



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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12 July 2024

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

RE: Regular Exploration Permit Modification Application, Turquoise Mountain Project, Grant County, New Mexico, Permit No. GR087ER; NMDGF Project No. NMERT-3483.

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 17 exploratory holes across 13 drill pad sites. The depth of the holes is not anticipated to exceed 3,300 feet. The exploration project will be in 1) Sections 26, 27, 28, and 35 in Township 27S, Range 16W; 2) Sections 1, 2, and 3 in Township 28S, Range 16W; and 3) Section 6 in Township 28S, Range 15W. The total area that will be disturbed by proposed activities is approximately 3.43 acres. Staff from the Department were unable to attend the site inspection conducted on 21 June 2024.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during project construction, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season. That season is 1 March – 1 September for migratory songbirds and most raptors; for golden eagle (*Aquila chrysaetos canadensis*) and great horned owl (*Bubo virginianus*) 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 (*Buteo regalis*), golden eagle, peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) 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.

The Department appreciates and supports Southern Silver's commitment to avoid disturbing banner-tailed kangaroo rat (*Dipodomys spectabilis*) burrow complexes and other wildlife habitat areas during construction of drill sites and overland roads.

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 drill pad sites, and consume significantly less water. If Southern Silver ultimately uses 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 of an inch 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.

The Department also recommends that Southern Silver contact the New Mexico Endangered Plant Program (<https://www.emnrd.nm.gov/sfd/rare-plants/>) of the Energy, Minerals, and Natural Resources Department, regarding potential presence of and conservation needs for state-listed plants. The state endangered and BLM sensitive plant night-blooming cereus cactus (*Peniocereus greggii* var. *greggii*) has been documented near the proposed project area and may need to be considered and/or mitigated for while implementing project drilling activities.

For site reclamation, Southern Silver proposes to use a U.S. Bureau of Land Management (BLM)-specified native seed mix. The Department concurs with the BLM seed mix and suggests including some species 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 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 permit modification application. 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, Ph.D.
Assistant Chief for Technical Guidance, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office