

Ennis, David, EMNRD

From: Roth, Daniela, EMNRD
Sent: Thursday, July 6, 2017 3:37 PM
To: Ennis, David, EMNRD
Subject: RE: Modification 17-1, Pueblo Alto Mine (Permit No. MK008ME)

Dear David Ennis:

Thank you for giving me the opportunity to review and comment on Modification 17-1 Application, expansion of the permit area, Pueblo Alto Mine, in McKinley County, NM (MK008ME). I do not anticipate any impacts to state listed endangered plants from the proposed expansion of the permit area.

Please let me know if I can be of further assistance.

Daniela Roth

BOTANY PROGRAM COORDINATOR

EMNRD-Forestry Division
1220 S. St. Francis Dr.
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ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau
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BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

MEMORANDUM

Date: July 10, 2017

To: Holland Shepherd, Program Manager, Mining Act Reclamation Program

Through: Jeff Lewellin, Mining Act Team Leader, Mining Environmental Compliance Section

From: Alan Klatt, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

Subject: **NMED Comments, Mesa Verde Resources, Pueblo Alto Mine, Expansion of Permit Area, McKinley County, New Mexico, MMD Permit No. MK008ME, Modification 17-1**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 26, 2017 requesting NMED review and provide comments on the above referenced MMD permitting action. The modification is submitted to expand the permit area by approximately 80 acres. MMD requested comments within 20 days of receipt in accordance with Section 19.10.3.303 I. NMAC. NMED has the following comments.

Background

The Mesa Verde Resources (MVR), Pueblo Alto Mine is a humate mine that has been operating since 1998. Application for permit was made to the New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division and Permit No. MK008ME was assigned. MVR is expanding the mine permit area into the southwest quarter of Section 8, T20N, R7W on land managed by the Bureau of Land Management.

Air Quality Bureau

The Air Quality Bureau comments are attached under separate letterhead.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached under separate letterhead.

Mining Environmental Compliance Section

A search of the New Mexico Office of the State Engineer (OSE) database that contains information related to wells installed throughout New Mexico was performed. One well, installed in 1964, in Section 8, T20N, R7W was contained in the search. The OSE records indicate the well was advanced to a total depth of 125 feet below ground surface (bgs) with the depth to water of 88 feet bgs. The mining of humate will occur above the stated depth to ground water contained in the OSE records and should have no adverse impacts to ground water.

NMED Summary Comment

NMED finds the proposed activities are likely to have a minimal environmental impact if conducted and reclaimed in accordance with the approved permit and recommendations listed above.

If you have any questions, please contact Jeff Lewellin at (505) 827-1049.

cc: Bruce Yurdin, Division Director, NMED-WPD
Shelly Lemon, Acting Bureau Chief, SWQB
Richard Goodyear, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
DJ Ennis, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



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BUTCH TONGATE
Cabinet Secretary
JUAN CARLOS BORREGO
Deputy Cabinet Secretary

MEMORANDUM

DATE: July 5, 2017

TO: Jeff Lewellin, Mining Act Team Leader
Mining Environmental Compliance Section, Ground Water Quality Bureau

FROM: Neal Butt, Environmental Analyst
Air Quality Bureau

RE: Request for Comments on Modification 17-1 Application, Expansion of Permit Area, Pueblo Alto Mine, McKinley County, New Mexico, Permit No. MK008ME

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB has the following comments:

Air Quality Permitting History

The AQB has not issued any air quality permits for this operation.

Details

The applicant has applied for a modification of their Minimal Impact Existing Mining Operation Permit MK008ME to expand the current permit area, located in Section 15, T20N, R7W in McKinley County, New Mexico, to incorporate the South Half of the Southwest Quarter (S ½ of SW Qtr.) of Section 8, T20N, R7W (approximately 80 acres). The proposed expansion is owned by the Federal Government and is administered by BLM. The applicant anticipates obtaining a Contract for Sale of Mineral Materials.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality. Current requirements which may be applicable in this mining project include, but are not limited to the following:

Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, And NESHAP - Permits and Revisions*, states that: "Permits must be obtained from the Department by:

(1) "any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard (e.g. PM, TSP). If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review [. . .]"; and

(3) "Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards* (e.g. *Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants*), 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant;"

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent* states that:

"Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a Notice of Intent with the department."

In addition, pursuant to Subsection A of 19.10.3.303 NMAC, *Minimal Impact Existing Mining Operations*:

"An existing mining operation that continues mining operations will not be considered a minimal impact existing mining operation if it exceeds 10 acres of disturbed land, or 40 acres of disturbed land in the case of dolomite, garnet, humate, perlite and zeolite operations that: (1) are located outside Bernalillo, Dona Ana and Santa Fe counties; and (2) are committed to perform concurrent reclamation of disturbed areas to the extent practicable. Permanent roads and areas within the permit area that are reclaimed will not be counted as part of the acreage limitation for a minimal impact existing mining operation. Reclaimed, for this purpose, means all financial assurance has been released, except the amount held to re-establish vegetation pursuant to Subsection A of 19.10.12.1204 NMAC. Construction of roads and access ways, the types of disturbances, and the applicant's previous history of compliance with the act and 19.10 NMAC will be major factors in the director's determination of minimal impact status. Notwithstanding the frequency for inspections of minimal impact mining operations specified in Paragraph (4) of Subsection A of 19.10.11.1101 NMAC, if a minimal impact operation permit is issued under this subsection for more than

10 acres of disturbance, the director shall conduct on-site inspections at least once per year during the term of the permit.”

Humate is prone to become suspended in the air; therefore, the AQB recommends implementation of a strategy to reduce fugitive humate from the mining operation.

Permitting Requirements for Regulated Equipment and Sources of Fugitive Dust (e.g. PM and TSP)

The Air Quality Bureau regulates particulate matter emissions from stationary sources that process mined materials via: 20.2.15 NMAC, *Pumice, Mica, and Perlite Processing*; 20.2.19 NMAC, *Potash, Salt or Sodium Sulfate Processing Equipment – PM*; 20.2.42 NMAC, *Coal Mining and Preparation Plants – PM*; and 20.2.72 NMAC, *Construction Permits*. The emissions from equipment and activities such as crushers, screens, conveyors, baghouses, material drop and transfer points, haul roads, and storage piles must all be considered in determining applicability under 20.2.72 NMAC. Please contact the Permit Section for additional guidance.

Fugitive dust is a common problem at mining sites. Fugitive dust emissions are regulated generally by 20.2.72.200.A NMAC (e.g. 10 lb./hour or 25 TPY). However, specific strategies to control fugitive dust are left up to the discretion of the owner and operator of the source. The following control strategies can be included in a comprehensive facility dust control plan (from EPA’s *Compilation of Air Pollutant Emission Factors, AP-42*):

Unpaved haul roads and traffic areas: paving of permanent and semi-permanent roads, application of surfactant, watering, and traffic controls, such as speed limits and traffic volume restrictions.

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Recommendation

The AQB has no objection to the current request for permit modification.

The applicant is expected to comply with all requirements of federal and state laws pertaining to air quality. This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at (505) 476-4317.



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BUTCH TONGATE
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J. C. BORREGO
Deputy Secretary

MEMORANDUM

DATE: July 5, 2017

TO: Jeff Lewellin
Mining Act Team Leader, Ground Water Quality Bureau (GWQB)
New Mexico Environment Department

FROM: Alan Klatt
Environmental Scientist & Specialist, Surface Water Quality Bureau (SWQB)
New Mexico Environment Department

RE: **Request for Comments, Expansion of Permit Area, Mesa Verde Resources, Pueblo Alto Mine, McKinley County, MMD Permit No. MK008ME, Modification 17-1**

On June 27, 2017 SWQB received a request for comments from GWQB regarding a permit application submitted to the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals, and Natural Resources Department by Mesa Verde Resources to modify permit number MK008ME for the Pueblo Alto Mine. The Pueblo Alto Mine is operated by Mesa Verde Resources as a minimal impact existing humate mine. The proposed permit modification will incorporate the south half of the southwest quarter of Section 8, T20N, R7W into the permit area which is approximately 80 acres of land that is managed by the Bureau of Land Management (BLM). Pursuant to 19.10.3.303 NMAC, SWQB has the following comments:

A segment of Cañada Alamos, a tributary to Chaco Wash, originates from within the proposed permit boundary described in Modification 17-1. This portion of Cañada Alamos is subject to 20.6.4.98 NMAC State of New Mexico Standards for Interstate and Intrastate Surface Waters. To protect water quality, SWQB recommends the following:

- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, and drilling activities to address potential spills. Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission Regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).

Jeff Lewellin

7/5/2017

Page 2 of 2

- Pressure wash and/or steam clean all mobile equipment used in the project area before the start of the project and inspect daily for leaks. A written log of inspections and maintenance should be completed.
- The use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads should comply with the guidelines described in the Bureau of Land Management “Gold Book”¹, Chapter 4. Suspend construction, maintenance activities, or off-road travel during periods when the soil is too wet to adequately support heavy equipment without causing surface disturbance. Operator should commit to repair any surface disturbance they caused.
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from any watercourses, including springs, wetlands, and ephemeral stream channels.
- Implement Best Management Practices to prevent direct impacts to watercourses, including ephemeral channels. For temporary surface disturbances during exploration and reclamation activities, the operator should implement erosion control measures that are designed, constructed and maintained using professionally recognized standards (e.g., Natural Resource Conservation Service standards, or the Bureau of Land Management “Gold Book”).
- Activities within watercourses or wetlands may require coverage under a Clean Water Act Section 404 permit. If you have questions about this permitting, please contact Ms. Marcy Leavitt, Regulatory Division, US Army Corps of Engineers, Albuquerque (505-342-3678).
- The applicant should design and construct containment systems capable of retaining storm water running off of the mining area during precipitation events. The containment system should be sufficient in size to contain storm water generated within its catchment area from 100-year, 3-day storm event or less. Discharge of storm water from disturbed areas to any Water of the United States without a National Pollutant Discharge Elimination System (NPDES) permit may be a violation of the Clean Water Act.
- Certain mining activities may require a permit from EPA under Section 402 (NPDES) of the Clean Water Act, under the Multi-Sector General Permit (MSGP). The permittee must submit the appropriate application to EPA prior to initiating activities that may result in a discharge. For additional information, contact:

EPA Region 6
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202
Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

If you have questions about NPDES or MSGP coverage please contact Sarah Holcomb, SWQB, at 505-827-2798.

If you have any other questions related to these comments, please contact me at 505-827-0388.

¹<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>

Ennis, David, EMNRD

From: Gallegos, Anthony <agallegos@blm.gov>
Sent: Wednesday, July 12, 2017 3:14 PM
To: Ennis, David, EMNRD
Cc: Joel Hartmann; Mankiewicz, David
Subject: Comments -Mesa Verde Resources-Pueblo Alto Mine Expansion -Permit-MK008ME

DJ,

The BLM Farmington Field Office has the comments shown below on the proposed expansion of the Mesa Verde Resources Pueblo Alto Mine to include the south half of section 8, T20N, R7W, as Modification 17-1 to existing Permit MK008ME.

- The existing Pueblo Alto Mine on private surface and minerals in Sections 15 and 16, T20N R7W, is not within the BLM's jurisdiction.
- Mesa Verde Resources recently completed an exploration project in section 8.
- BLM would process this proposal in section 8 as a new humate mine.
- This process will include review and development of a mining and reclamation plan for this area.
- The proposed mining and reclamation plan would then go through the NEPA process, most likely as an Environmental Assessment (EA).
- Additional clearance surveys may be required as part of the process (e.g. cultural, biological, etc.).
- At the completion of the NEPA process we could finalize the mining and reclamation plan and issue a mineral materials contract.

Thank you for your coordination and cooperation in processing this proposal. Please contact me or Joel Hartmann (505-564-7745) with any questions regarding this proposal.

Regards,
Tony

--

Anthony A. Gallegos
Mining Engineer

Bureau of Land Management
Farmington Field Office
6251 College Blvd., Suite A
Farmington, NM 87402

Phone: 505.564.7723

Fax: 505.564.7608

Email: agallegos@blm.gov



Susana Martinez
Governor

STATE OF NEW MEXICO
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HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

July 14, 2017

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

Re: MK008ME Modification 17-1, Expansion of Permit Area in Section 8, Pueblo Alto Mine.

Dear Mr. Ennis:

This letter is in response to the aforementioned permit application received at the Historic Preservation Division (HPD) on June 20, 2017. According to the application, the proposed project is within Township 20 North, Range 67 West, in the south half of the southwest quarter of Section 8.

In accordance with rule 19.10.3 NMAC, *Minimal Impact Operations*, I reviewed our records to determine if cemeteries, burial grounds or cultural resources listed on the State Register of Cultural Properties or the National Register of Historic Places exist within or near the permit area. Our records show that there are no cultural resources listed on the National Register or State Register within or near the proposed permit area and no known cemeteries or burial grounds. Although there are no cultural resources listed on the State or National Register, our records show that the area of potential effects has been surveyed and that there are no archaeological sites in area.

The application states that the surface and mineral estate owner is the Bureau of Land Management (BLM), and that the Mesa Verde Resources anticipates a contract with the BLM for the sale of the minerals. BLM may require additional cultural resource survey to current standards. The BLM will review the results of the survey report and consider project effects on any archaeological sites that may be eligible for listing on the National Register pursuant to Section 106 of the National Historic Preservation Act. The BLM may require avoidance of any eligible archaeological sites and an archaeological monitor to ensure that eligible sites are not affected.

Please do not hesitate to contact me if you have any questions regarding these comments. I can be reached by telephone at (505) 827-4064 or by email at bob.estes@state.nm.us

Sincerely,

A handwritten signature in blue ink that reads "Bob Estes".

Bob Estes
Archaeologist
Log: 106000

GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY
TO THE COMMISSION
Alexandra Sandoval

DEPUTY DIRECTOR
Donald L. Jaramillo

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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17 July 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: Modification 17-1 Application, Expansion of Permit Area, Mesa Verde Resources Pueblo Alto Mine, McKinley County, New Mexico, Permit No. MK008ME; NMDGF No. 17906

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the project referenced above. Mesa Verde Resources (MVR) is requesting a permit modification to expand mining operations to incorporate the southern half of the southwest quarter of Section 8, Township 20N, Range 7W in McKinley County, New Mexico. The project will disturb a total area of approximately 80 acres. Department, MMD and MVR staff conducted a site inspection on 20 September 2016. The Department provides the following recommendations to minimize impacts to wildlife.

The proposed areas where the humate deposits will be mined contains grassland habitat that could support Gunnison's prairie dog (*Cynomys gunnisoni*) colonies. Gunnison's prairie dog is designated a Species of Greatest Conservation Need under the New Mexico State Wildlife Action Plan, and its colonies provide important habitat for other grassland wildlife. The Department recommends, if possible, that any occupied prairie dog towns found on the site be left undisturbed and that mining activities be directed off the prairie dog colony. Burrowing owls (*Athene cunicularia*) may be associated with prairie dog towns and use abandoned burrows as breeding (March-August) and sometimes as wintering habitat. The Department recommends conducting burrowing owl surveys during the breeding season prior to any ground-disturbing activities. The Department's Burrowing Owl Guidelines (<http://www.wildlife.state.nm.us/conservation/habitat-information/habitat-handbook/project-guidelines/Burrowing-Owl-Surveys-and-Mitigation-2007.pdf>) provide information on appropriate procedures. Burrowing owls are protected against take under New Mexico state statutes and under the federal Migratory Bird Treaty Act, which specifies that active burrows must remain undisturbed until the young have fully fledged and all the owls have left the area. If mining operations cannot wait until the burrows are vacant, then a permit must be obtained from the U.S. Fish and Wildlife Service and the Department to safely capture and relocate owls from the area.

The noxious weed halogeton (*Halogeton glomeratus*) is known to occur near the proposed project site and is present on other humate mines in the area. Halogeton thrives on disturbed sites and along road sides, and is toxic to grazing animals due to the accumulation of oxalates in its foliage. The Department recommends that any vehicles and equipment arriving on site be thoroughly cleaned of all visible dirt

and mud to help contain and control the potential spread of associated weed seeds. The operator should initiate a weed monitoring program to aggressively detect and control the spread of halogeton if it invades the project area.

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", is written over a circular stamp or seal.

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

cc: USFWS NMES Field Office

Ennis, David, EMNRD

From: Rappuhn, Doug H., OSE
Sent: Wednesday, July 19, 2017 1:57 PM
To: Ennis, David, EMNRD
Cc: Musharrafieh, Ghassan R., OSE; Watson, Blaine, OSE
Subject: Request for Comments on Modification 17-1 Application, Expansion of Permit Area, Pueblo Alto Mine, McKinley County, NM, MMD Permit No. MK008ME; OSE San Juan Administrative Basin (T20N-R7W-Sec 8.300)

Hello Mr. Ennis –

Thank you for your 7/18/2017 e-mailed granting of a short extensions of time to provide OSE comments on the Mesa Verde Resources applications to expand humate mining under existing MMD Permits MK007Me (Star Lake Mine) and MK008ME (Pueblo Alto Mine). It appears that related new exploratory drilling for the Pueblo Alto expansion was addressed in the recent revision of MMD Permit MK044EM, and that the MK008ME application (<http://www.emnrd.state.nm.us/MMD/MARP/MK008MEMod17-1.html>) therefore strictly regards a request to expand the area allowed for mining.

Available information suggests an excavation depth on the order of proposed exploratory drilling (approximately 50-ft below current land surface) likely remains above local water table. Ideally, the proposed onsite exploratory drilling will offer confirmation, since the scant shallow-well water level information exists in OSE files for the area. If earlier exploratory drilling required OSE well construction permitting, the OSE would benefit from applicant submittal of related Well Records for the holes, since information either noting the presence of shallow groundwater or the lack of it would substantiate subsurface conditions locally.

Old, possibly undocumented wells may exist in the vicinity of the proposed mining expansions. Should a water well be discovered in an area that will be excavated, the applicant shall contact the OSE for guidance on appropriate decommissioning of the well. Such decommissioning would require the services of a New Mexico-licensed Water Well Driller under an OSE-approved Well Plugging Plan of Operations (OSE Form WD-08), currently available at http://www.ose.state.nm.us/WR/NewForms/WD-08%20Well%20Plugging%20Plan%20of%20Operations_2017-06-30_final.pdf .

Mining activities or reclaimed terrain should not impound surface water in excess of that impounded prior to mining activity. If new impounding of water is likely to occur, the applicant shall contact the OSE Dam Safety Bureau at 505-827-6122 for guidance regarding the possible need for administrative submittals.

Since it appears there will be no water use or surface water impoundment associated with the proposed expansion of mining, the OSE Hydrology Bureau has no further comment on the application.

Douglas H. Rappuhn, P.G.

Hydrology Bureau / New Mexico Office of the State Engineer
5550 San Antonio Drive NE
Albuquerque, NM 87109-4127
Phone: 505-383-4000; Fax: 505-383-4030
e-mail: doug.rappuhn@state.nm.us

From: "Rodriguez, Stephanie, EMNRD" <stephanie.rodriquez@state.nm.us>

Date: June 26, 2017 at 11:35:42 PM GMT+3

To: "Musharrafiéh, Ghassan R., OSE" <ghassan.musharrafiéh@state.nm.us>

Cc: "Ennis, David, EMNRD" <David.Ennis@state.nm.us>

Subject: Request for Comments on Mod. 17-1 Application, Expansion of Permit Area, Pueblo Alto Mine, McKinley County, NM, Permit No. MK008ME

Attached is your electronic copy of the June 26, 2017, letter mailed to Dr. Ghassan Musharrafiéh, Office of the State Engineer, from David (DJ) Ennis, Permit Lead, MARP/MMD, regarding the above-referenced subject. Please print copies for your files as needed.

Thank you,

Stephanie J. Rodriguez

Records Manager

Mining Act Reclamation Program

Mining and Minerals Division

stephanie.rodriquez@state.nm.us

505-476-3433