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STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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1 May 2017

David J. (DJ) Ennis, P.G., Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Summary Report: 2015-2016 Biological Surveys at Mill Site Claims and Proposed Substation Area, Copper Flat Mine, Project No. SI027RN; NMDGF No. 17643

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the document referenced above. Based on recommendations from the Department and MMD to provide additional baseline data, New Mexico Copper Corporation (NMCC) agreed to conduct supplemental vegetation and wildlife surveys at the Mill Site Claims and the Proposed Substation Area. The Department is satisfied that adequate baseline data has been established for the project areas and concurs with the recommendations provided by GeoSystems Analysis, Inc. to minimize potential impacts to wildlife.

In addition, the Department makes the following recommendations:

- New Mexico Copper Corporation should annually monitor the Swainson's Hawk nest, which is located approximately 230 yards south of Production Well number three, to determine nesting activity and reproductive success. Raptors are considered an indicator species, and their status can provide information regarding the overall condition of the ecosystem.
- To avoid potential destruction of occupied migratory bird nests, eggs or nestlings and to comply with the Migratory Bird Treaty Act, ground disturbance and vegetation removal activities should be conducted outside of the breeding season for songbirds and raptors (1 April – 1 September). If ground disturbing and clearing activities during the breeding season cannot be avoided, the area should be surveyed for active nest sites prior to any disturbance. For any active nests detected, an adequate buffer zone should be established to minimize disturbance. Buffer distances should be at least 100 feet from songbird and raven nests, and 0.25 mile from raptor nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available for consultation regarding nest site mitigation, and can facilitate contact with qualified personnel.

- Thank you for the opportunity to review and comment on the proposed project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Wunder".

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office