

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 Secretary

Fernando Martinez, Director
Mining and Minerals Division



Electronic Transmission

August 14, 2019

Gary Wayne Ramsey
2033 Industrial Drive
McAllen, TX 78504

**RE: Review and Comments on Minimal Impact Exploration
Ramsey NM Spike Camp
Permit No. SO-022EM – Socorro County, New Mexico**

Mr. Ramsey:

On July 5, 2019, the New Mexico Mining and Minerals Division (“MMD”) received a permit application for a minimal impact exploration – Ramsey NM Spike Camp project (“Application”) from Gary Wayne Ramsey (“Applicant”), MMD Permit No. SO022EM, located in Socorro County, New Mexico. On July 18, 2019, pursuant to Subsection G of 19.10.3.302 NMAC, MMD deemed the Application administratively complete and sent the Application to several state agencies (“Agencies”) as well as requesting comment from tribal nations. MMD conducted a site visit of the proposed exploration project on July 31, 2019. During the site visit, MMD observed concrete slabs already constructed as drill pads and was informed of road improvement activities outside of the permit Application. Following to the inspection, the Applicant amended his Application with a supplement to Part 3, which includes permission from the Applicant to the On-Site Contact for road improvements with a waiver of reclaiming the roads after the project is complete.

Overall, MMD appreciates the updates provided by the Applicant’s On-Site Contact about ongoing activities at the site. However, MMD is concerned about disturbances prior to issuance of the permit and establishment of financial assurance. Thus, until permit issuance, MMD expects no further activities that may cause disturbances related to this exploration project.

MMD reviewed the amended Application under Subpart 3 of the New Mexico Mining Act Rules (“Rules”). The MMD review found this Application to be *technically incomplete*, and MMD provides the Applicant with the following comments:

MMD Comments

1. Attachment B and Supplement to Application. The Applicant has waived reclamation at the concrete slabs proposed for drill pads because of the dual purpose for drilling and sheds. If the drilling does not reach the intended depth, the On-Site Contact has mentioned the possibility of another type of drilling may be used than proposed. MMD must be contacted

if a project modifies the drilling rig type because there will expand the disturbance beyond the concrete drilling pads.

2. Page 23, Application. In the Application, \$2,310 was estimated as the amount of financial assurance (FA). Based on the Application and the MMD Guidance for Estimating Reclamation Costs (Revised 2013), MMD estimates the total FA amount is \$18,140. This amount includes \$14/foot for plugging the boreholes plus \$8,900 required for reclamation of the first acre of disturbance typically found around minimal impact exploration drill sites. In discussions with the On-Site Contact, a phased approach of two boreholes at a time may be the best approach. The FA amount for two boreholes is **\$11,980**. If this phased approach is agreeable, the permit will set conditions for proceeding to the next two boreholes after MMD has been provided confirmation that the first two boreholes have been plugged.

Agency Comments

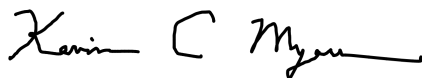
MMD has received comments on the Application from the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), the NM Office of the State Engineer (“NMOSE”) and the New Mexico State Forestry Division (“NMSFD”). The Agencies’ responses may include site-specific comments for this Application and general comments for exploration projects. Please review and respond to the comments provided by these agencies (attached).

Please respond to the MMD and agency comments within 30-days of receipt of this letter.

After resolving any issues with the comments, the remaining steps include: 1) financial assurance established, 2) permit provided for review and notarized certification by Applicant and 3) permit reviewed for signature by MMD Director. Until the permit is signed, drilling and other exploration related disturbances would be considered in violation of the Mining Act and Rules, which may result in referral to enforcement action pursuant to subpart 11 of the Rules.

Contact me at 505-476-3438 or at kevin.myers@state.nm.us if you have any questions.

Sincerely,



Kevin C. Myers – Permit Lead, SO022EM
Mining Act Reclamation Program (“MARF”)
New Mexico Mining and Minerals Division

Enclosures:

July 24, 2019, Email to MMD from SFD
July 22, 2019, Letter to MMD from NMDCA/HPD
August 5, 2019, Memo to MMD from NMED
August 8, 2019, Letter to MMD from NMDGF
August 12, 2019, MMD from NMOSE

CC via email w/enclosures:

Gale Roberts, tetonthinker@gmail.com

CC via email w/o enclosures:

Fernando Martinez, Director, MMD

Holland Shepherd, Program Manager, MARP/MMD

Jeff Lewellin, Mining Act Team Leader, NMED

Matt Wunder, Ph.D., Chief, Conservation Services Division, NMDG&F

Ghassan R. Musharrafiieh, Chief, Hydrology Bureau, NMOSE

Richard Reycraft, HPD Staff Archaeologist, NMDCA/HPD

Daniella Roth, Botanist, NMSFD

Mine File (SO022EM)



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
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 22, 2019

Kevin C. Meyers
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505

Re: HPD Log# 110961, Request for Comments on Ramsey, NM Spike Camp Project, Permit Np. SO022EM

Dear Mr. Meyers:

I am writing in response to your request for comment on the above referenced exploration project received at this office July 19, 2019. Pursuant to 19.10.5.505 NMAC, Permit Modifications and Revisions, the Director shall determine whether a permit modification would have an adverse impact on cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties or be located in a known cemetery or other burial ground.

According to our files, there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties in the permit area. There are also no known cemeteries or other burial grounds. Based on this information, this permit will have no adverse impacts to cultural resources listed on the National or State Registers.

Although there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties, the permit area has never been archeologically surveyed; therefore this office recommends a cultural resources survey be conducted on any undisturbed portions of mine property where proposed new ground disturbance will occur for this permit.

This survey should be performed by a qualified professional to determine if any historic or archaeological properties are present and if so, to provide documentation of those resources to our office. This information can then be used to evaluate the National Register of Historic Places eligibility of any resources identified during the survey and determine project effects on those resources. A list of state permitted archaeologists and archaeological firms are available from this office upon request or can be downloaded from our web site at:

<http://www.nmhistoricpreservation.org/documents/consultants.html>

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft
Richard. Reycraft, Ph.D.
Staff Archaeologist

Myers, Kevin, EMNRD

From: Roth, Daniela, EMNRD
Sent: Wednesday, July 24, 2019 1:00 PM
To: Myers, Kevin, EMNRD
Subject: RE: Request for comments on Ramsey NM Spike Camp Project, Permit No. SO022EM

Dear Kevin C. Myers:

Thank you for giving me the opportunity to review and comment on the Ramsey NM Spike Camp Project, in Socorro County, NM (Permit No. SO022EM).

I do not anticipate any impacts to state listed endangered plants from the proposed expansion.

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

Sincerely,

Daniela Roth

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3347

<http://www.emnrd.state.nm.us/SFD/>

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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Las Cruces
JEREMY VESBACH
Placitas

8 August 2019

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

RE: Ramsey NM Spike Camp Exploration Project (SO022EM); NMDGF No. 19267

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the project referenced above. Gary Wayne Ramsey (Ramsey) is proposing to drill six exploratory holes for gold and silver, to a depth of approximately 110 feet. The proposed drill sites are located in Township 3S, Range 4W, Section SW $\frac{1}{4}$ 29 in Socorro County. The total acreage to be disturbed by the project is estimated to be 0.0041 acre. Staff from the Department, New Mexico Environment Department, MMD, and the operator conducted a site inspection of the proposed drill sites on 31 July 2019.

Given the small project footprint and Ramsey's proposal to use a closed loop drilling system that eliminates the need for mud pits, the Department does not anticipate significant impacts to wildlife or sensitive habitats.

Thank you for the opportunity to review and comment on the proposed exploration 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,

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

cc: USFWS NMES Field Office

Myers, Kevin, EMNRD

From: Rappuhn, Doug H., OSE
Sent: Monday, August 12, 2019 3:42 PM
To: Myers, Kevin, EMNRD
Subject: FW: Request for Comments on Ramsey NM Spike Camp Project, No. SO022EM
Attachments: 2019 0718 NMOSE Request for Comments SO022EM.pdf

Kevin Myers, NMEMNRD Permit Lead
Mining and Minerals Division

Hello Kevin –

Thank you for the extension of a couple days to get the following NMOSE comments to you regarding the subject Minimal Impact Operation Permit:

The NMOSE Hydrology Bureau has reviewed the MMD SO022EM Part 3 Minimal Impact Exploration Operation Permit Application for the Ramsey NM Spike Camp Exploration Project. The project will consist of the drilling and evaluation of up to 6, approximately 110 ft-deep borings, exploring for gold and silver resources. Upon completion of exploratory drilling and any testing, the Applicant (Gary Wayne Ramsey) proposes to fully seal the boreholes with bentonite chips to within twelve-feet of ground surface, follow with a ten-ft plug of neat cement slurry, then back-cover to surface with topsoil. Properly hydrated bentonite chips and cement slurry will provide a low-permeability plug capable of permanently attenuating any hydrologic cross-connection that may have temporarily occurred during drilling.

The shallow drilling appears unlikely to encounter groundwater based on information from deeper local water well drilling on file with the NMOSE. Mineral exploration borings (NMOSE's "mine drill holes") that do not encounter water were specifically exempted from the NMOSE's Title 19 Chapter 27 Part 4 regulations regarding well driller licensing and construction, repair and plugging of (water) wells as of June 30, 2017. In the event the proposed drilling was to encounter groundwater, the NMOSE would share jurisdiction of the drilling and plugging proposed. Under these circumstances, a *Permit to Drill a Well with No Water Right* for each of the proposed borings would be required, as would the services of a New Mexico-licensed well driller. Pluggings would administered in part under either pre-approved plugging conditions attached to the NMOSE drilling permits, or would be separately conditioned under the terms of a Well Plugging Plan of Operations, as dictated by NMOSE Water Rights District 1 (Albuquerque).

The exploratory drilling for gold and silver resources will occur at a location in the southwest quarter of Section 29 – Township 3S – Range 4W, approximately seven miles south-southwest of the Town of Magdalena. Project site elevation is approximately 7,250-ft NGVD.

I did not attend a joint regulatory site inspection for the proposed project.

Surface water

USGS 1:24000 topographic map of the project area indicates about 20 feet of west-sloping, mild topographic relief over the project area. Project elevation is approximately 7,250-ft NGVD. Local surface drainage off the west escarpment of the Magdalena Mountains occurs via west-draining Rock Springs Canyon in proximity to the project site, although the borings will be over 100-ft from the channel. Rock Springs Canyon enters the more-expansive, south-discharging Milligan Gulch drainage system about 5.5 miles west of the project area.

"Texas Spring" is located approximately 1.7 miles southeast of the project area in the southeast quarter of Section 33 – Township 3S – Range 4W at an elevation of approximately 7,550-ft NGVD. New Mexico State Geologic Map indicates the spring vents from crystalline silicic to intermediate composition volcanic rocks associated with the western Magdalena

Mountains. This suggests fracture system discharge controlled by higher elevation percolation rather than presenting a concern related to artesian upwelling from lower elevations.

Groundwater

In general, functioning water wells may tap locally-perched groundwater, an unconfined local aquifer, or a regional unconfined or confined groundwater system. All represent forms of groundwater subject to the application of NMOSE regulations and required Water Rights Division filings, whether drilling for water or having undesirably encountered it by drilling.

According to information in the NMOSE NMWRRS database, water wells completed within an approximate 1.5-mile radius of the proposed 110-ft deep borings all encountered groundwater at depths ranging from 420- to 800-ft below local ground level. These wells (RG-68207, RG-76697, RG-86986, RG-86723, RG-81228, RG-93695, RG-67345, RG-76705, and RG-62834) were completed to depths ranging from 555- to 920-ft deep.

It is possible that even shallow project exploratory drilling may encounter groundwater, and if so would require NMOSE filings and the services of a New Mexico-licensed well driller to proceed. Since the proposed borehole will be drilled to desired depth, then completely plugged in quick succession, there exists little possibility of a hydrologic effect of any consequence to the exercise of existing water rights, provided the plugging is competently and promptly conducted.

Exploratory Drilling and Decommissioning – NMOSE Considerations for Water-bearing Boreholes (NOT ANTICIPATED FOR THIS PROJECT THEREFORE THE BOREHOLES ARE NOT CONSIDERED WELLS UNLESS GROUNDWATER IS ENCOUNTERED)

- Prior to initiation of drilling, NMOSE District 3 Water Rights Division must be contacted (321 West Spruce Street, Deming, NM 88031; 575-546-2851), and the Applicant must file for and receive approval of NMOSE *Application for Permit to Drill a Well with No Water Right*: (http://www.ose.state.nm.us/WR/Forms/Current/WR-07%20Application%20for%20Permit%20to%20Drill%20a%20Well%20with%20No%20Consumptive%20Use_2016-11-17_final.pdf).
- The permit will require submittal of NMOSE *Well Record and Log* for the borehole within 30 days of completion of well construction: (http://www.ose.state.nm.us/WR/Forms/Current/WR-20%20Well%20Record%20and%20Log_2017-06-30Final.pdf)
- Plugging of the exploratory well with neat cement slurry is proposed upon completion of exploratory drilling. Submittal of a NMOSE *Well Plugging Plan of Operations* may be required if the permit to drill is not automatically conditioned with plugging requirements: http://www.ose.state.nm.us/WR/Archive/Forms/WD-08%20Well%20Plugging%20Plan%20of%20Operations_2017-06-30_final.pdf
- Submittal of NMOSE *Plugging Record* for the decommissioned borehole is required within 30 days of completion of well plugging: (http://www.ose.state.nm.us/STST/Forms/WD-11%20Plugging%20Record_2009-09-08_final.pdf)
- NMAC 19.27.4.29.A. requires that a currently-licensed New Mexico Well Driller or New Mexico-registered Drill Rig Supervisor be present at the drilling site during well drilling activities (including well decommissioning).

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: Myers, Kevin, EMNRD
Sent: Thursday, July 18, 2019 4:20 PM
To: Musharrafieh, Ghassan R., OSE
Cc: Acheampong, Stephen Y, OSE; Rappuhn, Doug H., OSE
Subject: Request for Comments on Ramsey NM Spike Camp Project, No. SO022EM

Dr. Musharrafieh,

Please see attached request for comments.

We plan a site inspection that first assembles in Magdalena at 10:30 AM on Wednesday July 31, 2019, before driving to the property.

Let me know if anyone from OSE plans to attend.

Kevin C. Myers
Mining Act Reclamation Program
MMD-EMNRD
505-476-3438



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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Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: August 5, 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
Rhett Zyla, Air Quality Bureau

Subject: **NMED Comments, Ramsey NM Spike Camp Project, Minimal Impact Exploration Project, Socorro County, New Mexico, New Mexico Mining Act Permit No. SO022EM**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 18, 2019 requesting NMED review and provide comments on the above-referenced MMD permitting action. NMED has the following comments.

Background

Gary Wayne Ramsey (Applicant) proposes a minimal impact exploration project to advance up to six, eight-inch diameter borings to a depth of 110 feet below ground surface. The project is on land owned by the Applicant in the SW1/4 of Section 29, T3S, R4W. The purpose of the proposed exploration project is to evaluate potential reserves of gold and silver.

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 (MECS)

MECS personnel reviewed the Office of the State Engineer (OSE) Points of Diversion (POD) database to evaluate the presence of ground water production wells in the area of the proposed project. Three ground water production wells are listed in the OSE POD database in the vicinity of the proposed project. The OSE POD database indicates a private, household well (RG-86986 - POD1) that is in the project area has a total depth of 615 feet below ground surface and the depth of ground water of 490 feet below ground surface. The total dissolved solids (TDS) concentration of ground water in the well is not stated in the application but it is assumed that ground water quality has a low TDS concentration for use as a household water supply. In the unlikely instance ground water is encountered while advancing the borings to the total depth of 110 feet below ground surface, all plugging, and abandonment of the borings should comply with OSE regulations for wet holes. Otherwise, as indicated in the application, the borings will be abandoned in accordance with the OSE regulations for dry holes. The applicant must contain any water produced from the exploration borings at the drill sites.

NMED Summary Comment

NMED finds that the exploration project is likely to have a minimal impact to the environment if operated and reclaimed with the approved permits, pollution controls, and the comments above.

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

cc: Shelly Lemon, Bureau Chief, SWQB
Liz Bisbey-Kuehn, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
Kevin Myers, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS
George Llewellyn, MECS



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: August 5, 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, Minimal Impact Exploration Project, Ramsey NM Spike Camp Project, Socorro County, MMD Permit No. SO022EM**

On July 19, 2019, NMED received a request for comments regarding a minimal impact exploration project in Sierra County by Gary Ramsey (Applicant). The project is located approximately 7 miles south of Magdalena on lands privately owned by Mr. Ramsey.

Summary of Proposed Action

The Applicant seeks to drill up to six, eight-inch diameter test holes to a depth of 110 feet, targeting subsurface gold and silver deposits. The drill rig will operate from existing drill pads and no new disturbance is anticipated. Drilling fluids consist solely of water that will be trucked into the site by the drilling contractor in a closed loop system that obviates the need for fluid pits. Drill cores and cutting will be disposed of by Western Disposal in Albuquerque. The project location lies on an upland terrace and does not intersect with any known surface waters of the state. Depth to ground water is estimated to be 600 feet.

The following best management practices are recommended to protect surface water quality:

- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must have a secondary containment system to prevent spills.

- If drilling will be completed during the summer monsoon season (July through September) it is recommended that equipment and supplies be located well above the flood prone width of any channel or drainage bottom.
- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, drilling and reclamation 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 (NM Dept of Public Safety).

Impacts to Surface Water Quality

The SWQB finds the Applicant's proposed exploration is likely to have a minimal impact to surface waters if operated and reclaimed with the approved permits and pollution controls and the comments above.

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



Figure 1. Project location near Magdalena.



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Deputy Secretary

MEMORANDUM

DATE: July 26, 2019

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

FROM: Rhett Zyla, Environmental Scientist & Specialist
Modeling Section, Air Quality Bureau

RE: Request for Comments, Minimal Impact Exploration Project, Ramsey NM Spike Camp Project, Socorro County, MMD Permit No. SO022EM

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 provides the following comments.

Air Quality Permitting History

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

Details

The applicant proposes to drill six (6) exploratory, 8 inch diameter holes, on 3 pads, 10 feet by 6 feet, up to 110 feet depth, in Socorro County, New Mexico, Township 3 South, Range 4 West, Section SW ¼ 29, approximately 7 miles south of Magdalena, New Mexico. Applicant will be drilling for gold and silver deposits, anticipated from August 19, 2019 through November 30, 2019.

With respect to surface disturbance and/or the need to construct the drilling pads that would be required for a conventional drilling rig, Applicant has decided to construct 3 permanent storage sheds on the property. The concrete floors for these storage sheds will be used as a means to anchor the hydraulic drills, thereby negating the need to construct any additional concrete pads for drilling.

No new roads will be constructed.

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:

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

“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. 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.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 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 19.10.3.302 NMAC, *Minimal Impact Exploration Operations*:

“A minimal impact exploration operation will not exceed 1000 cubic yards of excavation per permit. Disturbances for constructed roads, drill pads and mud pits shall be no more than 5 acres total and will not be counted in the excavated materials. The type of road construction, the number and type of drill pads, and other disturbances when considered with site specific conditions will be major factors in determining eligibility for minimal impact status which is in the discretion of the director.”

The above is not intended to be an exhaustive list of all requirements that could apply.

Fugitive Dust

Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA's *Compilation of Air Pollutant Emission Factors, AP-42, "Miscellaneous Sources"* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

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.

Recommendation

The AQB has no objection to the current request for a permit from MMD.

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) 476-4304.