

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michele 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**

August 18, 2021

Matt Lane, Environmental Specialist  
The Española Mercantile Company  
1302 N. Riverside Drive  
Española, NM 87532

**RE: Agency Review Comments and Request for Additional Information, Copar South Pit Mine, Permit No. SA004MN Modification 21-1 Application, Sandoval County, New Mexico**

Dear Mr. Lane,

The New Mexico Mining and Minerals Division (“MMD”) received an application to modify Permit No. SA004MN, Copar South Pit Mine, on July 12, 2021, from The Española Mercantile Company (“TEMC”). The application for permit modification was assigned Modification 21-1 by MMD. The Modification 21-1 application proposes to change the vegetation standard from a minimum of 50% ground cover (live vegetation) to 50% ground cover (live vegetation and litter).

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 21-1 application by the U.S. Forest Service (“USFS”), 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, NMOSE, NMFD, 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 USFS.

**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 21-1 Application and has found it to be *technically incomplete* pending receipt of acceptable supplemental information**

**RE: Agency Review Comments and Request for Additional Information, Copar South Pit Mine, Permit No. SA004MN Modification 21-1 Application, Sandoval County, New Mexico**

August 18, 2021

Page 2 of 2

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

**MMD Comments:**

MMD will require TEMC to meet a minimum live vegetation standard of 35% ground cover in addition to the proposed minimum total (live vegetation and litter) standard of 50% ground cover for release of the vegetation portion of the reclamation bond.

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](mailto:carmen.rose@state.nm.us).

Sincerely,



Carmen Rose, Permit Lead  
Mining Act Reclamation Program ("MARF")  
New Mexico Mining and Minerals Division

**Enclosures:** July 29, 2021 Letter to MMD from NMDCA  
August 10, 2021 Email to MMD from NMOSE  
August 10, 2021 Email to MMD from NMFD  
August 12, 2021 Letter to MMD from NMDG&F  
August 16, 2021 Letter to MMD from NMED

**CC:** Holland Shepherd, Program Manager, MARF  
Katharine Fishman, President and CEO, TEMC  
Larry Gore, Geologist, USDA Forest Service



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

July 29, 2021

Carmen Rose  
Sr. Reclamation Specialist  
Mining and Minerals Division  
1220 South Saint Francis Drive  
Santa Fe, NM 87505

Re: HPD Log#115560, Request for Comments on Permit Modification 21-1 Application, Permit No. SA004MN, Copar South Pit Mine

Dear Ms. Rose:

Thank you for submitting the aforementioned permit revision request to the New Mexico State Historic Preservation Officer (SHPO). The SHPO has no comments regarding this permit revision.

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:** [Zemlick, Katie, OSE](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Cc:** [Musharrafieh, Ghassan R., OSE](#); [Shepherd, Holland, EMNRD](#)  
**Subject:** NM OSE Review and Comment re: Permit No. SA004MN, Copar South Pit Mine  
**Date:** Tuesday, August 10, 2021 5:02:57 PM

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Dear Ms. Rose,

On July 21, 2021 the Hydrology Bureau at the NM OSE received MMD request for review and comment on Permit Modification 21-1, Permit No. SA004MN, Copar South Pit Mine. Hydrology has reviewed the information included in the request to modify language in its 2007 reclamation plan. The applicant requests "live vegetation" be changed to include "live vegetation and litter" in the vegetation portion of its reclamation bond. 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 Permit Modification 21-1, Permit No. SA004MN, Copar South Pit Mine at this time.

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

**From:** [Roth, Daniela, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** RE: Request for Comments on Permit Modification 21-1 Application, Permit No. SA004MN, Copar South Pit Mine  
**Date:** Tuesday, August 10, 2021 7:49:19 AM

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Dear Carmen Rose

Thank you for providing me the opportunity to review and comment on Permit Modification 21-1 Application, Permit No. SA004MN, at the Copar South Pit Mine In Sandoval County, NM. Based on the information provided I do not anticipate any impacts to state listed endangered plant species resulting from this change in vegetation standards.

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

Daniela Roth

Botany Program Coordinator  
EMNRD – Forestry Division  
1220 S. Saint Francis Drive  
Santa Fe, NM 87505  
505-372-8494 (cell)  
<https://www.emnrd.nm.gov/sfd/rare-plants/>

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**From:** Rose, Carmen, EMNRD <Carmen.Rose@state.nm.us>  
**Sent:** Wednesday, July 21, 2021 11:31 AM  
**To:** Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>  
**Cc:** Shepherd, Holland, EMNRD <holland.shepherd@state.nm.us>  
**Subject:** Request for Comments on Permit Modification 21-1 Application, Permit No. SA004MN, Copar South Pit Mine

Ms. Roth,

Please find the attached letter regarding MMD's Request for Comments on Permit Modification 21-1 Application, Permit No. SA004MN, Copar South Pit Mine. Note that if **you'd like to request a site inspection regarding this application, please let me know by July 30, 2021.**

Thank you,

**Carmen Rose**  
Sr. Reclamation Specialist  
Mining and Minerals Division  
Mining Act Reclamation Program  
1220 S. St. Francis Drive

Santa Fe, NM 87505

(505) 216-8399

Schedule: Mon - Thurs, 7a - 5p

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  
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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ROBERTA SALAZAR-HENRY  
Las Cruces

12 August 2021

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

**RE: Permit Modification 21-1 Application, Copar South Pit Mine, Permit No. SA004MN; NMDGF No. NMERT-1343.**

Dear Ms. Rose,

In response to your letter dated 21 July 2021, the Department of Game and Fish (Department) has reviewed the above-referenced permit modification submitted by the Española Mercantile Company (TEMC). TEMC is proposing to modify the vegetation standards in the approved closeout plan. The proposed change in language would include litter as part of the 50% live vegetation standard and would be consistent with the vegetation standards language approved for the nearby El Cajete Mine. A site inspection was conducted on 4 August 2021 by staff from the Department, MMD, US Forest Service and TEMC.

The vegetation cover at the reclamation site looked good, with some scattered areas of bare, gravelly ground, and no significant erosion issues were observed. Overall, vegetation cover appeared to be around 50%, with many well-established volunteer ponderosa pines within the reclamation site. A vegetation monitoring report submitted by Ecosphere Environmental Services in 2019 stated that live vegetation cover was 40.3% and litter was 16.3%. The Department has no issues with the proposed modification but recommends that the language include a minimum of 40% live vegetation as part of the 50% live vegetation and litter standard.

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

Sincerely,

Virginia Seamster, Ph.D. on behalf of Matthew Wunder, Ph.D.  
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office



## Electronic Transmission

### MEMORANDUM

Date: August 16, 2021

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

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

From: Amber Rheubottom, MECS  
Alan Klatt, Surface Water Quality Bureau (SWQB)  
Sufi Mustafa, Air Quality Bureau (aqb)

Subject: **New Mexico Environment Department (NMED) Comments, Copar South Pit Mine, Minimal Impact New Mine, Modification 21-1 Application, The Espanola Mercantile Company, Sandoval County, New Mexico, New Mexico Mining Act Permit No. SA004MN**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 21, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, Copar South Pit Mine is a minimal impact new mine. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED requested an extension to submit comments by August 13, 2021. NMED has the following comments.

#### **Background**

The Espanola Mercantile Company (applicant) is proposing to change the vegetation standards for the Copar South Pit Mine. The proposed modification consists of a change to the text on page 2 of the October 22, 2007 Reclamation Plan that currently reads "A minimum of 50% ground cover (live vegetation) is required for release of the vegetation portion of the reclamation bond" to the proposed language "A minimum of 50% ground cover (live vegetation and litter) is required for release of the vegetation portion of the reclamation bond."

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  
Copar South Pit Mine, Modification 21-1  
August 16, 2021

**Air Quality Bureau**

The Air Quality Bureau has no comments.

**Surface Water Quality Bureau**

The Surface Water Quality Bureau comments are attached.

**Mining Environmental Compliance Section (MECS)**

MECS has no comments.

**NMED Summary Comment**

Changing the vegetation standard to “50% ground cover (live vegetation and litter)” may allow for up to 50% bare ground, 50% litter, and little to no live vegetation. Little to no live vegetation on the reclaimed cover could lead to erosion issues that have the potential to impact surface water quality. NMED requests that a minimum percentage of live vegetation be a component of the reclamation standard. Additional information is needed prior to NMED determining that the change in vegetation standards as proposed in the application will be protective of the environment.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

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



August 13, 2021

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau

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

SUBJECT: **Request for Review and Comment, Modification 21-1 Application, Copar South Pit Mine, Sandoval County, New Mexico Mining Act Permit No. SA004MN**

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Surface Water Quality Bureau (SWQB) received a request for comments on July 21, 2021 regarding the subject application. The application requests to change the 2007 Reclamation Plan that currently reads “A minimum of 50% ground cover (live vegetation) is required for release of the vegetation portion of the reclamation bond” to the proposed language “A minimum of 50% ground cover (live vegetation and litter) is required for release of the vegetation portion of the reclamation bond”. Pursuant to 19.10.6.608.D.(3) New Mexico Administrative Code, SWQB has prepared the following comments:

The Copar South Pit Mine is located within the 12-digit Hydrologic Unit Code 130202020402 named “Vallecita Creek” and is approximately 500 feet from portions of San Juan Canyon which is a tributary to Vallecita Creek, the Jemez River and ultimately the Rio Grande. San Juan Canyon is subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and has designated uses for livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

SWQB reviewed the September 2020 Closeout Plan Completion Report for the Las Conchas Unit of the El Cajete Mine which measured cover for the Copar South Pit and determined the following site conditions: 40.3% Vegetation Cover, 16.3% Litter, and 43.5% Bare Ground. In the same report, the Las Conchas Pumice Mine, approximately 8 miles from the South Copar Pit Mine, reported 60.2% Perennials, 19.7% Litter and 18.3% Bare Ground.

Accelerated erosion has the potential to negatively impact surface water quality. “Areas with high percentages of bare ground (soil) are at greater risk of runoff and erosion. Bare soil lacks protection from impacts of raindrops, detachment by wind, and temperature increases from exposure to the sun<sup>1</sup>.” SWQB recommends that additional information be provided to further support changing the reclamation standard to allow for 50% bare ground. For example, a reference area may be used to demonstrate that the proposed change will be protective against erosion in the long-term.

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

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<sup>1</sup> <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/nri/results/?cid=nrcseprd1343030>