

State of New Mexico
Energy, Minerals and Natural Resources Department

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Deputy Cabinet Secretary

Jerry Schoeppner, Director
Mining and Minerals Division



Electronic Transmission

September 15, 2020

Mary Darling, Natural Resource Consultant
Darling Geomatics
9040 South Rita Rd. Ste #2350
Tucson, AZ 85747

RE: Agency Review Comments and Request for Additional Information Ray Claims No. 4 & 6 Mine, Permit No. CI006MN Modification 20-1 Application, Cibola County, New Mexico

Dear Ms. Darling,

The New Mexico Mining and Minerals Division (“MMD”) received an application to modify Permit No. CI006MN, Ray Claims No. 4 & 6 Mine, on June 30, 2020 from Darling Geomatics on behalf of Stoneworld Company, Inc. (“Stoneworld”). Supplemental information was received by MMD on July 7, 2020 and August 25, 2020 regarding the application. The application for permit modification was assigned Modification 20-1 by MMD. The Modification 20-1 application proposes to transfer the permit into a new company name, change the Post-Mining Land Use to Recreation, set revegetation standards, and modify the original reclamation plan for implementation this fall in Cibola County, New Mexico.

Pursuant to §19.10.3.304.H and §19.10.6.608.D(3) of the New Mexico Administrative Code (“NMAC”), MMD requested the review of the Modification 20-1 application by the U.S. Bureau of Land Management (“BLM”), the Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Environment Department (“NMED”), the New Mexico Office of the State Engineer (“NMOSE”), the New Mexico State Forestry Division (“NMFD”), and the New Mexico Department of Cultural Affairs (“NMDCA”). In accordance with §19.10.3.304.H NMAC, these agencies had 20 days from the date of receipt of the letter in which to provide comments.

MMD received written comments from NMDCA, NMDG&F, and NMED. Copies of the comments from these agencies are attached. Please review these responses and note the guidance listed in them. MMD did not receive any comments from the BLM, NMOSE, or NMFD.

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General Comments:

MMD has reviewed the PAP and deemed it administratively complete, pursuant to §19.10.3.304.H NMAC. **However, MMD has reviewed the Modification 20-1 Application and has found it to be *technically incomplete* pending receipt of acceptable supplemental information identified in this letter. Please respond no later than 30 days of receipt of this letter, to the information requested below.**

MMD Comments:

Please respond to the following items:

1. During the site inspection on September 2, 2020, representatives from NMDG&F and MMD inspected the reclamation on Ray Claims No. 4, an approximately 0.5 acre disturbance resulting from past exploration. The area was showing signs of significant erosion as a result of the steep grade on the south face of the pile leading down to the access road. MMD requires that this area be regraded to a more practicable slope with erosion control measures installed by October 31, 2020 and reseeded within two weeks of earthwork completion.
2. Section 6 of the July 7, 2020 application explains that “*the topsoil will be placed in relatively flat areas to be used as the bed for application of plant seeds, especially around the highwall of the quarry*”. Please describe where the topsoil will be sourced, where it will be applied around the highwall, and the estimated applied thickness.
3. During the site inspection on September 2, 2020, wasterock was found piled along the base of the highwall. MMD requires that this material be regraded to a more natural talus slope along the base of the highwall.
4. MMD requires drill seeding at reclamation using the rates below. Broadcast seeding is acceptable in areas where drill seeding is not practicable, but rates listed below must be doubled when broadcast seeding. To incorporate two pollinator species into the seed mix, as recommended by NMDG&F’s comment letter, please use the following seed mix:

| Common name | Scientific name | Variety | PLS (lb/acre) |
|--------------------------|---------------------------------|------------|---------------|
| Galleta | <i>Pleuraphis jamesii</i> | Viva | 2.0 |
| Alkali sacaton | <i>Sporobolus airoides</i> | Salado | 1.0 |
| Scarlet globemallow | <i>Sphaeralcea coccinea</i> | VNS | 0.5 |
| Blue grama | <i>Bouteloua gracilis</i> | Hachita | 0.5 |
| Western wheatgrass | <i>Pascopyrum smithii</i> | Arriba | 2.0 |
| Winterfat | <i>Krascheninnikovia lanata</i> | VNS | 0.5 |
| Bottlebrush squirreltail | <i>Elymus elymoides</i> | VNS | 1.0 |
| Fourwing saltbush* | <i>Atriplex canescens</i> | New Mexico | 1.0 |
| Prairie zinnia | <i>Zinnia grandiflora</i> | VNS | 1.0 |
| Rocky Mountain beeplant | <i>Cleome serrulata</i> | VNS | 3.0 |

* VNS = Variety not specified: choose a source from an area that would be suitable for the source site; generally from a higher elevation or latitude.

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5. Please describe what Best Management Practices (BMPs) will be utilized to stabilize slopes and control erosion at reclamation at both Ray Claims No. 4 and No. 6 mines.
6. Please provide a proposed post-reclamation layout map, including delineating fenced areas and areas to remain unreclaimed, such as the stockpiled riprap.

NMDCA Comments:

Please review the comment letter received by NMDCA.

NMDG&F Comments:

Please review the comment letter received by NMDG&F and respond to the recommendations regarding the implementation of wildlife fencing.

NMED Surface Water Quality Bureau Comments (“NMED/SWQB”)

Please review the comment letter received by NMED/SWQB and respond to the following:

“SWQB recommends that the permittee consider installing rolling dips in place of water bars as a more effective technique for reducing erosion associated with dirt roads. Rolling dips may also require less maintenance and be safer for recreational users in comparison to water bars. More information is available at the US Forest Service’s website for “Keeping water and soil healthy with sediment control”: https://www.fs.fed.us/t-d/atv_trails_site/build/keeping-water-off-the-trail/rolling-dips.html.”

NMED Air Quality Bureau Comments (“NMED/AQB”)

Please review the comment letter received by NMED/AQB.

Should you have any questions, comments, or require additional information concerning this letter or any enclosures, please contact me at (505) 216-8399 and/or carmen.rose@state.nm.us.

Sincerely,



Carmen Rose, Permit Lead
Mining Act Reclamation Program (“MARP”)
New Mexico Mining and Minerals Division

Enclosures: September 1, 2020 Letter to MMD from NMDCA
September 11, 2020 Letter to MMD from NMDGF
September 14, 2020, Letter to MMD from NMED

RE: Agency Review Comments and Request for Additional Information Ray Claims No. 4 & 6 Mine, Permit No. CI006MN Modification 20-1 Application, Cibola County, New Mexico

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**CC: Holland Shepherd, Program Manager, MARP
Katarina Schneider, Stoneworld Company, Inc.
Calvin Parson, BLM**



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

September 1, 2020

Carmen Rose, Permit Lead
Mining Act Reclamation Program ("MARF")
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505

Re: HPD Log# 113628, Request for Comments on Permit Transfer and Reclamation Plan, Ray Claims No. 4 & No.6 Mine, Modification 20-1, Permit No. CI006MN, Stoneworld Company, Inc

Dear Ms. Rose:

I am writing in response to your request for comment on the above referenced permit modification received at this office August 25, 2020

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, portions of the permit area have never been archaeologically surveyed. Specifically, our records show that parts of the access roads that are scheduled to be graded and upgraded have not been archaeologically surveyed. Therefore, this office recommends that a cultural resources survey be conducted on any undisturbed portions of mine property that have not been previously surveyed and where proposed new ground disturbance will occur for this permit modification.

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>

Finally, the permit application indicates that land ownership in the permit area includes the United States Bureau of Land Management (BLM). Because of this, the BLM should be contacted regarding requirements for identification of cultural resources in areas that will be affected by proposed mining activities.

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
Staff Archaeologist



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
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11 September 2020

Carmen Rose, Reclamation Specialist
Mining and Minerals Division (MMD)
Mining Act Reclamation Program
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Permit Transfer and Reclamation Plan, Ray Claims No. 4 and 6 Mine, Modification 20-1, Stoneworld Company, Inc. Permit No. CI006MN; NMDGF No. NMERT-773.

Dear Ms. Rose,

In response to your letter dated 25 August 2020, the New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Stoneworld Company, Inc. (SCI) is requesting a revision to Permit No. CI006MN. The revision proposes to transfer the permit into a new company name, change the post mining land use to recreation, and modify the original reclamation plan scheduled for implementation in the fall of 2020. A site inspection was conducted on 2 September 2020 by staff from the Department and MMD.

The Department recommends that the fencing installed to exclude livestock from the Reclamation area be wildlife friendly, and is designed to incorporate smooth top and bottom wires. Please consult the NMDGF Fencing Guidelines for wildlife friendly fencing options at: (<http://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Livestock-Wildlife-Fence-Guidelines.pdf>).

The application submitted by Darling Geomatics does not address what type of vegetation success standard will be used to determine the final release of the reclamation site. This should be clearly stated in the application.

Recent blading and re-contouring were completed at an adjacent exploratory area that was already showing signs of significant erosion along its eastern slope and should be mitigated by SCI prior to seeding. The Department also recommends that seeding is done immediately after the earthwork is completed while the soil is still loose and friable, providing a better seed bed. Since the reclamation site is relatively small the Department recommends drill seeding over broadcast seeding to improve germination success rates.

The Departments concurs with the reclamation seed mix, but does recommend that SCI include at least two additional native wildflower species to enhance and improve pollinator habitat. Any alternate seeds used to substitute for primary plant species that are unavailable at the time of reclamation should also be native. Seed test results Should be 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.

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



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

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: September 14, 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, Minimal Impact - New Mine, Modification 20-1, Ray Claims No. 4 and No. 6 Mine, Stoneworld Company, Inc., Cibola County, New Mexico Mining Act Permit No. CI006MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on August 25, 2020 requesting NMED review and provide comments on the above-referenced MMD permitting action. The request is to review and provide comments on the Modification 20-1 application for the Ray Claims No. 4 and No. 6 Mine. Pursuant to the Mining Act this operation is permitted as a minimal impact - new mine. MMD requested comments on the workplan within 20 days of receipt in accordance with Section 19.10.3.304.H NMAC. NMED has the following comments.

Background

Stoneworld Company, Inc., (applicant) is proposing to transfer the permit into a new company name, change the Post-Mining Land Use (PMLU) to recreation, and modify the original reclamation plan for implementation this fall.

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

The MECS has no comments.

NMED Summary Comment

NMED finds that the changes proposed in the Modification 20-1 application will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above.

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

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



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Michelle Lujan Grisham
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James C. Kenney
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Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: August 31, 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, Ray Claims No. 4 and 6 Mine, Cibola County, New Mexico Mining Act Permit No. CI006MN

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

Stoneworld Company, Inc. (formerly International Stone), is proposing a modification to its permit for Ray Claims No. 4 and No. 6 Mine, located in Township 6N, Range 5W, Section 14, Cibola County, New Mexico. Stoneworld seeks to transfer the permit into a new company name (Stoneworld Company, Inc.), change the Post-Mining Land Use (PMLU) from "wildlife" to "recreation" (or a combination of the two), and modify the original reclamation plan. Stoneworld conducted mineral exploration and extraction activities on BLM lands, beginning in 2005.

Stoneworld will close out operations in 2020 and will perform reclamation by October 31, 2020 if possible, with BLM's approval of the requested amendment to the Plan of Operations and Reclamation Plan.

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. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). 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 modification, but ultimately defers to MMD on the Permittee request for modification of the existing reclamation plan and PMLU designation.

The applicant is expected to comply with all requirements of federal and state laws pertaining to air quality. 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.



Michelle Lujan Grisham
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NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: September 10, 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, Ray Claims No. 4 and 6 Mine, Cibola County, New Mexico Mining Act Permit No. CI006MN**

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department (NMED) has reviewed the Subject Request for Comments. The modification request, dated July 7, 2020, is to (1) change the company name associated with Permit No. CI006MN from International Stone to Stoneworld Company Inc., (2) change the Post Mining Land Use from wildlife to recreation or a combination of the two, and (3) amend the reclamation plan. Pursuant to §19.10.6.608.D.(3) New Mexico Administrative Code (NMAC), SWQB has prepared the following comments:

The Ray Claims are located within the 12-digit Hydrologic Unit Code 130202071007 named Rock Tank Canyon and are approximately 0.5 miles from an intermittent stream that is identified in the National Hydrography Dataset. From Google Earth, it appears that an ephemeral surface water feature may run directly adjacent to the mine which may connect to the main channel through a series of ravines and gullies. Ephemeral and intermittent streams within the State of New Mexico are subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and have designated uses that include livestock watering, wildlife habitat, primary contact, and marginal warmwater aquatic life.

SWQB recommends that the permittee consider installing rolling dips in place of water bars as a more effective technique for reducing erosion associated with dirt roads. Rolling dips may also require less maintenance and be safer for recreational users in comparison to water bars. More information is available at the US Forest Service's website for "Keeping water and soil healthy with sediment control": https://www.fs.fed.us/t-d/atv_trails_site/build/keeping-water-off-the-trail/rolling-dips.html.

SWQB reviewed the US Environmental Protection Agency's Enforcement and Compliance History database, available at <https://echo.epa.gov/>, on September 1, 2020 and was unable to confirm whether or not stormwater discharges from this facility are covered under the National Pollutant Discharge Elimination System (NPDES). Reclamation activities at the Ray Claims No. 4 and 6 Mine may qualify for coverage under Sector J Mineral Mining and Dressing of the NPDES 2020 Multi-Sector General Permit

(MSGP) for stormwater discharges, expected to be finalized in November 2020. Among other things, the MSGP requires that a Stormwater Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be designed, installed and maintained to prevent, to the extent practicable, pollutants in stormwater runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures, and permanent stormwater management measures be implemented post construction to minimize, in the long term, pollutants in stormwater runoff from entering these waters. Part 9 of the 2020 MSGP describes additional conditions applicable to specific states, including New Mexico specific requirements for inspections and stabilization. For additional information regarding the MSGP, contact:

EPA Region 6
1201 Elm St.
Dallas, Texas 75202
Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

or Jennifer Foote, NMED-SWQB, at (505) 946-8924.

For questions related to these comments, please contact Alan Klatt, SWQB, at 505-819-9623.