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5 October 2023

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

RE: Modification 23-1 of New Minimal Impact Exploration Permit Application, Lordsburg Playa Exploration Project, Hidalgo County, New Mexico. Permit No. HI018EM; NMDGF Project No. NMERT-2857.

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by Frank Bain (Operator). The Operator is proposing to drill 6 exploratory holes at 6 drill pad sites. Hole depths will be approximately 500 feet. The exploration project will be located on Bureau of Land Management (BLM) administered land in Sections 7, 8, 9, 17, 18 and 20 in Township 23S, Range 20W. The total area that will be disturbed is approximately 3.2 acres.

The permit application states that drilling will begin with air and probably be completed using foam or mud. 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. If the Operator does use mud pits, the Department recommends netting or covering fenced mud pits to exclude birds and bats. If netting is used, the Department recommends extruded plastic, knit, or woven netting with a mesh size of three eighths inches to exclude smaller animals. The Department does not support the use of monofilament netting due to its tendency to ensnare wildlife, usually resulting in injury or death. Netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into the mud pits.

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, including small mammals or reptiles, are inside.

On page 5 of the permit application, the Operator incorrectly states that a wildlife survey had been conducted by referencing a comment letter the Department submitted to MMD on 20 November 2017 (NMDGF Project No. 18073) for the initial Lordsburg Playa Exploration permit application. In that letter, the Department stated: "The playa lakes within the Lordsburg Playa

contain limited riparian/wetland vegetation primarily along the playa borders. During periods of high runoff, the playa lakes contain water that provides an important stopover and wintering site for migratory shorebirds and waterfowl. While the Department does not anticipate significant impacts to wildlife or sensitive habitats during the exploratory drilling phase of the project, we believe that the uniqueness and value of these large playa lakes to migratory birds could subject them to adverse impacts from large resource extraction operations, and that the Lordsburg Playa should be managed as important wildlife habitat.” While the Department continues to support the above statements, this information does not constitute a wildlife survey and the incorrect reference to the Department’s letter as a wildlife survey needs to be corrected in the permit application.

The Operator proposes to not seed the drill pad sites after reclamation and uses the following justification: “Activities will take place on essentially barren or sparsely vegetated salty playa lakebed surfaces, alluvial gravels and sand dunes.” The Department does not concur with the justification and recommends that the Operator use a BLM-approved native seed mix that is appropriate for the playa’s saline soil and promotes soil stability. 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 and suggests including seeds 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