

From: [Gregory Hunt](#)
To: [Myers, Kevin, EMNRD](#)
Subject: [EXTERNAL] Updated Response to Agency Review
Date: Sunday, October 20, 2024 9:15:44 AM

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Kevin;

Attached please find a PDF file containing the response to your questions in addition to the response to cooperating agency questions and concerns.

Please confirm that you received this email and can download the attached file and let me know if anything else is needed.

Thanks for clarifications.

Greg

Response to Agency Review Comments and Request for Additional Information, Permit No. CO002MN Laughlin Peak Mine (19 Sept. 2024 letter)

MMD Comments Referenced (P7 S5) with NPR's Response:

1- (P7 S5) Additional exploration has not been planned at the present time, however, additional exploration drilling will likely be needed in the next couple of years and a plan will be formed then. The initial drill program, conducted in 2023, provided important information regarding drill hole stability and plugging. That is, drilling into the "volcanic pile" is extremely difficult owing to the character of the volcanic material. Of the 26 planned drill holes only 6 were drilled, however, difficulties keeping the holes opened prevented reaching planned total depth in any of the holes, this in spite of using a variety of drilling techniques, including, direct push, hollow stem auger, and a casing advance system to core through. This situation caused the drill holes to virtually fill themselves with sluffed material. We did fill the top of the drill holes with cuttings until refusal. We expect to encounter these conditions again and plan to use cuttings to fill holes from top to as far down as hole stability will allow.

2- (P13 S9H) Seeding rates that result in 184 seeds per square foot are the recommendations of the SLO. We assume that overkill on the seed rate is preferred to underkill. Should that not be the case we are happy to adjust the seeding rate so long as SLO approves.

3- (P13 S9H) We are happy to adjust our seed mix to maximize revegetation success. We should arrange a conference call with MMD and SLO to reconcile the various recommendations. The long term grazing leaseholder (Silver Spur Ranch) favors more Blue (purple) Grama in order to provide maximum high protein feed for cattle.

4- (P13 S9H) As mentioned above, the long term grazing leaseholder is advocating for more Purple Grama grass seed. Yes we will add an alternate seed list that includes more Purple Grama.

5- (P13) Two vegetation reference areas, approximately one acre each, are selected as being adjacent to but just outside of planned mining areas; shown on attached map. Each reference area being approximately 1 acre. The two areas are chosen to represent the variety of vegetation found over the 1,000 acre lease and will be designated by permanent metal posts at the corner of each rectangular area (proposed reference areas map attached).

6 & 7 (P14 S11.A) Uinta Basin Sand LLC (Natural Pozzolan Resources, LLC) hereby commits to provide Financial Assurance in the amount of \$28,000.00 via a Surety Bond with MMD per the template provided.

Summary of Comments and NPR'S Response to Cooperating Agencies Concerns

Note: each question from cooperating agency is followed by NPR's response in *italics*

EMNRD-Forestry Division

July 29

Erika Rowe

State Botanist/Endangered Plant Program Coordinator

"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"

New Mexico Environmental Department

August 1

Eliza Martinez and Alan Klatt

Watershed Protection Section, Surface Water Quality Bureau (SWQB)

"Reminds of Appropriate and Reasonable BMP's":

- 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.

Attachment-1 "Spill Prevention & Waste Disposal Plan" (Approved Mineral Lease HA-340-0)

- 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.

Portable Secondary Containment will be used with all fuel, oil, hydraulic fluid, lubricants, and other petrochemicals. These materials will be stored outside of flood-prone zones.

- Process water must be contained within a closed-loop system or lined pits. A discharge of process water may require a discharge permit from NMED or the U.S. Environmental Protection Agency.

Process water is not and will not be a part of this project.

- 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.

All equipment will be subject to pre-shift inspections.

- 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" 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.

Operator will repair inadvertent/unnecessary surface disturbance.

- 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”).

See Attachment-F (Approved Mineral Lease HA-340-0)

- 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.

See Attachment-F (Approved Mineral Lease HA-340-0)

- Roads, pads, and other facility structures should be set back a minimum of 100 feet from an watercourses, including springs, wetlands, and arroyos.

Operator will set-back roads, pads, and other facility structures a minimum of 100 feet “where practical,” from watercourses, springs, wetland, 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.

Operator will construct catchment areas to contain stormwater runoff from generated from 100-year events. The combination of unique geometry of finger ridges and grasslands presents the opportunity to utilize the “consequent drainages” between the finger ridges to control stormwater runoff (Approved Mineral Lease HA-340-0 “Performance Standards” pages 9 through 11).

- 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.

Operator will not discharge stormwater into the waters of the United States. Catchment basins and berms, as described above will prevent such discharges.

New Mexico Environmental Department

August 2

Sufi Mustafa

Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

“Air Quality Bureau has NO objection to the project”

“Provides references for the need to meet Air Quality Requirements regarding Airborne Particulate matter, and for controlling Fugitive Dust.”

Operator commits to use a combination of water sprays and application of a binder material (likely magnesium chloride) to control Fugitive dust. (Item 33, Page-5, Approved Mineral Lease HA-340-0)

New Mexico Environmental Department cont.

August 6

Alan Klatt & Eliza Martinez

Surface Water Quality Bureau

Sufi Mustafa

Air Quality Bureau

Dave Hays

MECS

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

State of New Mexico Department of Game and Fish

August 8

Virginia Seamster

Assistant Chief for Technical guidance, Ecological and Environmental Planning Section

“Comments suggesting conducting a survey for active nest sites”

“If active nests found, avoid disturbing active nests until young have fledged. Establish buffers for active nests:

100 ft. for songbirds

0.25 mile for raptor nests,

0.5mile for ferruginous hawk, golden eagle, peregrine falcon, prairie falcon nests”

“Suggests distributing the downed trees across the recently reclaimed area instead at bottom of hill”

New Mexico State Engineer Hydrology Bureau

August 9

Steve Acheampong Ph.D.

Senior Hydrologist, Hydrology Bureau, Santa Fe

Through: Katie Zemlick PhD.

Chief, Hydrology Bureau, Santa Fe

“No concerns with the method of mining”

“No major issues with water use at site”

“Sites the need for a well to supply dust suppression water & apply through State Engineer”

Operator is committed to develop a well to supply dust suppression water and will gain appropriate approvals from the New Mexico State Engineer.

New Mexico Department of Cultural Affairs, Historic Preservation Division

Sept 11

Cortney Wands

Archeological Reviewer

“Suggests several edits to the archeological inventory”

“Notes Site LA204401 is eligible for listing under Criterion D. Need to consider best practice to avoid impacts to the site.”

Operator will prepare a specific management plan and take appropriate action regarding site LA204401

New Mexico State Land Office

Sept 18

Megan Weldy

Archaeologist - Conservationist

Cultural Resources Office, NM SLO

“Offers multiple edits to the Archaeological Inventory (NMCRIS Activity #155170)”

“Notes previously recorded site LA203119”

“Notes site LA204401 needs a specific management plan”

Operator will prepare a specific management plan and take appropriate action regarding site LA204401

Vegetative Reference Areas (Proposed)

Uinta Basin Sand (Natural Pozzolan Resources) State Mineral Lease HA-340-0

- Legend**
- Haul Road
 - Proposed Veg Reference Areas (~3ac total)
 - Silver Spur Private Lease (80ac)
 - SLO Mineral Lease_HA-340-0 (1000ac)

