

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



April 12, 2023

Mr. Mike Thompson
Cibola Resources, LLC
18032 Road G
Cortez, CO 81321

RE: MMD and Agency Review Comments, Permit Tracking No. CI018EM, Cibola Resources, Cebolleta Uranium Exploration Project in Cibola County, NM

Mr. Thompson:

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package (“PAP”), for a minimal impact exploration permit, submitted by Cibola Resources, LLC, under Subpart 3 of the New Mexico Mining Act Rules (“Rules”). A site inspection was completed with all interested parties on April 3, 2023.

Enclosed with this letter are the reviewing agency comment letters submitted by the following agencies: the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), and New Mexico State Forestry (“NMSF”).

MMD Comments:

1. As discussed during the field inspection, drill hole location LJ-4 is approved for this project; however, this location will need to be accessed through construction of a road/ramp. Some additional reclamation or maintenance might be required if this location is accessed. Also as discussed during the field inspection, MMD appreciates Cibola’s offer to plug this open hole whether or not it is accessed for exploration. MMD will require in the permit the abandonment of this open hole.

NMED Mining Environmental Compliance Section, Ground Water Quality Bureau Comments (“MECS”)

Please review the comment letter received by NMED MECS Ground Water Quality and respond to the comments found in the letter.

NMED Surface Water Quality Bureau Comments:

Please review the comment letter received by NMED Surface Water Quality Bureau and comply with Surface Water Quality Bureau requirements.

NMED Air Quality Bureau Comments:

Please review the comment letter received by NMED Air Quality Bureau and comply with NMED Air Quality Bureau requirements.

NMDCA/HPD Comments:

Please review the comment letter received by NMDCA/HPD, specifically the avoidance of cultural resources during operation.

NMDG&F Comments:

Please review the comment letter received by NMDG&F and respond to the recommendation to conduct additional wildlife surveys during the migratory bird breeding season.

Should you have any questions, comments, or require additional information concerning this letter or any enclosures, please contact me at (505) 372-8634, or via email at:

david.ennis@emnrd.nm.gov.

Sincerely,



David ("DJ") Ennis, PG
Acting Program Manager

Enc: Agency Comment Letters

cc: Robert Newcomer, Toltec Mesa Resources
File (CI018EM)



Electronic Transmission

MEMORANDUM

Date: April 7, 2023

To: David Ennis, Acting Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Amber Rheubottom, MECS
Alan Klatt, Surface Water Quality Bureau (SWQB)
Roseanne Sanchez, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Cebolleta Exploration Project, Amended New Minimal Impact Exploration Permit Application, Cibola Resources, LLC, Cibola County, New Mexico, New Mexico Mining Act Permit No. CI018EM**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on March 15, 2023 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Cebolleta Exploration Project is a new minimal impact exploration permit. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED requested an extension to submit comments by April 10, 2023. NMED has the following comments.

Background

Cibola Resources, LLC (applicant) proposes to disturb up to 3.24 acres of Cebolleta Land Grant. The applicant proposes to drill up to 22 boreholes on 22 drill pads, each up to 340 feet below ground surface (bgs). This site is located approximately 4.7 miles southeast of Seboyetta, NM.

The depth to groundwater as stated in the application ranges from 150 to ≥ 250 feet; therefore groundwater will be intercepted during drilling operations. The Total Dissolved Solids (TDS) concentrations in groundwater based on the application ranges from 500 to 1,500 mg/L.

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

The MECS has the following comments:

1. Groundwater Protection - Due to the penetration of drillholes into areas with known uranium mineralization, NMED requires all drilling activities to be non-discharging. A discharge may include, but is not limited to, the placement of drilled material and drilling fluids onto the ground surface without primary and secondary containment (i.e. liners, tanks, etc.). To achieve a non-discharging project, all material (drilling fluids, drilling water, drill cuttings, drill core, etc.) generated on site may not remain on site or encounter the ground surface or groundwater. Please provide NMED with a plan for the prevention of potential discharges throughout the project and mechanisms for a closed-loop system.
2. Site characterization—The location of this project is in an area of multiple historic uranium milling and mining operations. Based on the proximity this site has to surrounding uranium mine and mill sites, NMED is requiring a characterization of radiological background prior to the start of this project. Please submit a workplan detailing how radiological site-specific background levels will be determined levels, background value(s), methods of radiological monitoring during the project and verification of achieving background upon completion. Figure 3: Drilling Locations was provided to NMED during a site visit on April 3, 2023. The figure shows the limits of the biological survey completed by the applicant, which appears to cross into an area of environmental impact from the General Electric/United Nuclear Corporation St Anthony Mine. NMED recommends the applicant avoid drilling south of the southern road where possible.
3. Site water – Based on the application, NMED is not aware of an industrial water source for use on the site. Prior to use on the site, the applicant shall provide to NMED for approval, the source for industrial water and associated water quality results that include general chemical analysis (pH, chloride, sulfate, TDS, nitrate) and dissolved metals (uranium, selenium, molybdenum, arsenic). If metals analysis is not provided by the supplier, the applicant shall collect a sample and send for analysis that include the analytes listed above. NMED also notifies the applicant of a well prohibition order (Order) issued by the Office of the State Engineer (OSE) currently in place associated with the St Anthony Mine operated by United Nuclear Corporation/General Electric. The OSE executed the Order based on recommendations from NMED based on water quality impacts at the St Anthony Mine. The Order includes a portion of the area where the

Mr. David Ennis
Cebolleta Exploration Project
April 7, 2023

applicant's project is planned. Under the Order, the only new wells allowed in the area covered by the prohibition are those for remedial actions at the St Anthony Mine. The Order was effective January 12, 2018 and remains in perpetuity. The Order is attached.

4. In the likely instance groundwater is encountered while advancing the borings to the total depth of 340 feet below ground surface, plugging and abandonment of the borings should comply with New Mexico Office of the State Engineer regulations for wet holes as is indicated in the application. In addition, the applicant must contain any water produced from the exploration holes at the drill sites.

NMED Summary Comment

NMED is requesting additional information prior to determining if the exploratory project as proposed will have a minimal impact to the environment.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: Joseph Fox, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF NEW GROUND WATER)
APPROPRIATIONS AND APPLICATIONS TO)
TRANSFER WATER RIGHTS TO EXISTING)
GROUND WATER WELLS IN A CERTAIN AREA)
OF CIBOLA COUNTY WITHIN THE)
RIO GRANDE UNDERGROUND BASIN)

STATE ENGINEER ORDER

WHEREAS, the State of New Mexico Environment Department (NMED) is overseeing corrective measures at the former St. Anthony Mine Site (Site); and

WHEREAS, on the 18th day of December, 2017, the Office of the State Engineer (OSE) received a request from NMED to issue an order restricting the permitting and drilling of wells for new appropriations of groundwater, including under Sections 72-12-1.1, 72-12-1.2, 72-12-1.3, and 72-12-3 NMSA 1978, and also restricting the permitting of any change to the point of diversion of any existing water rights to wells within the boundaries of the Site as identified on the map attached to this Order as Attachment A and entitled "Exhibit 13, Proposed Area for AAS Application, St. Anthony Mine". This map shows the estimated extent of the area where groundwater is contaminated with chloride, boron, sulfate, total dissolved solids (TDS), fluoride, uranium, and radium. The extent of contaminated groundwater lies entirely within the area delineated by the coordinates below and is limited to the Jackpile sandstone aquifer. The Site is approximately 1,072 acres and the latitude and longitude of the four corners of the affected property are: the northwest corner, 35.17 degrees north and -107.32 degrees west; the northeast corner, 35.17 degrees north and -107.29 degrees west; the southeast corner, 35.15 degrees north and -107.29 degrees west; and the southwest corner 35.15 degrees north and -107.32 degrees west; and

WHEREAS, this request comes not only to protect human health, but also to prevent interference with groundwater flow associated with ongoing remediation; and

WHEREAS, this Order shall be in effect in perpetuity or until such time as the groundwater concentrations have decreased to levels less than the Water Quality Control Commission (WQCC) standards set forth in 20.6.2.3103 NMAC, and is applicable to any proposed water wells (public or private) within the specified area; and

WHEREAS, the moratorium set out in this Order shall not apply to applications for permits for the drilling and installation of wells associated with the remedial action or the measurement of contaminant concentrations.

NOW THEREFORE, IN THE INTEREST OF PUBLIC SAFETY AND PROTECTION OF HUMAN HEALTH, IT IS HEREBY ORDERED that no new appropriations of groundwater, including by new wells permitted under NMSA 1978, Sections 72-12-1.1, 72-12-1.2, 72-12-1.3, or 72-12-3, and no changes to the point of diversion of any existing water rights to wells shall be allowed within the area described above, except for those in support of NMED remedial actions or the measurement of contaminant concentrations. These restrictions shall remain in place for perpetuity or until such time as the groundwater concentrations have decreased to levels less than the WQCC standards set forth in 20.6.2.3103 NMAC. Any land owner wishing to plug an existing well within this area must coordinate with both the NMED and the OSE.

WITNESS my hand and official seal this 12 day of JANUARY, 2018

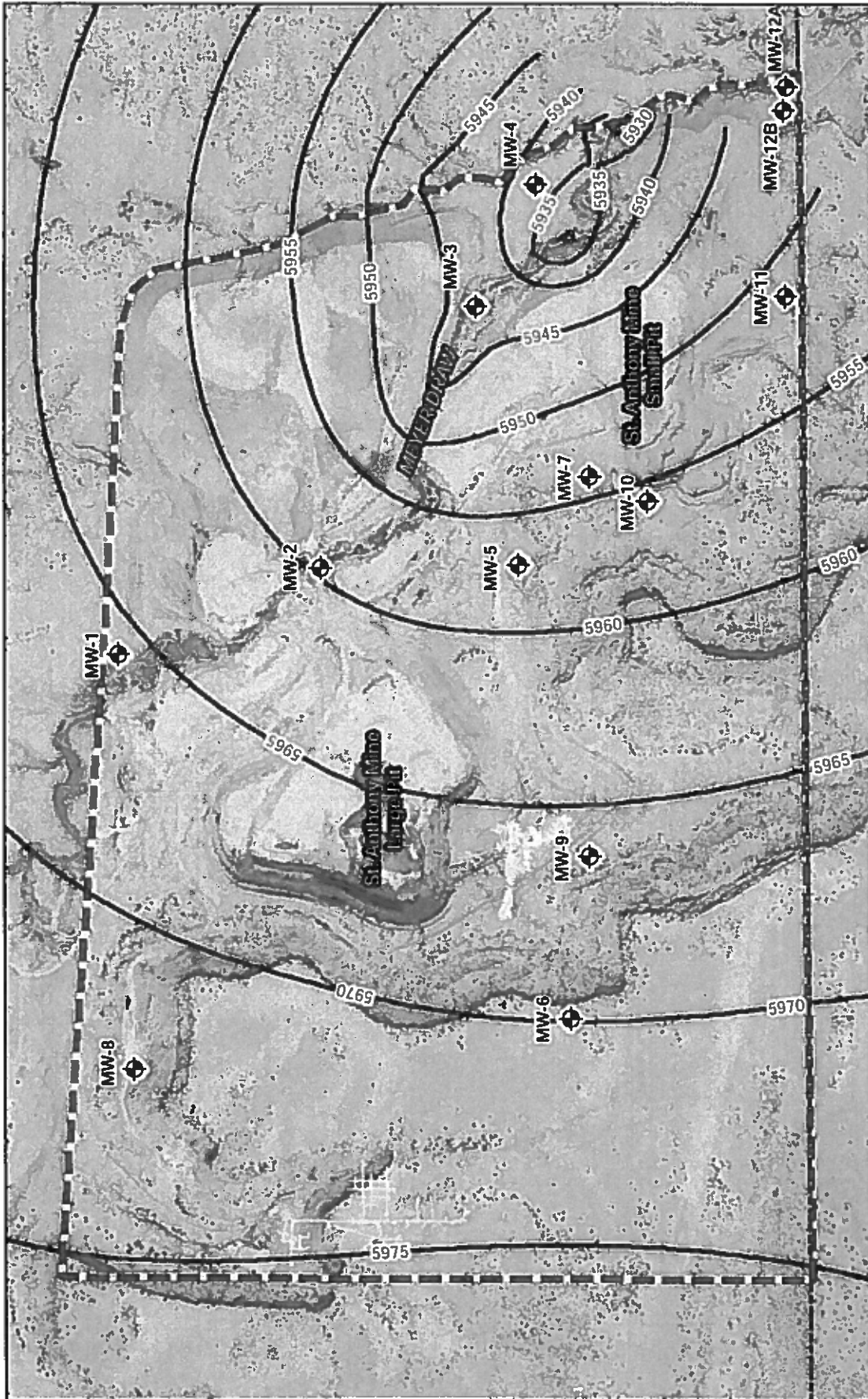

Tom Blaine, PE
New Mexico State Engineer



Reviewed:


Gregory C. Ridgley
General Counsel

Attachment A



Legend

- Monitoring Well Location
- Area of Affected Groundwater
- Head Contour (ft)
- Laguna Boundary
- Subsurface Mine Workings

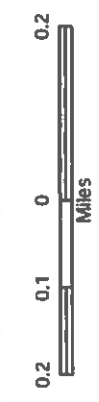


Exhibit 13 Proposed Area for AAS Application St. Anthony Mine



MEMORANDUM

DATE: March 28, 2023

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

THROUGH: Shelly Lemon, Chief, Surface Water Quality Bureau, New Mexico Environment Department

FROM: Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department
Susan Lucas Kamat, Point Source Regulation Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Agency Comments, Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit Tracking No. CI018EM**

On March 17, 2023 the Surface Water Quality Bureau (SWQB) received a request for comments regarding the Subject application submitted by Cibola Resources, LLC. The exploration area is located on the Cebolleta Land Grant approximately 4.7 miles southeast of Seboyetta, NM. The proposed total disturbance area is 3.24 acres and includes 22 drill holes with depths of 320-340 feet. Pursuant to 19.10.3.302 New Mexico Administrative Code (NMAC), SWQB is providing the following comments:

The original application dated September 12, 2022 was amended, in part, to avoid a highly braided and wide channel with multiple low flow channels (~80 ft wide and ~1 ft shallow) and a robust herbaceous vegetative component as described in the original Biological Evaluation. The amended application has relocated Drill Pad #1 to new drill pad locations away from and to the north and south of the ephemeral waterway. The revised Biological Evaluation concludes that the ephemeral waterway will not be impacted by project activities.

The ephemeral waterway is approximately located at 35.169501° N, -107.313016° W and is a tributary to Arroyo del Valle which flows to the Rio Puerco and ultimately the Rio Grande. The ephemeral waterway is subject to New Mexico surface water quality standards at 20.6.4.13 NMAC and 20.6.4.98 NMAC which includes designated uses for livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact. Arroyo del Valle is currently listed on the Clean Water Act Section 303(d) list of impaired waters for alpha particles and does not support the designated use for livestock watering¹. Mine exploration activities that have the potential to contribute pollutants to waters of the state must be implemented with appropriate and reasonable Best Management Practices (BMPs) to minimize and prevent potential impacts to water quality.

To protect and maintain surface water quality standards, SWQB recommends the following:

- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, and drilling activities to address potential spills. Report all

¹ <https://www.env.nm.gov/surface-water-quality/303d-305b/>

spills immediately to the NMED as required by the New Mexico Water Quality Control Commission Regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535. For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).

- The applicant must contain any water produced from the exploration holes at the drill site to prevent erosion and gully formation. Drilling cores and drilling mud must be collected and disposed of properly.
 - Gamma radiation levels at each drill site must be restored to pre-exploration levels.
- Pressure wash and/or steam clean all mobile equipment used in the project area before the start of the project and inspect daily for leaks. A written log of inspections and maintenance should be completed.
- The use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads should comply with the guidelines described in the Bureau of Land Management “Gold Book”². Suspend construction, maintenance activities, or off-road travel during periods when the soil is too wet to adequately support heavy equipment without causing surface disturbance. The operator should commit to repair any surface disturbance they caused.
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from any watercourses, including springs, wetlands, and arroyos.
- Implement Best Management Practices to prevent direct impacts to watercourses, including springs, wetlands, and arroyos. For temporary surface disturbances during exploration and reclamation activities, the operator should implement erosion control measures that are designed, constructed and maintained using professionally recognized standards (e.g., Natural Resource Conservation Service standards or the Bureau of Land Management “Gold Book”).
- The applicant should ensure that stormwater entering the project area (“run-on”) is diverted from soil storage piles and should place piles uphill of excavations when possible.
- This project may qualify for coverage under the National Pollutant Discharge Elimination System (NPDES) 2021 Multi-Sector General Permit (MSGP) for storm water discharges, Sector G Metal Mining. Information on permit coverage requirements can be found at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>.

Among other things, the MSGP requires that a Stormwater Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be designed, installed and maintained to prevent, to the extent practicable, pollutants in stormwater runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures, and permanent stormwater management measures be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. Section 9.6.2 of the 2021 MSGP describes additional New Mexico specific requirements for monitoring, SWPPPs, ponds and impoundments, inspections, and stabilization.

² <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>

- Activities within watercourses or wetlands may require coverage under a Clean Water Act Section 404 permit. If you have questions about this permitting, please contact:

U.S. Army Corps of Engineers, Albuquerque District, Regulatory Division
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435
Ph: 505-342-3678
Email: SPA-RD-NM@usace.army.mil

For questions related to these comments, please contact Alan Klatt, SWQB, at 505-819-9623.



MEMORANDUM

DATE: March- 28, 2023

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

RE: Request for Agency Comments, Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit Tracking No. CI018EM.

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Details

Cibola Resources has submitted an amended minimal impact exploration application. The amendment include relocation of exploration holes and access route. Exploration will result in 22 drill pads and 22 holes. Some drill pads may require grading/blading. Total disturbed area will not exceed 3.24 acres.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other*

Particulate Control: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

“Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant.”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

“Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.”

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA’s *Compilation of Air Pollutant Emission Factors, AP-42, “Miscellaneous Sources”* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Re: Request for Agency Comments, Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit Tracking No. CI018EM

Page 3

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

Recommendation

The Air Quality Bureau has no objection to this request.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505 629 6186



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320

March 24, 2023

David ("D.J.") Ennis, P.G.
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505
david.ennis@emnr.dnm.gov

Re: HPD Log# 119310, Request for Comments - Cebolleta Exploration Project

Dear Mr. Ennis:

I am writing in response to your request for review and comment on the above referenced Uranium Exploration Project received at this office March 16th, 2023. I have reviewed the documents submitted for this project, including the cultural resource survey report entitled "*CULTURAL RESOURCE SURVEY REPORT FOR REVISED EXPLORATORY DRILL HOLE LOCATIONS AT THE CEBOLLETA URANIUM MINE, CIBOLA COUNTY, NEW MEXICO* (NMCRIS #152481) by Adam Okun. The State Historic Preservation Officer concurs with the results and recommendations specified in the survey report.

Specifically, by avoiding site LA 152220, this exploration project will have no effect on cultural resources listed on, or eligible for, the National Register of Historic Places and The State Register of Cultural Properties.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-827-6162 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard Reycraft
HPD Staff Archaeologist



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

www.wildlife.state.nm.us

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Santa Fe

5 April 2023

David J. (DJ) Ennis, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit No. CI018EM; NMDGF No. NMERT-2480.

Dear Mr. Ennis:

The New Mexico Department of Game and Fish (Department) has reviewed the proposed exploration project referenced above. Cibola Resources, LLC (Cibola) is proposing to drill 22 exploratory holes to a depth of 320 to 340 feet. The drilling sites will be located near Section 19, T11N, R5W and Section 24, T11N, R4W in an un-platted portion of the Cebolleta Land Grant. The project will disturb an area of approximately 3.24 acres. Staff from the Department, MMD, New Mexico Environment Department, New Mexico Forestry Division, Toltec Mesa Resources, LLC, and the Operator conducted a site inspection on 3 April 2023. The Department provides the following recommendations to minimize potential impacts to wildlife.

The habitat in the project area is juniper scrub/grassland and provides potential nesting habitat for the gray vireo, which is state-listed as threatened in New Mexico and is also identified as a Species of Greatest Conservation Need in the State Wildlife Action Plan for New Mexico. Department staff observed two raptor stick nests within the project area: 1) a medium-sized nest in good condition on a cliff face approximately 0.1 miles south of drill pad sites LJ-4, LJ-5, and LJ-25 and 2) a large stick nest in good condition with significant white wash present, indicating that the nest may have been active in 2022, on a cliff face approximately 0.1 miles north of drill pad sites RLB-23 and RLB-18.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings, the Department recommends that ground disturbance, vegetation removal, and drilling activities be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September). If ground disturbing and drilling activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory) and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be ≥ 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for golden eagle, ferruginous hawk, prairie falcon, and peregrine falcon nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified

biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

Rocky Mountain Ecology, LLC conducted a biological survey of the project area on 17 February 2023. The Biological Evaluation Report documented observation of only two vertebrate wildlife species: dark-eyed junco and mule deer. This low number of observed species is not surprising given the timing of the survey. In order to obtain a more complete inventory of the wildlife species that utilize the habitat near the proposed project area, the Department recommends that Cibola conduct additional wildlife surveys during the migratory bird breeding season to include: one in April, two in May (one early, one late), and one in June (early). The wildlife surveys should include a minimum buffer distance of 0.25 miles around the project area to identify any raptor nests that could be disturbed by drilling activities during the breeding season.

Thank you for the opportunity to provide comments on the proposed exploration project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dgf.nm.gov.

Sincerely,

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

cc: USFWS NMES Field Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



April 7, 2023

David ("D.J.") Ennis, P.G.
Mining and Minerals Division
Energy, Minerals and Natural Resources Department (EMNRD)
1220 S. St. Francis Drive
Santa Fe, NM 87505

RE: Request for Agency Comments, Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit Tracking No. CI018EM

Thank you for the opportunity to comment on the above referenced project. I do not anticipate any impacts to New Mexico State Listed Endangered Plants, Federally Listed Endangered or Threatened plants, or other species of concern as a result of this exploratory drilling project. The milkvetch collected during the site visit was later identified as the common *Astragalus mollissimus* (woolly locoweed) and no other rare plants were found during a search of the project area. Additionally, the proposed reclamation seed mix, if used, is an appropriate mix for the area and matches many of the species currently present.

Please let me know if I can be of further help.

Sincerely,

Erika Rowe

A handwritten signature in blue ink that reads "Erika Rowe".

Endangered Plant Program Coordinator
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov
(505)699-6371 (Phone)
<http://www.emnrd.state.nm.us/SFD/>

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