



Tyrone Operations
P.O. Box 571
Tyrone, NM 88065

June 24, 2019

Via Email

Certified Mail #9171999991703580022294

Return Receipt Requested

Mr. David Otori, Permit Lead
Mining Act Reclamation Program
Energy, Minerals and Natural Resources Department
1220 South St. Francis Dr.
Santa Fe, NM 87505

Dear Mr. Otori:

**Re: Response to Comments on Emma-B Exploration
Project Minimal Impact Exploration Application**

Our staff has reviewed the responses and comments to Tyrone's Emma Project Minimal Impact Exploration Application from the OSE-Hydrology Bureau, State of New Mexico Department of Game and Fish, ENMRD, NMED, and MMD's general concerns related to NMOSE Regulations.

Response to John Money Watershed Protection Section, Surface Water Quality Bureau:

Tyrone has no comments and concurs with the department's conclusion.

Response to Jeff Money, NMED Surface Water Quality Bureau:

Tyrone has no comments and concurs with the department's conclusion.

Response to Rhett Zyla, Air Quality Bureau:

Tyrone has no comments and concurs with the department's conclusion.

Tyrone is committed to adhere to all federal and state rules regarding air quality. Tyrone does not believe that our activities during this project will require any permits from the state or federal agencies.

Fugitive Dust:

As stated, there are no rules regulating fugitive dust. Tyrone concurs with the agencies recommendation and will take precautions, and if necessary, actions to prevent fugitive dust. This may include watering of roads and drill sites. This project is far enough away from any public road or residence that Tyrone does not anticipate any issues with traffic safety.

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

The New Mexico Game & Fish Department has recommended that Tyrone use a closed loop drilling system to avoid the need for a mud pit. Closed loop systems are not conducive to the type of mineral testing that Tyrone is doing, and thus are not an option for this work.

The department also recommends that Tyrone use a netting system over the mud pits to prevent wildlife from entering instead of the proposed plastic tarp. Tyrone disagrees with the department's recommendation on the use of netting and feel that the threat of any wildlife entering into the mud pits is very low. Tarps are a better option than netting for this project and were successfully used in the two previous drilling campaigns in this area. In addition, the mud pits will be constructed with at least one side at a 3H:1V slope to allow wildlife egress. Further, the proposed plastic tarps were ultimately approved in the previous permit just last year. The mud pits will only have water and drill cuttings that will not be toxic to wildlife and the only likely exposure would be becoming entangled or stuck in the mud. If this permit is approved in a timely manner, our drilling program will be conducted during the height of our monsoon period, and thus the presence of water at this time is abundant and the attraction to the mud pits will be minimal. Further, Tyrone will be working at these sites during the daylight hours and so the presence of the drilling team will likely provide enough activity to keep wildlife away (this has been the result so far). Tyrone will commit to rescue and remove any entrapped wildlife from the mud pits and provide appropriate rehabilitation if necessary.

The department further recommends that Tyrone conduct a breeding bird survey if the work is conducted during the breeding season, May 1 through August 31. Tyrone has committed to conduct a breeding bird survey in this application. The department recommends that Tyrone stay at least 100 feet from any songbird nest and raven nest and 0.25 miles away from any raptor nest. In Tyrone's review of birds of the southwest, all of the breeding ravens and raptors will have already fledged their young and the nests, if any in this area have been abandoned. There is the potential for songbirds and ground nesting birds to have active nests. Again, Tyrone has committed to conduct a breeding bird survey and will either avoid the area or get a qualified biologist to remove and rehabilitate the young.

Response to OSE, Hydrology Bureau:

Tyrone has no comments and concurs with the department's recommendations.

Response to Daniela Roth, Botany Program Coordinator EMNRD-Forestry Division:

Tyrone has reviewed the Energy Minerals and Natural Resources Departments, State Forestry Divisions site and Important Plant Areas of New Mexico, maps and list of endangered plants. Tyrone believes that the recommendation to survey and transplant species of state concern is not warranted at this time. Further, in review of the agencies maps and listed plants of concern, Tyrone can find no record of any public notification nor were we as private land owners notified of this delineation on our private land. All of our mines in Grant County are covered by maps from state forestry delineating either special habitat or potential presence of species of concern, while most of our operations occur on private land. This issue was not brought to Tyrone's attention for the original Emma Permit and drilling project. We are unable to find any regulation that has changed in the recent history that would require us to have concern for this species. Further, our project is very small and the area has had previous mining disturbance that has occurred off and on since the 1880's. Tyrone is committed to protecting biodiversity, however due to the small size and scope of this project we do feel that our activity will jeopardize the survival of this species given its wide-ranging habitat and prevalence across the U.S. and Mexico.

If you have any questions or comments, please contact me at (575) 912-5757.

Sincerely,



Ty Bays
Senior Land and Water Resource Analyst

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