

# Toltec Mesa Resources LLC

7823 Quintana Dr. NE, Albuquerque, New Mexico | (505)238-4770 | newcomer.b.tmr@gmail.com

September 28, 2022

Carmen Rose, Permit Lead  
Mining Act Reclamation Program (“MARP”)  
New Mexico Mining and Minerals Division  
New Mexico Energy Minerals and Natural Resources Department  
1220 So. St. Francis Drive  
Santa Fe, New Mexico 87050

sent via email: [carmen.rose@state.nm.us](mailto:carmen.rose@state.nm.us)

**RE: RESPONSE TO COMMENTS ON MODIFICATION 22-1 APPLICATION REQUEST FOR COMMENTS, OROGRANDE GOLD PLACER, PERMIT NO. OT005MN, W.W. MINING AND PRODUCTION, OTERO COUNTY, NEW MEXICO**

Dear Carmen:

On behalf of Wade White dba W.W. Mining and Production, Toltec Mesa Resources LLC is responding to the Mining and Minerals Division’s (MMD) September 27, 2022 letter that included comments from other State agencies to the proposed permit modification. This response includes additional information requested from the MMD and responses, were needed, to the other agency’s comment letters. W.W. Mining and Production also acknowledges the comments from the other agency’s where no response was needed. The following are the responses:

MMD Comments (and W.W. Mining and Production responses in **Bold**):

Comment 1. MMD understands that there was recently a transfer in ownership of the permit area. Please provide an update in right of access information pursuant to 19.10.3.304.D.(1).

**Response to Comment:**

**Wade White and Anna Mae White (Wade White), dba W.W. Mining and Production, acquired the two patented mining claims, the Little Joe and Cotton Top on August 19, 2022. These patented claims cover 29.401 acres (the proposed permit area) and were purchased from Little Joe LLC [Nancy (Donegan) Nolan and Mike Donegan owners of Little Joe LLC, 14 Calle del Sol, Placitas, New Mexico 87043]. See attached Warranty Deed. Therefore, Wade White, dba W.W. Mining and Production, owns the surface and mineral rights and has the right to occupy the property and to mine and recover placer gold and associated minerals and conduct reclamation with the issuance of a mining permit by the State of New Mexico.**

Comment 2. During the site inspection on August 31, 2022, the main erosion feature on the western edge of the reclaimed area which had been repaired earlier this spring had redeveloped after the repairs were completed and monsoon rains had started. NMDG&F also observed these erosion features and expressed concern over the stability of the site in their comment letter. Please provide an erosion mitigation plan to address preventing further head cutting on this feature. MMD will require that this plan be implemented within 30 days of the plan submittal.

**Response to Comment:**

An erosion mitigation plan to address the ‘active’ erosion features that were observed during the August inspection will be submitted by November 1, 2022. The plan will be implemented by November 30, 2022. W.W. Mining and Production recognizes the need to mitigate the erosion features to improve conditions for re-establishing vegetation on the reclaimed surface.

Comment 3. Provide a cost estimate based on the existing disturbed area, reclaimed area, and design limit. MMD guidance for estimating reclamation costs for Minimal Impact Mining Operations may be used and found at:

[https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/MMD\\_Part3FAGuidelines\\_Sept2013.pdf](https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/MMD_Part3FAGuidelines_Sept2013.pdf)

**Response to Comment:**

A cost estimate, which is based on the existing disturbed area, the recently reclaimed area and the proposed design limit [see attached map] is provided below. It is based largely on the guidance reference provided by MMD, along with an estimate for re-seeding the reclaimed area in the future utilizing recent and similar work elsewhere in New Mexico as a basis for that estimate.

- The cost estimate for re-seeding the previously and recently reclaimed area [estimated at 0.65 acres] is based on a recent and comparable per acre quote for similar work in New Mexico:
  - \$2,000 per acre multiplied by 0.65 acres = \$1,300
- Cost estimate to reclaim the disturbed area associated with the design limit, which includes the mining disturbances and the operation area [the design limit is proposed at 1.98 acres, see attached map]:
  - \$8,900 for the first acre
  - \$4,900 multiplied by 0.98 for the remaining acreage
  - Total = \$8,900 + (\$4,900 x 0.98) = \$13,702
- The total estimate for financial assurance is \$13,702 + \$1,300 = \$15,702.

Comment 4. MMD will set revegetation standards as a permit condition in Modification 22-1. To determine whether the site has achieved a self-sustaining ecosystem after reclamation is complete, typically the vegetation on the reclaimed area is compared with vegetation on an undisturbed reference area. Please propose vegetation standards to include in the permit and propose a vegetation reference area (map).

**Response to Comment:**

An attached map is provided with a proposed 0.25-acre reference area. A baseline survey of the reference plot area will be conducted, and a technical memo prepared. The reference plot will be measured and established using rebar on the corners and flagging, as well as the plot center. Baseline data will be collected in each plot and will include vegetation type, cover, production, density and diversity. Topography, soil types and depths, average slopes and aspects will also be documented. Based on this survey, revegetation standards will be proposed and included in a technical memo submitted to MMD. This work will be completed, and report prepared at the end of the growing season in 2023 and submitted by October 1, 2023.

Summarized Comment from the Department of Cultural Affairs Historic Preservation Division:

“However, the project area does contain an archaeological site, LA 118296, that is eligible for the NRHP. The placement of gold placers in previously undisturbed terrain may adversely affect this site.” [emphasis added].

**Response to Comment:**

The proposed placer mining within the area designated as the ‘design limit’ of this proposed permit is in an area of ‘previously disturbed terrain’ from historical placer mining operations. The majority of the mining and processing will be unconsolidated placer spoils and some unconsolidated sedimentary material, most of which was previously mined and/or disturbed. In order to address concerns for the potential impacts to the recognized archaeological site on the Bureau of Land Management (BLM) property, it will be prevented by avoidance. To prevent any encroachment and disturbance of the cultural resources on BLM land, W.W. Mining and Production will complete the following before beginning operations:

- Install and maintain fencing along property boundary between the mining operations and the BLM property and expected location of archaeological site(s)/deposit(s);
- Maintain an approximate 20 foot ‘buffer’ of no disturbance between the mining disturbance and the fence; and
- Place ‘no trespassing signs’ on the property; this also would act to deter weekend prospectors from creating disturbances on and adjacent to the permit.

W.W. Mining and Production recognizes the historical mining and mine spoils (waste rock, tailing and similar) adjacent to and uphill from the permit area along the west side of the property [what is believed to have been the ‘Iron Mine’]. Some of these waste materials, specifically the mill tails, are actively being eroded from an impoundment on BLM land. These are being transported down downslope by stormwater on to the Permit area. W.W. Mining and Production requests the MMD recognize this and take this into consideration in managing this permit. W.W. Mining and Production will work with MMD to reclaim their permitted disturbances in a manner that reduces the impact to the permit area from these uncontrolled mine waste areas on the BLM land.

Please let me know if you have any questions or would like to discuss.

Sincerely,



Bob Newcomer  
Principal

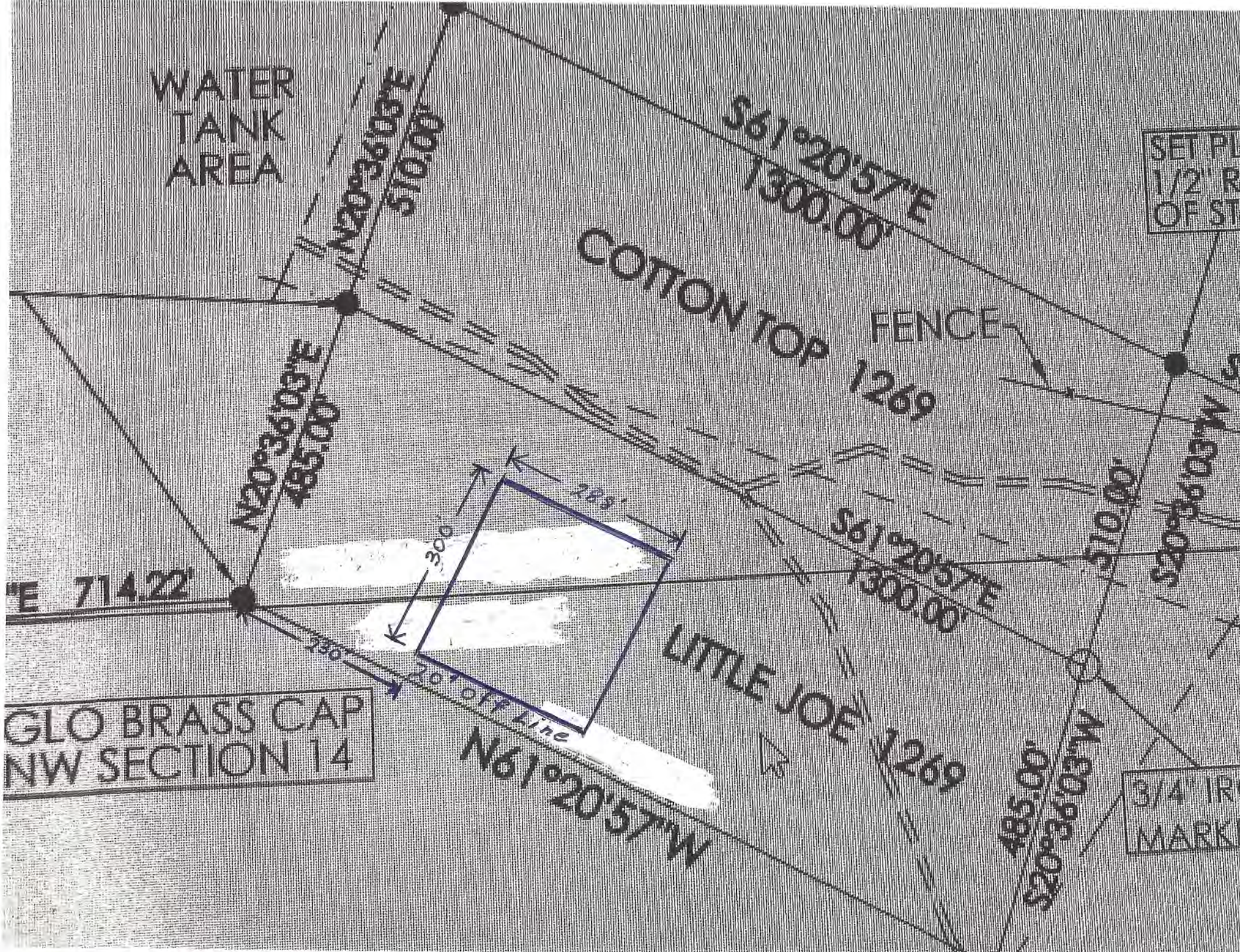
cc: Holland Shepherd, Program Manager, MARP/MMD  
Wade White, W.W. Mining and Production

Attaches: Map showing area of permit ‘design limit’  
Warranty Deed associated with property  
Proposed Reference Area



WATER  
TANK  
AREA

SET PL  
1/2" R  
OF ST





# WARRANTY DEED

Little Joe, LLC, a New Mexico Limited Liability Company

for consideration paid, grants to:

Wade White and Anna Mae White, husband and wife, as joint tenants with right of survivorship

whose address is PO Box 315, Mayhill, NM 88339

the following described real estate in Otero County, New Mexico:

See Exhibit "A" Attached.

Parcel ID: R027155, R026688, R027831

SUBJECT TO: Easements, Restrictions and Reservations of record.

SUBJECT TO: Any set of facts which a physical inspection or accurate survey of the premises may reveal.

with warranty covenants.

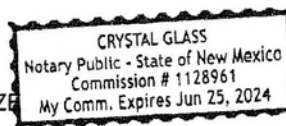
✓ Witness my hand(s) and seal(s) on this 18<sup>th</sup> day of August, 2022

Little Joe, LLC, a New Mexico Limited Liability Company

✓ By: [Signature]  
Stephen D. Nolan, Manager

STATE OF NEW MEXICO  
COUNTY OF Sandoval

✓ NOTARIZE



This instrument was acknowledged before me on 18 day of August, 2022, by Stephen D. Nolan as Manager of Little Joe, LLC.

[Signature]  
Signature of notarial officer

My commission expires: 06/25/2024

EXHIBIT A

The following real property situated in Otero County, New Mexico:

1. PATENTED CLAIMS<sup>a,b</sup>

<u>Name of Claim</u>	<u>Sec./Twp./Rgc.</u>	<u>Mineral Survey No.</u>	<u>Patent No.</u>	<u>Acreage</u>
Cotton Top Mining	11&14/22S/8E	1269	45033	15.07
Little Joe Mining	11&14/22S/8E	1269	45033	14.331

2. FEE LAND<sup>a,b</sup>

NE/4SE/4 Sec. 15, T. 22S., R. 8 E., N.M.P.M. consisting approximately 40.0 acres.

- a. Subject to a production royalty of one-quarter per cent (.25%) of the net smelter returns to B and P Investments pursuant to Quitclaim Deed recorded in Book 692, pages 742 thru 746 of the records of Otero County, New Mexico
- b. Subject to an ore payment of \$150,000.00 payable out of one per cent (1.0%) of the net smelter returns to Southern Union Production Company pursuant to Assignment of Ore Payment recorded in Book 409, page 205 of the Records of Otero County, New Mexico.







Approximate Permit Boundary

Proposed Reference Area

629 ft

Google Earth

1985

Imagery Date: 5/27/2016 32°23'59.45" N 106°06'03.26" W elev 4463 ft eye alt 6950 ft