



June 25, 2019

Mr. Fernando Martinez
Mining and Minerals Division Director
New Mexico Energy, Mineral, and Natural Resources Department
Mining and Minerals Division
1220 St. Francis Drive
Santa Fe, NM 87505

RE: Request for Public Hearing – Permit Application SF040ER (Terrero Exploration Project)

Dear Director Martinez,

Pursuant to 19.10.9.904 NMAC and the enclosed public notice (June 4, 2019), the New Mexico Acequia Association (“NMAA”) respectfully requests a hearing on exploration permit application SF040ER (Tererro Exploration Project) for the following reasons.

The NMAA is a New Mexico non-profit corporation and 501(c)(3) organization dedicated to protecting New Mexico’s acequias and community ditches and the quality of the water that supports them. There are approximately twenty-six acequias that divert water for irrigation and livestock between the Village of Pecos and Fort Sumner.¹ Another ten acequias are located within the Upper Pecos watershed and divert water from tributaries of the Upper Pecos River.² Collectively, these acequias serve thousands of acres of irrigable land and contribute to the preservation of New Mexico’s unique history and culture. In

¹ The number of acequias is an approximation based on those within NMAA’s current database for which NMAA has contact information. The Office of the State Engineer’s records reflect at least fifty-five acequias in the Pecos River *drainage in five different counties* and thirty-six acequias diverting directly off the Pecos River.

² Bull Creek and Cow Creek are two tributaries of the Pecos River within the Upper Pecos watershed.

addition, acequias provide millions of dollars to New Mexico's economy directly through agricultural sales and indirectly through tourism.

As political subdivisions of the state of New Mexico, charged with the responsibility of ensuring clean water to their member-irrigators, these acequias have a direct stake in the outcome of this permit application. Individual irrigators, who number in the thousands, have vested property interests – water rights – that will be impacted by the outcome of this application. Therefore, the Minerals and Mining Division (“MMD”) should hold a hearing on this application, at a minimum, to determine (1) the extent to which acequias and their members should have had direct notice of the permit application and (2) the potential impact to downstream acequias and acequias within the Upper Pecos watershed should the permit be granted.

The NMAA respectfully requests that a hearing on this matter be held for the above-stated reasons. In addition, this request should be granted in order to allow an opportunity for the NMAA and the public to fully inform the MMD of the potential impacts associated with the granting of this application. Should this request for hearing be granted, the NMAA requests that it receive written notice of such hearing pursuant to 19.10.9.904 (B) NMAC.

Respectfully submitted,



Paula Garcia
Executive Director



Enrique Romero
Staff Attorney

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Santa Fe

Printed In: Santa Fe New Mexican

Printed On: 2019/06/04

LEGAL # 85864

PUBLIC NOTICE

Tererro Exploration Project

Comexico LLC (a wholly owned subsidiary of New World Cobalt Ltd) of 242 Linden St., Fort Collins, CO 80524, hereby provides public notice pursuant to New Mexico Administrative Code (Title 19 Chapter 10 Part 4 - 19.10.4 NMAC) to drill up to 30 exploration holes on Comexico LLC controlled unpatented mining claims located on public lands in Township 17 North; Range 11 East, Section 1 in Santa Fe County. Mining claims encompassing the Jones Hill base metal deposit, discovered in the early 1900's and explored upon through the mid 1990's, have been maintained by their owners since the 1970's. Information from the drill program will be used to help determine the amount and tenor of copper/gold/zinc/lead/silver mineralization present, which will help determine whether further exploration and evaluation is warranted.

Access to the site is provided by New Mexico State Highway 63, travelling northward from the Village of Pecos for 10 miles; then via private property, travelling north-westward for 0.68 mi from the junction of Indian Creek and Hwy 63; and then via US Forest Service Roads 192 and 120, travelling north-westward from the highway for approximately 3 miles. In the project area, access would be via existing United States Forest Service roads or minimal overlanding across existing historic tracks and would not require construction of any new access routes nor major drill pad grading or construction. Proposed surface disturbance includes drill pads and overland access and totals a maximum of approximately 2.1 acres. The drilling program proposed will use conventional truck and/or track mounted rigs and support equipment and is scheduled to begin in the third or fourth quarter of 2019, lasting up to 5 months; ending prior to February 29, 2020. Reclamation activities will conclude prior to 12 months from project implementation.

A qualified independent consulting firm will conduct cultural resource, biological, hydrogeologic, and sensitive species surveys over the entire area. Comexico LLC will use the results of these surveys and Best Management Practices to avoid impacting any sensitive resources.

Copies of the application will be on file and available for viewing during normal business hours at:
New Mexico Energy, Mineral and Natural Resources Department Mining and Minerals Division 1220 St.
Francis Drive
Santa Fe NM 87505

Or on-line at: <http://www.emnrd.state.nm.us/MMD/MARP/PermitPendingExReg.html>

Written comments or requests regarding this notice are to be submitted to Mr. Fernando Martinez, Mining and Minerals Division Director (the "Director") at the above address.

Opportunity for Public Hearing - 19.10.9.904 NMAC:

A. Any interested person may request that the Director conduct a public hearing on the application. Such request must be made within 30 days of the date of the newspaper publication of the notice of application unless the Director determines a longer period in which to make the request is appropriate and such period is specified in the published notice. If a hearing is timely requested, the Director shall set a hearing unless the request is clearly frivolous. The Director may hold a public hearing absent any request.

B. The date, time and location of the public hearing shall be advertised by the Director in a newspaper of general circulation in the locality of the operation. The advertisement shall also identify the applicant, the operation, the purpose of the hearing, and how to contact the Division for additional information. All persons

who have submitted written requests in advance to receive notices of hearing to the Director or who have provided comments on the application to the Director shall be mailed notice at least 30 days prior to the hearing.

C. The nearest community to the mining or exploration operation with adequate and accessible public facilities will be the site for any public hearing.

D. All interested persons may submit written comments regarding the application to the Director. Written comments must be received by the Director prior to the close of the hearing record following any public hearing that is held. If no public hearing is held, written comments will be considered only if they are received by the Director within 60 days after the newspaper publication of the notice of the application or within 60 days after the person filling the comment received notice of the application, whichever is later.

E. An additional opportunity for a public hearing may be provided if the applicant makes substantial changes in the proposed action, if there are significant new circumstances or information bearing on the proposed action or if the applicant proposes to substantially increase the scale or substantially change the nature of the proposed action and there is public interest and a request for a public hearing.

Pub.: June 4, 2019

Public Notice ID: