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STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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SEP 11 2013

MINING & MINERALS DIVISION

September 4, 2013

David Clark
Coal Program Manager
EMNRD Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe NM 87505

RE: Mt. Taylor Mine, Application for Revision 13-2, Permit CI002RE; NMGF Project No. 15741

Dear Mr. Clark:

In response to your letter dated July 3, 2013, the New Mexico Department of Game & Fish (Department) has reviewed the above referenced document. Rio Grande Resources Corporation (RGR) has submitted an application to transition the Mount Taylor Mine from standby to active status as well as an updated closeout/closure plan. Mount Taylor is an underground uranium mine which has been inactive since 1990 and is on standby status under the provisions of the NM Mining Act. The mine is located about 0.5 miles from the Village of San Mateo in Cibola County. Mine surface facilities occupy 285.6 acres of the 4006.7 acre permit area. Disturbed land consists of Service and Support Facilities, the Mine Water Treatment Area, an ore stockpile, a waste rock pile, two stormwater retention ponds, and an access road. Representatives of EMNRD Mining and Minerals Division, the Department, the NM Environment Department (NMED) and RGR inspected the mine site on 13 March 2013.

Wildlife Protection

We are concerned that the mine site is not adequately safeguarded to protect wildlife from injury and mortality during the standby period, and that these conditions may continue during operations and into the closeout period. Please ensure that permit conditions and reclamation requirements provide for the safeguarding of physical and chemical hazards.

A wooden step ladder was placed in the sump alongside the shaft decant pond after a dog was reportedly rescued out of the sump. The ladder does not provide adequate escape for wildlife. An expanded metal escape ramp would be more appropriate for this structure. Alternatively, the pond could be covered or screened. The decant pond itself is safe for wildlife, and would be suitable to leave in place after reclamation as a wildlife and livestock watering facility. Big game animals are excluded from the water treatment area by an exclusion fence. However, several dead rabbits were observed at the bottom of the barium chloride treatment tanks. These tanks should be covered when not in use, and the bottom of the perimeter fence wrapped with small mesh material to exclude small to medium size

animals. Department staff is available to assist with the design of exclusion or escape structures for specific mine features.

Recently published information indicates that, in addition to pits, ponds and tanks, open top vent stacks and other open vertical pipes can trap and kill large numbers of birds. The chillers, air compressor, electrical distribution and water treatment buildings, and other support facilities at the Mount Taylor Mine have many vent stacks and similar openings. Open top vertical pipes that cannot be removed, filled or capped should be screened using galvanized hardware cloth held in place by stainless steel hose clamps. After closeout, all remaining buildings, pits and other facilities should likewise be left in safe condition for wildlife.

Closeout Plan

During operations, treated mine water will be pumped through a 4.3 mile long 24-inch pipeline to a discharge point in San Lucas Canyon. Removing the pipeline at the end of mine life may cause some surface disturbance. NM 334 is a gravel road maintained by Cibola County which totals approximately 4.7 acres on the mine site. Removing contaminated soil from the roadway will disturb the surface during mine closeout. These mining-affected locations should be brought within the permit area or otherwise included in financial assurance calculations.

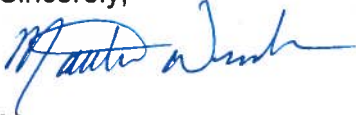
As required by NMED, Mt. Taylor Mine has implemented a stage 2 abatement plan to remediate perched water derived from a former wastewater lagoon. Part of the abatement plan involved the planting of tamarisk trees (a Class C noxious weed) south of the waste rock pile to help transpire contaminated water. The NM Department of Agriculture recommends that management decisions for Class C weeds be determined at the local level, based on feasibility of control and level of infestation. The abatement plan states that the tamarisks will be "eradicated" when no longer needed for remediation, but does not specify a schedule or method for doing so. Tamarisk and Siberian elms (another Class C noxious weed) have also become established in and around the water treatment ponds. Some, but not all, of the trees at the treatment ponds may be buried when the ponds are filled or covered. Permanent eradication of either species usually requires both physical and chemical treatments, with follow-up monitoring and treatment of root-sprouts for as long as five years. The closeout plan should include a detailed description of how these weeds will be removed and replaced with a native reclamation seed mix.

We have the following recommendations regarding the revegetation plan (Section C.5 in the Technical Specifications document):

1. Remove the non-native invasive yellow sweet-clover from the seed mix. List the particular species included in the "spring wildflower mix."
2. Conduct test-plot studies or otherwise demonstrate that two feet of cover over the treatment ponds will be adequate to prevent uptake of radium and uranium into the vegetation.
3. The revegetation plan should include some detail concerning the proposed monitoring methods for each reported parameter. If grazing is the post-mining land use, the productivity success standard should be at least 70% of the technical standard (NRCS Range Site Description). Measuring the percent of productivity contributed by individual species, as proposed, may not be a realistic or workable metric for diversity. Volunteer native perennial vegetation may be left in place if it meets the permitted success standards.

Thank you for the opportunity to comment on this permit action. If there are any questions, please contact Rachel Jankowitz, Mining Habitat Specialist at 505-476-8159 or rjankowitz@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Wunder".

Matthew Wunder, Chief
Ecological and Environmental Planning Division

cc: USFWS NMES Field Office
Kurt Vollbrecht, NMED Groundwater Quality Bureau



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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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RYAN FLYNN
Secretary - Designate

BUTCH TONGATE
Deputy Secretary

MEMORANDUM

DATE: September 19, 2013

TO: David L. Clark, Coal Program Manager, Coal Mine Reclamation Program

FROM: David Mayerson, Ground Water Quality Bureau
Sufi Mustafa, Air Quality Bureau

THROUGH: Keith Ehlert, Acting NMED Mining Act Team Leader

RE: **Comments on Permit Revision Application, Mount Taylor Mine, Change Status From Standby to Active, and Update Closeout/Closure Plan and Financial Assurance, Permit No. C1002RE**

On July 12, 2013, The New Mexico Environment Department (NMED) received a request for comments on the Mount Taylor Mine application to change the status of the mine from standby to active, and to update the closeout/closure plan and financial assurance. At the request of NMED, the comment period was extended to September 20, 2013.

NMED Ground Water Quality Bureau and Air Quality Bureau comments are submitted jointly in this memorandum. The Surface Water Quality Bureau has no comments at this time.

NMED will provide a determination regarding this revision when the following comments are appropriately responded to.

GROUND WATER QUALITY BUREAU COMMENTS

TO: David Clark, EMNRD
FROM: David L. Mayerson, NMED
THROUGH: Keith Ehlert, Acting NMED Mining Act Team Leader
DATE: October 1, 2013

RE: Mt. Taylor Mine (Rio Grande Resources Corporation [“RGR”])—New Mexico Environment Department comments:

- **“Mt. Taylor mine closeout/closure plan” (RGR, revised April 2013)**
- **“Application for revision of mine permit #C1002RE from standby to active status; modification of ground water discharge permit DP-61” (RGR, April 2013)**

The following comments on RGR’s April 2013 Closeout/closure plan are generally the same as comments that the New Mexico Environment Department (“NMED”) Mining Environmental Compliance Section submitted in its review of the July 2012 Closeout/closure plan.

Document section	Page	Relevant text	Comment
4	16	Radiation levels in the facilities that will be retained for PMLU do not exceed the NEC Regulatory Guide 1.86 criteria for unrestricted release and use; therefore, no decontamination will be required.	RGR should perform a thorough radiological survey of facilities retained at closure as well in order to document their radiological condition. In addition, RGR should perform a post-demolition radiological survey within the area of facilities in which radioactive material previously had been handled (e.g., flocculant treatment building, barium chloride treatment building, ion exchange building, and mine water treatment pond hydraulic structures).
4.3	18	All of the facilities to be demolished will be surveyed to document the level of contamination	
4.1	17	The hydrologic isolation of the shaft from the surrounding aquifers was established by the initial design and construction of each shaft...The effectiveness of these features...has not diminished over time...	Since RGR can cite effectiveness of features that maintain hydrologic isolation among penetrated aquifers only for approximately 40 years, RGR will need to demonstrate that such effectiveness would be maintained for an indefinitely long time period under its proposed closure actions.
4.2.1	17	Although conduits are not shafts, the closure measures are similar to shaft closures and will be equally protective of ground water.	According to RGR’s description, the conduit construction details are more similar to that of a well (p. 8) than to a shaft. Inasmuch as corrosion may compromise the integrity of the steel conduit casings, at closure these conduits should be grouted throughout the extent of penetrated aquifers overlying the Westwater Canyon member using the tremie methods described in Section 4.2.2 and Appendix C, rather than as proposed

Document section	Page	Relevant text	Comment
4.2.2 5.1	17 31-32	Of the 22 wells used to depressurize and dewater the mine, 14 extend to depths greater than 2000 feet. In addition, two deep (>3500 feet) monitor wells were used to observe drawdown in the mine area. These wells are too deep to be economically maintained and operated for PMLU and will be plugged.	<p>in this section.</p> <p>The closeout/closure plan should include a figure that shows the location and aquifer of completion of all wells that are associated with the mining operations, and an accompanying table with the following information:</p> <ul style="list-style-type: none"> • Well designation; • Year installed; • Total installed depth as both feet below ground surface and elevation above mean sea level; • Aquifer monitored; • Screened interval as feet below ground surface and elevation above mean sea level. <p>It is not clear which wells are referenced by the sentence “[T]hese wells are too deep to be economically maintained...” and therefore would be plugged and abandoned (i.e., only the 14 deep depressurizing wells plus the two deep monitoring wells, or all 22 depressurizing wells plus the two deep monitoring wells). Additionally RGR must address the final disposition of all wells associated with its mining operations, as would be identified on the map and table requested above.</p>
4.4.2	20	The primary factors considered in selecting alternative #4 [for disposition of the water treatment sediments in closure of mine water treatment pond basin; i.e., leave sediments in place and backfill/cover with berm soils]...	RGR should present an evaluation of whether the implementation of alternative #1 [i.e., excavate sediments and dispose in the mine shafts] within a cementitious slurry could provide greater long-term maintenance-free protectiveness to human health and the environment.
4.4.2	21	The RADON analysis shows that 2.0 feet of cover [soil derived from clean soil in the pond berms and elsewhere for the ponds]...	For waste material that has potential to impact ground water quality, NMED typically requires a minimum of 3-foot cover thickness comprised of material that will both minimize infiltration of incident rainfall into the underlying waste and resist erosion without maintenance.
4.4.3	22	Contaminated soil in large, unobstructed areas will be excavated, loaded and hauled to the waste pile by scraper. Smaller or obstructed areas of soil will be excavated...or loaded onto trucks for disposal in the waste pile	For waste material that has potential to impact ground water quality, NMED typically requires a minimum of 3-foot cover thickness comprised of material that will both minimize infiltration of incident rainfall into the underlying waste and resist erosion without maintenance. Inasmuch

Document section	Page	Relevant text	Comment
4.4.4	24	RADON modeling...shows that 2.0 feet of soil cover [on the waste pile]...	as contaminated soils likely will be the topmost materials on these piles, adequate waste pile cover thickness and erosional resistance will be especially important in order to maintain protectiveness.

NMED also has reviewed RGR's application to revise mine permit #C1002RE and submits the following comment; additional comments pertaining to RGR's application to modify and renew Discharge Permit DP-61 will be addressed directly to the applicant:

Document section	Page	Relevant text	Comment
3.1.1	10	Each IX column will have...a maximum loading capacity of 0.09 pounds of U per cubic foot of resin.	Please address this apparent discrepancy.
	11	The maximum loading capacity of the resin [at the IX plant] is 0.27 pounds of U per cubic foot of resin...	

Please contact David L. Mayerson at (505) 476-3777 or david.mayerson@state.nm.us if you have any questions.

AIR QUALITY BUREAU COMMENTS

DATE: August 19, 2013

TO: Kurt Vollbrecht,
 Mining Act Team Leader
 Ground Water Quality Bureau

THROUGH: Richard Goodyear,
 Bureau Chief, Air Quality Bureau

FROM: Sufi Mustafa,
 Manager Air Dispersion Modeling Section

RE: Mount Taylor Mine Permit Application, Standby to Active Status and Updated Closeout/Closure Plan, Revision 13-2, Permit No. CI002RE

The New Mexico Air Quality Bureau (AQB) has completed its review of the above mentioned mining project.

Pursuant to 19 NMAC 10.2, Subpart 302.G of the New Mexico Mining Act Rules, the AQB has the following comments:

Air Quality Permitting History

The AQB has no previous record of this operation.

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:

20 NMAC 2.72 states:

Air Quality permits must be obtained from the Department 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. Air Quality permits must be obtained prior to startup of the permitted operation or activity.

Any person constructing or modifying any source or installing any equipment that is subject to 20 NMAC 2.77, New Source Performance Standards, must comply with those applicable federal New Source Performance Standards (NSPS).

Also, 20 NMAC 2.73 states:

Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons of any regulated air contaminant per year or 1 ton per year of lead shall file a notice of intent with the division.

Details

The Air Quality bureau has no objection in changing the status of the mine from standby to active. Applicant may want to consult with AQB to evaluate emissions from support equipment such as power generators, compressors, heaters and emission threshold that trigger an air quality permit.

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this determination does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Fugitive dust is a common problem at mining sites. The Air Quality Bureau 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 Air Quality Bureau or the US EPA may implement requirements, regulations and standards for the control of fugitive dust sources in the future. This written determination does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions regarding ground water issues, please contact David Mayerson at (505) 476-3777. If you have any questions regarding Air Quality Bureau Comments, please contact Sufi Mustafa at (505) 476-4318.

xc: Jerry Schoeppner, Chief, GWQB
Richard Goodyear, Chief, AQB
Fernando Martinez, Director, EMNRD-MMD
David L. Clark, Coal Program Manager, Coal Mine Reclamation Program
David Mayerson, GWQB

Ennis, David, EMNRD

From: Roth, Daniela, EMNRD
Sent: Monday, July 15, 2013 8:47 AM
To: Clark, David, EMNRD
Subject: RE: Standby to Active Status and Updated Closeout/Closure Plan, Mount Taylor Mine (Permit No. CI002RE) - request for comments

Dear David Clark:

Thank you for giving me the opportunity to comment on the Standby to Active Status and updated Closeout/Closure Plan for the Mount Taylor Mine in Cibola County, New Mexico (Permit No. CI002RE, Revision 13-2). I do not anticipate any impacts to state listed endangered plant species from the closeout plan as described. However I am concerned about the use of non-native plant species in the proposed reclamation seed mix, specifically the use of yellow sweetclover (*Melilotus officinalis*). This plant has shown to have a potential of spreading and invading rangelands, lowering native plant biodiversity, and is potentially toxic to livestock. I highly recommend removing this species from the reclamation seed mix. In addition, I recommend the development of a weed management plan to address the management and eradication of invasive species once reclamation has taken place.

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

Sincerely,

Daniela

BOTANY PROGRAM COORDINATOR
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505)476-3347 (Phone)
(505)476-3330 (Fax)
<http://www.emnrd.state.nm.us/SFD/>

Ennis, David, EMNRD

From: Myers, Kevin, OSE
Sent: Tuesday, August 20, 2013 9:24 AM
To: Clark, David, EMNRD
Cc: Johnson, Mike S., OSE
Subject: OSE Comments for RGR - Mt. Taylor Mine request for Standby to Active Status & updated Closure Plan Mod 13-2 MMD permit No. CI002RE FW: OSE Comments for Mt Taylor Mine - Rev. 13-1 from MMD No. CI002RE

David,

On July 11, 2013, NM OSE Hydrology Bureau (NMOSE) received from NMED a request for review and comment for Revision 13-2 for Standby to Active status plus an updated Closeout/Closure Plan – Mount Taylor Mine, MMD Permit No. CI002RE. Rio Grande Resources (RGR) proposes to discharge water at an initial rate of 16,129 to 19,354 acre-feet per year (10,000 to 12,000 gpm) from the Westwater Canyon Member of the Morrison Formation. After the initial dewatering of the mine shaft and underground mine workings by pumping shaft and depressurization wells, RGR estimates an operational dewatering flow rate of 6,451 to 8,064 acre-feet per year (4,000 to 5,000 gpm). As indicated by RGR, uranium mining operations have been suspended since 1990.

NMOSE previously commented on Revision 13-1 (see six comments in email below) on April 11, 2013. In addition to the Rev. 13-1 NMOSE comments, NMOSE has the following comments:

1. Section 1.3, pp3-4. RGR should provide an explanation of the authority for diverting water at pumping rates ranging from 6,451 to 19,354 acre-feet per year. RGR's revision 13-2 does not indicate what law, regulations, permit or license that would allow RGR to have such a large diversion. Section 1.3 mentions regulatory requirements for return to active status without addressing water rights.
2. RGR should provide information about plans to use water rights associated with B-516 and B-516 (1) for the return to an active mining operation. In this proposed return to active status, RGR does not mention whether it will divert water using some or all of water rights associated with NMOSE file B-516 and B-516 (1).
3. In order to avoid delays and prior to restart mine de-watering activities or other mining activities that use water, RGR should contact NMOSE Water Rights Division – District 1 Albuquerque for any changes to water rights as well as to follow reporting and metering requirements of existing water rights. Contact information is:

Jess Ward, District Supervisor
NMOSE Water Rights District

I

0 San Antonio Dr. NE
Albuquerque, NM 87109-4127
(505) 383-4000

555

If you have any questions about the above, please contact me.

Kevin Myers, Hydrologist
Hydrology Bureau - NM OSE
P.O. Box 25102
Santa Fe, NM 87504-5102

Ph: (505) 827-3521

Fax: (505) 476-0220

<http://www.ose.state.nm.us/>

From: Myers, Kevin, OSE

Sent: Thursday, April 11, 2013 10:23 AM

To: Ohori, David, EMNRD

Subject: OSE Comments for Mt Taylor Mine - Rev. 13-1 from MMD No. CI002RE

David,

On February 19, 2013, NMOSE Hydrology Bureau (NMOSE) received from NMED a request for review and comment for Revision 13-1 for an updated Closeout/Closure Plan – Mount Taylor Mine, MMD Permit No. CI002RE. Rio Grande Resources Corporations (RGR) proposed updates to the closeout/closure plan, which includes proposed plugging of 16 mine dewatering wells and proposed surface plugs for 2 utility conduits and 2 shafts. Uranium ore for this underground mine is located over 3000 feet below land surface. Mount Taylor Uranium Mine is about ½ mile northeast of the village of San Mateo and 15 miles northeast of Grants. Mining has been suspended since 1990. The mine surface facilities are located on approximately 148 acres. NMOSE has reviewed the documents and has the following comments, clarifications and questions:

1. Section 2.3.2, Ground Water, pp7-8; and Appendix C, section C.3 -1.1. RGR presents some historical information on water level measurements possibly from the 1970s. In Appendix C, mention is made of the shaft (Morrison) 820 feet depth to water without citing the date of water level measurement. Elsewhere in this section it's unclear if all water level data represent 1970s or some other time period. Given the amount of time since pumping and cessation of dewatering, recent water levels would be more useful than the historical data for evaluating the plan's potential impacts on ground water resources. A table with locations, water levels and measurement dates (recent and decades ago) would assist multiple agencies concerned with water related issues.
2. Section 5.2, Shaft closure, pp19-20. RGR should state in the text that shafts will have surface plugs extending to 40 and 62 feet below the surface. Drawings in Appendix C show the detail, yet the text does not describe dimension of the plug.
3. Section 5.2, Shaft closure, p20. RGR states that the shaft's concrete liner and pressure grouted annular seal of liner through water bearing formations, and that "*...The effectiveness of these features, described in section 2.4.1, has not diminished over time and will not be compromised by shaft closure measures. The space within each shaft is isolated from the surrounding aquifers and is hydraulically connected only to the ore zone in the Recapture/Westwater.*" Have any measures been undertaken to verify the integrity of the 33-year old annular seal and concrete liner?
4. Section 1.2, Project Description, p2. Note that RGR estimates subsidence would be limited to 300 feet above mine workings. This vertical distance would potentially affect the overlying Dakota Sandstone aquifer. Based on RGR Figure 2.1, approximately 138 to 273 feet separate the top of the upper to lower Westwater Canyon Member sandstones from the top of the Dakota Sandstone. So, this section indicates the potential for subsidence to create hydraulic connection between the Westwater Canyon Member sandstones and the Dakota Sandstone.
5. Section 5.2.1, Conduits, p 21. RGR should provide more detail about the construction of the two vertical utility conduits. Were these 11.5-inch diameter steel conduits cemented in place? In what diameter borehole were

these casings installed? Is the entire borehole cased? Does the 11.5-inch casing refer to an inside or outside diameter casing? Is there a basis for selecting a surface plug that is 18 feet in length in these conduits?

6. Section 5.2.2, Depressurizing and Deep Monitor Wells, p21; Appendix C –Section 2.3 Well Plugging; Table 2.3 and Table C.6.1. RGR proposes to plug 16 wells in accordance with 19.27.4 NMAC. RGR proposes a 4:1 cement to bentonite mix with some leeway to propose another mixture. In accordance with 19.27.4.30.C NMAC, all wells to be plugged require that a plugging plan of operation be submitted to OSE for review and approval prior to plugging the well. Typically, cement based, bentonite based and mixtures of these sealants may be approved. However, note that the above cement to bentonite ratio is not sufficient to evaluate sealant mixture without more details such as the quantity of water for hydrating the sealant and specifications for sealant materials. Some deep wells may require more complex sequence of plugging than with shallower well casings. In addition to Table C.6.1 information, well construction details such as screened interval, borehole diameter, depth to water, and annular sealant are some of the considerations when evaluating a proposed plugging plan of operation. Plugging plan of operation form may be found on line at the following web link: <http://www.ose.state.nm.us/PDF/WellDrillers/WD-08.pdf> District 1 – NMOSE will evaluate the plugging plan. Jess Ward, District Supervisor, NMOSE District 1, 5550 San Antonio Dr. NE, Albuquerque, NM 87109-4127, (505) 383-4000.

If you have any questions about the above , contact me.

Kevin Myers, Hydrologist
Hydrology Bureau - NM OSE
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Susana Martinez
Governor

STATE OF NEW MEXICO
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September 9, 2013

David Ohoi
Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505

Re: Request for Comments, Revision 13-2, Standby to Active Status and Updated
Updated Closeout / Closure Plan, Mount Taylor Mine, Permit No. CI002RE

Dear Mr. Ohoi:

I am writing in response to your request for review and comment on the above referenced permit revision and updated closeout/closure plan received at the State Historic Preservation Office (SHPO) July 12, 2013. As you probably know, this request to return the Mt. Taylor mine to operating status is of concern to Native American tribes because of potential adverse impacts to the Mt. Taylor Traditional Cultural Property (TCP).

The Mt. Taylor TCP is listed on the State Register of Cultural Properties and its boundary meets the mine permit boundary on the east. Reactivation of the mine has the potential to indirectly alter the setting of the TCP, and introduce noise, lights and atmospheric elements that may adversely impact the use of the TCP by Native American tribes who continue to use the Mt. Taylor area for traditional and ceremonial activities.

In addition, a review of our archaeological records database shows several significant archaeological sites located less than one mile from the mine. One of these sites includes San Mateo Pueblo, which is related to the internationally recognized resources at Chaco Culture National Historical Park. The presence of San Mateo Pueblo, which is listed on the State Register of Cultural Properties and included in the National Register of Historic Properties, raises the potential for significant archaeological sites to be located within the mine permit boundaries. These sites could be associated with San Mateo Pueblo or traditional cultural properties related to the use of Mt. Taylor.

An archaeological survey of the mine has not been conducted and activities associated with operation of the mine and closeout plan have the potential to affect unidentified

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significant archaeological sites. Drainage upgrades, installation of riprap and fencing, the removal of sediment on NM 334, proposed borrow areas and removal of facilities and the discharge pipeline are activities that have the potential to inadvertently damage cultural resources that may be eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. In order to prevent inadvertent damage to cultural resources, this office recommends that an archaeological consultant conduct an archaeological survey of any areas that may have the potential for unknown archaeological sites and determine whether ground disturbing activities associated with operation of the mine or close out plan will have an adverse effect.

I look forward to receiving additional information for consultation on this permit revision. Because of the potential adverse effects to the Mt. Taylor TCP, Mining and Minerals Division (MMD) should be consulting with the SHPO under 18-8-7 of the Prehistoric and Historic Sites Preservation Act, NMSA 1978. Consultation under this Act requires MMD to consider whether the issuance of the permit to reactive the mine will be a "use" (or adverse effect) of the Mt. Taylor TCP and to solicit alternatives to avoid a "use" or select an alternative that causes the least harm to the TCP.

Finally, I encourage MMD to continue Native American consultation on this project. The August 13, 2013 meeting at Acoma Pueblo was a productive meeting and a good beginning in this consultation process.

If you have any questions, please do not hesitate to contact me at 827-6320.

Sincerely,



Jeff Pappas
State Historic Preservation Officer

Log: 97243