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Michael B. Sloane

STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH

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8 August 2024

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

**RE: Laughlin Peak Mine – Minimal Impact New Mine Application, Uinta Basin Sand LLC  
(Natural Pozzolan Resources, LLC), Permit No. CO002MN; NMDGF Project No. NMERT-3655.**

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced minimal impact new mine project submitted by Natural Pozzolan Resources, LLC (NPR). NPR is proposing to develop a new surface mining operation to extract volcanic tephra and pumice. They will disturb not more than 10 acres at a time and conduct concurrent reclamation. The proposed mine site is located approximately 19 miles southeast of Raton, New Mexico in Colfax County. The New Mexico State Land Office (SLO) is the owner of record of both the surface and mineral estate of the leased property and has issued Mineral Lease HA-340-0, which provides access to the surface and mineral estate. Staff from the Department, MMD, New Mexico Environment Department, SLO, and NPR conducted a site inspection on 30 July 2024.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during mine development 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 (*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 concurs with the proposed native 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.

The SLO had allowed NPR to conduct some exploration and road construction activities prior to acquiring an approved mining permit from MMD. The locations where these activities were conducted were visited during the site inspection. The exploratory sites were located on the “finger ridges” at the base of Laughlin Peak. The topsoil was removed at these sites to assess the quality of the volcanic tephra layer that will be mined. Reclamation had been completed at one of the exploration sites. The reclaimed site had been recontoured with salvaged topsoil to conform with the surrounding habitat and was seeded and covered with mulch in mid-July. All the woody vegetation that was initially cleared was placed at the bottom of the slope on the reclamation site to control erosion. The Department recommends that the woody vegetation be repositioned to be more dispersed across the site, especially in steeper areas where erosion and rilling is more likely to occur. The site should be monitored after significant rain events to determine if additional features, such as berms and/or wattles, are needed to adequately control erosion.

Thank you for the opportunity to review and comment on the proposed permit application. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@djf.nm.gov](mailto:ronald.kellermueller@djf.nm.gov).

Sincerely,

Virginia Seamster, Ph.D.  
Assistant Chief for Technical Guidance, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office