NovaCore - Ane Project – Comment-Response Matrix

Comment Letter Reference	New Mexico Agency Comment	NovaCore Response
New Mexico Mining and Minerals Division (MMD)	*MMD notes that while the operator does not anticipate drilling all planned boreholes, the calculated disturbance area of 4.98 acres is very close to the maximum of 5 acres for a Part 3 minimal impact exploration operation. As reclamation often ends up disturbing more than the actual project disturbance, MMD recommends revising the project's plans to account for this. MMD suggests reducing the number of planned drill pads and/or the use of closed-loop drilling, which could reduce the disturbance area of each drill pad.*	NovaCore has revised the exploration plan by reducing the total number of planned drill pads and incorporating closed-loop drilling methods. These modifications reduce total calculated project disturbance from 4.98 acres to 2.159 acres, providing a substantial margin below the 5-acre statutory threshold for a Part 3 minimal impact exploration operation, ensuring that total disturbance, including any incidental grading during reclamation, remains well within minimal impact limits. Updated acreage calculations and revised project maps/tables reflecting the 2.159-acre footprint are included in the revised application package.
New Mexico Historic Preservation Division (HPD)	*HPD emphasizes the need for the Section 106 process for the Cibola National Forest, including consultation with Tribes. HPD requests a copy of the completed cultural resources survey report or the NMCRIS number if it has been uploaded. HPD also requests information regarding the consultation with the Pueblo of Acoma and other Tribes.*	USFS-Cibola National Forest is conducting Section 106 consultation for this project. A cultural resource inventory was conducted the week of November 1, 2026. A report from the survey is forthcoming, and a copy will be sent to the HPD.
New Mexico Environment Department (NMED) Air Quality Bureau (AQB)	*The NMED AQB reminds the applicant that it is expected to comply with all requirements of federal and state laws pertaining to air quality and gives guidance for obtaining a state air quality permit. The AQB also gives guidance on possible control strategies for fugitive dust.*	NovaCore will comply with all applicable federal and state air quality regulations throughout the exploration project and notes that the AQB has no objection to this permit request. Based on the proposed scope of work, no air quality construction permit or Notice of Intent is required: <u>No Stationary Sources (20.2.72 & 20.2.73 NMAC):</u> Activities are limited to temporary exploration drilling and minimal impact pad/access road preparation. No permanent structures, mining, mineral processing equipment (such as crushers or screens), or stationary sources will be constructed or installed, and all internal combustion engines will be mobile or nonroad units

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		remaining at a single location for less than 12 consecutive months. No Mineral Processing (20.2.15 NMAC): No pumice, mica, perlite, or other mineral processing equipment (e.g., crushers, screens, dryers) will be operated on-site. Fugitive Dust Control Guidance: In alignment with NMED AQB guidance, NovaCore will minimize temporary fugitive dust during pad construction, drilling, and reclamation by maintaining minimal disturbance footprints, utilizing approved existing roads where feasible, enforcing low vehicle speeds on unpaved surfaces, and applying water suppression when and where practicable. All disturbed areas will be recontoured and reseeded upon completion to prevent long-term erosion and dust.
NMED Surface Water Quality Bureau (SWQB)	*SWQB notes that the project may be covered under both/either the EPA's NPDES CGP or under the MSGP under Sector G Metal Mining. The Bureau recommends contacting the EPA to determine whether the project is subject to NPDES permitting and gives contact information to do so.*	Contacted Perea, Suzanna Perea.Suzanna@epa.gov on 10/7/2026. No definitive answer was provided on whether a NPDES CGP or MSGP was needed for this project. Efforts to determine whether this is needed continue….
NMED-SWQB	*SWQB notes that New Mexico surface water quality standards apply to all Surface Waters of the State, including ephemeral streams, and that exploration activities must be implemented with Best Management Practices to prevent impacts to water quality from pollutants related to planned activities. The Bureau lists examples of appropriate and reasonable BMPs. The Bureau also notes that any discharge of a water contaminant, in a quantity that may with reasonable*	NovaCore will comply with New Mexico Surface Water Quality Standards across all Surface Waters of the State, including ephemeral streams and drainages, throughout the project. Best Management Practices (BMPs) are detailed in the exploration permit application package; appropriate erosion, sediment, and fluid-containment controls will be implemented and maintained throughout pad preparation, drilling, and reclamation to prevent sediment or pollutant discharges into nearby drainages. In the event of any unauthorized discharge of a water contaminant in a

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	probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, must be reported to the Environment Department within twenty-four hours.	quantity that may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with public welfare or property use, NovaCore will immediately contain and remediate the release and report it to NMED within 24 hours in accordance with 20.6.2.1203 NMAC.
NMED Mining Environmental Compliance Section (MECS)	*MECS requires that water produced from drilling activities be contained to reduce potential impacts to groundwater from drilling through mineralized zones. MECS recommends 1) lining the proposed pits with a synthetic material, then allowing the water to evaporate before proper disposal of the liner and solid drilling materials based on radiological measurements or 2)using a closed-loop drilling system with tanks.*	Comment noted. The permit application package now includes language regarding the use of a closed-loop drilling system on page 9, Attachment(s): D, E, and F. Earthen sumps will be used only as a redundancy.
NMED-MECS	*MECS also requests additional details on the potential drawdown testing, including the anticipated duration of any drawdown testing and the expected discharge volumes associated with the testing.*	The permit no longer anticipates drawdown testing. Drawdown testing **will not** be conducted. All language associated with drawdown testing was removed in the revised permit application package.
Forestry Division, Botany Program (NMFD)	*NMFD notes the proximity of the project to known occurrences of Zuni fleabane (Erigeron rhizomatus), a state-endangered and federally threatened plant species. In particular, some planned activities within the Remuda Canyon "South Group" are located less than approx.. 200 feet from known plants. NMFD recommends that known occurrences and suitable habitat of this plant in Remuda Canyon be clearly identified relative to the proposed disturbance footprint and avoided during exploration activities. NMFD recommends continued coordination and requests notification if activities or disturbance footprints are modified/expanded near Zuni fleabane occurrences. The Division also notes that any impact to*	As noted in the permit application package, the U.S. Forest Service (USFS) has completed rare plant clearance surveys for Zuni fleabane (*Erigeron rhizomatus*) across all proposed disturbance areas. All exploration activities, vehicle travel, and surface disturbances will remain strictly within approved, surveyed footprints and will be coordinated and executed in accordance with USFS and applicable agency stipulations to avoid known occurrences and suitable habitat. Because NovaCore intends to avoid disturbing any area where individual plants would be impacted rather than pursue an incidental take permit, no take is anticipated; however, NovaCore will continue to coordinate with the USFS and NMFD and will notify NMFD prior to any proposed modifications.

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	individuals will require an incidental take permit from NMFD.	
Office of the State Engineer (OSE)	*OSE notes that NovaCore has not yet submitted forms WR-07 and WR-08 to the OSE, but that NovaCore is aware that these need to be completed. OSE also notes that if NovaCore wishes to conduct drawdown testing in selected wet boreholes that this be indicated in form WR-07 and comply with permit conditions.*	The permit no longer anticipates drawdown testing. Drawdown testing will not be conducted. All language associated with drawdown testing was removed in the revised permit application package. Attachment E, page 2 of 2. Language revised to state, *"The WR-07 and WD-08 forms have not yet been submitted because NovaCore is awaiting USFS and MMD feedback on the revised proposed Plan of Operations and Part 3 application. This sequence is intended to ensure that the NMOSE submittal reflects the final permitted drill scope, including confirmed drill locations, maximum borehole depths, borehole diameters, anticipated wet-hole conditions and approved plugging/abandonment methods."*
OSE	*OSE notes that artesian conditions may be encountered during the drilling of some boreholes.*	Comment noted. Operations will be conducted by an NM-licensed well drilling company; see page 10 of the revised permit application package. Note, the revised permit application package reflects the use of a closed-loop circulation system with the redundancy of earthen sumps. See permit application package page 9, Attachment(s): D, E and F.
OSE	*OSE notes that a well driller licensed with the State of New Mexico will need to be used to drill and plug the boreholes. OSE provides additional guidance on plugging and sealing exploratory boreholes.*	Comment noted. See permit application package page 9; National or KP Drilling (WR-1704).
New Mexico Department of Wildlife (NMDOW)	*NMDOW notes that mud pits used in drilling can create entrapment hazards for both terrestrial and volant wildlife species and should be fenced and covered by solid metal, plywood, or netting (extruded plastic, knit, or woven, not monofilament netting, held taught to prevent sagging, with*	Comment noted. Mitigative measures identified on permit application package page 20.

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	a mesh size not larger than 3/8 in.) to exclude birds and bats.	
NMDOW	*NMDOW also strongly recommends NovaCore consider the use of a closed-loop drilling system which would eliminate the need for wildlife exclusion methods for mud pits, reduce surface disturbance for the drill pad, and consume significantly less water.*	Comment noted. The revised permit application package reflects the use of a closed-loop circulation system with the redundancy of earthen sumps. See page 9, Attachment(s): D, E and F.
NMDOW	*NMDOW also prefers capping stockpiled drill pipes to prevent trapped wildlife, and at a minimum recommends that each section of pipe be visually inspected to ensure no wild animals are inside.*	See permit application package page 20, section C: "Drill pipes will be capped to prevent wildlife entrapment and inspected prior to capping."
NMDOW	*NMDOW also recommends that ground disturbance and vegetation removal activities take place outside of April 15 – September 1, the primary migratory bird breeding season. Guidance is also given for ways to mitigate impact to active nest sites if ground-disturbing and clearing activities must be conducted during the breeding season.*	Wherever feasible, NovaCore will schedule ground-disturbing and vegetation-clearing activities outside the primary migratory bird breeding season (April 15 – September 1). If surface disturbance or clearing must occur during this window, pre-disturbance nest clearance surveys will be conducted prior to work; if an active nest is identified, activity will cease in the immediate vicinity, and an appropriate protective buffer will be established until the young have fledged and the nest is no longer active, in accordance with NMDOW guidance and the Migratory Bird Treaty Act. Additionally, drill pads and access routes are designed with minimal footprints, using existing roads where practicable, and all disturbed areas will be promptly recontoured and reseeded upon completion, as detailed in the permit application package.
NMDOW	*NMDOW also notes the presence of Zuni fleabane near the proposed project footprint and that the USFS has conducted clearance surveys for this species at all of the proposed disturbance areas. The Department recommends consultation with NMFD Botany as well as the U.S. Fish*	As noted by NMDOW, the U.S. Forest Service (USFS) has already completed rare plant clearance surveys for Zuni fleabane (*Erigeron rhizomatus*) across all proposed drill pads, access routes, and disturbance areas. NovaCore will strictly adhere to all USFS clearance conditions, avoidance zones, and protective buffers (such as maintaining required

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	and Wildlife Service for additional guidance regarding this plant's conservation needs.	setbacks from any nearby occupied habitat and restricting all equipment and vehicle travel strictly to surveyed and approved footprints). In addition, NovaCore will coordinate with the New Mexico Forestry Division (NMFD) Botany Program and the U.S. Fish and Wildlife Service (USFWS), through the USFS federal permitting and consultation process, regarding any additional conservation or monitoring guidance applicable to the project area.
NMDOW	*NMDOW recommends that, to the maximum extent feasible, large, mature trees are left undisturbed during road and drill pad construction.*	To the maximum extent feasible, NovaCore will avoid removing or disturbing large, mature trees during access road and drill pad construction, in accordance with U.S. Forest Service (USFS) guidance and authorizations.
NMDOW	*NMDOW also recommends that only certified weed-free seeds be used and that sterile non-native seed sources not be used in revegetation efforts. Any alternative plant species used to substitute for primary plant species that are unavailable at the time of reclamation should also be native. When possible, the Department recommends that seeds be sourced from the same region and habitat type as the reclamation site and suggests including seeds from a region that represents potential future climatic conditions at the site.*	Reclamation reseeding will utilize a U.S. Forest Service (USFS)-approved, certified weed-free native seed mix, and no sterile non-native seed sources will be used. If any primary species in the approved mix is unavailable at the time of reclamation, any substitute species will also be native and approved in advance by the USFS and MMD. Where commercially available, seeds will be sourced from the same ecological region and habitat type, or from appropriate regional ecotypes suited to projected site conditions, in accordance with USFS guidance.
United States Forest Service (USFS)	*As comments from the USFS on the submitted Plan of Operations (POO) were transmitted directly to NovaCore, they will not be summarized here. The USFS comments on the POO have also been attached to this document and MMD requests to be copied on the NovaCore response to USFS comments.*	The revised Plan of Operations (PoO) and comment responses were sent to the USFS on 11/4/2026 via email and were sent to NM MMD on 11/5/2026 via email.