

Ohori, David, EMNRD

From: Maurer, Anne, ENV
Sent: Thursday, December 22, 2022 12:00 PM
To: Shepherd, Holland, EMNRD
Cc: Ohori, David, EMNRD; Fox, Joseph, ENV; Lemon, Shelly, ENV; Kuehn, Elizabeth, ENV; Rheubottom, Amber, ENV; Klatt, Alan, ENV; Toczek, Emily, ENV; Mustafa, Sufi A., ENV
Subject: Eagle Mesa Mine, SA009MN
Attachments: 2022-12-22_NMED-MMD_Eagle Mesa Mine_SA009MN.pdf

Hi, Holland. Please find the attached comments on the Eagle Mesa Mine, Modification 22-1 application, Mining Act Permit No. SA009MN. Please contact me with any questions.

Cheers,

Anne Maurer
Mining Act Team Leader
New Mexico Environment Department
Ground Water Quality Bureau
Mining Environmental Compliance Section
1190 St. Francis Dr.
Santa Fe, NM 87502
Note New Cell Number: 505.660.8878
Anne.maurer@env.nm.gov
<https://www.env.nm.gov/>



Electronic Transmission

MEMORANDUM

Date: December 22, 2022

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

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

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

Subject: **New Mexico Environment Department (NMED) Comments, Eagle Mesa Mine, Minimal Impact New Mine, Modification 22-1 Application, Rammsco Operations, Inc., Sandoval County, New Mexico, New Mexico Mining Act Permit No. SA009MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on November 21, 2022 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, Eagle Mesa Mine is a minimal impact new mine. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED was granted an extension to submit comments by December 23, 2022. NMED has the following comments.

Background

Rammsco Operations, Inc. (applicant) is proposing to renew their Mining Act permit and update the closeout plan for the Eagle Mesa Mine. This mine is located in Sandoval County. The applicant is proposing to mine humate and clay. The area of disturbance is proposed to be up to 40 acres.

Mr. Holland Shepherd
Eagle Mesa Mine, Modification 22-1
December 22, 2022

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

Depth to groundwater is reported to be 500 feet below ground surface. Based on this information, MECS has no comments.

NMED Summary Comment

NMED has determined that the activities proposed in the application will be protective of the environment if performed in accordance with the above comments and the Mining Act permit.

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

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



MEMORANDUM

DATE: December 22, 2022

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

THROUGH: Shelly Lemon, Chief, Surface Water Quality Bureau, New Mexico Environment Department

FROM: Emily Toczek, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department, and
Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Comments, Renew and Modify Permit and Update Closeout Plan, Rammsco Operations, Inc., Eagle Mesa Mine, Sandoval County, Modification 22-1, MMD Permit No. SA009MN**

On December 1, 2022, the Surface Water Quality Bureau (SWQB) received a request for comments regarding the subject permitting action for the Eagle Mesa humate and organic clay mine owned by RAMMSCO Operations, Inc. (RAMMSCO) located in Sandoval County, New Mexico on land administered by the U.S. Bureau of Land Management. Modification 22-1 application proposed to renew the Permit No. SA009MN and update the closeout plan for the Eagle Mesa Mine. Pursuant to 19.10.3.304 J.(6) New Mexico Administrative Code (NMAC), SWQB has prepared the following comments:

The Eagle Mesa Mine is located within the 12-digit Hydrologic Unit Code 130202050403 named "Outlet San Isidro Wash" which is a tributary to Torreon Wash, Arroyo Chico, the Rio Puerco, and ultimately the Rio Grande. San Isidro Wash is subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and has designated uses for livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

The October 2022 Eagle Mesa Mine, Mining and Reclamation Plan describes the Step 1: Final Mine Activity Reclamation activities and includes "*surface re-contouring of all remaining mined areas, stockpile areas, staging areas, and access roads and seeding and mulching of all remaining mined areas, stockpile areas, and staging areas, and access roads.*" Revegetation success is critical for long-term erosion control and for the protection of surface water quality standards found in 20.6.4 NMAC. Therefore, the SWQB recommends that "Step 2: Monitoring and Maintenance" includes a plan to monitor and repair any erosional features that may develop while the vegetation is being established.. The SWQB supports RAMMSCO in utilizing the proposed Erosion Control BMPs such as Berms and Sediment Basins as referenced in the BLM Gold Book standards (USDI/USDA 2007) to ensure that stormwater is not discharging into any perennial or ephemeral watercourses.

The Eagle Mesa Mine is covered under a National Pollutant Discharge Elimination System (NPDES) permit number NMR053211. SWQB staff reviewed the U.S. Environmental Protection Agency's (USEPA) Enforcement and Compliance History (ECHO) database on December 16, 2022 and reporting issues were resolved in 2021. The Stormwater Pollution Prevention Plan (SWPPP) plan must be updated to include the activities described in Modification 22-1, and appropriate Best Management Practices (BMPs) must be designed, installed and

Eagle Mesa Mine, Modification 22-1

SWQB comments

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maintained both during and after construction to prevent, to the extent practicable, pollutants in stormwater runoff from entering waters of the United States.

For additional information about the NPDES program, contact:

EPA Region 6

1201 Elm St. Dallas, Texas 75202

Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

For questions related to these comments, please contact Emily Toczek, SWQB, at 505-819-8074.



MEMORANDUM

DATE: November 30, 2022

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

RE: Request for Comments, Renew and Modify Permit and Update Closeout Plan, Rammsco Operations, Inc., Eagle Mesa Mine, Sandoval County, Modification 22-1, MMD Permit No. SA009MN

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Details

Rammsco Operations, Incorporated has requested for a mining permit for Eagle Mesa Mine in the NW corner of the Sandoval County. The applicant will mine for humate and clay. The mining will involve creation of staging areas, pits, stockpiles, waste dumps and new road construction. Total disturbed area will be 40 acres.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other*

Particulate Control: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

"Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for

any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant.”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

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

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

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA’s *Compilation of Air Pollutant Emission Factors, AP-42, “Miscellaneous Sources”* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

Recommendation

It is not clear whether the mining will involve processing the material such as refining the product by screening or bagging the product on mining site. I suggest applicant to contact the Air Quality Bureau, Permitting Section staff to evaluate need for an air quality permit.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505 629 6186 or at sufi.mustafa@env.nm.gov

GOVERNOR
Michelle Lujan Grisham



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
Tel: (505) 476-8000 | Fax: (505) 476-8180
For information call: (888) 248-6866

www.wildlife.state.nm.us

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Cebolla

20 December 2022

David Ohoi
Supervisor, Senior Reclamation Specialist
New Mexico Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Modification 22-1, Mining and Reclamation Plan, Eagle Mesa Mine, Sandoval County, New Mexico, Permit No. SA009MN; NMDGF Project No. NMERT-2275.

Dear Mr. Ohoi,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced permit modification. Rammsco Operations, Inc. (Rammsco) is proposing to renew Permit No. SA009MN and update the closeout plan for the Eagle Mesa Mine. Staff from the Department, MMD, and the Operator conducted a site inspection on 14 December 2022.

Section 1.6.4 of the mine reclamation plan states that "In accordance with the Migratory Bird Treaty Act, any vegetation clearing required to prepare undisturbed areas of the Contract Area to be mined shall be cleared between October 1 and March 31 to avoid damaging or destroying any migratory bird nests." The Department recommends that vegetation clearing should occur between September 1 and February 28, in order to avoid damaging or destroying any "occupied" migratory bird nests.

In Section 2.4.3 Table 2-1 Seed Mix, the Department concurs with the seed mix but suggests replacing mountain brome (*Bromus marginatus*) with a regionally more appropriate species, alkali sacaton (*Sporobolus airoides*). In their 2013 Biological Survey Report, Ecosphere documented alkali sacaton as one of the common grasses present at the Eagle Mesa Mine.

Within the mine permit area, Department staff observed minor rilling at numerous locations in previously reclaimed sites. To prevent in-cutting, the Department recommends installing straw wattles in all reclaimed areas where erosion is creating minor rilling. Additionally, the Department recommends repair of an earthen berm that was installed to control erosion but has been undercut. Further, the Department recommends that Rammsco regrade, rip, and reseed a relatively small area that was reclaimed about 10 years ago and now encompasses the most significant erosion features in the permit area. Installation of wattles or earthen berms is recommended for this significantly eroded area to prevent a recurrence of similar erosion issues.

Due to potential impacts on burrowing owls (*Athene cunicularia hypugaea*) if they occur within the proposed mine expansion area, the Department recommends that a preliminary burrowing owl survey be conducted by a qualified biologist, using the Department's [burrowing owl survey protocol](#), before any ground disturbing activities occur. Please contact the Department or USFWS for further recommendations regarding relocation of or avoidance of impacts to owls if burrowing owls are documented in the proposed expansion area.

Mine expansion could also negatively impact prairie dog colonies if they occur within the proposed expansion area. The Gunnison's prairie dog (*Cynomys gunnisoni*) is designated as a 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. 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.

Thank you for the opportunity to review and comment on this mine permit modification. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist at (505) 270-6612 or ronald.kellermueller@dof.nm.gov.

Sincerely,

Matt Wunder, Ph.D.

Digitally signed by Matt Wunder,
Ph.D.
Date: 2022.12.20 16:01:21 -07'00'

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

cc: USFWS NMES Field Office

Ohori, David, EMNRD

From: Kellermueller, Ronald, DGF
Sent: Tuesday, December 20, 2022 4:46 PM
To: Ohori, David, EMNRD
Cc: nmesfo@fws.gov; DGF-EEP-TG
Subject: RE: Modification 22-1, Mining and Reclamation Plan, Eagle Mesa Mine, Sandoval County, New Mexico, Permit No. SA009MN; NMDGF Project No. NMERT-2275.
Attachments: NMERT-2275_Modification 22-1_Mining and Reclamation Plan_Eagle Mesa Mine_SA009MN_GS_MW.pdf

Hi David,

Attached you should find NMDGF's comments for the above referenced permit modification. If you have any questions please do not hesitate to contact me.

Yours Truly, Ron

RON KELLERMUELLER
MINING AND ENERGY HABITAT SPECIALIST
ECOLOGICAL AND ENVIRONMENTAL PLANNING DIVISION
NEW MEXICO DEPARTMENT OF GAME AND FISH
1 WILDLIFE WAY
SANTA FE, NM 87507
(505) 270-6612
Ronald.Kellermueller@dgf.nm.gov

Conserving New Mexico's Wildlife for Future Generations

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