



Michelle Lujan Grisham,
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 NM.SHPO@dca.nm.gov

September 11, 2024

Kevin C. Meyers
Permit Lead
Mining Act Reclamation Program (MARP)
Mining and Minerals Division
kevin.meyers@emnrd.nm.gov

Via Email Only

RE: **HPD Log #122926—Request for Comments on Laughlin Peak Mine – Minimal Impact New Mine Application, Permit No. CO002MN, Uinta Basin Sand LLC (Natural Pozzolan Resources, LLC)**

NMCRIS 155170

Dear Mr. Meyers:

Thank you for submitting *An Archaeological Inventory of 984.04 Acres, for Proposed Mining Operations Within Mineral Lease SLO-HA-340-0, in Colfax County, New Mexico* to the New Mexico State Historic Preservation Office (SHPO) for review and comment. We received the request for review on July 16, 2024, via email. We received the archaeological report on July 29, 2024. Additional information needed to complete the review was requested from the contractor, Ron Winters, on August 15, 2024. The information was provided on August 22, 2024.

Based on the information provided in the report, the SHPO finds LA 204401 is eligible for listing in the National Register of Historic Places (NRHP), under Criterion D.

The SHPO finds LA 203119 is Not Eligible for listing in the NRHP.

The SHPO finds not enough information is available for HCPI 54602, LA 204398, LA 204399, LA 204400, LA 204402, LA 204403, LA 204404, LA 204405, LA 204406, LA 204407, and LA 204408 to make a determination of eligibility for listing in the NRHP. Testing would need to be undertaken at the sites to determine the presence or absence of intact subsurface archaeological deposits.

Please see my comments below.

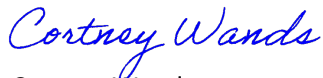
- HCPI 54602—Not enough information is available to determine historic context or integrity.

- LA 204402—The assemblage remarks do not match the artifacts as presented on the site map. Please provide corrected information.
- LA 204404—The stated site size and the map do not match. Please provide corrected information.
- LA forms need to be uploaded individually under their respective resource page in NMCRIS.

Our records indicate the project is located entirely on lands owned by State Land Office (SLO). Per Subsection F of 19.10.3.302 NMAC, "If the permit area includes state or federally-owned lands, no permit will be issued unless the appropriate land management agency has approved or acknowledged the proposed operation...." The SLO is the Lead Agency on this project. SLO will need to be consulted to determine best approaches to avoid adverse impacts to the sites.

If you have any questions or concerns, please contact me at cortney.wands@dca.nm.gov .

Sincerely,



Cortney Wands
Archaeological Reviewer

cc: Anne Curry, Director of Cultural Resources
NM State Land Office

From: [Weldy, Megan L.](#)
To: [Myers, Kevin, EMNRD](#)
Subject: [EXTERNAL] NMSLO Review of NMCRIS No. (155170)
Date: Wednesday, September 18, 2024 9:09:27 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

You don't often get email from mweldy@nmslo.gov. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Mr. Meyers,

The New Mexico State Land Office has reviewed *An Archaeological Inventory of 984.04 Acres, for Proposed Mining Operations Within Mineral Lease SLO-HA-340-0, in Colfax County, New Mexico in Colfax County, New Mexico* under NMCRIS Activity # 155170. Following our review, the State Land Office has requested edits regarding documentation forms and the NMCRIS Database submittal. Requests are outlined below. Should there be any questions about the edits, please don't hesitate to reach out.

- NIAF form edits requested, Section #s referenced:
 - 7. The description of the Undertaking does not match that which is entered into NMCRIS and references a survey area of 43.06 acres, instead of the 984.04 acres for this survey area.
 - Survey Results: Please include the line referencing HCPI resources recorded. HCPI 54602 would not be classified as a count under "Sites discovered and registered:" but rather "HCPI Properties Discovered and Registered".
 - Management Summary: Describe HCPI 54602's eligibility recommendation within the summary, along with any management plans for HCPI 54602 and LA 204401 relative to the project if available. Repeat this throughout the report in applicable areas: Introduction, page 5; Summary and Recommendations, page 59
- Report edits requested:
 - Previous Research: states that "no sites or surveys recorded within the project area"; however, there is one previously recorded site within the project area that was revisited (LA 203119) and 5 previous Winters surveys within the project area. Also, please double check References within Table 1 for Previous Research, NMCRIS Activity 154749 is listed twice.
 - Survey Results:
 - LA 203119: Narrative is missing within report
 - LA 204402: The site assemblage lists 9 flakes on the site, but the site map shows many more artifact points
 - HCPI 54602: Missing eligibility discussion within narrative
 - Summary and Recommendations:
 - Add eligibility statement for HCPI 54602
 - Add any project specific management plans to avoid impacts to LA 204401 and HCPI 54602

- LA/HCPI Form edits requested:
 - For all LA forms, please add artifact charts to the form attachments
 - LA 204401: add any project specific management plans to avoid site impacts if available.
 - LA 204404: site size is listed as 2.5 X 3 meters in size under section 7, map indicates larger
 - HCPI 54602: add in eligibility recommendation and project related management plans to avoid site impacts

- LA/HCPI Forms need to be uploaded under individual resource pages on NMCRIS
- LA/HCPI eligibility recommendations need to be uploaded under individual resource pages on NMCRIS
- Upload new NIAF and report PDF to NMCRIS after adjustments

Thank you! Again, please don't hesitate to reach out with any questions.

Megan Weldy
Archaeologist – Conservationist
Cultural Resources Office
505.819.8249
New Mexico State Land Office
310 Old Santa Fe Trail
P.O. Box 1148
Santa Fe, NM 87504-1148
mweldy@nmslo.gov
nmstatelands.org

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DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

wildlife.dgf.nm.gov

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Silver City

8 August 2024

Kevin Myers, Permit Lead
Mining Act Reclamation Program (MARP)
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

**RE: Laughlin Peak Mine – Minimal Impact New Mine Application, Uinta Basin Sand LLC
(Natural Pozzolan Resources, LLC), Permit No. CO002MN; NMDGF Project No. NMERT-3655.**

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced minimal impact new mine project submitted by Natural Pozzolan Resources, LLC (NPR). NPR is proposing to develop a new surface mining operation to extract volcanic tephra and pumice. They will disturb not more than 10 acres at a time and conduct concurrent reclamation. The proposed mine site is located approximately 19 miles southeast of Raton, New Mexico in Colfax County. The New Mexico State Land Office (SLO) is the owner of record of both the surface and mineral estate of the leased property and has issued Mineral Lease HA-340-0, which provides access to the surface and mineral estate. Staff from the Department, MMD, New Mexico Environment Department, SLO, and NPR conducted a site inspection on 30 July 2024.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during mine development activities, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season. That season for migratory songbirds and most raptors is 1 March – 1 September; for golden eagle (*Aquila chrysaetos canadensis*) and great horned owl (*Bubo virginianus*) it is 1 January – 15 July. If ground disturbing and clearing activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory) and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be a minimum of 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk (*Buteo regalis*), golden eagle, peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

The Department concurs with the proposed native seed mix and suggests including some species designed to enhance local pollinator habitat. The Department also recommends that only certified weed-free seed be used to avoid inadvertently introducing non-native species to the reclamation site.

Any alternate plant species, used to substitute for primary plant species that are unavailable at the time of reclamation, should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site and suggests including seeds from a region that represents potential future climatic conditions at the site.

The SLO had allowed NPR to conduct some exploration and road construction activities prior to acquiring an approved mining permit from MMD. The locations where these activities were conducted were visited during the site inspection. The exploratory sites were located on the “finger ridges” at the base of Laughlin Peak. The topsoil was removed at these sites to assess the quality of the volcanic tephra layer that will be mined. Reclamation had been completed at one of the exploration sites. The reclaimed site had been recontoured with salvaged topsoil to conform with the surrounding habitat and was seeded and covered with mulch in mid-July. All the woody vegetation that was initially cleared was placed at the bottom of the slope on the reclamation site to control erosion. The Department recommends that the woody vegetation be repositioned to be more dispersed across the site, especially in steeper areas where erosion and rilling is more likely to occur. The site should be monitored after significant rain events to determine if additional features, such as berms and/or wattles, are needed to adequately control erosion.

Thank you for the opportunity to review and comment on the proposed permit application. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dof.nm.gov.

Sincerely,

Virginia Seamster, Ph.D.
Assistant Chief for Technical Guidance, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary Designate

Benjamin Shelton
Acting Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



July 29, 2024

Kevin Myers
Permit Lead; Mining and Minerals Division
Energy, Minerals and Natural Resources Department (EMNRD)
1220 S. St. Francis Drive
Santa Fe, NM 87505

RE: Request for Comments on Laughlin Peak Mine, Uinta Basin San LLC (Natural Pozzolan Resources LLC), Colfax County, New Mexico, Permit No. CO002MN.

Thank you for the opportunity to comment on the above referenced project. I do not anticipate any impacts to State Endangered or Federally Endangered or Threatened plants as a result of this project, as described in the application.

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

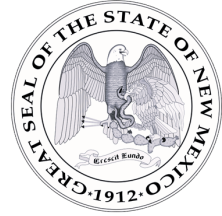
Sincerely,

A handwritten signature in blue ink that reads "Erika Rowe".

Erika Rowe
State Botanist/Endangered Plant Program Coordinator
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov
cell: (505) 699-6371



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
Hydrology Bureau



MMD REVIEW MEMORANDUM

DATE: August 9, 2024

TO: Kevin C. Myers, Permit Lead, Mining Act Reclamation Program, MMD

THROUGH: Katie Zemlick, Ph.D., Chief, Hydrology Bureau, Santa Fe *KZ*

FROM: Steve Acheampong, Ph.D., Senior Hydrologist, Hydrology Bureau, Santa Fe *sya*

SUBJECT: Review and Comments on Laughlin Peak Mine - Minimal Impact New Mine Application, Permit No. CO002MN, Uinta Basin Sand LLC (Natural Pozzolan Resources, LLC)

KEYWORD: Laughlin Peak Mine, Uinta Basin Sand LLC, Natural Pozzolan Resources, LLC, Colfax County, Canadian River, Tephra, Pumice, Alluvium

ID: MMD 2024 005 CO002MN

1.0 INTRODUCTION

The Hydrology Bureau of the New Mexico Office of the State Engineer (NMOSE) received a request from Mining and Minerals Division (MMD) of the Energy, Minerals and Natural Resources Department (EMNRD) on July 16, 2024, to review and comment on Laughlin Peak Mine – Minimal Impact New Mine Application, Permit No. CO002MN submitted to MMD by Uinta Basin Sand LLC (Natural Pozzolan Resources, LLC). The applicants propose to undertake surface mining for tephra and pumice on land leased by the New Mexico State Land Office (NMSLO) in Colfax County within sections 16, 17, 18, 19 and 20 of Township 28 North, Range 26 East N.M.P.M., in the Canadian River Ground Water Basin, New Mexico (see attached Figure 1). The proposed mine is located approximately 19 miles southeast of Raton in Colfax County.

2.0 HYDROGEOLOGY

The hydrogeology of the area has been described comprehensively by Hart and Smith (1979) and Trauger and Kelly (1987). Information on water resources at the proposed mine site is very limited. The applicants report a depth to groundwater estimate of 100 ft below ground level (bgl) from a personal communication with a rancher. A T-O Ranch production well located northeast of the proposed mine site in section 18, T29N, R27E has a total depth of 155 ft bgl and a reported static water level measured in 1975 of 53.81 ft (Trauger and Kelly, 1987). Available data on domestic and livestock watering wells located in the vicinity of the proposed mine site in sections 6, 15, 20, 28, 31 and 33 of T28N, R26E show that total depths range from 100 to 455 ft bgl with an average of 250 ft bgl, and the depths to water range from 30 to 265 ft bgl with an average of

141.5 ft bgl (see attached Table). The reported aquifer is sandstone, gravel and conglomerate. However, the unconsolidated Quaternary-age alluvial deposits also act as good aquifers in the area.

3.0 METHOD OF MINING

The applicants propose to undertake surface mining for tephra and pumice by excavating one or two quarries at a time. They intend to use dozer, excavator, loader, and haul trucks capable of over the road travel to mine 10 acres at a time with concurrent reclamation. A total acreage of 72.6 acres (Haul Road) plus 10 acres of unclaimed land (open pit mining) will be disturbed at a time.

4.0 COMMENTS

1. The Hydrology Bureau has no concerns with the method of mining proposed by the applicants.
2. There are no major issues with water use at the site. However, to meet the operational needs for dust control by the applicant, and grazing needs by the lessee (as suggested by the applicants) it is recommended that a groundwater permit is procured by the SLO for a new well for both dust suppression and stock use.
3. A new well will provide more information on the hydrology of the area and will help with the future development of water resources in the area.
4. Contact should be made with the District VII Office of the Water Rights Division of the New Mexico Office of the State Engineer to file the necessary permit application forms and obtain the required regulations for drilling a new well.

5.0 REFERENCES

- Hart, D.L., and Smith, C., 1979, Groundwater in the Vicinity of Capulin New Mexico: U.S. Geological Survey Water-Resources Investigations 79-79, 58 p.
- Trauger, F.D., and Kelly, T.E., 1987, Water Resources of the Capulin Topographic Basin, Colfax and Union Counties, New Mexico: New Mexico Geological Society Guidebook, 38th Field Conference, Northeastern New Mexico, 1987, pp. 285-293.

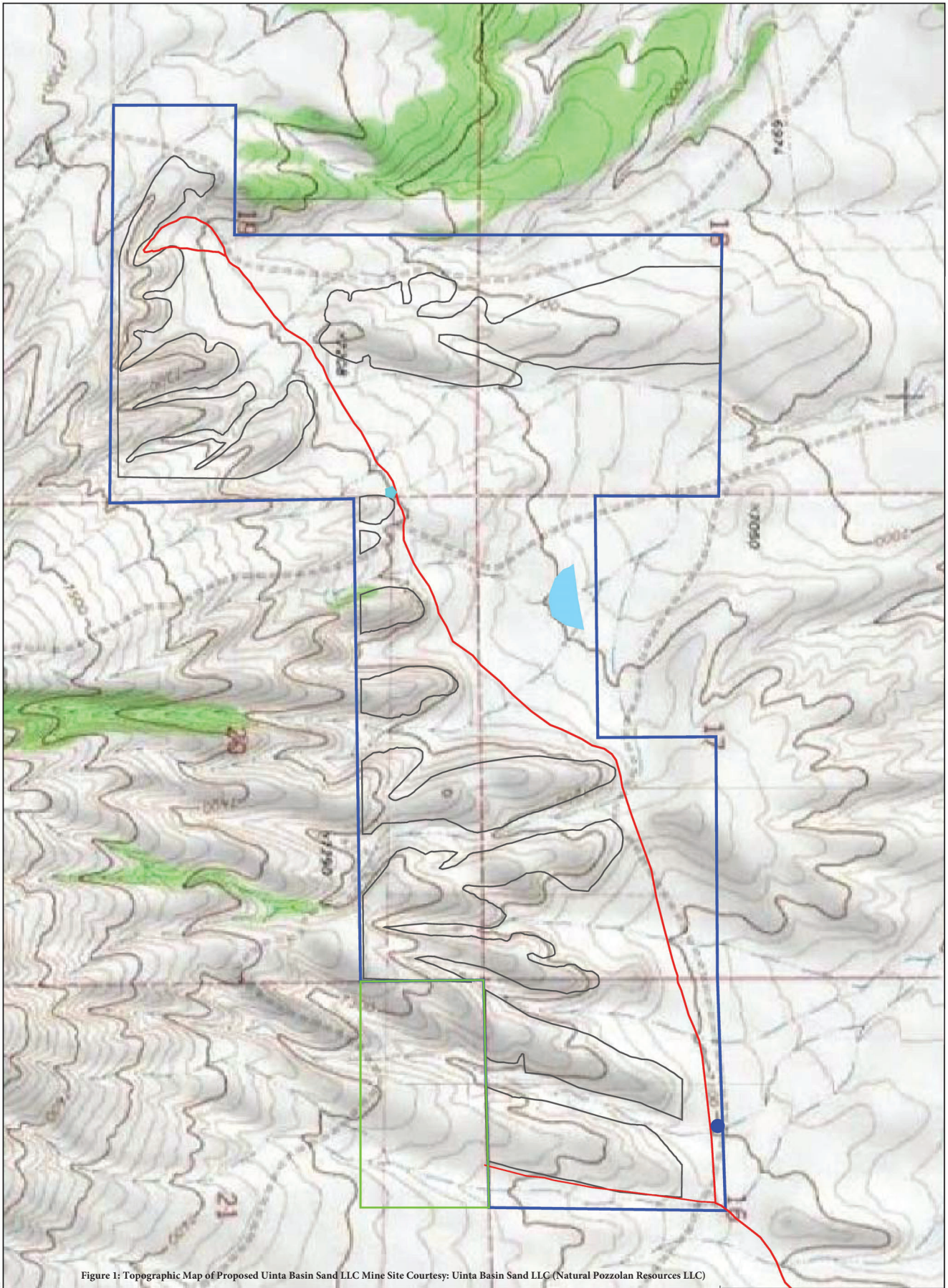


Figure 1: Topographic Map of Proposed Uinta Basin Sand LLC Mine Site Courtesy: Uinta Basin Sand LLC (Natural Pozzolan Resources LLC)

0
1000 ft
SCALE: 1" = 1000' or 1" = 1000'



USGS Base Map
MESA LARGA Quadrangle
7.5 Minute Series
Coordinate System NAD 83
UTM NM-E Zone 13 S - Feet

NM SLO HA-340-0 Lease Boundary
Haul Road (built May 2024)
Proposed Disturbance Boundaries
Previous Disturbance Limited to Undeveloped Roads & Dirt Dams, and Haul Road

Private 80 acre Lease Boundary
Dirt Stock Pond (Water Structure)
Existing Windmill Water Structure
Proposed Solar Water Well

Private 80 acre Lease Boundary
Dirt Stock Pond (Water Structure)
Existing Windmill Water Structure
Proposed Solar Water Well

Laughlin Peak Mine	
Exhibit - B	
Topographic Map Mine Plan of Operation w / Existing & Proposed Disturbance	
DRAWN BY: Gregory Hunt	DATE: 7/5/24
Natural Pozzolan Resources LLC	

Well Name	UTM Easting (m)	UTM Northing (m)	Location	Use	Diversion (afy)	Total Depth (ft)	Depth to Water (ft)	Water Column (ft)	Aquifer	Perf	Est. Yield gpm	Owner	Date Drilled
CR-00782	573297	4054488	SE¼SE¼NW¼ sec. 28 T28N R26E	STK	3	455	NA	NA	NA	NA	NA	Hennigan Ranch	12/11/1978
NA	NA	NA	NE¼SW¼NE¼ sec. 20 T28N R26E	NA	NA	118.5	99.1		NA	NA	NA	Hennigan Ranch	
CR-00936	573800	4052389	SE¼ sec. 33 T28N R26E	STK	3	100	NA	NA	NA	NA	NA	W.E. Medlock Jr./Kaye Medlock	2/17/1980
CR-03118	575188	4057816	SE¼ sec. 15 T28N R26E	NA	NA	250	150	100	Sandstone /gravel/ conglomerate (210-211)	210-250	3	Michael Pasich; Karen Pasich	1/9/1998
CR-03211	569668	4053256	SE¼ sec. 31 T28N R26E	STK	3	235	155	80	Sandstone /gravel/ conglomerate (150-155)	155-195	NA	Medlock Land & Cattle; W.E. Medlock Jr.	9/21/1998
CR-03212	570880	4052466	SE¼NE¼SE¼ sec. 31 T28N R26E	STK	3	335	265	70	Sandstone /gravel/ conglomerate (295-310)	295-335	10	Medlock Land & Cattle; W.E. Medlock Jr.	11/27/1998
CR-03604	569813	4060677	NW¼NE¼SW¼ sec. 06 T28N R26E	DOM	3	318	30	288	Shale/Mudstone/Siltstone (48-49; 197-200)	48-315		William Cunico	3/9/2001
CR-3906	569468	4053456	NW¼NN¼NW¼ sec.31T28N R26E	STK	3	185	150	35	Sandstone /gravel/ conglomerate (165-180)	145-185	10	W.E. Medlock Jr.	12/16/2002

Table 1: Wells located in the vicinity of the Proposed Laughlin Peak Mine in Colfax County, New Mexico.



MEMORANDUM

DATE: August 1, 2024

TO: Amber Rheubottom, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

FROM: Eliza Martinez and Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department, and

SUBJECT: **Request for Review and Comment, Minimal Impact, Laughlin Peak Mine, Colfax County, New Mexico, Mining Act Permit No. CO002MN**

On July 18, 2024, the New Mexico Environment Department (NMED)-Surface Water Quality Bureau (SWQB) received a request for comments regarding the above referenced application. Uinta Basin Sand LLC (Soon to be Natural Pozzolan Resources LLC) requests a minimal impact mining permit for Laughlin Peak Mine, Permit No. CO002MN located on NM State Highway 193 in Colfax County, NM at the approximate latitude and longitude 36.66171° North, -104.19464° West. The Laughlin Peak Mine would mine volcanic tephra and pumice and be a surface mine. The purpose of the application is to request a new minimal impact mining operations permit. SWQB has prepared the following comments pursuant to §19.10.3.304.H New Mexico Administrative Code (NMAC):

There are multiple unnamed ephemeral drainages within the proposed disturbance area. All unnamed tributaries that meet the definition of "surface water(s) of the state" at 20.6.4.7 NMAC are subject to section 20.6.4.98 Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC) with designated uses that include livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact. Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property (20.6.4.13 NMAC). Mining activities that have the potential to contribute pollutants to waters of the state must be implemented with appropriate and reasonable Best Management Practices (BMPs) in order to prevent impacts to water quality. Any discharge of a water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, must be reported to the Environment Department within twenty-four hours (20.6.2.1203 NMAC).

Appropriate and reasonable BMPs include, but are not limited to, the following:

- Spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparation, and mining activities to address potential spills.
- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must have secondary containment systems to prevent spills. Store these materials outside of the flood-prone zone.
- Process water must be contained within a closed-loop system or lined pits. A discharge of process water may require discharge permit from NMED or the U.S. Environmental Protection Agency.

- Pressure wash and/or steam clean all mobile equipment used in the project area before the start of the project and inspect daily for leaks. A written log of inspections and maintenance should be completed.
- The use of overland travel and site selection, design, and construction of drill pads, reserve pits, and road should comply with the guidelines described in the Bureau of Land Management “Gold Book”¹. Suspend construction, maintenance activities, or off-road travel during periods when the soil is too wet to adequately support heavy equipment without causing surface disturbance. The operator should commit to repair any surface disturbance they caused.
- Implement Best Management Practices to prevent direct impacts to watercourses, including springs, wetlands, and arroyos. For temporary surface disturbances during mining and reclamation activities, the operator should implement erosion control measures that are designed, constructed and maintained using professionally recognized standards (e.g. Natural Resource Conservation Service standards or the Bureau of Land Management “Gold Book”).
- The applicant should ensure that stormwater entering the project area (“run-on”) is diverted from soil storage piles and should place piles uphill of excavations when possible.
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from an watercourses, including springs, wetlands, and arroyos.
- Design and construct containment systems that are capable of retaining stormwater runoff from the mining area during precipitation events. The containment system should be sufficient in size to contain stormwater generated within its catchment area from 100-year, 3-day storm event.
- Facilities, including certain mining operations, that discharge stormwater or have the potential to discharge stormwater into the waters of the United States may require an individual or general permit under Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System Program). The permittee must submit the appropriate application to the U.S. Environmental Protection Agency (EPA) prior to initiating activities that may result in a discharge.

The Multiple Sector General Permit (MSGP) coverage determination depends on a facility’s Standard Industrial Code (SIC) and the potential to discharge to a water of the U.S. The MSGP coordinator for EPA Region 6 is Nasim Jahan, (jahan.nasim@epa.gov) 214-665-7522. The 2021 MSGP requires that all covered facilities file a Notice of Intent (NOI) through the CDX system (<https://cdx.epa.gov/Help>).

For additional information, contact:

EPA Region 6

1201 Elm St.

Dallas, Texas 75202

Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

¹<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>



Electronic Transmission

MEMORANDUM

Date: August 6, 2024

To: David Ennis, Program Manager, Mining Act Reclamation Program

Through: Amber Rheubottom, Acting Mining Act Coordinator, Mining Environmental Compliance Section (MECS)

From: Alan Klatt & Eliza Martinez, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)
Dave Hays (MECS)

Subject: **New Mexico Environment Department (NMED) Comments, Laughlin Peak Project, Minimal Impact Permit Application, Colfax County, New Mexico, Mining Act Permit No. CO002MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 16, 2024, requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, this is a new minimal impact permit. MMD requested comments on the application within 20 days of receipt of the request for comments.

Background

Uinta Basin Sand LLC (Applicant) proposes to mine a volcanic deposit of tephra and pumice in a surface mine operation. The applicant proposes to disturb no more than 10 acres at a time and do concurrent reclamation. This site is located approximately 12 miles southwest of Capulin, New Mexico.

Air Quality Bureau

The AQB comments are attached.

Surface Water Quality Bureau

The SWQB comments are attached.

Mr. David Ennis
Laughlin Peak Project
August 6, 2024
Page 2 of 2

Mining Environmental Compliance Section

The MECS has no comments.

NMED Summary Comment

NMED has determined the proposed exploration activities will be protective of the environment if done in accordance with the approved permits and pollution controls as presented.

If you have any questions, please contact Amber Rheubottom at (505) 660-2379.

cc: Joseph Fox, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Dana Bahar, Acting Bureau Chief, NMED-AQB
Kevin Myers, EMNRD-MARP



MEMORANDUM

DATE: August 2, 2024

TO: Amber Rheubottom, Acting Mining Act Team Leader, Mining Environmental Compliance Section, NMED

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

Request for Review and Comment, Minimal Impact, Laughlin Peak Mine, Colfax County, New Mexico, Mining Act Permit No. CO002MN

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.

Details

Uinta Basin Sand will surface mine for volcanic tephra and pumice. Applicant may operate up to two quarries spanning 10 acres at a time. Mining operation will also create up to two topsoil stockpiles and up to two waste dumps. Total acreage to be disturbed will be 82.6 acres.

The applicant did not propose processing of mined material on site.

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."

Request for Review and Comment, Minimal Impact, Laughlin Peak Mine, Colfax County, New Mexico, Mining Act Permit No. CO002MN

Page 2

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:

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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 Air Quality Bureau does not have any objection to this project.

Note: If applicant plan to process mined material on site please consult with the Air Quality Bureau to evaluate air quality permit requirements.

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

If you have any questions, please contact me at 505 629 6186.