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14 July 2023

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

RE: New Minimal Impact Exploration Permit Application, Bella Group Lode Exploration, Luna County, New Mexico. Permit No. SI056EM; NMDGF Project No. NMERT-2573.

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by New Metals Strategies, LLC (New Metals). New Metals is proposing to drill 6 exploratory holes at 6 drill pad sites. Hole depths will be approximately 150 feet. New Metals is also proposing to dig 3 exploratory trenches. The trenches will be 4 feet wide, 15 feet deep, and 40 feet in length. The drilling and trenching sites will be located in Section 28, Township 15S and Range 4W. The total area that will be disturbed is approximately 0.41 acres. Staff from MMD and the Operator conducted a site inspection on 29 June 2023. Department staff were unable to attend the site inspection.

To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings during drill pad, trenching, 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, e.g., small mammals or reptiles, are inside.

In the permit application, the boxes for both air and mud/fluid drilling are checked. The Department assumes that this is because the drilling technique that will be implemented has yet to be determined. For mud/fluid drilling, 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 mud pits, reduce the amount of surface disturbance associated with the drill pad site, and consume significantly less water. New Metals is proposing to not fence any mud pits (if mud/fluid drilling is used rather than air drilling) but will slope one side at 3:1 to provide an escape ramp for wildlife. If mud pits are 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, extruded plastic, knit, or woven netting with a mesh size of three eighths inches to exclude smaller animals is recommended. The Department will not accept the 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.

For the proposed trench sites, escape ramps with a 3:1 slope should be installed to prevent wildlife entrapment. Trenches should also be inspected prior to backfilling, and any trapped animals should be removed and relocated, by a qualified biologist, at least 150 feet away in undisturbed habitat. Full details on the Department's recommendations regarding trenching activities can be found in our [Trenching guidelines](#).

Several of the proposed drill pad sites and the trenches appear to be located in the arroyo in Longbottom Canyon. To minimize any additional soil erosion, the Department recommends that these sites and trenches be moved to maintain a buffer zone of undisturbed native vegetation for at least 100 feet on both sides of Longbottom Arroyo.

For site reclamation, the Department recommends that New Metals 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,

Virginia Seamster on behalf of Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division
cc: USFWS NMES Field Office