

State of New Mexico
Energy, Minerals and Natural Resources Department

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Mining and Minerals Division



Via ELECTRONIC MAIL

September 19, 2024

Gregory L. Hunt
16577 Columbine Lane
Cedaredge, CO
81413

RE: Agency Review Comments and Request for Additional Information, Permit No. CO002MN Laughlin Peak Mine – Uinta Basin Sand LLC (Natural Pozzolan Resources LLC)

Dear Mr.Hunt,

The New Mexico Mining and Minerals Division (MMD) has reviewed the July 15, 2024 Application for Minimal Impact New Mining Operation (Application) from Uinta Basin Sand LLD – Natural Pozzolan Resources LLC (UBS-NPR) for the proposed Laughlin Peak Mine, MMD Permit No. CO002RE.

On July 16, 2024, MMD determined the Application to be administratively complete and sent request for comment letters to state and federal agencies. An interagency inspection was conducted on July 30, 2024. MMD granted a few extensions of time requests, and MMD received agency comments by September 18, 2024.

Enclosed with this letter are the reviewing agency comment letters submitted by the following state agencies: the New Mexico Environment Department (NMED), the New Mexico Department of Game and Fish (NMDGF), and the New Mexico Department of Cultural Affairs - Historic Preservation Division (NMDCA/HPD), and the New Mexico State Forestry Division (NMSFD). Because part of this project is proposed to take place on State lands, the New Mexico State Land Office (NMSLO) is involved in the review process in addition to agencies required under the NM Mining Act and its rules. Additionally, please find comments from MMD based on review of this application.

MMD reviewed the permit application package and found it to be *technically incomplete* pending receipt of acceptable responses including supplemental information identified in this letter.

MMD Comments:

1. Page 7, Section 5. The mining description describes surface mining activities associated with quarries. During the inspection, some exploratory drilling was mentioned. Provide a clarification if more exploratory drilling will be part of the mining project and how each drill hole will be plugged.
2. Page 13, Section 9.H. Seeding rates. The seeding rates for the seed mix listed will be approximately 184 seeds per square feet. This may be more appropriate for a broadcast seeding rate. MMD guidelines recommends 60-100 seeds per square foot for drill seeding. Consider adjusting updating the drill seeding rates.

Common Name	Scientific Name	Seeding Rate lbs. PLS/acre	Seeds per square foot
Grasses			
Blue Grama	<i>Bouteloua gracilis</i>	1.25	23.7
Little Bluestem	<i>Schizachyrium scoparium</i>	3.0	15.5
Sideoats Grama	<i>Bouteloua curtipendula</i>	4.5	19.73
Sand Dropseed	<i>Sporobolus cryptandrus</i>	1.0	114.8
Shrubs			
Feather Dalea	<i>Dalea Formosa</i>	3.0	3.44
Fourwing Saltbush	<i>Atriplex canescens</i>	6.0	7.2
Forbs			
Consider adding:	Scarlet Globemallow, Evening Primrose, Sticky Aster, etc.		
	TOTALS	18.75	184.29

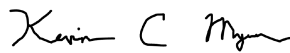
3. Page 13, Section 9.H, Seed Mix. To meet diversity standards for vegetation success, add some forbs to the seed mix because the proposed seed mix has only grasses and shrubs.
4. Page 13, Section 9.H, Seed Mix. Consider providing an alternate seed list with options, such as purple grama and others, because some seeds may be challenging to find or unavailable in any given year, such as Feather Dalea.
5. Page 13, Reference area. To meet vegetation success criteria for 12-year period after reclamation, a reference area must be proposed and approved by MMD. This area would not be disturbed and would be compared with the vegetation surveys of reclaimed areas. Provide a location on a map for proposed reference area or a technical standard. See MMD Revegetation Guidelines Sections 2 and 4.
<https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/2022-1219-MMD-MARP-Revegetation-Guidelines-FINAL.pdf>

6. Page 14, Section 11.A Financial Assurance (FA) Amount. Based on MMD Guidance for minimal impact mines, the FA amount is \$8900 for the first acre of disturbance and \$4900 per acre for subsequent acreage as long as the total is greater than 2 acres of disturbance. 10 acres of disturbance includes \$8900 plus \$44,100, which equals \$53,000 as the total FA amount calculated by MMD.
https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/MMD_Part3FAGuidelines_Sept2013.pdf
7. Page 14, Section 11.A. Surety Bonds with NMSLO. Since NMSLO has already established a surety bond of \$25,000 based on \$2500/acre of reclamation for 10 acres. MMD does not have a memorandum of understanding for a jointly held FA instrument with NMSLO. MMD's required amount of \$53,000 for reclamation is greater than the NMSLO's surety amount of \$25,000. To avoid duplication of FA amount, \$53,000 minus \$25,000 equals \$28,000. MMD requires an FA instrument proposal in the amount of \$28,000. MMD can provide a template(s) for the FA instrument.

Please respond to the MMD Comments and the attached comments from NMSLO, NMDCA/HPD, NMOSE, NMDGF, NMED and NMSFD by October 21, 2024.

Should you have any questions, comments, or require additional information concerning this letter or any enclosures, please call (505) 490-0726, or email kevin.myers@emnrd.nm.gov.

Sincerely,



Kevin Myers, Permit Lead
Mining Act Reclamation Program (MARF)

Enclosures:

- July 29, 2024 letter from NMSFD to MMD
- August 8, 2024 letter from NMDGF to MMD
- August 1-2-6, 2024 memos from NMED (includes AQB, SWQB and MECS) to MMD
- August 9, 2024 memo from NMOSE Hydrology Bureau
- September 11, 2024 letter from NMDCA/HPD to MMD
- September 18, 2024 email response from NMSLO Cultural Resources

cc (via email):

- DJ Ennis, Program Manager, MARF
- Amber Rheubottom, Acting Mining Act Team Leader, MECS, GWQB-NMED
- Bryan Victor, NMSLO