



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

www.wildlife.state.nm.us

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5 April 2023

David J. (DJ) Ennis, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Amended New Minimal Impact Exploration Permit Application, Cebolleta Exploration Project, Cibola County, New Mexico, Permit No. CI018EM; NMDGF No. NMERT-2480.

Dear Mr. Ennis:

The New Mexico Department of Game and Fish (Department) has reviewed the proposed exploration project referenced above. Cibola Resources, LLC (Cibola) is proposing to drill 22 exploratory holes to a depth of 320 to 340 feet. The drilling sites will be located near Section 19, T11N, R5W and Section 24, T11N, R4W in an un-platted portion of the Cebolleta Land Grant. The project will disturb an area of approximately 3.24 acres. Staff from the Department, MMD, New Mexico Environment Department, New Mexico Forestry Division, Toltec Mesa Resources, LLC, and the Operator conducted a site inspection on 3 April 2023. The Department provides the following recommendations to minimize potential impacts to wildlife.

The habitat in the project area is juniper scrub/grassland and provides potential nesting habitat for the gray vireo, which is state-listed as threatened in New Mexico and is also identified as a Species of Greatest Conservation Need in the State Wildlife Action Plan for New Mexico. Department staff observed two raptor stick nests within the project area: 1) a medium-sized nest in good condition on a cliff face approximately 0.1 miles south of drill pad sites LJ-4, LJ-5, and LJ-25 and 2) a large stick nest in good condition with significant white wash present, indicating that the nest may have been active in 2022, on a cliff face approximately 0.1 miles north of drill pad sites RLB-23 and RLB-18.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings, the Department recommends that ground disturbance, vegetation removal, and drilling activities be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September). If ground disturbing and drilling 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 ≥ 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for golden eagle, ferruginous hawk, prairie falcon, and peregrine falcon 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.

Rocky Mountain Ecology, LLC conducted a biological survey of the project area on 17 February 2023. The Biological Evaluation Report documented observation of only two vertebrate wildlife species: dark-eyed junco and mule deer. This low number of observed species is not surprising given the timing of the survey. In order to obtain a more complete inventory of the wildlife species that utilize the habitat near the proposed project area, the Department recommends that Cibola conduct additional wildlife surveys during the migratory bird breeding season to include: one in April, two in May (one early, one late), and one in June (early). The wildlife surveys should include a minimum buffer distance of 0.25 miles around the project area to identify any raptor nests that could be disturbed by drilling activities during the breeding season.

Thank you for the opportunity to provide comments on the proposed exploration project. 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,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office