

Susana Martinez
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338



June 8, 2018

David J. Ennis, P.G.
Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: Request for Comments on Modification 18-1 Application, Expansion of Permit Area Into Section 4 and 5, T19N, R5W, Black Springs Mine, McKinley County, New Mexico, MK026MN

Dear Mr. Ennis:

This letter is in response to the above Minimal Impact New Mining Operation Expansion Modification 18-1 Expansion of Permit Area application received at the Historic Preservation Division (HPD) on June 6th, 2018. According to the application, the proposed project is within Township 19 North, Range 5 West, Sections 4 & 5.

In accordance with rule 19.10.3 NMAC, *Minimal Impact Operations*, I reviewed our records to determine if cemeteries, burial grounds or cultural resources listed on the State Register of Cultural Properties or the National Register of Historic Places exist within or near the permit area. Our records show that there are no cultural resources listed on the National Register or State Register within or near the proposed permit area and no known cemeteries or burial grounds. Although there are no cultural resources listed on the State or National Register, our records show several archaeological surveys within part of the permit area. These surveys identified significant archaeological sites.

Additionally, the archaeological surveys in the permit area were done more than 30 years ago; therefore, we encourage the operator to have a cultural resources survey of the permit area conducted by a professional archaeologist to ensure that significant archaeological sites are not inadvertently damaged or destroyed.

The permit application states that the surface and mineral estate owner is the Bureau of Land Management (BLM), Farmington Field Office. SHPO also recommends that the MMD consult with the BLM concerning land status, mineral rights, and any requirements they may

have concerning cultural resources surveys. The BLM may require avoidance of any eligible archaeological sites and an archaeological monitor to ensure that eligible sites are not affected.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Reycraft". The signature is written in black ink and is positioned below the word "Sincerely,".

Richard Reycraft
HPD Archaeologist

Log: 108011

Ennis, David, EMNRD

From: Roth, Daniela, EMNRD
Sent: Wednesday, June 13, 2018 7:50 AM
To: Ennis, David, EMNRD
Subject: RE: Modification 18-1 Application, Black Springs Mine, McKinley County, NM (Permit No. MK026MN)

Dear David Ennis:

Thank you for giving me the opportunity to review and comment on the Modification 18-1 Application, expansion of the Black Springs Mine permit area into Sections 4 and 5, T19N R5W, in McKinley County, NM (Permit No. MK026MN). I do not anticipate any impacts to state listed endangered plants from the proposed expansion, as described.

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

Daniela Roth

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3347

<http://www.emnrd.state.nm.us/SFD/>



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, New Mexico 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

MEMORANDUM

Date: June 22, 2018

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

Through: Jeff Lewellin, Mining Act Team Leader, Mining Environmental Compliance Section

From: Alan Klatt, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

Subject: **NMED Comments, Black Springs Mine, Expansion of Permit Area
Application, Modification 18-1, McKinley County, New Mexico, MMD
Permit No. MK026MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 5, 2018 requesting NMED review and provide comments on the above referenced MMD permitting action. The modification is submitted to expand the permit area from 10 acres to 1280 acres. MMD requested comments within 20 days of receipt in accordance with Section 19.10.3.304.H NMAC. NMED has the following comments.

Background

The Menefee Mining Corporation (Applicant), Black Springs Mine, is a minimal impact new humate mine assigned MMD Permit No. MK026MN. The original permit area covers 10 acres in a portion of Section 4, T19N, R5W. This application proposes to expand the permit area to encompass the entirety of Sections 4 and 5, T19N, R5W. The proposed expansion area is 1280 acres on land managed by the Bureau of Land Management (BLM). The Applicant indicates the mining operation would be advanced in 1.5 to 3-acre disturbances with concurrent reclamation of the previously mined areas.

Air Quality Bureau

The Air Quality Bureau comments are attached under separate letterhead.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached under separate letterhead.

Mining Environmental Compliance Section

A search of the New Mexico Office of the State Engineer (OSE) database that contains information related to wells installed throughout New Mexico was performed. One well is reported in the OSE database for Section 4, T19N, R5W. The well was installed by BLM in 1964 with a reported total depth of 137 feet below ground surface and a depth to ground water of 47 feet. The mining of humate in Sections 4 and 5 will occur above the probable depth to ground water and should have no adverse impacts to ground water.

NMED Summary Comment

NMED finds the proposed activities are likely to have a minimal environmental impact if conducted and reclaimed in accordance with the approved permit and recommendations listed above.

If you have any questions, please contact Jeff Lewellin at (505) 827-1049.

cc: Bruce Yurdin, Division Director, NMED-WPD
Shelly Lemon, Bureau Chief, SWQB
Liz Bisbey-Kuehn, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
DJ Ennis, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

MEMORANDUM

DATE: June 20, 2018

TO: Jeff Lewellin, Mining Act Team Leader
Mining Environmental Compliance Section
Ground Water Quality Bureau

FROM: Alan Klatt, Environmental Scientist & Specialist
Watershed Protection Section
Surface Water Quality Bureau

Jennifer Foote, Environmental Scientist & Specialist
Point Source Regulation Section
Surface Water Quality Bureau

RE: **Request for Comments on Modification 18-1 Application, Expansion of Permit Area into Section 4 and 5, Black Springs, Menefee Mining Corporation, McKinley County, MMD Permit No. MK026MN**

The New Mexico Surface Water Quality Bureau (SWQB) has completed its review of the above-mentioned mining project. On June 4, 2018 the Mining and Minerals Division (MMD) received a permit application from Menefee Mining Corporation to modify permit number MK026MN to incorporate Section 4 and Section 5, T19N, R5W into the permit area in McKinley County, New Mexico. The application proposal will increase the permit area from 10 acres to 1,280 acres, increase the total potential disturbance area from 2.5 acres to 10 acres, and adjust the current financial assurance from \$36,000 to a total financial assurance of \$59,368. Pursuant to 19.10.3.304.H NMAC, SWQB has the following comments:

Runoff from the proposed permit area flows to Papers Wash which is a tributary to Torreon Wash, Arroyo Chico, Rio Puerco, and the Rio Grande. Papers Wash is subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and has designated uses for livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact. To protect and maintain water quality, SWQB recommends the following:

- Menefee Mine is covered under the National Pollutant Discharge Elimination System (NPDES) 2015 Multi-Sector General Permit (MSGP) under tracking number NMR053441 and Sector J2. The Stormwater Pollution Prevention Plan (SWPPP) plan must be updated to include these activities, and appropriate Best Management Practices (BMPs) must be designed, installed and maintained both during and after construction to prevent, to the extent practicable,

pollutants in stormwater runoff from entering waters of the United States. Section 9.6.2.2 of the MSGP describes additional New Mexico specific requirements for inspections and stabilization. For additional information about the NPDES program or MSGP, contact:

EPA Region 6
1445 Ross Avenue Suite 1200
Dallas, Texas 75202
Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6
or Jennifer Foote, SWQB, at 505-827-0596.

- Implement Best Management Practices to prevent direct impacts to watercourses, including ephemeral channels such as arroyos and washes. The operator should 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”¹).
- All mobile equipment used in the project area must be pressure washed and/or steam cleaned off-site before the start of the project and inspected daily for leaks to ensure surface waters are protected from contaminants. A written log of inspections and maintenance should be completed.
- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, and drilling activities to address potential spills. Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission Regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535. For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).
- The use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads should comply with the guidelines described in the Bureau of Land Management “Gold Book”, Chapter 4. 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 cause.
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from any watercourses, including springs, wetlands, ephemeral stream channels, and arroyos.
- Activities within watercourses or wetlands may require coverage under a Clean Water Act Section 404 permit. If you have questions about this permitting, please contact:

Regulatory Division, US Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435
Ph: 505-342-3678

If you have any other questions related to these comments, please contact me at 505-827-0388.

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



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

525 Camino de los Marquez
Suite 1
Santa Fe, New Mexico, 87505
Phone (505) 476-4300 Fax (505) 476-4375
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary
JUAN CARLOS BORREGO
Deputy Cabinet Secretary

MEMORANDUM

DATE: June 13, 2018

TO: Jeff Lewellin, Mining Act Team Leader
Mining Environmental Compliance Section, Ground Water Quality Bureau

FROM: Neal Butt, Environmental Analyst
Air Quality Bureau

RE: Request for Comments, Expansion of Permit Area, Menefee Mining Corporation,
Black Springs Mine, McKinley County, MMD Permit No. MK026MN,
Modification 18-1

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 has the following comments:

Air Quality Permitting History

The AQB has not issued any air quality permits for this operation.

Details

Menefee Mining Corporation (MMC) has applied for a modification to its Minimal Impact Mine Project Permit (Permit) No. MK026MN for its Black Spring Mine located 4 miles southwest of Ojo Encino. The modification would:

- Increase the Permit Area from 10 acres to 1,280 acres to include the entirety of Section 4 and 5, Township 19 North Range 5 West, McKinley County, New Mexico;
- Increase in the Design Limit (total potential disturbed acreage) of the mining operations from 2.5 to 10 acres, which is an increase from the initial Phases I and II (a total of 2.5 acres) specified with the issuance of MIMP Permit MK026MN on August 2, 2011;
- Adjust the financial assurance (FA) associated with the reclamation of mined and reclaimed acreage as well as ongoing mine disturbance at the Black Spring Mine, pursuant to 19.10.12.1210 NMAC; the proposed adjustment and revision of the FA is based on Mining and Minerals Division (MMD) guidance and the per acre FA in place for the existing operations associated with the Ojo Encino Mine [Permit no. MK043MN]. The Ojo Encino Mine is in

Section 9, Township 19 North, Range 5 West, McKinley County, New Mexico and shares a boundary immediately south and southwest of the Black Spring Mine property.

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. Current requirements which may be applicable in this mining project include, but are not limited to the following:

Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, And NESHAP - Permits and Revisions*, states that: “Permits must be obtained from the Department by:

(1) “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. . .”; and

(3) “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:

(1) “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.”

In addition, pursuant to Subsection A of 19.10.3.304 NMAC, *Minimal Impact New Mining Operations*:

“A minimal impact new mining operation will not exceed 10 acres of disturbed land, or 40 acres of disturbed land in the case of dolomite, garnet, humate, perlite and zeolite operations that: (1) are located outside Bernalillo, Dona Ana and Santa Fe counties; and (2) are committed to perform concurrent reclamation of disturbed areas to the extent practicable. Pre-existing roads and reclaimed acres within the permit area will not be counted as part of the acreage limitation for a minimal impact new mining operation. Reclaimed, for this purpose, means all financial assurance has been released, except the amount held to re-establish vegetation pursuant to Subsection A of 19.10.12.1204 NMAC. Construction of roads and access ways, the types of disturbances, and the

applicant's previous history of compliance with the act and 19.10 NMAC will be major factors in the director's determination of minimal impact status. In determining whether a proposed operation with between 10 and 40 acres of disturbed land is eligible for a minimal impact new mining permit, the director shall conduct a site visit that may include other agencies in accordance with Subsection I of 19.10.3.304 NMAC. Notwithstanding the frequency for inspections of minimal impact mining operations specified in Paragraph (4) of Subsection A of 19.10.11.1101 NMAC, if a minimal impact operation permit is issued under this subsection for more than 10 acres of disturbance, the director shall conduct on-site inspections at least once per year during the term of the permit.”

Humate is prone to become suspended in the air; therefore, the AQB recommends implementation of a strategy to reduce fugitive humate from the mining operation.

The above is not intended to be an exhaustive list of all requirements that could apply.

Fugitive Dust

Fugitive dust is a common problem at mining sites. The AQB does not regulate fugitive dust; however, we do recommend controls to minimize emissions of particulate matter from fugitive dust sources. The following control strategies can be included in a comprehensive facility dust control plan (from EPA's Compilation of Air Pollutant Emission Factors, AP-42):

Unpaved haul roads and traffic areas: paving of permanent and semi-permanent roads, application of surfactant, watering, and traffic controls, such as speed limits and traffic volume restrictions.

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.

The AQB or the US Environmental Protection Agency may implement requirements, regulations and standards for the control of fugitive dust sources in the future.

Recommendation

The AQB has no objection to the current request for expansion.

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) 476-4317.

GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY
TO THE COMMISSION
Alexandra Sandoval

DEPUTY DIRECTOR
Donald L. Jaramillo

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
Post Office Box 25112, Santa Fe, NM 87504
Tel: (505) 476-8000 | Fax: (505) 476-8123
For information call: (888) 248-6866

www.wildlife.state.nm.us

STATE GAME COMMISSION

PAUL M. KIENZLE III
Chairman
Albuquerque
BILL MONTOYA
Vice-Chairman
Alto
CRAIG PETERSON
Farmington
RALPH RAMOS
Las Cruces
BOB RICKLEFS
Cimarron
ELIZABETH A. RYAN
Roswell
THOMAS "DICK" SALOPEK
Las Cruces

22 June 2018

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

**RE: Modification 18-1 Application, Expansion of Permit Area Into Section 4 and 5, T19N
R5W, Black Springs Mine, MK026MN; NMDGF No. 18509**

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the project referenced above. Menefee Mining Corporation (MMC) is proposing to modify permit MK026MN in order to expand the current permit area into Sections 4 and 5.

The "Biological Assessment/Biological Evaluation for the Black Springs Humate Mine, Proposed Mine Expansion" (BA/BE) submitted by MMC states that prairie dog burrows were observed in the southwest corner of the project area, and that the burrows appeared to be inactive at the time of the survey. The Department recommends that MMC verify that the burrows are unoccupied before surface disturbance occurs. If active prairie dog burrows are found on the site, they should be left undisturbed, and mining activities be directed off the prairie dog colony if possible.

Burrowing Owls (*Athene cunicularia*) may be associated with prairie dog towns and use abandoned burrows as breeding (March-August) and sometimes as wintering habitat. The Department recommends conducting Burrowing Owl surveys during the breeding season prior to any ground-disturbing activities. The Department's Burrowing Owl guidelines (<http://www.wildlife.state.nm.us/conservation/habitat-information/habitat-handbook/project-guidelines/Burrowing-Owl-Surveys-and-Mitigation-2007.pdf>) provide information on appropriate survey and mitigation procedures. To minimize the likelihood of adverse impacts to occupied Burrowing Owl nests, eggs or nestlings, and to comply with applicable state and federal guidelines regarding migratory birds, nest disturbance should be avoided until young have fledged and the owls have left the area. If mining operations cannot wait until the burrows are vacant, then a permit must be obtained from the Department and the U.S. Fish and Wildlife Service to safely capture and relocate owls from the area. Department biologists are available for consultation regarding nest site mitigation, and can facilitate contact with qualified personnel.

The permit application states that there is currently a reclaimed area at the mine site that has not yet been re-seeded in accordance with the mine permit. The re-seeding is scheduled for late summer or early fall to coincide with the monsoon season, with ripping of the soil to occur prior to re-seeding. The noxious weed halogeton (*Halogeton glomeratus*) is known to occur near the mine site and is present on other humate mines in the area. To prevent halogeton or other noxious weeds from becoming established on disturbed areas and the reclamation site, the Department recommends that vehicles and equipment entering the project area be thoroughly cleaned of all visible dirt and mud to help prevent the potential spread of associated weed seeds. The operator should initiate a weed monitoring program to aggressively contain and control the spread of halogeton if it invades the reclamation area.

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

A handwritten signature in black ink, appearing to read "Matt Wunder", written over a horizontal line.


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


cc: USFWS NMES Field Office

MEMORANDUM
OFFICE OF THE STATE ENGINEER
Hydrology Bureau

DATE: June 27, 2018

TO: David J. Ennis, P.G., Permit Lead, MARP, Mining and Minerals Division

THROUGH: Ghassan Musharrafiieh, Ph.D., P.E., Chief, Hydrology Bureau 

FROM: Douglas Rappuhn, P.G., Hydrology Bureau 

SUBJECT: Evaluation of MMD Request for Comments on MMD MK026MN
Modification 18-1 Application, Expansion of Permit Area for Black Springs
Mine, NMOSE RG Basin, McKinley County west of Cuba

The NMOSE Hydrology Bureau received your June 4, 2018 request for comments on the subject MMD humate mine expansion application. Thank you for the two-day extension granted (by June 26 e-mail) to the June 25 deadline to respond.

The Section 4 and 5 (T19N / R5W) areas were earlier reviewed by the Hydrology Bureau for evaluation of February 2018 MK053EM application by the Menefee Mining Company, regarding the proposed drilling of up to 30 shallow exploratory borings. Those applicant submittals, plus 2011 MMD filings were reviewed to assess the proposed expansion of the Black Springs Mine project.

Earlier applicant MMD permit submittals (Environmental Assessment – Menefee Mining Corporation Proposed Black Spring Humate Mine, McKinley County, New Mexico, prepared by Ecosphere, revised March 30, 2011) noted the applicant contention that minable humate resource within a then-smaller project area within T19N-R5W-Section 4 was approximately five feet thick, the top of which was encountered at land surface to three feet below land surface. At that time, applicant mining intentions were to not disturb (via excavation) more than two acres at a time. Current application indicates a greater amount of unreclaimed land may exist at any time, yet be kept under MMD threshold for minimal impact status.

Presumably, the applicant's spring 2018 MK053EM exploratory drilling program in the area encompassed by the Black Springs project is complete or underway, and any recorded encountering of groundwater during the exploratory drilling would constitute updated groundwater level information newer than what appears to exist in NMOSE and United States Geological Survey (USGS) databases. A current review of OSE regional well permits found no permits in the area of the mining, suggesting the applicant did not encounter groundwater during mining or exploratory drilling.

If groundwater was encountered at any depth penetrated by the MK053EM exploratory drilling:

- NMOSE permits should've been obtained (http://www.ose.state.nm.us/WR/Forms/17/WR-07%20Application%20for%20Permit%20to%20Drill%20a%20Well%20with%20No%20Consumptive%20Use_2016-11-17_final.pdf);
- NMOSE well completion records should be filed (http://www.ose.state.nm.us/WR/NewForms/WR-20%20Well%20Record%20and%20Log_2017-06-30Final.pdf);
- Mineral exploration holes encountering groundwater are considered "wells", and should appropriately be plugged under approved NMOSE Well Plugging Plan of Operations (http://www.ose.state.nm.us/WR/NewForms/WD-08%20Well%20Plugging%20Plan%20of%20Operations_2017-06-30_final.pdf);
- Plugged "wells" require the filing of NMOSE Well Plugging Records, as necessary (http://www.ose.state.nm.us/STST/Forms/WD-11%20Plugging%20Record_2009-09-08_final.pdf).

Regarding the proposed MK026MN mining expansion application, the following water resource comments are offered:

Groundwater

Scant shallow-well water level information exists in OSE files for the proposed expanded project area, although circa-1986 USGS-measured water levels were found for separate wells measured in the NW-quarter of Section 4 (USGS GWSI well 355447107224301; at approximately 66.9' below ground level of 6660' NGVD), and in the NE-quarter of Section 4 (USGS GWSI well 355435107221001; at approximately 39.2' below ground level of 6625' NGVD).

Springs of unknown origin are indicated on the USGS 1:24000 topographic map in the center of Section 9 (T19N / R5W), approximately one half mile south of the southern border Section 4 of the proposed expanded project area at approximate ground elevation of 6630' NGVD. If they are contact springs, there may be a local, upgradient shallow water source; if they are artesian springs, they may be related to the local presence of a fault, fracture or abandoned borehole.

Old, possibly undocumented wells may exist in the vicinity of further mining. Should a water well be discovered in an area that will be excavated, the applicant shall contact the NMOSE District 1 for guidance on appropriate decommissioning of the well. Such decommissioning would require the services of a New Mexico-licensed water well driller under an OSE-approved Well Plugging Plan of Operations, currently available at: http://www.ose.state.nm.us/WR/NewForms/WD-08%20Well%20Plugging%20Plan%20of%20Operations_2017-06-30_final.pdf.

Surface water

Mining activities or reclaimed terrain should not impound surface water in excess of that impounded prior to mining activity. If new impounding of water is likely to occur, the applicant shall contact NMOSE Water Rights District 1 (505-383-4000) for guidance regarding the possible need for OSE administrative submittals.

Since it appears there will be no surface or ground water use, and surface water impoundment potential may be slight and related to an occasional torrential precipitation event, the NMOSE Hydrology Bureau has no further comment on the applicant request to expand the area of humate mining to include up to all of Sections 4 and 5, T19N / R5W on a rolling, limited-unreclaimed basis.