

## Myers, Kevin, EMNRD

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**From:** Frank Bain <frankbain7@aol.com>  
**Sent:** Monday, August 7, 2023 8:01 PM  
**To:** Myers, Kevin, EMNRD  
**Subject:** [EXTERNAL] Permit No. H1018EM Lordsburg Playa  
**Attachments:** Lordsburg Claim & drill hole map.pdf; Maintenance Fee Waiver 2023 - Frank (2).pdf

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Kevin,

Please see my responses below in RED.

Please give me a call if you have any questions.

Thanks,

Frank

307-231-1404

August 7, 2023

Frank Bain

2425 Chof Trail

Flagstaff, AZ 86005

RE: Comments on Renewal/Modification Application Exploration Permit No. H1018EM\_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.

H1018EM renewal and modification application (2023 Application) on July 10, 2023 requesting

renewal the H1018EM 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. **Anthony Hom in the BLM's Las Cruces Office told me that no more authorization letters will be issued. He said the approved Plan of Operations addresses all the access concerns and said the KM ROW is on BLM land and BLM will decide who can use the ROW, not Kinder Morgan. I have BLM's approval to use the ROW. A KM rep may be onsite for safety reasons.**

🕒 Updated Map 1 (7-8-2023) showing the route of the access. **I've attached the most recent Claim, Drill Hole Location and Access Map. Please keep it confidential.**

🕒 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. **It is not necessary to have claims in order to conduct exploration drilling. Technically, and according to Federal Mining Law, a discovery must first be made before you can stake or monument a claim.**

**I currently have 10 valid claims recorded by the BLM, I just restaked 98 additional claims that are in the process of being recorded and I'm getting ready to locate another 250 on split estate land. Attached is a copy of the 2024 Small Miners Claim Form that lists my current claim names and numbers.**

🕒 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. Th NMSEO informed me that they only accept Applications for a Permit to Drill within 30 days of actually commencing drilling operations. I'll provide you with a copy of the permit when it is issued.

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. BLM approved the Plan of Operations that included letters from Biologists, Archaeologists, and Cultural Specialists. No one that I can recall requested that additional surveys be performed. I suggest you call Anthony Hom if you have questions or concerns.

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.

I do not believe that wind-blown dust will be a significant problem like what DOT and NMSLO are claiming that it will be. The initial drill sites will be on alluvial sediments (gravel and sand) and will be more than 4 miles as the crow flies from Interstate 10. I don't see how my drilling activities can have any effect on the Interstate. Furthermore, if dust should become a problem on the access road, there will be a water truck on site equipped with sprayers to water down the road. I do believe that dust concerns were also addresses in the Plan of Operations.

I submitted a revised copy of the Application on July 10; do you need that copy revised or will this letter suffice?

Cheers,

Frank Bain

Lordsburg Project Manager

307-231-1404

If you have any questions, please contact me at (505) 490-0726 or at

kevin.myers@emnrd.nm.gov

Sincerely,

Kevin Myers

Permit Lead

Mining Act Reclamation Program (MARP)

cc: DJ Ennis, MARP Program Manager

Mine File (HI018EM)