

From: [Roth, Daniela, EMNRD](#)
To: [Chisler, Clinton, EMNRD](#)
Subject: RE: Deming Jigging Site Permit No. LU001RE request for Comment Modification 18-1
Date: Thursday, September 10, 2020 3:34:01 PM

Dear Clint Chisler:

Thank you for providing me the opportunity to review and comment on the regular existing mine modification application for release ("Mod. 18-1"), Imerys/American Minerals; Deming Jigging Site, in Luna County, NM (Permit Tracking No. LU001RE). Based on the information provided, I do not anticipate any impacts to state listed endangered plants from the proposed modification and the release of all financial assurances associated with the mining operations.

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/>

From: Chisler, Clinton, EMNRD <Clinton.Chisler@state.nm.us>
Sent: Wednesday, September 9, 2020 10:08 AM
To: Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>
Subject: Deming Jigging Site Permit No. LU001RE request for Comment Modification 18-1

NMSFD,

Please see the attached request for comment letter for the Deming Jigging Site LU001RE. Thank you for your time.

Clint

CLINTON M. CHISLER
RECLAMATION SOIL SCIENTIST
MINING AND MINERALS DIVISION
MINING ACT RECLAMATION PROGRAM
WENDELL CHINO BUILDING 3RD FLOOR ROOM 363
1220 S. ST. FRANCIS DRIVE
SANTA FE, NM 87505
OFFICE/CELL: (505) 467-9589
CLINTON.CHISLER@STATE.NM.US

From: [Zemlick, Katie, OSE](#)
To: [Chisler, Clinton, EMNRD](#)
Cc: [Musharrafieh, Ghassan R., OSE](#); [Solis, Jose, OSE](#); [Larios, Susana, OSE](#)
Subject: Hydrology Review of MMD Deming Jigging, LU00RE Application
Date: Tuesday, September 15, 2020 1:31:16 PM

Dear Mr. Chisler,

On September 9, 2020, the Hydrology Bureau at the NM OSE received MMD request for review and comment for the applicant's request to change of PMLU from "Grazing and Wildlife" to "Industrial" and release of all financial assurance associated with mining operations under the NM Mining Act for MMD Permit LU001RE- Deming Jigging. NM OSE Hydrology has reviewed the information included in the Modification 18-1 Application for the Deming Jigging site release on the MMD website. The applicant does not anticipate or intend to encounter, consumptively use, or otherwise affect the availability of surface or ground water. Therefore, the Hydrology Bureau has no comments related to the change of PMLU or to the release of financial assurance.

If you have any questions regarding the above, please contact me.

Katie Zemlick, Ph.D.
Water Resources Professional II
NM OSE Hydrology Bureau



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 16, 2020

Clint Chisler,
Permit Lead – Permit LU001RE
Mining Act Reclamation Program (“MARF”)
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505

Re: HPD Log# 113707, Request for Review and Comment, Regular Existing Mine Modification Application for release (“Mod. 18-1”), Imerys/American Minerals; Deming Jigging Site, Luna Co., NM Permit Tracking No. LU001RE

Dear Mr. Chisler:

I am writing in response to your request for comment on the above referenced permit modification received at this office September 9, 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 modified permit area. There are also no known cemeteries or other burial grounds. Based on this information, this permit modification 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 land is leased from the City of Deming, and as such, this property is subject to regulations specified in the New Mexico Cultural Properties Protection Act (N.M. Stat. §§ 18-6A-1 through 6). As the mine permit area has never been archeologically surveyed and as a large archaeological site is located adjacent to the permit area, this office recommends that a cultural resources survey be conducted on undisturbed portions of mine property where proposed new ground disturbance will occur resulting from 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>

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



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
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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: October 15, 2020

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

Through: Anne Maurer, Mining Environmental Compliance Section

From: George Llewellyn, Mining Environmental Compliance Section
John Moeny, Surface Water Quality Bureau
Rhett Zyla, Air Quality Bureau

Subject: **NMED Comments, Modification 18-1, Deming Jigging Site, Imerys/American Minerals, Luna County, New Mexico Mining Act Permit No. LU001RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on September 9, 2020 requesting NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act this operation is permitted as a regular existing mine. MMD requested comments on the application within 30 days of receipt of the request for comments. NMED requested an extension for comments to be submitted by October 15, 2020. NMED has the following comments.

Background

Imerys/American Minerals (applicant) is requesting a change in Post-Mining Land Use (PMLU) from "Grazing and Wildlife" to "Industrial." In addition, the applicant is requesting release of all Financial Assurance (FA) associated with mining operations that fall under the NM Mining Act. The applicant also is requesting full release from the jurisdiction of the NM Mining Act.

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 previously inspected this facility numerous times. Recent inspections have indicated that the corrective actions conducted in 2018 are currently stable and effectively isolating the tailing material from the adjacent Mimbres River channel. Although the site is now stable, given the thin cover system and history of erosion issues the site will likely require future maintenance to ensure long-term stability. The applicant also is pursuing termination of Discharge Permit (DP) 1234. Any correspondence associated with this termination will be sent to MMD.

NMED Summary Comment

NMED finds that full release of this site under the NM Mining Act is commensurate with the request made to NMED to terminate DP-1234 and that the applicant has demonstrated compliance with the requirements in the Discharge Permit and met the applicable requirements of the NM Water Quality Control Commission Regulations under 20.6.2 NMAC.

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

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



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
Phone (505) 476-4300 Fax (505) 476-4375



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: September 24, 2020

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

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

RE: Request for Comments, Modification 18-1, Deming Jigging, Luna County, New Mexico Mining Act Permit No. LU001RE

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

Imerys/American Minerals Inc. (AMI) is requesting for its Deming Jigging Site, Permit No. LU001RE, a change of PMLU from "Grazing and Wildlife" to "Industrial", a release of all Financial Assurance, and full release from the jurisdiction of the New Mexico Mining Act. The site is fully-reclaimed and non-operational. The City of Deming owns the 20-acre site which was used by AMI for the processing of manganese ore.

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.

There are no air quality requirements for a PMLU designation change to "Industrial". No physical processes are involved.

Recommendation

A change in PMLU status has no effect on air quality issues. The AQB therefore defers to MMD on the Permittee request for modification of PMLU designation and complete release of Financial Assurance and New Mexico Mining Act jurisdiction.

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
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: September 28, 2020

To: Anne Mauer, Mining Act Team Leader
Mining Environmental Compliance Section
Ground Water Quality Bureau (GWQB)

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

Subject: **Request for Comments, Modification 18-1, Deming Jigging, Luna County, New Mexico Mining Act Permit No. LU001RE.**

On September 10, 2020, NMED received a request for comments regarding a modification to an existing, regular mine permit located within the city of Deming in Luna County.

Summary of Proposed Action

Imerys/American Minerals Inc ("Applicant") seeks to modify their mine permit to change the existing Post-Mining Land Use (PMLU) designation from Grazing to Industrial. In addition, the applicant requests release of all remaining financial assurance related to reclamation. Land ownership of the 20-acre property will remain with the City of Deming who may develop the site at some point in the future.

Relevant State and Federal Water Quality Regulations

The Mimbres River lies just adjacent to the jigging site on the eastern boundary but does not typically receive stormwater from the site due to earthen berms that prevents surface water movement beyond the reclaimed area. The Mimbres River in that area is subject to water quality standards described in 20.6.4.98 NMAC for intermittent waters to protect the following designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

Recommendations to protect Surface Water Quality

The corrective action to stabilize areas of fugitive manganese tailing material in 2018 has been largely successful with most areas showing good coverage of native plant species or armoring in the form of larger diameter cobble. Provided that the Industrial PMLU continues to adequately protect the facility from erosion and tailing exposure, the proposed permit modification is likely to have negligible impact on surface water quality. The SWQB recommends approval of the PMLU change and release of all remaining financial assurance.

GOVERNOR
Michelle Lujan Grisham



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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13 October 2020

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 Existing Mine Modification 18-1 Application, Imerys/American Minerals, Deming Jigging Site, Luna County, New Mexico, Permit No. LU001RE; NMDGF Project No. NMERT-791.*

Dear Mr. Chisler:

The New Mexico Department of Game and Fish (Department) has reviewed the 18-1 application modification submitted by Imerys/American Minerals (Imerys). Imerys is requesting a change in the Post Mine Land Use (PMLU) from "Grazing and Wildlife" to "Industrial", and the release of all financial assurance associated with mining operations. Imerys is also requesting full release from the jurisdiction of the New Mexico Mining Act. A site inspection was conducted on 7 October 2020 by staff from the Department, MMD, New Mexico Environment Department and Golder Associates, Inc.

Given the location of the Deming Jigging site and its minimal benefit to wildlife, the Department supports the proposal to change the PMLU from Grazing and Wildlife to Industrial. The Department also supports the city of Deming in considering the site for the construction of a solar energy array to help offset high electricity costs at the nearby County detention center and entertainment facility. The Department also has no issues with MMD granting the release of financial assurance for the site.

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) 270-6612 or ronald.kellermueller@state.nm.us.

Sincerely,

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

cc: USFWS NMES Field Office