



Electronic Transmission

MEMORANDUM

Date: October 20, 2021

To: Holland Shepherd, Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Amber Rheubottom, MECS
Alan Klatt, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (aqb)

Subject: **NMED Comments, Amended Hydrogeologic Resources Report, Terrero Exploration Project, Comexico, LLC, Santa Fe County, New Mexico Mining Act Permit No. SF040ER**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on September 13, 2021 requesting NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act a regular exploration permit application has been submitted to MMD. MMD requested comments on the updated application within 30 days of receipt of the request for comments. NMED requested an extension to submit comments by October 20, 2021. NMED has the following comments.

Background

Comexico, LLC (Applicant) submitted an amended version of their Hydrologic Resources Report (Report) to MMD in August of 2021. The Applicant amended the Report to reflect changes made in response to comments received from the U.S. Forest Service (USFS). NMED provided MMD comments on an earlier version of this Report in comments dated January 19, 2021. The Applicant responded to NMED's comments in a letter to MMD dated June 1, 2021.

Mr. Holland Shepherd
Terrero Exploration Project (aka Jones Hill)
October 20, 2021

Air Quality Bureau

The Air Quality Bureau has no comments.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

In the January 19, 2021 comment letter to MMD, MECS requested the Applicant perform groundwater sampling of the on-site well and analyze the sample for all applicable 20.6.2.3103 NMAC groundwater standards. The results are to be submitted to NMED prior to any on-site use. In addition, MECS requested the Applicant sample the water present in the adit(s) and submit the water quality results to NMED for review. NMED collected water samples from the well and one adit in tandem with the Applicant's consultant on October 1, 2021. NMED will evaluate the amended Report once results from the sampling event have been received.

NMED Summary Comment

NMED understands that the Applicant submitted an amended Report in response to USFS comments and not in response to NMED comments. Additional information is needed prior to NMED ensuring that the activities as described in the application will achieve compliance with all applicable air, water quality, and other environmental standards..

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: David Otori, Permit Lead, EMNRD-MMD
Kurt Vollbrecht, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

October 4, 2021

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau

FROM: Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau

SUBJECT: **Request for Review and Comment, Amended Hydrogeologic Resources Report, Terrero Exploration Project (aka Jones Hill), Comexico, LLC, Santa Fe County, New Mexico Mining Act Permit No. SF040ER**

Surface Water Quality Bureau (SWQB) received a request for comments on September 15, 2021 regarding the subject application. The request is for changes made to the Hydrogeologic Report that are based on comments received from the U.S. Forest Service (USFS). SWQB provide comments to the October 2019 Hydrogeologic Report on December 31, 2019, and provided additional comments, dated January 15, 2021, to the September 2020 Hydrogeologic Report.

SWQB reviewed the additional information provided by Comexico in response to USFS comments and has no additional comments.

For questions related to these comments, please contact Alan Klatt, SWQB, 505-819-9623.



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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Las Cruces

30 September 2021

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

**RE: Final Biological Survey Report, Tererro (aka Jones Hill) Exploration Project,
Comexico, LLC, Permit No. SF040ER; NMDGF No. NMERT-1415.**

Dear Mr. Ohori:

The New Mexico Department of Game and Fish (Department) has reviewed the Final Biological Survey Report (Report) prepared on behalf of Comexico, LLC (Comexico) by SWCA Environmental Consultants as a supplement to an exploration permit application package for the proposed Tererro Exploration Project.

The Department concurs that Comexico should adhere to complying with seasonal restrictions during drilling operations to minimize potential impacts to Mexican spotted owl (*Strix occidentalis lucida*) and other wildlife species during the breeding season. The Department also supports the proposed use of sound dampening panels that enclose the drilling rig to mitigate potential noise disturbance to wildlife.

In Section 2.1 the Report mentions the use of “nighttime operating lights” but does not address how artificial lighting can adversely affect many wildlife species^{1,2} and ecological communities³. Artificial lighting can also have the indirect effect of changing the availability of habitat or food resources. This can be particularly impactful to nocturnal species like the spotted owl. The Department recommends that Comexico implement best practices lighting design for wildlife during drilling operations to limit light spill into the surrounding environment (*National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia 2020*). Some basic light management principles to reduce light pollution include:

- Start with natural darkness and only add light for specific purposes.
- Use adaptive light controls to manage light timing, intensity and color.
- Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill.
- Use the lowest intensity lighting appropriate for the task.
- Use lights with reduced or filtered blue, violet and ultra-violet wavelengths.

In Section 2.1, the Report states that mud pits will be fenced, netted and designed with an escape ramp to prevent wildlife entrapment or injury. The Department reiterates that a $\frac{3}{8}$ inch mesh size is used to exclude smaller animals and that netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into the drilling fluids. Monofilament netting should not be used due to its tendency to ensnare wildlife and cause injury or death. Any damage to the fencing or holes in the netting must be promptly repaired.

Thank you for the opportunity to review and comment on the Biological Survey Report. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office

References:

¹ Russart KLG & Nelson RJ (2018) Artificial light at night alters behavior in laboratory and wild animals. *JEZ-A Ecological and Intergrative Physiology* 329(8-9):401-408.

²Gaston KJ, Visser ME & Holker F (2018) The biological impacts of artificial light at night: the research challenge. *Philosophical Transactions of the Royal Society B* 370:e20140133.

³Sanders D & Gaston KJ (2018) How ecological communities respond to artificial light at night. *Journal of Experimental Zoology* 329(8-9):394-400.

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



MEMORANDUM

To: David Ohori, Senior Reclamation Specialist, MMD

From: Daniela Roth, Botany Program Coordinator

Subject: Final Biological Resources Report for the Tererro/Jones Hill Exploration Project, Permit No. SF040ER, Comexico LLC, New World Minerals Limited

Date: September 27, 2021

Dear David Ohori:

Thank you for providing me with the opportunity to review and comment on the Final Biological Resources Report for the Tererro/Jones Hill Exploration Project, Permit No. SF040ER, Comexico LLC, New World Minerals Limited, in Santa Fe County, NM. I have the following comments:

In general, I concur with a 'No Effect' determination on state listed endangered plants, but the document is often confusing with respect to survey location and dates as well as committed conservation measures. Some clarifications are needed.

- As described, it appears that species specific rare plant surveys were conducted on the project site only on 8/30/2019, in the project area and vicinity of Jones Hill, which does not appear to include access roads.
- Based on our current understanding of suitable habitat, the potential for Holy Ghost Ipomopsis occurrences is likely highest along the steep slopes of some of the access roads. Surveys should be conducted along the access roads, wherever habitat is present, as recommended in my 2019 comments provided for this project.
- In addition, the report weaves in and out with statements that surveys were not conducted during the flowering season (Habitat Analysis, Page 27; Effects Analysis Page 28). It appears there was a formal survey and other, informal surveys? Please explain. Surveys for Holy Ghost Ipomopsis should only be conducted during the flowering season. Others should not be listed here

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- because the plant cannot be identified outside the flowering/fruiting season.
- Please also provide a better explanation where and when all these surveys were conducted (project area only, access roads?). A map depicting the roads that may be used as access roads, including their number as listed in the document (Forest roads 192, 120, 120K, 120KA, 120KB, 120KBA, 120KC, 120KD, 120KDA, and 120KE) is needed to better understand where surveys were conducted. The map provided (Figure A.5.) does not provide that information.
 - On Page 28 the report states that Comexico has committed to refrain from using FR 192, the Indian Creek Road, to minimize potential negative effects. Yet the Indian Creek Rd is listed as a main access road on Page 3. Please clarify which main access road will be used from SR 63.

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