

From: [Kellermueller, Ronald, DGF](#)
To: [Ohori, David, EMNRD](#)
Subject: RE: [EXTERNAL] USFS Revisions to Biological Assessment
Date: Monday, February 14, 2022 2:47:50 PM

Hi David,
NMDGF has no further comments on the amendments to the Biological Assessment. If you have any questions please do not hesitate to contact me.

Yours Truly, Ron

From: Ohori, David, EMNRD
Sent: Friday, January 28, 2022 10:47 AM
To: Kellermueller, Ronald, DGF <Ronald.Kellermueller@state.nm.us>; Wunder, Matthew, DGF <Matthew.Wunder@state.nm.us>
Cc: Shepherd, Holland, EMNRD <holland.shepherd@state.nm.us>
Subject: FW: [EXTERNAL] USFS Revisions to Biological Assessment

Hi Ron and Matt,

I received the email (below) and attachments from Juan Velasquez yesterday and I want to inform you of the amendment to the Final Biological Assessment for the Tererro (Jones Hill) Exploration Project. Please let me know if you have any comments or concerns with the changes identified by Juan. If you would let me know within 30-days that would be much appreciated.

Thanks.

-David

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From: Juan Velasquez <jvelasquez@vemsinc.com>
Sent: Thursday, January 27, 2022 4:54 PM
To: Ohori, David, EMNRD <david.ohori@state.nm.us>
Cc: Pat Siglin <psiglin@newworldcobalt.com>; 'Matt McMillan' <mmcmillan@swca.com>
Subject: [EXTERNAL] USFS Revisions to Biological Assessment

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello David,

It's been a while since our last communications. I hope the holiday season was good to you and your family and that you've all been able to avoid the ongoing COVID situation.

Since we last spoke, the folks at the Santa Fe National Forest (SFNF) have asked Comexico to amend the final Biological Assessment (BA), also referred to as the Biological Evaluation and Biological Analysis (BEBA), to incorporate a recent administrative amendment to the SFNF Forest Management Plan. The SFNF informed Comexico that it found it necessary to prepare a Forest Plan Amendment (FPA) to their Forest Management Plan in order to administratively ensure that the project proposed action identified in the their Environmental Assessment (EA) for Comexico's Jones Hill Exploration Project, and the BA (BEBA) document are in accordance with the current Mexican Spotted Owl (MSO) Recovery Plan (2012) and best available science/management recommendations. The FPA replaces outdated forest plan language contained in the Forest Management Plan related to MSO habitat with guidance in the 2012 Recovery Plan (USFWS 2012b). The purpose of the FPA is solely to administratively confirm inclusion of the current 2012 MSO Recovery Plan in the SFNF Forest Management Plan. The SFNF considers this necessary because the existing Forest Plan includes the outdated MSO Recovery Plan (1995). The FPA does not in any way change the implementation of the proposed action as described in the EA or Comexico's exploration plan application and supporting documents, including the BA.

Attached is the USFS requested amended August 21, 2021 Final BA (redacted and un-redacted) for MMD's records and have asked SWCA to send you hard copies of each as you have previously requested. The SFNF provided the specific language that amends the August 21, 2021 Final BA submitted to the USFS and MMD. The amendments are as follows;

1. At page 1, Paragraph 2 in Section 2, Project Location and Proposed Action of the BA has been inserted;

"The proposed action incorporates the project-specific Forest Plan Amendment (FPA) to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan), as described in the project EA and Project Record, and as analyzed in Appendix G of this BEBA. The FPA administratively ensures that the project proposed action and analysis follows the current MSO Recovery Plan (2012) and best available science/management recommendations by adopting aspects of the current 2012 MSO Recovery Plan. This change was necessary because the existing Forest Plan includes the outdated MSO Recovery Plan (1995). The Forest Plan amendment includes replacing outdated forest plan language related to MSO habitat with guidance in the 2012 Recovery Plan (USFWS 2012b) and would not change the implementation of the proposed action."

2. A new Appendix G, Pecos–Las Vegas Ranger District, Santa Fe National Forest Project-Specific Forest Plan Amendment, the language of which was also provided by the SFNF, has been added to the document. It states that;

"The proposed action incorporates the project-specific Forest Plan Amendment (FPA)

to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan) as described in the project EA and Project Record. The FPA changes, i.e., amends, the Forest Plan in order to clearly ensure and demonstrate that the project is consistent with the current MSO Recovery Plan (USFWS 2012) language contained in Table 1-A of the FPA. This appendix considers the FPA in relation to all species groups identified, discussed, and analyzed in Sections 4 and 5 of the Biological Evaluation and Biological Assessment (BEBA). While the FPA provides certain administrative clarification language changes to the existing Forest Plan to ensure compliance with the current 2012 Mexican spotted owl (MSO) Recovery Plan, specifically the habitats considered, MSO survey protocol and other specified requirements, it does not change the implementation of the proposed action in any way. It simply ensures compliance with the current 2012 MSO Recovery Plan, specifically the habitats considered, the survey protocol, and as described in the project FPA document and the USFS Environmental Assessment for the Jones Hill Exploration Drilling Project. In particular, the FPA administratively ensures that the project proposed action and analysis follows the current MSO Recovery Plan (2012) and best available science/management recommendations by adopting aspects of the current 2012 MSO Recovery Plan. This change was necessary because the existing Forest Plan includes the outdated MSO Recovery Plan (1995). The Forest Plan amendment includes replacing outdated forest plan language related to MSO habitat with guidance in the 2012 Recovery Plan (USFWS 2012b). The analysis in the BEBA considers potential impacts to species and their habitats from the proposed action. This FPA does not change that analysis, nor does it change any of the effects determinations for those species and their habitats. The FPA, which is simply an administrative adjustment, would not affect/impact any or all of the species groups identified, discussed, and analyzed in the BEBA, including collectively, the federally-listed species, Management Indicator Species (MIS), Regional Forester Sensitive Species (RFSS), neo-tropical migratory birds, and bald and golden eagles.”

These are the only changes to the document. Therefore, we anticipate that this will not require that the MMD to distribute it for further review and comment as the changes are solely administrative in nature to make it clear that the EA accurately represents compliance with the Forest Management Plan that Comexico has committed to in its application to the USFS and the MMD.

Please let us know if you have any questions.

Juan