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STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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22 July 2021

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

**RE: Modification 20-1, Horizon Ag Products – Cuba Facility, Sandoval County,
New Mexico, Permit No. SA012MN; NMDGF No. NMERT-1324.**

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the proposed mine permit modification referenced above. Horizon Ag-Products is proposing to modify the current permit boundary of the humate processing facility. The modification will expand the permit area and disturb an additional eight acres. A site inspection was conducted on 15 July 2021 by staff from the Department, MMD, and the Operator.

The proposed area of expansion is overgrazed grassland habitat that contains a number of old, abandoned Gunnison's prairie dog (*Cynomys gunnisoni*) burrows. No burrowing owls (*Athene cunicularia*) were observed utilizing any of the abandoned prairie dog burrows, but they could have been underground at the time of the site inspection. Burrowing owls are known to occur near the permit area. Therefore, before any ground disturbing activities occur, the Department recommends that a preliminary survey be conducted between April and September, using the Department's burrowing owl survey protocol:

<https://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Burrowing-Owl-Surveys-and-Mitigation-2007.pdf>

Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations regarding relocation or avoidance of impacts.

Thank you for the opportunity to review and comment on the proposed permit modification. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

A handwritten signature in blue ink that reads "Virginia A. Seamster". The signature is written in a cursive style with a large initial 'V'.

Virginia Seamster, Ph.D. on behalf of Matthew Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

MEMORANDUM
OFFICE OF THE STATE ENGINEER
Hydrology Bureau

DATE: July 25, 2021
TO: DJ Ennis, P.G., Mining and Minerals Division
THROUGH: Ghassan Musharrafieh, Ph.D., P.E., Hydrology Bureau Chief *JRM*
FROM: Katie Zemlick, Ph.D., Hydrology Bureau *KZ*
SUBJECT: Review and Comment, Modification of Permit SA012MN, Minimal Impact Exploration Permit Application, Horizon Ag-Products, Sandoval County, Permit No. SA012MN

I. Introduction and Conclusions

On July 7, 2021, New Mexico Office of the State Engineer (NM OSE) Hydrology Bureau received a request for comments from Mining and Minerals Division (MMD) regarding the request to modify the permit boundary to incorporate an additional 8 acres as well as proposed disturbances inside of the modified permit boundary Horizon Ag-Products (No. SA012MN). As described in the initial application on July 22, 2014, the purpose of the proposed application was for humate processing and bagging for market. The proposed modification seeks to extend the permit boundary to include an additional 8 acres. The existing permit is located in Sandoval County, approximately 35 miles West of Los Alamos in Sections 29 and 32, Township 19N Range 01E.

The original application dated July 22, 2014 describes the purpose of the application as humate processing and bagging for market. Neither the original permit application nor the proposed modification application anticipate drilling or excavation at the site and/or encountering or consumptively using water. If the processing or the bagging of humate required any drilling or excavation at the site, it is recommended to avoid drilling within 100 feet of any drainages. In addition, the applicant should contact the NM OSE District I Office immediately if groundwater is encountered.

II. Surface Water

GIS Data from NMOSE Geographic Information System database was used to locate surface water bodies in the vicinity of the proposed drill sites. The precise location of the proposed application is unknown but the Rio Puerco is located on the western halves of Sections 29 and 32.

It is recommended to avoid drilling in or within 100 feet of any drainages. NMOSE regulation 19.27.4.29.P.(2) NMAC notes that drilling fluids and cuttings shall not be allowed to migrate or be discharged off property under the control of the well owner, and that no drilling fluid or cuttings be discharged into any waters of the State.

III. Groundwater

Using the New Mexico Water Right Reporting System (NMWRRS), 9 wells with depth and depth to water information were identified within approximately 2.5 miles of the proposed project area. As shown in the table below, depth to water ranges from 40 to 140 feet in the area of permit No SA012MN.

Table 1: NMWRRS wells with depth to water information within 2.5 miles of application SA012MN.

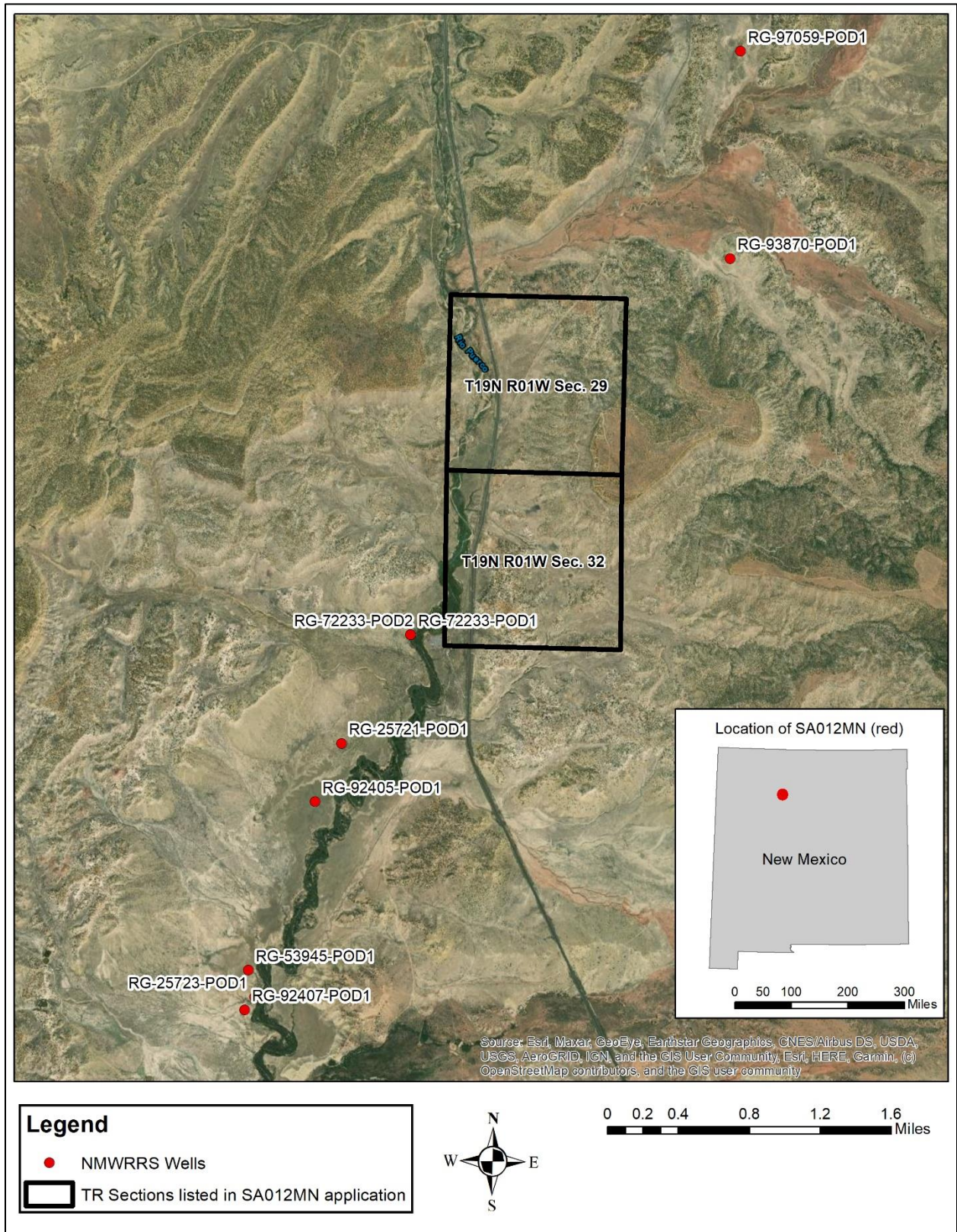
| NMOSE POD Number | TRSec. | UTM Easting (m.) | UTM Northing (m.) | Depth of well (ft.) | Depth to Water (ft.) | Approximate distance from TRS location of mine (ft.) |
|------------------|------------------|------------------|-------------------|---------------------|----------------------|--|
| RG-25723-POD1 | T18N R02W Sec.13 | 320,205 | 3,963,323 | 110 | 40 | 11,903 |
| RG-25721-POD1 | T18N R01W Sec.06 | 320,993 | 3,965,628 | 135 | 40 | 4,231 |
| RG-53945-POD1 | T18N R02W Sec.12 | 320,147 | 3,963,567 | 115 | 60 | 11,302 |
| RG-92405-POD1 | T18N R02W Sec.06 | 320,753 | 3,965,098 | 100 | 60 | 6,041 |
| RG-92407-POD1 | T18N R02W Sec.13 | 320,112 | 3,963,206 | 100 | 75 | 12,386 |
| RG-93870-POD1 | T19N R01W Sec.21 | 324,527 | 3,970,034 | 200 | 140 | 3,318 |
| RG-97059-POD1 | T19N R01W Sec.16 | 324,620 | 3,971,919 | 140 | 110 | 8,120 |
| RG-72233-POD2 | T19N R01W Sec.31 | 321,622 | 3,966,615 | 125 | 60 | 1,009 |
| RG-72233-POD1 | T19N R01W Sec.31 | 321,622 | 3,966,615 | 100 | 70 | 1,009 |

The applicant does not anticipate encountering groundwater. However, should groundwater be encountered, the applicant should contact the NM OSE District I Office immediately.

IV. References

New Mexico Office of the State Engineer and New Mexico Interstate Stream Commission. New Mexico Water Rights Reporting System (NMWRRS). URL:
<http://nmwrrs.ose.state.nm.us/nmwrrs/index.html>

Figure 1: Location of SA012MN and NMWRRS wells.





Electronic Transmission

MEMORANDUM

Date: July 29, 2021

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

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Amber Rheubottom, MECS
Alan Klatt, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Horizon Ag Products – Cuba Facility, Minimal Impact New Mine Modification 21-1 Application, Sandoval County, New Mexico, New Mexico Mining Act Permit No. SA012MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 7, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, this is a minimal impact new mine. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED requested an extension to submit comments by July 29, 2021. NMED has the following comments.

Background

Horizon Ag Products (applicant) is proposing to modify the permit boundary and to disturb an additional 8 acres within the modified permit boundary

Mr. Holland Shepherd
Horizon Ag Products, Modification 21-1
July 29, 2021

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

MECS has no comments.

NMED Summary Comment

NMED finds that the permit boundary expansion as proposed in the application will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: David Ennis, Permit Lead, EMNRD-MMD
Kurt Vollbrecht, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



**NEW MEXICO
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Michelle Lujan Grisham
Governor

www.env.nm.gov

James C. Kenney
Cabinet Secretary

Howie C. Morales
Lt. Governor

Stephanie Stringer
Deputy Secretary

MEMORANDUM

DATE: July 16, 2021

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau

RE: Request for Review and Comment, Minimal Impact Mining Operation, Horizon Ag Products, Sandoval County, New Mexico Mining Act Permit No. SA012MN

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 provides the following comments.

Air Quality Permitting History

The AQB has issued an air quality permit number 3676M1 for this project.

Details

Horizon Ag Products requested to modify the permit boundary to incorporate an additional 8 acres as well as proposed disturbances inside this modified permit boundary.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other Particulate Control*: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

“Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant.”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

“Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.”

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA's *Compilation of Air Pollutant Emission Factors, AP-42, "Miscellaneous Sources"* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

Recommendation

The facility has an air quality permit which may need to be modified after this Minimal Impact Mining Operation permit is approved. The facility should consult with AQB if air emissions at the facility are changing.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505.476.4318.



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

July 23, 2021

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau
FROM: Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau
SUBJECT: **Request for Review and Comment, Minimal Impact Mining Operation, Horizon Ag Products, Sandoval County, New Mexico Mining Act Permit No. SA012MN**

Surface Water Quality Bureau (SWQB) received a request for comments on July 8, 2021 regarding the subject application. The application requests to increase the permit boundary at the Cuba Humate Processing Facility by 8-acres to accommodate a new disturbance, approximately 1-acre in size, for two new parking and storage areas.

SWQB reviewed the US Environmental Protection Agency's Enforcement and Compliance History database, available at <https://echo.epa.gov/>, on July 8, 2021 and confirmed that this facility is covered under the National Pollutant Discharge Elimination System (NPDES) for industrial stormwater discharges by permit number NMR053000. The Stormwater Pollution Prevention Plan (SWPPP), required by this permit, should be updated with appropriate Best Management Practices (BMPs) that are designed, installed and maintained to prevent, to the extent practicable, pollutants in stormwater runoff from entering waters of the U.S. For additional information regarding NPDES permitting, contact:

EPA Region 6
1201 Elm St.
Dallas, Texas 75202
Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

or Levi Dean, NMED-SWQB, at 505-365-3337.

For questions related to these comments, please contact Alan Klatt, SWQB, 505-819-9623.

From: [Reycraft, Richard, DCA](#)
To: [Ennis, David, EMNRD](#)
Subject: HPD Log# 115598, Request for Comments on amendment to the application for the Cuba Mill, Modification 21-1, Horizon Ag Products – Cuba Facility, Sandoval County, New Mexico, Permit No. SA012MN
Date: Friday, August 6, 2021 8:46:17 AM
Attachments: [Log#115598.pdf](#)

Dear Mr. Ennis:

I am writing in response to your request for comment on the above referenced exploration project received at this office July 28, 2021.

Pursuant to 19.10.5.505 NMAC, Permit Modifications and Revisions, the Director shall determine whether a permit modification would have an adverse impact on cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties or be located in a known cemetery or other burial ground.

According to our files, there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties in the permit area. There are also no known cemeteries or other burial grounds. Based on this information, this permit will have no adverse impacts to cultural resources listed on the National or State Registers.

Although there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties, the permit area has never been archeologically surveyed; therefore, this office recommends a cultural resources survey be conducted on any undisturbed portions of mine property where proposed new ground disturbance will occur for this permit.

This survey should be performed by a qualified professional to determine if any historic or archaeological properties are present and if so, to provide documentation of those resources to our office. This information can then be used to evaluate the National Register of Historic Places eligibility of any resources identified during the survey and determine project effects on those resources. A list of state permitted archaeologists and archaeological firms are available from this office upon request or can be downloaded from our web site at:

<http://www.nmhistoricpreservation.org/documents/consultants.html>

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard. Reycraft
Staff Archaeologist

Richard Reycraft

Richard. Reycraft, Ph.D.
New Mexico Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501
505-452-6115

From: [Roth, Daniela, EMNRD](#)
To: [Ennis, David, EMNRD](#)
Subject: RE: Amended Application - Cuba Mill Mod 21-1
Date: Tuesday, August 24, 2021 1:58:06 PM

Dear David Ennis:

Thank you for providing me the opportunity to review and comment on the revision of the Modification of Permit No. SA004MN (Modification 21-1) at the Cuba Mill in Sandoval County, NM. Based on the information provided I do not anticipate any impacts to state listed endangered plant species resulting from the proposed modifications (larger parking area and finished product storage area).

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

Daniela Roth

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-372-8494 (cell)
<https://www.emnrd.nm.gov/sfd/rare-plants/>

From: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Sent: Wednesday, July 28, 2021 3:16 PM
To: Maurer, Anne, NMENV <Anne.Maurer@state.nm.us>; Kellermueller, Ronald, DGF <Ronald.Kellermueller@state.nm.us>; Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>; Reycraft, Richard, DCA <richard.reycraft@state.nm.us>; Zemlick, Katie, OSE <Katie.Zemlick@state.nm.us>
Subject: Amended Application - Cuba Mill Mod 21-1

Hello Everyone,

MMD received the attached amendment to the application for the Cuba Mill, Sandoval County, NM.

This is still being processed as Modification 21-1 to permit SA012MN, but it appears that the applicant is applying for some additional space as well as a surge stockpile for the processing plant.

Please provide any comments your agency may have within 20-days of receipt of this amendment to the application.

Please let me know if you have any questions.

Thanks,
DJ

DJ Ennis, P.G.
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