Explanations for Categorical Exclusion Checklist
La Ventana (and Padilla) Mine Safeguarding Project

I. General Exceptions

Does the project type specifically require an EA in 516 DM6, Chapter 13, as specified in Item I of the attached instructions?

The State of New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Mining and Minerals Division, Abandoned Mine Land Program (AML Program), with federal funding from the Office of Surface Mining, Reclamation, and Enforcement (OSMRE), is proposing a variety of mine safeguarding activities on two parcels of land (La Ventana and Padilla Mines) located south of Cuba in Sandoval County, New Mexico. The AML Program has identified up to six highly dangerous abandoned mine features that, though remediated in the past, are in need of additional safeguarding to protect property owners, members of the public, and wildlife. Proposed safeguarding measures are not expected to result in extraordinary circumstances per Department of Interior (43 CFR 46.210), and the Proposed Action qualifies as a categorical exclusion per the OSMRE CE (516 DM 13.5). The Proposed Action is within disturbed sites previously used as mines site and totaling less than 100 acres in size. No hazardous wastes or gases will be generated, no explosives will be used, and the area is not inhabited.

Existing Conditions

The Proposed Action is located on two parcels of land, located approximately 7.5 miles south of Cuba, in Sandoval County, New Mexico (Project Area). The parcels are located on lands privately owned or managed by the U.S. Bureau of Land Management, Rio Puerco District Office (BLM-RPDO). The two parcels comprising the Project Area encompass the Ventana Mine in the southern block and the Padilla Mine in the northern block. The two parcels include all of the individual mine features proposed for safeguarding. Cumulatively, the Project Area covers approximately 67 acres and encompasses all potential safeguarding activities and access routes.

The parcels are shown on the U.S. Geological Survey (USGS) San Pablo, New Mexico 7.5-minute quadrangle in Township 19 N, Range 1 W, Section 4 (Ventana Mine, southern parcel) and Township 20 N, Range 1 W, Section 33 (Padilla Mine, northern parcel) (Figures 1 and 2). The

southern parcel totals 45.7 acres and the northern parcel totals 20.9 acres. The northern parcel is privately owned, while the southern parcel consists of both private and BLM lands. In total, the Project Area consists of 34.6 acres of private land and approximately 32 acres of land administered by BLM.

Scope of Work

The Proposed Action is designed to investigate and implement safeguarding of hazardous mine openings and features identified throughout the Project Area (Figures 3a and 3b), while allowing for open access and continued use of the mine features by smaller wildlife species, including bats. The following safeguarding measures are currently being evaluated for implementation in priority areas:

- *Gates:* Gates may be installed over mine shafts and in mine adits or portals, as well as in other mine entryways where gates are determined to be the best method for blocking access to mine features. The gates would be designed in accordance with the latest industry standards and would be modified as necessary to fit the specific entryway, occasionally using steel culverts to support the gate. The basic gate design generally used consists of a vertical to horizontally placed flat grid of welded steel cross bars anchored in place over the mine entryway. The cross bars are oriented horizontally and welded onto vertical supports spaced widely. Spacing of the horizontal cross bars would be 6 inches, designed to allow passage of bats in flight, as well as access for other small mammals and for birds, but not spaced widely enough to allow human entry. Gates are typically constructed of 2-inch by 4-inch and 2-inch-square tubular weathering steel that is anchored into the surrounding rock using 1-inch steel rods. Gates are designed to not inhibit air flow into or out of the mine feature and constructed of angled steel oriented with the apex up to maximize the airflow through the gate (Fant et al., 2009; BCI, 2024).

  The gates would be installed at all features identified for closure and yet to be surveyed by Bat Conservation International (BCI), following recommendations to be provided in BCI's report for the Project Area. Additional features may also be identified for safeguarding based on the results of an extensive cultural resources survey completed for the Project Area (Okun, 2023). Construction timing would be in accordance with the recommendations of the BCI report and any recommendations resulting from surveys of the Project Area performed for a biological assessment/biological evaluation prepared for this project (DBS&A, 2024) (Attachment 1). Pre-construction wildlife surveys will also be performed as necessary prior to any destructive closures or the installation of safeguarding measures to inspect for wildlife

usage of features prior to closure. In addition, on some adit and shaft openings within the open stopes of the Project Area, gates constructed and anchored as described above would be installed.

- *Rock/concrete bulkhead with culvert gate:* At some locations, gates would consist of a bulkhead constructed of a 2- to 4 foot-thick section of rocks cemented together with concrete. A 3- to 4 foot steel culvert with a steel gate would be constructed inside.
- *Cupolas*: Cupolas are a type of gate designed to fit over a vertical mine shaft. Bat-friendly cupolas may be installed over mine shafts if determined to be an appropriate measure for safeguarding a feature in the Project Area. Locations and construction timing would be in accordance with the recommendations of the bat report by BCI (2024) and based on pre-construction surveys of wildlife usage of features.
- *Backfill:* Mine openings and/or subsidence pits may be backfilled with adjacent mining materials.
- *Other structural closures:* Polyurethane foam (PUF) plugs, gated culverts, and other structures may be used to safeguard mine openings.

The Proposed Action ground disturbance footprint would be focused on the identified hazardous mine features throughout the Project Area. Old New Mexico Highway 44 (NM 44, now County Road [CR] 11) and existing unpaved roads leading to the properties would serve as the access roads. Existing disturbed areas adjacent to the road may also be used for staging of construction equipment and materials. Disturbance of the vegetation would only be temporary. No trees would be removed.

Implementation of the Proposed Action is anticipated to begin at the earliest in fall 2024.

II. Department of Interior Exceptions

Will the project have any of the following:

A significant adverse effect on public health or safety?

The Proposed Action is located on private property and BLM land. The nearest populated area is Cuba, located approximately 7.5 miles to the north. Access to the two parcels of the Project Area will be provided through existing two-track roads from Old NM 44/CR 11. Because the

mines are located away from human population centers and access is limited, no adverse effects on public health or safety would occur.

An adverse effect on any of the following unique geographic characteristics?

- *Parks (State, Local, or National)*. The Proposed Action is located on private and BLM land. The BLM land is not designated as an Area of Critical Environmental Concern (BLM 2012) nor is the project area within any state, local, or national park.
- *Wild or Scenic Rivers*. The Proposed Action contains no wild or scenic designated rivers.
- *Recreation or Refuges*. The Proposed Action is located all on private property and BLM land. The BLM land, while open to the public, is not easily accessed from any public road and is not a specially designated recreation or refuge land. The Santa Fe National Forest's Cuba Ranger District has its western boundary approximately 2.2 miles east of the Proposed Action where one of many uses is for recreation. The nearest refuge is the Valle de Oro National Wildlife Refuge, located approximately 65 miles southeast of the Project Area.
- *Wetlands*. No wetlands are located within the Project Area. No wetlands will therefore be impacted.
- *Wilderness Areas*. The Proposed Action is not within or near a designated wilderness. The nearest wilderness or wilderness study area is the San Pedro Parks Wilderness, located approximately 7.9 miles northeast of the project area.
- *Floodplains*. The Proposed Action is not located within a designated flood hazard zone (FEMA, 1978). The project would not impact any floodplain.
- *Ecologically Significant or Critical Areas*. The Proposed Action is not within any noted ecologically significant areas or critical areas, such as critical habitat for threatened or endangered species (DBS&A, 2024; BLM, 2012).
- *Sole or Principal Drinking Water*. There are no domestic water connections in the Project Area.
- *Prime Farmland*. There is no farmland within the Project Area. The Project Area and its immediate surroundings are used for livestock grazing but also serve as wildlife habitat.
- *Aquifers*. Groundwater levels in and around the Project Area generally match the observed topography, ranging from a shallow depth at the tributaries of the Rio Puerco to depths of up to 100 feet outside of the drainages. Regional groundwater flow is to the southwest toward the Rio Puerco, located approximately 2.5 miles west of the Project Area.

Highly controversial environmental effects?

The Proposed Action will be safeguarding mine features, and will not involve highly controversial environmental effects. Features such as gates will be wildlife-compatible, with large enough openings for wildlife to pass through but prevent human entry. Ground disturbance would be minimized by using existing unpaved roads. Mining features filled with existing waste rock or PUF will remain visible, as shallow depressions and residual waste rock material will be recontoured in place. In addition, mine openings with highly visible waste piles, particularly on steep slopes, will be closed by an alternate method (PUF or other structural closure), thereby leaving the viewshed of the mining landscape intact. Structural closures will be built on-site to BLM Visual Resource Management specifications. The safeguarding measures would therefore have limited visual effects from the Proposed Action.

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

The Proposed Action will be limited to safeguarding measures at mine features at the Ventana and Padilla Mines, and will not involve highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. No entry into the mines would be necessary, as work would be limited to the openings.

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?

This is the only project planned for the site; no future actions are anticipated.

Directly related to other actions with individually insignificant but cumulatively significant environmental effects?

There are no other proposed actions that would have cumulatively significant effects.

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

Cultural resources within the Project Area were evaluated in 2023 (Okun, 2023). A total of three historic archaeological sites and three isolated occurrences (IOs) were discovered and documented during a pedestrian survey of the Project Area. Two sites (LA 56727 and LA 57257) are named mines that had been previously recorded but were fully updated during the project, and one (LA 203982) is a small, newly discovered outlying mining area.

Within LA 56727 (McDonald-Kistler Mine), a house foundation known as Feature 1 (Oakes 1987), together with the surrounding area, represents a habitation locus with the potential to contain

significant cultural deposits that could provide information about twentieth century coal mining and the subsistence practices, economic networks, and ethnicity of local miners in the La Ventana mining district. As a result, LA 56727 is recommended as *eligible* for listing on the National Register of Historic Places (NRHP) under Criterion D. Closure of adit openings, filling of subsidence areas, and other safeguarding of mining features would not detract from the qualifying characteristics because these particular features lack information potential and historic integrity. The AML Program should attempt to minimize visual impacts and changes to the setting, and all features not slated for remediation should be avoided. As long as the areas of habitation are avoided (with appropriate buffers) and activities within the site are monitored by a permitted archaeologist, project implementation would not adversely affect the site.

LA 57257 (Padilla Mine) and LA 203982 lack both historic integrity and information potential. LA 203982 is a small, short-term twentieth century mining/prospecting site that lacks engineering features, associated artifacts, or areas of habitation. LA 57257 has been previously determined not eligible for listing on the NRHP in 2005-2008 (Historic Preservation Division log numbers 75732 and 84362). It contains a scatter of mineral extraction features and a waste rock pile, but the features have been closed/infilled during AML Program remediation projects. No mining infrastructure remains intact, and the site lacks artifact concentrations and habitation areas. As a result, neither LA 57257 nor LA 203982 was recommended as eligible for listing on the NRHP under any criteria. No further management considerations are deemed warranted for these resources (Okun, 2023).

As long as the particular recommendation regarding LA 56727 is followed, the project would have *no adverse effect* on any historic property listed, or eligible for listing, on the NRHP. The SHPO concurred with the AML's site eligibility determinations and effect assessment on April 11, 2024 (Attachment 2). The AML also conducted consultation with the Bureau of Land Management (BLM) to obtain concurrence with the determination of no adverse effects to historic properties. The BLM concurrence was obtained on March 21, 2024 (Attachment 2).

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

A BA/BE was prepared for the Proposed Action to assess project impacts on (1) species listed as threatened or endangered (or proposed for listing) under the federal Endangered Species Act, (2) species listed as sensitive by the BLM, and (3) state-listed threatened and endangered species (DBSA, 2024) (Attachment 1). The evaluation determined that no species listed federally as threatened or endangered have the potential to occur in the Project Area, and that no

designated or proposed critical habitat is present in the Project Area. The BA/BE determined that the Proposed Action would not violate any of the provisions of the Endangered Species Act of 1973, as amended.

A total of 18 BLM sensitive species occur on lands managed by the BLM's Rio Puerco Field Office. Of the 18 species, only the pinyon jay (*Gymnorhinus cyanocephalus*) and the Bendire's thrasher (*Toxostoma bendirei*) were found to have the potential to occur in the Project Area (Attachment 1). Other than temporary noise disturbance, no impacts to the pinyon jay or Bendire's thrasher would be anticipated outside of the migratory bird nesting season. If construction cannot be avoided during the nesting season, a nest survey of the Project Area would be conducted prior to the commencement of construction. Any active nests found would be flagged for avoidance during construction activities.

The list of state threatened or endangered species for Sandoval County consists of 21 species, of which only the gray vireo (*Vireo vicinior*) has the potential to occur in the Project Area (Attachment 1). Other than temporary noise disturbance, no impacts on the gray vireo would be anticipated as a result of the Proposed Action. In the event that construction could not be avoided during the migratory bird nesting season, a nest survey of the Project Area would be conducted prior to the commencement of construction. Any active nests found would then be flagged for avoidance during construction activities.

The BA/BE also analyzed potential impacts to federal candidate and other non-listed species with the potential to occur in the Project Area (Attachment 1). In order to comply with the Migratory Bird Treaty Act (MBTA), project construction should be completed outside of the migratory bird nesting season. Should construction activities take place during the migratory bird nesting season (March 15 through August 15), a pre-construction nesting bird survey should be completed to locate any active nest that would need to be avoided. Empty nests do not need to be avoided, as stated by Section 1 of the Interim Empty Nest Policy (USFWS, Region 2). However, if occupied nests are found, they must be avoided until the young have fledged.

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

The Proposed Action is not located within a designated flood hazard zone, and is not within a floodplain (FEMA, 1978). The project is therefore not applicable to EO 11988 and 11990. There would be no control or modification of a natural stream or body of water; therefore, the Proposed Action would be in compliance with the Fish and Wildlife Coordination Act.

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

Additional studies were conducted for the Proposed Action and included the following.

- A BA/BE of project impacts on wildlife including federal and state listed species was completed in 2024 (Attachment 1). The evaluation determined that no federally threatened or endangered species have the potential to occur in the Project Area, which also has no designated or proposed critical habitat. The evaluation determined that the Proposed Action would not violate any of the provisions of the Endangered Species Act of 1973, as amended. The BA/BE also assessed potential impacts to state threatened or endangered species and found that the Proposed Action would not violate any provisions of the Wildlife Conservation Act (17-2-37 to 17-2-46 NMSA 1978).
- A bat survey and evaluation of the Proposed Action on bats was completed in February 2024 (BCI, 2024). A total of 12 Townsend's big-eared bats (*Corynorhinus townsendii)* were found using Black Rose Mine as a hibernaculum. The report determined that with the implementation of specific recommendations to protect three subterranean features, no negative impacts on bats would result from the Proposed Action.
- A cultural resources report (Okun 2023) was prepared and submitted to the State Historic Preservation Officer (SHPO). The SHPO and the BLM concurred with the cultural resource findings and evaluation (Attachment 2).

In addition, tribal consultation was initiated by the AML in August 2023 (Attachment 2). Only one response was received, from the Pueblo of San Ildefonso.

The Proposed Action would also be in compliance with the Migratory Bird Treaty Act (16 U.S.C. 703-712). A pre-construction survey for active nests will be conducted if construction scheduling falls within the nesting season of migratory birds. Should active nests be found during the pre-construction survey, the nests will be avoided.

Involve unresolved conflicts concerning alternative uses of available resources (NEPA Sec. 12(2)E))?

Land use would not change as a result of the Proposed Action.

Have a disproportionate, significant adverse effect on low income or minority populations (EO 12898)?

The Ventana and Padilla Mines are not located near any population centers. The town of Cuba, which is located approximately 7.5 miles to the north of the Project Area, is the nearest population center.

Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007)?

Tribal consultation letters were sent to 16 tribes (Comanche Nation of Oklahoma, Hopi Tribe, Jicarilla Apache Nation, Navajo Nation, and Pueblos of Isleta, Jemez, Laguna, Okhay Owingeh, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Tesuque, and Zia) on August 16, 17, and 18, 2023, as part of the consultation process for the proposed safeguarding project. The Pueblo of San Ildefonso responded to simply request the final copy of the cultural resources report, which was provided to the Tribal Historic Preservation Officer (THPO) via e-mail on April 11, 2024. No other responses were received.

Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?

During the biological survey, riparian vegetation was observed in the northern parcel of the Project Area around ponded areas that appeared to be former mining pits. That vegetation was dominated by saltcedar, listed as a Class C noxious weed. Also noted during the survey was a deeply entrenched (approximately 15 feet) drainage beyond to the north and northeast of the northern parcel lined by riparian vegetation including dense stands of saltcedar. Class C noxious weeds are widespread in the state. Management decisions for these species should be determined at the local level based on feasibility of control and level of infestation. No construction or other actions will take place within the ponded areas or along the drainage that would promote the introduction, growth, or spread of saltcedar.

III. Resource Impact Exceptions

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources?

- *Topography*. In the event that backfilling of mine shafts and/or adits is required, material used for backfilling would be from the adjacent excavation rock materials. The backfilling would result in restoring the contours of the project area back to their pre-mining natural state. The overall topography would not be significantly changed and the measures taken would be anticipated to stabilize the existing slopes by arresting any further erosion.
- *Land Use (includes prime farmland)*. Land use would not change as a result of the Proposed Action. There is no prime farmland in the area.

- *Soils*. The proposed work would require minimal soil disturbance and in areas of disturbance, soils would be stabilized as a result of the Proposed Action erosion control measures. Existing roads would be used for construction vehicles, thereby protecting soils from disturbance and further erosion potential.
- *Vegetation (includes wetlands)*. Minimal vegetation disturbance would occur as a result of the Proposed Action. Existing roads would be used for construction, thereby protecting existing vegetation. Any areas of disturbance where vegetation is removed will be reseeded with a native grass seed mix.
- *Hydrology*. The Proposed Action does not involve any hydrologic features, such as the drainage located to the east and northeast of the northern parcel. The Proposed Action would therefore have no impact on hydrology.
- *Fish and Wildlife*. Project impacts to non-listed species would include temporary noise impacts. If construction is timed outside of the nesting season, active nests would not be impacted; project impacts to non-listed species would be negligible. Underground surveys of the shafts and adits to be safeguarded were completed by BCI in February 2024. BCI (2024) detected the presence of Townsend's big-eared bats hibernating in Black Rose Mine (Subsidence 1) and recommended bat-compatible closure of that mine during the warm season. BCI (2024) made specific recommendations for the safeguarding of five additional mine features. In total, three features were recommended for destructive closure during the warm season: one for airflow closure and two (including the Black Rose Mine, Subsidence 1) for bat-compatible closure (BCI, 2024).
- *Historic and Cultural*. Within the Project Area, two sites (LA 56727 and LA 57257) are named mines that had been previously recorded but were fully updated, and one (LA 203982) is a small, newly discovered outlying mining area. Within LA 56727 (McDonald-Kistler Mine), a house foundation and its immediate surroundings represent a habitation locus with the potential to contain significant cultural deposits that could provide information about twentieth century coal mining and the subsistence practices, economic networks, and ethnicity of local miners in the La Ventana mining district. As a result, LA 56727 is recommended as *eligible* for listing on the NRHP under Criterion D. As long as the areas of habitation are avoided (with appropriate buffers) and activities within the Project Area are monitored by a permitted archaeologist, project implementation would not have any adverse impacts on cultural resources. SHPO concurrence was obtained in 2024. Mitigation measures that will comply with the determination of no adverse effects include:

- The AML will use existing roads to access the features scheduled for closure.
- During the construction phase, the AML Program will avoid any remaining mine-related features (structural foundations, artifact scatters, etc.) with all equipment, vehicles, foot traffic, and any other ground surface disturbing activities. In addition, designated avoidance areas that extend up to 50 feet (15 meters) from cultural resources will be established prior to construction. When working near designated avoidance areas and where construction access routes pass next to these locations, high-visibility barrier/ indicators will be installed around the avoidance perimeter. The Contractor and AML Program Project Manager shall cooperate fully with avoidance practices to preserve archaeological and historic artifacts found within the project area. Moving, removal, or collecting of archaeological or historic materials from the project area or vicinity is prohibited.
- If previously unidentified archaeological sites, deposits, or in situ artifacts are encountered, the AML Project Manager and Contractor shall terminate all operation in that immediate area (100-foot radius, 30 meters) until the proper preservation agencies and Native American groups have been notified and offered the opportunity to assess the discovery site.

The measures above will ensure that the Proposed Action does not have a significant effect on any historic and cultural resources.

- *Recreation*. The northern parcel is privately owned, while the southern parcel consists of both private and BLM lands. Access is limited by fences and access to private lands can only be obtained through gates. Therefore, no recreation opportunities exist for the public in the Project Area.
- *Air Quality*. Emissions would occur during construction; however, they would be temporary. No long-term air emissions would occur as a result of the Proposed Action.
- *Noise*. Noise would occur during construction; however, it would be temporary and there are no sensitive noise receptors in the vicinity.
- *Other (includes socioeconomics)*. No other exceptions were identified.

IV. Attach Consultation Letters and a Location Map

Figure 1 is an aerial imagery site map. Figure 2 is a USGS topographic map showing the Ventana and Padilla Mine Project Area. Figures 3a and 3b show the project area including access roads.

Written records of agency coordination with the SHPO and the BLM are all included in Attachment 2, together with the AML tribal consultation letter.

References

Bat Conservation International (BCI). 2024. *Final report: La Ventana abandoned mine bat surveys, February 13, 2024*. Submitted to the Abandoned Mine Land Program. April 19, 2024.

Bureau of Land Management (BLM). 2012. *Rio Puerco Resource Management Draft Plan & Environmental Impact Statement*. Albuquerque District, Rio Puerco Field District Office. August 2012.

Daniel B. Stephens & Associates, Inc. (DBS&A). 2024. *Biological assessment/biological evaluation, La Ventana Mine safeguarding*. New Mexico Energy, Minerals, and Natural Resources Department Abandoned Mine Land Program. May 10, 2024.

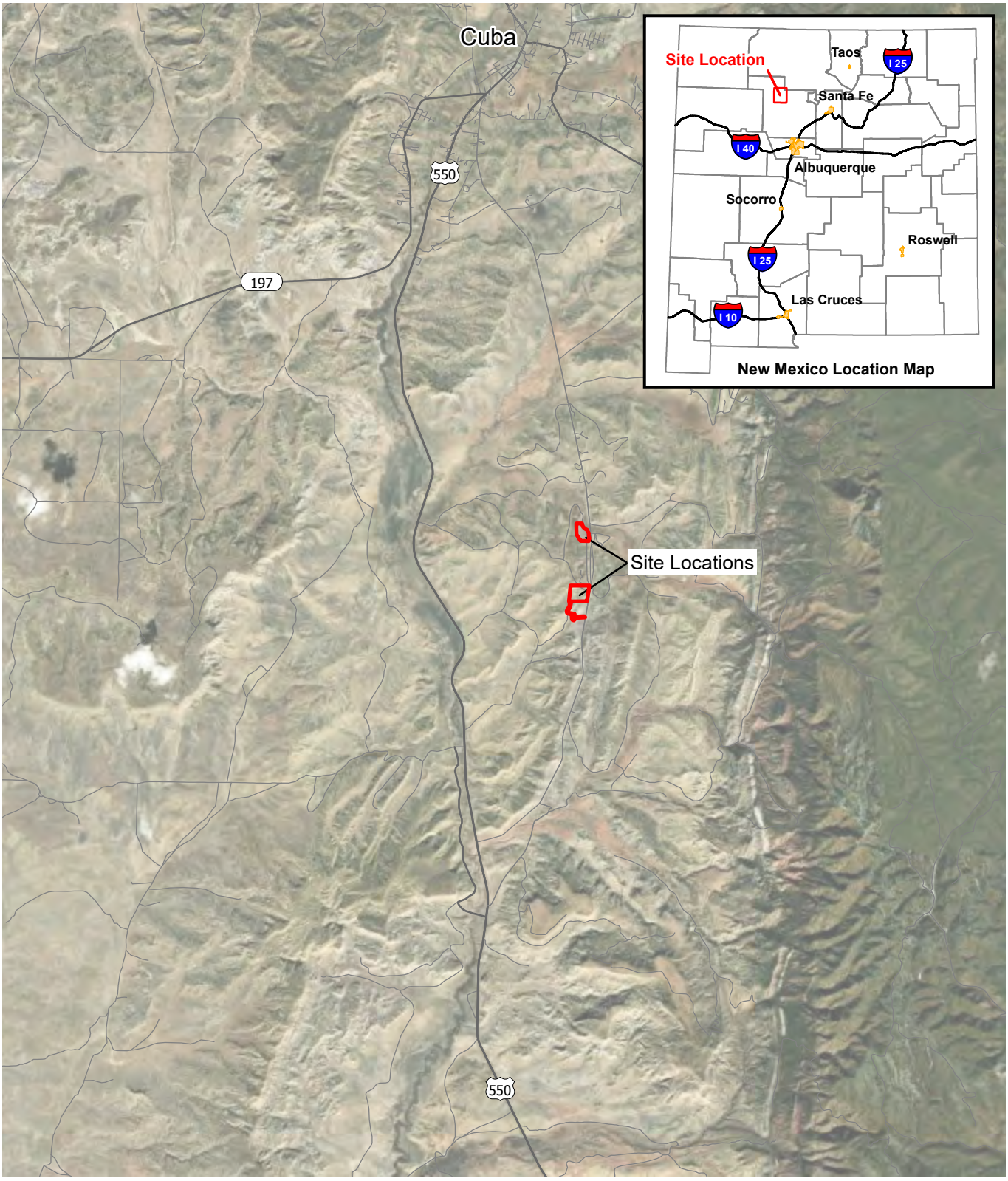
Fant, J., J. Kennedy, R. Powers Jr., and W. Elliott. 2009. *Agency guide to cave and mine gates, 2009*. Sponsored by American Cave Conservation Association, Bat Conservation International, and Missouri Department of Conservation.

Federal Emergency Management Agency (FEMA). 1978. *Flood insurance rate map: Torrance County and Incorporated Areas, New Mexico*. Map Number 350133 0030A.

Office of Surface Mining Reclamation and Enforcement (OSMRE). 2019. *Handbook on procedures for implementing the National Environmental Policy Act.* U.S. Department of the Interior. July 2019.

Okun Consulting Solutions (Okun). 2023. *Cultural resource survey for the EMNRD Abandoned Mine Land Program La Ventana Mine Safeguard Project in Sandoval County, New Mexico*. Reported under NMCRIS Activity No. 148124.

Figures



Aerial Photograph: ESRI et al.

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8/14/2023 DB21.1363

LA VENTANA MINE
Area Map

Figure 1

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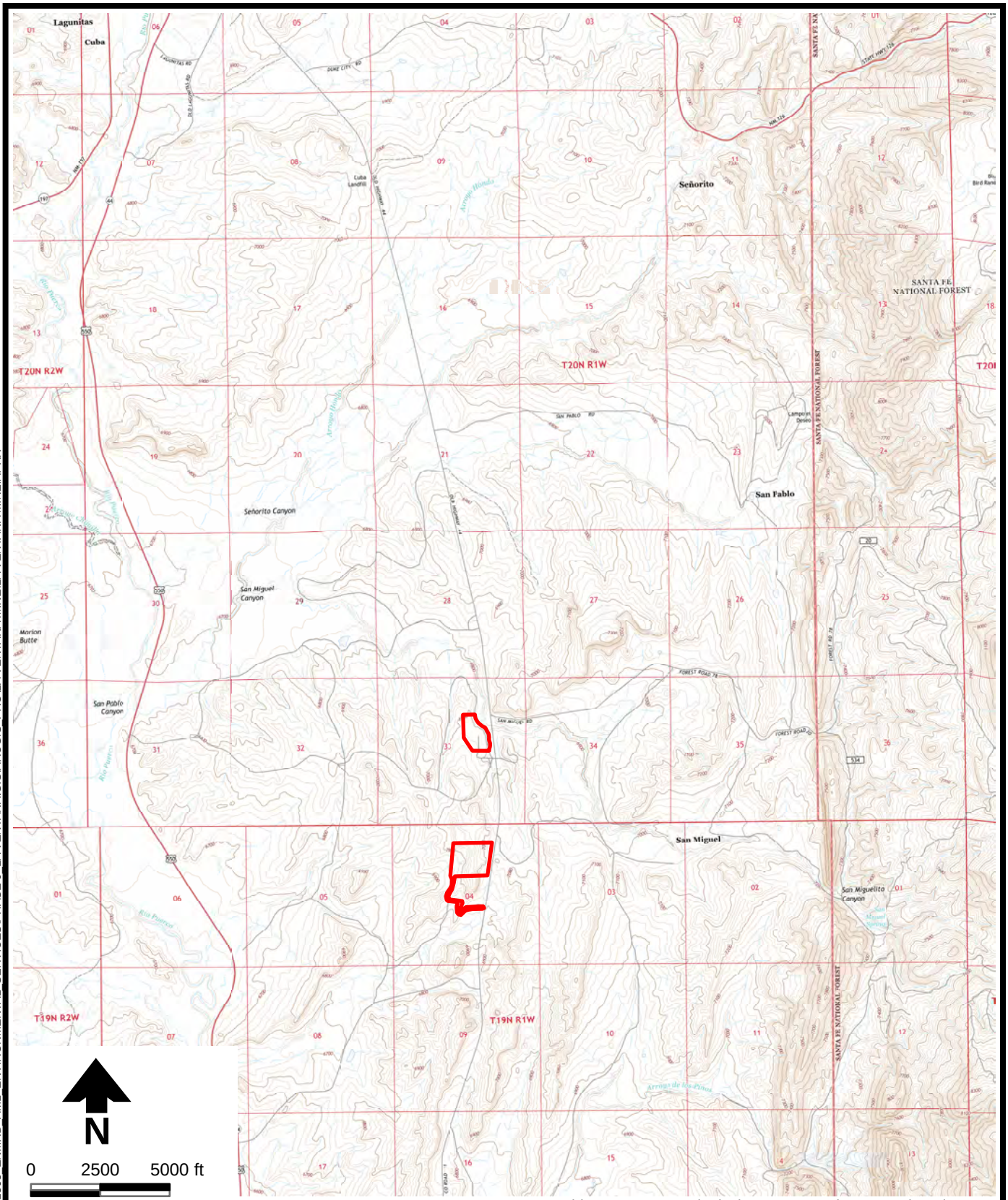

Explanation

Site Locations

Topographic map: U.S. Geological Survey 7.5 Minute Quadrangle Map
NM San Pablo
http://rgis.unm.edu/
Downloaded August 14, 2023

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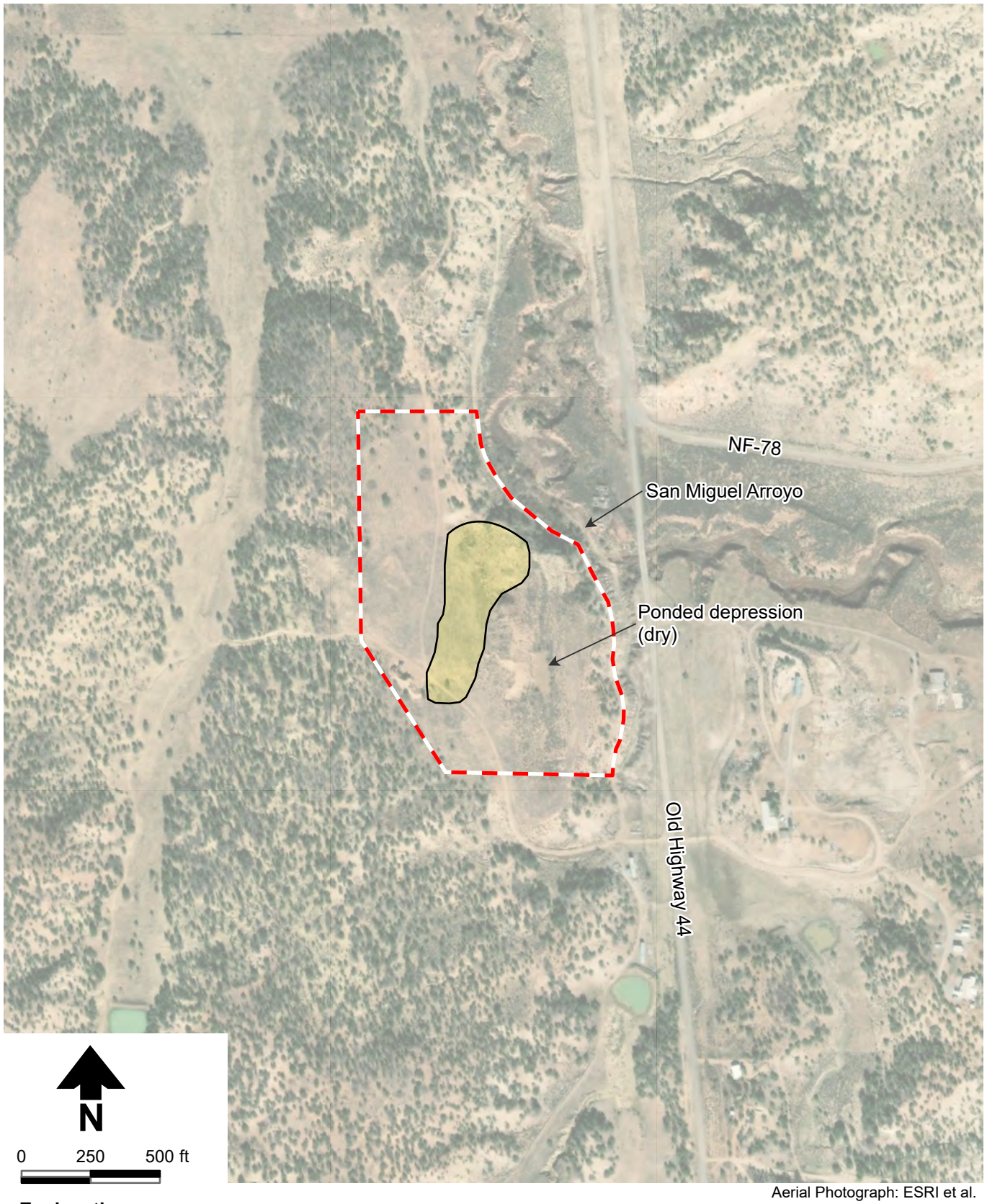
LA VENTANA MINE
Topographic Map

Figure 2



Aerial Photograph: ESRI et al.

Explanation

Area of Potential Effect

Site boundary

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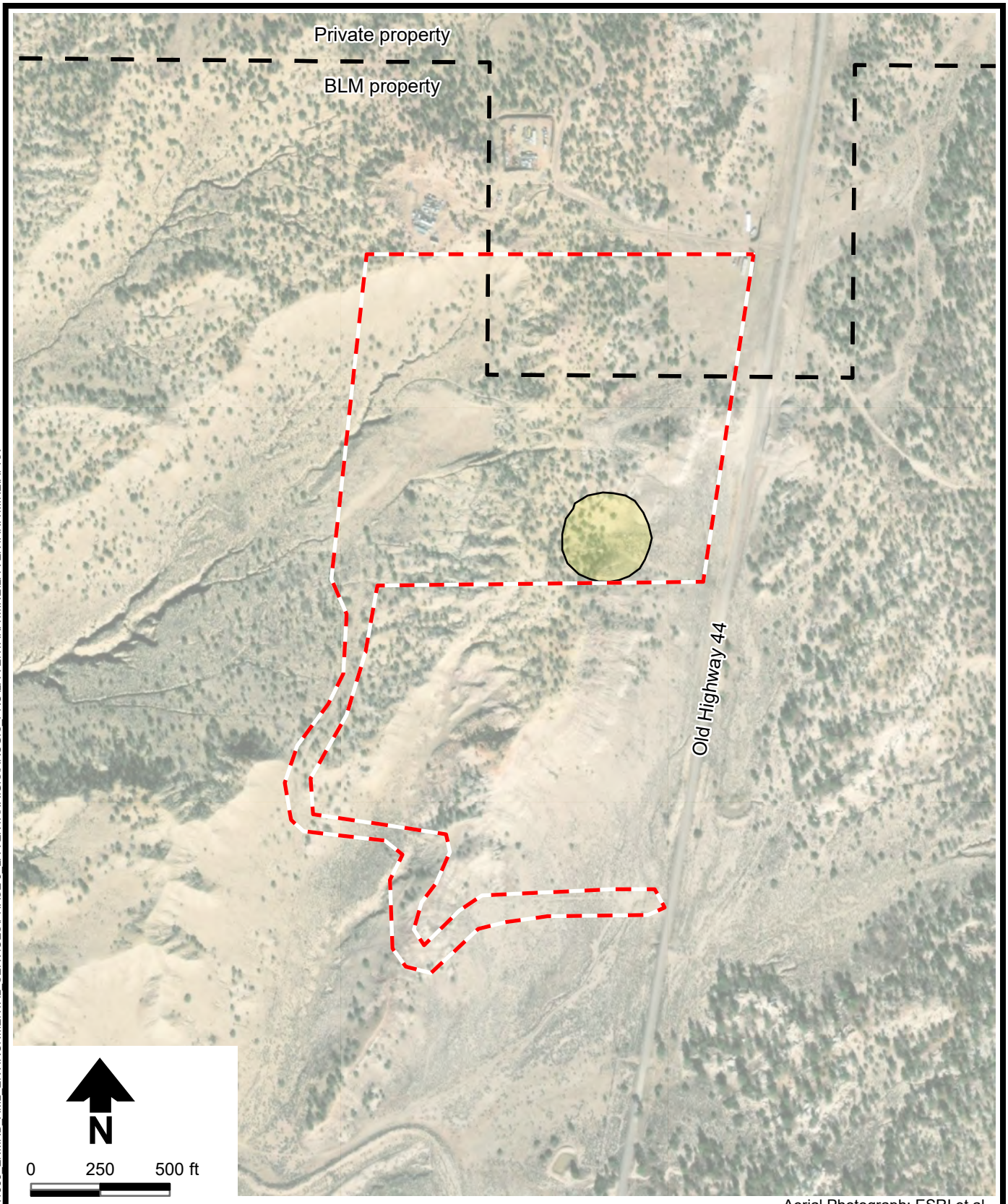
LA VENTANA MINE

Findings, Northern Parcel (Padilla Mine)

Figure 3a



Aerial Photograph: ESRI et al.

Explanation

- Area of Potential Effect
- Site boundary
- Bureau of Land Management (BLM) property

LA VENTANA MINE

Findings, Southern Parcel (La Ventana Mine)

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12/13/2023 DB22.2023

Figure 3b

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Attachment 1

Biological Assessment/ Biological Evaluation

DBS&A
a Geo-Logic Company

Biological Assessment/ Biological Evaluation

La Ventana Mine Safeguarding

Prepared for

New Mexico Energy, Minerals, and
Natural Resources Department
Abandoned Mine Land Program

Prepared by

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May 10, 2024

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1. Introduction

Daniel B. Stephens & Associates, Inc. (DBS&A) has prepared this biological assessment/ biological evaluation (BA/BE) to assess the effects of the proposed La Ventana Coal Mine Safeguarding Project (Proposed Action) on state and federal protected natural resources. The Proposed Action is located on two parcels of land, located approximately 7.5 miles south of Cuba, in Sandoval County, New Mexico (Project Area). The parcels are located on privately owned land and lands managed by the U.S. Bureau of Land Management, Rio Puerco District Office (BLM-RPDO). The two blocks comprising the Project Area encompass the Ventana Mine in the southern block and the Padilla Mine in the northern block. The two blocks include the individual mine features proposed for safeguarding. Cumulatively, the Project Area covers approximately 67 acres and encompasses all potential safeguarding activities and access routes.

The parcels are shown on the U.S. Geological Survey (USGS) San Pablo, New Mexico 7.5-minute quadrangle in Township 19 N, Range 1 W, Section 4 (Ventana Mine, southern parcel) and Township 20 N, Range 1 W, Section 33 (Padilla Mine, northern parcel) (Figures 1 and 2). The Proposed Action is to be undertaken to mitigate the effects of historical coal mining within the boundaries of the Project Area. The southern parcel totals 45.7 acres and the northern parcel totals 20.9 acres. The northern parcel is privately owned, while the southern parcel consists of both private and BLM lands. In total, the Project Area consists of 34.6 acres of private land and approximately 32 acres of land administered by BLM. Proposed mitigating measures include safeguarding of hazardous abandoned mine features such as adits and entryways, and possible backfilling of subsidence areas.

Section 7(a)(1) of the Endangered Species Act (ESA) directs all federal agencies to carry out programs for the conservation of threatened and endangered species. Section 7(a)(2) of the ESA requires federal agencies to ensure that any actions authorized, funded, or carried out by the agency are not likely to jeopardize the continued existence of any threatened, endangered, or proposed species or to adversely modify critical habitat. This BA/BE documents the potential effects of the Proposed Action on federally listed endangered and threatened species that have the potential to occur locally, together with critical habitat for any of these species. It also helps fulfill requirements set forth under the State of New Mexico's Wildlife Conservation Act [17-2-37 NMSA 1978]. Under the Wildlife Conservation Act, it is unlawful to "take" species determined to be endangered within the state as set forth by regulations of the State Game Commission. From Section 3(18) of the ESA, the term "take" means to "harass, harm, pursue, hunt, shoot, wound,

kill, trap, capture, or collect, or to attempt to engage in any such conduct." As used in the Wildlife Conservation Act [17-2-37 to 17-2-46 NMSA 1978], "take" or "taking" means to harass, hunt, capture, or kill any wildlife or attempt to do so.

2. Project Description

2.1 Background

Enacted on May 2, 1977 (amended in 2006), the Surface Mining Control and Reclamation Act (SMCRA) created the nationwide Abandoned Mine Land Reclamation (AML) Program. It places fees on active coal mines to fund the reclamation of coal mines abandoned before 1977. The Office of Surface Mining Reclamation and Enforcement (OSMRE) distributes funds to the state and tribal abandoned mine land programs, which rank abandoned mine land problems on a priority scale of 1 to 3 as defined by federal law. High priority reflects the degree of need for the protection of public health, safety, and property from the adverse effects of coal mining practices prior to 1977, including restoration of land, water, and the environment. The funds are also allowed for safety closures of mine sites other than coal mines if they have been determined to be a public safety hazard.

Past reclamation, safeguarding, and maintenance work was completed in the Project Area at various times in the early and mid-1990s and in 2007-2008.

2.2 Project Description

The Proposed Action is designed to investigate and implement safeguarding of hazardous mine openings and features identified throughout the Project Area (Figures 3a and 3b), while allowing for open access and continued use of the mine features by smaller wildlife species, including bats. The following safeguarding measures are being evaluated for implementation in priority areas:

- *Gates:* Gates may be installed over mine shafts and in mine adits or portals, as well as in other mine entryways where gates are determined to be the best method for blocking access to mine features. The gates would be designed in accordance with the latest industry standards and would be modified as necessary to fit the specific entryway, occasionally using steel culverts to support the gate. The basic gate design generally used consists of a vertical to horizontally placed flat grid of welded steel cross bars anchored in place over the mine

entryway. The cross bars are oriented horizontally and welded onto vertical supports spaced widely. Spacing of the horizontal cross bars would be 6 inches, designed to allow passage of bats in flight, as well as access for other small mammals and for birds, but not spaced widely enough to allow human entry. Gates are typically constructed of 2-inch by 4-inch and 2-inch-square tubular weathering steel that is anchored into the surrounding rock using 1-inch steel rods. Gates are designed to not inhibit air flow into or out of the mine feature and constructed of angled steel oriented with the apex up to maximize the airflow through the gate (Fant et al., 2009; BCI, 2021).

The gates would be installed at all features identified for closure by Bat Conservation International (BCI) following recommendations provided in BCI's 2024 report for the Project Area. Additional features may also be identified for safeguarding based on the results of an extensive cultural resources survey completed for the Project Area (Okun, 2023). Construction timing would be in accordance with the recommendations of the BCI report and any recommendations resulting from surveys of the Project Area performed for this BA/BE. Pre-construction wildlife surveys will also be performed as necessary prior to any destructive closures or the installation of safeguarding measures to inspect for wildlife usage of features prior to closure. In addition, on some adit and shaft openings within the open stopes of the Project Area, gates constructed and anchored as described above would be installed.

- *Rock/concrete bulkhead with culvert gate:* At some locations, gates would consist of a bulkhead constructed of a 2- to 4-foot-thick section of rocks cemented together with concrete. A 3- to 4-foot steel culvert with a steel gate would be constructed inside.
- *Cupolas:* Cupolas are a type of gate designed to fit over a vertical mine shaft. Bat-friendly cupolas may be installed over mine shafts if determined to be an appropriate measure for safeguarding a feature in the Project Area. Locations and construction timing would be in accordance with the recommendations of the bat report by BCI (2021) and based on pre-construction surveys of wildlife usage of features.
- *Backfill:* Mine openings and/or subsidence pits may be backfilled with adjacent mining materials.
- *Other structural closures:* Polyurethane foam (PUF) plugs, gated culverts, and other structures may be used to safeguard mine openings.

The Proposed Action ground disturbance footprint would be focused on the identified hazardous mine features throughout the Project Area (Figure 3). New Mexico Highway 44 (NM 44) and existing unpaved roads leading to the properties would serve as the access roads. Existing disturbed areas adjacent to the road may also be used for staging of construction equipment and materials.

Implementation of the Proposed Action is anticipated to begin at the earliest in fall 2024.

3. Action Area

50 CFR 402 establishes the procedural regulations governing interagency cooperation under Section 7 of the ESA. For species listed under the ESA, the impact analysis must be conducted within the so-called Action Area, defined as all areas that may be affected directly or indirectly by the Proposed Action. This report provides analyses of the environmental baseline and likely impacts from the Proposed Action in the Action Area.

The delineation of the Action Area for this project is primarily based on expected noise from construction. The Action Area includes an approximate 200-foot buffer around the Project Area for both the northern and southern parcels where ground disturbance would occur.

4. Environmental Baseline

On September 15, 2023, two DBS&A biologists conducted a pedestrian survey for mapping and documentation of ecosystem types and any sensitive resources (e.g., wetlands) in the Project Area (Figure 4), as well as evaluating habitat for federal and state listed species. The survey was conducted with a special focus on mine features and the surrounding habitat within the 67-acre Ventana and Padilla Mines Project Area. The Project Area boundaries provided by the AML Program were used for general orientation. Prior to the biological survey, mine features were mapped in a geographic information system (GIS) software program for use during the survey. Fieldwork consisted of the following specific tasks:

- A general botanical survey with an inventory of important or sensitive plant species or plant communities (e.g., milkweed colonies)
- Documentation and mapping of noxious weed infestations

- Documentation of all evidence (e.g., nests) of fauna or observed fauna (including raptors and statutory migratory birds) encountered during fieldwork (notes and photographs)
- Evaluation of habitat types and wildlife corridors to determine the potential for special-status species to occur locally.

Surrounding areas within line of sight were visually inspected for the presence of birds, their nests, or past signs of use (e.g., whitewash) within the Project Area. Photographs taken during the field survey are provided in Appendix A.

4.1 Soils and Topography

The Project Area, lies within mesa and valley topography with elevations that range from approximately 6,880 to 6,910 feet above mean sea level (feet msl) in the northern parcel and 6,800 to 7,080 feet msl in the southern parcel. The area is within mesas, benches, cuestas, cliffs, canyons, and valleys (NRCS, 2023) (Figure 5).

The most common soils of the area are classified as Travessilla-Persayo-Billings association. Travessilla soils are found on cuestas, mesas, ridges. The parent material is mixed alluvium and/or residuum weathered from igneous and sedimentary rock. The soil is sandy loam to 8 inches and bedrock beyond. The Billings soil is found on alluvium and floodplains. The parent material is recent alluvium. Soils are silty clay loam to approximately 9 inches and stratified sandy loam to clay loam from 9 to 60 inches. Persayo soils are found on shale hills or knolls with a parent material of mixed alluvium and/or residuum weathered from igneous and sedimentary rock. The soil is clay loam to 6 inches and bedrock beyond.

The other most common soil association is classified as Billings and Persayo silty clay loams. This soil association is found throughout the valleys and some hills of the area. The individual soil constituents are described above.

Other soil associations found on floodplains and alluvial fans are classified as Billings silty clay loam and Gullied land. Billings soils are described above. Gullied land is positioned on talf, or rise, and is concave and linear. The typical profile from 0 to 60 inches is variable.

4.2 Groundwater

Groundwater levels in and around the Project Area generally match the observed topography, ranging from a shallow depth at the tributaries of the Rio Puerco to depths of up to 100 feet

outside of the drainages. Regional groundwater flow is to the southwest toward the Rio Puerco, located approximately 2.5 miles west of the Project Area.

4.3 Surface Water

No surface waters, wetlands, or wet riparian areas were observed within the Project Area (USFWS, 2023b). In a canyon bottom along the northern and northeastern boundaries of the northern parcel (Padilla Mine) lies San Miguel Arroyo, a west-flowing tributary of the Rio Puerco that originates in the Nacimiento Mountains to the east.

4.4 Vegetation Communities

The Proposed Action is located within the Arizona/New Mexico Plateau, a region that covers the area west of the Jemez Mountains through central and northwestern New Mexico, northern Arizona, a small part of southern Nevada, and parts of southwestern Colorado. The Arizona/ New Mexico Plateau Ecoregion occupies a significant portion of the southern half of the Colorado Plateau. This ecoregion is predominantly a mosaic of sparse semiarid grassland and desert-scrub species (USGS, 2019; NatureServe, 2023). Major drainages of the region contain riparian vegetation including cottonwood (*Populus deltoides*), coyote willow (*Salix exigua*), and saltcedar (*Tamarix* spp.).

The subclasses of the Arizona/New Mexico Plateau that are within the Project Area are taken from the USGS GAP/LANDFIRE National Terrestrial Ecosystems data, shown on Figure 4 and described in the following subsections.

4.4.1 Colorado Plateau Pinyon-Juniper Woodland

This system is located on the upper reaches of the surrounding hills of the area. These are woodlands that occur on dry mountains and foothills of the Colorado Plateau Region from the Western Slopes of Colorado to the Wasatch Range in Utah, south to the Mogollon Rim of Arizona and northwest New Mexico. Pinyon-juniper woodlands are the predominant low elevation woodlands of this region, on warm, dry sites on mountain slopes, mesas, plateaus, and ridges. Severe weather events occurring during the growing season, such as frosts and drought, are thought to limit the distribution of pinyon-juniper woodlands to relatively narrow altitudinal zones. Two-needle pinyon (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*) are the most common trees. Shrubs and grasses may be scattered or absent, some of the most common include sagebrush (*Artemisia tridentata*), mountain-mahogany (*Cercocarpus ledifolius*), blackbrush (*Coleogyne ramosissima*), cliffrose (*Pursha mexicana*), bitterbrush (*Purshia tridentata*),

Gambel oak (*Quercus gambelii*), blue grama (*Bouteloua gracilis*), James' galleta (*Hilaria jamesii*), bluebunch wheatgrass (*Pseudoroegneria spicata*), and muttongrass (*Poa fendleriana*).

4.4.2 Colorado Plateau Mixed Bedrock Canyon and Tableland

This system is centered on the Colorado Plateau on steep cliff faces, narrow canyons, on slickrock, and open tablelands of predominantly sedimentary rocks, such as sandstone, shale, and limestone. Plants growing in these places are found in crevices, cracks, or pockets within the rocks and cliffs where small amounts of soil accumulate. The appearance is of very open tree canopy or scattered trees and shrubs with sparse grasses or herbs. Common species include two-needle pinyon, ponderosa pine (*Pinus ponderosa*), juniper spp., mountain mahogany, and other short-shrub and herbaceous species, using moisture from cracks and pockets where soil accumulates. This system is found on the steep hill slopes within the Project Area.

4.4.3 Inter-Mountain Basins Shale Badland

This system is distinguished by rounded hills formed in shale bedrock, often high in clay that expands with moisture and contracts with drying, also known as "shrink/swell clay." It also includes shale slopes interbedded with sandstone outcrops. The vegetation is very sparse at best, and consists of scattered dwarf-shrubs (especially Gardner saltbush [*Atriplex gardneri*], sometimes birdsfoot sage [*Artemisia pedatifida*]) or shrubs (shadscale saltbush [*Atriplex confertifolia*], Wyoming big sagebrush [*Artemisia tridentate*], greasewood [*Sarcobatus vermiculatus*], yellow rabbitbrush [*Chrysothamnus viscidiflorus*]) and grasses (especially western wheatgrass [*Pascopyrum smithii*] and Sandberg bluegrass [*Poa secunda*]). Badlands are subject to erosion and gullying, often forming colorful, fantastic landscapes. There are a few small areas found on slopes of the Project Area.

4.4.4 Inter-Mountain Basins Semi-Desert Shrub Steppe

This system is found between hills and within the valleys of the Project Area. It is dry, open grasslands with a mix of low to medium tall shrubs, found throughout the intermountain west. It occurs on flats and gentle lower slopes, on well-drained, usually deep soils. This semiarid shrub-steppe is typically dominated by grasses, with open to moderately dense cover of shrubs, usually a mix of species but sometimes a single species. Sagebrush can be present, but not dominant, with rabbitbrush, horsebrush (*Tetradymia glabrata*), winterfat (*Krascheninnikovia lanata*), or mormon tea (*Ephedra viridis*) as the most common shrubs. Characteristic grasses include Indian ricegrass (*Achnatherum hymenoides*), blue grama, saltgrass (*Distichlis spicata*),

muttongrass, alkali sacaton (*Sporobolus airoides*), and James' galleta. Annual grasses, especially the exotics Japanese brome and cheatgrass, may be present to abundant in poor condition stands.

4.4.5 Inter-Mountain Basins Big Sagebrush Shrubland

Big sagebrush shrublands are one of the most widespread ecological systems in the western U.S., found in broad basins between mountain ranges, on plains, and in foothills between 4,920 and 7,550 feet msl. The most important sage is Wyoming big sagebrush; other common shrubs include bitterbrush and rabbitbrush. Shrubs are the dominant vegetation, with grasses making up less than 25 percent of the cover. In recent years, this system has been invaded by non-native annual grasses or weeds, in particular cheatgrass, which changes the patterns of fire. There are small pockets of this classification found within the Project Area.

During the biological survey, riparian vegetation was observed in the northern parcel of the Project Area around ponded areas that appeared to be former mining pits. That vegetation was dominated by saltcedar. There is also a deep (approximately 15 feet) drainage beyond to the north and northeast of the northern parcel containing riparian vegetation that includes dense stands of coyote willow.

A list of plants recorded during the biological survey is provided in Table 1. No plants on the lists of sensitive species were observed during the site survey (BLM, 2018b).

4.5 Noxious Weeds

The U.S. Department of Agriculture's (USDA's) most updated federal noxious weed list, the 2016 New Mexico noxious weed list (Class A, Class B, and Class C species) (NMSU, 2021), and watch lists were all reviewed to determine the current status of noxious weeds and their potential for local occurrence.

Noxious weeds were observed during the biological survey. Saltcedar, a Class C species, was observed lining one large shallow pond or pit in the northern parcel. No surface water was observed in the pit. The pit may be in an area that could have safety measures taken as part of the Proposed Action. Class C species are widespread in the state. Management decisions for these species should be determined at the local level based on feasibility of control and level of infestation.

4.6 Wildlife

The Project Area and Action Area harbor species adapted to shrubland, pinyon-juniper woodland and savanna habitats. Table 2 lists all of the wildlife species recorded during the September 15, 2023 biological survey.

The following subsections describe species known to be present and/or observed during the field survey.

4.6.1 Invertebrates

Among the invertebrates documented during the survey were the lubber grasshopper (*Romalea* sp.) and harvester ant (*Pogonomyrmex* spp.).

4.6.2 Fish

There were no surface waters (and therefore no fish) within the Project Area.

4.6.3 Amphibians and Reptiles

No amphibians were recorded in the Project Area, but observed reptiles included New Mexico whiptail lizard (*Aspidoscelis neomexicana*) and short-horned lizard (*Phrynosoma douglash*).

4.6.4 Birds

A total of 21 bird species were documented during the survey. Common birds in the area included the common raven (*Corvus corax*), Woodhouse's scrub jay (*Aphelocoma woodhouseii*), and vesper sparrow (*Pooecetes gramineus*). The area around the pits in the northern parcel was observed to harbor numerous birds including green-tailed towhee (*Pipilo chlorurus*), yellow-rumped warbler (*Setophaga coronata*), mountain chickadee (*Poecile gambeli*), and ruby-crowned kinglet (*Regulus calendula*). The latter species were possibly fall migrants following San Miguel Arroyo just north and northeast of the northern parcel, with the shallow pond or pit serving as stopover habitat.

4.6.5 Mammals

Evidence of mule deer (*Odocoileus hemionus),* domestic cow (*Bos taurus*), and domestic horse (*Equus caballus*) presence was observed throughout the Project Area. Other smaller mammals including woodrat (*Neotoma albigula*) and mountain cottontail (*Sylvilagus nuttallii grangeri*) appeared to be common throughout the area as evidenced by burrows, tracks, or scat.

A bat survey and evaluation of potential impacts on bats was completed in February 2024 (BCI, 2024). A total of 12 Townsend's big-eared bats (*Corynorhinus townsendii)* were found using Black Rose Mine as a hibernaculum (Appendix B). BCI (2024) recommended bat-compatible closure of that mine during the warm season and made specific recommendations for the safeguarding of five additional mine features. In total, three features were recommended for destructive closure during the warm season: one for airflow closure and two features (including the Black Rose Mine, Subsidence 1) for bat-compatible closure during the warm season (BCI, 2024).

5. Species/Critical Habitat Considered

This section evaluates the potential for listed species to occur in the Project Area or Action Area and be affected by the Proposed Action. For federally listed species, the Information, Planning, and Consultation System (IPaC) planning tool from the U.S. Fish and Wildlife Service (USFWS) (New Mexico) was used to obtain information on biological resources of the area (USFWS, 2023a) (Appendix C). The state (animal) species list was obtained for Sandoval County from the New Mexico Department of Game and Fish (NMDGF) Biota Information System of New Mexico (BISON-M) website (NMDGF, 2023) (Appendix D). The project was also submitted to the New Mexico Environmental Review Tool (NMERT), a tool used for conservation planning and review of important resources for wildlife and habitats (NMERT, 2023). The state endangered plant species list for Sandoval County was obtained from the NMEMNRD (2023) and the New Mexico Rare Plants Database.

5.1 Federal Threatened and Endangered Species

The IPaC report obtained for this project lists a total of six federal threatened, endangered, and proposed species, with no designated or proposed critical habitat within the Project Area (USFWS, 2023a) (Appendix C).

Of the six species, five are unlikely to occur in the Project Area. One species, the monarch butterfly, has a very low potential to occur. Table 3 contains habitat descriptions for all six federal listed species and determination on their potential for occurrence in the Project Area and/or Action Area. No effect determination and no Section 7 consultation are needed.

5.2 State-Listed and other Special-Status Species

The list of Sandoval County's state threatened or endangered species was also reviewed as part of this evaluation (Appendix D). It consists of 1 fish, 1 amphibian, 2 mollusks, 13 birds, and 4 mammals, for a total of 21 species. Table 4 provides habitat descriptions for these species and an assessment of their potential for occurrence in the Project Area. The gray vireo (*Vireo vicinior*) has the potential to occur in the Project Area. None of the other 20 species are likely to occur in the Project Area.

No state-listed species were observed during the biological survey on September 15, 2023 (Table 2).

Important plant areas (IPAs) are specific places in New Mexico that support either a high diversity of sensitive plant species or are the last remaining locations of the state's most endangered plants (NMEMNRD, 2017). IPAs and their biodiversity rank were reviewed for the project footprint, and it was determined that there are no IPAs present in the Project Area or Action Area (NMEMNRD, 2017). The nearest IPA areas are San Pedro Parks, located in the higher elevation mountains northeast beyond the Project Area, and a portion of the Jemez Mountains beyond the Project Area to the east.

There are four state endangered plant species located within Sandoval County (NMEMNRD, 2023) (Table 4). None of the species have the potential to occur within the Project Area. Table 4 lists Sandoval County's state endangered and New Mexico rare plant species, together with a description of their habitats and their potential for occurrence in the Project Area.

Table 1 provides a list of all plant species observed during the biological survey. No state-listed species were observed during the biological survey on September 15, 2023.

Much of the southern parcel of the Project Area is located within Bureau of Land Management (BLM) jurisdictional public lands. DBS&A reviewed the Rio Puerco Field Office lists for plants and animals that are listed as Sensitive Species by the agency (BLM, 2018a and 2018b). A total of 7 plant species and 11 animal species were listed as verified within the Rio Puerco Field Office. No plant species have the potential to occur in the Project Area. A total of 2 bird species, pinyon jay (*Gymnorhinus cyanocephalus*) and Bendire's thrasher (*Toxostoma bendirei*), have the potential to occur in the Project Area or Action Area. Table 5 lists the BLM sensitive species for plants and animals verified for the Rio Puerco Field Office, together with a description of their habitats and their potential for occurrence in the Project Area.

6. Listed Species and Critical Habitat Analysis

6.1 Critical Habitat

The Project Area was determined to not be located within any designated or proposed critical habitat (USFWS, 2023a). The nearest critical habitat is for the Mexican spotted owl (*Strix occidentalis lucida*), located within the Jemez Mountains approximately 4.5 miles east of the Project Area.

6.2 Listed Species Eliminated from Further Consideration

Table 3 summarizes the findings for federally listed species that have been removed from further evaluation because suitable habitat is not present within the Project Area and Action Area. Table 4 summarizes the findings for state-listed species that have been removed from further evaluation because suitable habitat is not present within the Project Area. Table 5 summarizes the findings for BLM sensitive species that have been removed from further evaluation.

6.3 Listed Species Evaluated Further

No federally listed threatened or endangered species have been determined to have the potential to occur in the Project Area and/or the Action Area.

One federal candidate species, the monarch butterfly (*Danaus plexippus*), was determined to have a low potential to occur in the Project Area. Adult monarch butterflies require a diversity of blooming nectar resources during breeding and migration, which they feed on along their migration routes and on breeding grounds (spring through fall). Monarchs also need milkweed (for both oviposition and larval feeding) embedded within their diverse nectaring habitat. The correct phenology, or timing, in the life cycle of monarchs and blooming of nectar plants and milkweed is important for monarch survival. There are two migrating populations, eastern and western. New Mexico contains spring breeding areas primarily in the eastern one-third of the state (USFWS, 2020). There is therefore a low potential for the monarch butterfly to occur within the Project Area and/or Action Area. The Project Area is located west of where spring breeding areas have been documented. Milkweed was observed during the site survey in the northern parcel located in an area of a depression that was likely created for a borrow pit and used during mining and other activities. The milkweed appeared to be an isolated population and was only in the area of the depression; no other plants were observed outside of the depression or in the remaining Project Area.

6.4 Other Wildlife

The NMDGF Environmental Review Tool (ERT) was used by defining the project scope and the Project Area to generate a report for recommendations by the NMDGF (NMDGF, 2023). The ERT provides an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project, and is a preliminary environmental screening assessment tool only, used in conjunction with findings from the biological survey and other evaluation tools. The ERT stated the following:

> Burrowing owl (*Athene cunicularia*) may occur within your project area. Before any ground disturbing activities occur, the Department recommends that a preliminary burrowing owl survey be conducted by a qualified biologist using the Department's burrowing owl survey protocol. Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations regarding relocation or avoidance of impacts.
>
> Prairie dog colonies may occur within the vicinity of your project area. Both black-tailed prairie dogs (*Cynomys ludovicianus*) and Gunnison's prairie dogs (*Cynomys gunnisoni*) are designated as New Mexico Species of Greatest Conservation Need, and their colonies provide important habitat for other grassland wildlife. Wherever possible, occupied prairie dog colonies should be left undisturbed, and all project activities should be directed off the colony. Any burrows that are located on the project site should be surveyed by a qualified biologist to determine whether burrows are active or inactive and whether burrowing owls may be utilizing the site. Colonies within the range of the black-tailed prairie dog can be surveyed by a qualified biologist diurnally, year-round using binoculars. Colonies within the range of the Gunnison's prairie dog can be surveyed by a qualified biologist diurnally, using binoculars during the warmer months from April through October and by searching for fairly fresh scat and lack of cobwebs or debris at the mouths of burrows during the cold months (November through March). If ground-disturbing activities cannot be relocated off the prairie dog colony, or if project activities involve control of prairie dogs, the Department recommends live-trapping and relocation of prairie dogs. The Department can provide recommendations regarding suitability of potential translocation areas and procedures.
>
> The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area, unless the project is intended to restore riparian habitat through non-native plant removal and replanting with native species. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for *Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems*.

> Your project could affect important components of wildlife habitat, including fawning/calving or wintering areas for species such as deer and elk, or general high wildlife movement and activity areas for large mammals. Mitigation measures should focus on high use sites and movement areas based on collar data and expert knowledge of Department of Game and Fish and land management agency personnel. Management recommendations within these areas may include the following.
>
> Restrictions on noise-generating activities during wintering and calving/fawning seasons, specific timing of which may vary throughout the state. These activities would include oil and gas well pad development and operations that expose wildlife to loud noises from drilling, compressors, and pumping stations within 400 feet of the source.
>
> Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.

Construction activities may result in the direct loss of some smaller, less-mobile species of wildlife, such as small mammals and reptiles, and displacement of more mobile species to adjacent undisturbed habitats until construction activities are completed. The most common wildlife responses to noise and the presence of construction equipment and human presence are avoidance or accommodation. Avoidance would result in displacement of animals from an area larger than the actual disturbance area. Overall, avoidance of the Project Area would be relatively short-term and would cease soon after completion of construction activities.

No prairie dog colonies were observed during the biological survey and no burrowing owls were observed. No impacts, short-term or long-term, to burrowing owls or prairie dog species are anticipated. No long-term detrimental impacts to wildlife are anticipated.

6.5 Plants

No federally endangered or threatened plant species are listed for the Project Area within Sandoval County. Four plants are listed as state endangered for Sandoval County. None of the plants are likely to occur in the Project Area.

A total of seven plant species listed as BLM sensitive species have the potential to occur in the BLM Rio Puerco Field Office. All seven of the species were determined to have a low potential to occur in the Project Area (Table 5).

Most of the soils in the Project Area are sandy loam formed from recent alluvium or a clay loam formed from mixed alluvium and/or residuum weathered from igneous and sedimentary rock.

The biological survey focused especially on areas of proposed disturbance around mine features; no special status species were observed (Table 1).

None of these plant species should be impacted by the Proposed Action even if they were to occur in the Project Area. The biological survey focused especially on areas of proposed disturbance around mine features, and none of these species were documented.

6.6 Cumulative Effects Analysis

As defined under the ESA, "cumulative effects" encompass only effects of future state or private activities reasonably certain to occur within the Project Area. After completion of the Proposed Action, planned future actions may include activities conducted by the County. These activities could include road maintenance or signage, none of which would be expected to impact local plants and wildlife. No additional actions by the AML Program are planned and no cumulative effects to any listed resources are anticipated.

7. Conservation Measures

Although Section 7 consultation is not necessary for the Proposed Action, some conservation measures are recommended to minimize any impacts on wildlife and plants of the Project Area. The following actions are incorporated into the design of the proposed action:

- The existing roads in the Project Area would be used as primary access for all vehicles.
- Secondary access would be limited to the extent possible. Once construction is completed, the disturbed areas would be reseeded with native grass and forb species that include milkweed species, and are certified weed-free.
- Existing disturbed and flat areas would be used for construction staging of all equipment and materials. The staging areas would be located on or adjacent to the existing roads and trails.
- If possible, construction activities should all take place outside of the migratory bird nesting season. If not, a pre-construction nesting survey of the Project Area would be conducted prior to the commencement of construction. Any active nests found will be flagged for avoidance during construction activities.

- There was riparian vegetation observed within a shallow ponded depression and numerous birds, most or all of them likely fall migrants, were observed around the pit in the riparian vegetation even though it was non-native plant species. Because the riparian area was observed to be important wildlife habitat, the project footprint will avoid removing any of the riparian vegetation or creating ground disturbance to the extent possible.

8. Conclusions

The Proposed Action is designed to safeguard dangerous mine features located within the La Ventana Mining District. Conservation measures such as using bat-friendly gates as safeguarding mine features, using existing roads during construction, and conducting pre-construction nesting surveys will be implemented as part of the project.

A biological survey was conducted on September 15, 2023 to observe field conditions, assess the likelihood of occurrence of special-status (including federal threatened and endangered) species, and evaluate potential impacts.

There is no critical habitat within the Project Area, as noted in the USFWS IPaC report generated for this project (Appendix C). This evaluation finds that the project will have no effect on critical habitat.

No federally listed species were determined to have a potential to occur within the Action Area or Project Area. This evaluation finds that the project will have no effect on federally listed species. Informal Section 7 consultation with the USFWS is not necessary. No written concurrence from USFWS is needed.

One state-listed species, the gray vireo, was determined to have the potential to occur with the Project Area or Action Area. No disturbance to the gray vireo would be anticipated with the mitigation measure in place to complete construction outside of the migratory bird season. If construction cannot be avoided during the season, a pre-construction nesting survey of the Project Area would be conducted prior to the commencement of construction. Any active nests found will be flagged for avoidance during construction activities. No other state-listed species were determined to have the potential to occur within the Action Area or Project Area. No impact to state-listed species is anticipated as a result of the project.

A total of 18 BLM sensitive species were listed as verified in the Rio Puerco Field Office. Of the 18 species, 2, pinyon jay and Bendire's thrasher, were identified as having a potential to occur in

the Project Area. No disturbance to the pinyon jay or Bendire's thrasher would be anticipated with the mitigation measure in place to complete construction outside of the migratory bird season. If construction cannot be avoided during the season, a pre-construction nesting survey of the Project Area would be conducted prior to the commencement of construction. Any active nests found will be flagged for avoidance during construction activities. No other BLM-listed species were determined to have the potential to occur within the Action Area or Project Area. No impact to BLM-listed species is anticipated as a result of the project.

The work will temporarily disturb vegetation, as well as animal species and their habitats, within the Project Area.

Project impacts to non-listed species would include temporary noise impacts, as well as vegetation removal, elimination of burrows and potential nest sites, and ground disturbance. However, if construction is timed outside of the nesting season, project impacts would be negligible.

With conservation measures implemented, the project impacts listed above would likely be negligible.

9. Contacts Made

No ESA Section 7 consultation is necessary for this project.

10. Preparers

This BA/BE documents the findings from biological surveys conducted on September 15, 2023 and potential impacts from the proposed La Ventana Mine Safeguarding Project. This BA/BE was prepared by DBS&A biologists Dr. Jean-Luc Cartron and Julie Kutz.

References

Bat Conservation International (BCI). 2021. *Report on La Ventana abandoned mine bat surveys*. Prepared for the AML Program. November 17-18, 2021.

BCI. 2024. *Final report: La Ventana Abandoned Mine Bat Surveys*. February 13, 2024. Submitted to the Abandoned Mine Land Program April 19, 2024.

Bureau of Land Management (BLM). 2018a. *NM sensitive update: Amphibians, arthropods, birds, crustaceans, fish, mammals, mollucks, and reptiles*. Rio Puerco Field Office.

BLM. 2018b. *Plant species data*. Rio Puerco Field Office.

Cartron, J.L. (ed.). 2010. *Raptors of New Mexico*. University of New Mexico Press.

Cartron, J.-L.E., and J.K. Frey (eds.). In press. *Wild carnivores of New Mexico*. University of New Mexico Press, Albuquerque, New Mexico.

Fant, J., J. Kennedy, R. Powers Jr., and W. Elliott. 2009. *Agency guide to cave and mine gates, 2009*. Sponsored by American Cave Conservation Association, Bat Conservation International, and Missouri Department of Conservation.

Natural Resources Conservation Service (NRCS). 2023. *Custom soil resource report for Cabezon Area, New Mexico*. USDA NRCS online soil report generator Web Soil Survey. <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

NatureServe Explorer (NatureServe). 2023. Ecological system comprehensive report. <https://explorer.natureserve.org/>. Accessed December 2023.

New Mexico Energy Minerals and Natural Resources Division (NMEMNRD). 2017. New Mexico Rare Plant Conservation Strategy. Prepared and developed by Daniela Roth and the New Mexico Rare Plant Conservation Strategy Partnership. Santa Fe, New Mexico. <https://nhnm.unm.edu/botany/nm_rare_plant_conservation_strategy>.

NMEMNRD. 2023. New Mexico State Endangered Plant Species (19.21.2.8 NMAC). List obtained December 2023. <http://www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html>.

New Mexico State University (NMSU). 2021. *Noxious and troublesome weeds of New Mexico*. Cooperative Extension Service Circular 698.

New Mexico Environmental Review Tool (NMERT). 2023. *New Mexico Environmental Review Tool (ERT)—An interactive tool for conservation planning and review of important resources for wildlife and habitats*. <https://nmert.org/home>.

New Mexico Partners in Flight (NMPF). 2007. *New Mexico Bird conservation plan*, version 2.1. <http://avianconservationpartners-nm.org/wp-content/uploads/2017/01/>.

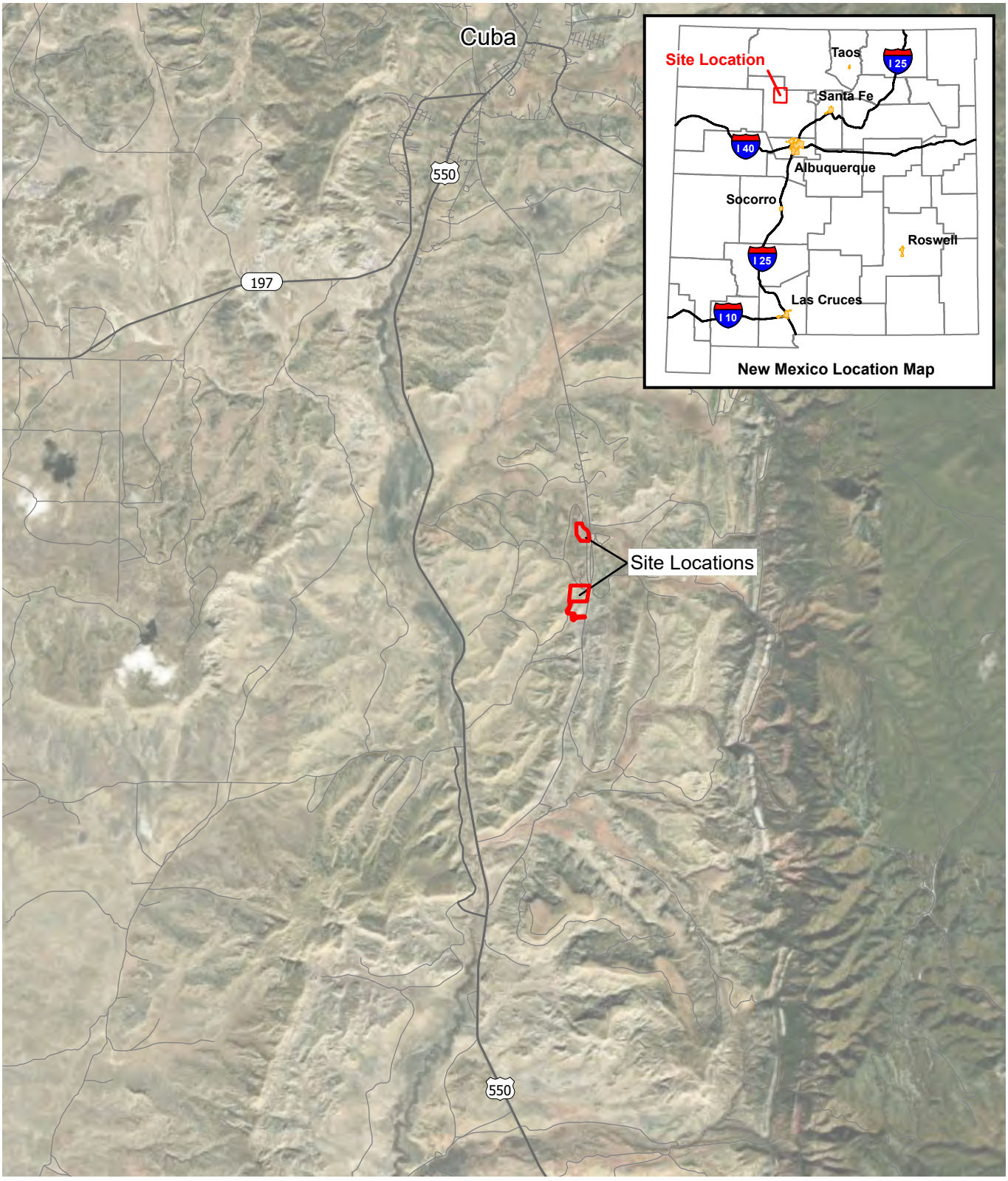
New Mexico Rare Plant Technical Council (NMRPTC). 1999. *New Mexico rare plants. Albuquerque, NM: New Mexico Rare Plants Home Page.* <http://nmrareplants.unm.edu>. Last updated December 15, 2023.

U.S. Fish and Wildlife Service (USFWS). 2023a. New Mexico Ecological Services. Information, Planning, and Conservation System (IPaC). Environmental Conservation Online System. Report for Project Area. <http://ecos.fws.gov/ipac/>.

USFWS. 2023b. National Wetland Inventory. <http://www.fws.gov/wetlands/data/mapper.html>. Accessed December 2023.

U.S. Geological Survey (USGS). 2019. National Gap Analysis Project. GAP/LANDFIRE National Terrestrial Ecosystems 2011. <https://www.usgs.gov/programs/gap-analysis-project/science/introduction-land-cover-viewer>.

Figures



Aerial Photograph: ESRI et al.

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DBS&A
a Geo-Logic Company

8/14/2023 DB21.1363

LA VENTANA MINE BIOLOGICAL SURVEY

Area Map

Figure 1

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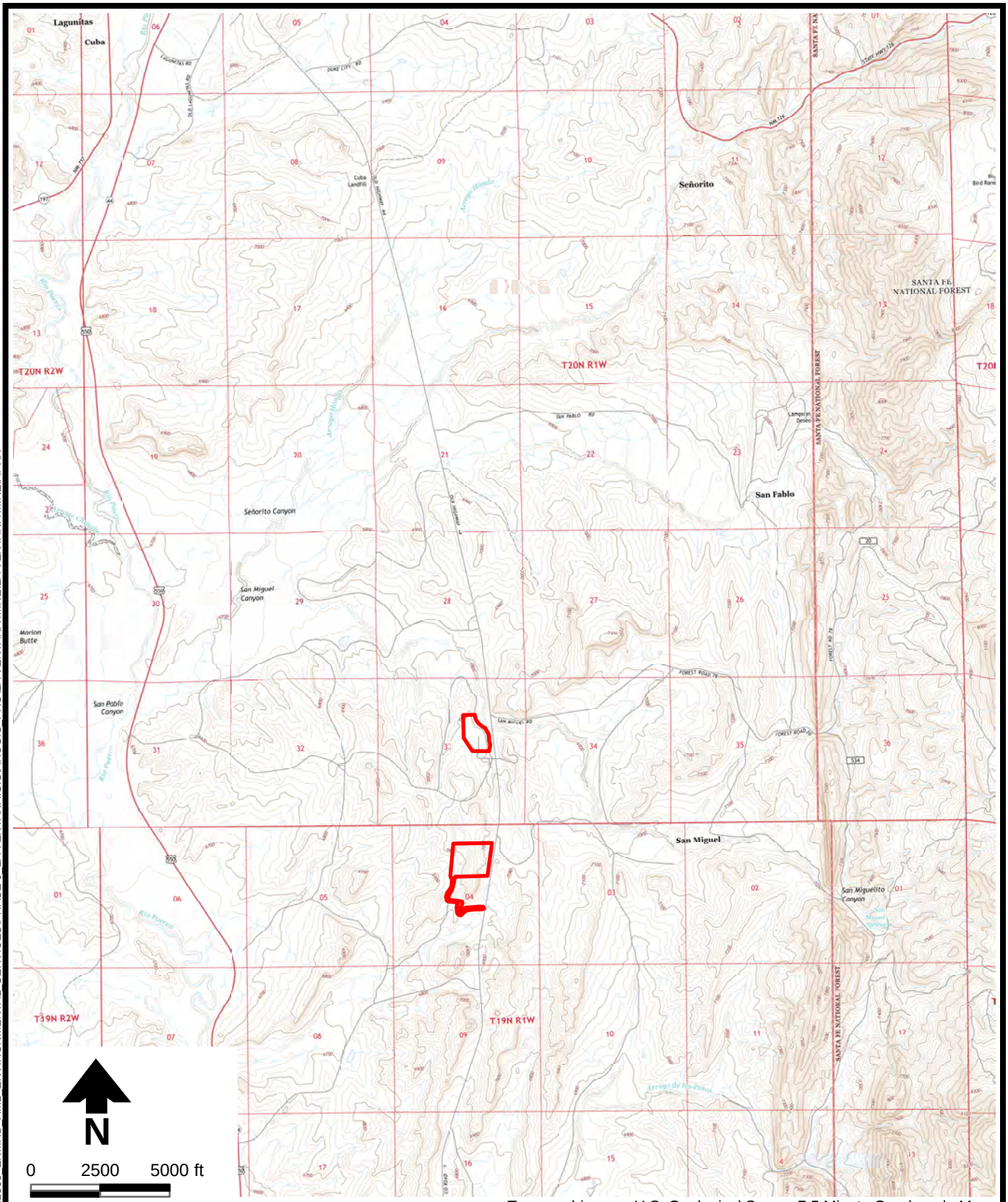

Topographic map: U.S. Geological Survey 7.5 Minute Quadrangle Map
NM San Pablo
http://rgis.unm.edu/
Downloaded August 14, 2023

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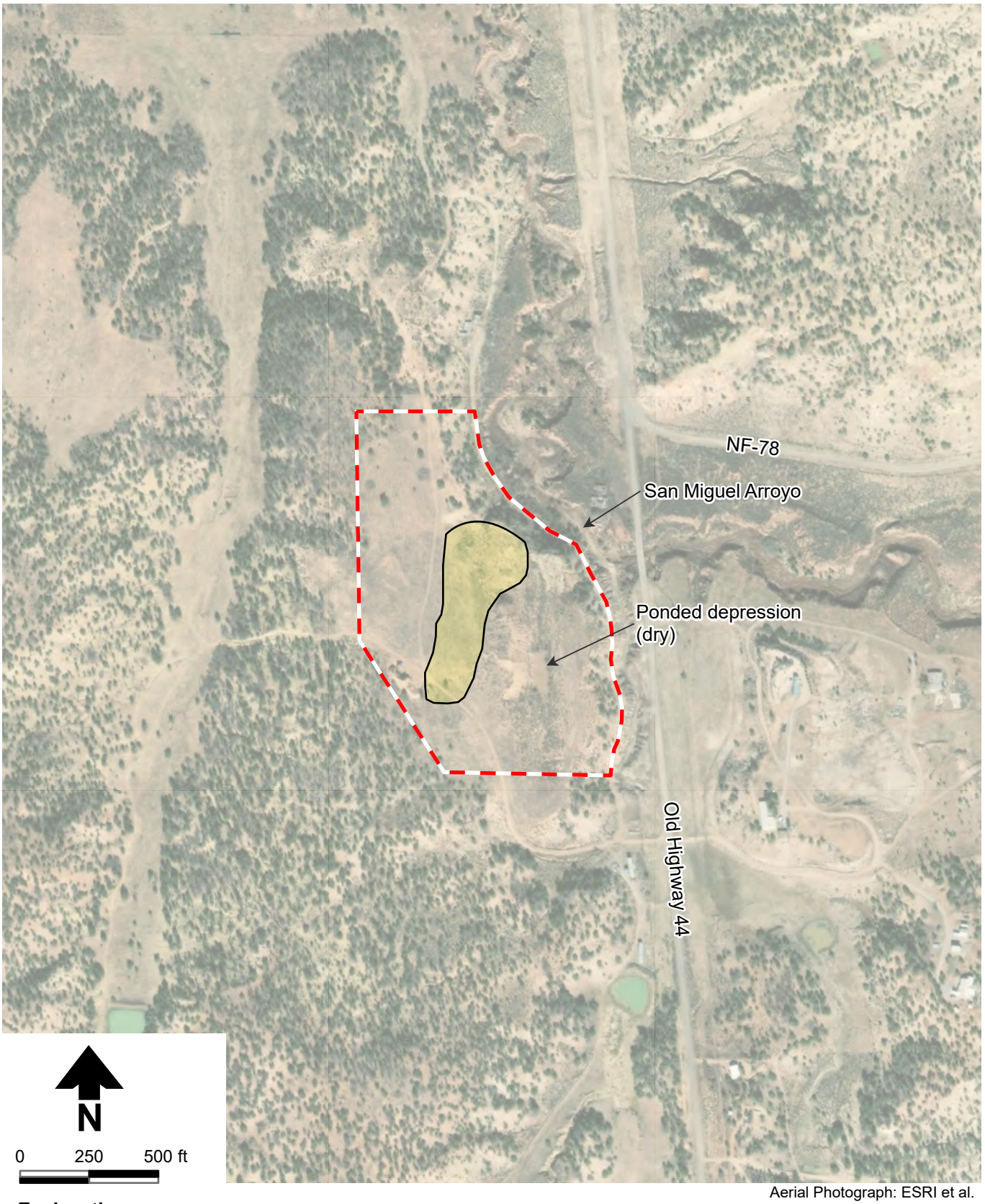
LA VENTANA MINE BIOLOGICAL SURVEY
Topographic Map

8/14/2023 DB21.1363

Figure 2



Aerial Photograph: ESRI et al.

Explanation

Area of Potential Effect

Site boundary

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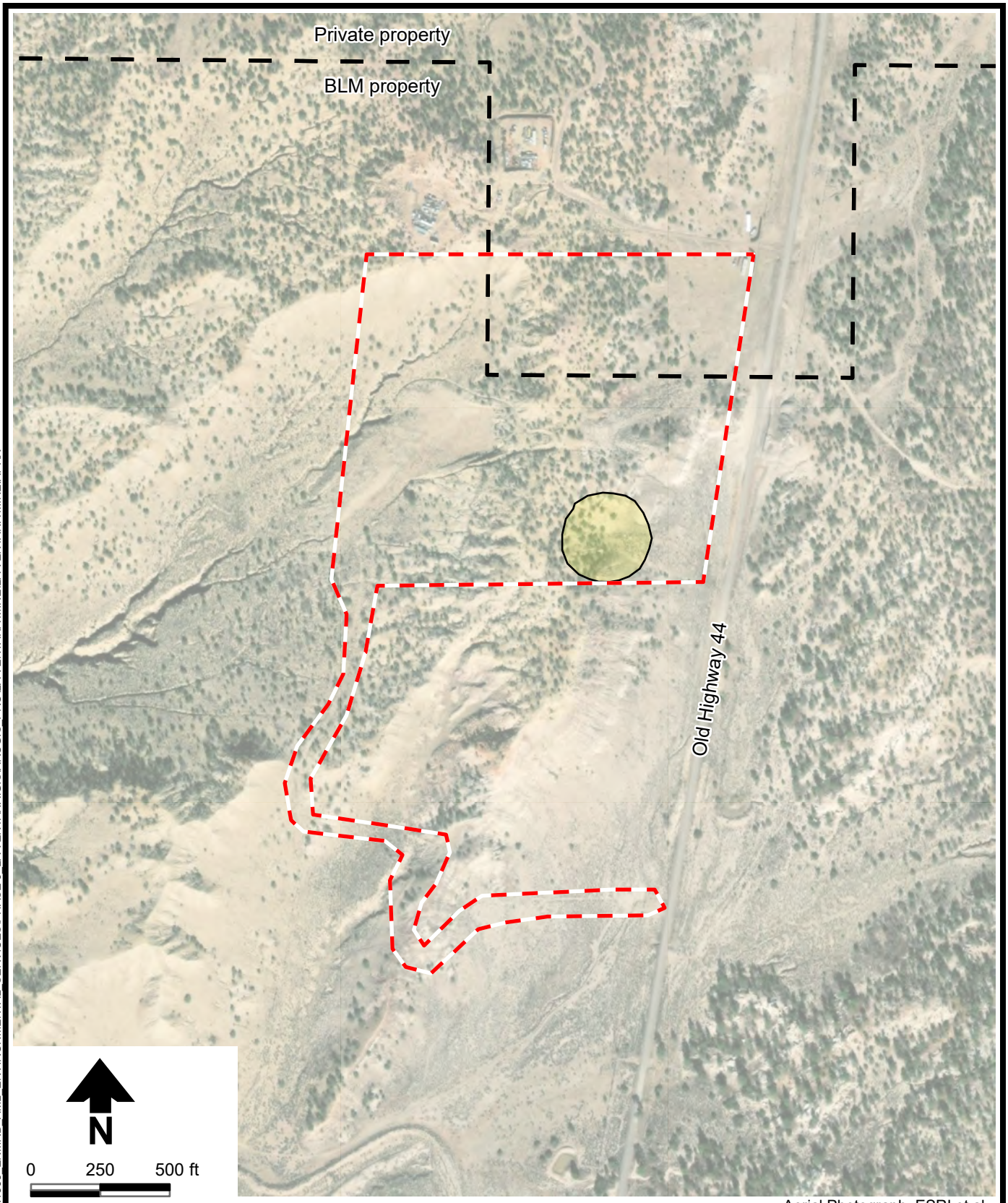
12/13/2023 DB22.2023

LA VENTANA MINE BIOLOGICAL SURVEY

Findings, Northern Parcel

Figure 3a



Aerial Photograph: ESRI et al.

Explanation

- Area of Potential Effect
- Site boundary
- Bureau of Land Management (BLM) property

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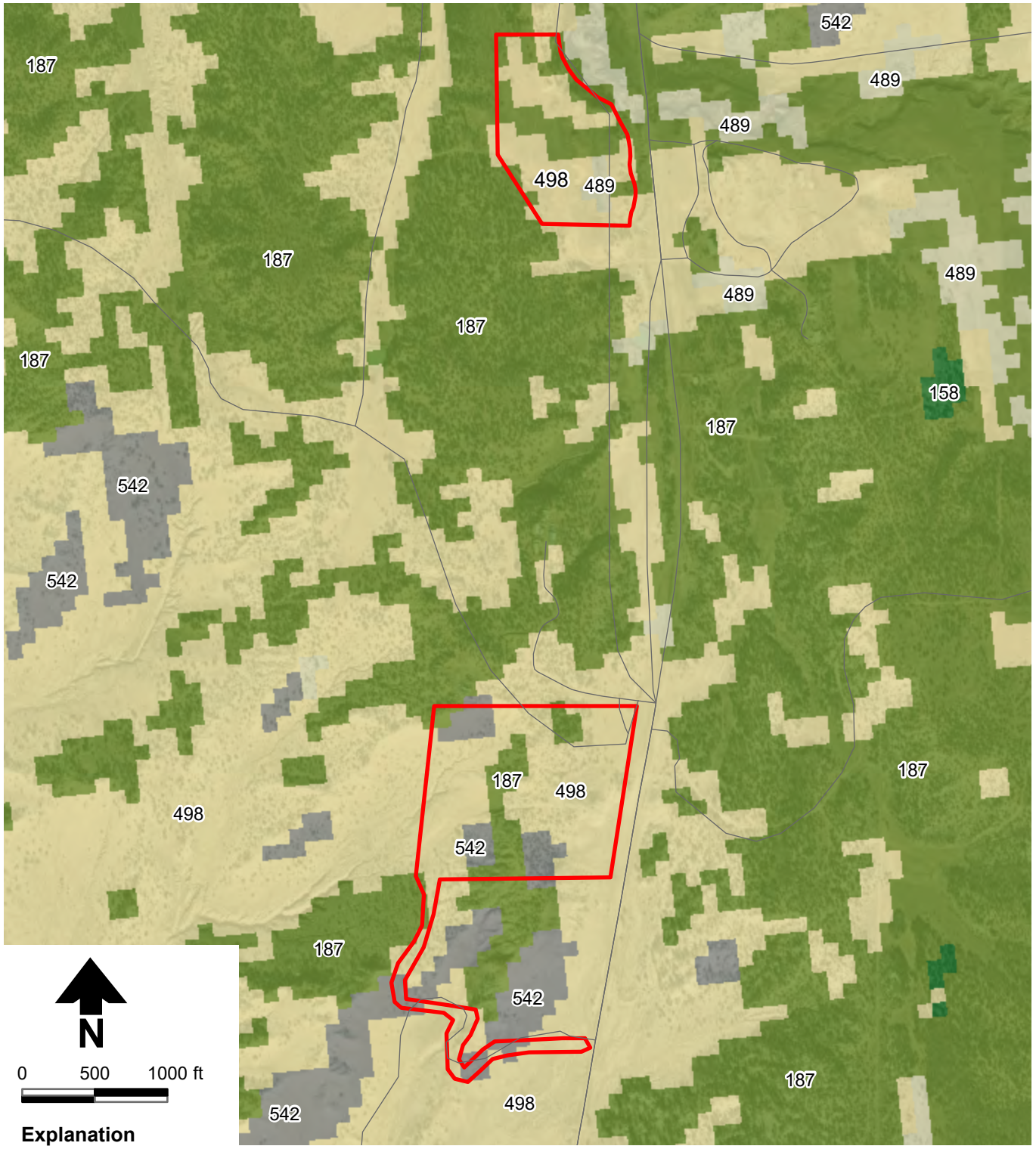
LA VENTANA MINE BIOLOGICAL SURVEY

Findings, Southern Parcel

Figure 3b



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Explanation

- Site location
- 158 - Southern Rocky Mountain Ponderosa Pine Woodland
- 187 - Colorado Plateau Pinyon-Juniper Woodland
- 189 - Southern Rocky Mountain Pinyon-Juniper Woodland
- 489 - Inter-Mountain Basins Big Sagebrush Shrubland
- 498 - Inter-Mountain Basins Semi-Desert Shrub Steppe
- 542 - Colorado Plateau Mixed Bedrock Canyon and Tableland
- 547 - Inter-Mountain Basins Shale Badland

Landcover source: United States Geological Survey(USGS) Gap Analysis Project
https://www.usgs.gov/programs/gap-analysis-project
Accessed: December 13, 2023

LA VENTANA MINE BIOLOGICAL SURVEY

Vegetation Map

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12/11/2023 DB21.1363

Figure 4

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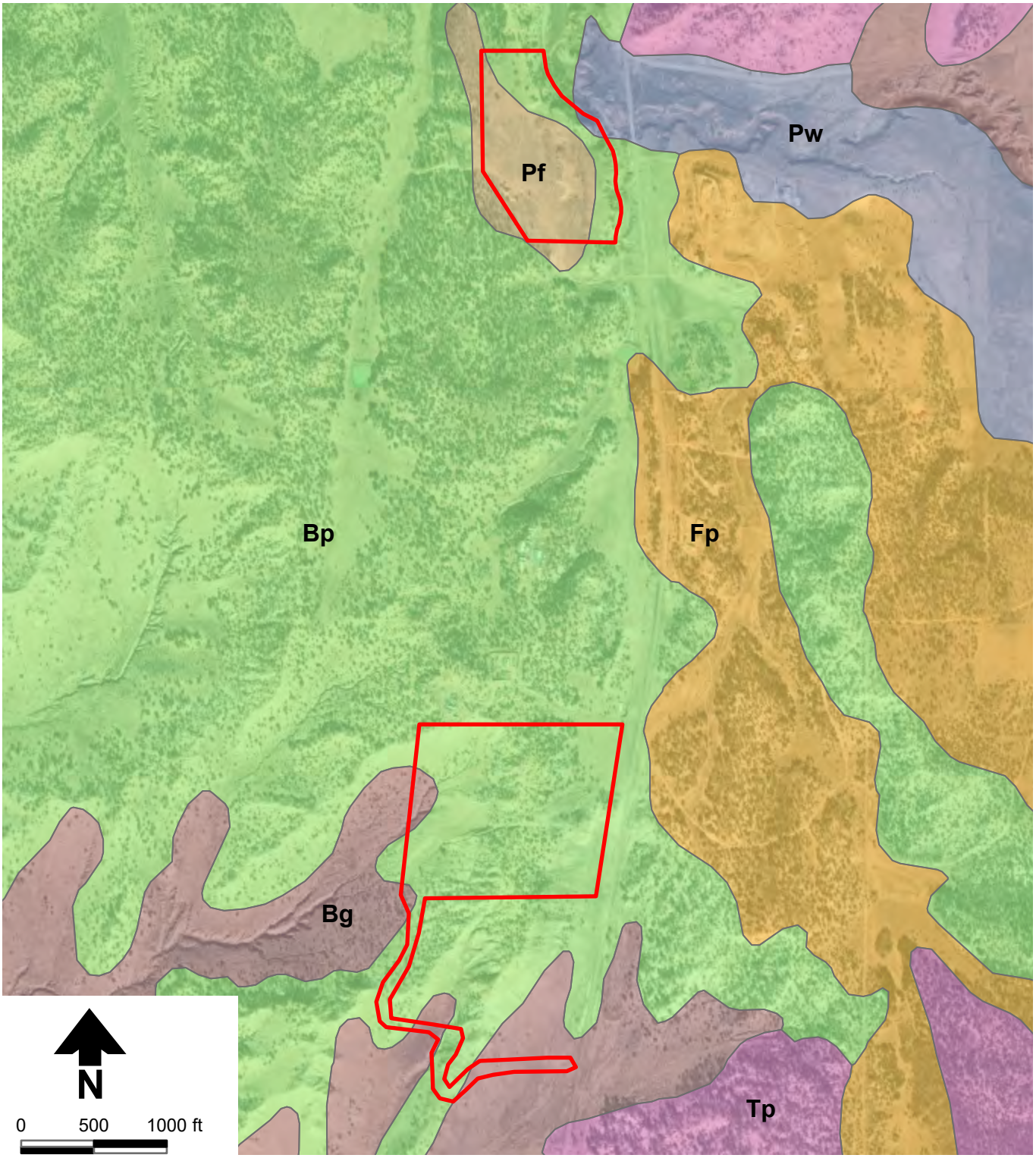

Explanation

- Bg Billings silty clay loam and Gullied land
- Bp Billings and Persayo silty clay loams
- Fp Fronton-Travessilla-Persayo association
- Pf Penistaja fine sandy loam, 0 to 5 percent slopes
- Pw Prewitt loam and Gullied land
- Tp Travessilla-Persayo-Billings association
- Site location

Soil Data Source:
USDA, SSurgo
SSA version est.: 09/08/2022
https://websoilsurvey.sc.egov.usda.gov/
Downloaded August 14, 2023

LA VENTANA MINE BIOLOGICAL SURVEY

Soils Map

DBS&A
a Geo-Logic Company

8/16/2023 DB22.2023

Figure 5

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Tables

Table 1. Flora Observed During Biological Survey, September 15, 2023
Page 1 of 3

Family	Common Name/Scientific Name	NM Noxious Weed Class	Abundance/Location
Trees			
Cupressaceae	One-seed juniper (*Juniperus monosperma*)	—	Common, northern and southern parcels, more prevalent in the southern parcel in hilly areas. Around edges in the north parcel.
Pinaceae	Pinyon pine (*Pinus edulis*)	—	Scattered throughout, more prevalent in south parcel.
Tamaricaceae	Saltcedar (*Tamarix ramosissima*)	C*	Around the edges of the depressions/borrow pits at the eastern base of dirt mounds in the north parcel.
Shrubs			
Asteraceae	Big sagebrush (*Artemisia tridentata*)	—	Abundant throughout, both north and south parcels.
	Chamisa (*Ericameria nauseosa*)	—	Occasional throughout, both north and south parcels.
	Snakeweed (*Gutierrezia sarothrae*)		Abundant throughout, both north and south parcels.
Chenopodiaceae	Fourwing saltbush (*Atriplex canescens*)	—	Common throughout, both southern and northern parcels.
Graminoids			
Poaceae	Blue grama (*Bouteloua gracilis*)	—	Abundant throughout northern and southern parcels.
	Rice grass (*Achnatherum hymenoides*)	—	Occasional throughout northern and southern parcels.
	Slender wheatgrass (*Elymus trachycaulus*)	—	Common throughout northern and southern parcels.
	Alkali sacaton (*Sporobolus airoides*)	—	Abundant throughout northern and southern parcels.
	Western wheatgrass (*Pascopyrum smithii*)	—	Primarily in the CR-11 right-of-way
	Alkali sacaton (*Sporobolus airoides*)	—	Common in grassland areas on northern and southern parcels
	Purple three-awn (*Aristida purpurea* var. *longiseta*)	—	Occasional, north and south parcels

Table 1. Flora Observed During Biological Survey, September 15, 2023
Page 2 of 3

Family	Common Name/Scientific Name	NM Noxious Weed Class	Abundance/Location
Poaceae (cont.)	Nodding brome (*Bromus anomalus*)	—	Uncommon in south parcel.
	Ring muhly (*Muhlenbergia torreyi*)	—	Common throughout grassland areas on northern and southern parcels.
Forbs			
Asteraceae	Hoary aster (*Dieteria canescens*)	—	Uncommon, observed in northern parcel.
	Gumweed (*Grindelia hirsutula*)	—	Occasional throughout, common in the CR-11 right-of-way
	Prairie sagewort (*Artemisia frigida*)	—	Uncommon, south parcel.
Chenopodiaceae	Russian thistle (*Salsola tragus*)	—	Primarily in or near the CR-11 right-of-way
Nyctaginaceae	Wild four o'clock (*Mirabilis multiflora*)	—	Common throughout northern and southern parcels.
Brassicaceae	Spectacle pod (*Dimorphocarpa wislizeni*)	—	Uncommon, southern parcel.
Polygonaceae	Slender buckwheat (*Eriogonum microthecum* var. *simpsonii*)	—	Common, southern parcel, on hillslopes.
Scrophulariaceae	Mullein (*Verbascum thapsus*)	—	Few, north parcel
Convolvulaceae	Field bindweed (*Convolvulus arvensis*)	—	Uncommon, CR-11 right-of-way
Malvaceae	Fendler's globemallow (*Sphaeralcea fendleri*)	—	Uncommon, north parcel
Asclepiadaceae	Showy milkweed (*Asclepias speciosa*)	—	Uncommon, around perimeter of the depressions/borrow pit on the east side of dirt mounds, north parcel

Table 1. Flora Observed During Biological Survey, September 15, 2023
Page 3 of 3

Family	Common Name/Scientific Name	NM Noxious Weed Class	Abundance/Location
Succulents			
Cactaceae	Plains prickly pear (*Opuntia polyacantha*)	—	Common throughout, north and south parcels, prevalent in grassland areas.
	Tree cholla (*Cylindropuntia imbricata*)	—	Common throughout, north and south parcels, prevalent in grassland areas.

* Management decisions for Class C species should be determined at the local level, based on feasibility of control and level of infestation.

Table 2. Fauna Observed During Biological Survey

Class	Family	Species
Invertebrates	Formicidae	Harvester ant (*Pogonomyrmex* spp.)
	Romaleidae	lubber grasshopper (*Romalea sp.*)
Reptiles	Phrynosomatidae	New Mexico whiptail lizard (*Aspidoscelis neomexicana*)
		Short-horned lizard (*Phrynosoma douglash*)
Birds	Tyraniidae	Townsend's solitaire (*Myadestes townsendi*)
	Turdidae	Mountain bluebird (*Sialia currucoides*)
		Western bluebird (*Sialia mexicana*)
	Passerellidae	Vesper sparrow (*Pooecetes gramineus*)
		Green-tailed towhee (*Pipilo chlorurus*)
	Parulidae	Yellow-rumped warbler (*Setophaga coronata*)
		Yellow warbler (*Setophaga petechia*)
	Corvidae	Common raven (*Corvus corax*)
		Woodhouse's scrub jay (*Aphelocoma woodhouseii*)
		Pinyon jay (*Gymnorhinus cyanocephalus*)
	Hirundinidae	Barn swallow (*Hirundo rustica*)
	Fringillidae	House finch (*Haemorhous mexicanus*)
	Cathartidae	Turkey vulture (*Cathartes aura*)
	Picidae	Northern flicker (*Colaptes auratus*)
		Ladder-backed woodpecker (*Dryobates scalaris*)
		Red-naped sapsucker (*Sphyrapicus nuchalis*)
	Sittidae	White-breasted nuthatch (*Sitta carolinensis*)
	Paridae	Mountain chickadee (*Poecile gambeli*)
	Regulidae	Ruby-crowned kinglet (*Regulus calendula)*
	Accipitridae	Red-tail hawk (*Buteo jamaicensis*)
	Certhiidae	Blue-gray gnatcatcher (*Polioptila caerulea*)
Mammals	Cervidae	Mule deer (*Odocoileus hemionus)*
	Canidae	Coyote (*Canis latrans*)
	Cricetidae	Woodrat (*Neotoma albigula*)
	Equidae	Domestic horse (*Equus caballus*)
	Leporidae	Mountain cottontail (*Sylvilagus nuttallii grangeri*)
	Bovidae	Domestic cow (*Bos taurus*)

Table 3. Federally Endangered, Threatened, Proposed, and Candidate Species Evaluated in the Project Area/Action Area, Page 1 of 2

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area and/or Action Area
Birds	Southwestern willow flycatcher (*Empidonax traillii extimus*)	FE	Habitat consists of dense riparian vegetation growing on saturated soils along rivers, streams, or other wetlands, where its diet consists primarily of insects. Vegetation includes dense growth of willows (*Salix* spp.), arrowweed (*Pluchea sericea*), alder (*Alnus* spp.), and saltcedar (*Tamarix ramosissima*).	Unlikely to occur. There is no dense riparian vegetation, saturated soils, or surface water in the Project Area/ Action Area.
	Mexican spotted owl (*Strix occidentalis*)	FT	Primarily within shaded, mesic, and cool canyons with steep sides that have mixed conifer, pine-oak, and riparian forest types. Forests used for roosting or nesting often contain moderate to high canopy closure, a wide range of tree sizes suggestive of uneven-age stands, large overstory trees of various species, and high plant species richness with adequate levels of residual plant cover to maintain fruits, seeds, and regeneration to provide for the needs of prey species for the owl. In New Mexico, occurs in mountain ranges in the western two-thirds of the state; not recorded east of the Sangre de Cristo in the northern part of the state.	Unlikely to occur. There are no shaded, mesic or cool canyons in the Project Area/ Action Area, which lies east of the species' known distribution.
	Yellow-billed cuckoo (*Coccyzus americanus*)	FT	The yellow-billed cuckoo is found in riparian habitat with multi-level canopy forest and dense understory.	Unlikely to occur. There is no riparian habitat with multi-level canopy forest or dense understory within the Project Area/Action Area.
Mammals	None			
Reptiles	None			
Amphibians	None			

Table 3. Federally Endangered, Threatened, Proposed, and Candidate Species Evaluated in the Project Area/Action Area, Page 2 of 2

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area and/or Action Area
Fish	Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*)	FC	The Rio Grande cutthroat trout is a subspecies of cutthroat trout, endemic to the Rio Grande, Pecos, and possibly the Canadian River Basins in New Mexico and Colorado.	Unlikely to occur. There is no perennial surface water in the Project Area/Action Area.
	Rio Grande silvery minnow (*Hybognathus amarus*)	FE	The Rio Grande silvery minnow is found in the Middle Rio Grande from south of Cochiti Dam to north of Elephant Butte Reservoir.	Unlikely to occur. There is no perennial surface water in the Project Area/Action Area.
Invertebrates	Monarch butterfly (*Danaus plexippus*)	FC	During breeding and migration, adult monarchs require a diversity of blooming nectar resources, which they feed on all along their migration routes and on their breeding grounds (spring through fall). Monarchs also need milkweed (for both oviposition and larval feeding) embedded within this diverse nectaring habitat. The correct phenology, or timing, in the life cycle of monarchs and blooming of nectar plants and milkweed is important for monarch survival. There are two migrating populations, eastern and western. New Mexico contains spring breeding areas primarily in the eastern third of the state (USFWS, 2020).	The potential for the monarch butterfly to occur within the Project Area and/or Action Area is very low because the area is not within the known breeding or migrating corridors of the butterfly. Milkweed was observed during the site survey in the northern parcel located in an area of a depression, likely created for a borrow pit used during mining and other activities. The milkweed appeared to be an isolated population and was only in the area of the depression, no other plants were observed outside of the depression and in the remaining Project Area.

FE = Federal endangered
FT = Federal threatened
FC = Federal candidate

Table 4. State-Listed Species Evaluated in the Project Area
Page 1 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Plants	Wood lily (*Lilium philadelphicum*)	SE	The wood lily occurs in a wide variety of habitats from the Appalachian Mountains to the Rocky Mountains, in tallgrass prairies, open woods, thickets, and high mountain meadows. In New Mexico, the species is found in moist woodlands and meadows in mixed conifer forests and canyon bottoms, between 7,550 and 10,000 feet.	Unlikely to occur. The Project Area lies below the elevational range of the species and does have any mixed conifer forest or canyon bottoms.
	Parish's alkali grass (*Puccinellia parishii*)	SE	The Parish's alkali grass requires alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes at 2,600 to 7,200 feet (800 to 2,200 meters) range-wide.	Unlikely to occur. The Project Area does not have alkaline springs or seeps or wet headwater areas.
	Clover's cactus (*Sclerocactus cloveriae*)	SE	Found on sandy clay strata of the Nacimiento Formation in sparse shadscale scrub at 5,000 to 7,200 feet (1,500 to 2,200 meters).	Unlikely to occur. Soils of the Project Area are derived, recent alluvial fans and the landform is floodplains and alluvial fans. Most of the project area contains a silty clay loam.
	Gypsum Townsend's aster (*Townsendia gypsophila*)	SE	Occurs on weathered gypsum outcrops of the Jurassic-age Todilto and overlying Morrison formations. The largest populations occur on highly gypsiferous soils rather than pure gypsum. Smaller populations grow on Todilto gypsite, a highly pure, crustose form of gypsum.	Unlikely to occur. The Project Area does not contain any gypsum outcrops.
Invertebrates	None			
Fish	Rio Grande silvery minnow (*Hybognathus amarus*)	SE/FE	The Rio Grande silvery minnow is found in the Middle Rio Grande from south of Cochiti Dam to north of Elephant Butte Reservoir.	Unlikely to occur. The nearest major tributary to the Rio Grande is the Rio Puerco, an intermittent drainage located approximately 32 miles downstream of the Project Area. There is no perennial or intermittent waterway in the Project Area.

Table 4. State-Listed Species Evaluated in the Project Area
Page 2 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Amphibians	Jemez Mountains salamander (*Plethodon neomexicanus*)	SE/FE	The species is endemic to the Jemez Mountains, where it occurs in mixed conifer and spruce-fir forests above 7,200 feet in specific microhabitat conditions. Preferred microhabitat is generally characterized by relatively high humidity and soils with a specific rock structure. Critical habitat is designated at higher elevations within the Valles Caldera National Preserve and south of the preserve.	Unlikely to occur. The Project Area elevation is below 7,200 feet and west of the Jemez Mountains. It is also not characterized by high humidity
Mollusks	Wrinkled marshsnail (*Stagnicola caperata*)	SE	Wrinkled marshsnails inhabit vegetated ditches, marshes, streams, and ponds, in areas of perennial water that are typically seasonally dry. In New Mexico, this species is found in the Jemez Mountains where habitat was located in a shallow pond at an elevation of 8,530 feet, Big Costilla Peak in Taos, and the Bitter Lake Wildlife Refuge in Chaves County.	Unlikely to occur. The Project Area does not have any surface waters or wetlands. It is located far from known occurrences of the species and is well below the elevation of the known population in the Jemez Mountains.
	Paper pondshell (*Utterbackia imbecillis*)	SE	Paper-shell mussels are strictly aquatic bivalves that inhabit softer substrates, such as mud, sand, and gravel, of lakes and rivers. In New Mexico, this species is found in the Conchas Reservoir in San Miguel County.	Unlikely to occur. The Project Area is far to the west of the known paper pondshell population in New Mexico and does not have any lakes or rivers within its boundaries.
Reptiles	None			
Birds	Costa's hummingbird (*Calypte costae*)	ST	Costa's hummingbird is a desert scrub species of the southwestern United States and northern Mexico. In New Mexico it is an uncommon and sporadic breeder in the southwest and south-central mountains. It occurs most regularly in Guadalupe Canyon and in side canyons along the lower Gila River from Cliff south.	Unlikely to occur. The Project Area is far outside of the species' regular distribution in New Mexico.

Table 4. State-Listed Species Evaluated in the Project Area
Page 3 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds (cont.)	Broad-billed hummingbird (*Cynanthus latirostris*)	ST	In New Mexico, the broad-billed hummingbird is local and uncommon. It is a regular summer resident only in the southwest corner of the state within Guadalupe Canyon; otherwise, vagrant occurrences have been documented at a select few locations around the state including Bandelier National Monument (Sandoval Co.) and as an accidental transient in residential/developed areas. It prefers riparian woodlands at low to moderate elevations.	Unlikely to occur. There is no riparian habitat in the Project Area and the nearest known occurrence record in the region is from Bandelier National Monument, far outside of the Project Area.
	Brown pelican (*Pelecanus occidentalis*)	SE	The brown pelican is found along seacoasts, lakes, and rivers. This species is a vagrant to New Mexico, having been verified at Bloomfield (San Juan Co.), Snow Lake (Catron Co.), and Bitter Lake National Wildlife Refuge; there are also records of the species near Cliff (Grant Co.), but it is mostly found at large lakes or along major rivers, including in the San Juan, Gila, Rio Grande, and Pecos drainages.	Unlikely to occur. The Project Area does not contain any lake, river, or other surface water.
	Whooping crane (*Grus americana*)	SE	In New Mexico, whooping cranes occupy desert riparian deciduous woodland, marsh woodlands, especially of cottonwoods, that occur where desert streams provide sufficient moisture for a narrow band of trees and shrubs along the margins. They typically roost with sandhill cranes on sand bars in the Rio Grande. Foraging areas are generally agricultural fields and valley pastures, particularly where there is waste grain or sprouting crops.	Unlikely to occur. The Project Area does not contain agricultural fields or pastures and is far west of the Rio Grande.
	Neotropic cormorant (*Phalacrocorax brasilianus*)	ST	In New Mexico, neotropic cormorants are generally found on larger bodies of open water such as reservoirs, where they prey on fish. They nest near or over water in vegetation such as dead snags or trees.	Unlikely to occur. The Project Area does not contain large bodies of open water.

Table 4. State-Listed Species Evaluated in the Project Area
Page 4 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds (cont.)	Bald eagle (*Haliaeetus leucocephalus*)	ST	The bald eagle is usually found along seacoasts, lakes, and rivers. Nesting sites are usually built high in trees, on cliffs, or on pinnacles. The species is also associated with prairie dog colonies in New Mexico. The bald eagle is rare in New Mexico during the spring, summer and fall but somewhat more abundant during the winter season where it is typically found along major rivers such as the Rio Grande, lakes and reservoirs of the state.	Unlikely to occur. There are no rivers, lakes, reservoirs, or prairie dog towns in the Project Area.
	Common black hawk (*Buteogallus anthracinus*)	ST	The black hawk is found within wooded habitat along permanent streams. The species summers primarily at lower elevations in the Gila, San Francisco, and Mimbres watersheds, which are key habitat areas.	Unlikely to occur. There is no riparian habitat or permanent streams in or near the Project Area. There are known black hawk populations near the Project Area.
	Peregrine falcon (*Falco peregrinus*)	ST	Habitat of the peregrine falcon is primarily located in open wetlands near cliffs. In New Mexico, the breeding territories center on cliffs that are in wooded/forested habitats with large "gulfs" of air nearby in which these predators can forage.	Unlikely to occur. There are no open wetlands near cliffs in the Project Area.
	Northern beardless-tyrannulet (*Camptostoma imberbe*)	SE	In the Southwest, the species typically occurs at lower elevations in dense stands of mesquite (*Prosopis* spp.) and associated growth, typically along stream courses. The Northern Beardless-Tyrannulet typically summers in New Mexico in the southern part of the state in Eddy, Grant, and Hidalgo counties. One individual Northern beardless-tyrannulet was reported one time (date unknown) in Bandelier National Park, located 24 miles east of the Project Area (NPS, 2021)	Unlikely to occur. The Project Area, does not contain any mesquite, and is outside the tyrannulet's typical range.

Table 4. State-Listed Species Evaluated in the Project Area
Page 5 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds (cont.)	Southwestern willow flycatcher (*Empidonax traillii extimus*)	SE/FE	Habitat for the southwestern willow flycatcher consists of dense riparian vegetation on saturated soils along rivers, streams, or other wetlands where its diet consists primarily of insects. Suitable vegetation includes dense growth of willows (*Salix* spp.), arrowweed (*Pluchea sericea*), alder (*Alnus* spp.) saltcedar (*Tamarix ramosissima*).	Unlikely to occur. The Project Area contains no riparian habitat, rivers, streams wetlands, or saturated soils.
	Bell's vireo (*Vireo bellii*)	ST	Bell's Vireo use broad-leafed plants in the Midwest and narrow-leafed riparian plants in the Southwest. Within New Mexico, Bell's Vireo is locally distributed across the southern third of the state (Hubbard 1978). It breeds in riparian areas, typically nesting in low, shrubby vegetation such as willow, mesquite, and tamarisk (NMDGF 2020). One individual Bell's vireo was reported one time (date unknown) in Bandelier National Park, located 24 miles east of the Project Area (NPS, 2021)	Unlikely to occur. The Project Area is not located in the southern third of the state and does not contain riparian, shrubby areas.
	Gray vireo (*Vireo vicinior*)	ST	In New Mexico, the gray vireo prefers open pinyon-juniper woodland or juniper savannah with a shrub component. In northwest New Mexico, gray vireos are found in broad-bottomed, flat or gently sloped canyons, in areas with rock outcroppings, or near ridgetops. In these areas, bitterbrush (*Purshia tridentate*), mountain mahogany (*Cercocarpus breviflorus*), Utah serviceberry (*Amelanchier utahensis*) and big sagebrush (*Artemisia tridentata*) are often present. Gray vireos are often found in areas of moderate shrub cover (35-45%) with large amounts of bare ground between herbaceous plants.	The Project Area contains juniper savannah with a shrub component and broad-bottomed, flat or gently sloped canyons. *Therefore, there is a potential for occurrence of the gray vireo.*

Table 4. State-Listed Species Evaluated in the Project Area
Page 6 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds (cont.)	Baird's sparrow (*Centronyx bairdii)*	ST	Baird's sparrow breeds in a fairly small geographic area of south-central Canada, Montana, and North and South Dakota. It winters on grasslands of the northern Mexican plateau, primarily in Chihuahua and Durango but including portions of bordering states. The winter range extends into small portions of southeastern Arizona, southern New Mexico, and southwest Texas. In New Mexico, Baird's Sparrow has been found on Otero Mesa and in the Animas Valley, and may occur in other areas of suitable winter habitat, particularly in the southeast portion of state (NMPF, 2007).	Unlikely to occur. The Project Area is west and north of the species' known winter range in New Mexico and far outside the breeding distribution.
Mammals	Spotted bat (*Euderma maculatum*)	ST	Known in New Mexico from the Rio Grande, Rio Chama, and Animas River Valleys, the Mogollon Plateau, and the Jemez, San Mateo, and Sacramento Mountains. However, it is undoubtedly more widespread in the state than records indicate. Occupies a wide range of vegetation types, moving downslope after the reproductive season. Preferred habitat consists of meadows in subalpine coniferous forests. In the Mogollon, San Mateo, and Jemez Mountains, spotted bats were netted over streams or water holes in ponderosa or mixed coniferous forest. Bats are cliff dwellers whose diurnal roosts are the cracks and crevices of canyons and cliffs. Also recorded in pinyon-juniper woodlands and open semidesert shrublands. Rocky cliffs are necessary to provide suitable cracks and crevices for roosting, as is access to water.	Unlikely to occur. The Project Area does not contain the preferred habitat of meadows in subalpine coniferous forests. The Project Area also does not contain streams or water holes in ponderosa or mixed coniferous forest.

Table 4. State-Listed Species Evaluated in the Project Area
Page 7 of 7

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Mammals (cont.)	White-nosed coati (*Nasua narica*)	SE	Coatis inhabit woodland areas of the warmer parts of Central America, Mexico, and the extreme southwestern United States. They also occur in some of the rocky canyons that enter the mountains from the lowlands. In New Mexico the coati inhabits canyons characterized by riparian vegetation such as sycamore, oaks, juniper savanna, mixed coniferous forest, and mixed woodlands.	Unlikely to occur. In 2018 a white-nosed coati was trapped in Corrales, NM, much farther north than would be the usual distribution of the species in New Mexico (NMWM, 2019). The coati would not be expected to occur in the Project Area as it is even farther north and west than the unusual documented occurrence in Corrales, New Mexico.
	Pacific marten (*Martes caurina*)	ST	The Pacific marten occupies primarily mature, high-elevation coniferous forests.	Unlikely to occur. The Project Area is outside of the elevation range of the Pacific marten and there are no mature coniferous forests in the Project Area.
	New Mexico meadow jumping mouse (*Zapus luteus luteus*)	SE/FE	The New Mexico meadow jumping mouse is a habitat specialist using persistent emergent herbaceous wetlands and scrub-shrub wetlands on wet soil along perennial streams. Also uses patches of herbaceous vegetation dominated by sedges along water edges within willow and alder dominated habitats.	Unlikely to occur. There are no wetlands and no water bodies in the Project Area.

Unless otherwise noted, habitat and distribution data were taken from NMDGF (2019) and the New Mexico Rare Plant Technical Council (NMRPTC 1999).
SE = State endangered
ST = State threatened
FE = Federally Endangered

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
Page 1 of 6

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Plants	Sand verbena (*Abronia bigelovii*)	SS	The sand verbena is found on hills and ridges of gypsum in the Todilto Formation, 1,750-2,250 m (5,700-7,400 feet). Populations are usually small and are restricted to gypsum or strongly gypseous soils derived from gypsum outcrops. Plants are conspicuous on the otherwise rather barren gypsum. Although locally rather common, they do not form dense populations.	Unlikely to occur. There are no soils in the Todilto Formation.
	Knight's milkvetch (*Astragalus Knightii*)	SS	The Knight's milkvetch is found on rimrock ledges of Dakota Formation sandstone in juniper savannah and grassland; 1,750-1,800 m (5,700-5,900 ft). Presently known only from the Mesa Prieta area of the middle Rio Puerco drainage.	Unlikely to occur. The Project Area does not contain any Dakota formation sandstone.
	Acoma fleabane (*Erigeron acomanus*)	SS	The Acoma fleabane is found on sandy slopes and benches beneath sandstone cliffs of the Entrada Sandstone Formation in piñon-juniper woodland; 2,100-2,170 m (6,900-7,100 ft). A narrow endemic noted as occurring in McKinley and Cibola counties only.	Unlikely to occur. The Project Area does not contain any Entrada Sandstone formation.
	Todilto stickleaf (*Mentzelia Todiltoensis*)	SS	The Todilto stickleaf is found on outcrops of gypsum in the Todilto Formation; 1,700-1,910 m (5,600-5,840 ft).	Unlikely to occur. The Project Area contains no outcrops in Todilto Formation.
	Yeso twinpod (*Physaria newberryi* var. *yesicola*)	SS	The yeso twinpod is found on sandy gypsum and silty strata of the Yeso Formation in short grass steppe and juniper savanna; 1,750-2,100 m (5,700-6,900 ft).	Unlikely to occur. The Project Area contains no sandy gypsum in the Yeso Formation.
	Parish's alkali grass (*Puccinellia parishii*)	SS/SE	The Parish's alkali grass requires alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes at 2,600 to 7,200 feet (800 to 2,200 meters) range-wide.	Unlikely to occur. The Project Area does not have any alkaline springs or seeps or wet headwater areas.

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
Page 2 of 6

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Plants (cont.)	Gypsum Townsend's aster (*Townsendia gypsophila*)	SS/SE	Occurs on weathered gypsum outcrops of the Jurassic-age Todilto and overlying Morrison formations. The largest populations occur on highly gypsiferous soils rather than pure gypsum. Smaller populations grow on Todilto gypsite, a highly pure, crustose form of gypsum.	Unlikely to occur. The Project Area does not contain gypsum outcrops.
Invertebrates	Monarch butterfly (*Danaus plexippus plexippus*)	SS	During breeding and migration, adult monarchs require a diversity of blooming nectar resources, which they feed on throughout their migration routes and breeding grounds (spring through fall). Monarchs also need milkweed (for both oviposition and larval feeding) embedded within this diverse nectaring habitat. The correct phenology, or timing, in the life cycle of monarchs and blooming of nectar plants and milkweed is important for monarch survival. There are two migrating populations, eastern and western. New Mexico contains spring breeding areas primarily in the eastern third of the state (USFWS, 2020).	The potential for the monarch butterfly to occur within the Project Area and/or Action Area is very low because the area is not within the known breeding or migrating corridors of the butterfly. Milkweed was observed during the site survey in the northern parcel located in an area of a depression, likely created for a borrow pit used during mining and other activities. The milkweed appeared to be an isolated population and was only in the area of the depression, no other plants were observed outside of the depression and in the remaining project area.
Fish	None			

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
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Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Amphibians	Northern leopard frog (*Lithobates* (Rana) *pipiens*)	SS	The Northern leopard frog requires a mosaic of aquatic and upland habitats, with linkages between them, to meet the needs of its life stages. Ideally, wetland patches are separated by less than 1 km of upland habitat. Northern leopard frogs breed in a variety of aquatic habitats, most often in permanent pools, such as the marshy edges and side channels of streams or rivers. However, they also breed in springs, wetlands, beaver ponds, and temporary pools, as well as in human-constructed habitats, such as earthen stock tanks. They lay their eggs in still, permanent water in areas exposed to sunlight, usually attaching the eggs to vegetation just below the surface of the water. Vegetation, like sedges and rushes, is an important habitat feature for emerging tadpoles. In summer, adults and juveniles feed in upland areas adjacent to aquatic and riparian habitats. The frogs commonly feed in open or semi-open wet meadows, and escape from predators in nearby water.	Unlikely to occur. The Project Area does not contain any aquatic habitat.
Mollusks	None			
Reptiles	Desert massasauga (*Sistrurus tergeminus*)	SS	In southern, eastern, and west-central New Mexico, desert massasauga populations occupy a mix of desert grasslands and shortgrass prairies, whose boundaries are shaped by the Guadalupe, Sacramento, Gila and Rocky Mountains as well as the Rio Grande and Pecos River valleys. This intersection of mountains, rivers, and grasslands creates a unique geographic setting filled with sharp climatic contrasts.	Unlikely to occur. The Project Area is west and north of likely suitable habitat. The nearest documentation of a specimen was in Stanley, far to the southeast of the Project Area.

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
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Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds	Western burrowing owl (*Athene cunicularia*)	SS	The Western burrowing owl inhabits areas that support burrowing mammals as they do not excavate their own burrows but instead use abandoned burrows. Areas with short vegetation, open grasslands, and sagebrush are the preferred habitat.	Unlikely to occur. No burrows that would support western burrowing owls such as prairie dog towns were observed in the Project Area.
	Mexican whip-poor-will (*Antrostomus arizonae*)	SS	The Mexican whip-poor-will is generally found in ponderosa pine-Gambel oak woods in mountains. Breeds in woodland in mountains and canyons, mostly in the pine-oak zone at middle elevations, sometimes higher. The closest documented sighting was in the area of Bandelier National Monument in the eastern part of the Jemez Mountains.	Unlikely to occur. The Project Area is not within ponderosa pine-oak woods.
	Pinyon jay (*Gymnorhinus cyanocephalus*)	SS	The pinyon jay is found in pinyon-juniper woodlands where it is a keystone species in the dispersal of pinyon seeds (NMPF, 2007).	The Project Area contains pinyon-juniper woodlands. *Therefore, there is a potential for occurrence of the pinyon jay.*
	Bendire's thrasher (*Toxostoma bendirei*)	SS	The Bendire's thrasher typically inhabits sparse desert shrubland and degraded grassland vegetation. It may also occur in open woodland with scattered shrubs. Unlike the Crissal Thrasher, it avoids riparian areas and arroyos with dense shrub cover. Plant composition of habitat varies with latitude and elevation. On the Colorado Plateau, the thrasher inhabits sagebrush with scattered junipers.	The Project Area contains open woodland and sagebrush with scattered junipers. *Therefore, there is a potential for occurrence of the Bendire's thrasher.*

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
Page 5 of 6

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Birds (cont.)	Virginia's warbler (*Vermivora virginiae*)	SS	Virginia's Warbler occurs at middle elevations, where coniferous woodland or forest mixes with deciduous shrubs or trees. It is not thought to occur in coniferous forests where there is not a deciduous component. Across its range, Virginia's Warbler is primarily associated with pinyon-juniper and oak woodlands, though in Arizona and New Mexico, it extends upward into mixed conifer habitat containing Gambel oak, New Mexico locust, maple or other shrubby deciduous vegetation.	Unlikely to occur. While there may be habitat in the region, the Project Area does not have a deciduous component.
Mammals	Spotted bat (*Euderma maculatum*)	SS/ST	Known in New Mexico from the Rio Grande, Rio Chama, and Animas River Valleys, the Mogollon Plateau, and the Jemez, San Mateo, and Sacramento Mountains. However, it is undoubtedly more widespread in the state than records indicate. Occupies a wide range of vegetation types, moving downslope after the reproductive season. Preferred habitat consists of meadows in subalpine coniferous forests. In the Mogollon, San Mateo, and Jemez Mountains, spotted bats were netted over streams or water holes in ponderosa or mixed coniferous forest. Bats are cliff dwellers whose diurnal roosts are the cracks and crevices of canyons and cliffs. Also recorded in pinyon-juniper woodlands and open semidesert shrublands. Rocky cliffs are necessary to provide suitable cracks and crevices for roosting, as is access to water.	Unlikely to occur. The Project Area does not contain the preferred habitat of meadows in subalpine coniferous forests. The Project Area also does not contain streams or water holes in ponderosa or mixed coniferous forest.

Table 5. BLM-Listed Sensitive Species Evaluated in the Project Area
Page 6 of 6

Species Category	Species	Status	Habitat Associations	Potential for Presence in Project Area
Mammals (cont.)	Townsend's big-eared bat (*Corynorhinus townsendii*)	SS	The most typical habitat of the Townsend's big-eared bat is arid western desert scrub and pine forest regions. These agile fliers venture out to forage only after dark, using their keen echolocation to hunt moths and other insects. In the spring and summer, females form maternity colonies in mines, caves, or buildings. Males roost individually.	Unlikely to occur as the Project Area is not located in desert scrub or pine forest.
	Gunnison's prairie dog (*Cynomys gunnisoni*)	SS	The Gunnison's prairie dog inhabits grasslands from low valleys to montane meadows.	There are grassland areas in the Project Area, but no evidence of prairie dogs was observed during the site survey. Therefore the Gunnison's prairie dog is not likely to occur in the Project Area.

Unless otherwise noted, habitat and distribution data were taken from NMDGF (2019) and the New Mexico Rare Plant Technical Council (NMRPTC 1999).
SE = State endangered
ST = State threatened
SS = Sensitive species (Bureau of Land Management)

Appendix A

Photographs

DBS&A
a Geo-Logic Company

Northern Parcel

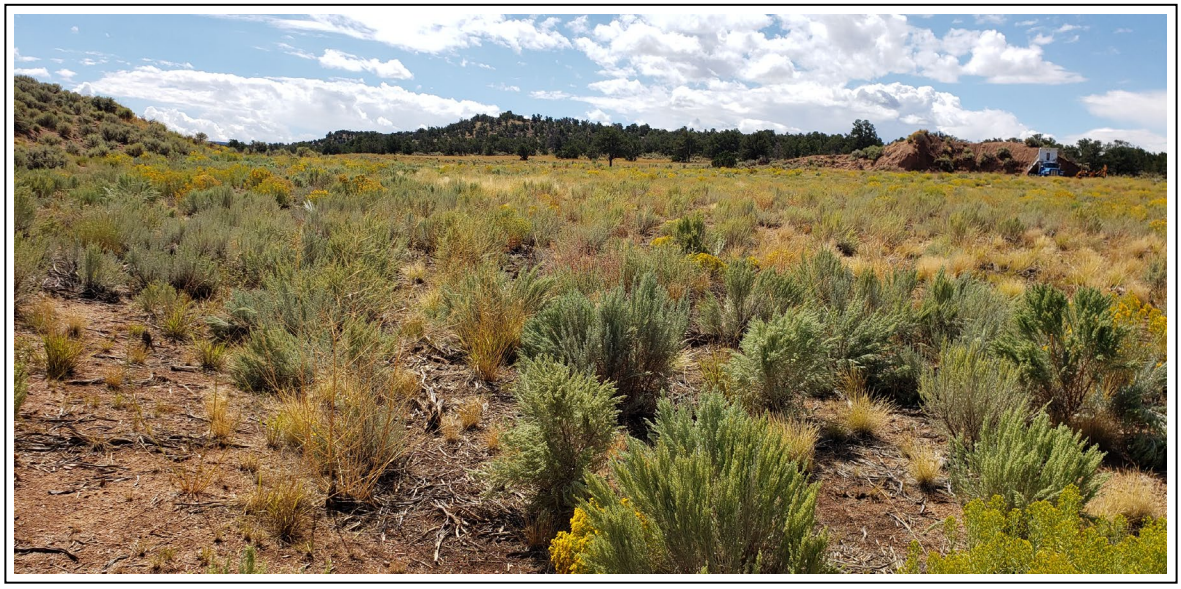
DBS&A
a Geo-Logic Company

1. Padilla Mine site (view to north)

2. Ponded depression (dry) lined with saltcedar and denser vegetation; area of high bird activity

3. Showy milkweed at the dry pond

4. Mine shaft at Padilla Mine



5. View of Project Area showing shrub-steppe ecoregion

6. View to north from north end of Project Area

7. View to northeast toward Jemez Mountains

8. San Miguel Arroyo, located east and north of Project Area

Southern Parcel

DBS&A
a Geo-Logic Company

1. View to west-southwest toward the southern parcel (La Ventana Mine)

2. Variation of ecoregions, from shrub steppe to hill slopes with pinyon-juniper woodland

3. Mine features on east-facing hill slopes of La Ventana Mine

4. View to east toward Jemez Mountains

5. View to north from hilltop on La Ventana Mine

6. View to west from hilltop

7. View to south from hilltop

8. Mineshaft at La Ventana Mine

9. Mine features at La Ventana Mine

10. Mine features on hill slope, La Ventana Mine

11. Horned lizard, La Ventana Mne

Appendix B

BCI Report on Bat Surveys

DBS&A
a Geo-Logic Company

BAT CONSERVATION INTERNATIONAL

Final Report: La Ventana Abandoned Mine Bat Surveys

February 13, 2024

Agreement No. 22-521-0600-0005 / Task Order 4

Townsend's big-eared bats (*Corynorhinus townsendii)* hibernating in Black Rose Mine.
BCI Photo by Dillon Metcalfe

Submitted April 19, 2024

Contents

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BCI wishes to thank Laurence D'Alessandro and Chuck Dentino, for initiating the project and for providing the scope of work and site inventory descriptions. Special thanks to Lloyd Moiola, James Hollen and Mike Thompson, for providing on-site navigation, and serving in the surface safety role during field work.

All surveys were conducted by BCI Subterranean Team staff: Dillon Metcalfe, Alexi Kimiatek and Sarah Marquez. This report was authored by Myriam Bishop and Dillon Metcalfe, with survey protocol content and report design by Shawn Thomas. Geospatial products were created by Priyesh Patel.

Overview

BAT SURVEYS:
This biological survey project assessed abandoned mine land (AML) features in Northern New Mexico. The AML features surveyed are located South of Cuba, NM. All sites were surveyed by Bat Conservation International (BCI) staff following standardized protocols and safety procedures for providing subterranean biological data and closure recommendations. Surveys focused on documenting bat and other wildlife use of each feature. The field project resulted in bat surveys being conducted on 6 distinct features, comprising 6 openings to the surface (Table 1, Figure 1). Bat habitat assessments and closure recommendations are provided for all features. Selected photos appear in Appendix 1.

Conservation Impact

BCI's Subterranean Team works to protect subterranean bats and their habitat. Through our survey efforts, we assess subterranean features and identify sites that serve as critical habitat for bats and other wildlife, or as sources of water for wildlife. Bats are strongly associated with caves (and abandoned mines), and while not all bats use caves, a significant proportion of bat species are known to use caves during part of their life cycle (e.g., maternity roosting, hibernation, night roosting, fall swarming). Subterranean bats serve as important contributors to nutrient-poor cave ecosystems by providing nutrients (through guano deposition) that may provide the foundation for complex biological communities of microbes, fungi, and invertebrates. Since all bats forage above ground, subterranean bats also serve critical roles in terrestrial ecosystems, where they contribute ecological services such as pollination and insect population control. Given the importance of subterranean bats to both surface and subsurface ecosystems, and because many bat species rely on caves and abandoned mines for survival, identification of subterranean habitat is necessary for implementing conservation. Our survey results directly inform recommendations for long-term protection of subterranean habitat.

The conservation impact of this project is the recommendation to protect three subterranean features, which collectively represent an estimated 20,100 ft^2 of subterranean habitat. There are two features (NEW LV-6 and 7 Subsidence) that warranted a protective closure but were not able to be surveyed underground and are not represented in the total estimated area of subterranean habitat.

Table 1. Summary of bat survey results and closure recommendations.

Feature[1]	**Closure Rec.**[2]	**Live Bats**[3]	**Other Bat Sign**	**Roost Function**	**Bat Habitat**
NEW Black Rose Mine-SW_ SP-3 S. Subsidence 1	BCWS	12 COTO	Guano	Day roost, Hibernaculum	Good
NEW Black Rose Mine-SW_ SP-3 S. Subsidence 2	DCWS	0	Unknown	Unknown	Unknown
NEW LV-6 Subsidence	AC	0	Unknown	Unknown	Unknown
NEW LV-7 Subsidence	BCAT	0	Unknown	Unknown	Unknown
NEW LV-9	DCWS	0	Guano	Day roost	Marginal
NEW La Padilla Mine Subsidence	DCWS	0	Unknown	Unknown	Unknown

[1]Feature: A distinct feature may consist of a single opening, multiple openings interconnected via underground workings, or closely related surface workings. In the "Feature" column, distinct features are separated by solid lines, and associated openings of a feature are separated by dashed lines. A feature contains shared biological and habitat characteristics and is therefore described by a single survey, whereas closure recommendations are unique to each opening.

[2]Closure recommendations:

Wildlife-compatible Closures
BCAT – bat-compatible closure, any time
BCWS – bat-compatible closure, warm season

No Action
LAI – leave as is

Destructive Closures
DCWS – destructive closure, warm season

Other Closure Type
AC – airflow closure

[3]Bat species codes: COTO – Townsend's big-eared bat (*Corynorhinus townsendii*)

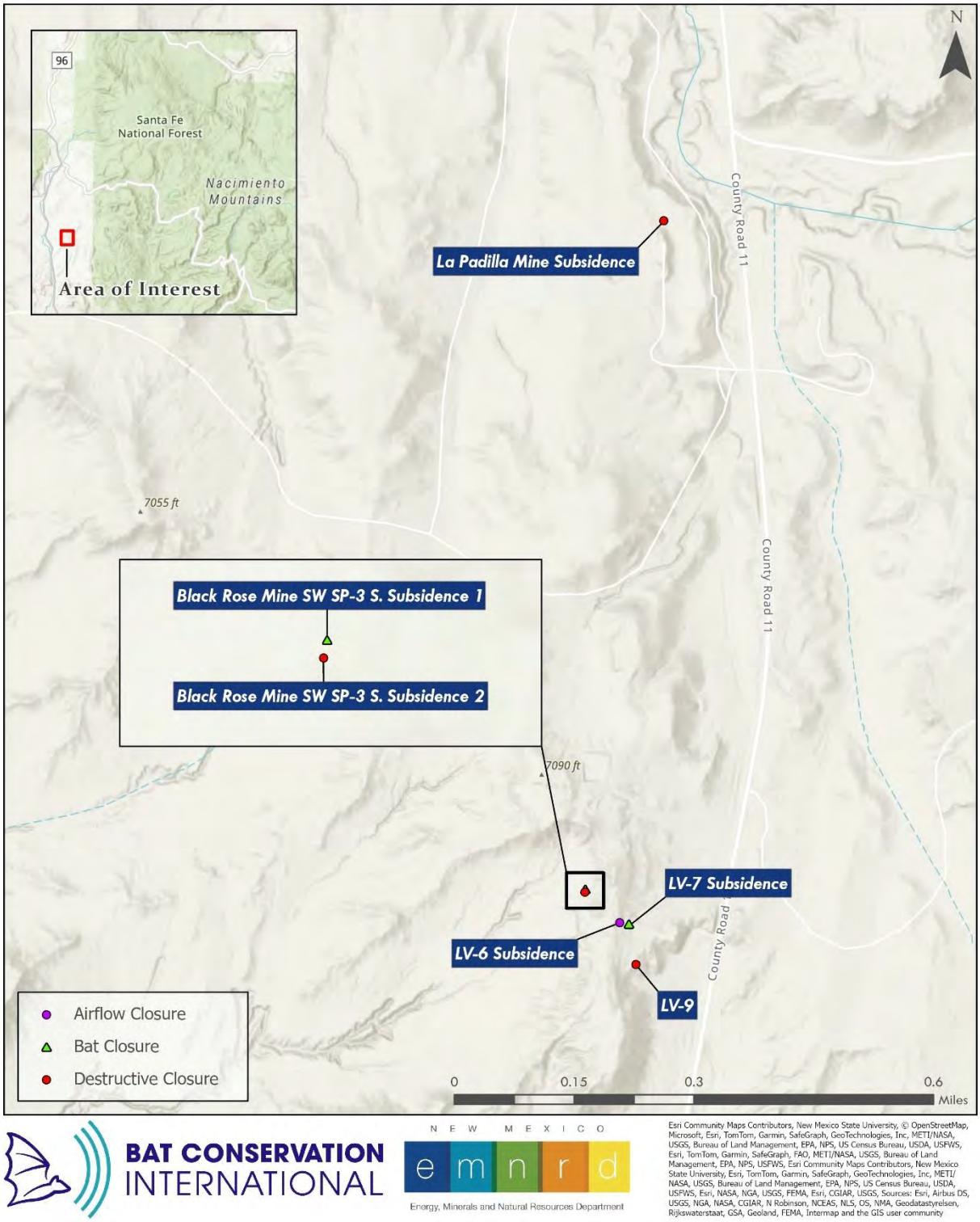

Figure 1: Overview Map of Project Area and Features Surveyed

Section 1: Survey Methods

BIOLOGICAL SURVEYS:
Biological data is collected via internal surveys after abandoned mine land (AML) features are assessed and determined to be safe to enter. Internal surveys are the most efficient and effective means of assessing habitat quality and wildlife use. Surveys are focused on subterranean habitat, with a primary emphasis on bat use. Surveys attempt to identify bat species present, document other bat sign (e.g., guano, insect parts, roost staining), and determine roost function of the site. Additionally, surveys document other wildlife use of features, evident by live animals, scat, nests, etc. All bat and other wildlife observations inform habitat assessments and closure recommendations.

BAT HABITAT ASSESSMENT SUMMARY:
Bat habitat assessments are determined based on observed bats and bat sign, along with physical characteristics of the site such as complexity and extensiveness of workings, portal size and obstructions, ceiling textures that bats select for, hydrological activity (such as seasonal flooding) that may preclude bat use, and any additional observations that may influence bat use of the site. A bat habitat assessment is applied to each distinct AML feature, which may include multiple openings.

- None
- Poor
- Marginal
- Moderate
- Good
- Excellent
- Unknown

See Appendix 2 for descriptions of bat habitat assessment classifications.

CLOSURE RECOMMENDATIONS:
Closure recommendations generally fall into bat-compatible or destructive closure categories and include a seasonal component that recommends the closure to occur either during the warm season, cold season, or at any time. A closure recommendation is provided for each individual opening of an AML feature and is selected from the following options:

- BCAT: Bat-compatible Closure, Any Time
- BCCS: Bat-compatible Closure, Cold Season
- BCWS: Bat-compatible Closure, Warm Season
- OWC: Other Wildlife-compatible Closure
- DCAT: Destructive Closure, Any Time
- DCWS: Destructive Closure, Warm Season
- LAI: Leave As Is
- CM: Closure Modification
- AC: Airflow Closure

See Appendix 3 for descriptions of closure recommendation classifications and Appendix 4 for guidance on conducting exclusion prior to closure.

Section 2: Survey Results

AML FEATURE DESCRIPTIONS:

Unless otherwise noted, all features are driven in moderate- to good-quality rock (qualitative safety assessment), contain good air*, and exhibit minimal signs of post-mining human disturbance. All feature locations are listed as latitude and longitude (decimal degrees) in the WGS84 datum.

* Good air is defined as no alarm sounding on the Altair 4x Multi-gas Detector carried during all surveys. The detector measures four gases (oxygen, carbon monoxide, hydrogen sulfide, methane) and alarms for gas levels that fall outside of safe thresholds.

Feature: NEW Black Rose Mine-SW_ SP-3 S. Subsidence 1
Location: 35.909885, -106.944412
Date: February 13, 2024
Observations: This feature is a 10’ deep shaft that connects to an extensive network of horizontal workings, for a total feature length estimated at 2000’. There are many small drifts that radiate off the main adit, as well as several larger drifts, which all end in collapse. The temperatures within this feature range from 41° to 63° Fahrenheit and relative humidity was 53%. The overall hydrology of the mine was dry with signs of seasonal water. Mining artifacts include cap and post, wooden steps, rusted half barrel, nails, timbers, and rails. There were 12 live Townsend's big-eared bats (*Corynorhinus townsendii)* observed hibernating in the feature near the portal, with the furthest one being about 60’ into the feature. Light scatter of guano was also observed. Based off temperatures, hibernating bats and guano scatter, this feature is utilized a day roost and a hibernaculum. Woodrat scat, a woodrat midden, and mouse scat were also observed.
Bat Habitat: Good
Closure Recommendation: Bat-compatible Closure, Warm Season (BCWS)

Feature: NEW Black Rose Mine-SW_ SP-3 S. Subsidence 2
Location: 35.90984, -106.944422
Date: February 13, 2024
Observations: This feature is a subsidence measuring 2’ wide and 2’ high. Foul-smelling air was exhaling from the mine on the day of survey, which indicates that it likely connects with a relatively extensive underground space. The portal was too unstable to permit entry for an underground survey.
Bat Habitat: Unknown
Closure Recommendation: Destructive Closure, Warm Season (DCWS)

Feature: NEW LV-6 Subsidence
Location: 35.909294, -106.943633
Date: February 13, 2024
Observations: This feature is a subsidence that is 4’ wide by 4’ long by 4’ deep and extends to a small 1’ wide opening. Subterranean workings are likely but inaccessible. It is likely that this feature connects to NEW LV-7 underground based off the proximity to each other and airflow that was felt coming out of the portal.
Bat Habitat: Unknown
Closure Recommendation: Airflow Closure (AC)
An airflow closure is recommended for this opening to maintain airflow between this feature and NEW LV-7 Subsidence and preserve the subterranean microclimate.

Feature: NEW LV-7 Subsidence
Location: 35.90927, -106.943422
Date: February 13, 2024
Observations: This feature is a previously backfilled adit, with a 3’ wide by 2’ high opening. A biological survey was unable to be conducted due to the portal being too small to enter. It is very likely that this feature connects to NEW LV-6 Subsidence based off the proximity to each other and airflow that was observed being drawn into the feature. A conservative approach was taken for the closure of this feature to minimize the possibility of destroying a potentially important bat roost.
Bat Habitat: Unknown
Closure Recommendation: Bat-compatible Closure, Any Time (BCAT)

Feature: NEW LV-9
Location: 35.908543, -106.943249
Date: February 13, 2024
Observations: This feature was a previously gated 21’ long adit that ends with a cinderblock wall. The portal is stabilized by timbers and lagging, and the main drift presents some cap and post timbering. Just inside the portal and to the right is a cinderblock bulkhead. Additional workings likely exist beyond the bulkhead but are inaccessible. Temperatures ranged between 47° and 49° Fahrenheit. The feature hydrology was dry with relative humidity at 41%. A couple of guano pieces are present near the portal, possibly dating back from before the gate was installed, indicating use as a day roost. Other signs of wildlife use include packrat scat, spiders, and medium mammal scat.
Bat Habitat: Marginal
Closure Recommendation: Destructive Closure, Warm Season (DCWS)

Feature: NEW La Padilla Mine Subsidence
Location: 35.922042, -106.942959
Date: February 13, 2024
Observations: This feature is an actively eroding subsidence located in a flattened clearing. The collar is 8’ wide by 10’ long and extends down 5’ where it then narrows to a 5’ wide by 2’ high entrance. A visual inspection from the pit suggests that this feature then pinches down to an impassible diameter of about 10”. This is unlikely to currently serve as bat habitat due to the soft, restricted flyway and could be remediated before further erosion occurs.
Bat Habitat: Unknown
Closure Recommendation: Destructive Closure, Warm Season (DCWS)

Contact

For questions on the content of this report, or for more information on bats and subterranean habitat, please contact Bat Conservation International's Subterranean Team:

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BCI's Habitat Protection & Restoration Program (HP&R) works to identify, protect, restore, and conserve the above and below ground habitats that are vital to bat populations around the world. To learn more about our capabilities and partnership opportunities, please contact:

Jason Corbett
Director, Habitat Protection & Restoration
jcorbett@batcon.org

To learn more about BCI's mission to end bat extinctions worldwide, and how you can help, please visit our website:

www.batcon.org

Appendix 1: Selected Photos

The full set of photos from all features was provided in digital form with this report.

NEW Black Rose Mine-SW_SP-3 S. Subsidence 1:
Townsend's big eared-bat (*Corynorhinus townsendii*) hibernating.
BCI photos by Dillon Metcalfe

NEW Black Rose Mine-SW_ SP-3 S. Subsidence 1: BCI surveyor Dillon Metcalfe entering the feature.
BCI Photo by Sarah Marquez

NEW Black Rose Mine-SW_ SP-3 S. Subsidence 1: Historical timber supports in the main drift.
BCI Photo by Dillon Metcalfe

NEW LV-7 Subsidence: BCI surveyor Dillon Metcalfe attempts to enter the feature.
BCI Photo by Alexi Kimiatek

NEW LV-9: Portal and open bat gate.
BCI Photo by Sarah Marquez

NEW La Padilla Mine Subsidence:
ENMRD and BCI field teams by the feature.
BCI Photo by Sarah Marquez

NEW LV-6 Subsidence:
BCI surveyor Alexi Kimiatek standing near the feature.
BCI photo by Dillon Metcalfe

Appendix 2: Bat Habitat Assessments

Bat habitat is assessed for each feature surveyed and describes the value of that feature for bat use. Determining bat habitat is the primary objective of surveys conducted by the BCI Subterranean Program. Survey of a feature results in seven possible bat habitat classifications: excellent, good, moderate, marginal, poor, no habitat, or unknown. Each of these classifications are described below.

Excellent Bat Habitat

Description

Excellent bat habitat is very rare amongst features surveyed. For a feature to be assessed as having excellent habitat, significant bat use, usually by colonies, must be documented. Typically, this occurs when a large single species roost (>20 bats) is identified using the feature for warm season aggregation, usually in conjunction with substantial guano piles. Bats present in lower numbers but representing multi-species use of three or more species also warrants an assessment of excellent habitat. Bats need not be present to identify excellent habitat, as obvious bat sign such as large guano piles, heavily scattered guano along flyways, and roost staining on ceilings are indicators of significant bat use. Major winter use by bats cannot be confirmed during warm season surveys, though features that exhibit cold temperatures, airflow, and a high diversity of microclimates and roosting habitat can be identified as sites with good potential for serving as hibernacula. Features offering excellent bat habitat usually exhibit striking internal complexity, with extensive workings and possibly multiple levels. Due to the extensiveness of underground workings, these features nearly always offer high quality rock habitat. Exceptions, however, include small features used as maternity sites. Feature stability should be good, with little concern for future collapse that could result in loss of the roost.

Closure Recommendation

Features with excellent bat habitat should nearly always be recommended for protection (exceptions include imminent collapse or other major safety hazards). To minimize disturbance while bats are using the feature for a critical life cycle phase, bat-friendly closures should occur during the opposite season of primary use. For example, closure of a feature that hosts a maternity colony should occur during the cold season, and closure of a feature that serves as a hibernaculum should occur during the warm season. For features with multiple entrances, closures should protect all openings that are either used for bat access or necessary to preserve airflow patterns.

Good Bat Habitat

Description
Good bat habitat is represented by features that contain clear signs of persistent bat use but do not exhibit the striking evidence of significant use by bat colonies. These features often support use by one or two species of bats that use the site as a day roost or night roost. Bat sign such as guano, either scattered or in small piles, and insect parts are common in these features. The internal workings usually exhibit moderate complexity, with rock habitat quality that meets the specific needs of day or night roosting bats, such as domes, drill holes, and/or a heavily featured back. Feature stability should be good, with little concern for future collapse that could result in loss of the roost.

Closure Recommendation
Features with good bat habitat should nearly always be recommended for protection (exceptions include imminent collapse or other major safety hazards). Bat-friendly closures can usually occur at any time of the year, as bat use of these sites is persistent but dispersed and does not represent significant use for warm season maternity colony aggregation or cold season hibernation. For features with multiple entrances, closures should protect all openings that are either used for bat access or necessary to preserve airflow patterns.

Moderate Bat Habitat

Description
Moderate bat habitat generally refers to features that exhibit some signs of minor bat use or have potential for bat use due to the level of complexity and/or stable microclimate offered within. Moderate habitat features are often occupied by one or two bats, possibly on a seasonal nature, but will not display any signs of significant bat use. Guano, if present, will be lightly scattered, or in no more than a few very small piles representative of solitary bats of a single species. Insect parts may also be present, indicating night roosting. Bat sign may also be completely absent from these features at the time of survey, either due to extremely limited bat use, suspected winter use that cannot be detected during a warm season survey, or feature conditions such as flooding that may cover or destroy evidence of bat use. Complexity of the feature will range from simple, if combined with other signs of bat use, to moderately complex. Feature stability should be relatively stable, and rock habitat quality should offer some level of suitable roosting surface.

Closure Recommendation
Features with moderate bat habitat fall into the "grey area" where bat use is not necessarily prominent enough to immediately warrant a protective closure, yet the possibility for increased future bat use exists. Generally, a bat-friendly closure should be recommended for features with moderate habitat in order to maintain a conservative approach to habitat protection. Furthermore, the context of the feature relative to the surrounding landscape may elevate its importance if few other suitable habitat options are available. Scenarios that may call for destructive closure recommendations on features that meet the criteria for moderate habitat include unstable internal conditions that suggest future collapse/destruction of the feature or areas in which the feature is eclipsed by numerous other features with superior habitat. If a destructive closure is recommended, it must be accompanied by bat exclusion prior to closure.

Marginal Bat Habitat

Description
Features designated marginal bat habitat generally lack bats and bat sign. Less commonly, these features may exhibit signs of very minor, infrequent use. A single bat may be present, but there may be no accompanying signs that would allow detection if the bat was absent. Guano and insect parts, if present, will be very sparsely scattered and require diligence for detection. Complexity of the feature will always be simple, with no substantial workings; however, these features are usually extensive enough to include a dark zone, and the entire feature is not visible from the portal or collar. Marginal features are often short, simple adits or blind and bald shafts. Feature stability can be stable, but often poor rock conditions contribute to marginal habitat. Rock habitat quality will generally be poor to fair, with less than ideal roosting surfaces.

Closure Recommendation
Features with marginal bat habitat are almost invariably recommended for destructive closure due to these features lacking bat sign and/or containing unstable conditions that threaten collapse. Given the possibility for bats to be present in these features, exclusion is required prior to closures occurring in the warm season when bats are active. In rare circumstances, a protective closure may be warranted to allow for the possibility of future bat use, especially if the feature represents one of the only subterranean habitat options in the area.

Poor Bat Habitat

Description
Features classified as poor bat habitat tend to be very small prospects that exhibit no signs of bat use. While these features offer some level of subterranean habitat, the workings are so limited as to offer no true dark zone and no area of stable subterranean microclimate. Usually, the entire feature will be visible from the portal or collar. These features are so small that structural stability is often quite good, but they may also be in a state of collapse. Rock habitat quality can range the entire spectrum, but this assessment is largely irrelevant in such small features that offer little physical area from which bats can select roosting spots that have a stable microclimate.

Closure Recommendation
Features with poor bat habitat are recommended for destructive closure. Due to the lack of bat sign or potential for future bat use, a "DCAT" recommendation is usually warranted on these features.

No Bat Habitat

Description
Assessing a feature as containing no bat habitat means no subterranean habitat is available. No underground workings are present at all, and the feature would present no option for bats to roost in subterranean environments. This scenario occurs for features that are totally collapsed, prospect scrapes, entirely and permanently flooded, or some other similar circumstance. This assessment is also appropriate for portals that are almost entirely sloughed closed and/or overgrown with vegetation such that bats would be unable to access the workings.

Closure Recommendation
With no subterranean component and thus no bat habitat, a "DCAT" recommendation is always warranted. For some features, though, especially those that contain no inherent hazard, a "Leave As Is" recommendation may be most appropriate. This recommendation is most applicable to prospect scrapes and pits that contain no headwall and may be largely overgrown.

Unknown Bat Habitat

Description
If an internal survey cannot be conducted, and underground workings are likely to exist based on observations from the surface, then bat habitat cannot be assessed. This usually occurs when the feature is not accessible due to safety concerns (e.g., wildlife hazards, rock or timber hazards) at the portal or collar. Often, looking into the feature from outside confirms that underground workings are present, though inaccessible. An unknown bat habitat assessment may also be appropriate for some partial internal surveys, when a survey is terminated underground due to safety concerns. In these instances, though, if extensive workings and/or bats and bat sign are observed prior to terminating the survey, then a higher bat habitat classification and feature protection are warranted.

Closure Recommendation
Closures of features with unknown bat habitat should follow conservative recommendations to minimize the possibility of destroying potentially important bat roosts. When possible, bat-friendly closures should be recommended for these features. In cases where destructive closures are more appropriate (e.g., collapse of feature is imminent), exclusion is required prior to closures occurring in the warm season when bats are active.

Appendix 3: Closure Recommendations

Closure recommendations are assigned to each opening of a distinct feature surveyed and prescribe the appropriate remediation strategy for the site. Bat use, other wildlife use, feature stability, and overall nature of the workings are considered when determining the closure recommendations. Survey of a feature usually results in recommendation of a bat-compatible closure or destructive closure for each opening, with a seasonal component to advise suitable timing of the closure. In some cases, openings may warrant other wildlife-friendly closures or recommendation of no action (leave as is). Each of these classifications are described below.

Bat-compatible Closures

Bat-compatible closures are recommended for openings to features that contain bats / bat sign and/or exhibit characteristics that indicate high potential for bat use. These features warrant protective closures to maintain the bat habitat within and allow for continued bat use. Bat-compatible closures include a variety of methods that fall on a spectrum of high to low compatibility. No closure method is perfect for all bat species, but generally, gates designed to comply with bat-compatible specifications are preferred to 1) minimize the potential of disrupting current use patterns and 2) promote long-term access for bats and other wildlife. For openings that are unstable or present access challenges, construction of a standard bat gate may not be possible. In these instances, use of alternative methods such as culverts or cable nets may be the most feasible method; while these closure types are not ideal for bats and other wildlife, they may still facilitate moderate levels of access and habitat use and therefore present a suitable alternative to total habitat loss.

Three seasonal designations are used to recommend appropriate timing of bat-compatible closures:

- BCAT (Bat-compatible Closure, Any Time): "Any time" bat closures are recommended for openings to features in which overall bat use is relatively minor or not confined to any single season.

- BCCS (Bat-compatible Closure, Cold Season): Cold season bat closures are recommended for openings to features that display significant warm season use, typically by a maternity colony of bats. Closure is recommended to occur during the cold season to avoid disturbance of bat colonies, which could potentially lead to abandonment of the site.

- BCWS (Bat-compatible Closure, Warm Season): Warm season bat closures are recommended for openings to features that are documented as hibernacula or exhibit characteristics that indicate high potential for significant cold season use by hibernating bats. Closure is recommended to occur during the warm season to avoid disturbance of hibernating bats, which could potentially lead to bats arousing and burning critical energy reserves.

Airflow Closures

Airflow closures may be recommended for secondary openings to features with multiple openings that access habitat warranting protection. Independent, secondary openings often contribute to the microclimate and habitat suitability of the underground workings via air exchange but may not serve as important access points for wildlife. In these cases, it is appropriate to close these secondary openings in a way to maintain air exchange without preserving access to wildlife.

Other Wildlife-compatible Closures

Protection may also be recommended for openings to features that display significant use by wildlife other than, or in addition to, bats. These closure recommendations are relatively rare, and closure methods are dependent on type of wildlife use. Protection of features may be warranted for use by wildlife including, but not limited to, birds (e.g., owls, vultures), mammals (e.g., cats, foxes, porcupines, ringtails), and reptiles/amphibians (e.g., salamanders).

Closure Modifications

Closure modifications are recommended for existing closures such as bat gates or backfills that do not adequately protect or maintain habitat provided by the feature. In these cases, a modification to the existing closure is recommended to improve wildlife access to habitat assessed at the time of survey. Closure modifications are recommended to provide access to previously inaccessible habitat or to facilitate increased use of existing habitat. Seasonality is also considered in closure modification recommendations to advise suitable timing of the modification.

Destructive Closures

Destructive closures are recommended for openings to features that either offer no bat habitat, contain no evidence of bat use, or exhibit only minor, insignificant bat use. In some cases, destructive closures may also be recommended for secondary openings to features that are protected through bat-compatible closure of primary openings used for wildlife access. Two destructive closure designations are used to recommend appropriate measures based on possible bat use:

- DCAT (Destructive Closure, Any Time): These openings access features that exhibit no signs of bat use or potential for bats to be present and can be destructively closed without conducting exclusion, during any season. This recommendation may also be applied to secondary openings to features protected for wildlife habitat, provided that these openings do not serve any critical function in maintaining wildlife access or suitable habitat conditions.

- DCWS (Destructive Closure, Warm Season): These openings access features that either exhibit signs of minor, insignificant bat use or have the potential for bats to be present

during destructive closure. In some cases, other wildlife such as birds may be present, and these animals should also be excluded; alternatively, closure with bat exclusion may be timed for after the nesting season when birds are no longer using the feature. Using appropriate exclusion techniques on the features prior to closure is critical. Exclusion needs to be done during the warm season when bats are active and will be able to escape. See Appendix 4 and refer to "Managing Abandoned Mines for Bats," published by Bat Conservation International, for guidance on exclusion techniques.

Leave As Is (No Action)

"Leave As Is" (LAI) treatments are recommended on a limited basis for subterranean features that present no inherent safety concerns (e.g., vertical drops, loose overhead rock), contain little to no sign of modern human visitation, and/or are so remotely located and difficult to access that they do not present a viable threat to human health and safety. Features that are appropriate for this recommendation include minor prospects and relatively short adits that meet the above criteria. Additionally, features with no subterranean component (e.g., prospect scrapes/trenches, self-remediated adits, small subsidence pits in unconsolidated sediment) are often suitable for LAI recommendations. Features that present a fall hazard (e.g., shafts) should never receive a LAI recommendation.

Wildlife use is another consideration for some Leave As Is recommendations. For features with habitat unique to the landscape and with demonstrated use by wildlife that would be precluded by standard bat-compatible closures, LAI is the only option for preserving the habitat for those animals. Examples from past SubT surveys include black bear, javelina, and turkey vulture habitat (this consideration does not apply to domesticated animals like sheep and cattle). In these cases, however, consideration is still given to any objective hazards presented by the feature, along with access and signs of human visitation.

Communication from partners may also inform Leave As Is recommendations. Partners occasionally indicate they have no intention of closing a particular feature. Conversely, some partners are adamant that every feature must be physically addressed with a hard closure. While partner perspectives are important in making closure recommendations, they are not the sole consideration. Land management is dynamic and evolves over time with funding and staffing changes. Thus, our recommendations remain rooted in the primary factors we use to inform the appropriate closure type (e.g., wildlife use, safety, access, human visitation).

Our deliverables include primary closure recommendations that are derived from our standard decision-making process. When recommending LAI for subterranean features, an alternative recommendation (bat-compatible or destructive) will also be included. For non-subterranean features, LAI can serve as the sole closure recommendation. Based on partner communication, LAI can also be indicated as a primary or alternative recommendation, if appropriate.

For a typical AML project, LAI recommendations will constitute a minor proportion of overall closure recommendations.

Appendix 4: Exclusion Guidance

Exclusion Guidance as Excerpted from BCI's "Managing Abandoned Mines for Bats"

Timing of Exclusions

The exact timing of exclusions and site closures is best determined locally, given the variability in types of use by different species. As a general rule, bats must be active for exclusions to be effective, so all exclusions should be conducted outside of hibernation season. In general:

- The best time to implement exclusions and portal closures is during late summer or early fall, after cessation of maternity activities and before the onset of hibernation.

- Early-fall closures will best ensure a window for bats to find alternate hibernacula and will give females a full spring season to locate alternate maternity sites.

Exclusions for Destructive Closures

Regardless of the reason for a destructive closure of known or potential bat roosts, steps must be taken to ensure significant bat colonies are not destroyed as a direct result of closure activities. Managers should include adequate exclusions as a routine part of mine reclamation programs to minimize the risk of entombing bats in closed workings. Further, closures should be conducted immediately following exclusion to limit the chance of bats becoming reestablished in the mine. In general, these two guidelines can help determine whether exclusions should be conducted and how intense the exclusion effort should be.

Exclusions Not Required: Exclusions are generally not required if a mine does not offer potential bat habitat, as mutually agreed upon by all partners involved in the mine closure project.

Standard Exclusions: In general, exclusions are recommended at all mines that represent habitat for bats. Given the ephemeral and episodic use of some roosts, it is prudent to err on the side of caution and conduct standard exclusions efforts, especially if significant time has elapsed since biological assessments were conducted.

The use of one-inch mesh material (e.g., chicken wire, polypropylene or similar material) is most often used to exclude bats from a mine. Lighter-weight material may be used for remote mines that require physically transporting the material over long distances or rough terrain. Although this material is very effective for excluding bats, it may also entangle bats and other wildlife. Managers may need to develop a plan to periodically check exclusion materials at sites with large bat colonies or high use by other wildlife to prevent loss of entangled bats, amphibians, reptiles or birds.

Exclusion materials should be maintained for at least three nights prior to portal closure at mines that provide habitat and where little or no bat use has been detected. Simultaneously

covering all external openings with exclusion materials and leaving it in place for at least one week is an effective method for excluding most bat species from roosts. Difficulties in navigating through exclusion materials should cause bats to seek alternate roosts rather than continuing to access the mine through the wire.

For most species, simply spreading exclusion materials across portals will be sufficient to allow bats to exit a mine while effectively discouraging their return. However, not all bats in all roosts across all landscapes will respond in an identical manner. As a general rule, smaller colonies in areas where roosts are abundant tend to quickly abandon roosts after exclusion materials are installed. For example, exclusion materials left in place for three to five nights will usually cause small colonies of Townsend's big-eared bat roosting in small mines in Nevada to abandon the roosts.

Appendix C

U.S. Fish and Wildlife Service IPaC Report

DBS&A
a Geo-Logic Company

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
Phone: (505) 346-2525 Fax: (505) 346-2542

In Reply Refer To: August 14, 2023
Project Code: 2023-0116847
Project Name: La Ventana Mine Safeguarding

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act as amended (16 USC 668-668(c)). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area, and to recommend some conservation measures that can be included in your project design.

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the ESA is to provide a means whereby threatened and endangered species and

the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the ESA and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA; 42 USC 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico State agencies. These lists, along with species information, can be found at the following websites.

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: https://www.emnrd.nm.gov/sfd/rare-plants/

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html, integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

In addition to responsibilities to protect threatened and endangered species under the ESA, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the Service (50 CFR 10.12 and 16 USC 668(a)). For more information regarding these Acts see https://www.fenws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a Federal nexus) or a Bird/Eagle Conservation Plan (when there is no Federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php. We also recommend review of the Birds of Conservation Concern list (https://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php) to fully evaluate the effects to the birds at your site. This list identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent top conservation priorities for the Service, and are potentially threatened by disturbance, habitat impacts, or other project development activities.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 thereby provides additional protection for both migratory birds and migratory bird habitat. Please visit https://www.fws.gov/migratorybirds/pdf/management/executiveordertoprotectmigratorybirds.pdf for information

regarding the implementation of Executive Order 13186.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State protected and at-risk species fish, wildlife, and plants.

For further consultation with the Service we recommend submitting inquiries or assessments electronically to our incoming email box at nmesfo@fws.gov, where it will be more promptly routed to the appropriate biologist for review.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

PROJECT SUMMARY

Project Code: 2023-0116847
Project Name: La Ventana Mine Safeguarding
Project Type: Surface Reclamation - Coal
Project Description: The project is to implement mine safeguarding (backfilling) of four mine subsidence features, in addition to performing maintenance activities to safeguard a previously closed adit feature, of the Ventana Mine, using engineered bat-compatible closure methods if bats or suitable bat habitat are encountered.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@35.912062,-106.94435077309603,14z

Counties: Sandoval County, New Mexico

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Mexican Spotted Owl *Strix occidentalis lucida* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher *Empidonax traillii extimus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

FISHES

NAME	STATUS
Rio Grande Cutthroat Trout *Oncorhynchus clarkii virginalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/920	Candidate
Rio Grande Silvery Minnow *Hybognathus amarus* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1391	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: New Mexico Energy, Minerals, and Natural Resources Department
Name: Julie Kutz
Address: 6020 Academy NE
City: Albquerque
State: NM
Zip: 87109
Email jkutz@geo-logic.com
Phone: 5053539103

Appendix D

State Threatened/ Endangered Species, Colfax County

DBS&A
a Geo-Logic Company

Federal or State Threatened/Endangered Species
Sandoval

Taxonomic Group	# Species	Taxonomic Group	# Species
Amphibians	1	Birds	16
Fish	1	Lepidoptera; moths and butterflies	1
Mammals	4	Molluscs	2

TOTAL SPECIES: 25

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat	SGCN	Photo
Spotted Bat	Euderma maculatum	T			Y	View
Pacific Marten	Martes caurina	T			Y	View
White-nosed Coati	Nasua narica	E				View
Meadow Jumping Mouse	Zapus luteus luteus	E	E	Y	Y	View
Yellow-billed Cuckoo (western pop)	Coccyzus americanus occidentalis		T	Y	Y	View
Costa's Hummingbird	Calypte costae	T			Y	View
Broad-billed Hummingbird	Cynanthus latirostris	T			Y	View
Whooping Crane	Grus americana	E	E			No Photo
Neotropic Cormorant	Phalacrocorax brasilianus	T			Y	View
Brown Pelican	Pelecanus occidentalis	E				View
Bald Eagle	Haliaeetus leucocephalus	T			Y	View
Common Black Hawk	Buteogallus anthracinus	T			Y	View
Mexican Spotted Owl	Strix occidentalis lucida		T	Y	Y	View
Peregrine Falcon	Falco peregrinus	T			Y	View
Northern Beardless-Tyrannulet	Camptostoma imberbe	E			Y	View
Willow Flycatcher	Empidonax traillii brewsteri; adastus		E			View
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y	Y	View
Bell's Vireo	Vireo bellii	T			Y	View
Gray Vireo	Vireo vicinior	T			Y	View
Baird's Sparrow	Centronyx bairdii	T			Y	View
Jemez Mountains Salamander	Plethodon neomexicanus	E	E	Y	Y	View
Rio Grande Silvery Minnow	Hybognathus amarus	E	E	Y	Y	View
Wrinkled Marshsnail	Stagnicola caperata	E			Y	View
Monarch Butterfly	Danaus plexippus		C			View

Federal or State Threatened/Endangered Species
Sandoval

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat	SGCN	Photo
Paper Pondshell	Utterbackia imbecillis	E			Y	View

Attachment 2

Consultation

DBS&A
a Geo-Logic Company

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Dylan Fuge
Acting Cabinet Secretary

Dylan Fuge
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

April 1, 2024

Mr. Jeff Pappas Ph. D.,
State Historic Preservation Officer and Director
Historic Preservation Division
407 Galisteo Street, Suite 236
Bataan Memorial Bldg.
Santa Fe, NM 87501
Jeff.pappas@dca.nm.gov

RE: Cultural Resource Survey for the EMNRD Abandoned Mine Land Program La Ventana Mine Safeguard Project in Sandoval County, New Mexico (NMCRIS 154522)

Dear Dr. Pappas,

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is conducting preliminary environmental studies in advance of proposed abandoned mine reclamation and safeguarding work within the La Ventana Mining District. The proposed project is designed to protect the public from dangers associated with historical coal mining features such as adits, shafts, subsidence features, and other mine openings.

The project area is in Sandoval County, New Mexico, ~6.5 miles south of Cuba within the La Ventana Mining District east of the Nacimiento Mountains (USGS San Pablo Tank 7.5' quadrangle, in Township 20 N, Range 1 W, Section 33 and Township 19 N, Range 1 W, Section 4). The area of potential effect (APE) is composed of two disparate blocks covering a total area of ~66.60-acres (Attachment 1) that consists of public lands managed by the USDI – Bureau of Land Management's -Rio Puerco Field Office (BLM_RPFO) (~32-acres) and private land (~34.60-acres). The southern survey block encompasses the La Ventana Mine (McDonald-Kistler-Black Rose Mines) while the northern block covers the Padilla Mine. As a federally funded program this proposed AML undertaking is subject to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

The Project area includes the La Ventana Mining District where coal deposits were discovered towards the end of the 1800s. The first coal producing mines in the district developed between 1884 and 1900 providing fuel to nearby smelters for the copper mines in the Nacimiento Mountains. As

railroads expanded into northwest New Mexico in the 1920s, coal production in the area shifted from supplying the faltering hard rock industry to supplying the railroad industry. Commercial coal mining came to an end in the 1930s with the onset of the Great Depression and as the costs to maintain the railroad became untenable. From this point, only small-scale coal mines persisted, providing fuel to local residents. The Padilla and McDonald-Kistler-Black Rose Mines are two examples of this type of coal mine.

The AML is requesting SHPO review AML's identification and treatment of historic properties as documented in the above referenced report and associated LA Forms. Table 1 provides a summary of AML's National Register of Historic Places (NRHP) eligibility determinations based on our review of the accompanying cultural resources report and site forms. AML has assessed that the proposed undertaking will result in ***no adverse effect to historic properties*** or the mining landscape. The AML is seeking concurrence from the SHPO on our site eligibility determinations and effect assessment.

The portion of BLM Land addressed in the La Ventana and Padilla Mine Safeguarding Project (T:19N, R:1W, S:4) includes activities covered in the *Memorandum of Understanding between the State of New Mexico Energy, Minerals, and natural Resources Department (EMNRD) and the United States department of the Interior Bureau of Land Management, New Mexico State Office Concerning Abandoned Mine Land Reclamation* (BLM MOU NM- 920-2019-004/EMNRD No. 19-521-0620-0200). Attachment 2 is a copy of the AMLP's consultation with the BLM-LCDO.

The Comanche Nation of Oklahoma, Cochiti Pueblo, Hopi Tribe, Isleta Pueblo, Jemez Pueblo, Jicarilla Apache Nation, Laguna Pueblo, Navajo Nation, Ohkay Owingeh Pueblo, San Felipe Pueblo, San Ildefanso Pueblo, Sandi Pueblo, Santa Ana Pueblo, Santa Clara Pueblo, Santo Domingo Pueblo, Tesuque Pueblo, and Zia Pueblo were all consulted on the proposed undertaking and the potential cultural resource survey in August 2023. The San Ildefanso Pueblo Tribal Historic Preservation officer (THPO) provided the only response, requesting a copy of the final cultural resource report. As of this letter, the AML program has not received any responses from the remaining tribes.

As part of their preliminary studies, the EMNRD retained Okun Consulting Solutions (OCS) to perform a cultural resources inventory of the proposed project APE, and a full-coverage pedestrian survey was performed between August 20, 2023, and February 17, 2024, under the supervision of OCS archaeologists Adam Okun and Timothy Schoonover. The results are reported in the attached report under NMCRIS Activity No. 154522 titled, *Cultural Resource Survey for the EMNRD Abandoned Mine Land Program La Ventana Mine Safeguard Project in Sandoval County, New Mexico.*

During the current investigation, OCS documented one newly recorded site (LA 203982) and two previously recorded sites (LA 56727 and LA 57257). OCS also investigated LA 59041 which could not be located but shows to be located within the current APE according to the New Mexico Cultural Resource Information System (NMCRIS) Map Service database (Table 1.). The three documented sites all date to the historic period and have a New Mexico Statehood to Recent Historic temporal affiliation spanning the dates 1917 to 1968. Three Isolated Occurrences (IOs) were encountered in the project area and are not considered eligible for listing in the NRHP.

Of the three recorded sites, OCS recommended one site *eligible* and the remaining two sites *not eligible* for listing in the NRHP. Given certain integrity standards can be met, archaeological sites' eligibility evaluations are primarily evaluated for their information potential under NRHP eligibility

Criterion D, but can also be eligible for listing under Criteria A, B, and C. OCS states in their report, *"[NRHP] evaluation of the three mining sites took into account previous eligibility determinations made by the AML Program and subsequent concurrences issued by the SHPO, but all sites were reevaluated using National Register Bulletin 15 and other resources providing guidance for the of evaluation of historic mining properties."* The primary factors influencing the OCS NRHP eligibility recommendation were, *"(1) whether a site contained habitation loci with potential for intact subsurface archaeological deposits (Criterion D) and (2) whether a site contained intact or unique mine engineering features with the ability to visually convey an association with the period of historic mining in La Ventana (Criterion A)."* Okun continues, "*None of the sites in the project area have demonstratable associations with significant historical people that would qualify them for listing under Criterion B, nor do they exhibit the levels of integrity necessary to qualify as excellent examples of a unique engineering style or methods of construction (Criterion C)."*

Table 1.) Site Summary and NRHP Eligibility

LA Number	Occupation Type	Land Status	OCS Eligibility Recommendations	Other Agency Eligibility Determinations (BLM-RPFO)	AMPL Eligibility Determination	Past SHPO Eligibility Recommendations
56727	Historic Mining	BLM-RPFO/ Private	Eligible, D	Eligible, D	Eligible, D	NA
57257	Historic Mining	Private	Not Eligible	NA	Not Eligible	Not Eligible (NMCRIS 94134, HPD Log 75732 & 84362)
59041	Historic Mining	BLM RPFO	Unevaluated (Not Relocated)	Unevaluated (Not Relocated)	Unevaluated (Not Relocated)	NA
203982	Prehistoric	Private	Not Eligible	NA	Not Eligible	NA

Only LA 56727 (McDonald/Kistler-Black Rose Mine, Attachment 3) was recommended *eligible* for listing in the NRHP. LA 56727 is a historic period mining site assigned a NM Statehood to Recent cultural affiliation (A.D. 1917-1953) and is determined eligible under Criteria D by the AML as our agency concurs with OCS's NRHP recommendation. OCS's reasoning is as follows, "*the mining and engineering features on the site lack the integrity necessary to convey their historic associations, and they do not embody distinctive design or engineering characteristics. However, Feature 1 and the surrounding area represent a habitation locus with the potential to contain significant cultural deposits that could provide information about twentieth century coal mining and the subsistence practices, economic networks, and ethnicity of local miners in the La Ventana mining district. As a result, LA 56727 is recommended as eligible for listing on the NRHP under Criterion D."*

Both LA 57257 (Padilla Mine, Attachment 4) and LA 203982 have been determined *not eligible* for listing to the NRHP. In both instances, any past features have been closed or infilled by past AML remediation, natural process, or private entities. These past actions have left little to no evidence of the past mining activities resulting in both sites having been stripped of any integrity they may have once possessed.

In general, AML safeguards mine features that are eight (8) feet or more in depth or length, which descend into the ground surface. AML safeguarding activities include a variety proposed methods such as mechanically or manually filling mine openings with waste material (from surroundings or imported) and/or polyurethane foam (PUF) and building structural barriers that restrict human access such as fences, locking gates, cupolas, or other wildlife compatible closures. These safeguarding measures minimize exposure of hazardous abandoned mine openings to the public, while also working to preserve the visual and informational integrity of cultural manifestations, and wildlife habitat, if present.

Between LA 56727 and LA 57257 (Attachments 3 & 4), there are six dangerous opening features that will be treated in the proposed undertaking which pose a danger to human safety and health (Table 2). These six features were discovered during routine maintenance checks by AML staff at mine locations addressed during past agency remediation projects. They consist of five subsidence features that have occurred in proximity to, and are likely associated with, previously abated mining features. The last feature is an adit (or powder house) opening on LA 56727 (LV-9, Okun Feature 18) where the previous abatement is now showing signs of imminent failure and needs to be redesigned. There is potential for additional subsidence features to exist on either site that have not been encountered as of this letter. If encountered during construction, the AML will address these features while on site using typical closure and safeguarding methods as mentioned above or as proposed for the features in Table 2.

During environmental studies conducted in preparation for this project, a nest of ~13 hibernating bats were discovered in one of the subsidence features at LA 56727. The other subsidence features at the site exhibited traits conducive to bat habitat. This was not the case for the single subsidence feature at LA 57257. Consequently, the AML has chosen to install bat compatible closures at five features at LA 56727 to maintain and develop this bat habitat while backfilling the subsidence at LA 57257 with readily available local materials (Table 2).

Table 2.) Safeguard Method by Feature

LA Number	ALMP Feature Designation	Okun Feature Number	Remediation Method	Feature Type
56727	LV - 6	F 11	Culvert w/bat gate, puff & fill	Subsidence
56727	LV - 7	F 12	Culvert w/bat gate, puff & fill	Subsidence
56727	LV - 9	F 18	Bulkhead using local stone & culvert w/bat gate integrated with current wooden structure design	Adit / Powder House
56727	SP-3 S.1.	F 21	Culvert w/bat gate, puff & fill: Addressed simultaneously with SP-3 S.2. abatement method due to proximity	Subsidence
56727	SP-3 S.2.	F 22	Culvert w/bat gate, puff & fill: Addressed simultaneously with SP-3 S.1. abatement method due to proximity	Subsidence
57257	Padilla Mine Subsidence	F 3	Backfill w/local materials	Subsidence

Typical AML projects have a suite of standard procedures for reclaiming and safeguarding mining features as described above. For this undertaking, all the dangerous mine features were abated in 1988 during an earlier AML project that predates this current set of procedures. This previous AML work resulted in the erasure of a suite of mine features, except for Feature 1 and Feature 18 (LV-9) at LA 56727, that included adits, rail spurs, and gob waste piles. OCS observed there are no records of a past SHPO review for effects associated with this past work but the 1987 (Oakes) cultural resource report for the archaeological investigation done in advance of the project for the AML, "*noted that the site [LA 56727] was representative of early to mid-twentieth century, small scale coal mining operations in New Mexico, but* ***"the mining features and related remains were architecturally non-distinctive and lacked specific association with important persons or events in local or regional history."*** *While this is not a formal recommendation, it is clear from the report and current observations that clearance for mine remediation was granted."*

The proposed safeguarding methods for each feature are listed in Table 2. Five of the six features are subsidence features that have opened to the mine workings below. Due to the presence of bats within the mine workings at LA 56727, AML plans to install bat compatible closures consisting of a cylindrical shaped steel culvert connecting the mine workings to the surface. A bat compatible steel gate will be bolted to the entrance of the culvert to restrict human access. Culverts are held in place using PUF securing the culvert to the rock edges of the mine workings. Locally sourced sediment and rock waste from within the APE, but outside the site boundary, will be placed over the PUF. For Feature 18 (LV-9) at LA 56727, the AML plans to install a stone bulkhead using local stone, to envelope and leave the current feature structure in place. A steal culvert will be placed through the structure entrance and set in place with PUF and stone. Like the previous culverts, a bat compatible steel gate will be bolted to the entrance of the culvert to restrict human access. Photo examples of similar closures completed by the AML during past projects can be viewed in Attachment 5. Structural closures are typically built on site to BLM Visual Resource Management specifications (https://www.blm.gov/programs/recreation/recreation-programs/visual-resource-management).

There are no concerns for bats at the subsidence being treated at LA 57257, consequently, AML plans to mechanically or manually backfill the feature using waste materials located in a large waste pile less than 100 m from the feature.

During the construction phase the AML's chosen safeguarding methods were considered for their capability to protect the visual and informational integrity of the archaeological sites eligible for listing in the NRHP (LA 56727). AML proposes to avoid any remaining mine related features (Feature 1 and its surroundings at LA 56727) outside the treatment areas with all equipment, vehicles, foot traffic, and any other ground surface disturbing activities during construction. Whenever possible, AML will use existing roads to access the features scheduled for closure. Designated avoidance areas that extend up to 50 feet (15 meters) from cultural resources will be established prior to construction. When working near designated avoidance areas and where construction access routes pass next to these locations, high visibility barrier/indicators will be installed around the avoidance perimeter. The Contractor, AML Cultural Resource Manager/Archaeologist, and AML Project Manager shall cooperate fully with avoidance practices to preserve archaeological and historic artifacts found within the project area. Moving, removal, or collecting of archaeological or historic materials from the project area or vicinity is prohibited.

Lastly, if previously unidentified archaeological sites, deposits, or in situ artifacts are encountered, all operation in that immediate area shall be terminated (100-ft. radius, 30 meters) until the proper

preservation agencies and Native American groups have been notified and offered the opportunity to assess the discovery site.

Following the above protocol, AML has assessed that the proposed undertaking will result in ***no adverse effect to historic properties***. The AML is seeking concurrence from the SHPO on site eligibility determinations and on the AML's project effect assessment. Accordingly, please review OCS's report and site forms and provide AML with any comments, recommendations, or corrections. The report (NMCRIS Activity No. 154522) and cultural resource documentation (LA Forms) can be accessed through the NMCRIS online database.

If the SHPO has no objections, please return a signed copy of this correspondence to concur with the AML determinations as presented. Lastly, the AML will forward any project related correspondence it receives from the SHPO to the BLM-RPFO for their project file.

If you would like additional information or have any questions, please feel free to contact me by email at andrew.zink@emnrd.nm.gov or by phone at 505-490-7379.

Thank you for your coordination in this project.

Sincerely,

Andrew Zink
AMLP Cultural Resources Manager
EMNRD-MMD

Concur with Recommendations as Proposed

HPD Log 122226

CC: Geoff Cunnar, NM HPD Archaeological Review
Lloyd Moiola, AML Environmental Manager
Laurence D'Alessandro, AML Project Manager
James Hollen, AML NEPA Coordinator

Concurrence: _____ _____ Date: __4/11/2023_____

For: New Mexico SHPO

Comments: _____

Enc:

Attachment 1:	Project Area Overview Map
Attachment 2:	BLM Consultation Concurrence Letter
Attachment 3:	Site Map LA 56727, McDonald/Kistler-Black Rose Mine
Attachment 4:	Site Map LA 57267, Padilla Mine
Attachment 5:	Examples of similar Past Safeguarding Results

Attachment 2

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Dylan Fuge
Acting Cabinet Secretary

Dylan Fuge
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

March 13, 2024

Patricia Bailey
Acting Field Manager
Rio Puerco Field Office
100 Sun Avenue NE
Albuquerque, NM 87109
pbailyey@blm.gov

RE: Cultural Resource Survey for the EMNRD Abandoned Mine Land Program La Ventana Mine Safeguard Project in Sandoval County, New Mexico (NMCRIS 154522)

Dear Ms. Bailey,

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is conducting preliminary environmental studies involving land managed by the Rio Puerco Field Office of the USDI-Bureau of Land Management (BLM-RPFO). The project area is in Sandoval County, New Mexico, ~6.5 miles south of Cuba within the La Ventana Mining District east of the Nacimiento Mountains (Attachment 1). The portion of BLM Land addressed in the La Ventana and Padilla Mine Safeguarding Project (T:19N, R:1W, S:4) includes activities covered in the *Memorandum of Understanding between the State of New Mexico Energy, Minerals, and natural Resources Department (EMNRD) and the United States department of the Interior Bureau of Land Management, New Mexico State Office Concerning Abandoned Mine Land Reclamation* (BLM MOU NM- 920-2019-004/EMNRD No. 19-521-0620-0200).

As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004). In continued coordination under the MOU, the AML is submitting the above referenced report and accompanying site forms, and requests comment from the BLM-RPFO regarding the identification of historic properties on BLM managed lands with specific attention to the AML's National Register of Historic Places (NRHP) eligibility determinations and our assessment of project effects based on their treatment as proposed in this letter.

The Comanche Nation of Oklahoma, Cochiti Pueblo, Hopi Tribe, Isleta Pueblo, Jemez Pueblo, Jicarilla Apache Nation, Laguna Pueblo, Navajo Nation, Ohkay Owingeh Pueblo, San Felipe Pueblo,

San Ildefanso Pueblo, Sandi Pueblo, Santa Ana Pueblo, Santa Clara Pueblo, Santo Domingo Pueblo, Tesuque Pueblo, and Zia Pueblo were all consulted on the proposed undertaking and the potential cultural resource survey in August 2023. The San Ildefanso Pueblo Tribal Historic Preservation officer (THPO) provided the only response, requesting a copy of the final cultural resource report. As of this letter, the AML program has not received any responses from the remaining tribes.

The proposed closure project is designed to protect the public from dangers associated with historical coal mining features such as adits, shafts, subsidence features, and other mine openings. The area of potential effect (APE) is composed of two disparate blocks covering a total area of ~66.60-acres (Attachment 1) that consists of public lands managed by the BLM-RPFO (~32-acres) and private land (~34.60-acres). The southern survey block encompasses the La Ventana Mine (McDonald-Kistler-Black Rose Mines) while the northern block covers the Padilla Mine.

The Project area includes the La Ventana Mining District where coal deposits were discovered towards the end of the 1800s. The first coal producing mines in the district developed between 1884 and 1900 providing fuel to nearby smelters for the copper mines in the Nacimiento Mountains. As railroads expanded into northwest New Mexico in the 1920s, coal production in the area shifted from supplying the faltering hard rock industry to supplying the railroad industry. Commercial coal mining came to an end in the 1930s with the onset of the Great Depression and with as costs to maintain the railroad became untenable. From this point, only small-scale coal mines persisted, providing fuel to local residents. The Padilla and McDonald-Kistler-Black Rose Mines are two examples of this type of coal mine.

As part of their preliminary studies, the EMNRD retained Okun Consulting Solutions (OCS) to perform a cultural resources inventory of the proposed project APE, and a full-coverage pedestrian survey was performed between August 20, 2023, and February 17, 2024, under the supervision of OCS archaeologists Adam Okun and Timothy Schoonover. The results are reported in the attached report under NMCRIS Activity No. 154522 titled, *Cultural Resource Survey for the EMNRD Abandoned Mine Land Program La Ventana Mine Safeguard Project in Sandoval County, New Mexico.*

During the current investigation, OCS documented one newly recorded site (LA 203982) and two previously recorded sites (LA 56727 and LA 57257). OCS also investigated LA 59041 which could not be located but shows to be located within the current APE according to the New Mexico Cultural Resource Information System (NMCRIS) Map Service database (Table 1.). The three documented sites all date to the historic period and have a New Mexico Statehood to Recent Historic temporal affiliation spanning the dates 1917 to 1968. Three Isolated Occurrences (IOs) were encountered in the project area and are not considered eligible for listing in the NRHP.

Of the three recorded sites, OCS recommended one site *eligible* and the remaining two sites *not eligible* for listing in the NRHP. Given certain integrity standards can be met, archaeological sites' eligibility evaluations are primarily evaluated for their information potential under NRHP eligibility Criterion D, but can also be eligible for listing under Criteria A, B, and C. OCS states in their report, *"[NRHP] evaluation of the three mining sites took into account previous eligibility determinations made by the AML Program and subsequent concurrences issued by the SHPO, but all sites were reevaluated using National Register Bulletin 15 and other resources providing guidance for the of evaluation of historic mining properties."* The primary factors influencing the OCS NRHP eligibility recommendation were, *"(1) whether a site contained habitation loci with potential for intact subsurface archaeological deposits (Criterion D) and (2) whether a site contained intact or*

unique mine engineering features with the ability to visually convey an association with the period of historic mining in La Ventana (Criterion A)." Okun continues, "*None of the sites in the project area have demonstratable associations with significant historical people that would qualify them for listing under Criterion B, nor do they exhibit the levels of integrity necessary to qualify as excellent examples of a unique engineering style or methods of construction (Criterion C).*"

Table 1.) Site Summary and NRHP Eligibility

LA Number	Occupation Type	Land Status	OCS Eligibility Recommendations	Other Agency Eligibility Determinations (BLM-RPFO)	AMPL Eligibility Determination	Past SHPO Eligibility Recommendations
56727	Historic Mining	BLM-RPFO/ Private	Eligible, D		Eligible, D	NA
57257	Historic Mining	Private	Not Eligible	NA	Not Eligible	Not Eligible (NMCRIS 94134, HPD Log 75732 & 84362)
59041	Historic Mining	BLM RPFO	Unevaluated (Not Relocated)		Unevaluated (Not Relocated)	NA
203982	Prehistoric	Private	Not Eligible	NA	Not Eligible	NA

Only LA 56727 (McDonald/Kistler-Black Rose Mine, Attachment 2) was recommended *eligible* for listing in the NRHP. LA 56727 is a historic period mining site assigned a NM Statehood to Recent cultural affiliation (A.D. 1917-1953) and is determined eligible under Criteria D by the AML as our agency concurs with OCS's NRHP recommendation. OCS's reasoning is as follows, "*the mining and engineering features on the site lack the integrity necessary to convey their historic associations, and they do not embody distinctive design or engineering characteristics. However, Feature 1 and the surrounding area represent a habitation locus with the potential to contain significant cultural deposits that could provide information about twentieth century coal mining and the subsistence practices, economic networks, and ethnicity of local miners in the La Ventana mining district. As a result, LA 56727 is recommended as eligible for listing on the NRHP under Criterion D.*"

Both LA 57257 (Padilla Mine, Attachment 3) and LA 203982 have been determined *not eligible* for listing to the NRHP. In both instances, any past features have been closed or infilled by past AML remediation, natural process, or private entities. These past actions have left little to no evidence of the past mining activities resulting in both sites having been stripped of any integrity they may have once possessed.

In general, AML safeguards mine features that are eight (8) feet or more in depth or length, which descend into the ground surface. AML safeguarding activities include a variety proposed methods such as mechanically or manually filling mine openings with waste material (from surroundings or imported) and/or polyurethane foam (PUF) and building structural barriers that restrict human access such as fences, locking gates, cupolas, or other wildlife compatible closures. These safeguarding measures minimize exposure of hazardous abandoned mine openings to the public, while also

working to preserve the visual and informational integrity of cultural manifestations, and wildlife habitat, if present.

Between LA 56727 and LA 57257 (Attachments 1 & 2), there are six dangerous opening features that will be treated in the proposed undertaking which pose a danger to human safety and health (Table 2). These six features were discovered during routine maintenance checks by AML staff at mine locations addressed during past agency remediation projects. They consist of five subsidence features that have occurred in proximity to, and are likely associated with, previously abated mining features. The last feature is an adit (or powder house) opening on LA 56727 (LV-9, Okun Feature 18) where the previous abatement is now showing signs of imminent failure and needs to be redesigned. There is potential for additional subsidence features to exist on either site that have not been encountered as of this letter. If encountered during construction, the AML will address these features while on site using typical closure and safeguarding methods as mentioned above or as proposed for the features in Table 2.

During environmental studies conducted in preparation for this project, a nest of ~13 hibernating bats were discovered in one of the subsidence features at LA 56727. The other subsidence features at the site exhibited traits conducive to bat habitat. This was not the case for the single subsidence feature at LA 57257. Consequently, the AML has chosen to install bat compatible closures at five features at LA 56727 to maintain and develop this bat habitat while backfilling the subsidence at LA 57257 with readily available local materials (Table 2).

Table 2.) Safeguard Method by Feature

LA Number	ALMP Feature Designation	Okun Feature Number	Remediation Method	Feature Type
56727	LV - 6	F 11	Culvert w/bat gate, puff & fill	Subsidence
56727	LV - 7	F 12	Culvert w/bat gate, puff & fill	Subsidence
56727	LV - 9	F 18	Bulkhead using local stone & culvert w/bat gate integrated with current wooden structure design	Adit / Powder House
56727	SP-3 S 1	F 21	Culvert w/bat gate, puff & fill Addressed simultaneously with SP-3 S 2 abatement method due to proximity	Subsidence
56727	SP-3 S 2	F 22	Culvert w/bat gate, puff & fill Addressed simultaneously with SP-3 S 1 abatement method due to proximity	Subsidence
57257	Padilla Mine Subsidence	F 3	Backfill w/local materials	Subsidence

Typical AML projects have a suite of standard procedures for reclaiming and safeguarding mining features as described above. For this undertaking, all the dangerous mine features were abated in 1988 during an earlier AML project that predates this current set of procedures. This previous AML work resulted in the erasure of a suite of mine features, except for Feature 1 and Feature 18 (LV-9) at LA 56727, that included adits, rail spurs, and gob waste piles. OCS observed there are no records of a past SHPO review for effects associated with this past work but the 1987 (Oakes) cultural resource report for the archaeological investigation done in advance of the project for the AML, "*noted that the site [LA 56727] was representative of early to mid-twentieth century, small scale*

coal mining operations in New Mexico, but "the mining features and related remains were architecturally non-distinctive and lacked specific association with important persons or events in local or regional history." While this is not a formal recommendation, it is clear from the report and current observations that clearance for mine remediation was granted."

The proposed safeguarding methods for each feature are listed in Table 2. Five of the six features are subsidence features that have opened to the mine workings below. Due to the presence of bats within the mine workings at LA 56727, AML plans to install bat compatible closures consisting of a cylindrical shaped steel culvert connecting the mine workings to the surface. A bat compatible steel gate will be bolted to the entrance of the culvert to restrict human access. Culverts are held in place using PUF securing the culvert to the rock edges of the mine workings. Locally sourced sediment and rock waste from within the APE, but outside the site boundary, will be placed over the PUF. For Feature 18 (LV-9) at LA 56727, the AML plans to install a stone bulkhead using local stone, to envelope and leave the current feature structure in place. A steal culvert will be placed through the structure entrance and set in place with PUF and stone. Like the previous culverts, a bat compatible steel gate will be bolted to the entrance of the culvert to restrict human access. Photo examples of similar closures completed by the AML during past projects can be viewed in Attachment 4. Structural closures are typically built on site to BLM Visual Resource Management specifications (https://www.blm.gov/programs/recreation/recreation-programs/visual-resource-management).

There are no concerns for bats at the subsidence being treated at LA 57257, consequently, AML plans to mechanically or manually backfill the feature using waste materials located in a large waste pile less than 100 m from the feature.

During the construction phase the AML's chosen safeguarding methods were considered for their facility to protect the visual and informational integrity of the archaeological sites eligible for listing in the NRHP (LA 56727). AML proposes to avoid any remaining mine related features (Feature 1 and its surroundings at LA 56727) outside the treatment areas with all equipment, vehicles, foot traffic, and any other ground surface disturbing activities during construction. Whenever possible, AML will use existing roads to access the features scheduled for closure. Designated avoidance areas that extend up to 50 feet (15 meters) from cultural resources will be established prior to construction. When working near designated avoidance areas and where construction access routes pass next to these locations, high visibility barrier/indicators will be installed around the avoidance perimeter. The Contractor, AML Cultural Resource Manager/Archaeologist, and AML Project Manager shall cooperate fully with avoidance practices to preserve archaeological and historic artifacts found within the project area. Moving, removal, or collecting of archaeological or historic materials from the project area or vicinity is prohibited.

Lastly, if previously unidentified archaeological sites, deposits, or in situ artifacts are encountered, all operation in that immediate area shall be terminated (100-ft. radius, 30 meters) until the proper preservation agencies and Native American groups have been notified and offered the opportunity to assess the discovery site.

Following the above protocol, AML has assessed that the proposed undertaking will result in ***no adverse effect to historic properties***. The AML is seeking concurrence from the BLM-RPFO on site eligibility determinations for sites located on BLM Land, and on the AML's project effect assessment. Accordingly, please review OCS's report and site forms and provide AML with any comments, recommendations, or corrections for sites managed by the BLM-RPFO (See LA 56727).

The report (NMCRIS Activity No. 154522) and cultural resource documentation (LA Forms) can be accessed through the NMCRIS online database.

If the BLM-RPFO has no objections, please return a signed copy of this correspondence to concur with the AML determinations as presented. Along with BLM-RPFO's responses, the AML will forward copies of the final report and administrative documents to the SHPO for final review and concurrence. Lastly, the AML will forward any project related correspondence it receives from the SHPO to the BLM-RPFO for their project file.

If you would like additional information or have any questions, please feel free to contact me by email at andrew.zink@emnrd.nm.gov or by phone at 505-490-7379.

Thank you for your coordination in this project.

Sincerely,

Andrew Zink
AMLP Cultural Resources Manager
EMNRD-MMD

CC: Stephanie Jefferies, BLM-RPFO Archaeologist
Lloyd Moiola, AML Environmental Manager
Laurence D'Alessandro, AML Project Manager
James Hollen, AML NEPA Coordinator

PATRICIA BAILEY Digitally signed by PATRICIA BAILEY
Date: 2024.03.21 09:27:07 -06'00'

Concurrence: _____ Date: _____

For: BLM-RPFO Field Manager

Comments: Report reviewed by RPFO archaeologist, Michael Merritt. BLM RPFO concurs with NRHP eligibility reccomendations as well as No Adverse Effect determinations to eligible historic properties given report recommendations are implemented.

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August 16, 2023

Ms. Martina Minthorn
Tribal Historic Preservation Officer
Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502
martina.minthorn@comanchenation.com

RE: *Proposed Abandoned Mine Safeguarding and Mitigation Project, La Ventana & Padilla Mining District, Sandoval County, New Mexico.*

Dear Ms. Minthorn

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is conducting preliminary environmental studies for proposed mine safeguarding activities in two separate areas within the La Ventana Mining District near the intersection of Old Highway 44 (CR 11) and San Miguel Road. (FS 78) in northern Sandoval County, New Mexico. As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

The area of potential effect (APE) is determined in consultation with project managers and engineers and accounts for the planned mine remediation and environmental concerns, including cultural resources. The APE consists of two discrete areas of abandoned mine features and subsidence. These two areas are being addressed together due to their proximity to one another (Attachment 1). The APE is expected to encompass all the physical actions of the undertaking and covers an area of ~67 acres. The northern block of the APE (~21 acres) is entirely private land and consists of the mine workings for the abandoned Padilla Mine (LA 57257) in T:20N, R;1W, S:33. The southern block of the APE (~46 acres) is mostly land managed by the USDI - Bureau of Land Management, Rio Puerco Field Office (BLM_RPFO) and is located approximately three-quarters of a mile south of the abandoned Padilla Mine in T:19N, R1W, S:4. A small portion of land in the northeast of the southern block APE is privately owned.

Previous cultural resource identification efforts in the area have been extensive. The most recent cultural resource survey and inventory of the southern block was performed by the Office of Archaeological Studies (NMCRIS 43119) in 1991, and only covered a portion of the current APE. The earliest investigations (NMCRIS 31479 & 81198) were Class I and Class II cultural resource investigations performed by Eastern New Mexico University (ENMU) in the 1970s covering over 32,000 acres of BLM grazing lands within the Rio Puerco basin. Portions of these surveys included the southern block of the current APE. From 1977 to 1980, the School of American Research performed a series of cultural resource surveys for Ideal Basic Industries and the La Ventana Coal Project in compliance with the NHPA and Section 106. Two of these surveys (NMCRIS 8075 and NMCRIS 8076) intersect with the southern block of the APE.

In 1985, the Abandoned Mine Land Bureau (now the Abandoned Mine Land Program) began their safeguarding activities in the area, which included portions of both the northern and southern blocks of the current APE. The AML brought in the Museum of New Mexico, Laboratory of Anthropology (now the Department of Cultural Affairs' Office of Archaeological Studies) to conduct the cultural resource survey (NMCRIS 17342) ahead of their planned activities. Two mining related historic archaeological sites were documented within the two blocks of the current APE. LA 56727 was documented in the southern block and LA 57257 in the northern block. These two sites contained many of the mine features that were subject to past AML safeguarding activities. Neither site appears to have been evaluated for their NRHP eligibility at the time.

1988 saw Rio Grande Consultants (RGC) conduct an archaeological survey (NMCRIS 20339) for the New Mexico Department of Transportation (NMDOT) in preparation for a proposed gravel pit. RGC's survey covered the entirety of the proposed northern APE and though LA 57257 had been previously recorded, there is no documentation showing RGC updated the site. RGC did describe the area as having undergone extensive disturbances from previous surface stripping for gravel extraction and subsequent reseeding activities which had removed any potential for the area to produce prehistoric cultural materials.

LA 57257 was last addressed in 2008 when AML did a site-specific visit to update their own 2005 recording of the site under NMCRIS 94134 in preparation for additional mine safeguarding activities. The 2005, the AML determined the site *not eligible* for listing in the National Register of Historic Places (NRHP). The SHPO concurred with the *not eligible* determination on October 11, 2005 (HPD Log 75732) and maintained the *not eligible* recommendation on June 19, 2008, when reviewing the site update (HPD Log 84362).

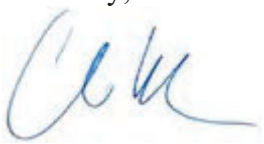
Although past NMCRIS activities provided full survey coverage of both blocks of the APE, the AML plans to initiate a cultural resource inventory for its entirety and update existing cultural resources within its boundaries. The basis for this decision is that previous activities occurred most recently 15 years ago, and before that, the cultural resource inventories occurred between 39 – 49 years ago. Most of the documentation that took place during these activities is incomplete with regards to modern recording methods and standards, and the recent 2005 activity occurred as CPRC rule 4.10.15 NMAC – *Standards for Survey and Inventory* was just beginning to be implemented by the State of New Mexico. Although there are integrity issues for LA 56727 and LA 57257 affecting their NRHP eligibility, re-evaluations will be needed to account for the changing perceptions of significance in mining sites that have occurred over the last 15 – 50 years.

If the Comanche Nation of Oklahoma would like a copy of the culture resource report once the inventory is completed, please sign the provided signature block below and return the signed letter to

the AMLP. Any comments the Comanche Nation of Oklahoma may have on the proposed AMLP safeguarding undertaking can be added to the space provided below.

If you would like additional information or have any questions, please feel free to contact me by email at andrew.zink@emnrd.nm.gov or by phone at 505-490-7379.

Sincerely,



Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113

Attachments: 1.) Project Area Map & Proposed APE

Concurrence: _____ Date: _____

For: Tribal Historic Preservation Officer

Comments: _____

From:	Zink, Andrew, EMNRD
To:	"martina.minthorn@comanchenation.com"
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	Wednesday, August 16, 2023 2:02:00 PM
Attachments:	Comanche Nation of OK_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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Ms. Minthorn –

The Abandoned Mine Land Program is planning safeguarding activities for two mines located in northern Sandoval County, NM. We are reaching out to see if the Comanche Nation of Oklahoma has any concerns about the project and/or would like a copy of the report once the cultural resource survey has been completed and the report finalized. Our consultation letter is attached. Please feel free to contact me directly with any concerns or questions.

Sincerely,

Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Microsoft Outlook
To:	martina.minthorn@comanchenation.com
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	Wednesday, August 16, 2023 2:03:13 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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martina.minthorn comanchenation.com martina.minthorn comanchenation.com mailto martina.minthorn comanchenation.com
Subject AMLP La entana and Padilla Mine Safeguarding Project

From:	Martina Minthorn
To:	Zink, Andrew, EMNRD
Subject:	Read: E ERNAL AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	Wednesday, August 16, 2023 2:06:3 PM

our message
To Martina Minthorn
Subject T NAL AMLP La entana and Padilla Mine Safeguarding Project
Sent Wednesday, August , PM TC Central America
was read on Wednesday, August , PM TC Central America.

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August ,

Mr. Stewart oyiyumptewa
Cultural Preservation Office irector
The opi Tribe
P.O. o
ykotsmovi, AZ
skoyiyumptewa hopi.nsn.us

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear Mr. oyiyumptewa

The New Me ico Abandoned Mine Land Program AML , in partnership with the .S. epartment of the nterior S , Office of Surface Mining eclamation and nforcement OSM , is conducting preliminary environmental studies for proposed mine safeguarding activities in two separate areas within the La entana Mining istrict near the intersection of Old ighway C and San Miguel oad. S in northern Sandoval County, New Me ico. As a federally funded program this proposed AML undertaking is subject to Section .S.C. of the National istoric Preservation Act N PA .S.C. et seq. and its implementing regulations C Part Protection of istoric Properties, as revised August .

The area of potential effect AP is determined in consultation with project managers and engineers and accounts for the planned mine remediation and environmental concerns, including cultural resources. The AP consists of two discrete areas of abandoned mine features and subsidence. These two areas are being addressed together due to their pro imity to one another Attachment . The AP is e pected to encompass all the physical actions of the undertaking and covers an area of acres. The northern block of the AP acres is entirely private land and consists of the mine workings for the abandoned Padilla Mine LA in T N, W, S . The southern block of the AP acres is mostly land managed by the S ureau of Land Management, io Puerco ield Office LM P O and is located appro imately three quarters of a mile south of the abandoned Padilla Mine in T N, W, S . A small portion of land in the northeast of the southern block AP is privately owned.

Previous cultural resource identification efforts in the area have been e tensive. The most recent cultural resource survey and inventory of the southern block was performed by the Office of Archaeological Studies NMC S in , and only covered a portion of the current AP . The earliest investigations NMC S were Class and Class cultural resource investigations performed by astern New Me ico niversity NM in the s covering over , acres of LM grazing lands within the io Puerco basin. Portions of these surveys included the southern block of the current AP . rom to , the School of American esearch performed a series of cultural resource surveys for deal asic ndustries and the La entana Coal Project in compliance with the N PA and Section . Two of these surveys NMC S and NMC S intersect with the southern block of the AP .

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Although past NMC S activities provided full survey coverage of both blocks of the AP , the AML plans to initiate a cultural resource inventory for its entirety and update e isting cultural resources within its boundaries. The basis for this decision is that previous activities occurred most recently years ago, and before that, the cultural resource inventories occurred between – years ago. Most of the documentation that took place during these activities is incomplete with regards to modern recording methods and standards, and the recent activity occurred as CP C rule . . NMAC – *Standards or Survey and nventory* was just beginning to be implemented by the State of New Me ico. Although there are integrity issues for LA and LA affecting their N P eligibility, re evaluations will be needed to account for the changing perceptions of significance in mining sites that have occurred over the last – years.

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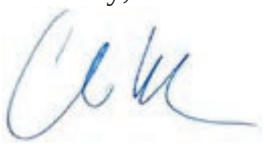
comments The Hopi Tribe may have on the proposed AMLP safeguarding undertaking can be added to the space provided below.

f you would like additional information or have any questions, please feel free to contact me by email at andrew.zink emnrd.nm.gov or by phone at .

Sincerely,



Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Cultural Preservation Office irector

Comments

From:	Zink, Andrew, EMNRD
To:	skoyiyumptewa@hopi.nsn.us
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 10:23:00 AM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz _opi_ri_e_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

Mr. oyiyumptewa

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Sincerely,

Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Microsoft Outlook
To:	skoyiyumptewa@hopi.nsn.us
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 10:23:3 AM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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skoyiyumptewa hopi.nsn.us skoyiyumptewa hopi.nsn.us mailto skoyiyumptewa hopi.nsn.us
Subject AMLP La entana and Padilla Mine Safeguarding Project

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

uly ,

r. effery lythe
Tribal istoric Preservation Officer
icarilla Apache Nation
P.O. o
ulce, NM
janthpo gmail.com

Proposed Area o Potential E ects or Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Mining District, Sandoval County, New Mexico.

ear r. lythe,

The New Me ico Abandoned Mine Land Program AML , in partnership with the .S. epartment of the nterior S , Office of Surface Mining eclamation and nforcement OSM , is conducting preliminary environmental studies for proposed mine safeguarding activities in two separate areas within the La entana Mining istrict near the intersection of Old ighway C and San Miguel oad. S in northern Sandoval County, New Me ico. As a federally funded program this proposed AML undertaking is subject to Section .S.C. of the National istoric Preservation Act N PA .S.C. et seq. and its implementing regulations C Part Protection of istoric Properties, as revised August .

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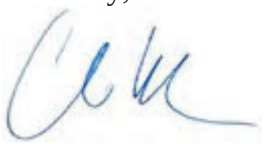
Any comments the icarilla Apache Nation may have on the proposed AMLP safeguarding undertaking can be added to the space provided below.

f you would like additional information or have any questions, please feel free to contact me by email at andrew.zink emnrd.nm.gov or by phone at .

Sincerely,



Andrew Zink
AMLP Cultural esources Manager
MN MM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	janthpo@gmail.com
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11: 0:00 AM
Attachments:	Jicarilla Apache Nation_La Ventana & Padillia Mines Safeguard Sec 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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ear r. lythe

The Abandoned Mine Land Program is planning safeguarding activities for two mines located in northern Sandoval County, NM. We are reaching out to see if the icarilla Apache Nation has any concerns about the project and/or would like a copy of the report once the cultural resource survey has been completed and the report finalized. Our consultation letter is attached. Please feel free to contact me directly with any concerns or questions.

Sincerely,

Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Microsoft Outlook
To:	janthpo@gmail.com
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11: 0:22 AM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

elivery to these recipients or groups is complete, but no delivery notification was sent by the destination server
janthpo gmail.com janthpo gmail.com mailto janthpo gmail.com
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State of New Me ico
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Mining and Minerals Division

uly ,

Mr. ichard M. egay
Tribal istoric Preservation Officer
Navajo Nation
P.O. o
Window ock, AZ
r.begay navajo nsn.org

Proposed Area o Potential E ects or Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Mining District, Sandoval County, New Mexico.

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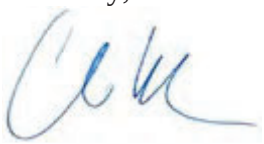

Andrew Zink
AMLP Cultural esources Manager
MN MM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	r. egay@navajo nsn.org
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 1:21:00 PM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz Navajo Nation_La Ventana & Padillia Mines Safeguard Sec 106 Letter.pdf

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Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

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Mining and Minerals Division

August ,

r. enry Walt
Tribal istoric Preservation Officer
Pueblo of sleta
P.O. o
sleta, NM
henryj toast.net

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

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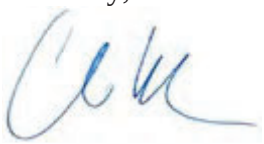

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	"henryj@toast.net"
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 10: 1:00 AM
Attachments:	Pue lo of sleta_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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Albert Chang, Director
Mining and Minerals Division

August ,

Mr. Christopher Toya
Tribal istoric Preservation Officer
Pueblo of emez
P.O. o
emez Pueblo, NM
ctoya jemezpueblo.org

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear Mr. Toya

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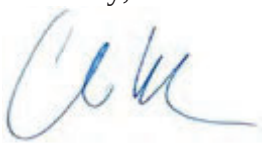

Andrew Zink
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nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	ctoya@jemezpue_lo.org
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11:02:00 AM
Attachments:	Pue_lo of Jemez_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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From:	Microsoft Outlook
To:	ctoya@jemezpue lo.org
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11:02:2 AM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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Subject AMLP La entana and Padilla Mine Safeguarding Project

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Albert Chang, Director
Mining and Minerals Division

August ,

Mr. ichard Smith, Sr.
Tribal istoric Preservation Officer
Pueblo of Laguna
P.O. o
Laguna Pueblo, NM
rsmith pol nsn.gov

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

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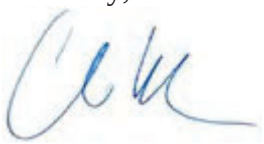

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Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11: :00 AM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz Pue lo of Laguna_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

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From:	Microsoft Outlook
To:	rsmith@pol nsn.gov
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 11: :17 AM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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Mr. Larry Phillips, r.
overnor
Pueblo of Ohkay Owingeh
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AMLP. Any comments the Pueblo of Ohkay Owingeh may have on the proposed AMLP safeguarding undertaking can be added to the space provided below.

f you would like additional information or have any questions, please feel free to contact me by email at andrew.zink emnrd.nm.gov or by phone at .

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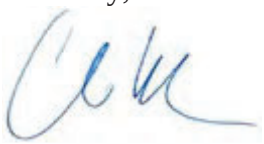

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or overnor, Ohkay Owingeh Pueblo

Comments

From:	Zink, Andrew, EMNRD
To:	larry.phillips@ohkay.org
c:	Aguino, Joseph
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 1: 3:00 PM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz Ohkay Owingeh_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

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ear, overnor Phillips

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Sincerely,

Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August ,

Mr. icardo Ortiz
Tribal istoric Preservation Officer
Pueblo of San elipe
agen oad
San elipe Pueblo, NM
rortiz sfpueblo.com

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear Mr. Ortiz

The New Me ico Abandoned Mine Land Program AML , in partnership with the .S. epartment of the nterior S , Office of Surface Mining eclamation and nforcement OSM , is conducting preliminary environmental studies for proposed mine safeguarding activities in two separate areas within the La entana Mining istrict near the intersection of Old ighway C and San Miguel oad. S in northern Sandoval County, New Me ico. As a federally funded program this proposed AML undertaking is subject to Section .S.C. of the National istoric Preservation Act N PA .S.C. et seq. and its implementing regulations C Part Protection of istoric Properties, as revised August .

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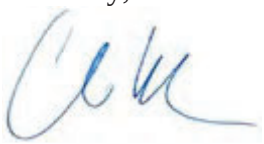

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	"rortiz@sfpue lo.com"
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 2:1 :00 PM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz San elipe Pue lo_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

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ear, icardo

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Cultural Resource Manager
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Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

State of New Me ico
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Mining and Minerals Division

August ,

Mr. andy Teboe
Tribal istoric Preservation Officer
Pueblo of San ldefonso
Tunyo Po
Santa e, NM
thpo sanipueblo.org

Proposed Abandoned Mine Sa eguarding and Mitigation Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear Mr. Teboe

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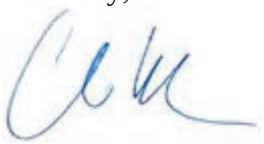

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	"thpo@sanipue lo.org"
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 2:37:00 PM
Attachments:	Pue lo of San ldefonso_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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ear, Mr. Teboe

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Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Mail Delivery Su system
To:	sanip227@e i .swcp.com
Subject:	Delivered: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 2:37:32 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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The original message was received at Thu, Aug M T
from ame .swcp.com . . .

The following addresses had successful delivery notifications
sanip ebi .swcp.com successfully delivered to mailbo

Transcript of session follows
sanip ebi .swcp.com ... Successfully delivered

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August ,

Mr. Stuart Paisano
overnor
Pueblo of Sandia
Sandia Loop
ernalillo, NM
govspaisano sandiapueblo.nsn.us

Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear Mr. Paisano

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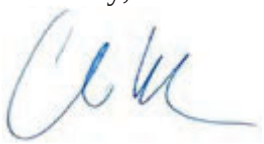

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or overnor, Pueblo of Sandia

Comments

From:	Zink, Andrew, EMNRD
To:	Paisano, Stuart
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 2: 1:00 PM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz Pue lo of Sandia_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

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ear, Mr. Paisano

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8801 Horizon Blvd. NE, Suite 260
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(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Microsoft Outlook
To:	Paisano, Stuart
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 2: 2:12 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

elivery to these recipients or groups is complete, but no delivery notification was sent by the destination server
Paisano, Stuart govspaisano sandiapueblo.nsn.us mailto govspaisano sandiapueblo.nsn.us
Subject AMLP La entana and Padilla Mine Safeguarding Project

From: overnor Stuart Paisano
To: Zink, Andrew, EMNRD
Subject: Read: E ERNAL Read: AMLP La Ventana and Padilla Mine Safeguarding Project
Date: hursday, August 17, 2023 3: 3:27 PM

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our message
To overnor Stuart Paisano
Subject T NAL AMLP La entana and Padilla Mine Safeguarding Project
Sent Thursday, August , PM TC Mountain Time S Canada
was read on Thursday, August , PM TC Mountain Time S Canada .

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
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Mining and Minerals Division

August ,

Ms. Monica Murrell
Tribal istoric Preservation Officer
Pueblo of Santa Ana
ove oad
Santa Ana Pueblo, NM
monica.murrell santaana nsn.gov

Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear, Ms. Murrell

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f the Pueblo of Santa Ana would like a copy of the culture resource report once the inventory is completed, please sign the provided signature block below and return the signed letter to the AMLP.

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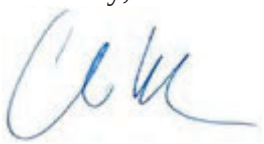
f you would like additional information or have any questions, please feel free to contact me by email at andrew.zink emnrd.nm.gov or by phone at .

Sincerely,



Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or overnor, Pueblo of Sandia

Comments

From:	Zink, Andrew, EMNRD
To:	monica.murrell@santaana nsn.gov
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:1 :00 PM
Attachments:	Pue lo of Santa Ana_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

---

ear, Ms. Murrell

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Sincerely,

Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	postmaster@santaana nsn.gov
To:	Monica.Murrell
Subject:	Delivered: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:1 :36 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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our message has been delivered to the following recipients
Monica.Murrell monica.murrell santaana nsn.gov mailto monica.murrell santaana nsn.gov
Subject AMLP La entana and Padilla Mine Safeguarding Project

From: Monica Murrell
To: Zink, Andrew, EMNRD
Subject: Read: E ERNAL Read: AMLP La Ventana and Padilla Mine Safeguarding Project
Date: hursday, August 17, 2023 3:17:21 PM

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our message
To Monica Murrell
Subject AMLP La entana and Padilla Mine Safeguarding Project
Sent Thursday, August , PM TC Mountain Time S Canada
was read on Thursday, August , PM TC Mountain Time S Canada .

State of New Me ico
Energy, Minerals and Natural Resources Department

August ,

Mr. en Chavarria
Tribal istoric Preservation Officer
Pueblo of Santa Clara
P.O. o
spanola, NM
bchavarria santaclarapueblo.org

Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear, Mr. Chavarria

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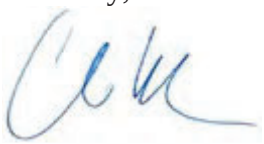
Sincerely,



Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	" chavarria@santaclarapue lo.org"
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:2 :00 PM
Attachments:	Pue lo of Santa Clara_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

ear, Mr. Chavarria

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Andrew Zink
Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	Microsoft Outlook
To:	_chavarria@santaclarapue_lo.org
Subject:	Relayed: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:2 : 2 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

elivery to these recipients or groups is complete, but no delivery notification was sent by the destination server
bchavarria santaclarapueblo.org bchavarria santaclarapueblo.org mailto bchavarria santaclarapueblo.org
Subject AMLP La entana and Padilla Mine Safeguarding Project

From: en Chavarria
To: Zink, Andrew, EMNRD
Subject: Read: E ERNAL Read: AMLP La Ventana and Padilla Mine Safeguarding Project
Date: hursday, August 17, 2023 3: 2:37 PM

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our message
To en Chavarria
Subject AMLP La entana and Padilla Mine Safeguarding Project
Sent Thursday, August , PM TC Mountain Time S Canada
was read on Thursday, August , PM TC Mountain Time S Canada .

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August ,

Mr. Christopher Chavez
Tribal istoric Preservation Officer
Pueblo of Santo omingo
P.O. o
Santo omingo Pueblo, NM
christopher.chavez kewa nsn.us

Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

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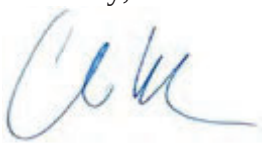

Andrew Zink
Cultural esource Manager
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nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	christopher.chavez@kewa nsn.us
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:3 :00 PM
Attachments:	Pue lo of Santo Domingo_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf La Ventana_ Padilla Mine Revised APE 27July2023.kmz

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New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	postmaster@kewa nsn.us
To:	christopher.chavez@kewa nsn.us
Subject:	Delivered: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	hursday, August 17, 2023 3:3 : 2 PM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project .msg

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our message has been delivered to the following recipients
christopher.chavez kewa nsn.us christopher.chavez kewa nsn.us mailto christopher.chavez kewa nsn.us
Subject AMLP La entana and Padilla Mine Safeguarding Project

State of New Me ico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Secretary

Albert Chang, Director
Mining and Minerals Division

August ,

Mr. Larry Samuel
Tribal istoric Preservation Officer
Pueblo of Tesuque
TP
Santa e, NM
lsamuel puebllooftesuque.org

Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

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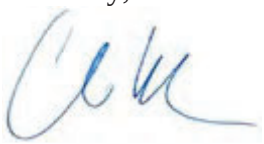

Andrew Zink
Cultural esource Manager
New Me ico Abandoned Mine Land Program
nergy, Minerals and Natural esources epartment
orizon lvd. N , Suite
Albuquerque, NM

Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments

From:	Zink, Andrew, EMNRD
To:	lsamuel@pue looftesu ue.org
Subject:	AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	riday, August 1 , 2023 : 6:00 AM
Attachments:	La Ventana_ Padilla Mine Revised APE 27July2023.kmz Pue lo of esu ue_AMLP La Ventana & Padillia Mines Safeguard 106 Letter.pdf

---

ear, Mr. Samuel

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Cultural Resource Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
(505) 490-7379
andrew.zink@emnrd.nm.gov

From:	postmaster@pue looftesu ue.org
To:	Larry Samuel
Subject:	Delivered: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	riday, August 1 , 2023 : 7: AM
Attachments:	AMLP La Ventana and Padilla Mine Safeguarding Project.msg

our message has been delivered to the following recipients
Larry Samuel lsamuel puebloftesuque.org mailto lsamuel puebloftesuque.org
Subject AMLP La entana and Padilla Mine Safeguarding Project

From:	Larry Samuel
To:	Zink, Andrew, EMNRD
Subject:	E ERNAL Read: AMLP La Ventana and Padilla Mine Safeguarding Project
Date:	Monday, August 21, 2023 :27: 3 AM
Attachments:	E ERNAL Read AMLP La Ventana and Padilla Mine Safeguarding Project.msg

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State of New Me ico
Energy, Minerals and Natural Resources Department

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August ,

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Proposed Abandoned Mine Sa eguarding Pro ect, La entana Padilla Mining District, Sandoval County, New Mexico.

ear, Mr. Toribio

The New Me ico Abandoned Mine Land Program AML , in partnership with the .S. epartment of the nterior S , Office of Surface Mining eclamation and nforcement OSM , is conducting preliminary environmental studies for proposed mine safeguarding activities in two separate areas within the La entana Mining istrict near the intersection of Old ighway C and San Miguel oad. S in northern Sandoval County, New Me ico. As a federally funded program this proposed AML undertaking is subject to Section .S.C. of the National istoric Preservation Act N PA .S.C. et seq. and its implementing regulations C Part Protection of istoric Properties, as revised August .

The area of potential effect AP is determined in consultation with project managers and engineers and accounts for the planned mine remediation and environmental concerns, including cultural resources. The AP consists of two discrete areas of abandoned mine features and subsidence. These two areas are being addressed together due to their pro imity to one another Attachment . The AP is e pected to encompass all the physical actions of the undertaking and covers an area of acres. The northern block of the AP acres is entirely private land and consists of the mine workings for the abandoned Padilla Mine LA in T N, W, S . The southern block of the AP acres is mostly land managed by the S ureau of Land Management, io Puerco ield Office LM P O and is located appro imately three quarters of a mile south of the abandoned Padilla Mine in T N, W, S . A small portion of land in the northeast of the southern block AP is privately owned.

Previous cultural resource identification efforts in the area have been e tensive. The most recent cultural resource survey and inventory of the southern block was performed by the Office of Archaeological Studies NMC S in , and only covered a portion of the current AP . The earliest investigations NMC S were Class and Class cultural resource investigations performed by astern New Me ico niversity NM in the s covering over , acres of LM grazing lands within the io Puerco basin. Portions of these surveys included the southern block of the current AP . rom to , the School of American esearch performed a series of cultural resource surveys for deal asic ndustries and the La entana Coal Project in compliance with the N PA and Section . Two of these surveys NMC S and NMC S intersect with the southern block of the AP .

n , the Abandoned Mine Land ureau now the Abandoned Mine Land Program began their safeguarding activities in the area, which included portions of both the northern and southern blocks of the current AP . The AML brought in the Museum of New Me ico, Laboratory of Anthropology now the epartment of Cultural Affairs Office of Archaeological Studies to conduct the cultural resource survey NMC S ahead of their planned activities. Two mining related historic archaeological sites were documented within the two blocks of the current AP . LA was documented in the southern block and LA in the northern block. These two sites contained many of the mine features that were subject to past AML safeguarding activities. Neither site appears to have been evaluated for their N P eligibility at the time.

saw io rande Consultants C conduct an archaeological survey NMC S for the New Me ico epartment of Transportation NM OT in preparation for a proposed gravel pit. C s survey covered the entirety of the proposed northern AP and though LA had been previously recorded, there is no documentation showing C updated the site. C did describe the area as having undergone e tensive disturbances from previous surface stripping for gravel e traction and subsequent reseeding activities which had removed any potential for the area to produce prehistoric cultural materials.

LA was last addressed in when AML did a site specific visit to update their own recording of the site under NMC S in preparation for additional mine safeguarding activities. The , the AML determined the site *not eligible* for listing in the National egister of istoric Places N P . The S PO concurred with the *not eligible* determination on October , P Log and maintained the *not eligible* recommendation on une , , when reviewing the site update P Log .

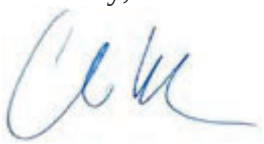
Although past NMC S activities provided full survey coverage of both blocks of the AP , the AML plans to initiate a cultural resource inventory for its entirety and update e isting cultural resources within its boundaries. The basis for this decision is that previous activities occurred most recently years ago, and before that, the cultural resource inventories occurred between – years ago. Most of the documentation that took place during these activities is incomplete with regards to modern recording methods and standards, and the recent activity occurred as CP C rule . . NMAC – *Standards or Survey and nventory* was just beginning to be implemented by the State of New Me ico. Although there are integrity issues for LA and LA affecting their N P eligibility, re evaluations will be needed to account for the changing perceptions of significance in mining sites that have occurred over the last – years.

f the Pueblo of Zia would like a copy of the culture resource report once the inventory is completed, please sign the provided signature block below and return the signed letter to the AMLP. Any

comments the Pueblo of Zia may have on the proposed AMLP safeguarding undertaking can be added to the space provided below.

f you would like additional information or have any questions, please feel free to contact me by email at andrew.zink emnrd.nm.gov or by phone at .

Sincerely,



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Attachments . Project Area Map Proposed AP

Concurrence ate

or Tribal istoric Preservation Officer

Comments