

Ennis, David, EMNRD

To: Ohori, David, EMNRD
Subject: RE: We would like to change our permit area.

From: Ohori, David, EMNRD
Sent: Tuesday, May 1, 2018 10:47 AM
To: 'RODNEY BLACKFORD' <rblackford@msn.com>
Cc: Parson, Calvin B <cparson@blm.gov>
Subject: RE: We would like to change our permit area.

Hi Mr. Blackford,

We received the modification application and fee on 4/23/18 and 4/24/18, respectively. I have reviewed the application and have some comments/questions.

Prior to deeming the application complete and sending out to other agencies for review MMD needs a description of how the proposed new areas of mining will be reclaimed:

1. How will the proposed new areas be regraded to provide proper drainage and stable slopes (3H:1V or flatter) to prevent erosion (including preventing stormwater run on that has caused rill erosion on some of the previously reclaimed areas).
2. What is the proposed source of reclamation cover material/vegetation growth media?
3. What will be the composition of the proposed reclamation seed mix?
4. When will the proposed new mine areas be reclaimed?
5. The proposed reclamation cost estimate that you provided on page 5 of the application includes fencing around the reclaimed new mining areas. Condition 9.L of the Permit Modification 16-1 requires fencing of the other reclaimed areas at the mine. To date, fencing of the previously reclaimed areas has not been observed at the mine. In order to remain in compliance with the mine permit, MMD requires that fencing around the reclaimed areas be installed. Please advise how Rammsco will fulfill this requirement.
6. During the last inspection of the mine on October 17, 2017, some of the previous reclaimed areas (Phase II) had Halogeton, a noxious weed, growing on it. Condition 9.P of Permit Modification 16-1 has requirements for noxious weed management that need to be addressed by Rammsco. Please advise how you plan to address these requirements.

In addition, has Rammsco contacted the BLM to inform them of the changes to your mine plan for the proposed new mine areas and ascertained if there are BLM permitting requirements that need to be fulfilled? If there are BLM requirements, please state how they will be met.

Please provide the requested additional information so that MMD may continue to process the application.

Contact me if you have any questions. Thanks.

David R. Ohori

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From: Ohori, David, EMNRD
Sent: Monday, April 16, 2018 2:30 PM
To: 'RODNEY BLACKFORD' <rgblackford@msn.com>
Subject: RE: We would like to change our permit area.

Hi Mr. Blackford,

There is no application "form" for a modification to your mining operation, however, you should follow the requirements of 19.10.3.304.D through K. and submit the information required as required below. Here is the link to the MMD Rules on our website:

<http://164.64.110.239/nmac/parts/title19/19.010.0003.htm>

For your convenience I am providing here the applicable part of Section 304 of our Rules (see highlighted portions):

19.10.3.304 MINIMAL IMPACT NEW MINING OPERATIONS:

A. A minimal impact new mining operation will not exceed 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. Pre-existing roads and reclaimed acres within the permit area will not be counted as part of the acreage limitation for a minimal impact new 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. In determining whether a proposed operation with between 10 and 40 acres of disturbed land is eligible for a minimal impact new mining permit, the director shall conduct a site visit that may include other agencies in accordance with Subsection I of 19.10.3.304 NMAC. 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.

B. Timing of applications and deadline for approval for minimal impact new mining operations must be in accordance with 19.10.6.601 NMAC.

C. An applicant for a minimal impact new mining operation permit shall submit six copies of a completed application on a form to be provided by the director. If the proposed operation is on federal land, then the information submitted to the federal land management agency may be submitted with the application in lieu of providing duplicative information on the form provided by the director. Any confidential information shall be submitted separately in accordance with Subsection B of 19.10.6.602 NMAC.

D. The application shall include the following information:

(1) the name and address of the applicant, and if different, the name and address of the owner of the operation and the land; a statement of the basis on which the applicant has the right to enter the property to conduct the mining and reclamation;

(2) the location of the proposed operation as shown on a topographic map which indicates the proposed permit area and gives the location of the following: the areas to be disturbed; perennial, intermittent and ephemeral streams; springs; wetlands, riparian areas, lakes and reservoirs; residences; existing and proposed roads; other access routes; support facilities; cemeteries; burial grounds; cultural resources listed on either the *national register of historic places* or the *state register of cultural properties*; pipelines; and oil, gas and water wells on and within 1/2 mile of the permit area;

(3) a listing of other environmental permits held by the applicant for other mining operations within the United States and any violations issued for non-compliance with those permits;

(4) a general description of the minerals sought, the methods of extraction, and any processing to be conducted on site; any chemicals to be used on site must be identified;

(5) an estimate of depth to ground water and total dissolved solids concentration;

(6) an explanation of why the proposed operation qualifies as a minimal impact operation in accordance with 19.10 NMAC;

(7) a general description of how the operation will meet the following performance standards:

(a) the mining and reclamation operation shall be designed and operated using the most appropriate technology and best management practices;

(b) the mining and reclamation operation shall assure protection of human health and safety, the environment, wildlife and domestic animals;

(c) measures will be taken to safeguard the public from unauthorized entry into shafts, adits and tunnels and to prevent falls from highwalls or pit edges; depending on site-specific characteristics, the following measures shall be required:

(i) closing shafts, adits or tunnels to prevent entry;

(ii) posting warning signs, and restricting access to hazardous areas; and

(iii) posting a sign at the main entrances giving a telephone number of a person to call in the event of emergencies;

(d) the disturbed area shall not contribute suspended solids above background levels, or where applicable the water quality control commission's standards, to intermittent and perennial streams; and

(e) mining and reclamation operations shall be conducted to control erosion;

(8) a general description of how the operation will be operated and reclaimed to a self-sustaining ecosystem appropriate for the life zone of the surrounding areas following closure unless conflicting with the approved post-mining land use;

(9) a list of other permits required for the operation, and the anticipated schedule for receipt of these; and

(10) information necessary to meet other requirements specified by the director which are necessary to meet the definition of "minimal impact mining operation" Paragraph (2) of Subsection M of 19.10.1.7 NMAC or achieve reclamation.

E. The director shall determine the amount of financial assurance appropriate for each operation based on the cost of reclaiming the site by a third party. Operations less than two acres total disturbance are not required to provide financial assurance.

F. The application must be accompanied by the permit fee as required by 19.10.2 NMAC and a proposal for the required financial assurance.

G. If the permit area includes state or federally-owned lands, no permit will be issued unless the appropriate land management agency has approved or acknowledged the proposed operation, if such approval or acknowledgement is required by the agency's rules.

H. The director shall, after determining that the application is complete, deliver copies of the application (except those parts of the application designated confidential under Subsection B of 19.10.6.602 NMAC provided, however, that the director shall include with the application a list of the parts withheld and will provide such parts on specific request) to the agencies listed in Subsection C of 19.10.6.605 which shall have 20 days in which to provide comments to the director. The director shall consider comments from these agencies in making his determination of eligibility for minimal impact status.

I. The director shall determine if an operation is eligible for a minimal impact operation permit. The director may conduct an evaluation or site visit which may include other agencies in making this determination for operations that do not exceed 10 acres of disturbance. In making this determination for operations with more than 10 acres of disturbance, the director shall conduct an on-site inspection which may include other agencies.

J. No permit for a minimal impact operation will be issued until the director finds the following:

(1) the application is complete and demonstrates the proposed operation will comply with the performance and reclamation standards and requirements of Paragraphs (6) through (8) of Subsection D of 19.10.3.304 NMAC;

(2) the applicant has paid the permit fee;

(3) the applicant has provided satisfactory financial assurance;

(4) the applicant, the operator or owner or any persons or entities directly controlled by the applicant, operator, owner or any persons or entities that directly control the applicant, operator or owner:

(a) are not currently in violation of the terms of another permit issued by the division or in violation of any substantial environmental law or substantive regulation at a mining operation in the United States, which violation is unabated and is not the subject of appeal, and have not forfeited or had forfeited financial assurance required for any mining, reclamation or exploration permit in the United States; for purposes of this subparagraph, a substantial environmental law or substantive regulation is one which is intended to protect natural resources from degradation and does not include violations of record-keeping or reporting requirements; if a violation occurred prior to the initiation of a legal relationship between the permit applicant and the violator, it shall not be considered for this purpose; and

(b) have not demonstrated a pattern of willful violations of the act or other New Mexico environmental statutes; if a violation occurred prior to the initiation of a legal relationship between the permit applicant and the violator, it shall not be considered for this purpose; and

(5) the applicant has signed a notarized statement that he agrees to comply with the requirements of the permit, 19.10 NMAC, and the act and allows the director to enter the permit area for the purpose of conducting inspections until release of the financial assurance;

(6) the secretary of environment has provided a written determination stating that the permit applicant has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality and other environmental standards if carried out as described in the closeout plan; this determination shall address applicable standards for air, surface water and ground water protection enforced by the environment department or for which the environment department is otherwise responsible; the determination shall be made within the 20-day period provided in Subsection H of 19.10.3.304 NMAC, or the requirement is waived.

K. The term of a permit is governed by 19.10.6.607 NMAC. Modifications to a permit are allowed pursuant to 19.10.6.608 NMAC. Annual reports are required for each permit pursuant to 19.10.6.610 NMAC.

[7-12-94, 2-15-96; 19.10.3.304 NMAC - Rn, 19 NMAC 10.2.3.304, 05-15-01; A, 02-28-14; A, 05-31-16]

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From: RODNEY BLACKFORD <rgblackford@msn.com>
Sent: Friday, April 13, 2018 4:33 PM
To: Otori, David, EMNRD <david.ohori@state.nm.us>
Subject: Re: We would like to change our permit area.

Is there a form for permit modification?

From: Otori, David, EMNRD <david.ohori@state.nm.us>
Sent: Wednesday, April 11, 2018 7:35 PM
To: RODNEY BLACKFORD
Cc: Parson, Calvin B
Subject: RE: We would like to change our permit area.

Hi Mr. Blackford,

Thanks for the information and map. Here is the MMD process for your proposed expansion of the Eagle Mesa Mine:

- Submit a permit modification application (with a \$250 application fee) to expand the mine disturbed area in the locations that you have selected.
- As part of the application, request to release part of the financial assurance (FA) from the reclaimed areas to cover the additional new disturbed area. You'll need to provide a cost estimate for the reclamation of the proposed new disturbed area as well as a description of the reclamation completed (including a map showing the areas that you are requesting FA release) and cost estimate for the areas that you propose to have the FA released. MMD generally only will release the FA for the reclamation

work done (i.e., earthwork) except the revegetation until the required 12-year time period after seeding has elapsed and the vegetation meets the revegetation requirements. NOTE - There is a revegetation reference area located just to the north of the proposed .75 acres of new disturbance that you will need to avoid disturbing.

- Once MMD receives your application and deems it administratively complete (all of the above required information and fee has been submitted) we will send out a request for review to other agencies (applicable state and federal) and applicable tribes, requesting their comments. There will be an inspection scheduled for MMD and these entities to see the proposed expanded mine areas and the reclaimed areas that are proposed for FA release. Once the comments and issues of MMD and the other entities are addressed by Rammsco, MMD will notify Rammsco to provide the FA for the new disturbed areas (in coordination with the release of FA for the reclaimed areas, if approvable), MMD will draft a permit modification document.
- This process normally takes approximately 45 to 60 days to complete depending on the MMD and other comments on the application, including the proposed changes to the FA.

Issues at the Eagle Mesa Mine that need to be addressed before MMD can complete processing the above permit modification:

- During the October 17, 2017 MMD inspection there was significant rill erosion observed on the permanently reclaimed areas and Area Vb that needs to be mitigated and best management practices put into place to prevent the erosion from occurring in the future. This area will need to be re-seeded. See Condition 9.J of Modification 16-1.
- Condition 9.L of Modification 16-1 requires the reclaimed areas to be fenced to protect the reclaimed area from cattle grazing. No fencing was observed during the 10/17/17 inspection.
- There was significant amounts of Halogeton (a Class B Noxious Weed Species, see attached Listing) observed growing on and near Area IIc that needs to be addressed and managed pursuant to Condition 9.P of Modification 16-1.

Please contact me if you have any questions. Thanks.

David R. Ohori
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From: RODNEY BLACKFORD <rgblackford@msn.com>

Sent: Tuesday, April 10, 2018 2:58 PM

To: Ohori, David, EMNRD <david.ohori@state.nm.us>

Subject: We would like to change our permit area.

TO: Mr. David Ohori

RE: Proposed Areas of Expansion for Eagle Mesa Mine MMD (Permit SA009MN)

Dr. Mr. Ohori

This is Rod Blackford, the mine manager for Eagle Mesa Mine. I am writing this on behalf of David Williams and RAMMSCO Operations.

Here are two proposed areas of expansion we request a reallocation of the security bond funds. These two areas of the mine expansion are indicated in red on the attached map.

Western Addition Approximately .56 Acres

Coordinates: UTM WGS84

A. 295955 3974530

B. 295919 3974534

C. 295901 3974518

D. 295899 3974488

E. 295907 3974470

Eastern Addition Approximately 3.44 Acres

Coordinates: UTM WGS84

H. 296291 3974517

I. 296273 3974547

J. 296301 3974555

K. 296357 3974551

L. 296364 3974519

M. 296339 3974506

Since, we only disturbed half of the 1 acre expansion in 2016 to the south. We proposed to move a portion of that security bond to the new western expansion

We also like to reallocate part of our current bond to the expanded acreage since most of the area has been reclaimed.

We would like to apply part of the current reclamation security bond to additional acreage as seen on the proposed new areas.

How do we change permit area?

Sincerely,

Rod Blackford

Eagle Mesa Mine Manager