

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Albert C.S. Chang, Director
Mining and Minerals Division



July 31, 2023

Frank Bain
2425 Chof Trail
Flagstaff, AZ 86005

RE: Comments on Renewal/Modification Application Exploration Permit No. HI018EM-R2 Lordsburg Playa Lithium Exploration Project, Hidalgo Co., NM

Dear Mr. Bain,

The New Mexico Mining and Minerals Division (MMD) received an *Exploration Permit No. HI018EM renewal and modification application (2023 Application)* on July 10, 2023 requesting renewal the HI018EM Exploration Permit and modification of some drill locations for the proposed Lordsburg Playa Lithium in Brine Exploration Drilling project from Frank Bain (Permittee). The 2023 Application replaces the previous 2022 renewal application that still had a pending request by MMD for additional information on July 29, 2022.

On July 20, 2023, the Permittee provided MMD with a New Mexico State Land Office (NMSLO) unsigned Right of Entry permit (RE-6531). In a July 28, 2023 email to MMD, NMSLO verified that the Land Commissioner signed RE-6531 on June 7, 2023, with a duration of 180 days.

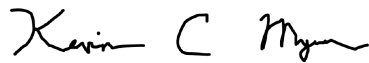
MMD completed a cursory review of the 2023 Application for renewal and modification, pursuant to §19.10.3.302 D.1. NMAC, and finds that the 2023 Application is administratively incomplete. **MMD requires the following information before starting the technical review process:**

- Section 2 – Current access agreement from the Kinder Morgan Pipeline Co. (KM) and a statement of the basis on which the Permittee has the right to enter the property to conduct mining and reclamation.
- Updated Map 1 (7-8-2023) showing the route of the access.
- Current proof of BLM Federal Lode Mining Claims LBP 1 to LBP 238, which appear to be pending in the Permit Area associated with Permit No. HI018EM.
- Section 6 - Updated Attachments 2 and 3 for the application for permit to drill and plugging plan of operations forms sent to NMOSE, due to the change in some drilling locations.

As a clarification in Section 2 of the 2023 Application, you mentioned cultural and biological surveys, even though the documents attached are State agency 2017 comment letters noting the absence of cultural and biological surveys. Furthermore, the 2023 Application Section 7.B states “*no erosion possible at drill locations because of flat topography*” when wind erosion is a significant concern by multiple agencies at the Lordsburg Playa, and the drilling disturbance of the playa may increase erosion at least temporarily. Please address these concerns when resubmitting your application for renewal and modification of Permit No. HI018EM.

If you have any questions, please contact me at (505) 490-0726 or at kevin.myers@emnrd.nm.gov

Sincerely,

A handwritten signature in black ink that reads "Kevin C. Myers". The signature is written in a cursive style with a large, stylized 'K' and 'M'.

Kevin Myers
Permit Lead
Mining Act Reclamation Program (MARP)

cc: DJ Ennis, MARP Program Manager
Mine File (HI018EM)