015 inspection.

**PHOTOS:**

Digital photos available on L:\MARP\LI005ME---Capitan Iron\Capitan Iron Mine photos – 2016.3.25

Head cut receives road drainage near fill area. Berm is mine waste.



Photo below is constructed berm using mine waste that has been placed in drainage. Blue line demarks drainage channel axis. Red line demarks head cutting due to road drainage.



Photo below additional view of fill in channel



Below is disturbance outside (west) of the approved disturbance limit



Below photo of disturbance outside (west) of approved disturbance limit



Stockpiled material outside (west) the fenced disturbance limit.



Photo below is the current active pit March 25, 2016.



**MAINTENANCE ITEMS**

None

**ENFORCEMENT ACTIONS TAKEN OR TO BE CONSIDERED**

Discuss with management and consider a Notice of Violation(s), penalty, and remedy.

**INSPECTOR'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_