

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Mining and Minerals Division



**Electronic Transmission**

February 15, 2022

Gerald Smith, President  
Geo Southwest, LP.  
P.O. Box 353  
9751 Hwy. 86  
Silverton, TX 79257

**RE: Review of 2021 Quantitative Vegetation Survey Report for  
Geo Southwest Main Tailing Impoundment, and Next Steps  
MMD Permit No. LU009RE, Luna County, NM**

Dear Mr. Smith:

The Mining and Minerals Division's (MMD) reviewed the 2021 Vegetation Success Monitoring for the Deming Mill Tailing Impoundment (2021 Report) prepared by High Desert Native Plants, LLC (HDNP) for Geo Southwest LP (GeoSW). HDNP submitted the 2021 Report dated December 16, 2021. MMD compared the 2021 Report to the vegetation standards detailed in Modification 20-1 for permit No. LU009RE. The MMD evaluation of the 2021 Report compared the Main Tailing Impoundment vegetation to the reference area. Overall, the evaluation considered the 2019 and 2020 Reports along with the 2021 Report.

Per the vegetation success conditions and prior to granting release of the reclaimed main tailing impoundment, the site must meet the vegetation standards in two out of the last four years. 2019 represents the 11<sup>th</sup> year after completion of reclamation and seeding. So, 2019 is the first year eligible for measurement of vegetation success. The Main Tailing Impoundment meets vegetation standards in the 2020 and 2021 Reports.

While making the case for successful establishment of vegetation, the 2021 Report mentions meeting only 1 of 2 species required for the plant diversity standard of native, non-weedy forbs of two species at 0.1 percent or greater of the canopy cover. However, three forbs had 0.07 percent canopy cover, and one forb was measured at 0.27 percent. Also, the plant diversity standard for forbs was met in 2019 and 2020. In addition to plant diversity standards, the site has

**Review of 2021 Vegetation Survey Report for the Deming Mill and Tailing Facility;**

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repeatedly met vegetation requirements for canopy cover being greater than the minimum 70 percent of the reference area and three to six times more shrub density than the reference area. Based on MMD's evaluation of 2021 Report, all the vegetation standards have been met for the main tailing facility, and all of the vegetation standards were met in 2020, which fulfills the requirements of having two years that meet vegetation standards. **Thus, MMD acknowledges that the main tailing impoundment vegetation meets requirements, and MMD will continue processing of the GeoSW request for a partial release of financial assurance liability.**

African Rue Management Plan

Since the 2020 and 2021 Reports observed african rue (*Peganum harmala*), MMD requires that GeoSW submit a management plan to address the noxious weed while minimizing damage to surrounding soils and vegetation at the main tailing facility. MMD recommends contacting the NRCS Deming office for more information at:

[Team 7 | NRCS New Mexico \(usda.gov\)](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nm/contact/?cid=stelprdb1256863) or

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nm/contact/?cid=stelprdb1256863>

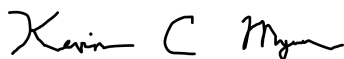
**Within 30 days of this letter, provide MMD with the proposed management plan of african rue.**

Next Steps

For the Main Tailing Facility, the next steps include public notice of the partial release. The public notice will be followed by an inspection by MMD with other state agencies and members of the public, who express interest. The public notice may be followed by a public hearing. After the public participation process is complete and if deemed acceptable to MMD, the revision to the permit may release GeoSW from the liability associated with the Main Tailing Facility for MMD permit No. LU009RE without release of financial assurance (FA). This permit will continue to hold FA for closeout because ongoing reclamation measures at the borrow area, mill site and a small acreage of tailing near the FMI Deming tailing (formerly Cyprus- PA facility).

If you have any questions concerning this letter, please call 505-490-0726.

Sincerely,



Kevin Myers

Hydrologist, Permit Lead MMD No. LU009RE

Mining Act Reclamation Program/MMD

**cc(via email):**

Holland Shepherd, Program Manager, MARP/MMD

Anne Maurer, Mining Act Team Leader, NMED