

April 24, 2017

340 Solana Road SE  
Deming, New Mexico 88030

Bill Childress, District Manager  
United States Department of Interior  
Bureau of Land Management  
Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005-3371



Dear Mr. Childress,

This letter is requesting an Environmental Impact Statement be conducted in deciding on LU035MN American Magnesium's application for a BLM minimal impact permit to mine magnesium/dolomite in Deming, New Mexico.

However, before moving forward with this request for an EIS, a clarification to the public is requested. BLM states a minimal impact new mining operation for magnesium/dolomite will not be considered a minimal impact mining operation if it exceeds 10 acres for magnesium/40 for dolomite of disturbed land. American Magnesium's application cites 44 disturbed acres, thus exceeding the BLM minimal impact criteria for all new mining operations.

Regarding the Environmental Impact Statement, BLM § 3517.16 states (a) We will consider whether the agreement will conserve natural resources and is in the public interest.

Only an Environmental Impact Statement can provide the information necessary for the BLM to make an informed decision that will conserve natural resources and is in Deming, New Mexico's public interest. Having an understanding of the purpose and need to mine magnesium/dolomite here in Deming, the range of alternative actions available for the proposed mining operation, knowing the impact on our threatened and endangered flora and fauna species here in Deming, the impact on the bordering BLM Environmental Study areas, the impact blasting can have on our air, wells, noise, and the structural integrity of our homes, are just a few of the critical impacts we can understand through the results of an EIS. Additionally, being the homeland of the indigenous Chiricahua Apache people, preserving this historical and archeologically sensitive area here in Deming is vital; a right of the people. For the purpose of conserving natural resources and our public interest is why we have asked our government agencies to provide an Environmental Impact Statement when such actions are proposed.

Although not required in an Environment Impact Statement, having a clear understanding of the financial viability of American Magnesium's two man team is vital to the success of the agreement. Regarding American Magnesium's proposed agreement being "in the public interest", first and foremost, is evaluating the company's strength and diversity in their

leadership team, financial foundations, and capacity for long term management of this proposed mining project.

Having read American Magnesium's application, BLM plan of operations, briefing and executive summary, it appears American Magnesium's plans, ideas and flow for this mining project have been roughly put to paper. Execution of such a project on the other hand, requires strong, diverse leadership, solid financial planning/investment, and a team of people with a historic track record in taking such mining ventures to market, and beyond with successful long term management skills. Success for this mining project to be in the public interest while conserving natural resources, requires articulate plans on all fronts.

This two-man team, as their own executive summary, briefing, roughly sketchy out application, and BLM plan of operations points out, does not demonstrate a preparedness to meet the rigorous requirements for success in taking the agreement forward in the public interest here in Deming, New Mexico.

Please advise.

Thank you.

Sincerely,

K. Dianne Stephens

pc: Jim Hollen, Permit Lead – Permit Tracking Lead LU035MN  
Mining Act Reclamation Program



May 3, 2017

Mr. David Q. Tognoni  
Managing Member  
American Magnesium LLC  
P.O. Box 684  
Elephant Butte, NM 87935-0684

RECEIVED

MAY 04 2017

MINING & MINERALS DIVISION

Via Email and U.S. Mail

Dear Mr. Tognoni:

Thank you for providing me with information about your (American Magnesium LLC) proposal to develop a "Magnesium Mine" near our property in rural Luna County.

Based on the materials you sent, contacts with the BLM District Office and the New Mexico Mines and Minerals Division (MMD), and my own private research; I have decided your proposal to develop a magnesium mine in the Florida Mountains will not have my support. Frankly, at this point it seems infeasible. I base this conclusion on the following facts and observations:

1. What you are seeking to do in your Plan of Operations (PoO) and Minimal Impact New Mine application is better characterized as exploratory work for a Dolomite Quarry. The applications do not reference any ancillary infrastructure of your proposal to build a mine as set forth in your December 2016 Executive Summary. Your PoO does not include access across BLM land for your proposed conveyor belt. The National Environmental Policy Act (NEPA) process will compel full disclosure and analysis of all cumulative impacts, both on and off BLM land. This will have to include your eventual identification of a site for crushing and refining the dolomite.

2. You represented in promotional materials that the Minimum Impact Mine permit should be issued in Q2 of 2017. This is unlikely. The New Mexico MMD has found your application insufficient. Further, it will not act on any application until the BLM completes its review process. I do not expect the BLM to complete the NEPA process any time soon, with a project of your scope under consideration. I expect the first tier Environmental Assessment will find significant impact requiring a full Environmental Impact Statement (EIS).

3. I believe that the BLM may not accept the validity of the 1872 Act claims of this Common Variety. I believe they will find the Dolomite quarry to require a lease pursuant to the 1955 Common Varieties Act. I think the 1957 Kottlowski

study (that you rely on for your claims) establishes there are numerous deposits of nearly identical Fussleman Dolomite in south central New Mexico. There is no "unique property" of Dolomite you seek to quarry as required by law.

4. Your Private Offering Memorandum of January 31, 2016 discloses a funding scheme for this project which demonstrates that American Magnesium does not have the financial ability to build the mine you describe. Your tiered funding arrangement will likely bog down during Phase Two, which is described as your "First Offering". I do not believe that any sophisticated investor would pony up \$25,000 based on the Offering Memorandum, Subscription Agreement, and reasonable due diligence.

5. I am guessing that the only people who have received income from this venture to date are the original filers of the mining claims acquired by AM, and the management of AM. The remainder has gone to consultants and lawyers. If no permit is granted, you could walk away having transferred your mining claims for value, having paid off the other initial claimants (investors?), and having drawn a salary in the meantime. I fear the First Offering investors will be left holding nothing, as your Subscription Agreement so clearly warns.

6. Your personal history does not support your credibility. No need to cite specifics, since you can Google and electronically trace yourself. Your previous ventures and activities speak for themselves.

7. There is substantial and growing opposition to your proposal in Luna County. There are numerous well educated and financially able residents who will fight you tooth and nail to protect the Florida Mountains Wilderness Study Area (WSA) and the unique biology of the WSA. The ability of this opposition to force expensive mitigation strategies cannot be discounted, and further puts in question your ability to deliver the project you are promoting.

8. I do not believe it is feasible to build this project for the \$94,000,000 you identify in the Offering Memorandum. The 15 mile conveyor system could cost \$94,000,000 itself. This is likely considering: i) the crossing of numerous county, state, and federal highways, including I-10, ii) the crossing of the Southern Pacific railroad, and iii) the need to acquire rights (if you can) to cross private land.

9. I do not think your scheme to chop up this huge project into a series of smaller 40 acre "rolling reclamation" quarry sites will mask your intentions to develop a much larger project. I suppose you would have had to do 10 acre "rolling reclamation" sites had you not successfully lobbied the Mine Commission

last April to raise the limit for "dolomite" and a few other minerals from 10 to 40 acres.

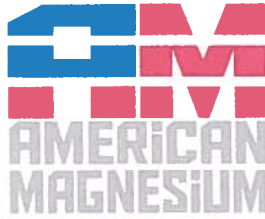
Based on these observations, together with the detrimental impact your proposal will have on our property and its value, it is my intention to align myself with those opposing the approval of your Plan of Operations and Minimal Impact Mining Permit without a full EIS that considers the cumulative on and off-site impacts of the entire proposal, and their proper mitigation.

I will also request that the BLM evaluate whether the AM owned 1872 claims for the common variety Dolomite are valid. The basis of this is set forth in item 3, above.



Wesley Light  
Sunshine Wells Ranch  
12710 Lucca Rd SW, Luna County  
P.O. Box 2002  
Angel Fire, NM 87710

cc. ✓ Leighandra Keevan, BLM Las Cruces  
✓ James Hollen, New Mexico Mining and Minerals Division  
Rachal Conn, Amigos Bravos  
Administrative Director, Friends of the Floridas  
Beth Bardwell, Audubon New Mexico  
Alegernon D'Ammassa, Deming Headlight



RECEIVED

MAY 22 2017

MINING & MINERALS DIVISION

Energy, Minerals and Natural Resources Department - Mining and  
Minerals Division

Mr. Fernando Martinez, Director  
Wendell Chino Building, Third Floor  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Reference LU035MN

May 19<sup>th</sup>, 2017

Dear Mr. Fernando Martinez, Director

Please find attached color copies of the signed petitions that show  
support for the development of the Magnesium project in Luna County.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Tognoni', with a stylized flourish at the end.

David Q. Tognoni, PE  
Managing Member, American Magnesium LLC  
P.O. Box 684, EB, NM 87935  
575-741-1527

Copies also sent to:

US Land Management Bureau  
Bill Childress, District Manager  
1800 Marquess St.  
Las Cruces, NM 88005-3371



I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)	Signature	City and State
Samuel C Pierce	[Signature]	Deming, NM
R. E. BREWSTER	[Signature]	Deming, NM
Carol N. Brunka	[Signature]	Deming, NM
Brenda Dominguez	[Signature]	Deming NM
Haterina Roberts	[Signature]	Deming, NM
Melissa Medina	[Signature]	Deming NM
Monique Sanz	[Signature]	Deming, NM
Bob Yacone	[Signature]	Deming NM
Kim Duncan	[Signature]	Deming
Michael Landry	[Signature]	Deming
Diana Landry	[Signature]	Deming
Rachel Anthony	[Signature]	Deming
Julian Flores	[Signature]	Deming
Julian Flores	[Signature]	DEMING

# I am in favor of American Magnesium's project in Luna County, NM

Name (print)

Signature

City and State

Mariah Edwards Mariah Edwards Deming

Aubrianna Flores Aubrianna Flores Deming

George Todor George Todor Deming

Jennifer Charity Jennifer Charity Las Cruces

Rosalba Barren Rosalba Barren Deming

Joaquin Barrera Joaquin Barrera Deming

Rhonda Myers Rhonda Myers Deming

Julian Castillo Julian Castillo Deming

Juan Dominguez Juan Dominguez Deming

Joshua Rice Joshua Rice Deming







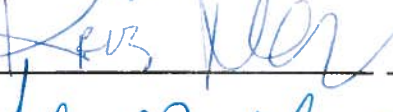
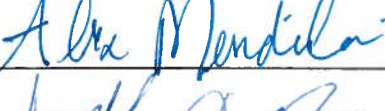

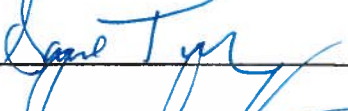


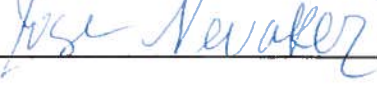
Renée Carkin RENÉE CARKIN Deming

Scott Chandler Scott Chandler Deming

Pat Behling Pat Behling Deming



I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)	Signature	City and State
Clarissa Lozano		Deming NM
Bertha Granillo		Deming NM
Martin Granillo		Deming NM
Cynthia Vega		Deming NM
Yolanda Montoya		Deming NM
Eva Lozano		Deming NM
PRISCILLA NEVAREZ		Deming NM
Alex Mendiola		Deming NM
Ashley Castro		Deming NM
SANDRA TURNER		Deming NM
Janita Forano		Deming NM
Martha Mendiola		Deming NM
Jose Nevarez		Deming NM

I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)	Signature	City and State
Billy Gasper	Billy Gasper	Deming NM
Hezekiah parker	Hezekiah Parker	Deming NM
Mary Escarcega	Mary Escarcega	Deming N.M.
misty saiz	Misty Saiz	Deming NM
Yolanda Barajas	Yolanda Barja	Deming, n.m.
Alexis Trejo	Alexis Trejo	Deming, NM
Angela Arregos	A. Arregos	Deming, NM
Esteban Arroya	E. Arroya	Deming NM
Kelly S Scott	Kelly S Scott	Deming NM
Dominic A Esqueda	Dominic A Esqueda	Deming, NM
Danielle Esqueda	Danielle Esqueda	Deming, NM
Desmond Quiroz	D. Quiroz	Deming N.M

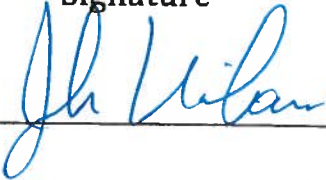
I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)

Signature

City and State

JOHN URIBARRI



DEMING, NM

Tyler W BENTING



Deming, NM

Justyn Martin



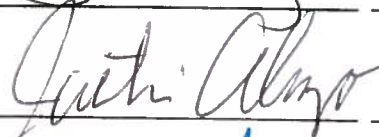
Deming, NM

Ann Shine-Ring



Deming NM

Justin Alonzo



Deming, NM

Kenneth Leupold



Deming, NM

Jimmy B. Enriquez



Deming NM

Rick Holdridge



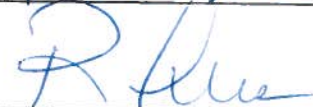
Deming, NM

RANDI MORROW



Deming, NM

Rebecca Lescombes



Deming, NM

Eric Lowe



Deming, NM

Paul Sanchez



Deming NM



I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)

Signature

City and State

Jesus Vera Jesus Vera Deming NM

Yolanda Yopez Yolanda Yopez Deming NM

Juan Terrazas Juan Terrazas Deming

FV Florinda Vera Deming NM

Rigo Vera Rigoberto Vera Deming NM

Luz Vera Luz Vera Deming NM

Rigo Vera Jr Rigoberto Vera Jr Deming NM

Ray Vera Ray Vera Deming NM

Raquel Vera Raquel Vera Deming NM

Genaro Vera Genaro Vera Deming NM

Julia Zavala Julia Zavala Deming NM

David Vera Dan Vera Deming NM

I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)	Signature	City and State
Kiara Cardoza	Kiara Cardoza	Deming NM
SHIRLEY TARPLEY	Shirley Tarpley	SILVER CITY, NM
Jadariah Tarpley	Jadariah Tarpley	Silver city, NM
Gabriel Cisneros	Gabriel Cisneros	Deming, NM
Joey Lopez	Joey Lopez	Silver City NM 88061
Lexus Delos Reyes	Lexus Delos Reyes	Deming NM
Stella G. Scott	Stella G. Scott	silver city, NM
Adilene M. Ortiz	Adilene M. Ortiz	Deming, NM
Angelica Holguin	Angelica Holguin	Deming, NM



I am in favor of American Magnesium's project in  
Luna County, NM

**Name (print)**

**Signature**

City and State

Bruce K. Ashburn

David A. Allen

SC New Mexico

Laurie Findley

Surin Jindly

Deming, NM

Christie Ann Hawley

Christie Ann Lindsey

Deming Wm

VAN JACOBS

*[Handwritten signature]*

Denying RN

BILL BYFORD

*[Handwritten signature]*

LAS CRUCES, NM

Kelly Duke



Deming, NM

Elisa Galindo

Elisabete

Darstellung von

I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)

Signature

City and State

Clifford Denshire Clifford Denshire Deming, NM

IUETTE MARTIN Iuette Martin DEMING NM

Rita Salan Rita M. Salan<sup>88029</sup> Columbus, N.M.

Barbara Fichtenmueller Barbara Fichtenmueller Deming NM

CHARLES G. BACON Charles G. Bacon Deming, NM

Russ Howell Russ A. Howell Deming, NM

I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)	Signature	City and State
Leticia Loya	L. Loya	Deming N.M.
Lesly Garcia	Lesly Garcia	Deming N.M.
Caythya Bonura	CB	Silver City, NM
Shelly Bonura	SB	Silver City, NM
Ashbel De La Cruz	ADLC	Deming NM
Dorian Valdivia	Dorian	Deming NM
Jessica Cabrera	Jessica Cabrera	Deming, NM
Jessica Armendariz	J Armendariz	Deming, N.M.
Dave Bacho	Dave Bacho	Silver City, N.M.
Camela Bacho	Camela Bacho	Silver City, N.M.

I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)

Signature

City and State

Ursula Borunda Ursula Borunda Deming NM

Kathleen Zamora Kathleen Zamora Deming NM

Eternity Reyes Eternity Reyes Deming NM

Trish Palomares Trish Palomares Deming NM

Cristina Hernandez Cristina Hernandez Deming NM.

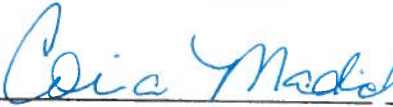
I am in favor of American Magnesium's project in  
Luna County, NM


Name (print)

Signature

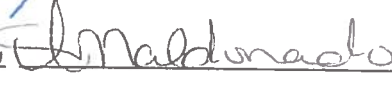
City and State


Christian G. Olvera  Deming NM

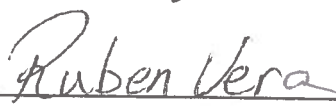
Celia Madrid  Deming NM

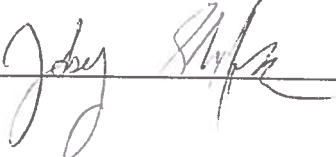
Katia Borunda  Deming NM

Maria Borunda  Deming,

Amelia maldonado  Silver City, NM

Matthew Calanchi  Deming, NM

Ruben Vera  Deming, NM

Joby Shafer  Deming, NM



I am in favor of American Magnesium's project in  
Luna County, NM

Name (print)

Signature

City and State

Josh Plasencio

*Josh Plasencio*

Deming NM

Patricia Chias

*Patricia Chias*

Deming NM

Michelle Apodaca *Michelle Apodaca* Deming NM

MARLEEN WARD

*Marleen Ward*

Deming NM

Michael Moran

*Michael Moran*

Deming NM

NORA TREAZON

*Nora Treazon*

Deming NM

May 19, 2017



Mr. Bill Childress, District Manager,  
Bureau of Land Management  
1800 Marquess St.  
Las Cruces, NM 88005

RE: American Magnesium Plan of Operations, Luna County

Dear Mr. Childress:

We have seen the Plan of Operations (PoO) for the magnesium mine located near our property at the base of the Florida Mountains. Based on our review, we have many questions regarding appropriate mitigation, which we will raise during the scoping process for the eventual NEPA review of the PoO. In particular, we do not clearly understand the relationship between American Magnesium's exploratory dolomite quarry and the one billion dollar mine complex being promoted to local residents. Hopefully the NEPA process will clarify these matters.

However, we do wish to raise one critical issue at the outset of this process. American Magnesium is basing their proposed mining project on 1872 Act claims for a locatable mineral. This is an improper use of the 1872 Act to claim ownership of a "Common Variety" mineral, subject to lease under the 1955 Common Varieties Act. Prior to expending a lot of time and money on administrative review of the PoO, it might be good to address the threshold question of the validity of these 1872 Act mining claims.

As you no doubt know, the range of BLM management options under the leasing process established for Common Varieties is significantly different than options under the 1872 Act. Before scoping a NEPA review, it is essential to know what range of management options are available, including the option not to issue a lease. This would be the "no action" alternative for a 1955 Act lease request. We are not sure the "no action" alternative for the current PoO review, given the 1872 Act claims, has the same frame of reference.

Without going into great legal detail, we would direct your attention to the lengthy discussion of the use of 1872 Act claims for Common Varieties set forth in Re: David Q. Tognoni, IBLA 94-476, 138 IBLA 308, March 6, 1997. We think, if the test set forth in McClarty v. Secretary of the Interior, 408 F.2d 907 (9th Cir. 1969) is applied to the facts surrounding these current claims, the dolomite in question would be deemed a Common Variety subject only to lease. In fact, a close look at the 1957 Kottlowski study relied upon by American Magnesium, proves it is a Common Variety.

According to the New Mexico Bureau of Geology and Mineral Resources syllabus of the Kottlowski study: "Almost unlimited deposits of high purity bedded dolomite, which could be utilized for the production of metallic magnesium and magnesium compounds, occur in south-central New Mexico." Further, the study identifies dozens of locations with dolomite testing virtually the same on Magnesium content.

Letter to Childress, May 19, 2017, Page Two

We would request that the BLM conduct a validity assessment on American Magnesium's 1872 Act Claims prior to reviewing the PoO and beginning the NEPA process. In particular, to determine (1) if the dolomite claimed is a Common Variety subject to the 1955 Act, and (2) if not, is the dolomite claimed "presently profitably marketable" as required under the 1872 Act.

Although we have no competing claims to give us automatic standing for a validity contest, we hope that the BLM will stand in our place and carefully review this issue. As the manager of the public's land, the legal nature of any third party tenure is always critical.

  
Wesley Light

  
Diana Bell

Sunshine Wells Ranch

P.O. Box 2002

Angel Fire, NM 87710

Cc: Leighandra Keeven, BLM

✓ James Hollen, NMMMD



Mining & Minerals  
NM Energy, Minerals & Natural Resources  
1220 S St Francis Dr  
Santa Fe NM 87505

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June 14, 2017

Mining & Minerals,

Re: LUC35MN

Then proposal to mine for magnesium  
or dolomite in the Florida foothills seems  
to be some sort of scam & hopes you will  
continue to examine closely.

Claims of 5,000 jobs, no damage to  
the mountains, roads, rivers, air, etc,  
are not viable. Please deny approval.

Yours truly, Lynn Olson

---

**From:** Susan [<mailto:susan@susanmcooper.com>]

**Sent:** Monday, June 19, 2017 8:37 PM

**To:** Martinez, Fernando, EMNRD <[fernando.martinez@state.nm.us](mailto:fernando.martinez@state.nm.us)>

**Subject:** LU035MN American Magnesium Dolomite Mine

Mr Martinez  
Division Director  
NM Mining and Minerals Division

I live in Deming, NM and probably on one of the main roads that would be used to haul ore from the mine to the processing facility.

That IS my problem-- mid MAY until mid SEPTEMBER the potential damage that this amount of HEAVY truck traffic on roads that for the last few days have seen triple digit temperatures.

I am sure that both the City gov't and Luna County are dying to get a possible employment boost of a few thousand people -- unfortunately only maybe 10% will actually come from the area vs Las Cruces or Silver City or Bayard and take their pay home with them. But gov't will, as I have seen before, blind themselves of the long term downsides that the local taxpayer must face when the city streets and county roads are damaged beyond repair and require major rebuilding.

I can not say that I am thrilled with tearing open the earth when there are other ongoing sources for these minerals.... kinda like bringing in a 2nd WalMart that kills off the few small merchants that were left in town. LaFargeHolcim, the world's largest producer of dolomite, has sequestered mines that they can re open with all infrastructure in place almost at the drop of the hat should real demand occur. Having much of the infrastructure in place has to greatly reduce their operations cost vs a new startup mine. May not be in your realm to ask IF the financial analysis allows for a dramatic downturn in either price or saleable quantities. What are the guarantees that a sub company will not take over and declare bankruptcy in 5 yrs? I have experienced that also.



There is the proposal for a conveyor system but it would be built over time. That is the time that would be very destructive to roads. I wonder why the processing facility could not be located closer to the mine (on mine property) than a distance away?

I was involved with natural resource extraction from the mineral owner's point for a number of years. I ran into a number of incidents that in as short as 18 months after we received a mine extraction projection that a mine was shutdown. Similar with oil and gas wells that did not produce as projected when the product price could no longer justify the extraction and processing costs.

There is no guarantee that this facility would last even 5 yrs under current technology trends. I can say just look at the Phelps Dodge Playas NM smelter that shut down in 1999. I have never been able to understand why THAT location was chosen for that operation unless it was simply out of sight, out of mind... Locating just off I10 would have made so much more sense... but that was then.

I fear that the local community may be even more devastated if this facility does change its business plan after a couple of years. That change may very well be driven by things totally out of their control but who gets stuck with the ramifications of a bad plan?

Sincerely,  
Susan Cooper



## CHAMBER OF COMMERCE

**RECEIVED**

**JUL 05 2017**

**MINING & MINERALS DIVISION**

Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
Mr. Fernando Martinez, Director  
Wendell Chino Building, Third Floor  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Dear Mr. Fernando Martinez:

On Wednesday, June 21, 2017, the Board of Directors of the Deming Luna County Chamber of Commerce voted unanimously to support the American Magnesium project and to request that the MMD approve the application submitted for a Minimal Impact Mining permit as quickly as possible.

The Board felt that Economic Development of this magnitude is imperative to bring back growth and prosperity to this community. It is expected that this project will bring much needed jobs for the families and businesses of Luna County and revenues for the city and county governments.

This decision was by the board in representation of the members of the Deming/Luna County Chamber of Commerce, allowing Deming Luna County to continue to be a great place to work, live, play and do business.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Byford".

Bill Byford  
President



Deming MainStreet Program  
800 East Pine Street  
Deming, NM 88030

Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
Mr. Fernando Martinez, Director  
Wendell Chino Building, Third Floor  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

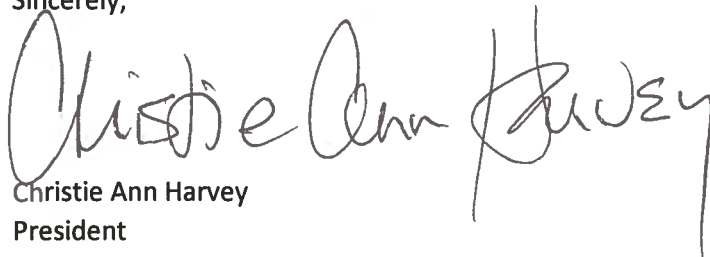
Dear Mr. Fernando Martinez:

On Wednesday, June 28, 2017, the Board of Directors of the Deming MainStreet Program voted unanimously to support the American Magnesium project and to request that the MMD approve the application submitted for a Minimal Impact Mining permit as quickly as possible.

The Board felt that Economic Development of this magnitude is imperative to bring back growth and prosperity to this community. It is expected that this project will bring much needed jobs for the families and businesses of Luna County and revenues for the city and county governments.

It is our goal to help support, collaborate and enhance all that Deming has to offer and allowing Deming Luna County to continue to be a great place to work, live, play and do business.

Sincerely,

  
Christie Ann Harvey  
President

August 8, 2017

Mr. Fernando Martinez, Division Director  
Mining & Minerals Division  
1220 S St Francis Dr, 3<sup>rd</sup> Floor  
Santa Fe, NM 87505



RE: American Magnesium, LLC and David Q. Tognoni  
Revised Application for a minimal impact mine

Dear Mr. Martinez,

I thank you for your time in reading this letter. I would like to point out some errors and omissions in Mr. Tognoni's recent application to your office.

1. In both the Executive Summary and 2.0 Description of Operations, paragraph 2.2 he refers to the mine location on the west slope of the "Little Florida Mountains". That is incorrect information. The Little Floridas are a separate range and a separate place than the proposed mine site.
2. The application states that there will be approximately ten on-site personnel at the mining site. Mr. Tognoni has been promising Deming that there will be "hundreds of high-paying jobs" during the mining operations. I think this constitutes deception and tells us something about this man's character.
3. There are natural arroyos and water flow patterns that come down from the mountain into the flatland. People have built their homes to avoid these natural features. Shouldn't there be a study of how removing our foothills will change these natural waterways and impact the homes that are near or below the mining site?
4. Using McCan Road as a delivery road makes no sense when the trucks can go straight out to Highway 11 and North to the processing plant. I would ask the hundreds of residents along McCan Road if they would like to have ore trucks rumbling past their homes night and day.

I respectfully ask the Mining and Minerals Division to reject the American Magnesium application due to errors, omissions, lies and the general wishes of the people who live near the Florida Mountains.

Sincerely,

A handwritten signature in cursive script that reads "Michael &amp; Marcia Coulson".

Michael and Marcia Coulson



19 September 2017

American Magnesium Project

Attention: Dave Togoni

SUBJECT: AMERICAN MAGNESIUM MINING PROJECT-DEMING, LUNA COUNTY, NEW MEXICO

Mr. Togoni:

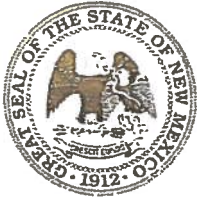
As the non-profit designated to economic development in Deming, Luna County, Deming Luna County Economic Development, Inc. (DLCED) is committed to assisting in workforce development and job creation; the American Magnesium project proposes great job creation and the opportunity to collaborate with many entities to produce a qualified workforce for generations to come.

DLCED supports projects that provide a positive and sustainable economic impact on Deming: environmentally, socially, and economically. DLCED looks forward to hearing about the progression of the American Magnesium Project, and actively participating in community planning sessions, in conjunction with the local governments and other economic development focused organizations.

Sincerely,

  
Bruce Ashburn, President





State of New Mexico  
House of Representatives  
Santa Fe

**CANDIE G. SWEETSER**

D - Luna, Hidalgo & Grant  
District 32

10520 Hermanas Road SW  
Deming, NM 88030  
Capitol Phone: (505) 986-4255  
Office Phone: (575) 546-9011  
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**COMMITTEES:**  
Vice Chair: Agriculture & Water  
Resources  
Appropriations & Finance  
Enrolling & Engrossing - A

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NOV 06 2017

MINING & MINERALS DIVISION

October 27, 2017

To whom it may concern:

As a Luna County resident, property owner, business owner and elected official, I encourage New Mexico and Bureau of Land Management officials to take steps forward to determine whether the magnesium quarry proposed for Luna County is a viable use of this area's natural resources.

Luna is consistently the New Mexico county with the highest unemployment – often the only county in the state with double-digit unemployment – and I feel it is imperative that we look at all opportunities to bring jobs to our area.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Candie G Sweetser".

Candie G. Sweetser

CGS;cs

1201 South Tennyson Drive #55  
Deming, New Mexico 88030  
December 14, 2017

James Hollen, Sr. Mine Reclamation Specialist/Geologist/Archaeologist  
New Mexico Energy, Minerals & Natural Resources Dept.  
Wendell Chino Building - 3rd Floor, Rm. 360  
1220 S. St. Francis Dr.  
Santa Fe NM 87505



Dear Mr. Hollen:

We and many of our neighbors are very concerned about the proposed mine #LU035MN for several reasons.

Over the last fifteen years, Luna County has attracted retirees from all over the country. These people are attracted by the climate and the beauty of the Florida mountains. As a result, there is a growing number of people who have built retirement homes in full view of the mountains.

The fact that seniors and others move here for the beauty of the mountains shows that; 1) the mountains have value in their natural state and 2) many jobs are created with the increased population.

Those who live near the proposed mine site have several concerns that, so far, have not been adequately addressed. What effect will blasting have on precious water wells? How much water will the operations use? Other concerns include dust, noise, truck traffic and how the operations will affect the flora and fauna and archaeological sites.

In addition, the idea of mining and processing magnesium and dolomite seems to make little economic sense. Mr. Tognoni himself has said several times that it is difficult to make money from magnesium. The processing and refining of this material is expensive and is especially so considering that geological studies have shown that only about 20% of the material they propose to remove is magnesium. The bulk of the material is dolomite that, according to Tognoni, will be used to make cement.

According to the Portland Cement Association website, ( [http://www.cement.org/docs/default-source/market-economics-pdfs/cement-industry-by-state/nm-statefacsh-17-d2.pdf?sfvrsn=3378e6bf\\_2](http://www.cement.org/docs/default-source/market-economics-pdfs/cement-industry-by-state/nm-statefacsh-17-d2.pdf?sfvrsn=3378e6bf_2) ), New Mexico's cement consumption is at a 16-year low. This, plus the fact that cement is already being manufactured to our north, south, east and west, one wonders if spending millions of dollars to construct a new cement plant would be a wise investment and if cement would be a viable product to market in southern New Mexico.

We believe that the future of Luna County is in the jobs that are already being produced to serve the influx of retirees and that the proposed mining project would be ecologically damaging, economically unfeasible and counterproductive. We ask you to carefully scrutinize this proposal.

Sincerely,

Kara Naber & Mark Andrews

December 18, 2017

✓ Mr. James Hollen, Sr. Mine Reclamation Specialist/Geologist/Archaeologist  
Mining Act Reclamation Program, Mining & Minerals Division  
New Mexico Energy, Minerals & Natural Resources Dept.  
Wendell Chino Building - 3<sup>rd</sup> Floor, Rm. 360  
1220 S. St. Francis Dr.  
Santa Fe NM 87505

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DEC 26 2017

MINING & MINERALS DIVISION

Mr. Bill Childress  
Bureau of Land Management  
District Manager  
1800 Marquess Street  
Las Cruces, NM 8805-3371  
RE: American Magnesium mine application

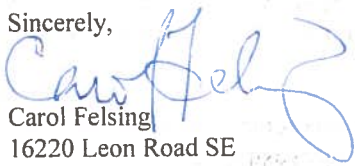
Dear Mr. Childress and Mr. Hollen;

I am writing as a resident of Luna County, deeply concerned about the proposed American Magnesium mine development and wish to register my concerns and questions.

I don't want us to look like Colorado Springs with it's BIG SCAR. I believe it is important to get the following concerns/questions answered before Luna County residents decide what our stance will be on the mine:

1. **400-acre mine claims.** Is it true that American Magnesium and its associates have staked mine claims on over 400 acres in the vicinity of the Florida Mountains? If all developed that would be 400 acres of open pit mines. I understand the current application is for developing only a 24 acre site. But if the mine expects to expand to 400 acres that is a major concern.
2. **Road taxes.** How will the City of Deming and Luna County deal with the truck traffic; how will that affect our right to peace and quiet in our homes? Who will pay for the needed road improvements? The ranchettes are the only tax payers who pay road access taxes in the County. Any needed County road improvements and maintenance must be paid by the mine, not added to what is already an unfair tax burden for ranchette owners.
3. **The processing plant tailings and water requirements.** Current descriptions of the mine operation state that all processing will be done at Peru Industrial site. Without that, the mine is useless. Therefore before final mine approval, plans should be available that include how all the tailings will be cleaned up and how the City's water resources will be impacted. Are public hearings scheduled, if so when?
4. **Impact on Luna County's thriving retirement industry.** Retirement housing is a thriving industry in Luna County and it's already established. The Florida Mountains are a major amenity attributing to and keeping retirees here. An environmental impact assessment is needed to address how the mine will impact the retirement industry in Luna County.  
I understand that you will hold a public hearing before making a final decision. Has that been scheduled?

Sincerely,

  
Carol Felsing  
16220 Leon Road SE  
Deming, NM 88030  
[cfelsing@gmail.com](mailto:cfelsing@gmail.com)