

**From:** [Roth, Daniela, EMNRD](#)  
**To:** [Ennis, David, EMNRD](#)  
**Subject:** RE: Request for Agency Comments - Black Spring Section 4 and 9 Exploration  
**Date:** Thursday, September 23, 2021 8:40:54 AM

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Dear David Ennis:

Thank you for providing me the opportunity to review and comment on the New Minimal Impact Exploration Permit Application, Black Springs Section 4 and 9 Exploration Project, in McKinley County, New Mexico (Permit Tracking No. MK055EM). Based on the information provided I do not anticipate any impacts to state listed endangered plants from the exploration project. However, I do recommend removing crested wheatgrass from the seed mix used for planting in reclamation. Crested wheatgrass is not native to the United States and often forms dense monocultures that interfere competitively with the establishment of desirable native vegetation and may alter the composition, structure, and function of vegetation communities, which can result in reduced biodiversity, wildlife habitat, and ecosystem services over large areas. Only plant species native to the area should be used in seed mixes.

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)  
<https://www.emnrd.nm.gov/sfd/rare-plants/>

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**From:** Ennis, David, EMNRD <David.Ennis@state.nm.us>  
**Sent:** Tuesday, September 21, 2021 3:52 PM  
**To:** Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>  
**Subject:** Request for Agency Comments - Black Spring Section 4 and 9 Exploration

Hi Daniela,

Attached please find the request for agency comments for the application received for the Black Spring Section 4 and 9 Exploration project in McKinley County. The application can be found on MMD's website at:

<https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-exploration-applications/minimal-impact/mk055em-menefee-black-spring-exploration-section-4-and-9/>

If you have any questions, please let me know.

Thanks,  
DJ

*DJ Ennis, P.G.  
Mining and Minerals Division  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505  
(505) 372-8634 cell/office  
[david.ennis@state.nm.us](mailto:david.ennis@state.nm.us)*

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

DATE: September 28, 2021

TO: David J. Ennis, PG, Permit Lead, Mining Act Reclamation Program

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

FROM: Christopher E. Angel, PG, Hydrologist, Hydrology Bureau *CEA*

SUBJECT: Comments on New Minimal Impact Exploration Permit Application, Black Springs Section 4 and 9 Exploration Project, McKinley County, NM Permit Tracking No, MK055EM

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The New Mexico Office of the State Engineer (NMOSE) Hydrology Bureau received the Mining and Minerals Division's (MMD's) September 22, 2021, request for comments on the subject Black Springs - New Minimal Impact Exploration Permit Application. The application materials were downloaded from <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/part-3-minimal-impactexploration/>.

The application states that a total of 16, 8-inch diameter boreholes will be drilled to a total depth of 20 feet below ground surface. The nearest well (RG-39349) is located approximately 0.6 miles north of the MMD borings. According to the Declaration of Owner of Underground Water, the static water level is at a depth of 48 feet below ground level. According to the 2017 USGS Ojo Encino Mesa Quadrangle, NM 7.5-Minute Series Topographic Map, the surface elevation is at approximately 6,630 feet. This gives a groundwater elevation of approximately 6,582 feet. The most conservative estimated surface elevation of the MMD boreholes is 6,610. With a 20-foot deep borehole this would give an elevation of 6,590. These elevations are just above the calculated groundwater elevation.

A spring is documented on the 2017 Ojo Encino Mesa Quadrangle approximately 0.4 miles to the south-southwest of the MMD boreholes. This spring occurs at an elevation of approximately 6,640 feet. Boreholes BSME-15 and BSME-16 occur at elevations slightly above the 6,640 feet elevation and may encounter groundwater. According to exploratory application, there is a well at the location of this spring with an expected groundwater elevation of less than 6,600 feet.

If groundwater is encountered in any of the 16 boreholes, then the NMOSE District I Office (5550 San Antonio Dr NE Albuquerque, NM 87109-4127; 505-383-4000) needs be contacted to discuss obtaining Exploratory Permits and Well Plugging Plan of Operations.

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

Well drilling activities, including exploratory borehole drilling (drilling of “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) promulgated 6/30/2017, which requires 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.

Additionally, all onsite well drilling activities, including but not limited to exploratory borehole drilling encountering groundwater and plugging of such water-bearing boreholes 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.

Plugging of exploratory boreholes that encounter groundwater will occur under joint jurisdiction of the NMOSE and MMD (Mining and Minerals Division). Filing and acceptance of the NMOSE Well Plugging Plan of Operations ([http://www.ose.state.nm.us/STST/Forms/WD-08%20Well%20Plugging%20Plan%20of%20Operations\\_2016-01-20\\_final.pdf](http://www.ose.state.nm.us/STST/Forms/WD-08%20Well%20Plugging%20Plan%20of%20Operations_2016-01-20_final.pdf)) in conjunction with filing NMOSE Applications for Permit to Drill a Well with no Consumptive Use of Water ([http://www.ose.state.nm.us/WR/Forms/WR-07%20Application%20for%20Permit%20to%20Drill%20a%20Well%20with%20No%20Consumptive%20Use\\_2012-06-14\\_final.pdf](http://www.ose.state.nm.us/WR/Forms/WR-07%20Application%20for%20Permit%20to%20Drill%20a%20Well%20with%20No%20Consumptive%20Use_2012-06-14_final.pdf)) are required where it is expected water-bearing stratum/strata may be penetrated by project boreholes.

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.**

Any exploration drilling where a water-bearing stratum is encountered will be subject to pertinent sections of those rules and regulations contained in 19.27.4 NMAC (6/30/2017), including but not limited to Sections 19.27.4.30.C NMAC for plugging and abandonment of non artesian wells; 19.27.4.31 NMAC for artesian wells; 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://164.64.110.239/nmac/parts/title19/19.027.0004.htm>

**Use/extraction of Temporary Casing**

When drilling through caving overburden or unconsolidated geologic units, use of temporary casing may be desired. Any temporary casing should be inserted into a borehole of sufficiently large diameter to allow easy extraction upon termination of all drilling. To help prevent deleterious fall-in or drainage of cuttings/sediments into the annulus outside the temporary casing, the top of the annulus should be made appropriately fluid-tight.

If the temporary casing becomes stuck in-place, difficulties in the proper plugging of the borehole and resultant potential for commingling of aquifers or surface water drainage may occur via an

unsealed annulus. 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 if the borehole encounters a water-bearing stratum. Should casing be left in a water-bearing boring, 19.27.4 NMAC provisions apply, including those requiring an appropriate type and extent of annular seal surrounding the well casing.

### **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. 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. The NMOSE defers to the discretion of the MMD for the choice of sealant versus natural fill in the upper ten to twelve feet 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. The MMD may enforce a plugging time frame that would 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. The rig often remains 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.

**From:** [Reycraft, Richard, DCA](#)  
**To:** [Ennis, David, EMNRD](#)  
**Subject:** Log# 115928, New Minimal Impact Exploration Permit Application, Black Springs Section 4 and 9  
**Date:** Tuesday, October 5, 2021 8:15:19 AM  
**Attachments:** [Log# 115928.pdf](#)

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Dear Mr. Ennis:

I am writing in response to your request for review and comment on the above Minimal Impact Exploration Permit Application received at this office September 21, 2021.

According to our files, there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties in the permit area. There are also no known cemeteries or other burial grounds. Based on this information, this permit will have no adverse impacts to cultural resources listed on the National or State Registers.

The project area has recently been surveyed for cultural resources and I have reviewed the submitted cultural resource survey report entitled "A CLASS III ARCHAEOLOGICAL INVENTORY OF 160 ACRES FOR THE MENELEE HUMATE MINE EXPANSION, MCKINLEY COUNTY, NEW MEXICO (NMCRI# 148083) by PaleoWest. The New Mexico State Historic Preservation Officer (SHPO) concurs with the recommendations specified in the report.

Specifically: That all archaeological sites identified in the survey report that are recommended as eligible for the National Register of Historic Places (NRHP), and those sites whose eligibility for the NRHP remains undetermined, be avoided by all mining activities. A 50-ft buffer should be placed around these archaeological sites, and no mining activities should take place within this buffer.

If the site cannot be avoided by mining activities, then potential adverse effects to these sites by mining activities should be mitigated through excavation/data recovery and/or ethnographic documentation. If, because of mining activities for this project, undocumented cultural resources are discovered, all activity should cease in the immediate vicinity of the find, and the SHPO and Bureau of Land Management archaeologists should be notified to determine the potential significance of the find.

Additionally, if human remains are encountered during the undertaking, activity in the area must stop and the appropriate law enforcement agency, SHPO, and BLM archaeologists must be contacted immediately.

If these recommendations are adhered to, this project will have no effect on cultural resources.

Finally, the permit application indicates that land ownership in the proposed permit area includes the United States Bureau of Land Management (BLM), the BLM should be contacted regarding their requirements for avoidance 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  
HPD Staff Archaeologist



## Electronic Transmission

### MEMORANDUM

Date: October 12, 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, Black Springs Section 4 and 9 Exploration Project, Minimal Impact Exploration Permit, Menefee Mining Corporation, McKinley County, New Mexico, New Mexico Mining Act Permit No. MK055EM**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on September 21, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Black Springs Section 4 and 9 Exploration Project requires a minimal impact exploration permit. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED has the following comments.

#### **Background**

Menefee Mining Corporation (Applicant) is requesting to drill a total of 16 boreholes approximately 20 feet in depth. The depth to groundwater is greater than 30 feet below ground surface and the total dissolved solids concentration is less than 10,000 mg/L. The applicant is proposing to disturb up to 1.60 acres. The project area is located on land managed by the Bureau of Land Management, Farmington Field Office.



Mr. Holland Shepherd  
Black Springs Section 4 and 9  
October 12, 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)**

MECS has no comments.

**NMED Summary Comment**

NMED has determined that the activities proposed in the application will be protective of the environment.

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

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



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**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**MEMORANDUM**

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**DATE:** October 7, 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, New Minimal Impact Exploration Permit Application, Black Springs Section 4 and 9 Exploration Project, Menefee Mining Corporation, McKinley County, New Mexico, Mining Act Permit No. MK055EM

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**

For this exploration applicant will drill 16 holes to obtain core samples. Total acreage disturbed will be less than 1.6 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 the current request for exploration.

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

If you have any questions, please contact me at 505 629 6186



October 4, 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, New Minimal Impact Exploration Permit Application, Black Springs Section 4 and 9 Exploration Project, Menefee Mining Corporation, McKinley County, New Mexico, Mining Act Permit No. MK055EM**

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Surface Water Quality Bureau (SWQB) received a request for comments on September 22, 2021 regarding the subject application. The request is designated as a new minimal impact exploration permit to drill 16 holes to a depth of 20 feet with a total disturbance, including overland travel, of 1.6 acres. The application states that a Stormwater Pollution Prevention Plan will be in place as required under the National Pollutant Discharge Elimination System (NPDES) permitting program's Multi Sector General Permit. Pursuant to 19.10.3.302.G New Mexico Administrative Code, SWQB has provided the following comments.

Black Springs Sections 4 and 9 are located within Hydrologic Unit Code 130202050505 named Papers Wash Outlet. Papers Wash, including its unnamed ephemeral tributaries, are subject to 20.6.4.98 NMAC and have designated uses that include livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact. Papers Wash flows to Torreon Wash, Arroyo Chico, the Rio Puerco, and ultimately the Rio Grande. To maintain and protect surface water quality, SWQB recommends the following Best Management Practices:

- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, and drilling activities 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. For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).
- All mobile equipment used in the project area must be pressure washed and/or steam cleaned off-site before the start of the project to facilitate noxious weed management and inspected daily for leaks to ensure surface waters are protected from contaminants. A written log of inspections and maintenance should be completed.
- The use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads should comply with the guidelines described in the Bureau of Land Management "Gold Book", Chapter 4 (<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>).
- Suspend construction, maintenance activities, or off-road travel during periods when the soil is too wet to adequately support heavy equipment without causing surface disturbance. The operator should commit to repair any surface disturbance they caused.
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from any watercourses, including springs, wetlands, and ephemeral stream channels.
- For temporary surface disturbances during exploration and reclamation activities, the operator should

SWQB Comments, Black Springs Sections 4 and 9, New Minimal Impact Exploration

implement erosion control measures that are designed, constructed and maintained using professionally recognized standards (e.g., Natural Resource Conservation Service standards, or the Bureau of Land Management "Gold Book").

- Activities within watercourses or wetlands may require coverage under a Clean Water Act Section 404 permit. If you have questions about this permitting, please contact:

Regulatory Division, US Army Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, New Mexico 87109-3435  
Ph: 505-342-3678

- The applicant should ensure that stormwater entering the project area ("run-on") is diverted from soil storage piles and should place piles uphill of excavations when possible.
- Discharge of stormwater from disturbed areas to any Water of the United States without a National Pollutant Discharge Elimination System (NPDES) permit may be a violation of the Clean Water Act.
- Certain mining activities may require an individual or general permit under Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System). The permittee must submit the appropriate application to the U.S. Environmental Protection Agency (EPA) prior to initiating activities that may result in a discharge. For additional information, contact:

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

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



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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### STATE GAME COMMISSION

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Las Cruces

19 October 2021

David J. (DJ) Ennis, P.G.  
Permit Lead, Mining Act Reclamation Program  
Mining and Minerals Division (MMD)  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: *New Minimal Impact Exploration Permit Application, Black Spring Sections 4 and 9 Exploration Project, McKinley County, MK055EM; NMDGF Project No. NMERT-1448.***

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the proposed exploration project referenced above. Menefee Mining Corporation (MMC) is proposing to drill 16 exploratory holes, each to a depth of approximately 20 feet, on land managed by the Bureau of Land Management (BLM) in Township 19N, Range 5W, Sections 4 and 9. Total acreage to be disturbed by the project will be approximately 1.60 acres. A site inspection was conducted on 14 October 2021 by staff from the Department, MMD, and MMC.

As part of the Biological Evaluation (BE) of the project area, a pedestrian biological survey was conducted by Rocky Mountain Ecology, LLC on 29 April 2021. The BE stated that no prairie dog burrows were observed in the project area. During the MMD site inspection no prairie dog burrows were observed. The proposed drill sites are all located in Great Basin Desert Shrub habitat dominated by big sagebrush (*Artemisia tridentata*), which is not suitable habitat for prairie dogs. The Department does not anticipate any significant impacts to wildlife or sensitive habitats by the proposed exploration project.

The BE also states that no state listed invasive noxious weeds were identified within the survey area. However, the noxious weed halogeton (*Halogeton glomeratus*) is known to occur near the proposed exploration area and is present on the adjacent, and currently active, Black Spring Mine. To prevent the spread of halogeton or other noxious weeds onto the project site, the Department recommends that vehicles and equipment entering the project area are thoroughly cleaned of all visible dirt and mud in a manner that will help prevent the potential spread of associated weed seeds. In addition, the operator should initiate a weed monitoring program to aggressively contain/control the spread of halogeton if it invades the project area.

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) 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