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TO THE COMMISSION  
Michael B. Sloane

## STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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24 June 2024

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

***RE: Minimal Impact Exploration Permit Application, Copper Flat Exploration Project 2024, Sierra County, New Mexico. Permit No. SI061EM; NMDGF Project No. NMERT-3580.***

Dear Ms. Rynas,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by THEMAC Resource Group (THEMAC). THEMAC is proposing to drill 26 exploratory holes across 26 drill pad sites. The hole depths will range from approximately 600 to 900 feet. The exploration project will be in Sections 26 and 35 in Township 15S, Range 7W. The total area that will be disturbed by proposed activities is approximately 4.03 acres. Staff from the Department were unable to attend the site inspection conducted on 23 May 2024.

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 THEMAC 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.

For site reclamation, THEMAC proposes to use a specified U.S. Bureau of Land Management seed mix. The Department recommends that only native plant species are used 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 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](mailto: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