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6 June 2023

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

RE: Minimal Impact Hermanas Exploration Project, Southern Silver Exploration Corporation, Luna County, New Mexico. Permit No. LU048EM; NMDGF Project No. NMERT-2546.

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by Southern Silver Exploration Corporation (Southern Silver). Southern Silver is proposing to drill 14 exploratory holes at 8 drill pad sites. Hole depths will range from approximately 870 to 1300 feet. The drilling sites will be located in Sections 21, 28, and 33 in Township 28S and Range 11W. The total area that will be disturbed is approximately 4.08 acres. Staff from the Department, MMD, and the Operator conducted a site inspection on 30 May 2023.

To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings during drill pad and road construction activities, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September; 1 January - 15 July for golden eagle and great horned owl). If ground disturbing and clearing 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 at least 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk, golden eagle, peregrine falcon, and prairie 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.

In addition to observing seasonal and buffer distance guidelines for ground and vegetation clearing activities, it is important to prevent wildlife from entering and becoming trapped in stockpiled pipes used in the drilling process. The Department recommends capping drill pipes as the most effective way to prevent wildlife entry. At a minimum, each section of pipe should be visually inspected prior to use to verify that no wildlife are inside.

To eliminate the potential for wildlife to become entrapped in mud pits, the Department strongly recommends the use of a closed loop drilling system. Closed loop systems eliminate the need to build fences or install netting to exclude wildlife from pits, reduce the amount of surface disturbance associated with the drill pad site, and consume significantly less water. Southern Silver is proposing to use fenced mud pits, with one side sloped at 3:1 to provide an escape ramp for wildlife. When mud pits have to be used, rather than a closed loop system, the Department recommends netting or covering fenced mud pits to exclude birds and bats. If netting is used, the recommended material is extruded plastic, knit, or woven netting with a mesh size of $\frac{3}{8}$ inches to exclude smaller animals. The Department discourages use of monofilament netting due to its tendency to ensnare wildlife and cause injury or death. Netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into the mud pits.

Department staff observed numerous banner-tailed kangaroo rat burrow mounds along Southern Silver's proposed overland travel route. Southern Silver agreed with the Department recommendation to avoid disturbing kangaroo rat burrow mounds by establishing, at minimum, a 20-foot buffer zone around the burrow complex. Department staff also observed a large, mature, cane cholla cactus that contained an unoccupied cactus wren nest along the proposed road construction route. The Department recommends that Southern Silver modify the proposed road route in order to avoid removal of this cholla cactus.

For site reclamation activities, the Department recommends that Southern Silver use only native plant species and that the reclamation seed mix is designed to enhance local pollinator habitat. The Department also recommends that only certified weed-free seed be used to avoid inadvertently introducing non-native species to the reclamation site. Any alternate plant species, used to substitute for primary plant species that are unavailable at the time of reclamation, should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site or from a region that represents potential future climatic conditions at the site.

Thank you for the opportunity to review and comment 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