

Chisler, Clinton, EMNRD

From: Roth, Daniela, EMNRD
Sent: Friday, March 7, 2014 11:47 AM
To: Clark, David, EMNRD
Subject: RE: Request for comments, regular existing mine application, Section 11/12 Mine (Permit No. MK046RE)

Dear David Clark:

Thank you for giving me the opportunity to review and comment on the regular existing mine application for the Section 11/12 uranium mine at Ambrosia Lake, in McKinley County, NM (Permit No. MK046RE). Although there are several state listed plants known to occur in McKinley County, it is unlikely any endangered plants occur in the project area due to the lack of suitable habitat for these species. Therefore it is unlikely any state endangered plants would be impacted by this mine.

Please let me know if I can be of further help,

Daniela Roth

BOTANY PROGRAM COORDINATOR

EMNRD-Forestry Division

1220 S. St. Francis Dr.

Santa Fe, NM 87505

(505)476-3347 (Phone)

(505)476-3330 (Fax)

From: [cuddy, alan, OSE](#)
To: [Coleman, Michael W, EMNRD](#)
Cc: [Johnson, Mike S., OSE](#)
Subject: Southwest Resources Section 11/12 Mine, Permit MK046RE
Date: Wednesday, February 10, 2016 7:58:47 AM

Mike,

On February 4, 2016, the Hydrology Bureau of the Office of the State Engineer received a *Request for Comments, Regular Existing Mine Permit Application, Southwest Resources, Inc., Section 11/12 Mine, Permit Application No. MK046RE* submitted by Southwest Resources, Inc. The project, located in McKinley County near Ambrosia Lake, proposes to mine uranium ore from an existing underground mine. The material accompanying the February 4, 2016 Request included a technical memo by Hydrosociences Associates addressing certain aspects of the surface and shallow groundwater hydrology near the Section 11/12 mine and two survey reports addressing wildlife and plant resources. The Hydrology Bureau reviewed the original application and provided comments to the Mining and Minerals Division in an email dated March 17, 2014. The additional material provided in this Request does not address the comments from March 17, 2014. Those comments (3) are reproduced below with some additional explanation.

1. No description of the proposed mining operations, such as whether the existing mine workings would be deepened, were provided in the permit application. If the operations were to go deeper, there is a chance that groundwater under artesian pressure would be encountered. A description of the proposed mining should be provided in the permit application.
2. No documentation of groundwater conditions was provided in the permit application. The mine workings were apparently dry during the original mining and, reportedly, are dry at the present time. Water level measurements from any nearby wells, mine shafts or ventilation shafts should be collected and provided in the permit application to assess if the proposed mining operations will encounter groundwater and therefore require mine dewatering.
3. No description of water use or water supply was provided in the permit application. If water is required for mine operations, for example for drilling or sanitary uses, and the amount is less than three acre-feet/year, Southwest Resources will need to obtain a temporary permit by filing form WR-01. If more than three acre-feet/year of water are required, a water right must be obtained. The proposed source of water and the required amount should be provided in the permit application. Southwest Resources should contact the OSE District 1 office at 5550 San Antonio Drive NE, Albuquerque, NM 87109-4127 for assistance with water rights. Their phone number is (505) 383-4000.

Please contact me if you have any further questions.

Alan S. Cuddy
Hydrology Bureau
Office of the State Engineer

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From: [Kellermueller, Ronald, DGF](#)
To: [Coleman, Michael W, EMNRD](#); [Vollbrecht, Kurt, NMENV](#)
Cc: [Lewellin, Jeffrey, NMENV](#)
Subject: RE: MK046RE-Ambrosia Lake Section 11/12 Existing Mine Permit
Date: Friday, April 8, 2016 10:16:45 AM
Attachments: [image001.png](#)

Dear Mr. Coleman,

After reviewing the Permits West, Inc. wildlife survey report I have the following comments;

- The timing of the survey (November 5) will not fully document wildlife use of the area. Summer and winter wildlife surveys should be conducted. If only one day of surveying is conducted it should occur in late May to mid-June to best capture the breeding bird season. Winter surveys can occur from December through February.
- Methods were only described as pedestrian surveys. More detail is needed here. Did Permits West run transects and if so what was the length and spacing? Or, if the area was small enough, did they just do general area searches?
- It would also be important to know wildlife use of Ambrosia Lake when it contains larger amounts of water and is more likely to attract wildlife. NMDGF has concerns about water quality at Ambrosia Lake and the potential adverse effects to wildlife when they ingest it. Have any water quality tests been conducted at Ambrosia Lake to date?

If you have any further questions please feel free to contact me.

Yours Truly, Ron.

RON KELLERMEUILLER
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Conserving New Mexico's Wildlife for Future Generations

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From: Coleman, Michael W, EMNRD
Sent: Tuesday, February 02, 2016 2:17 PM
To: Vollbrecht, Kurt, NMENV; Kellermueller, Ronald, DGF
Cc: Lewellin, Jeffrey, NMENV
Subject: MK046RE-Ambrosia Lake Section 11/12 Existing Mine Permit

Messrs. Vollbrecht, Lewellin and Kellermueller,

As most of you know I have assumed the Permit Lead role for several of David Clark's uranium

projects following his retirement from MMD in mid-December. This includes the gradually-progressing MK046RE for a Section 11-12 (T14N-R10W) Existing Mine Permit in McKinley County, sought by Southwest Resources, Inc. (SRI). *(It occurs right at the site of the world-famous fishing, deep water sunken treasure diving, and powerboat waterskiing mecca, known as Ambrosia Lake... <(;>)*

MMD received and has reviewed the attached Technical Memorandum and two survey reports provided by Permits West, Inc. (PWI), field contractor for George Lotspeich-SRI. Recent meetings and discussions reveal the future focus of this permitting action will be centered only on the SW ¼ of Section 12 where Mr. Lotspeich actually controls the property and has operated in the past. With the exception of a small diameter around the Dysart #2 vent shaft in SE Section 11, all other portions of Section 11 are removed from the proposed permit's boundary.

PWI's submission suggests, and MMD concurs, that much of the enclosed bundle of documents can serve as supplementary materials to the project's Part 5 application, in light of their acknowledgement that some elements of the original application, though deemed administratively complete as early as February 2014, may lack sufficient detail upon which to build the remainder of the Existing Mine permit. Concurrently, Ms. Robyn Tierney, Resource Specialist/Botanist for PWI, has indicated that a primary driver of the attached expanded studies is for addressing comments and concerns expressed by NMED (comment letters dated May 8, 2014 & September 15, 2015) and by the Department of Game and Fish (Dr. Wunder's comments dated 3-25-14 and 9-14-15). For this reason, copies of PWI's new documents are being sent to your agencies for review and comparison with issues you recognized previously. If specific comments or additional concerns result, please refer them back to me for the project files, and I will transmit to the applicant.

PWI continues to progress with the design of an extensive radiological survey of an approximate fifty acre area encompassing the former Section 12 operations (solid line labeled as 'EPA Perimeter' on the first of the attached maps), followed by detailed soil sampling of anomalous areas identified during the rad survey. They see those survey results as being a guide to the location, spacing and quantity of their planned soil sampling program. Their efforts have also identified a proposed three acre background radiation and vegetation reference area, situated approximately 1,800 ft. NE of the Section 12 shaft (see map #2 in the attached .pdf file). They note it appears favorable due to no previous mining at this site, it is positioned out of prevailing W and SW winds relative to other former operations, and it displays similar soils and ecological site attributes as the mine area.

I anticipate the need for parties to meet here at MMD in the relatively near term to review their full proposals for the survey and sampling plans. SRI and PWI express significant desire to move the radiological survey and soil sampling programs forward early this spring. All this is necessary for them to develop a mandatory contaminated materials cleanup and removal plan for the site. Knowing how busy our schedules are, I will try to give you all plenty of notice.

Thank you for your time and attention to the materials provided. Please feel to call me if you have any questions. Mike Coleman

Michael W. Coleman, L.R.P.G.

Senior Environmental Engineer/Geologist
New Mexico Energy, Minerals & Natural Resources Dept.

Mining & Minerals Division – MARP

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Deputy Secretary

MEMORANDUM

DATE: March 23, 2016

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

FROM: Jeffrey Lewellin, Mining Environmental Compliance Section (MECS)
Neal Schaeffer, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

THROUGH: Kurt Vollbrecht, MECS, Program Manager

RE: **NMED Comments, Southwest Resources, Inc. (SRI), Section 11/12 Mine, Regular Existing Mine Permit Application, MMD Permit No. MK046RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on February 4, 2016 requesting NMED review and provide comments on the above referenced MMD permitting action. MMD requested comments within 60 days of receipt in accordance with New Mexico Administrative Code (NMAC) 19.10.4.402 F. NMED has the following comments:

Background

The mine is located in Sections 11 and 12, Township 14 North, Range 10 West, McKinley County, New Mexico. The mine consists of an underground uranium mine that operated in three time periods: 1959; 1962; and, 1974 to 1982. Mining operations are currently inactive. The mine did not encounter ground water and proposed uranium mining operations do not involve dewatering. Information provided in the application indicates ore would be mined upon market order for off-site processing which would minimize on-site storage.

Air Quality Bureau

The Air Quality Bureau comments are attached under separate letterhead.

Surface Water Quality Bureau

The Surface Water Quality Bureau has no comments associated with this permit action.

Ground Water Quality Bureau (GWQB)

NMED has provided comment on this regular existing mining permit application to MMD on May 8, 2014 and September 15, 2015. In addition, MECS is in receipt of a map via e-mail on March 18, 2016 that more accurately depicts the mine boundaries and areas of previous apparent land disturbance or deposition of waste associated with previous mining activities. MECS will continue to communicate with MMD regarding any further changes to the mine boundaries map. NMED has the following additional comments:

- NMED requests notification at least 7 days prior to the performance of the proposed radiological survey. This request is to provide NMED the option of participation in the survey and determination of the background reference area.
- The following is an excerpt from the May 8, 2014 memorandum referenced above: "In accordance with 20.6.2.1203 NMAC and as discussed in succeeding comments herein, NMED requires SRI to submit a plan and associated implementation schedule to clean-up existing surficial radiological contamination, as evidenced by elevated radiological levels in comparison to background which is related to prior mining operations." To date, no plan has been submitted to remediate the existing surficial radiological contamination. A plan must be developed and submitted as a part of this mining application process.
- The applicant should submit a closeout plan that meets the requirements of 19.10.5.506 NMAC (CLOSEOUT PLANS) for review and comment by NMED.

NMED Summary Comment

NMED finds that environmental standards will not be met until the above comments are addressed. The radiological survey work plan referenced in the September 15, 2015 memorandum to MMD is considered complete and ready for implementation with the concurrence of MMD.

Determination

NMED is not providing an environmental determination at this time pending a response from Southwest Resources Inc., addressing NMED concerns regarding surficial radiological contamination and completion of the radiological survey.

If you have any questions, please contact Jeffrey Lewellin at (505) 827-1049.

cc: Trais Kliphuis, Division Director, NMED-WPD
James Hogan, Bureau Chief, SWQB
Richard Goodyear, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
Michael Coleman, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



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Ryan Flynn
Cabinet Secretary

Butch Tongate
Deputy Secretary

MEMORANDUM

DATE: February 8, 2016

TO: Jeff Lewellin, Team Leader
Mining Environmental Compliance Section
Ground Water Quality Bureau

FROM: Neal Butt, Environmental Scientist & Specialist
Air Quality Bureau

RE: Request for comments, Regular Existing Mine Permit Application, Southwest Resources, Inc., Section 11/12 Mine, Permit Application No. MK046RE

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 has the following comments: The AQB previously provided comments on March 19, 2014 (5/8/14) and August 10, 2015 (9/15/15), and has no additional comments in regards to the additional information provided by Permits West (e.g. flood hazard analysis; hydrologic analysis; regional geologic map which includes alluvium on a topographic base and shows the locations of the wells previously referenced; and wildlife and botany reports).

Air Quality Permitting History

The AQB has no previous record of this operation being permitted.

If you have any questions, please contact me at (505) 476-4317.