



STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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13 September 2023

James Hollen, NEPA Coordinator
New Mexico Abandoned Mine Land Program (AML)
Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Red Hill Mine Safeguarding Project, Draft Environmental Assessment, Sierra County, New Mexico. NMDGF Project No. NMERT-2740.

Dear Mr. Hollen,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land Program (AML), in cooperation with the U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement, is proposing to mitigate impacts from historical mining within the boundaries of the Red Hill Mine Safeguarding Project Area (Area) in the Caballo Mountains, Rincon Mining District. AML estimates that there are 52 low risk, 13 medium risk, 12 high risk, and 8 extreme risk mine features within the proposed Area. BRIC, LLC (BRIC) submitted a Draft Biological Assessment (BA) for the project area in 2023. In 2014, Bat Conservation International (BCI) conducted abandoned mine surveys in the Area to identify bat habitat. AML has contracted BCI to conduct additional surveys to update bat habitat data prior to project implementation to identify where bat gate installation is warranted. Staff from the Department and AML conducted a site inspection on 23 August 2023.

The Department concurs with the Mitigation/Avoidance recommendations in the BA and provides the following, more specific, recommendations for protecting migratory birds and post-project reseeding of the areas proposed for reclamation:

- To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during project construction activities, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season. That season for migratory songbirds and most raptors is 1 March – 1 September; for golden eagle and great horned owl it is 1 January – 15 July. 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 a minimum of 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.

- For post-construction reclamation of the disturbed sites, the Department recommends that AML 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 seeds 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.

Department staff observed an eastern black-tailed rattlesnake and Townsend's big-eared bat during the August, 2023 site inspection. Staff also observed tracks and/or scat from cougar, bear, and desert bighorn sheep. Mine feature 22-01 is an adit that has a large, cave-like entrance where bighorn sheep tracks were observed. The adit tapers down to a narrow passageway where the Townsend's big-eared bat was observed. The cave-like area appears to be frequented by large mammals, providing shelter and a refuge from the summer heat and adverse weather. The Department recommends recessing bat gating at this site back to where the adit narrows, so that wildlife can continue to access this cave-like area.

Thank you for the opportunity to review and comment on the proposed mine safeguarding 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