

**From:** [Roth, Daniela, EMNRD](#)  
**To:** [Chisler, Clinton, EMNRD](#)  
**Subject:** RE: Cline's Mine Exploration Project, Permit No. ED010EM request for comment  
**Date:** Monday, June 21, 2021 3:18:37 PM

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Dear Clint Chisler:

Thank you for providing me with the opportunity to review and comment on the Cline's Mine Exploration Project in Eddy County, NM (Permit No. ED010EM). This project is located within the Guadalupe Ridge Important Plant Area. This area is known to be a hotspot for rare and endangered plants in New Mexico and is home to 19 rare or endangered plant species, including 2 federally and state listed endangered or threatened species, *Escobaria sneedii* var. *leei* (Lee's pincushion cactus) and *Escobaria sneedii* var. *sneedii* (Sneed's pincushion cactus) and the state listed endangered *Hexalectris nitida* (shining coralroot). More information on these rare plants can be found at <https://nmrareplants.unm.edu/>. More information on the Important Plant Areas of New Mexico can be found at

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

I highly recommend surveys for the listed threatened or endangered plant species prior to any ground disturbing activities, during the appropriate time of year to maximize detection. If any plants are found they should be avoided to the highest extent possible. If avoidance is not possible the USFWS needs to be consulted on the potential impacts of the projects to the 2 federally listed cacti and appropriate mitigation measures need to be developed.

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

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/>



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

June 23, 2021

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

Re: HPD Log# 115357, Cline's Mine Exploration Project, Permit No. ED010EM request for comment

Dear Mr. Chisler:

I am writing in response to your request for review and comment on the above referenced Mine Exploration Project received at this office June 15, 2021.

According to our database, the project area has been surveyed for cultural resources and there are no historic properties present. There are also no known cemeteries or other burial grounds. Based on this information, this permit will have no adverse impacts to cultural resources eligible for, or listed on, the National Register of Historic Places or the State Register of Cultural Properties.

Finally, the permit application indicates that land ownership in the proposed permit area includes the United States Forest Service (USFS), the USFS should be contacted regarding their 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](mailto:richard.reycraft@state.nm.us)

Sincerely,

*Richard Reycraft*

Richard. Reycraft  
Staff Archaeologist

**MEMORANDUM**  
**OFFICE OF THE STATE ENGINEER**  
***Hydrology Bureau***

DATE: June 29, 2021

TO: Clint Chisler, Permit Lead - Permit ED010EM, Mining Act Reclamation Program (“MARP”)/MMD  
Holland Shepherd, Program Manager, MARP/MMD

THROUGH: Ghassan Musharrafiieh, Ph.D., P.E., Hydrology Bureau Chief *JRM*

FROM: Kamran Syed, Ph.D., P.E., Water Resources Engineer, Hydrology Bureau *KHS*

SUBJECT: Hydrology Review and Comments - Minimal Impact Exploration Operation Permit Application, Cline’s Mine Exploration Project, Eddy County, NM, Permit Tracking No. ED010EM

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**I. Introduction and Conclusions**

On June 14, 2021, the Mining and Mineral Division (MMD) of the State of New Mexico Energy, Minerals and Natural Resources Department (EMNRD) requested the New Mexico Office of the State Engineer (NMOSE), Hydrology Bureau to review and comment on the MMD ED010EM Part 3 Minimal Impact Exploration Operation Permit Application. The application is submitted by Mr. Robert Cline for his Cline’s Mine Exploration Project (“Project”) for a minimal impact exploration. The Project is located approximately 8 miles south of Queen, NM off Forest Rd 201 in Eddy County New Mexico. The Project consists of air drilling and evaluation of 6 boreholes. Each borehole will be 3-inch diameter, drilled to a depth of 120 feet, exploring for gold, copper, and iron. The boreholes will be drilled at 6 drill sites which are relatively close to each other. The maximum distance between any two boreholes is approximately 20 feet. Each borehole will require a drill pad measuring 50 feet x 20 feet in size. The total disturbed area due to drill pads will be approximately 0.1 acres. The locations of the proposed boreholes are within Sections 1 of Township 26 South, Range 21 East. The ground surface elevation at the location of the proposed boreholes is approximately 6735 feet above mean sea level (amsl).

**Comment Summary**

1. Groundwater

- a. Based on the proposed borehole depths, it is unlikely that groundwater will be encountered. If that is, in fact, the case, MMD regulations (19.10.3 NMAC) will prevail, and NMOSE regulations (19.27.4 NMAC) would not apply.
- b. In the unlikely event that groundwater is encountered, the decommissioning of the borings would require additional administrative filings with the NMOSE through our District 2 Roswell Office.
- c. The NMOSE forms WR-07 (Application for permit to drill a well with no consumptive use of water) and WD-08 (Well plugging plan of operations) have not been filed with the District Office of the State Engineer because the applicant does not anticipate encountering groundwater. We agree that groundwater is not likely to be encountered and, therefore, filing of these forms is not necessary at this time. However, if drilling does encounter groundwater, the above-mentioned forms should be filed with the NMOSE.

## 2. Borehole Abandonment

- a. It is unlikely that groundwater would be encountered. Therefore, MMD regulations for plugging (Subsection L of 19.10.302 NMAC) will likely prevail over NMOSE regulations for plugging (Subsection C of 19.27.4.30 NMAC)
- b. If water is encountered (an unlikely scenario), NMOSE well plugging regulations (Subsection C of 19.27.4.30 NMAC for non-artesian conditions; Subsection K of 19.27.4.31 NMAC for artesian conditions) should be followed.

## **II. Surface water**

Data from NMOSE Geographic Information System database were used to locate surface water bodies in the vicinity of the proposed drill sites. The project site is approximately 1 mile northeast of the headwaters of Black River. Records from the NMOSE NMWRRS database show that several surface water diversions exist within close proximity of the proposed boreholes. The closest surface water diversion to the proposed borings is SP-02338, located approximately half mile southeast of the proposed exploration boring site.

The area of disturbance is small (0.1 acres). Therefore, the applicant does not expect to encounter surface water bodies. However, if actual site conditions show evidence of local drainages or streams, it is recommended to avoid drilling in or within 100 feet of any surface water bodies. Subsection F of Section 6-*Groundwater/Surface Water Information* (page 16) of the MMD's "Part 3 Minimal Impact Exploration Operation PERMIT APPLICATION INSTRUCTIONS" (2012), suggests that drilling in or near water courses even if it is dry for most of the year is not preferred and will likely result in some drilling restrictions by the MMD. NMOSE regulation 19.27.4.29.P.(2) NMAC notes that drilling fluids and cuttings shall not be allowed to migrate or

be discharged off property under the control of the well owner, and that no drilling fluid or cuttings be discharged into any waters of the State.

### **III. Groundwater**

Using the New Mexico Water Right Reporting System (NMWRRS), 2 wells (and several surface water diversions) were identified within approximately 4 miles of the proposed project area. One of those wells (C-02318) has well depth and depth to water (DTW) information. The total depth of well is 886 feet and DTW at the time of construction was 830 feet below ground surface (bgs). As stated above, the ground surface elevation at the site of proposed boreholes is approximately 6735 feet amsl. The ground surface elevation of well C-02318 is approximately 6710 feet amsl (25 feet lower than the drill site). Based on DTW at C-02318, it can be estimated that the DTW at the boring site would be approximately 855 feet bgs (830 plus 25 feet). The project boreholes are proposed to be drilled to a maximum depth of 120 feet. Therefore, it seems unlikely that the proposed boreholes will encounter groundwater.

Details of groundwater points of diversion in the vicinity of the proposed boreholes are provided in the following table.

<b>NMOSE POD Number</b>	<b>UTM Easting, m</b>	<b>UTM Northing, m</b>	<b>Approximate distance from borings site, feet</b>	<b>Depth of Well, feet</b>	<b>Depth To Water, feet</b>
C 02318	519164	3547455	15000	886	830

Since it is unlikely that groundwater will be encountered, the NMOSE requirements for the drilling and plugging of the proposed boreholes should not be required. However, if groundwater is encountered, *Application for Permit to Drill a Well with No Water Right* (NMOSE Form *WR-07*) for the proposed boreholes (that encounter water) would be required (The NMOSE District 2 Office may require additional filings such as an *Artesian Well Plan of Operations* if artesian conditions are encountered). The NMOSE regulation 19.27.4 also requires among other things, that the borehole be drilled by a New Mexico-licensed well driller.

### **IV. Exploratory borehole abandonment**

MMD regulations (19.10.3 NMAC) prevail over those of NMOSE (19.27.4 NMAC) if groundwater is *not* encountered during exploratory drilling (this scenario is highly likely for the proposed borehole depth of 120 feet, as stated earlier). For exploratory borings that do not encounter a water-bearing stratum, MMD plugging regulation Subsection L of NMAC 19.10.3.302 addresses MMD-preferred plugging alternatives. In the event that drilling does

encounter groundwater, pluggings should be according to either a pre-approved “*plugging conditions*” attached to the NMOSE drilling permits or can be separately conditioned by a *Well Plugging Plan of Operations*, as dictated by NMOSE Water Rights District 2 (Roswell Office). Additional details regarding well plugging requirements under 19.27.4 NMAC are included in the attached document (“General Concerns Related to NMOSE Regulation of Exploratory Borehole Drilling Encountering Groundwater and Associated Plugging of those Borings”).

In the permit application, option 1 for abandonment of dry boreholes is selected. Dry boreholes will be decommissioned with 100% bentonite pellets/chips dropped from surface and then hydrated in place according to the manufacturer’s recommendations, emplaced from the total depth to within 12 feet of the original ground surface, followed by 10 feet of neat cement, followed by 2 feet of topsoil/topdressing. NMOSE regulation (19.27.4 NMAC) addresses requirements for well’s decommissioning and should be met if applicable. If the borehole is not flowing, a high-solids bentonite grout is an acceptable sealant **IF** water chemistry does not preclude its use – Chloride concentration in excess of 1500 mg/l or total hardness in excess of 500 mg/l are derogatory to bentonite sealant use, and bentonite sealant should not be used in this case. Refer to the NMOSE guidelines for well construction and plugging:

<https://www.ose.state.nm.us/Statewide/Guidelines/SealantTableSigned.pdf>, as well.

## **V. References**

Mining and Minerals Division, 2011, Guidance Document for Part 3 Permitting Under the New Mexico Mining Act. Energy, Minerals and Natural Resources Department, Mining Act Reclamation Program October 2011.

[http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part\\_3\\_Guidelines\\_October2011\\_.pdf](http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part_3_Guidelines_October2011_.pdf)

Mining and Minerals Division, 2012, Part 3 Minimal Impact Exploration Operation: PERMIT APPLICATION INSTRUCTIONS. Energy, Minerals and Natural Resources Department. [http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part3\\_ExplorationApplication\\_Instructions\\_Feb2012.pdf](http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part3_ExplorationApplication_Instructions_Feb2012.pdf)

New Mexico Office of the State Engineer and New Mexico State Engineer and Interstate Stream Commission. New Mexico Water Rights Reporting System (NMWRRS). URL: <http://nmwrrs.ose.state.nm.us/nmwrrs/index.html>

## General Concerns Related to NMOSE Regulation of Exploratory Borehole Drilling Encountering Groundwater and Associated Plugging of those Borings

Well drilling activities (including mineral exploration borehole drilling (“mine drill holes”) that penetrate a water-bearing stratum) and well plugging, are regulated in part under 19.27.4 NMAC (New Mexico Administrative Code). Most recently promulgated in 6/30/2017, these regulations require any person engaged in the business of well drilling within New Mexico to obtain a Well Driller License issued by the NMOSE (New Mexico Office of the State Engineer). Therefore, a New Mexico licensed Well Driller shall perform the drilling and plugging of exploratory boreholes that encounter groundwater.

Exploration drilling where any form of groundwater is encountered will be subject to pertinent sections of 19.27.4 NMAC, including but not limited to Sections 19.27.4.30.C NMAC for plugging and abandonment of non artesian wells / borings; 19.27.4.31 NMAC for artesian wells / borings; and 19.27.4.36 NMAC for mine drill holes that encounter water. A complete version of the NMOSE 19.27.4 NMAC regulations can be found on the NMOSE website at:

<http://164.64.110.134/parts/title19/19.027.0004.html> . The Mining and Mineral Division (MMD) will likely place additional conditions on the drilling and plugging of all mineral exploration borings via the MMD project permit.

All onsite drilling and plugging activities where groundwater is encountered shall be conducted under the supervision of the New Mexico-licensed Well Driller or a NMOSE-registered Drill Rig Supervisor under the direction of the licensed Well Driller.

Additional NMOSE filings will be required where it is requested that an exploratory borehole be converted to a water well. The well design and construction shall be subject to the provisions of 19.27.4 NMAC Regulations. Appropriation of water from such a conversion may require a water right. **The MMD may disallow the conversions of exploratory borings to water wells if not permitted specifically in the MMD permit.**

### **Use/extraction of Temporary Casing**

When drilling through overburden or caving, poorly-consolidated, or karst geologic units, use of temporary casing may be desired. Any temporary casing should be installed with the full intention of its removal before borehole plugging, therefore temporary casing should be inserted into a borehole of sufficiently large diameter to allow easy extraction upon termination of drilling. NMAC 19.27.4 regulations dictate methodology for the installation of permanent well casing, including the installation of required annular seal, should that option be more prudent.

If temporary casing lacking a rule-compliant annular seal or casing grade becomes stuck in-place downhole, the potential for permanent commingling of aquifers or downhole surface water drainage may occur via an unsealed annulus. In these cases, staged casing cutting and extraction, or remedial casing perforation and squeeze-cementing will be required to the satisfaction of the State Engineer as part of final well decommissioning. Steps should be taken during drilling to prevent deleterious fall-in or drainage of cuttings/sediments into the annulus outside the temporary casing to best allow for full retrieval and proper borehole plugging.

When setting of temporary casing occurs or is expected, appropriate detail of the proposed casing extraction and borehole clean-out process prior to plugging will be required in the NMOSE *Well Plugging Plan of Operations* form. If exploratory drilling through stratified or artesian aquifer systems, filing a NMOSE *Artesian Well Plan of Operations* may be required to preemptively assess and address NMOSE concerns regarding best borehole decommissioning practices.

### **Exploratory Borehole Plugging**

Terms of borehole plugging will be established jointly by the evaluation of the NMOSE *Well Plugging Plan of Operations* and the review of the relevant MMD application for water-bearing boreholes. Approved high-solids bentonite abandonment-grade sealants and/or approved cement slurries will be required for plugging as deemed hydrogeologically appropriate by the agencies. NMOSE-authorized cement slurries will be required for the decommissioning of flowing artesian boreholes. If the exploratory borings do not encounter groundwater, MMD plugging regulations (19.10.3 NMAC) prevail over those of 19.27.4 NMAC.

NMOSE well plugging regulations require tremie placement of the column of well sealant, which shall extend from the bottom of the borehole to ground surface. By regulation, pumping decommissioning sealants into the top of the borehole is not allowed. The NMOSE defers to the discretion of the MMD for the choice of sealant versus natural fill in the uppermost portion of a borehole plug to facilitate site restoration.

Required plugging of water-bearing exploratory borings shall occur within the timeframe specified by either the NMOSE or MMD to minimize cave-in and the potential for incomplete plugging due to blockages in the borehole.

### **Drill Rig Fuels, Oils and Fluids**

Drill rigs contain and consume fuels, oil, and hydraulic fluids, and are subject to leaks. Drill rigs often remain in-place longer than other pieces of exploration equipment onsite, are frequently running, and are positioned immediately above and adjacent to the open borehole. As a standard practice to prevent contamination and reduce site cleanup activities, it may be beneficial to use bermed, impermeable ground sheeting under the drill rig. Consideration of bermed containment volume sufficient to accommodate a high-intensity precipitation event is also a good practice.



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507  
Post Office Box 25112, Santa Fe, NM 87504  
Tel: (505) 476-8000 | Fax: (505) 476-8123  
For information call: (888) 248-6866

[www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)

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14 July 2021

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 Exploration Permit Application, Cline's Mine Exploration Project,  
Eddy County, NM, Permit No. ED010EM; NMDGF Project No. NMERT-1290.**

Dear Mr. Chisler,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by the Applicant. The Applicant is proposing to drill six exploratory holes from a single drill pad location, however; the application as submitted proposes six drill pad sites and needs to be corrected. The exploration holes will be drilled to a depth of 120 feet. The drilling site will be located in Eddy County in Section 1, Township 26S, Range 21E on U.S. Forest Service land. The total area that will be disturbed is approximately 0.1 acre. A site inspection was conducted on 7 July 2021 by staff from the Department, MMD, US Forest Service and the Operator.

Wooded canyons near the proposed drill site may contain appropriate habitat for Mexican Spotted Owl (*Strix occidentalis lucida*). The Department recommends that the Applicant consult with the US Forest Service to determine if Spotted Owl surveys are needed. Seasonal restrictions on drilling activity may need to be implemented to avoid potential disturbance to occupied Spotted Owl nesting territories that are located within a half mile buffer zone.

The Queen of the Guadalupe Cave entrance is located approximately 75 feet from the proposed drill site. The entrance to the cave has been bat gated by the New Mexico Abandoned Mine Land Program, however, its importance as bat habitat appears to be unknown. The Department recommends that the cave is surveyed to determine bat use and species composition. The cave should also be mapped to determine if drilling at the proposed site has the potential to adversely impact the cave.

The Applicant is currently proposing to use air rotary drilling techniques that does not require the use of mud pits. If the Applicant decides that wet drilling techniques are necessary, the mud pits should be fenced and one side sloped at 3:1 to provide an escape ramp for wildlife. The Department also recommends that fenced mud pits are also netted to exclude birds and bats. Extruded plastic, knit, or woven netting material is preferred. Monofilament netting should not be

used due to its tendency to ensnare wildlife and cause injury or death. The Department recommends a mesh size of  $\frac{3}{8}$  inch to exclude smaller animal species. Netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into the drilling fluids. In addition, it is important to prevent wildlife from entering and becoming trapped in stockpiled pipes used in the drilling process. Capping piping is the most effective way to prevent wildlife entry but at a minimum, each section of pipe prior to use should be visually inspected to verify that wild animals are not inside.

The Applicant will be conducting site reclamation using guidelines and an approved seed mix specified by the Lincoln National Forest, Guadalupe Ranger District. The Department 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, 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 exploration project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 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



## Electronic Transmission

### MEMORANDUM

Date: July 16, 2021

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

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: George Llewellyn, MECS  
John Moeny, Surface Water Quality Bureau (SWQB)  
Sufi Mustafa, Air Quality Bureau (aqb)

Subject: **New Mexico Environment Department (NMED) Comments, Cline's Mine Exploration Project, Minimal Impact Exploration Permit Application, Eddy County, New Mexico, New Mexico Mining Act Permit No. ED010EM**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 14, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act this proposed operation requires a minimal impact exploration permit. MMD requested comments on the application within 30 days of receipt of the request for comments. NMED requested an extension to submit comments by July 16, 2021. NMED has the following comments.

#### **Background**

Robert Cline (applicant) is applying for a new minimal impact exploration permit in Eddy County. The applicant proposes to drill six boreholes on six drill pads on U.S. Forest Service (USFS) property for a total of 0.1 acres of disturbance. The drill holes will be 3-inch in diameter, 120 feet in depth and drilled using air rotary. Based on the application, the depth to groundwater is 764 feet below ground surface. The proposed exploration area is located approximately 7.8 miles south of Queen, NM off of Forest Road 201.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | [www.env.nm.gov/gwqb/](http://www.env.nm.gov/gwqb/)

Mr. Holland Shepherd  
Deming Alpha Mine, Environmental Determination  
July 16, 2021

**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)**

Based on discussions with MMD and an inspection performed by MMD on July 7, 2021, one or more of the proposed drilling locations may be located in an area that contains cave features or historic mine adits. The USFS is planning on conducting a survey of the area. MECS requests that the applicant submit a drilling plan for review that takes into account the USFS survey. Efforts should be made to avoid drilling exploration holes through caves or open adits. All drill holes need to be plugged and abandoned in accordance with Office of the State Engineer regulations.

**NMED Summary Comment**

NMED requests to review a final exploration drilling plan in order to determine if the project as proposed in the 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 Anne Maurer at (505) 660-8878.

cc: Clint Chisler, Permit Lead, EMNRD-MMD  
Kurt Vollbrecht, Program Manager, NMED-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

[www.env.nm.gov](http://www.env.nm.gov)

**James C. Kenney**  
Cabinet Secretary

**Howie C. Morales**  
Lt. Governor

**Stephanie Stringer**  
Deputy Secretary

**MEMORANDUM**

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DATE: July 16, 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, Minimal Impact Exploration Operation Permit Application, Cline's Mine Exploration Project, Eddy County, New Mexico Mining Act Permit No. ED010EM**

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 an air quality permit for this project.

**Details**

This project will create 6 drill pads and drill six holes to explore for minerals in Eddy county. Approximately 0.1 acres of land will be disturbed by this project.

**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 issue this permit.

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.



## MEMORANDUM

July 12, 2021

To: Anne Maurer, Mining Act Team Leader  
Mining Environmental Compliance Section  
Groundwater Quality Bureau (GWQB)

From: John Moeny  
Watershed Protection Section  
Surface Water Quality Bureau

Subject: **Request for Review and Comment, Minimal Impact Exploration Operation Permit Application, Cline's Mine Exploration Project, Eddy County, New Mexico Mining Act Permit No. ED010EM.**

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On June 14, 2021, NMED received a request for comments regarding a new minimal impact exploration permit submitted by Robert Cline ("Applicant"). The project is in Eddy County, approximately 8 air miles south of Queen, New Mexico on public lands managed by the Lincoln National Forest.

### Summary of Proposed Action

The Applicant seeks to explore for gold, copper and iron metals at up to 6 locations within the project area. Six, three-inch diameter holes will be drilled to a maximum depth of 120 feet using air drilling and each location will include a 20'x50' drill pad. Total new disturbance is estimated at 0.1 acres with some drilling occurring within the footprint of an existing road. Depth to ground water is estimated at 700 feet and the site is generally flat without intersecting drainages.

### Recommendations to protect Surface Water Quality

- Any water produced during drilling must be contained on-site and not discharged to adjacent drainages unless a discharge permit has been secured from the EPA.
- 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).
- Mineralized native rock and cuttings should be hauled off-site and landfilled or buried at each bore hole location prior to abandonment/closure.

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

**From:** [Javier Loera](#)  
**To:** [Chisler, Clinton, EMNRD](#)  
**Subject:** [EXT] Request for Review and Comment, Minimal Impact Exploration Permit Application, Cline's Mine Exploration Project, Eddy Co., NM, Permit Tracking No. ED010EM  
**Date:** Wednesday, June 23, 2021 10:19:03 AM

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Dear Mr. Chisler:

This e-mail is in response to the correspondence received in our office in which you provide the Ysleta del Sur Pueblo the opportunity to comment on **Request for Review and Comment, Minimal Impact Exploration Operation Permit Application, Cline's Mine Exploration Project, Eddy Co., NM, Permit tracking No. ED010EM.**

The Ysleta del Sur Pueblo does not have any comments nor does it request consultation on this proposed undertaking.

Thank you for allowing us the opportunity to comment on this project.

Sincerely,

Javier Loera  
E-mail: [jloera@ydsp-nsn.gov](mailto:jloera@ydsp-nsn.gov)  
Tribal Council/THPO  
for  
Governor E. Michael Silvas  
Ysleta del Sur Pueblo  
P.O. Box 17579  
El Paso, Texas 79907