

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary

Ben Shelton
Acting Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



September 24, 2024

David Williams
Rammsco Operations Inc
19416 Park Row, Suite 170
Houston, Texas 77084

RE: Technical Comments on Modification 24-1 for Eagle Mesa Mine, Permit No. SA009MN

Dear Mr. Williams,

The New Mexico Mining and Minerals Division (MMD) received a Modification request for release of reclaimed acreage and expansion of permitted acres from Rammsco Operations for the Minimal Impact New Mine Eagle Mesa Mine, Permit No. SA009MN on May 13, 2024.

On August 8, 2024, MMD deemed the submitted application was administratively complete. A site inspection was completed on August 28, 2024. MMD has conducted a technical review of the Application and, in accordance with 19.10.3.304.D NMAC, provided the Application to, and requested comments from, the New Mexico Environment Department (NMED), New Mexico Department of Game and Fish (NMDG&F), New Mexico Historic Preservation Division (NMDCA), Bureau of Land Management (BLM) and New Mexico Forestry Division (NMSFD).

Please review and respond to the attached technical comments from both MMD and Agencies within 60 days of receipt of this letter. If you have any questions regarding these comments, please contact me at (505) 216- 8945 or at samantha.rynas@emnrd.nm.gov.

Sincerely,

Samantha Rynas, Permit Lead
Mining Act Reclamation Program ("MARF")
Mining and Minerals Division

Attachment A: MMD Technical Comments

Attachment B: Combined Agency Comment letters

CC: David (DJ) Ennis, Program Manager, MARF, MMD
Clint Chisler, Reclamation Specialist Supervisor, MARF, MMD
Mine File SA009MN

Attachment A: MMD Technical Comments

**Eagle Mesa Mine
Permit No. SA009MN
Date: August 30, 2024**

OVERVIEW

Name of Operator: Rammsco Operations Inc.

Permit Update: Modification 24-1

Agency Responses: *Attached and available for review and response*

New Mexico Department of Cultural Affairs Submitted September 3, 2024

New Mexico Department of Game and Fish Submitted August 29, 2024

New Mexico Environment Department Submitted September 05, 2024

New Mexico Office of the State Engineer No response.

EMNRD - Forestry Division Submitted August 22, 2024

Bureau of Land Management (BLM) No Response.

MMD Comments

1. Calculating Disturbance. MMD has created a tracking form for future use in determining Financial Assurance, design limits and reclaimed acreage. No response is needed, this tracking was discussed over a virtual meeting on September 19, 2024.
2. FA calculation. RAMMSCO confirmed in the Sept. 19th meeting that they do not want to change the FA amount, only adjust the design limit according to the active and reclaimed acreage. The maximum proposed expansion based on the current FA is 6.54 acres.
Operator response: and/or see attachment:
3. Seeding. Please provide the receipt of seeds/ seed list used for this recent seeding of reclamation.
Operator response: and/or see attachment:
4. Vegetation. During the Agency inspection MMD observed invasive/noxious species (Halogeton) in low quantities. MMD encourages the removal of these plants to proactively control this plant population.
Operator response: and/or see attachment:
5. See Cultural Affairs comment regarding Cultural resource protection. The BLM has jurisdiction over this matter, please refer to their requested practices to handle this matter.
Operator response: and/or see attachment:
6. Cultural Resources. Please provide a historical summary of archeological surveys that have been performed in your permit area. (i.e. has any survey been performed, scope of survey, boundaries)

MMD Comment Summary Report:

**Eagle Mesa Mine
Permit No. SA009MN
Date: August 30, 2024**

Operator response: and/or see attachment:

7. As discussed in the Agency Inspection: There is a small hillside [~ 2 acres] that had previously been reclaimed. This area didn't utilize the same swale methods applied at the other reclamation areas. As a result, this area's vegetation levels have underperformed. On site, RAMSCO expressed an interest in performing corrective action to this area by re-contouring the hillside utilizing current practices to increase vegetative success. MMD supports this action and will incorporate this into the current modification. MMD requests that RAMSCO submit their work plan.

Operator response: and/or see attachment:

8. Agency Responses: (and/or see attachment:)

New Mexico Department of Cultural Affairs

Operator response:

New Mexico Department of Game and Fish

Operator response:

New Mexico Environment Department

Operator response:

EMNRD - Forestry Division

Operator response:

BLM

Operator response:

Permit Lead: Samantha Rynas **DATE:** 9/17/2024



Electronic Transmission

MEMORANDUM

Date: September 5, 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, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (aqb)
Jordan Anderson (MECS)

Subject: **New Mexico Environment Department (NMED) Comments, Eagle Mesa Mine, Minimal Impact Permit Modification, Sandoval County, New Mexico, Mining Act Permit No. SA009MN**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on August 14, 2024, requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, there is a minimal impact exploration project. MMD requested comments on the application within 20 days of receipt of the request for comments.

Background

Rammsco Operations (Applicant) proposes to modify their permit by reclaiming 2.12 acres and expand the operation by 6.6 acres. This site is located approximately 20 miles southeast of Cuba, New Mexico.

Air Quality Bureau

The AQB does not have any comments.

Surface Water Quality Bureau

The SWQB comments are attached.

Mr. David Ennis
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September 5, 2024
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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
Cindy Hollenberg, Acting Bureau Chief, NMED-AQB
Samantha Rynas, EMNRD-MARP



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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Silver City

29 August 2024

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

RE: Modification 24-1, Eagle Mesa Humate Mine, Rammsco Operations, Inc., Sandoval County, New Mexico, Permit No. SA009MN; NMDGF Project No. NMERT-3750.

Dear Ms. Rynas,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced permit modification. Rammsco Operations, Inc. (Rammsco) is requesting the partial release of financial assurance associated with approximately 2.1 acres of reclamation work that included backfilling, recontouring, ripping, and seeding. Rammsco is also proposing to expand mining operations and disturb no more than 6.6 additional acres within the mine permit area. Staff from the Department, MMD, New Mexico Environment Department, and Rammsco conducted a site inspection on 28 August 2024.

Department staff observed that the disturbed mine pit area had been backfilled, recontoured to conform with the surrounding habitat, ripped, and seeded. Rammsco has also incorporated small depressions and berms within the reclamation site to hold and contain water for longer periods of time following precipitation events. Seeding had been performed approximately three weeks prior to the site inspection, and the reclamation site was already exhibiting significant germination of grasses and forbs. The Department does not have any issues with the requested partial release of financial assurance or the proposed expansion of mining operations.

The noxious weed halogeton (*Halogeton glomeratus*) was observed within the mine permit area. The Department recommends that Rammsco continue to implement a weed monitoring program and maintain their commitment to aggressive control of halogeton within the mine permit area.

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) 270-6612 or ronald.kellermueller@dgf.nm.gov.

Sincerely,

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

cc: USFWS NMES Field Office



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Environment Department Internal Memorandum

DATE: August 23, 2024

TO: Amber Rheubottom, Mining Environmental Compliance Section, GWQB

FROM: Alan Klatt, Watershed Protection Section, SWQB

SUBJECT: **Request for Review and Comment, Eagle Mesa Mine, Modification 24-1, Minimal Impact New Mining Permit SA009MN, Sandoval County, New Mexico**

On August 20, 2024 the Surface Water Quality Bureau (SWQB) received a request for comments regarding the subject permitting action for the Eagle Mesa Mine operated by RAMMSCO Operations, Inc. (RAMMSCO) located in Sandoval County, New Mexico on land administered by the U.S. Bureau of Land Management. Modification 24-1 proposes a partial release of Financial Assurance for the reclamation of 2.12 acres and 6.6 acres of expanded mining operations within the permit area. Pursuant to 19.10.12.1210 New Mexico Administrative Code (NMAC), SWQB has prepared the following comments:

The Eagle Mesa Mine is located within the 12-digit Hydrologic Unit Code 130202050403 named "Outlet San Isidro Wash" which is a tributary to Torreon Wash, Arroyo Chico, the Rio Puerco, and ultimately the Rio Grande. San Isidro Wash and its tributaries are subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and have designated uses for 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 release water contaminants, including sediment, must be implemented with practicable Best Management Practices (BMPs) to prevent impacts to surface water quality. Practicable BMPs include, but are not limited to, maintaining and inspecting equipment daily to prevent leaks, using appropriate storage containers for fuel and chemicals, refueling away from watercourses, having spill cleanup kits on-site to be used in the event of a spill, maintaining roads, berms, sediment basins, stormwater ponds, silt fencing, and achieving revegetation success as soon as possible. Additional stormwater and erosion control structures will need to be installed in the expanded mining area. 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).

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

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



August 22, 2024

Samantha Rynas, 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 Modification 24-1, Eagle Mesa Mine, Permit No. SA009MN, Rammsco Operations, Inc.

Thank you for the opportunity to comment on the above referenced project. There is the potential for impacts to *Sclerocactus cloverae* (Clover's cactus), a State Endangered plant species listed in Section 75-6-1 NMSA 1978.

Although no occurrences of *Sclerocactus cloverae* are currently known from within project boundaries, the site occurs 10.5 miles southwest of known populations and contains suitable habitat for the species: sandy clay strata of the Nacimiento Formation between 1,500 and 2,200 m (4,921–7,217 ft) in elevation. As such, a plant survey conducted by an experienced biologist, botanist, or other appropriate consultant is recommended to determine if the species listed above is present in proposed areas of new disturbance. If *Sclerocactus cloverae* is found and project activities will impact individuals, an incidental take permit from the New Mexico Forestry Division may be required. More information on permits and State Endangered plant species can be found at the following website:

<https://www.emnrd.nm.gov/sfd/rare-plants/request-a-collection-permit/>

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

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Rowe", is written over a light blue horizontal line.

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



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 3, 2024

Samantha Rynas
Permit Lead
Minig Act Reclamation Program
Mining and Minerals Division
Samantha.rynas@emnrd.nm.gov

Via Email Only

RE: HPD Log #123159—**Request for Comments on Modification 24-1, Eagle Mesa Mine, Permit No. SA009MN, Rammsco Operations, Inc.**

Dear Ms. Rynas:

Thank you for submitting the request for comments on Modification 24-1, Eagle Mesa Mine, Permit No. SA009MN, Rammsco Operations, Inc. to the New Mexico State Historic Preservation Office (SHPO) for review and comment. We received the information on August 16, 2024, via email.

A review of our database indicates the area has been previously surveyed. Two sites are within the proposed expansion area. One is eligible for listing in the National Register of Historic Places (NRHP) under criterion a. The second site is potentially eligible for listing in the NRHP. The BLM has recommended the sites be fenced for avoidance.

A review of the area of expansion presented in the 2024-07 Site maps, Modification Application Eagle Mesa 24-1 indicates the expansion is within lands owned by the BLM. I recommend contacting the BLM in regard to this project.

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

Sincerely,

Cortney Wands
Archaeological Reviewer