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TO THE COMMISSION  
Michael B. Sloane

STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507  
Post Office Box 25112, Santa Fe, NM 87504  
Tel: (505) 476-8000 | Fax: (505) 476-8123  
For information call: (888) 248-6866

[www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)

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18 November 2019

David J. (DJ) Ennis, P.G., Permit Lead  
Permit Lead, Mining Act Reclamation Program  
Mining and Minerals Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: Old Stope Leach Mine Interim Closeout Plan, Rio Algom Mining, LLC, McKinley County, New Mexico, Permit No. MK009RE; NMDGF No. 19376**

Dear Mr. Ennis,

In response to your letter dated 17 September 2019, the New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Rio Algom, LLC (Rio Algom) submitted an Interim Closure/Closeout Plan (Interim CCP) that outlines a conceptual reclamation plan and provides a basis for estimating reclamation costs associated with closure and closeout activities. The Department has reviewed the Interim CCP and provides the following comments.

In Section 3.3.7, *Wildlife*, golden eagle (*Aquila chrysaetos*) was not listed as a wildlife species expected to occur within the project area. A threatened, endangered, and special status species habitat survey conducted by SWCA Environmental Consultants stated that no bald or golden eagles were observed during the biological survey (SWCA 2015). Since golden eagles are known to nest on San Mateo Mesa, immediately to the east of the project area, golden eagles are projected to use the project area for foraging and should be included as a species that could be impacted by closure/closeout activities.

Section 5.1.7, *Wildlife*, states "if wildlife habitat is included in the post mine land use, technical expertise from the New Mexico Game and Fish Department will be sought". The Department strongly supports this commitment, and encourages Rio Algom to seek the agency's expertise throughout the duration of the reclamation project.

Section 5.1.9 *Post Closure/Closeout Land Use*, states that "the closure goal is to reclaim to a range condition consistent in content and form to that of the surrounding area". The surrounding area is generally in poor range condition due to heavy utilization from livestock grazing. If a reference area will be used for revegetation success standards, one that is not impacted by cattle grazing should be utilized. The entire reclamation area should also be adequately fenced with wildlife friendly fencing (<http://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Livestock-Wildlife-Fence-Guidelines.pdf>) to exclude cattle from the reclamation site.

In Section 5.5 *Revegetation*, Table 7. The note at the bottom of Table 7 states that two forb species will be selected for revegetation from a list of six species. Of the six species listed, two are not native: blue flax (*Linum perenne* L.) and yellow sweet clover (*Melilotus indicus* L.). The Department recommends that Rio Algom substitute the native species Lewis' flax (*Linum lewisii*) and white prairie clover (*Dalea candida*) for the non-native species. In addition, three of the species are native to the southwestern United States but not to the region of the project: California poppy (*Eschscholzia californica*), desert globemallow (*Sphaeralcea ambigua*), and purple aster (*Symphyotrichum patens*). The Department recommends substituting those for the more regionally appropriate species narrowleaf penstemon (*Penstemon angustifolius*), Nelson globemallow (*Sphaeralcea parvifolia*), and hairy golden aster (*Heterotheca villosa*).

Section 5.7.2 *Wildlife Surveys*, states that a wildlife survey will also be conducted prior to reclamation. However, no information is given regarding protocol and when the survey(s) will be conducted. At minimum, one full year of wildlife surveys should be conducted covering the avian spring and fall migration and breeding periods, along with summer and winter general wildlife surveys. We recommend that Rio Algom use the Department's Baseline Wildlife Study Guidelines (<http://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Wildlife-Baseline-Study-Guidelines-and-Appendix.pdf>) to develop an appropriate methodology for the pre-reclamation wildlife surveys.

Thank you for the opportunity to review and comment on Rio Algom's Interim CCP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 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

Literature Cited:

SWCA Environmental Consultants [SWCA]. 2015. Rio Algom Mill Site Threatened and Endangered Species habitat survey. Prepared for Rio Algom Mining LLC, Ambrosia Lake, New Mexico, USA.