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August 11, 2010

David Otori, Permit Lead
EMNRD Mining & Minerals Division
1220 South St. Francis Drive
Santa Fe NM 87505

Re: La Jara Mesa Sampling and Analysis Plan, Permit No. CI008RN; NMDGF Project No. 13442

Dear Mr. Otori:

In response to your letter dated July 7, 2010, the New Mexico Department of Game & Fish (NMDGF) has reviewed the above referenced document. La Jara Mesa is a proposed new underground uranium mine, located in the Cibola National Forest approximately 10 miles northwest of Grants, NM. The Sampling and Analysis Plan (SAP) is required by MMD as part of the New Mine permit application under Mining Act Rule 19.10.6 D(12). The purpose of the SAP is to describe how baseline environmental information about the permit area and affected area will be collected. NMDGF reviewed Chapters 4, Vegetation, and 5, Wildlife of the above referenced SAP. No site inspection was conducted by NMDGF staff in connection with this consultation request.

The SAP proposes comprehensive walking surveys for vegetative species composition, ungulate pellet group count transects, and a combination of transect and point count methods for bird diversity. These proposed methods are appropriate, however NMDGF does not consider them fully adequate to obtain baseline information needed to characterize vegetation and fauna of the site as required in Mining Act Rule 19.10.6 D(13). Please refer the applicant to the NMDGF Wildlife Baseline Study Guidelines, available on the Department's website at http://wildlife.state.nm.us/conservation/habitat_handbook/documents/WildlifeBaselineStudyGuidelines.pdf. The SAP should include, at a minimum, the following elements:

Site-specific vegetation monitoring. The SAP proposes that existing Forest Service data from a broader area will be used in lieu of conducting quantitative site-specific monitoring for the variables of vegetative cover, shrub density and productivity. NMDGF concurs that this data set may be appropriate since the broad scope and longer time frame may contribute to characterizing the general area and determining revegetation success standards. However this data should not be substituted for site specific information. Monitoring methods can be designed so that results will be directly comparable with existing data.

Adequate sample coverage. The SAP does not describe how proposed habitat types in the project area will be divided. Once discreet habitat types are defined, there should be at minimum two transects within each type. The proposed monitoring locations shown on Figure 5-1 only cover the directly impacted project area. Monitoring activity should be designed to include potential affected areas surrounding the mesa-top vent shaft and, especially, the access route (including the existing Forest Service road). The greatest and most likely impact to ungulates from this project will be due to increased traffic on the access route. Please see the NMDGF document *Habitat Fragmentation and the Effects of Roads on Wildlife* (http://wildlife.state.nm.us/conservation/habitat_handbook/documents/2004EffectsofRoadsonWildlifeandHabitats.pdf) for more information on this subject. Pellet counts should be conducted in both spring and fall, to document seasonal use.

Targeted search for special status species. In addition “to assess[ing] the potential occurrence “ of special status species (SAP 5.1, page 12), the objective of the baseline survey should be to determine, to the extent feasible, the presence or absence of species for which habitat exists on or near the permit area. We have enclosed a Wildlife of Concern list for Cibola County to assist in selecting special status species which may occur at the project location. At a minimum, the La Jara Mesa SAP should include targeted searches, using appropriate methods, for the state Threatened gray vireo and spotted bat.

Characterization of site fauna. The SAP does not include any mention pertaining to the methods in which proponents will gather information on reptile, amphibian, or small mammal communities of the project area. NMDGF concurs that opportunistic observations during bird and plant surveys should be adequate to document use of this relatively small area by medium to large size animals.

Raptor nest searches. Baseline studies should include raptor nest searches of all cliff or rimrock habitat and any large trees within ½ mile of all proposed project facilities, including roads. The activity status of any nests which are found should be determined during the appropriate season.

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

Sincerely,



Matthew Wunder, PhD
Chief, Conservation Services Division

cc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Office Supervisor, NMGF
Kurt Vollbrecht, NMED Groundwater Quality Bureau

NEW MEXICO WILDLIFE OF CONCERN CIBOLA COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at <http://www.fws.gov/lfw2es/NewMexico/SBC.cfm>. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E		
Loggerhead Shrike	<i>Lanius ludovicianus</i>	S	E	Y
Gray Vireo	<i>Vireo vicinior</i>	T		
Western Small-footed Myotis Bat	<i>Myotis ciliolabrum melanorhinus</i>	S		
Yuma Myotis Bat	<i>Myotis yumanensis yumanensis</i>	S		
Occult Little Brown Myotis Bat	<i>Myotis lucifugus occultus</i>	S		
Long-legged Myotis Bat	<i>Myotis volans interior</i>	S		
Fringed Myotis Bat	<i>Myotis thysanodes thysanodes</i>	S		
Long-eared Myotis Bat	<i>Myotis evotis evotis</i>	S		
Spotted Bat	<i>Euderma maculatum</i>	T		
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	S		
Gunnison's Prairie Dog	<i>Cynomys gunnisoni</i>	S		
Cebolleta Pocket Gopher	<i>Thomomys bottae paguatae</i>	S	SOC	
Northern Pocket Gopher	<i>Thomomys talpoides taylori</i>	S		
Red Fox	<i>Vulpes vulpes</i>	S		
Ringtail	<i>Bassariscus astutus</i>	S		
Black-footed Ferret	<i>Mustela nigripes</i>		E	
Common Hog-nosed Skunk	<i>Conepatus leuconotus</i>	S		
Socorro Mountainsnail	<i>Oreohelix neomexicana</i>	S		
New Mexico Silverspot Butterfly	<i>Speyeria nokomis nitocris</i>		SOC	