

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Mining and Minerals Division



**Electronic Transmission**

October 25, 2022

Bob Newcomer, Principle  
Toltec Mesa Resources LLC  
7823 Quintana Dr. NE  
Albuquerque, NM 87109

**RE: Rare, Threatened, and Endangered Plant Surveys, Modification 22-1 Application, Permit No. OT005MN, Orogrande Placer Gold**

Dear Mr. Newcomer,

The New Mexico Mining and Minerals Division (“MMD”) received an application to modify Permit No. OT005MN, Orogrande Placer Gold, on July 20, 2022 from Toltec Mesa Resources LLC on behalf of W.W. Mining and Production (“WWMP”). The application for permit modification (“Application”) was assigned Modification 22-1 by MMD. MMD received supplemental information regarding the Application on September 9, 2022 and sent a request for additional information to WWMP on September 27, 2022. Toltec Mesa Resources LLC provided a response to these comments on September 28, 2022 and provided additional information on a proposed reference area location on October 7, 2022.

MMD has reviewed the September 28, 2022 responses in addition to the proposed reference area submitted on October 7, 2022 and finds all responses acceptable. However, MMD has become aware that the proposed permit area has the potential to impact multiple state and federal rare, threatened, or endangered (“RTE”) plant species. The permit area also lies within the designed Jarilla Mountains (96) Important Plant Area (“IPA”) as defined by the State of New Mexico’s Endangered Plant Program. There are no designated critical habitats under the Endangered Species Act within the permit area. State and Federal RTE plant species that have the potential to occupy this site include, but may not be limited to:

Common Name	Scientific Name	Federal Status	State Status
Sacramento Mountains thistle	<i>Cirsium vinaceum</i>	Threatened	
Sacramento prickly-poppy	<i>Argemone pleiacantha pleiacantha</i>	Endangered	
Todsen's pennyroyal	<i>Hedeoma todsenii</i>	Endangered	
Villard pincushion cactus	<i>Escobaria villardii</i>	Species of Concern	Endangered
hairy muhly	<i>Muhlenbergia villiflora var. villosa</i>		Species of Concern
desert night-blooming cereus	<i>Peniocereus greggii var. greggii</i>	Species of Concern	
Guadalupe mescal bean	<i>Sophora gypsophila var. guadalupensis</i>		Species of Concern

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MMD will require that WWMP conduct a RTE plant survey across the permit area prior to beginning any mining disturbance activities and submit the results of the survey to MMD for review. If any RTE plant individuals are found during the surveys, MMD will require that WWMP avoid these areas and submit an avoidance strategy plan for MMD approval. Additional permit conditions regarding this subject may be included in the draft permit for WWMP's review prior to approval.

Please respond to this letter with a description of how WWMP would like to proceed within 30 days. 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@emnrd.nm.gov](mailto:carmen.rose@emnrd.nm.gov).

Sincerely,

A handwritten signature in blue ink that reads "Carmen Rose".

Carmen Rose, Permit Lead  
Mining Act Reclamation Program (MARP)/MMD

CC: Holland Shepherd, Program Manager, MARP/MMD  
David Ohori, Supervisor and Senior Reclamation Specialist, MARP/MMD  
Wade White, W.W. Mining and Production