



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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3 August 2020

David J. (DJ) Ennis, P.G., Permit Lead
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

**RE: Modification 20-1, Black Springs Mine, McKinley County, New Mexico,
Permit No. MK026MN; NMDGF Project No. NMERT-678.**

Dear Mr. Ennis:

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Menefee Mining Corporation (Menefee) is requesting partial release of financial assurance for approximately four acres of reclamation associated with the Black Springs Mine. A site inspection was conducted on 29 July 2020 by staff from the Department, MMD and Menefee.

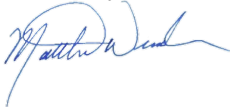
The approximately four acres of reclaimed area has been graded and contoured in conformance with the surrounding topography, ripping and seeding had not been completed at the time of the site inspection but was scheduled to be conducted soon. Financial assurance should be retained by MMD until it is confirmed that the ripping and seeding of the reclaimed area has been completed.

In the proposed seed mix, the species crested wheatgrass (*Agropyron cristatum*) is an introduced species that is not native. The Department recommends that Menefee use a different substitute grass species that is native. The Department also recommends that seed test results are requested from the vendor in order to avoid inadvertently introducing non-native species to the reclamation site. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site.

Halogeton (*Halogeton glomeratus*) was observed invading a nearby area that had been recently reclaimed by Menefee. Following this reclamation, the operator should implement a weed monitoring program that includes a commitment to aggressive control of the noxious weed halogeton within the mine permit area.

Thank you for the opportunity to review and comment on the proposed permit modification. 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,

A handwritten signature in blue ink, appearing to read "Matt Wunder". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

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

cc: USFWS NMES Field Office



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
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 6, 2020

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

Through: Anne Maurer, Mining Environmental Compliance Section

From: Amber Rheubottom, Mining Environmental Compliance Section
Alan Klatt, Surface Water Quality Bureau
Rhett Zyla, Air Quality Bureau

Subject: **NMED Comments, Modification 20-1, Black Springs Mine, McKinley County, New Mexico Mining Act Permit No. MK026MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 13, 2020 requesting NMED review and provide comments on the above-referenced MMD permitting action. The application is for partial release of financial assurance associated with the Menefee Mining Black Springs Mine which is assigned Mining Act Permit No. MK026MN. MMD requested comments on the application within 20 days of receipt in accordance with Section 19.10.3.304.H NMAC. NMED requested an extension until August 7, 2020, which was granted on July 24, 2020. NMED has the following comments.

Background

The application for modification is for partial release of financial assurance associated with approximately 4-acres of reclamation and the proposal to install and operate a diesel-powered mobile screen and conveyor system.

Air Quality Bureau

The Air Quality Bureau comments are provided under separate letterhead.

Surface Water Quality Bureau

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

Mining Environmental Compliance Section (MECS)

The MECS has no comments.

NMED Summary Comment

NMED has no comment on the financial assurance release for reclamation. Installation of a mobile screening plant may require an air quality permit. The applicant needs to determine if an air quality permit is required for this operation, which should be obtained prior to any operation of the screening plant.

If you have any questions, please contact Kurt Vollbrecht at (505) 827-1095.

cc: David Ennis, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: August 3, 2020

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

FROM: Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau

SUBJECT: **Request for Comments, Modification 20-1, Black Springs Mine, McKinley County, New Mexico, Permit No. MK026MN**

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department (NMED) has reviewed the Subject Request for Comments for the Black Springs Mine operated by Menefee Mining Corporation. Pursuant to §19.10.3.304.H New Mexico Administrative Code (NMAC), SWQB has prepared the following comments:

The modification request, dated July 6, 2020, explains that approximately 4 acres will be ripped and seeded with native grasses this month before the monsoon rains begin. SWQB recommends monitoring the reclamation area for signs of erosion and implementing temporary erosion control measures until vegetation is established and the ground surface is stable. The modification also includes the installation of a diesel-powered mobile screen and conveyor system. Please refer to SWQB comments dated June 20, 2018 under Modification 18-1 for recommendations for the use of mobile equipment, site selection, spill response and clean-up, and appropriate setbacks from watercourses. Materials screened and stockpiled should be contained and protected from run-off and run-on.

For questions related to these comments, please contact Alan Klatt, SWQB, at 505-827-0388.



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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James C. Kenney
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Howie C. Morales
Lt. Governor

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: July 29, 2020

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

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

RE: Request for Comments, Modification 20-1, Black Spring Mine,
McKinley County, New Mexico Mining Act Permit No. MK026MN

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 permits for this operation.

Details

Black Spring Humate Mining and Reclamation Plan (2011)

Menefee Mining, Corp., is seeking a partial release of Financial Assurance related to its reclamation of approximately 4 acres of previously disturbed mine area at its Black Spring humate mine. It also plans to incorporate a diesel-powered mobile screen and conveyor system for regular operations. The permit area consists of 80 acres, in Section 4, Township 19 North, Range 5 West, in McKinley County, New Mexico, 25 miles WSW of Cuba, New Mexico, and 15 miles ESE of Pueblo Pintado.

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.

Humate is prone to become suspended in the air; therefore, the AQB recommends implementation of a strategy to reduce fugitive humate from the mining operation, including tracking and dispersal outside the permitted area.

Recommendation

The AQB defers to MMD on release of financial assurance. On the matter of the addition of a mobile screen and conveyor system to operations, an air quality permit may be required. More permitting information and contacts can be found on the [AQB Permitting webpage](#).

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.

From: [Gallegos, Anthony A](#)
To: [Ennis, David, EMNRD](#); [Robert Newcomer](#)
Cc: [Tyler Lown Vandenburg](#); [Mankiewicz, David J](#)
Subject: Re: [EXTERNAL] RE: [EXT] Seeding Report - MMC Black Spring Mine - & adjustment to FA
Date: Monday, August 10, 2020 11:59:40 AM

DJ,

The proposed adjustment to the Financial Assurance for the Mod 20-1 reclamation of 4 acres in the amount of \$1,920 is acceptable to the BLM. EMNRD and Menefee may make the necessary adjustments at your earliest convenience.

Thank you,
Tony

Anthony Gallegos (Tony)
Solid Minerals, Mining Engineer
BLM Farmington District Office
Interior Region 7 - Upper Colorado Basin
CO-NM-UT-WY

Email: agallegos@blm.gov
Phone: 505.564.7723

From: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Sent: Wednesday, August 5, 2020 8:54 AM
To: Robert Newcomer <newcomer.b.tmr@gmail.com>
Cc: Tyler Lown Vandenburg <Tyler.Lown@menefeemining.com>; Gallegos, Anthony A <agallegos@blm.gov>
Subject: [EXTERNAL] RE: [EXT] Seeding Report - MMC Black Spring Mine

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Thanks Bob. Attached is the spreadsheet we use to calculate the amount of FA needed for the 4 acres of revegetation. The amount for Mod 20-1 comes to \$1,920 (assuming Tony's concurrence on the amount).

If the amount is OK with Tony, we'll need a new CD for \$1,920 and then I can finish up Mod 20-1.

If you have any questions, please let me know.

Thanks,
DJ

DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
david.ennis@state.nm.us

**NOTE NEW CELL/OFFICE PHONE NUMBER:
(505) 372-8634**

From: Robert Newcomer <newcomer.b.tmr@gmail.com>
Sent: Tuesday, August 4, 2020 11:12 AM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Cc: Tyler Lown Vandenburg <Tyler.Lown@menefeemining.com>; Anthony A. Gallegos <agallegos@blm.gov>
Subject: [EXT] Seeding Report - MMC Black Spring Mine

Hi DJ,

We were able to rip and seed yesterday the 4 acres at the Black Spring mine. All went well. Now our fingers are crossed for a good rain. I've attached the seeding report and supporting documentation. Please let me know if you have questions or need anything else.

I hope your trip went well after our visit last week and the roads weren't too muddy. It was very dry yesterday and the roads weren't muddy at all.

Best,

Bob

Bob Newcomer, RG, CPG
Environmental and Water Resources Consultant
Toltec Mesa Resources LLC
7823 Quintana Dr. NE
Albuquerque, NM 87109
(505) 238-4770