

State of New Mexico
Energy, Minerals and Natural Resources Department

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Mining and Minerals Division



Electronic Transmission

November 30, 2022

Audie Padilla, Superintendent
St. Cloud Mining Company
PO Box 196
Winston, NM 89743

RE: Agency Comments, Modification 22-1 Application, San Pedro Mine, Permit No. SF001ME

Dear Mr. Padilla:

The New Mexico Mining and Minerals Division (“MMD”) received an application to modify Permit No. SF001ME, San Pedro Mine, on August 23, 2022, from St. Cloud Mining Company (“St. Cloud”). The application for permit modification (“Application”) was assigned Modification 22-1 by MMD. MMD received supplemental information via e-mail regarding the Application on August 26, 2022. The Application proposes to set new technical revegetation standards in the Permit.

Pursuant to §19.10.3.304.H and §19.10.6.608.D(3) of the New Mexico Administrative Code (“NMAC”), MMD requested the review of the Application by the Mexico Department of Game and Fish (“NMDG&F”) and the New Mexico State Forestry Division (“NMFD”). MMD received written comments from NMDG&F; a copy of the comment letter is attached. Please review these responses and note the guidance listed in them. MMD did not receive any comments from NMFD.

MMD Comments:

MMD has reviewed the Application and has found it to be *technically incomplete* pending receipt of acceptable supplemental information identified in this letter.

During a site inspection scheduled for this Application on October 3, 2022, MMD found some erosion features along the south-southeast boundary of the reclaimed tailings pond. These erosion features had been originally identified during an inspection on March 3, 2020, and a plan, dated March 18, 2020, was developed to address them. St. Cloud notified MMD that this erosion repair work was completed by May 28, 2020, but after two years, the erosion repairs appear to be failing. A significant amount of sediment is accumulating behind the straw bales and wattles, and in many cases is overtopping the wattles and creating erosion on the downhill side.

MMD requires that St. Cloud submit to MMD for approval an erosion mitigation plan for these erosion features within 30 days of receipt of this letter. This erosion mitigation plan should include potential

permanent and sustainable solutions for the erosion features that remain on the reclaimed tailings pond and should include the use of some rock armoring on the more severe erosion features.

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.

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
David Ohori, Supervisor and Senior Reclamation Specialist, MARP
Joe McEnaney, President, St. Cloud

Enclosures: September 27, 2022 letter to MMD from NMDG&F

GOVERNOR
Michelle Lujan Grisham



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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27 September 2022

Carmen Rose, Reclamation Specialist
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Permit Modification 21-1 Application, San Pedro Mine, St. Cloud Mining, Santa Fe County, New Mexico, Permit No. SF001ME; NMDGF No. NMERT-2078.

Dear Ms. Rose:

The Department of Game and Fish (Department) has reviewed the above referenced permit modification application submitted by St. Cloud Mining Company (St. Cloud). St. Cloud is requesting to modify the existing minimal impact mining permit for the San Pedro Mine. In lieu of a reclamation reference area, St. Cloud is proposing to use a new technical revegetation standard to determine mine reclamation success. This standard would reference baseline vegetation survey results from the San Pedro Mine (Metric Corporation 1992).

St. Cloud is proposing three metrics (success criteria in parentheses) to determine revegetation success: 1) vegetative ground cover (75% of the baseline desirable cover); 2) woody plant density (average of 200 shrubs per acre); and 3) plant diversity (the following plant types must be present: cool and warm season grasses, perennial and annual forbs, shrubs, and sub-shrubs).

For the proposed diversity success criterion, the presence of only one species in each plant category would constitute reclamation success. The Department recommends that MMD require the presence of an appropriate minimum number (>1) of native species in each plant category in order for the reclamation to be deemed successful. The Department recommends using the San Pedro Mine baseline vegetation survey results (Metric Corporation 1992) to identify this minimum number and evaluating the proposed technical standard in the context of revegetation survey results recently gathered by Cedar Creek Associates, Inc.

The Department requests that MMD schedule a joint site visit, to allow for inspection of the current condition of the reclamation site, at their earliest convenience.

Thank you for the opportunity to review and comment on the proposed permit modification. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@state.nm.us.

Sincerely,

Matthew Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office

Metric Corporation. 1992. Survey of Vegetation and Wildlife at San Pedro Mine Property. Santa Fe County, New Mexico.