



## ***THE SAN MARCOS ASSOCIATION***

P.O. Box 722  
Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>

Jerry Schoeppner

Director, Mining and Minerals Division

New Mexico Department of Energy, Minerals and Natural Resources

Dear Mr. Schoeppner:

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c) (4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code of Santa Fe County. Our goals are to protect the rural, residential character of the area for which we advocate; to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County; and to advocate on behalf of property owners/residents of the area in matters of public service, utilities and the general welfare of people. Our area of advocacy includes down gradient neighbors of the Cunningham Hill Mine property. We have monitored the Permit Revision 20-1 Application from LAC Minerals for closure, and have visited the Cunningham Hill site during the August 2, 2022, Open House. Three SMA board members attended the Hearing November 2, 2022, remotely, but like many attendees we were unable to use the chat function or to offer comments.

Our comments are brief, and generally supportive of the position of the Friends of Santa Fe County, a group that has worked on behalf of the Gold Mine Road and Cerrillos-area communities since the 1990s. In support of them, we wanted to call a few specific concerns to your attention.

First, the SMA Board of Directors supports conducting updated research related to the 1994 study for site reclamation. This is especially important regarding risks and progress of pit wall failure. Changing climate is causing (and may continue to cause) serious unforeseen impacts. For instance, is there any assurance that the current pit water level is sustainable? Or might it drop, leading to increased weathering and erosion of the pit wall?

Second, a related concern is the length of time that LAC Minerals should be prepared to provide funding which will be truly adequate to address currently unanticipated degradation of the site. We understand that 100 years as a common time horizon. When considering that 30 years has already passed in the blink of an eye, bringing dramatic changes in weather patterns along with potential reassessment of suitable reclamation plants and materials, it is far too conservative to anticipate new problems arising in just 100 years (or less). The Board would like to see a financial assurance structure that will protect the site for 200 to 500 years. Please see notes in the presentation from James Kuipers, on behalf of the Friends of Santa Fe County.

Finally, the SMA is concerned that the EMNRD approach leaves out impacts on groundwater resources in neighboring and nearby properties. We heard discussion at the hearing of a separate process for the New Mexico Department of Environment to address off-site water issues. Although this process may follow the "letter of the law," it does not appear to be sufficient to protect the citizens and wildlife in the area. SMA, therefore, requests more detail on a coordinated and robust effort between the various Departments of the State of New Mexico that can suitably address groundwater-related issues in this instance.

*President – Dennis Kurtz*

*Vice-President – Janet McVickar*

*Treasurer – Gail Buono*

*Secretary – Jill Cliburn*

Our understanding is that, according to official guidelines, LAC cannot be released from its responsibilities on the site unless certain conditions are met, including ensuring “that the open pit or waste unit will meet all applicable federal and state laws, regulations, and standards for air, surface water and ground water protection following closure and will not pose a current or future hazard to public health or safety.” We feel strongly that these responsibilities should also include addressing potential issues offsite that affect the mine’s nearby neighbors. To view the property where the mine is located, and events past and future on that site, as somehow unconnected to and having no influence on the surrounding area flies in the face of ecological and hydrologic principles. Doing so would be incorrect and short-sighted.

We thank you for your attention to this matter and await a report concerning ongoing process.

Sincerely,



Dennis Kurtz, President  
The San Marcos Association

Cc: Carmen Rose, Permit Lead – MARP

Ross Lockridge, Las Candelas de Los Cerrillos

Jim Kuipers P.E., Kuipers & Associates, Friends of Santa Fe County