

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Melanie A. Kenderdine**  
Cabinet Secretary

**Ben Shelton**  
Acting Deputy Secretary

**Albert Chang, Director**  
Mining and Minerals Division



October 7, 2024

Mike Boyd  
Mesa Verde Humates, LLC  
PO Box 785  
Bernalillo, NM 87004

**RE: Agency Review Comments and Request for Additional Information, Star Lake Mine, McKinley County, New Mexico, Permit Tracking No. MK007ME – Modification 23-1**

Dear Mr. Boyd,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package for Modification 23-1 (“PAP”) submitted by Mesa Verde Humates, LLC, for the Star Lake Mine located in McKinley County, New Mexico. In accordance with 19.10.3.302.G NMAC, MMD requested comments on the PAP from cooperating state and federal agencies.

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 (“NMDG&F”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), and the New Mexico Energy, Minerals, and Natural Resources Department – Forestry Division (“Forestry”). Additionally, please find general comments from MMD based on review of this application.

**General Comments:**

MMD has reviewed the PAP and has found it to be *technically complete* contingent on the Permittee’s response to the following comments by reviewing agencies. Please respond to any comments or recommendations in writing within 30 days.

**NMED Mining Environmental Compliance Section, Ground Water Quality Bureau Comments (“MECS”)**

Please review the comment letter received from NMED MECS Ground Water Quality and respond to any concerns.

**NMED Surface Water Quality Bureau Comments:**

Please review the comment letter received from NMED Surface Water Quality Bureau and respond to any concerns.

**NMED Air Quality Bureau Comments:**

Please review the comment letter received from NMED Air Quality Bureau and respond to any concerns.

**NMDG&F Comments:**

Please review the comment letter received from NMDG&F and respond to all concerns and recommendations raised.

**Forestry Comments:**

Please review the comment letter received from Forestry and respond to any concerns.

**NMDCA/HPD Comments:**

Please review the comment letter received from NMDCA/HPD and respond to any concerns.

If you have any questions, please contact me at (505) 470-5354, or via email at [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Barnes', with a long horizontal flourish extending to the right.

Kevin Barnes, Permit Lead  
Mining Act Reclamation Program (“MARF”)

Enclosures: Agency Letters

Cc w/o enclosures: David “DJ” Ennis, Program Manager, MARF/MMD  
File (MK007ME)



## Electronic Transmission

### MEMORANDUM

Date: September 8, 2023

To: David Ennis, 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, Mesa Verde Humates, LLC, Star Lake Mine, Minimal Impact Existing Mining Operation, Modification 23-1, McKinley County, New Mexico, Mining Act Permit No. MK007ME**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on August 10, 2023 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Star Lake Mine is a minimal impact existing 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 September 6, 2023. NMED has the following comments.

#### **Background**

Mesa Verde Humates, LLC (Applicant) is requesting partial release of financial assurance associated with approximately 10.24 acres of reclamation associated with the Star Lake -Section 10 Mine located in Section 10, Township 19N, Range 6W.

#### **Air Quality Bureau**

The Air Quality Bureau comments are attached.

Mr. David Ennis  
Star Lake Mine, MK007ME  
September 8, 2023

**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 has determined that the activities proposed in the application will be protective of the environment.

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

cc: Kevin Barnes, Permit Lead, EMNRD-MMD  
Joseph Fox, Program Manager, NMED-MECS  
Shelly Lemon, Bureau Chief, NMED-SWQB  
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



## MEMORANDUM

DATE: September 5, 2023

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

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

Susan Lucas Kamat, Program Manager, Point Source Regulation Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Review and Comment, Modification 23-1 Application, Star Lake Mine, Mesa Verde Humates, McKinley County, New Mexico Mining Act Permit No. MK007RE**

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The New Mexico Environment Department (NMED)-Surface Water Quality Bureau (SWQB) received the subject request for comments on August 21, 2023. The application for permit modification 23-1 requests the partial release of financial assurance for the reclamation of 10.24 acres. SWQB has prepared the following comments pursuant to 19.10.3.302.G New Mexico Administrative Code (NMAC).

The reclamation area is located within a "hydrologically connect zone"<sup>1</sup> of Papers Wash. Papers Wash is subject to 20.6.4.98 NMAC (State of New Mexico, Standards for Interstate and Intrastate Surface Waters) and has designated uses that include livestock watering, wildlife habitat, primary contact, and marginal warmwater aquatic life. SWQB has no objections to the partial release of financial assurance, provided that the following comments are addressed:

- 1.) The facility should maintain appropriate Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit coverage, specifically the Multi-Sector General Permit<sup>2</sup> (MSGP), during mining and reclamation activities. Humate mining activities may require MSGP coverage under Sector C Chemicals and Allied Products, C1 Agricultural Chemicals and/or Sector J Mineral Mining and Dressing, J2 Nonmetallic Minerals Services, Except Fuels, or Miscellaneous Nonmetallic Minerals, Except Fuels.
- 2.) The permittee should update the Stormwater Pollution Prevention Plan and Sediment Control Plan based on the reclamation activities.
- 3.) Please provide a description of the Best Management Practices that are being used to control erosion. To protect surface water quality, temporary erosion and stormwater controls, such as those identified in the Original Mine Application and Approved Mine Permit, should be maintained until permanent site stabilization is achieved through revegetation success.
- 4.) Please provide photos or construction maps of the reclaimed area that supports the claim that the parcel was returned to the original approximate contour.
- 5.) Please provide an additional map that shows the parcel in the current financial assurance modification in relation to active mining areas and the phased reclaimed area. The phased reclaimed areas should detail if

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<sup>1</sup> <https://enviroatlas.epa.gov/enviroatlas/interactivemap/>

<sup>2</sup> <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

SWQB comments

Modification 23-1 Application, Star Lake Mine, Mesa Verde Humates

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reclamation has been completed, if reseeding has occurred (and date), and if full or partial financial release has occurred.

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



## MEMORANDUM

DATE: September 5, 2023

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

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

**Re: Request for Comments on Modification 23-1 Application for Star Lake Mine, Partial Release of Financial Assurance on 10.24 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK007ME**

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

Mesa Verde Humates, LLC, requested to modify permit number MK007ME. The application requests partial release of financial assurance associated with approximately 10.24 acres of reclamation performed at the Star Lake – Section 10 mine located in T19N, R6W, Section 10.

### Recommendation

The Air Quality Bureau has no objection to this request.

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



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

[www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)

STATE GAME COMMISSION

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Sunland Park

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Los Ranchos

SHARON SALAZAR HICKEY  
Santa Fe

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14 August 2023

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

***RE: Modification 23-1, Star Lake Mine, Partial Release of Financial Assurance, McKinley County, New Mexico, Permit No. MK007ME; NMDGF Project No. NMERT-2781.***

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Mesa Verde Humates, LLC (Mesa Verde) is requesting the partial release of financial assurance associated with approximately 10.24 acres of reclamation work performed at the Star Lake mine. Staff from the Department, MMD, and the Operator conducted a site inspection on 20 June 2023.

Department staff observed that the mine site had been backfilled, recontoured to conform with the surrounding habitat, deep-ripped, and seeded. Seeding was completed 7-9 June 2023. The Department does not have any issues with the partial release of financial assurance for the completed reclamation work.

The noxious weed halogeton (*Halogeton glomeratus*) is widespread in the area surrounding the reclamation site and has already begun to invade this site. The Department recommends that Mesa Verde continue to implement a weed monitoring program that includes a commitment to aggressive control of halogeton within the mine permit area.

Thank you for the opportunity to review and comment on the proposed partial release of financial assurance. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto:ronald.kellermueller@dgf.nm.gov).

Sincerely,

Matt Wunder, Ph.D.  
Chief, Ecological and Environmental Planning Division  
cc: USFWS NMES Field Office



State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Cabinet Secretary

**Laura McCarthy**, State Forester  
Forestry Division



August 24, 2023

Kevin Barnes  
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 23-1 Application for Star Lake Mine, Partial Release of Financial Assurance on 10.24 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK007ME**

Thank you for the opportunity to comment on the above referenced project. I do not anticipate any impacts to New Mexico State Listed Endangered Plants or Federally Listed Endangered or Threatened plants as a result of this modification request, 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](mailto:erika.rowe@emnrd.nm.gov) / <http://www.emnrd.state.nm.us/SFD/>  
cell: (505) 699-6371

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**From:** [Reycraft, Richard, DCA](#)  
**To:** [Barnes, Kevin, EMNRD](#)  
**Subject:** Log#120371-Mesa Verde Humates Star Lake Mine - Modification 23-1 - Request for Comment  
**Date:** Tuesday, August 22, 2023 1:17:51 PM

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Dear Mr. Barnes,

Thank you for contacting the New Mexico State Historic Preservation Officer (SHPO) regarding the aforementioned request for comments. The SHPO has no comment regarding this permit modification.

Sincerely

*Richard Reycraft*

Richard. Reycraft, Ph.D.  
New Mexico Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, New Mexico 87501  
505-827-6162