



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469
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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: July 3, 2019

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

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

From: John Moeny, Surface Water Quality Bureau

Subject: **NMED Comments, Release of Financial Assurance, Southwest Silica Flux Company, KB Mine, Grant County, New Mexico Mining Act Permit No. GR012MN, Modification 19-1**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 21, 2019 requesting NMED review and provide comments on the above-referenced MMD permitting action. NMED has the following comments.

Background

The Southwest Silica Flux Company (permittee), KB Mine, is designated as a minimal impact new mine. The Mining and Minerals Division assigned Permit No. GR012MN when the application was submitted to MMD on December 29, 1995. The permittee has requested release of the financial assurance for completion of the reclamation on 24.86 acres of disturbed land. The mine is located in Section 17, T17S, R12W, of Grant County, New Mexico.

Surface Water Quality Bureau

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

Mining Environmental Compliance Section

A review of the New Mexico Office of the State Engineer (OSE) Points of Diversion database indicated numerous ground water production wells were installed in the vicinity of the KB Mine. The closest ground water production well designated as M-08906 by the OSE is approximately

Holland Shepherd, Program Manager

July 3, 2019

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850 feet east of the KB Mine. The total depth of the well is 516 feet below ground surface and the depth to water is reported to be 344 feet below ground surface. The KB Mine has been reclaimed in accordance with the approved reclamation plan which should ensure no adverse effects on ground water quality associated with the reclaimed KB Mine.

NMED Summary Comment

NMED has no objection to release of the financial assurance associated with the completed reclamation.

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

cc: Michelle Hunter, Bureau Chief, GWQB
Shelly Lemon, Bureau Chief, SWQB
Fernando Martinez, Division Director, EMNRD-MMD
Clint Chisler, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS
George Llewellyn, MECS



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MEMORANDUM

DATE: July 3, 2019

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

FROM: John Moeny
Watershed Protection Section
Surface Water Quality Bureau (SWQB)

RE: **Request for Comments, Release of Financial Assurance, Southwest Silica Flux Company, KB Mine, Grant County, MMD Permit No. GR012MN, Modification 19-1**

On June 21, 2019, NMED received a request for comments regarding a permit modification by the Southwest Silica Flux Company to approve final mine reclamation at the KB Mine, and subsequent release of financial assurance. The KB mine is in Grant County, approximately 10 miles east of Silver City on public lands managed by the US Forest Service.

Summary of Proposed Action

The Applicant ceased mining for silica flux material in 2000 and completed site reclamation in 2002. On June 19, 2019, a site inspection was conducted with the mine operator, Clint Chisler and Holland Shepard from the Mining and Minerals Division, Diane Tafoya from the US Forest Service and myself.

Results of Inspection

Reclaimed areas include the north and east pits and associated access roads which total approximately 24 acres. Slopes were prepared by grading to what appeared to be an angle of repose less steep than would natural form given the course material. These slopes were dressed with native topsoil mixed with course aggregate from the adjacent gravel operation. The seed mix included native grasses and forbs that were recommended by the US Forest

Service. With over 16 growing seasons since regrading and seeding the slopes, the vegetative response has been excellent. I did not observe any large poorly vegetated patches that may be prone to future erosion. The species currently on site appear to be appropriate for the area with the exception of several exotic Siberian elms (*Ulmus pumila*) and a small patch of invasive Tree of Heaven (*Ailanthus altissima*). These two species were confined to a small drainage bottom where mesic conditions supported their establishment. Given the xeric nature of the reclaimed slopes, it seems unlikely that these species will colonize the reclaimed area and prevent the continued development of a "self-sustaining ecosystem" required for release of financial assurance. It appeared that the post-mining land uses of Grazing and Wildlife Habitat have been achieved and the reclamation has been successful.

The SWQB recommends approving the applicant's request for release of financial assurance.

If you have any questions, please phone me at (575) 956-1545.

GOVERNOR
Michelle Lujan Grisham



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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3 July 2019

Clint Chisler, Permit Lead
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

***RE: Minimal Impact New Mine Modification Application Request for Financial Release,
Southwest Silica Flux Company KB Mine, Permit Tracking No. GR012MN;
NMDGF No. 19176***

Dear Mr. Chisler,

The New Mexico Department of Game and Fish (Department) has reviewed the project referenced above. Southwest Silica Flux is requesting release of all financial assurance associated with an estimated 24.86 acres that were reclaimed in 2002. Scheduling conflicts prevented the Department from attending the site inspection on 19 June 2019, and thus cannot comment on the current condition of the reclamation. If MMD has concerns regarding the condition of the reclamation site, the Department would like to request arranging another site inspection.

Thank you for the opportunity to review the request for financial release. 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,

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

cc: USFWS NMES Field Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Fernando Martinez, Director
Mining and Minerals Division



June 21, 2019

RECEIVED

JUN 26 2019

HISTORIC PRESERVATION DIVISION

19# 110805

Richard Reycraft, Ph.D., Archaeologist
Historic Preservation Division
NM Department of Cultural Affairs
407 Galisteo Street, Suite 236
Santa Fe, NM 87503

RE: Request for Review and Comment, Minimal Impact New Mine Modification Application for release ("Modification 19-1"), Southwest Silica Flux Company; KB Mine, Grant Co., NM Permit Tracking No. GR012MN

Dear Dr. Reycraft:

Pursuant to §19.10.12.1210 A. NMAC, the New Mexico Mining and Minerals Division ("MMD") has determined that the Modification 19-1 Application submitted on August 15, 2018 with addendum submitted on June 1, 2019 is administratively complete. The application submitted by Southwest Silica Flux Company is for its KB Mine, Permit No. GR012MN. Modification 19-1 Application is requesting release of all Financial Assurance associated with mining operations that fall under the NM Mining Act. The Modification 19-1 Application is also requesting full release from the jurisdiction of the NM Mining Act.

The 19-1 Modification Application for the KB Mine release can be viewed in its entirety by visiting the MMD website at:

KB Mine

<http://www.emnrd.state.nm.us/MMD/MARP/GR012MN.html>

Please provide any comments or information regarding potential cultural resources that may be affected by the proposed Modification 19-1 Application to MMD by July 8, 2019. If you would like to request a site inspection regarding this application please let MMD know by July 1, 2019. Please contact Clint Chisler at (505) 476-3413 or via email at: clinton.chisler@state.nm.us with any questions or if you wish to meet to discuss the application.

Sincerely,

Clint Chisler, Permit Lead – Permit GR012MN
Mining Act Reclamation Program ("MARPs")/MMD

cc: Holland Shepherd, Program Manager, MARP/MMD
Mine File GR012MN

NO COMMENT

R. Reycraft
HPP Review

6-27-19