

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Cabinet Secretary

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*ELECTRONIC SUBMITTAL*

August 26, 2020

Mr. Skyler Wildenstein  
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Albuquerque, NM 87110

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**Comment Letter on Final Reclamation Plan, Southwest Resources Inc., Section 12 Mine, McKinley Co., NM, Permit Tracking No. MK046RE, dated July 2020**

Greetings:

The New Mexico Mining and Minerals Division (“MMD”) and the New Mexico Environment Dept (“NMED”) have reviewed the Final Reclamation Plan (“FRP”), Southwest Resources Inc. (“SRI”), Section 12 Mine, McKinley Co., NM, Permit Tracking No. MK046RE, date July 2020. MMD and NMED have the following comments below regarding the FRP.

Comments

Section 4.2 Reclamation (FRP)

1. Signed and Sealed engineering designs, drawings, and specifications will be provided to MMD for review 90 days prior to commencing reclamation earthwork on the site.
2. The seeding medium and repository cover design will be provided to MMD for review 90 days prior to commencing reclamation earthwork on the site.

Section 4.2.1 Materials Decontamination (FRP)

1. An inventory of all radiological contaminated building components with manner of clean-up and/or disposal will be provided to MMD in the Reclamation Summary Report.

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Section 4.2.5 Shaft and Vent Closure (FRP)

1. After backfilling has occurred on the main shaft MMD will require SRI to monitor that specific area for subsidence, caving, or piping in the main shaft footprint for period of 5 years to ensure stability. SRI shall correct any subsidence, caving, or piping in the main shaft footprint found during this monitoring period to include revegetation.
2. Above ground steel casing associated with west vent shaft shall be removed and the west vent shaft area shall be reclaimed to blend in with the current surrounding ground surface including revegetation.
3. Above ground steel casing associated with east vent shaft shall be removed and a bat cupula design shall be submitted to MMD for approval 60 days prior to installation.

Section 4.2.7 Repository Construction (FRP)

1. The complete draft of the Earthwork Specification, Appendix G including all construction drawings shall be submitted to MMD 90 days prior to commencing earthwork contemplated under the specification.
2. To ensure compliance with 19.10.5.507 (A) NMAC and 20.6.4.98 NMAC, SWQB asks that the FRP explain how a safe setback distance between Ambrosia Lake and the repository was determined and describe the method for estimating the flood water level for Ambrosia Lake.
3. How will the final engineering designs address the possibility of flood waters affecting the repository?
4. Provide a figure that shows the 50-year and 100-year flood plain levels in the reclamation area including Ambrosia Lake.
5. NMED Surface Water Quality Bureau (“SWQB”) advises the applicant to confirm with the U.S. EPA and the U.S. Army Corps of Engineers whether or not the proposed reclamation activity requires permit coverage under Sections 402 and 404 of the Clean Water Act.

Section 4.2.7.2 Repository Cover (FRP)

1. Regarding the proposed Borrow Area “B” on Figure 6. SRI shall not disturb within 100 ft. of the current footprint of Ambrosia Lake for borrow of cover material.

Section 4.2.9 Revegetation (FRP)

1. Please include at least 2 native forbs in the Table 4 seed mix and in Appendix D.
2. Vegetative Success Criteria shall be as follows:
  - a. Revegetation Success shall represent a self-sustaining ecosystem through the comparison of ground cover, productivity, and diversity and shall be made on the basis of the approved reference area.
  - b. Foliage or basal cover and productivity of living perennial plants of the revegetated area shall be established equal to 75% of the reference area to within a 90-percent statistical confidence.

**Southwest Resources Inc.**

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- c. Diversity of plant life forms (woody plants, grasses, forbs) shall consider what is reasonable based on the physical environment of the reclaimed area.

Section 5 Schedule (FRP)

1. Provide MMD with the decided removal option for the headframe and hoist within 60 days of receiving this letter.

Section 6.1.1 Documentation and Reporting (FRP)

1. Provide MMD with the Construction Quality Control Program for approval within 90 days of receiving this letter.

Per the *Director's Order of Abatement on Consent Section 12 Mine, McKinley County, New Mexico*, signed January 14, 2020 ("D.O."), SRI shall align all future submittals with the timelines specified in Sections 30 – 36 of the D.O

Please contact MMD to set up a teleconference within the next three weeks to discuss the conditions in this comment letter. Should you have any questions, comments, or require additional information concerning this letter, please contact me at (505) 467-9589, or via email at: [clinton.chisler@state.nm.us](mailto:clinton.chisler@state.nm.us).

Sincerely,



Clint Chisler – Permit Lead, MK046RE  
Mining Act Reclamation Program ("MARF")  
New Mexico Mining and Minerals Division

**Cc:** Holland Shepherd, Program Manager, MARF/MMD  
Dana David, Assistant General Counsel  
Anne Maurer, Mining Act Team Leader, NMED  
Kurt Vollbrecht, MECS Program Manager, NMED  
Mine File (MK046RE)