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## STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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12 September 2022

David Ohori, Permit Lead  
Permit Lead, Mining Act Reclamation Program  
Mining and Minerals Division (MMD)  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: Modification 22-1 to Mount Taylor Mine, Rio Grande Resources Corporation,  
Permit No. CI002RE; NMDGF No. NMERT-1949.**

Dear Mr. Ohori:

The New Mexico Department of Game and Fish (Department) has reviewed the proposed permit modification to the Mount Taylor Mine Closeout/Closure Plan (CCP) submitted by Rio Grande Resources Corporation (RGR). The Mount Taylor Mine permit revision application proposes expanding the disposal cell and updating the CCP. Staff from the Department, MMD, U.S. Environmental Protection Agency, and RGR conducted a site tour 5 August 2022.

RGR is no longer proposing to retain the production shaft headframe in place as raptor and raven nesting habitat. In order to avoid any potential conflicts with nesting ravens or raptors, demolition and removal of the headframe is scheduled to occur in the fall of 2022. If the planned demolition of the headframe cannot occur outside of the primary breeding season (1 March-1 September), the structure should be thoroughly surveyed for active nests prior to demolition. If any active nests are found, demolition of the headframe should not occur until all young have fledged.

An inactive, 24-inch diameter Treated Water Discharge Pipeline will also be removed. The pipeline extends 4.3 miles from the Mine Water Treatment Unit (MWTU) area to the outfall point in San Lucas Canyon, north of the mine. This pipeline crosses mostly private land, except for approximately 0.75 mile leased from the U.S. Forest Service. If pipeline removal activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory) and avoid disturbing active nests until young have fledged. For active nests, adequate buffer zones should be established to minimize disturbance to nesting birds. Buffer distances should be  $\geq 100$  feet from songbird and raven nests and 0.25 mile from most raptor nests. For nests of golden eagles (*Aquila chrysaetos*), ferruginous hawks (*Buteo regalis*), prairie falcons (*Falco mexicanus*), and peregrine falcons (*Falco peregrinus*), a buffer zone of 0.5 mile should be established. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators.

Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

Table 4.4, "Reclamation Seed Mix", includes "Other (Perennial flower mix) as available". The following non-native species are listed: African daisy (*Arctotis stoechadifolia*), cornflower (*Centaurea* spp.), baby's breath (*Gypsophila paniculata*), sweet William (*Silene armeria*), blue flax (*Linum perenne*), Shasta daisy (*Leucanthemum superbum*), sweet alyssum (*Lobularia maritima*), corn poppy (*Papaver rhoeas*), and Siberian wallflower (*Erysimum marshallii*). The Department recommends that RGR use only native plant species and design the reclamation seed mix to enhance local pollinator habitat. Only certified weed-free seed should be used to avoid inadvertently introducing non-native species to the reclamation site. Seeds used as substitutes for any primary plant species that are unavailable at the time of reclamation should also be from native plants. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site or from a region that represents potential future climatic conditions at this site. Department recommendations for alternative native flower species are: blanket flower (*Gaillardia pulchella*), broadbeard penstemon (*Penstemon angustifolius*), hairy golden aster (*Heterotheca villosa*), Lewis flax (*Linum lewisii*), narrowleaf paintbrush (*Castilleja linariifolia*), Nelson globemallow (*Sphaeralcea parvifolia*), prairie aster (*Machaeranthera tanacetifolia*), white prairie clover (*Dalea candida*), and wild four o'clock (*Mirabilis multiflora*).

Thank you for the opportunity to review and comment on the proposed permit modification and updated CCP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@state.nm.us](mailto:ronald.kellermueller@state.nm.us)

Sincerely,

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

cc: USFWS NMES Field Office