

State of New Mexico
Energy, Minerals and Natural Resources Department

Michele Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary Designate

Ben Shelton
Acting Deputy Secretary

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



March 11, 2025

Ms. Tyler Lown
Menefee Mining Company
8144 Walnut Hill Lane, Suite 987
Dallas, TX 75231

RE: **Technical Review and Comments on Modification 25-1, Proposed Area Expansion into Parts of Section 4 and 9, Township 19 North, Range 5 West, Menefee Mining Corporation, Menefee Black Spring Humate Mine, McKinley County, New Mexico, Permit No. MK026MN**

Dear Ms. Lown,

The Mining and Minerals Division (MMD) has reviewed the application for Modification 25-1 to the Menefee Black Spring Humate Mine, McKinley County, New Mexico, and has sent out the application for review by the cooperating agencies and tribes, as required by §19.10.3. 304.H NMAC. The following technical comments are required to be addressed by Menefee Mining Corp, in writing, for consideration by MMD, the agencies, and interested tribes.

1. Department of Cultural Affairs Historic Preservation Division (HPD) - letter dated March 5, 2025 – HPD recommends all ground disturbing activity avoid the NRHP-eligible and undetermined sites by a minimum of 50 feet (15 meters) with the use of temporary fencing and archaeological monitoring (as necessary).
2. Department of Game and Fish (G&F) - letter dated February 25, 2025, prior to expanding mining operations into undisturbed areas, G&F recommends that Menefee survey all suitable grassland areas for Gunnison's prairie dog (*Cynomys gunnisoni*) colonies. Gunnison's prairie dogs are designated as a New Mexico Species of Greatest Conservation Need, and their colonies provide important habitat for other grassland wildlife.

Please provide your written response within 30-days of receipt of this letter.

If you have any questions, please feel free to contact me at (505) 490-0967 or by email at alaina.osimowicz@emnrd.nm.gov.

Sincerely,

Alaina Osimowicz
Alaina Osimowicz, Permit Lead
Mining and Minerals Division

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary Designate

Benjamin Shelton
Acting Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



February 12, 2025

Alaina Osimowicz
Permit Lead; Mining Act Reclamation Program
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, Modification 25-1, Black Spring Mine, McKinley County, New Mexico, Permit No. MK026MN

Thank you for the opportunity to comment on the above referenced project. According to the modification request, expansion activities are planned for south ½ of the southeast ¼ of Section 4 and the north ½ of northeast ¼ of Section 9, T19N R5W. This area does not appear to provide suitable habitat for Clover's cactus, the closest known location of any state-endangered plant species. Therefore, I do not anticipate any impacts on State or Federally Listed plant species as a result of this project modification, as described in the application.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Erika Rowe", is written over a light blue horizontal line.

Erika Rowe
Endangered Plant Program Coordinator
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov



New Mexico Historic Preservation Division

407 Galisteo Street, Suite 236
Santa Fe, NM 87501
Telephone: (505) 827.6320
Email: nm.shpo@dca.nm.gov

March 5, 2025

Alaina Osimowicz
Reclamation Specialist
Mining and Minerals Division
Minig Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505
Alaina.Osimowicz@emnrd.nm.gov

Via Email Only

RE: HPD Log #124598 Modification 25-1, Black Spring Mine, McKinley County, New Mexico,
Permit No. MK026MN

Dear Ms. Osimowicz:

Thank you for submitting the request for agency comments on the application for Mine Expansion to the New Mexico State Historic Preservation Office (SHPO) for review and comment. The information was received by our office on February 3, 2025, via email.

Based on the information provided, the Black Spring Humate Mine, located in McKinley County, is proposing to expand the existing mine. The permit application indicates the existing Black Spring Humate Mine is located on Bureau of Land Management (BLM)-managed surface and mineral estate.

Per the 2024-12-BLM-EA, six archaeological sites have been identified in the proposed project area (four of which are eligible to the National Register of Historic Places [NRHP] and two are of undetermined status). This project was previously reviewed by the SHPO under HPD Log #115928. The BLM has recommended all ground disturbing activity avoid the NRHP-eligible and undetermined sites by a minimum of 50 feet (15 meters) with the use of temporary fencing and archaeological monitoring (as necessary). The SHPO concurs with the BLM the undertaking should have no effect on historic properties with the condition that these management recommendations are met.

If you have any questions or concerns, please contact me at cortney.wands@dca.nm.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cortney Wands".

Cortney Wands
Archaeological Reviewer



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
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For information call: (888) 248-6866

<https://wildlife.dgf.nm.gov>

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25 February 2025

Alaina Osimowicz, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Modification 25-1, Black Spring Mine, McKinley County, New Mexico, Permit No. MK026MN; NMDGF Project No. NMERT-4191.

Dear Ms. Osimowicz,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced permit modification. Menefee Mining Corporation (Menefee) is proposing to expand their existing Black Spring Humate Mine permit area by approximately 117 acres. Menefee is also requesting to increase the current mine design limit from 10 to 12 acres. Staff from the Department were unable to attend MMD's agency site inspection conducted on 18 February 2025.

To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary migratory bird breeding season. This season runs from 15 April - 1 September for upland songbirds; 1 March - 1 September for most raptors; and 1 January - 15 July for the golden eagle (*Aquila chrysaetos canadensis*) and great horned owl (*Bubo virginianus*). If ground disturbing and clearing 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 at least 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk (*Buteo regalis*), golden eagle, peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) 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.

Prior to expanding mining operations into undisturbed areas, the Department recommends that Menefee survey all suitable grassland areas for Gunnison's prairie dog (*Cynomys gunnisoni*) colonies. Gunnison's prairie dogs are designated as a New Mexico Species of Greatest Conservation Need, and their colonies provide important habitat for other grassland wildlife. If

any prairie dog colonies are documented, mine construction activities should avoid disturbing the colony by establishing a 100-foot buffer zone from the outermost burrows.

The Department also recommends that mine development activities avoid disturbing banner-tailed kangaroo rats (*Dipodomys spectabilis*) by establishing a 50-foot buffer zone around any burrow mound complexes.

If the destruction of occupied prairie dog or banner-tailed kangaroo rat burrows cannot be avoided, the Department recommends trapping and relocating the animals prior to burrow disturbance. Department biologists are available for consultation and can help facilitate contact with qualified personnel that can perform occupied burrow mitigations.

Thank you for the opportunity to review and comment on the proposed permit modification. 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,

Virginia Seamster, Ph.D.
Assistant Chief for Technical Guidance, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office



Environment Department Internal Memorandum

DATE: February 27, 2025

TO: Amber Rheubottom, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

FROM: Eliza Martinez, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Review and Comments, Black Springs Mine, Permit Modification 25-1, McKinley County, New Mexico Mining Act Permit No. MK026MN**

On February 4, 2025, the Surface Water Quality Bureau (SWQB) received a request for comments regarding the Subject application submitted by Menefee Mining Corporation. The application for permit modification 25-1 requests the expansion of Menefee's existing Black Springs Humate Mine (a shallow surface mine) by 117 acres. Additionally, they are requesting to increase the mine's current design limit from 10 to 12 acres. The Black Springs Mine is located 30 miles southwest of Cuba, NM and four miles south of the community of Ojo Encino, in Section 4, Township 15N, Ranch 5W, NM Principal Meridian, McKinley County, NM. Pursuant to 19.10.6.605.C New Mexico Administrative Code (NMAC), the SWQB is providing the following comments:

There are no perennial water resources, seeps, springs, or wetlands within the project area; however, an unnamed ephemeral drainage is located approximately 1,000 feet to the north of the project area. The unnamed tributary is subject to 20.6.4.98 Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC) with designated uses that include livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact. Mining activities that have the potential to contribute pollutants to waters of the states must be implemented with appropriate and reasonable Best Management Practices (BMPs) in order to prevent impacts to water quality.

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

- Comply with the guidelines described in the Bureau of Land Management "Gold Book"¹ for the use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads. 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.
- 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.
- Set back roads, pads, and other facility structures a minimum of 100 feet from any watercourses,

¹ <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>

including springs, wetlands, and ephemeral stream channels.

- Implement Best Management Practices (BMPs) to prevent or mitigate direct impacts to watercourses, including springs, wetlands, and arroyos. For temporary surface disturbances during exploration and reclamation activities, 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”).

For questions related to these comments, please contact Eliza Martinez, SWQB, at 505-819-8099.



Electronic Transmission

MEMORANDUM

Date: February 28, 2025

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

Through: Amber Rheubottom, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Eliza Martinez & Alan Klatt, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)
Dave Hays (MECS)

Subject: **New Mexico Environment Department (NMED) Comments, Black Springs Mine, New Mine, McKinley County, New Mexico, Mining Act Permit No. MK026MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on February 3, 2025, requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the operation is a minimal impact project. MMD requested comments on the application within 20 days of receipt of the request for comments.

Background

Menefee Mining Corporation (Applicant) is requesting to expand their Black Springs mine. The design limits are proposed to increase from 10 to 12 acres and the total acreage will increase to 117 acres.

Air Quality Bureau

The AQB comments are attached.

Surface Water Quality Bureau

The SWQB comments are attached.

Mr. David Ennis
Black Springs Mine
February 28, 2025
Page 2 of 2

Mining Environmental Compliance Section

MECS does not have any comments.

NMED Summary Comment

NMED has determined the proposed activities will be protective of the environment if done in accordance with the approved permits and pollution controls as presented.

If you have any questions, please contact Amber Rheubottom at (505) 660-2379.

cc: Joseph Fox, Program Manager, NMED-MECS
Brad Reid, Team Leader, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Cindy Hollenberg, Acting Bureau Chief, NMED-AQB
Alaina Osimowicz, EMNRD-MARP



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

MEMORANDUM

DATE: February 27, 2025

TO: Amber Rheubottom, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

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

Request for Review and Comment, Black Springs Mine, McKinly County, New Mexico Mining Act Permit No. MK026MN

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

Menefee Mining has requested a permit modification which will expand their mining area. This proposed permit expansion area is on federal land administered by the Bureau of Land Management (BLM). The BLM has recently finalized an Environmental Assessment for this area and provided a Finding of No Significant Impact.

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."

Request for Review and Comment, Black Springs Mine, McKinly County, New Mexico Mining Act Permit No. MK026MN

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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:

Request for Review and Comment, Black Springs Mine, McKinly County, New Mexico Mining Act Permit No. MK026MN

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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.

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 does not have any objection to this permit modification 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.