

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Michelle Lujan Grisham  
Governor

Sarah Cottrell Propst  
Cabinet Secretary

Todd E. Leahy, JD, PhD  
Deputy Cabinet Secretary

Jerry Schoeppner, PG, Director  
Mining and Minerals Division



**Electronic Transmission**

April 19, 2021

Terry Jensen  
Gila Mining LLC  
201 W. Spruce St  
P.O. Box 444  
Deming, New Mexico 88030

**RE: Agency Review Comments and Request for Additional Information, Deming Alpha Mine New Minimal Impact Permit Application, Permit No. LU042MN – Luna County, New Mexico**

Dear Mr. Jensen,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package (“PAP”), for a minimal impact new mining operation permit, submitted by Gila Mining LLC (“Gila Mining”), under Subpart 3 of the New Mexico Mining Act Rules (“Rules”). MMD has also received agency comments on the February 12, 2021 submittal from Gila Mining.

Enclosed with this letter are the reviewing agency comment letters submitted by the following state agencies: the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Office of the State Engineer (“NMOSE”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), and New Mexico State Forestry Division (“NMSFD”).

In addition to State agencies, the Ysleta del Sur Pueblo, White Mountain Apache Tribe, and the Hopi Cultural Preservation Office have commented on the Permit No. LU042MN PAP. Please take the tribal comments into consideration during this process. Additionally, please find general comments from MMD based on review of this application. Attached to this letter are all comments from State and Tribal agencies.

**General Comments:**

MMD has reviewed the PAP and deemed it administratively complete, pursuant to §19.10.3.302 G NMAC, in a letter to Gila Mining dated March 8, 2021. However, MMD has reviewed the PAP and has found it to be *technically incomplete* pending receipt of acceptable supplemental

April 19, 2021

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information identified in this letter. **Please respond no later than 30 days of receipt of this letter, to the information requested.**

MMD has conducted a review of and has the following comments to be addressed in writing:

1. Section 6 states “No fuel, oil, hydraulic fluid, lubricants and other petrochemicals will be stored on GM’s permitted area.” During an inspection of the property on June 9, 2020 there was a diesel storage tank near the area designated on Figure 2 as the Tailings Container Loading Area. This diesel storage tank will need be moved so it will not fall within the proposed permit area.
2. Section 8.A.1 has described the excavation blocks as being both ~0.4 acres and ~0.6 acres. Please clarify the size of the excavation blocks.

**NMED Mining Environmental Compliance Section, Ground Water Quality Bureau Comments (“MECS”)**

Please review the comment letter received by NMED MECS Ground Water Quality and respond to the following concerns.

**NMED Surface Water Quality Bureau Comments:**

Please review the comment letter received by NMED Surface Water Quality Bureau and respond to the following concerns.

**NMED Air Quality Bureau Comments:**

Please review the comment letter received by NMED Air Quality Bureau and respond to the following concerns.

**NMDG&F Comments:**

Please review the comment letter received by NMDG&F and respond to the following concerns.

**NMOSE Comments:**

Please review the comment letter received by NMOSE and respond to the following concerns.

**NMDCA/HPD Comments:**

Please review the comment letter received by NMDCA/HPD and respond to the following concerns.

**NMSFD Comments:**

Please review the comment letter received by NMSFD and respond to the following concerns.

**Ysleta del Sur Pueblo Comments:**

**Agency Review Comments and Request for Additional Information, Deming Alpha Mine New Minimal Impact Permit Application, Permit No. LU042MN – Luna County, New Mexico**

April 19, 2021

Page 3 of 3

Please review the comment letter received by the Ysleta del Sure Pueblo and respond to the following concerns.

**White Mountain Apache Tribe Comments:**

Please review the comment letter received by the White Mountain Apache Tribe and respond to the following concerns.

**Hopi Cultural Preservation Office Comments:**

Please review the comment letter received by the Hopi Cultural Preservation Office and respond to the following concerns.

Should you have any questions, comments, would like to schedule a meeting, or require additional information concerning this letter, please contact me at (505) 470-5354, or via email at: [jennifere.johnson@state.nm.us](mailto:jennifere.johnson@state.nm.us).

Sincerely,



Jenn Johnson, Permit Lead  
Mining Act Reclamation Program (“MARP”)

**Enclosures:**

March 29, 2021, Letter to MMD from NMED  
March 31, 2021 Letter to MMD from NMDGF  
April 2, 2021 Letter to MMD from NMOSE  
March 15, 2021 Letter to MMD from NMDCA/HPD  
March 9, 2021 Letter to MMD from NMSFD  
March 16, 2021 Letter to MMD from the Ysleta del Sur Pueblo  
April 1, 2021 Letter to MMD from White Mountain Apache Tribe  
March 26, 2021 Letter to MMD from the Hopi Cultural Preservation Office

**Cc w/o enclosures:**

Holland Shepherd, Program Manager, MARP/MMD  
Mine File (LU042MN)



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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Phone (505) 827-2900 Fax (505) 827-2965

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**MEMORANDUM**

Date: March 29, 2021

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  
Sufi Mustafa, Air Quality Bureau

Subject: **NMED Comments, New Minimal Impact Mining Operation, Deming Alpha Mine, Luna County, New Mexico Mining Act Permit No. LU042MN**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on March 8, 2021 requesting NMED review and provide comments on the above-referenced MMD permitting action. MMD requested comments on the new minimal impact mining operation application within 20 days of receipt of the request. NMED has the following comments.

**Background**

Gila Mining, LLC (applicant) requests to excavate tailing located within the Peru Hill Mill tailing impoundment for off-site processing. The applicant is proposing to excavate the tailing, load the material into containers or rail cars, and transport this material to an off-site location for processing. The Peru Hill Mill site is currently under the Voluntary Remediation Program and was reclaimed in accordance with a closure/reclamation plan that was approved by the State of New Mexico – Voluntary Remediation Program.

According to site history provided in the September 2001, *Integrated Assessment Report, Peru Hill Mill Site, CERCLIS ID NMD097119986, Luna County*, the Peru Mining Company, constructed Peru Hill Mill, a selective flotation mill, and operated it from 1928 to 1967. The mill treated ores originating from four mines located near Hanover, New Mexico: Hanover, Pewabic, Kearney, and Copper Flat. Sedimentary rocks (limestone, sandstone, and shale) in the vicinity of

Hanover were subjected to thermal metamorphism in Mesozoic time which resulted in large replacement sulfide and iron-oxide ore bodies. The ores from the Hanover and Pewabic mines, which were processed at the Peru Hill Mill, were primarily lead-free zinc sulfide (sphalerite). Later ores derived from the Kearney and Copper Flat mines were primarily zinc sulfide with some lead

### **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)**

MECS has the following comments:

- 1. Section 7, Part A** requires the total dissolved solids (TDS) concentration in groundwater to be reported at the site. The applicant does not provide a total dissolved solids (TDS) concentration in mg/L, but reports a Specific Conductivity in  $\mu\text{S}/\text{cm}$ . Please provide the TDS if available.
- 2. Section 8, Part A.1** states *“the engineered soil cover material currently on the impoundments will be systematically salvaged (first the gravel, then the compacted soil) and stockpiled separately for later reclamation purposes.”* Discriminating between the cover system and tailing may be difficult. It is likely the two materials will be comingled where they interface. Please provide a materials handling plan that will be used to ensure that no tailing is comingled with the cover material.
- 3. Section 8, Part A.1** states that *“before starting any excavation event(s), GM will consult weather forecasting so there will be a minimum of a 48-hour window of no precipitation predicted. The highest precipitation events occur during New Mexico’s summer “monsoons” while the remaining months (November through May) average less than 0.5 inches per month in southern New Mexico”*. While rainfall between November and May is associated with regional storm systems and may be more predictable, the monsoon rainfall during the summer months is difficult to forecast. Besides producing intense rain events, the summer monsoons also produce high winds, and high wind events can occur at any time of year. The applicant indicates that berms will be constructed to contain stormwater and wind-blown tailing during excavation, but there are no other stormwater management strategies discussed that will protect the exposed tailing during a precipitation event. Please include a discussion of how exposed tailing will be

managed in the event of a precipitation or high wind event (i.e., temporarily covered or other method).

4. **Section 8, Part A.1** states *“small retention ponds will be constructed at the bottom of exposed tailing blocks to capture any tailing sediment that may migrate during precipitation events. These retention ponds will be excavated into native soil and will be inspected regularly.”* All stormwater retention pond(s) will need to be synthetically lined to prevent any discharges to groundwater or surface water and sized appropriately to ensure no overtopping and surface discharges. Please provide a plan for periodically removing any solids accumulated in the pond during operations and at closure.
5. **Section 8, Part A.1** states *“excavation activities will be entered from the west side of the stockpile so surface damage such as rutting will not occur.”* It is unclear to MECS why entering the tailing impoundment from the west side exclusively would eliminate surface damage. Please provide additional discussion on site access.
6. **Section 8, Part A.1** states *“GM commits to cessation of operations during heavy rain and high-wind events.”* The applicant must specifically define the high rain and high-wind thresholds that would trigger cessation of operations.
7. **Section 8, Part A.2** states *“GM will initially excavate and load the tailings into 40’ sea containers for transport. As our system evolves, GM will load tailings directly into rail cars at the new rail spur immediately east of the Peru Hill Mill gate.”* Please explain if the new rail spur is within the permitted boundary.
8. **Section 8, Part A.2** states *“the tailings will be dumped into a single deck vibrating screen which load a hopper. From the April 2020 sampling event, it was learned from the 160 samples the tailing grain is universally less than 1.0 mm. The vibrating screen purpose is to capture errant cover material that may have accidentally been mixed with the tailings. The material captured by the screen is neither a tailing nor a waste. The captured cover material will be transported to the cover stockpile for reuse when the engineered cover is returned to the excavation area.”* Commingled tailing and cover material cannot be used as part of the cover system. It is unclear how screening will effectively segregate tailing and cover materials, nor is it clear what size screen will be used. Please provide a materials handling plan (see Comment No. 2 above) that ensures that tailing will not be commingled with cover. If tailing is commingled with cover, this material will need to be disposed of in a manner that is protective of the environment. Please include a discussion of how commingled material will be handled and disposed of in a manner that is protective of groundwater and surface water.
9. **Section 8, Part A.3** states *“all equipment working within the excavation and loading areas will be washed before leaving the site”.* Please describe how truck wash water and sediment from truck washing that likely contains tailing will be managed. Also,

please discuss where equipment used to excavate and transport tailing will be maintained during non-working hours to ensure no tailing material is tracked outside of the footprint of the exposed tailing area.

**10. Section 9, Part I** states *“the seed will be broadcast to preserve the furrows to maximize seed and moisture retention”*. Please address if any of the seed will be drilled and if the mulch will be crimped in place.

### **NMED Summary Comment**

Additional information is needed for NMED to evaluate whether the mining and reclamation plan as proposed will be protective of the environment. NMED will provide a determination to MMD when the applicant has demonstrated that the water management proposed in the application will be protective of the environment if done in accordance with the approved permits, pollution controls, and any other necessary requirements.

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

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



**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: March 25, 2021

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, New Minimal Impact Mining Operation, Deming Alpha Mine, Luna County, New Mexico Mining Act Permit No. LU042MN.**

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On March 8, 2021, NMED received a request for comments regarding a new minimal impact mine located north of Deming on lands owned by the City of Deming.

#### *Summary of Proposed Action*

Gila Mining ("Applicant") proposes to mine the reclaimed Peru Mill tailings pile for magnetite, silicates and other marketable commodities. Mining operations will consist of stripping and stockpiling the existing tailings cap, excavating the tailings and hauling them to an adjacent loading facility for transport off-site. Initially excavated material will be loaded into sea containers, but rail cars may be used at some point in the future. The entire tailings pile will be mined down until native soil is reached and then reclamation will proceed by replacing the stockpiled cap material and reseeding with an approved seed mix.

#### *Relevant State and Federal Water Quality Regulations*

The SWQB submitted comments in June 2020 for a prior mining permit (tracking number LU040MN) by the Applicant to both excavate and process the tailings material on-site. At that time, SWQB advised the applicant to contact the EPA regarding whether the project area required NPDES permitting under the federal Clean Water Act. In August 2020, the applicant received notification that the EPA does not require a NPDES Multi Sector General Permit for the planned operations (see attached letter).



The Mimbres River is the nearest Surface Water of the State, lying approximately 2,000 feet west of the site. That reach of the Mimbres River 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 SWQB recommends developing a Stormwater Protection Plan (SWPP) to prevent off-site migration of tailings, or impacted stormwater.

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.
- 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).

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



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**James C. Kenney**  
Cabinet Secretary

**Howie C. Morales**  
Lt. Governor

**Jennifer J. Pruett**  
Deputy Secretary

**MEMORANDUM**

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DATE: March 25, 2021

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

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau

RE: Request for Review and Comment, Deming Alpha Mine, New Minimal Impact Mining Operation, Luna County, New Mexico Mining Act Permit No. LU042MN

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 no previous record of this operation.

**Details**

Gila Mining, LLC proposes to surface mine magnetite, silicates and other minerals in Luna county. The project will involve crating pits or quarries, stockpiles and road construction. Total disturbed area is expected to be less than 9.8 acres.

**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.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other Particulate Control*: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

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.”

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:

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 this request for mining.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505.476.4318.



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

## STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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### STATE GAME COMMISSION

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Mayhill  
TIRZIO J. LOPEZ  
Cebolla  
DAVID SOULES  
Las Cruces  
ROBERTA SALAZAR-HENRY  
Las Cruces

31 March 2021

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

**RE: New Minimal Impact Mining Operation Permit Application, Deming Alpha Mine, Luna County, New Mexico, Permit No. LU040MN; NMDGF Project No. NMERT-1073.**

Dear Ms. Johnson,

The New Mexico Department of Game and Fish (Department) has reviewed the proposed new minimal impact mining project referenced above. Gila Mining, LLC (Gila) is proposing to mine and reprocess the reclaimed Peru Mill tailings. The Department provides the following comments;

Several active banner-tailed kangaroo rat (*Dipodomys spectabilis*) burrow complexes had been observed within the mill tailings reclamation area during a previous site inspection. The Department reiterates comments from a letter submitted to MMD on 16 September 2019, that Gila trap and relocate kangaroo rats into appropriate undisturbed habitat prior to mining activities that will result in the destruction of occupied burrow complexes.

The permit application does not address how Gila will mitigate and control the spread of noxious weeds within the permit area. The invasive noxious weed African rue (*Peganum harmala*) has been observed within the project area and on the mill tailings reclamation site. African rue thrives on disturbed sites and along road sides. It is extremely drought-tolerant and will undergo rapid vegetative growth when soil moisture is available. African rue is extremely toxic to horses, sheep, cattle and humans, containing at least four types of poisonous alkaloids. In order to help control its spread, the Department recommends that any vehicles and equipment arriving on site be thoroughly cleaned of all visible dirt and mud in a manner that will help contain and control the potential spread of weed seeds. The operator should also initiate a weed monitoring program that includes a commitment to aggressive control of African rue, and any other noxious weeds identified on the site.

The reclamation seed mix does not include any native cool season grasses. The Department recommends that Gila include the cool season grasses; bottlebrush squirreltail (*Elymus elymoides*) and western wheatgrass (*Agropyron smithii*) to the seed mix. The Department also recommends that the seed mix and mulch be certified weed-free, and that seed test results are requested from the vendor to avoid inadvertently introducing non-native species to the reclamation site. Any alternate seeds used to substitute for primary plant species that are unavailable at the time of reclamation should also be

native. When possible, seeds that are sourced from the same region and habitat type as the reclamation site should also be used.

Thank you for the opportunity to review and comment on the proposed mine permit application. If you have any questions, please contact Ron Kellermueller Mining and Energy Habitat Specialist, at (505) 476-8159 or [ronald.kellermueller@state.nm.us](mailto:ronald.kellermueller@state.nm.us).

Sincerely,

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

cc: USFWS NMES Field Office

**From:** [Zemlick, Katie, OSE](#)  
**To:** [Johnson, Jennifer E, EMNRD](#)  
**Cc:** [Musharrafieh, Ghassan R., OSE](#); [Shepherd, Holland, EMNRD](#)  
**Subject:** Review and Comment, Minimal Impact Exploration Permit Application, Deming Alpha Mine/Gila Mining LLC, Luna County, NM Permit No. LU042MN  
**Date:** Friday, April 2, 2021 3:48:57 PM

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Dear Ms. Johnson,

On March 8, 2021, New Mexico Office of the State Engineer Hydrology Bureau received a request for comments from Mining and Minerals Division (MMD) regarding the New Minimal Impact Exploration Permit Application, Deming Alpha Mine, Gila Mining LLC, Luna County, NM, Permit No. LU042MN. The project intends to excavate surface tailings for magnetite, silicates and marketable commodities from 1.15 acres in Section 18, Township 23 South Range 9 West. The applicant does not anticipate or intend to encounter, consumptively use, or otherwise affect the availability of surface or ground water. The applicant should contact the District III Office immediately if groundwater is encountered.

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

Katie Zemlick, PhD  
Hydrology Bureau  
New Mexico Office of the State Engineer  
katie.zemlick@state.nm.us  
c: 505-577-4203



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

March 15, 2021

Jenn Johnson  
Permit Lead, Mining Act Reclamation Program  
Mining and Minerals Division  
1220 South Saint Francis Drive  
Santa Fe, NM 87505

Re: HPD Log# 114747, New Minimal Impact Mining Operation Permit Application, Deming Alpha Mine,  
Luna County, New Mexico, Permit No. LU042MN

Dear Ms. Johnson:

I am writing in response to your request for comment on the above referenced exploration permit application received at this office March 8, 2021

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 proposed Project 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. The Deming Alpha Mine, formally named the Peru Mill Mine, however, is an historic property that is eligible for listing on the National Register of Historic Places, if significant archaeological materials are encountered (i.e., historic glass, metal, and ceramic fragments, darkly stained sediment etc.), during ground disturbance for permit activities, such excavations should be stopped and our office contacted. Care should also be taken to not adversely impact the historic water tower at the site.

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](mailto:richard.reycraft@state.nm.us)

Sincerely,

*Richard Reycraft*

Richard. Reycraft



HPD Staff Archaeologist

**From:** [Roth, Daniela, EMNRD](#)  
**To:** [Johnson, Jennifer E, EMNRD](#)  
**Subject:** RE: New Minimal Impact Mining Operation Permit Application, Deming Alpha Mine  
**Date:** Tuesday, March 9, 2021 9:26:08 AM

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Dear Jennifer Johnson:

Thank you for giving me the opportunity to review and comment on the New Minimal Impact Mining Operation Permit Application, Deming Alpha Mine, in Luna County, New Mexico, (Permit No. LU042MN). Based on the information provided, the mining operation may occur in the habitat of the NM State Endangered night-blooming cereus (*Peniocereus greggii* var. *greggii*), if there are any previously undisturbed areas in the project area that may be impacted. I highly recommend surveys to determine whether habitat is present for this endangered plant and if so, perform surveys to determine whether the species is present in the project area. If plants are found mitigation should be put in place to avoid impacts to plants during mining activities.

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  
505-372-8494 (cell)  
<http://www.emnrd.state.nm.us/SFD/>

**From:** [Omar Villanueva](#)  
**To:** [Johnson, Jennifer E, EMNRD](#)  
**Subject:** [EXT] Request for Comments on Minimal Impact New Mining Operation Application, Deming Alpha Mine, Luna County, New Mexico, Permit No. LU042MN  
**Date:** Tuesday, March 16, 2021 10:29:50 AM  
**Attachments:** [image001.png](#)

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Dear Jenn,

This e-mail is in response to the correspondence in which you provide Ysleta del Sur Pueblo the opportunity to comment on the proposed Minimal Impact New Mining Operation Application, Deming Alpha Mine, Luna County, New Mexico, Permit No. LU042MN, in which an archaeological survey of the proposed mine site is not required since the project occurs on private property.

Therefore the Ysleta del Sur Pueblo wishes not to comment on this matter and we thank you for giving us the opportunity.

Sincerely,

*Omar Villanueva*  
*Tribal Council Assistant*  
*Ysleta del Sur Pueblo*  
*(915) 342-2557*  
*[ovillanueva@ydsp-nsn.gov](mailto:ovillanueva@ydsp-nsn.gov)*





# White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

**To:** Jerry Schoeppner, Director Mining and Minerals Division New Mexico

**Date:** April 01, 2021

**Re:** *Deming Alpha Mine, Luna County, New Mexico Permit No. LU042MN*  
*Turquoise Mountain Project, Grant County, New Mexico, Permit No. GR087EM*  
*Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM*  
*Magdalena Tailings Repurposing Exploration Project, Socorro County, NM Permit No. SO023EM*

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The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; March 2021. In regards to this, please attend to the following statement below.

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above four (4) proposed projects by the New Mexico Energy, Minerals and Natural Resources Department

Please be advised, we reviewed the consultation letter and the information provided, and we've determined that the four (4) proposed projects will ***"Not have an Adverse Effect"*** on the tribe's cultural heritage resources and/or traditional cultural properties.

Thank you for your continued collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

*Mark T. Altaha*

White Mountain Apache Tribe – THPO  
Historic Preservation Office

State of New Mexico  
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham  
Governor

Sarah Cottrell Propst  
Cabinet Secretary

Todd Leahy, JD, Ph.D.  
Deputy Cabinet Secretary

Jerry Schoeppner, PG, Director  
Mining and Minerals Division



*Rec'd  
3/18/21  
CPO*

March 9, 2021

Director ~~Leigh Kuwanwisiwma~~  
Hopi Cultural Preservation Office  
P.O. Box 123  
Kykotsmovi, AZ 86039

*Stewart B. Kayyuuwteewa  
Program Manager P T&O*

**Re: Request for Comments on Minimal Impact New Mining Operation Application, Deming Alpha Mine, Luna County, New Mexico, Permit No. LU042MN**

Dear Director ~~Kuwanwisiwma~~,

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals, and Natural Resources Department has received an application from Gila Mining LLC to begin minimal impact mining under 19.10.3.304 NMAC of the New Mexico Mining Act (NMSA 1978, §69-36-1 et seq.). The proposed project is located in Luna County and will involve the excavation and screening of the existing tailings piles. The applicant anticipates disturbing up to approximately 10 acres associated with mining activities.

“Minimal impact new mining” means disturbance will not exceed a total of 10 acres at one time, which therefore limits impact to the environment. Please see the attached map of the project vicinity and the proposed permit area. The application received by MMD can be viewed in its entirety by visiting the MMD website at [http://www.emnrd.state.nm.us/MMD/MARP/AlphaMine\\_LU042MN.html](http://www.emnrd.state.nm.us/MMD/MARP/AlphaMine_LU042MN.html).

An archaeological survey of the proposed mine site is not required since the project occurs on private property. Please provide comments to MMD by April 6, 2021. Please contact me at (505) 467-9671, or Jenn Johnson of my staff at 505-470-5354 or [jennifere.johnson@state.nm.us](mailto:jennifere.johnson@state.nm.us) with any questions or if you wish to meet to discuss the application.

Sincerely,

Jerry Schoeppner, Director  
Mining and Minerals Division

Enclosure (Project Vicinity Map)

cc: Holland Shepherd, MARP Program Manager  
Mine File (LU042MN)



*Previously disturbed*

*Managed for  
Kayyuuwteewa*

*3-26-21*