



STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH

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8 December 2023

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

***RE: 5-Year Closure/Closeout Plan Revision Permit Application, No Agua Mine, Taos County, New Mexico, Permit No. TA005ME; NMDGF Project No. NMERT-2936.***

Dear Ms. Rynas,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced Closure/Closeout Plan Revision (CCP) submitted by Imerys Perlite USA, Inc. (Imerys). Imerys has submitted a revised CCP pursuant to New Mexico Mining Act Rules, Subpart 5, Section 506.

The CCP proposes to incorporate vertical mine highwalls into the reclamation. The high walls will be designed with benches that are 15 feet wide and 35 feet tall to lend stability. The Department supports the incorporation of highwalls into the post-mining reclamation plan. However, in order for the highwalls to provide functional habitat for nesting raptors, ravens, and other avian species, the Department recommends including the creation of ledges and cavities in the highwall design. The Department also recommends further enhancing the habitat value of the highwalls by creating an undulating or irregular profile and by placing talus material along the toe of each highwall to provide habitat for small mammals and reptiles. In the more gently sloping and flat areas of reclaimed habitat, the Department further suggests incorporating brush and rock/boulder piles to enhance habitat diversity and provide shelter and protection from predators for local, smaller-bodied, terrestrial wildlife species.

The 2001 "Wildlife and Wildlife Activity at the No Agua Harborlite Perlite Mine Report" (Report), included in Appendix C of the CCP, was lacking in detail and substantive information. The Report does not adequately document the presence, diversity, relative abundance, and distribution of wildlife and their habitats within the mine permit area. The Department recommends that an updated wildlife survey of the No Agua Mine be performed that includes a half-mile buffer zone. The Department also suggests that Imerys reference the Department's [Baseline Wildlife Study Guidelines](#) for further guidance on survey protocols and methods for documenting wildlife and their habitats.

The Department concurs with the reclamation seed mix presented in Table 6 of the CCP. 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 updated CCP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto: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