



**BY ELECTRONIC MAIL**

November 8, 2021

Gerald Schoeppner  
Director, Mining & Minerals Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

emnrd.mmd2@state.nm.us

Re: Application to Revise Closure/Closeout for the LAC Mineral Cunningham Hill Mine  
Permit No. SF002RE

Dear Director Schoeppner:

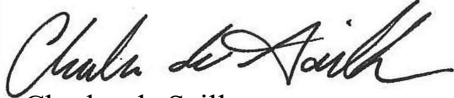
On behalf of our clients, The Friends of Santa Fe County and Jeanie Cragin, and on behalf of the New Mexico Environmental Law Center, we hereby request that the Mining and Minerals Division hold a public hearing on the application of LAC Minerals (USA) LLC to revise its Closure/Closeout Plan for the former Cunningham Hill Mine in the Ortiz Mountains, near the town of Cerrillos, Santa Fe County, New Mexico. The New Mexico Mining Act, NMSA 1978, §§ 69-36-1 to 69-36-20, requires the mine to have in place a closure/closeout plan for reclamation of the mine site. By this application, LAC Minerals is seeking, among other things, a waiver from the requirements to reclaim 14.60 acres of the open pit at the mine site under the New Mexico hardrock mining regulations at section 19.10.5.507 NMAC.

We request a public hearing pursuant to section 19.10.9.904 NMAC, which allows “any interested person to request a public hearing on [an] application.” The Friends of Santa Fe County is an interested person, having several members who live and engage in recreational activities in the Ortiz Mountains in the vicinity of the Cunningham Mine. The Friends of Santa Fe County and the New Mexico Environmental Law Center have been active participants in proceedings involving the Cunningham Mine – including commencement of a federal lawsuit – since the 1990s.

If the Mining and Minerals Division does not grant our request for a public hearing, we request a thirty-day extension of the deadline for submitting public comments on the application.

Thank you for your consideration of our request. If you have any questions, please call me at (505) 819-9058, or email me at [cdesaillan@nmelc.org](mailto:cdesaillan@nmelc.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Charles de Saillan". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles de Saillan  
Staff Attorney

Cc: Holland Shepherd  
Thomas Parker  
Ross Lockridge  
Jeanie Cragin

## Myers, Kevin, EMNRD

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**From:** Schoeppner, Gerard, EMNRD  
**Sent:** Friday, November 12, 2021 8:04 AM  
**To:** Shepherd, Holland, EMNRD; Rose, Carmen, EMNRD; Myers, Kevin, EMNRD  
**Subject:** FW: [EXTERNAL] Request for a Public Hearing concerning LAC Minerals request for a Pit Waiver at the Cunningham Hill Mine

FYI

Jerry

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**From:** Dennis Kurtz <dennisdkurtz@gmail.com>  
**Sent:** Thursday, November 11, 2021 10:59 AM  
**To:** Schoeppner, Gerard, EMNRD <Gerard.Schoeppner@state.nm.us>; MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Request for a Public Hearing concerning LAC Minerals request for a Pit Waiver at the Cunningham Hill Mine

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Jerry Schoeppner  
Director Mining and Minerals Division  
New Mexico Department of Energy, Minerals and Natural Resources

Dear Mr. Schoeppner:

The San Marcos Association (a Registered Organization under the Sustainable Land Development Code of Santa Fe County [Chapter 2] that advocates on behalf of our neighbors in central Santa Fe County) supports the Friends of Santa Fe County (FOSFC) in requesting a public hearing concerning the request by LAC Minerals for a "pit waiver" at the Cunningham Hill Mine in the Ortiz Mountains from the Mining and Minerals Division of the New Mexico Department of Energy, Minerals and Natural Resources - LACs documents ("2021-10 Revised Closure/Closeout Plan, Revision 20-1"). Any decision regarding such a waiver will affect many residents in the area and we feel they have a vested interest in knowing what the impacts of those decisions are, and would be for the foreseeable future. We therefore join with FOSFC in requesting a hearing accessible to the public in a location and at such a time as many of those residents might be able to attend, either virtually or in person.

Thank you for considering this request.

Sincerely,

Dennis D. Kurtz  
President, The San Marcos Association

## Myers, Kevin, EMNRD

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**From:** Schoeppner, Gerard, EMNRD  
**Sent:** Friday, November 12, 2021 3:36 PM  
**To:** Shepherd, Holland, EMNRD; Rose, Carmen, EMNRD; Myers, Kevin, EMNRD  
**Subject:** FW: [EXTERNAL] Request for Public Hearing re LAC Minerals request for pit waiver re Cunningham Hill Mine

Here is another request for a hearing.

Jerry

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**From:** Karen Keeney <karenk333@gmail.com>  
**Sent:** Friday, November 12, 2021 3:20 PM  
**To:** Schoeppner, Gerard, EMNRD <Gerard.Schoeppner@state.nm.us>; MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Request for Public Hearing re LAC Minerals request for pit waiver re Cunningham Hill Mine

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Dear Mr. Schoeppner,

I am writing in strong support of the request by the Friends of Santa Fe County that an easily accessible and well publicized public hearing be held regarding LAC Minerals request for a pit waiver at the Cunningham Hill Mine. We live near Cerrillos, downhill from this mine, and are deeply concerned about this matter.

Thank you for your consideration.

Karen Keeney  
Cerrillos, NM USA

[karenk333@gmail.com](mailto:karenk333@gmail.com)

November 12, 2021

Gerald Schoeppner  
Director, Mining & Minerals Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
emnrd.mmd2@state.nm.us

Re: Application to Revise Closure/Closeout for the LAC Mineral Cunningham Hill Mine  
Permit No. SF002RE

Dear Director Schoeppner:

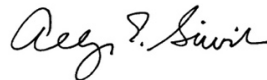
Amigos Bravos and Gila Resources Information Project (“GRIP”) respectfully request a public hearing on the application of LAC Minerals (USA) LLC to revise its Closure/Closeout Plan (“CPP”) for the former Cunningham Hill Mine. On April 12, 2021 Amigos Bravos and GRIP submitted detailed comments on the proposed CPP Update for the mine. The concerns outlined in those comments have not been addressed and we therefore request a public hearing on the CCP Revision Application.

Thank you for consideration of our request.

Sincerely,



Rachel Conn  
Co-Chair NMMAN  
Projects Director  
Amigos Bravos



Allyson Siwik  
Co-Chair NMMAN  
Executive Director  
Gila Resources Information Project

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] Objection to LAC Waiver  
**Date:** Monday, November 29, 2021 11:31:51 AM

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**From:** S. Keniley <skeniley@gmail.com>  
**Sent:** Sunday, November 7, 2021 6:35 AM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Objection to LAC Waiver

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To: Jerry's Schoeppner, Director, MMD

RE: Revised 2021 CCP update for MMD Permit No. SF002RE, LAC Minerals (USA) LLC Cunningham Hill Mine

We object to the waiver requested by LAC.

We believe LAC should be held accountable for any further reclamation originally agreed upon, including the walls of the mine pit.

We oppose an 8' wall limiting wildlife access from the water, as the water appears to generally meet the standards under 'Livestock Watering, Wildlife Habitate and Limited Aquatic Life'.

We would also request an extension of the deadline for comments, objections or request for public meetings as the community has not been made sufficiently aware of this waiver proposal in a timely and widespread fashion.

We do request a public meeting.

Thank you for your service.

Susanne Long Keniley,  
Barry L. Keniley

65 Sendero de Toho  
Cerrillos NM 86010

505-980-9090  
505-250-2214

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] RE: Revised 2021 CCP update for MMD Permit No. SF002RE, LAC Minerals (USA) LLC  
Cunningham Hill Mine  
**Date:** Monday, November 29, 2021 11:31:40 AM

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**From:** Tish Wilson <tishwilson1@gmail.com>  
**Sent:** Sunday, November 7, 2021 9:31 AM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] RE: Revised 2021 CCP update for MMD Permit No. SF002RE, LAC Minerals (USA) LLC Cunningham Hill Mine

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To: Jerry's Schoeppner, Director, MMD

RE: Revised 2021 CCP update for MMD Permit No. SF002RE, LAC Minerals (USA) LLC Cunningham Hill Mine

We are voicing objection to the waiver requested by LAC and we request an extension of the deadline for the purpose of a public meeting in the community.

We believe LAC should be held accountable for any further reclamation originally agreed upon including the walls of the mine pit.

We oppose an 8' wall limiting wildlife access to the water since the water appears to meet the standards under 'Livestock Watering, Wildlife Habitate and Limited Aquatic Life' guidelines especially due to the severe drought in NM.

We also request an extension of the deadline for comments, including objections or requests and for a public meeting since the community has not been made aware of this waiver proposal in a timely manner nor in widespread distribution channels.

Sincerely  
Patricia L Wilson  
David A Stephenson  
40 Twisted Pine Road  
Cerrillos, NM 87010

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] pit rule requested waiver LAC minerals Cunningham Hill  
**Date:** Monday, November 29, 2021 11:31:32 AM

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**From:** High Feather Ranch <highfeatherranch@earthlink.net>  
**Sent:** Tuesday, November 9, 2021 1:33 PM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Cc:** High Feather Ranch <highfeatherranch@earthlink.net>  
**Subject:** [EXTERNAL] pit rule requested waiver LAC minerals Cunningham Hill

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EMNRD,

LAC is requesting a "pit waiver" from the Mining and Minerals Division of the New Mexico Department of Energy, Minerals and Natural Resources: LACs documents ("2021-10 Revised Closure/Closeout Plan, Revision 20-1")

I am writing to object to the pit waiver being requested by LAC Minerals. The gallons and gallons upon gallons of waster water still being produced must still be remediated.

I'll be following this and if not already on the path, I'm requesting a public meeting/hearing where both sides for and against may make their case.

Sincerely,

Marianna Hatten  
Cerrillos, NM USA



**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] SF002RE  
**Date:** Monday, November 29, 2021 11:31:25 AM

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**From:** Thomas Parker <tomparker87@gmail.com>  
**Sent:** Tuesday, November 9, 2021 4:44 PM  
**To:** cdesaillan@nmelc.org <cdesaillan@nmelc.org>; MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] SF002RE

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Dear Director Schoeppner,

I respectfully request a public hearing on the Application to Revise Closure/Closeout Plan for the LAC Cunningham Hill Mine, Permit No. SF002RE, including the request for a pit waiver.

I have followed the activities at the site for a long time as a member of Friends of Santa Fe County. I believe that there is a need for detailed information to answer significant unanswered questions before a pit waiver should be granted.

Thank you for your consideration of this request.

Best regards,  
Thomas Parker

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] LAC waiver request.  
**Date:** Monday, November 29, 2021 11:31:16 AM

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**From:** Tracy Ragan <tracy@deployhub.com>  
**Sent:** Tuesday, November 9, 2021 9:30 PM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] LAC waiver request.

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Dear Mr. Jerry Schoeppner,

My name is Tracy Ragan. Steve Taylor and I live at 197 Wagon Trail Road, Cerrillos NM - just below the LAC reclamation. From the letter I received, I understand that LAC is requesting a waiver from any further reclamation efforts. From what I read, it sounds like LAC is claiming that no further reclamation can be done and wants to end its obligation. I believe this absolves them from the lawsuit settled in 1996 that was brought to them by Friends of Santa Fe who sued LAC under the Clean Water Act to enforce a cleanup of the site at the end of Goldmine Road.

Please decline this waiver and require LAC to properly complete the reclamation effort including the walls of the mine pit, or at a minimum provide a public hearing on the waiver so we can be fully informed of the impact of this waiver.

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Kind Regards,

Tracy Ragan

CEO and Co-Founder / DeployHub / tel: + 1.505.424.6440/ mob: +1.505.780.0558  
[Continuous Delivery Foundation](#) Board Member

[Lets chat - here is my calendar link](#)

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**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] Comment on LAC Minerals Revised Closure/Closeout Plan, Revision 20-1  
**Date:** Monday, November 29, 2021 11:31:08 AM  
**Attachments:** [Ortiz site Cliburn.docx](#)

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**From:** Jill Cliburn <jkcliburn@cliburnenergy.com>  
**Sent:** Thursday, November 11, 2021 10:26 AM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Comment on LAC Minerals Revised Closure/Closeout Plan, Revision 20-1

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My letter is attached, and also copied here in e-mail format. Thanks!

November 11, 2021

Jerry Schoeppner  
Director Mining and Minerals Division  
New Mexico Department of Energy, Minerals and Natural Resources

Dear Mr. Schoeppner:

I am a long-time resident of the Cerrillos area, a past board member of the Santa Fe Botanical Garden (SFBG), and a current board member of the San Marcos Association. I do not speak for those organizations or others that I've been a part of, but my experience with local historic, archeological, and environmental conservation compels me to urge the EMNRD Mining and Minerals Division to take a careful and open approach to reviewing the LAC Minerals request for accelerated release from a range of related responsibilities, including a "pit waiver" (described in *2021-10 Revised Closure/Closeout Plan, Revision 20-1*) at the Cunningham Hill Mine site. I request an extension of the review process, more rigorous review of alternatives, and, at minimum, a public hearing.

In the mid-90s, I was aware of the efforts of the Friends of Santa Fe County (FOSFC) that led to the restoration effort at the Cunningham Mine. The plan for restoration was innovative, tapping expertise in both engineering and natural sciences. When the SFBG accepted the donation 1,300 acres in 2001 under a conservation easement, LAC Minerals stressed its long-term commitment to reclamation activities. As an SFBG volunteer, I toured the restoration and viewed the pit. The SFBG newsletter at that time stated, "LAC Minerals should be recognized for their extraordinary efforts in reclaiming Cunningham Hill."

Later, unforeseen costs of safekeeping the Preserve caused a transfer of the SFBG property to Santa Fe County, and sadly, the research and education that was ongoing at the site ended. The current plan by LAC Minerals to accelerate release from its responsibilities is characteristic of a project that

has gone “out of sight” of the public eye. I believe a more rigorous review of the LAC Minerals plan will bring it back to public awareness. Are there alternatives to deeming some measures “economically impossible”? Are there threats and scenarios that need greater attention? Are there partnerships that could be developed to assure a better long-term outcome?

Please give the public sufficient notice, sufficient time and access to information to make sure LAC Minerals and those overseeing its activities will pursue the right path forward.

Sincerely,  
Jill K. Cliburn  
45 Crazy Rabbit Dr.  
Santa Fe, NM 87508  
[jkcliburn@cliburnenergy.com](mailto:jkcliburn@cliburnenergy.com)  
505-490-3070

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] Request public hearing on Application to Revise Closure/Closeout Plan for LAC Cunningham Hill Mine  
**Date:** Monday, November 29, 2021 11:30:52 AM

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**From:** Ross Lockridge <murlock@raintreecounty.com>  
**Sent:** Thursday, November 11, 2021 5:33 PM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Request public hearing on Application to Revise Closure/Closeout Plan for LAC Cunningham Hill Mine

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Jerry Schoeppner  
Director Mining and Minerals Division  
New Mexico Department of Energy, Minerals and Natural Resources

Dear Director Schoeppner,

The purpose of this mailing is to request a public hearing on the Application to Revise Closure/Closeout Plan, Permit No. SF002RE for the LAC Cunningham Hill Mine in the Ortiz Mountains. The application includes a call for a pit waiver, which I believe is of major concern.

I have lived in Cerrillos since the 1970s predating the arrival of Gold Fields, Pegasus, and LAC Minerals. I became a member of the Friends of Santa Fe County and helped as a citizen in the settlement agreement, and have followed the case to the best of my abilities for many years.

In reviewing the request for a pit waiver I noticed significant omissions which have raised questions regarding a lack of detailed planning and foresight.

I appreciate the opportunity for public review, and thank you for your part in this review.

Best,

Ross Lockridge  
POB 22  
Cerrillos, NM 87010

**From:** [MMD, EMNRD, EMNRD](#)  
**To:** [Rose, Carmen, EMNRD](#)  
**Subject:** Fw: [EXTERNAL] Cunningham Hill Mine  
**Date:** Monday, November 29, 2021 11:30:36 AM

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**From:** Barbara Ansel <bak@q.com>  
**Sent:** Friday, November 12, 2021 1:27 PM  
**To:** MMD, EMNRD, EMNRD <EMNRD.MMD2@state.nm.us>  
**Subject:** [EXTERNAL] Cunningham Hill Mine

**CAUTION:** This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Att: Jerry Shoepper, Director

We are writing to voice our opposition to granting a waiver to LAC Minerals in regards to the reclamation of the Cunningham Hill Gold Mine in the Ortiz Mountains. We have lived in the area since 1974 and were very involved in the opposition to the mine. At the time we were concerned about the potential problems with the leakage and discharge of chemicals into the surface and groundwater of the area. It had seemed to us at the time that the plans for reclamation were inadequate and maybe impossible. By granting a waiver, MMD is disregarding the potential problem of water quality of the pit which still needs treatment as it does not meet standards for discharge to the ground water system. This is a terrible precedent which could impact other reclamation sites in our state and seems to be an attempt to "clear the books" of problematic mining sites. Please hold public hearings on this matter and continue to monitor and reclaim the site to protect the wildlife and citizens of New Mexico.

Thank you.

Barbara Ansel  
Bart Kaltenbach  
36 Woodstock Lane,  
Cerrillos, NM 87010



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