

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michele Lujan Grisham**  
Governor

**Erin Taylor**  
Acting Cabinet Secretary

**Ben Shelton**  
Deputy Secretary

**Erin McCullough**, Director  
Mining and Minerals Division



January 13, 2026

Todd Whitacre  
Imerys Perlite USA, Inc.  
150 East Main, Suite 320  
Femley, NV 89408

**RE: Test Plot Work Plan under Closeout Plan Revision 24-1 No Agua Mine, Permit No. TA005RE**

Dear Mr. Whitacre,

The New Mexico Mining and Minerals Division (MMD) and Imery's have been working through both an updated Closeout Plan (Revision 24-1) for No Agua Mine, Permit No. TA005RE which includes a new Test Plot Work Plan to replace the previous closed Test Plot Work Plan. On December 19, 2025, Imery's submitted a newly proposed Test Plot Work Plan prepared by Montrose Environmental and all parties met and discussed this Test Plot Work Plan.

Please review and respond to MMD's technical comments (Attachment A) within 60 days of receipt of this letter, March 14, 2026. If you have any questions, concerns, or would like to meet again regarding these comments, please contact me at (505) 216- 8945 or at [samantha.rynas@emnrd.nm.gov](mailto:samantha.rynas@emnrd.nm.gov).

Sincerely,

Samantha Rynas, Permit Lead  
Mining Act Reclamation Program

Included - Attachment A: MMD Technical Comments

cc: David (DJ) Ennis, Program Manager, MARP, MMD  
Clint Chisler, Senior Reclamation Specialist, MARP, MMD  
Mine File TA005RE

**Attachment A: MMD Technical Comments**  
**No Agua Mine Revision 24-1 – Test Plot Work Plan**  
**Permit No. TA005RE**  
**Date: January 12, 2024**

**OVERVIEW**

**Name of Operator:** Imerys Perlite USA Inc.      **Permit Update:** 24-1 Test Plot Work Plan

These comments are following a submittal of the new Test plot work plan on December 19, 2025 and joint meeting with MMD, Imerys, and Montrose to discuss the submittal. The below comments are based on MMD’s review of the Test Plot work plan. Most of these comments were discussed during the meeting.

**MMD Comments**

1. As discussed in the meeting MMD supports the overall proposal including specific features such as a topsoil stockpile and test plot locations.
  
2. MMD requests for a complete test plot plan, Imerys should incorporate an introduction/background which includes the history of the previous Test plots, their results, and how they inform the current design.

Operator response:                      and/or see attachment:

3. In the meeting, MMD noted it should be clarified that the test plots will have a 1 foot of overburden, a variable depth being tested of the “borrow”/amendment which is ripped into the 1 foot of cover. MMD recommends adding a figure to represent the written description of the Test Plot construction design.

Operator response:                      and/or see attachment:

4. On page 3, the statement “Soil depth subject to change per on-site stockpile availability” should be expanded. Please expand section to include details about the topsoil study being planned to determine available borrow materials.

Operator response:                      and/or see attachment:

5. Page 4 “Testing Methods” MMD supports a 7 year expected life span and the increments of routine testing (Vegetation surveys). “Monitoring results will be documented.” – Please include that these results will be submitted to MMD for review.

Operator response:                      and/or see attachment:

6. Page 4 “Testing Methods” Please include that the reference areas will also be measured for comparative results.

**MMD Comment Summary Report: Attachment A**

**No Agua Mine Revision 24-1**

**Permit #: TA005RE**

**Date: January 13, 2026**

Operator response:           and/or see attachment:

7. Appendix A – Proposed Test Plot Exhibit: Suggest clarifying the figure with the below edits:
  - a. Change red “topsoil storage” to a different color from test plots.
  - b. Add topsoil storage to legend
  - c. Add green/yellow lines to legend
  - d. Ensure this map and units are incorporated into the site wide maps.

Operator response:           and/or see attachment:

8. Appendix B Seed Mix: As discussed in the meeting, please add clarification that the Locust Shrub will be planted versus seeded.

Operator response:           and/or see attachment:

9. During the meeting MMD and Imerys discussed the fencing options and other wildlife deterrence methods. MMD suggests adding a future review of grazing/browse impacts to evaluate if fencing could be beneficial to the test plots program.

Operator response:           and/or see attachment:

10. As discussed, the Test Plot program would need the available borrow material evaluated through a Soil Survey on site. MMD can conditionally approve a test plot work plan, however; Imerys will need to determine both the available soil for borrow as well as what the site wide acreage is to extrapolate the total quantity of borrow available. If Imerys has concerns regarding borrow available to incorporate 6 in minimum across the site at closure, MMD encourages adding 3 inches as an additional variable into the test plots. This would mean testing 12, 6 and 3 inches.

Operator response:           and/or see attachment:

11. MMD reviewed Appendix B Seed list. See the below data compilation of the data from combined vegetation surveys performed on the site. This figure shows general production of vegetation found on site and if it was a part of the original seed list, the inter-seed list or the currently proposed list.

**MMD Comment Summary Report: Attachment A**

**No Agua Mine Revision 24-1**

**Permit #: TA005RE**

**Date: January 13, 2026**

Species	Count	Life form	Original seedin	Interseedi	Proposed
Hairy False Goldenaster	425	Forb	X		
Biennial Wormwood	104	Forb			
Fineleaf Hymenopappus	60	Forb			
Ragleaf Bahia	55	Forb			
Fringed Sage	46	Forb	X	X	X
Virginia Pepperweed	42	Forb			
Nodding Buckwheat	20	Forb			
Silvery Lupine	15	Forb			X
Scarlet Gilia	11	Forb			
Hopi Tea Greenthread	11	Forb			
Mountain Lupine	4	Forb		X	
Threadleaf Ragwort	3	Forb			
Hoary Tansyaster	3	Forb			
Ground Clover	2	Forb			
Crandall's Beard Tongue	2	Forb			
Cushion Buckwheat	2	Forb			
Yellow Sweetclover	2	Forb			
Wild Tarragon	0	Forb	X		
Shortstem Lupine	0	Forb			
Rocky Mtn. penstemon	0	Forb		X	X
Vegetative Grass	34	Grass			
Mountain Muhly	9	Grass	X	X	X
Squirreltail	1	Grass-cool	X	X	X
Slender wheatgrass	0	Grass-cool	X	X	X
Needle and thread	0	Grass-cool		X	X
Indian Ricegrass	40	Grass-warm		X	X
Blue Grama	8	grass-warm	X	X	X
Spike Muhly	4	Grass-warm			
Pine Dropseed	0	Grass-Warm			
American vetch	0	Legume		X	X
Rubber Rabbit Brush	122	Shrub	X	X	X
Little Sagebrush	0	Shrub			
Utah serviceberry	0	Shrub		X	X
Scarlet globemallow	0			X	X
Greens Rabbit Brush	0				

MMD encourages keeping these results in mind for seed list development. If the intention of the test plots is to review success of specific plants, reviewing post seeding production could inform a better seed mix.

Operator response:                      and/or see attachment:

**Permit Lead:** Samantha Rynas      **DATE:** 1/13/2026