

**Roca Honda Resources Response to Agency 02-24-2012 Comments
Of Roca Honda Project Reclamation Plan, Revision 1, August 2011, MK025RN**

May 29, 2012

Agency Review of Roca Honda Uranium Mine Reclamation Plan Revision 1			
Reviewer: David L. Clark Agency: NM MMD			Review Date: February 24, 2012
Item #	Section/Page (or general)	Topic	Comment
1.	Sections 2.3 & 5.1	Roads to be included in Permit Area	19.10.6.602.D(2), (3), (4) and (13)(i) Section 2.3 reports that 13 acres of haul road outside the permit area will be disturbed by surface activities and will require reclamation. Section 5.1 discusses haul road disturbance and reclamation, as well. New road disturbances need to be included in the permit area. Private or public roads that existed prior to the RHR mining operation, and that will not require reclamation after the mining operation, need not be permitted.
	RHR Response		The road disturbances described in Section 2.3, and the haul road disturbance described in Section 5.1 not currently described as being in the permit area will be included in the Permit Area. Additionally, Sections 1.0, 2.3 and 5.1 have been revised to describe the most recent additions to the permit area and the estimate of the disturbed acres, including the pipeline corridor. Replacement pages 1, 15 and 55 containing these changes have been provided for insertion into your copy of the Reclamation Plan.
2.	Sections 2.2.1, 2.6, 3.2.4, 3.4.4	Off-site disposal location	19.10.6.602.D(13)(f) There are several statements in the Reclamation Plan Revision 1 proposing that non-ore material will be hauled off-site: Sections 2.2.1 (3 times), 2.6, 3.2.4 (2 times), 3.4.4 (2 times in the last paragraph). Please clarify RHR's intentions with respect to the off-site location.

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	RHR Response		RHR's intentions with respect to the "off-site location" question posed by the reviewer are that if the materials, upon being characterized as committed to by RHR, demonstrate that they must be disposed of at a facility permitted or licensed to receive such materials, then RHR will make arrangements to dispose of them in such a manner, off-site. With respect to the non-ore material, that is, material that has been removed from the ore body and may contain uranium but does not meet the cut-off grade for processing, that material may be transported to the mill and blended with mine ore and processed if it can be so done economically. However, if the material is not trucked to the mill and is otherwise characterized as being benign, based on analytical results, it may be placed back into the mine. If, upon characterization, it is determined that it requires disposal in a permitted facility, RHR will do so. The location has not been identified at this time as its disposition will depend on results.
3.	Section 3.7, Table 3-3, p 49	Seed mix	19.10.6.602.D(15)(g) In Table 3.3, the Proposed Reclamation Seed Mix, the scientific names for blue grama and sideoats grama are transposed. Also, the scientific name for alkali sacaton is <i>Sporobolus airoides</i> . Please correct. MMD recommends the addition of Indian ricegrass, <i>Achnatherum</i> (aka <i>Oryzopsis) hymenoides</i> , to the seed mixture, at 1 lb/ac PLS, because this cool season grass establishes very well on sandy soils and is highly palatable to all classes of livestock.
	RHR Response		The scientific names for Blue Grama and Sideoats Grama have been corrected, and Indian ricegrass, <i>Achnatherum hymenoides</i> , has been added to Table 3.3. The amended Table 3.3 on page 49 has been provided.
4.	General	Weed Control Plan	19.10.6.603.C(2)(b) In response to a Department of Game and Fish ("NMDGF") Comment #15, dated April 20, 2010, RHR stated that a Weed Control Plan had been prepared and would be included in the revised reclamation plan. A commitment to use weed-free seed and mulch, and to implement weed control are present in the Reclamation Plan Revision 1. A plan for implementing seed control was not found. Please provide the Weed Control Plan.

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	RHR Response		A Weed Control Plan has been developed and is included as new Appendix C, and a replacement reference page citing that the Weed Control Plan is included as Appendix C is provided.
5.	Section 2.2.5	Broken concrete used for riprap	19.10.6.603.F(6) The last sentence in Section 2.2.5 mentions the possibility of using broken concrete from the water treatment plant slab as riprap. Broken concrete would present a safety hazard if any rebar remains in the material, it would be unlikely to meet the D50 size or size distribution for properly installed riprap, and it is unsightly. It would be better to bury the broken concrete in a backfilled pond, the other proposed disposal alternative. MMD notes that the use of concrete rubble as an energy dissipater is proposed in Section 5.1.3 in the Mine Operations Plan Revision 1, applied over a filter or mat at pipe or channel outlets. That may be a better use for rebar-free broken concrete, but it may also be objectionable to the land owners and managers.
	RHR Response		RHR has amended the language in Section 2.2.5 to address the commenter's concerns. Concrete from demolition of facilities will be placed in pond areas prior to backfilling and covered with at least 24 inches of fill prior to placement of topdressing and reclamation. Replacement pages 10 and 10a have been provided. Please replace page 10 of your Reclamation Plan document with pages 10 and 10a to maintain the current pagination of the remainder of the section.
6.	Section 3.7	Vegetation reference area	19.10.6.603.G The proposed vegetation reference area needs to be visited by agency staff during the next growing season, prior to approval. The piñon-juniper community is distinct, and it is likely that reference sampling should only be conducted in the juniper-savanna and shrub-grassland communities, for which cover was shown to be statistically equivalent in Appendix B of the Reclamation Plan Revision 1.

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	RHR Response		<p>RHR welcomes MMD staff to visit the site during the next growing season to inspect the proposed reference area. Section 3.7.1, page 51 at NMAC 19.10.6.603.G(1)(b) and the Introduction and Conclusion sections of Appendix B (pages 1 and 5) have been revised to address commenter's concerns regarding the piñon-juniper community to only include data from the juniper-savanna and shrub-grassland communities. Replacement pages 51 and 1 and 5 have been provided. Figure 3-3 showing the Reference Area and the vegetative communities will not be modified, but the area shown as Piñon-Juniper will not be considered as a component of the Reference Area for the purpose of determining reclamation success. This comment is further addressed in RHR's Response to Comment 11.</p>
7.	General	Seed mix	<p>19.10.6.603.G(3) It is unlikely that the proposed seed mix will result in a favorable comparison with the full diversity for the juniper-savanna and shrub-grassland communities in the reference area. MMD recommends that a diversity standard that is based on the physical environment of the reclaimed area and the seed mix be proposed. For perspective, at the Lee Ranch Mine, warm season grasses (especially galleta and alkali sacaton) and shrubs (especially four-wing saltbush and winterfat) have been readily established on the reclamation at more than 10% relative vegetation cover for both warm season grasses and shrubs. Total cool season grass establishment has been more challenging, and comprises between 0.5 and 1% relative vegetation cover. Forbs generally contribute very low cover, probably too low to reasonably have more than a presence standard.</p>

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	RHR Response		<p>RHR is aware that revegetation of mined lands seldom reflects the full diversity or ratios of any reclamation seed mix. In general, it is our belief that a reclamation seed mix is developed to include species that generally occur in the area or region, are consistent and supportive of the approved post-mining land use of grazing, and are likely to have success in reestablishing on the reclaimed lands and provide soil stabilization and vegetative cover. It is our belief, based on experience in New Mexico and other areas, that a reestablished vegetative community will generally reflect the species making up a reclamation seed mix, but will seldom have all species in the ratios represented in the mix. Some species will become established within sub-areas of the reclaimed lands based on soils, aspect and other parameters such as precipitation patterns in years closely after reclamation efforts. As mentioned, at the Lee Ranch Mine there has been a predominant establishment of the warm season grasses, galleta and alkali sacaton; and the shrubs four-wing saltbush and winterfat. While the Roca Honda Mine is in the region of the Lee Ranch Mine, soils, aspect and possibly even precipitation patterns may vary enough to result in different assemblages of species making up reclamation vegetative communities.</p> <p>We agree that the full diversity for the juniper-savanna and shrub-grassland communities in the reference area may not be fully reflected in the reestablished vegetative community after mining and reclamation. We also agree that the reclamation standard should be based more on the ability of the reclaimed lands and vegetative communities to stabilize the soils to minimize the potential for excessive erosion and to meet the requirements of the approved post-mining land use of grazing. To that end, we believe that the proposed seed mix provides a robust assemblage of species that are native and adaptive to the region of the Roca Honda Mine, and are appropriate for reclamation of the area. We also agree that the measure of "Reclamation Success" should be based more upon the ability of the post-mining reclaimed area to stabilize soils and support grazing. Therefore, "Reclamation Success" should be</p>

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			<p>measured with less emphasis on diversity and more on the approved post-mining land use objectives of grazing, which would favor cover and productivity over diversity.</p> <p>In addition, the approval of the seed mix as submitted does not prevent the mix from being amended in the future based on future data, research and experiences gained from early efforts of any concurrent reclamation that may be able to be conducted during construction and operations of the Roca Honda Mine.</p>
8.	Section 2.2.11, p 15	Wildlife fencing	<p>Wildlife Protection 19.10.6.603.C(2)</p> <p>The Reclamation Plan, in section 2.2.11 on page 15, describes the removal of 8-foot exclusion fences around buildings and other facilities, and the establishment of barbed wire fencing around reclaimed areas to exclude livestock during bonding periods. The Department recommends that livestock fencing be constructed in accordance with specifications for minimizing injury to big game animals as described in the NMGF Habitat Handbook at http://wildlife.state.nm.us/conservation/habitat_handbook/documents/FencingGuidelines.pdf.</p>
	RHR Response		<p>RHR has amended Section 2.2.11 to reflect that livestock fencing will be constructed in accordance with specifications for minimizing injury to big game animals as described in the cited NMGF Habitat handbook. Replacement page 15 has been provided.</p>

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Reviewer: Kenneth Cunningham
Agency: NMDGF

Review Date: November 30, 2011

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9.	Section 3.3.2, p 36	Wildlife habitat reclamation	The Reclamation Plan, in section 3.3.2 on page 36, describes measures to reclaim wildlife habitat if not in conflict with the approved post-mining land use. Many of the measures described (topographic variability, use of native plant seed, use of weed-free seed and mulch) are specified elsewhere in the Plan. Other measures described for wildlife habitat reclamation (clumps or rows of trees, brush or rock piles, weed control) are not mentioned. If the applicant intends to implement these measures, we recommend MMD request them to submit more detailed descriptions regarding these measures. If the applicant is not committed to implement these measures, reference to them should be removed from the Reclamation Plan. A weed control plan should be implemented, starting with pre-construction surveys and continuing through the duration of mining operations and the reclamation and monitoring period.
	RHR Response		RHR has amended Section 3.3.2 to remove the language listing planting of clumps or rows of trees as part of the Reclamation Plan. We believe that topographic variability, rock piles and brush piles may result as part of reclamation of the area. Use of native plant species, use of certified weed-free seed and mulch and weed control are retained as what we believe are important components of the Reclamation Plan. Replacement page 36 has been provided and a Weed Control Plan is included as Appendix C in response to Comment No. 4.
10.	Section 2.4, Figure 2-4, pp 20-23	Revegetation Reference area	Revegetation 19.10.6.603.G A proposed reference area for revegetation success is depicted in Figure 2-4 of the Reclamation Plan. Proposed success standards stated are "90% of reference area ground cover, 90% of reference area productivity, and diversity." We assume the methods and metrics used for calculating ground cover and productivity on reclaimed areas will be identical to those used in the previously submitted Baseline Data Report (BDR) for this project. However, this should be explicitly stated in the Reclamation Plan. No vegetation diversity parameter was reported in the BDR, although one could be calculated from the available data. A diversity metric and success standard should be specified in the Reclamation Plan.
	RHR Response		See RHR's response to NM MMD Comments 6 and 7 above.

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11.	General	Revegetation reference area	<p>The BDR, part of which is included as Appendix B of the Reclamation Plan, established that the vegetation types mapped as Juniper Savannah and Shrub-Grassland are statistically similar in terms of total vegetative cover. On that basis and because the post-mining land use is grazing and reclamation will not include replacement of trees, the Department has concurred with the proposed merger of these cover types for the purpose of reclamation planning and monitoring. The inference is made in the BDR that productivity would also be statistically similar. This inference should be tested using the statistical methods shown in Appendix B. The Pinon-Juniper Woodland vegetation mapping unit is statistically distinct from the other two types. The proposed reference area includes a portion mapped as Pinon-Juniper. Two of the existing vegetation transects within the reference area are in the Pinon-Juniper vegetation type. This portion of the reference area should be excluded from use as a success standard. If needed, additional transects should be added to improve statistical robustness. We recommend MMD defer approval of the proposed reference area, pending a site inspection by state agency staff, to take place during the growing season.</p>
	RHR Response		<p>RHR believes that the existing data for the Juniper Savanna and Shrub-Grassland communities is sufficient to characterize these vegetative communities. As discussed in RHR's response to comments no. 6 and 7, revegetation of the reclaimed areas will be accomplished with an approved seed mix for the land use of grazing. The success of this revegetation will be compared to the grasses and shrubs in the reference area. The Piñon-juniper portion of the reference area will not be used for comparison of the revegetation. No further statistical testing of the reference area or addition of new transects is necessary before the revegetation takes place.</p> <p>RHR will use the same methodology and metrics utilized for calculating ground cover and productivity for the Baseline Data Report (BDR) for determining reclamation success.</p>

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Agency: NMED GWQB & NMED SWQB

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12.	General	Post-mining/ reclamation sampling	As has been stated in past correspondence, the reclamation plan must meet the requirements of the WQCC Regulations and insure that no impacts to water quality occur. In general, it is noted that all impacted material brought to the surface during mining will be removed. Following removal of all structures, stockpiles and equipment from the site, the footprint of the facility must be surveyed to insure that no remaining contamination exists. At a minimum, the areas around shafts, beneath impoundments, the pipeline corridor, and the haul road corridor must be surveyed to insure no contaminants remain at levels in excess of background concentrations. No sampling proposal is included in the reclamation plan to insure proper clean up criteria are met following cessation of mining and reclamation.
	RHR Response		<p>The MMD requirements for a Reclamation Plan, while specifying that the plan be consistent with the requirements of the WQCC Regulations, do not require detailed sampling and monitoring plans specific to groundwater quality to be included in the Reclamation Plan. RHR has committed to sampling and analyses of materials brought to the surface from the mine, and appropriate disposition of that material as may be necessary. RHR will comply with this commitment.</p> <p>RHR does not agree that the MMD requirements for a Reclamation Plan include a requirement to survey areas for parameters that may affect groundwater as a part of the Plan. This requirement may be included as part of a Closure Plan required by the NMED GWQB Discharge Permit. This Closure Plan will be developed and submitted prior to mine closure, as required by WQCC Regulations.</p>
13.	General	Reclamation cost estimate	The reclamation plan as proposed does not include any cost estimates. Following completion of review and revision of the reclamation plan, RHR must provide a complete cost estimate proposal for reclamation of the mine and an associated financial assurance proposal.

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	RHR Response		The MMD Reclamation Plan requirements do not require submittal of financial assurance for the project until after the Reclamation Plan is approved. Section 19.10.6.605.F. of the Mining Act Regulations, PERMIT APPROVAL REQUIREMENTS, provides that the applicant submit a proposal for financial assurance after receipt of written notice from the Director that the application is approvable. Section 19.10.12.1201 of Part 12, FINANCIAL ASSURANCE REQUIREMENTS, provides that the applicant shall provide a financial assurance proposal to the Director following the Director's determination that the permit application is approvable, but prior to the permit issuance. Once the Reclamation Plan is approved, RHR will submit the reclamation cost estimate based on approved Permit Conditions in order to provide the required financial assurance for the mine permit.
14.	Page vi	WQCC Regulations	RHR indicates that the reclamation plan has been prepared in accordance with Section 19.10.6.602D(15) NMAC to meet the requirements of the New Mexico Mining Act, and to meet the U.S. Forest Service requirements for submittal of a reclamation plan for operation of a mine on Forest Service lands. Section 20.6.2.3107.A(11) NMAC of the Water Quality Control Commission (WQCC) Regulations requires submittal of a closure plan. The proposed reclamation plan has been submitted to NMED and will be incorporated, along with these comments, in the administrative record for DP-1717 for the Roca Honda Mine.
	RHR Response		RHR will comply with the WQCC Regulations and develop and submit a Closure Plan pursuant to the requirements of Section 20.6.2.3107.A(11) NMAC of the Water Quality Control Commission.
15.	Section 2.2.1	Excavation material characterization	Disposition of non-ore and shaft excavation material – RHR indicates that material beneath lined stockpile areas will be excavated to a depth of 12” and either “removed off site or returned to the mine”. Any material returned to the mine must be characterized to insure it will not impact ground water quality prior to placement underground. In addition, any off-site disposal must be done in a manner that insures protection of water quality.
	RHR Response		The removal of an additional twelve inches of material below lined stockpiles is to ensure that stockpiled material has been removed. RHR has committed to characterize any material

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			before it is returned to the mine. If, based on the results of characterization, it cannot be returned to the mine, the material will be disposed of in a manner protective of water quality as may be necessary. The manner in which it is disposed of cannot be determined at this time as the results of characterization will be the determinative factor.
16.	Section 2.2.3	Shaft plugging method	Plugging shafts, wells and drill holes – The reclamation plan for shafts includes an engineered concrete plug approximately 10’ below the shaft collar, and backfill to within 1’ of the ground surface. It is unclear at what depth below ground surface the “shaft collar” is located, and whether the entire depth of the shafts will be filled. The shaft (and air vent and escape rises) penetrate several water bearing units prior to reaching the final depth of the ore bearing formation. It is unclear how the plugging method for shafts, vent hole and escape raises will insure no communication between aquifers would result in the long term.
	RHR Response		The Mine Operations Plan (Revision 1, Section 3.4, page 23. January 2012) describes that the shafts, vents and air raises will be constructed following traditional methods, which includes excavation of the shaft and lining with concrete. The specific depth of the shaft collar has not yet been determined as design of shaft is ongoing. However, the shaft collar is anticipated to extend approximately 80 ft. below the surface of the ground. Therefore, the plug will be set approximately 90 ft. below the surface and the shaft will be backfilled to 1 ft. below the surface of the ground. RHR does not intend to backfill the entire depth of the shaft. Communication between aquifers will be prevented by the installation of a grout curtain at each aquifer as described in the Mine Operations Plan, Revision 1, shaft construction. The purpose of the grout curtain method is to control inflow of groundwater into the shaft annulus and the shaft itself. The grout curtain will also prevent movement of groundwater between aquifers, as described in the Mine Operations Plan. A grout curtain will also be utilized in construction of the vent holes and escape raises.
17.	Section 2.2.5	Water treatment facility decommissioning	Decommissioning the water treatment plant – It is stated that treatment units will be cleaned and rinsed, and disassembled, if necessary for sale and reuse at another facility. It is unclear how this “rinse” water will be contained and managed. In addition, the reclamation plan does not include a proposal for rinsing and dismantling the mine water pipelines and associated features.

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	RHR Response		<p>The water utilized for cleaning and rinsing the treatment plant units will be contained in the water treatment plant ponds and the water will be disposed of through evaporation. As stated in the Reclamation Plan, the treatment plant will remain in operation until it is no longer needed to treat water generated from the rest of the facility. At that point the amount of water needed to clean and rinse various components as the water treatment facility is being dismantled is anticipated to be fully contained in the ponds. RHR considers the water pipelines and associated features to be either part of the water treatment plant facilities or part of the mine surface facilities to be removed. To the extent that any such pipelines and features require cleaning and rinsing prior to disposal, it will be done.</p>
18.	Figures 2-1, 2-2, & 2-3	Schedule	<p>The schedule indicates that wells and well access roads will be among the first features closed. NMED may require ground water monitoring pursuant to DP-1717 for a period of time following cessation of mining activities and reclamation efforts and some wells may be required to remain in place following closure. There is a line item on the Section 10 schedule for closure of a water treatment facility. It is NMED's understanding that all water will be treated at the Section 16 facility.</p>
	RHR Response		<p>RHR recognizes that there may be a need and/or a requirement to maintain some of the wells and access roads in place for a period of time following cessation of mining and closure. To the extent such is required, the Reclamation Plan will be modified to accommodate those needs in the future. The reclamation plan as currently written is meant to capture all of the activities anticipated for reclamation in order to obtain approval from MMD and subsequently establish a surety reflective of all anticipated costs.</p> <p>Your comment regarding the water treatment plant is correct. All water will be treated at the Water Treatment Facility located in Section 16. Figure 2-2, the Reclamation Schedule for Section 10, has been revised and the item, "Water Treatment Facility, line 30", has been deleted and a replacement page 17 provided.</p>
19.	Section 2.5	Excavation material	<p>Acid and other toxic drainage – On page 24 (and again on page 45) RHR indicates it has committed to characterization of excavated material "as a condition of the NMED approved</p>

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		characterization	Discharge Plan". It should be noted that discharge plan, DP-1717 is still undergoing technical review and is not yet approved. Characterization of potential shaft material is being conducted to provide NMED more information during the technical review process.
	RHR Response		RHR recognizes that DP-1717 has not yet been approved. RHR will provide the results of its material characterization results when the report is available.
20.	Section 3.0	Post-mining/ reclamation sampling	Performance and Reclamation Standards and Requirements – As previously mentioned, the reclamation plan does not provide any discussion regarding a sampling and removal plan to insure background levels for contaminants of concern are achieved following reclamation of the site. All storm water management and collection systems should remain in place until such time as the site is demonstrated to be free of impacted material that may pose a threat to water quality.
	RHR Response		Please see RHR's response to your Comment 14 above.
21.	Section 3.3.4, p 45	Excavation material characterization	NMAC 19.10.6.603D(4) – on page 45 of the reclamation plan there is a brief discussion regarding the potential to generate acid solutions in the Westwater Canyon Member. It is unclear if the intent of the statement "...limonite and hematite chemically alter pyrite..." is meant to indicate that all pyrite that was present in the Westwater Canyon Member has been altered to hematite and/or limonite. The discussion as written is confusing and needs to be clarified. Materials characterization should include Acid-Base Accounting to demonstrate whether or not material has the potential to generate acid solutions.
	RHR Response		The information provided for this Section by RHR was developed prior to RHR's commitment to conduct Acid/Base Accounting (ABA) sampling and analyses to determine whether there is any potential for generation of low pH solutions from the oxidation of any non-ore materials that will be excavated during construction of the shafts, vent and air raises. RHR has committed to characterizing this material and will provide a report when it is available to clarify the confusion.
22.	General	Natural channel surveys	SWQB recommends that Roca Honda Resources survey and document natural channel dimensions as part of their baseline data collection. This information should inform

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			recontouring, such as the proper width, depth, slope, and meander pattern of surface water courses. This approach should strive for natural channel stability, to minimize the potential for accelerated fluvial erosion after reclamation. Section 3.3.5 approaches this topic, but with inadequate detail.
	RHR Response		RHR has surveyed and dimensions of the portions of the arroyos that it proposes to modify or otherwise reroute as part of its mining operations and include the information in its Mine Operations Plan and design drawings. The information will be utilized to approximate the design and construction of the re-established channel segments at reclamation. The language in Section 3.3.5 has been modified and a replacement page 39 provided.
23.	Section 4.0	Regulatory	Section 4.0 should list the anticipated "Other Applicable Laws".
	RHR Response		RHR provided a comprehensive list of Other Applicable Laws in the form of a List of Federal and State Permits required for the project in its Permit Application submitted in October 2009 (see Table D-2, page 9). This table has been reproduced and is included as a new Table 4-1 in Section 4.0 of the Reclamation Plan.
24.	General	Surface water discharges	At this time, SWQB is particularly concerned about the location(s) of the discharges of pumped waters. These discharges might significantly alter the shape of the channel and floodplains, the floodplain functioning (perhaps associated with vegetation changes), and sediment transport (such as selective transport and deposition of fine-grained soils). Such changes might cause physical destabilization of downstream reaches. SWQB notes that although the project site contains no perennial streams or wetlands, the proposed pumped-water discharge may create both.

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	RHR Response		<p>The comment is noted. However, RHR believes that this is not a subject germane to the Reclamation Plan of the mine permit area required by the Mining Act. This may be a more appropriate comment for the NMED's review of the Discharge Plan application, its NPDES permit application and/or the Environmental Impact Statement being prepared by the US Forest Service for RHR's project proposal.</p> <p>Our response notwithstanding, please note that Section 4.0, page 46 of RHR's Mine Operations Plan, Revision 1 describes how and where RHR proposes to discharge the mine water. Briefly, RHR will construct a 20 inch pipeline to a location approximately eight miles northeast of the mine site, to private property in the vicinity of Laguna Polvadera. Under normal circumstances, a local rancher will then pick up the water and re-use all of the water for irrigation. In the event that water is discharged to the arroyo, it may be discharged into San Lucas Arroyo near this same location. RHR has applied for an NPDES Permit to cover this possibility.</p>

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Reviewer: Kevin Myers
Agency: NMOSE

Review Date: January 31, 2012

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25.	Section 3.3.6, p 42	Retaining impoundments	<p>The Plan mentions retaining impoundments as stock ponds for livestock grazing. As was mentioned previously in NMOSE comments (NMOSE letter dated February 23, 2010, comment number 10. Letter from John Romero, OSE to James Hollen, MMD) and under NMSA 72-9-3, livestock water impoundments may require approval from NMOSE. Links to forms are available on NMOSE web site.</p> <p style="text-align: center;">http://www.ose.state.nm.us/doing-business/forms-inst/stocktank/LivestockWaterImpoundmentForm.pdf</p>
	RHR Response		<p>RHR recognizes the requirements for possible approval of livestock impoundments. Nothing contained in the reclamation plan presumes that required approvals will not be obtained. Should such structures be included in the reclamation of the project site, RHR and the rancher will work with the appropriate regulatory agencies to obtain those approvals.</p>
26.	Section 2.2.3, p 9	Plugging plan	<p>The Plan provides some details of sealant and methodology for plugging wells, yet 19.27.31.K NMAC requires a plugging plan of operations be submitted for NMOSE review and approval prior to implementation. As a clarification, Plan does not substitute for submittal and review of plugging plan of operations closer to the time of the actual plugging.</p>
	RHR Response		<p>RHR is aware and knowledgeable of OSE requirements to obtain permits prior to drilling and abandonment of wells and will comply with these requirements. Nowhere in its Reclamation Plan does RHR represent that it does not intend to submit a well plugging plan as required by the OSE. To the contrary, RHR specifically commits in Section 4.0 of the Reclamation Plan to comply with all other applicable laws.</p>