



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
Tel: (505) 476-8000 | Fax: (505) 476-8180
For information call: (888) 248-6866

wildlife.dgf.nm.gov

STATE GAME COMMISSION

RICHARD STUMP
Chair
Santa Fe

SHARON SALAZAR HICKEY
Vice Chair
Santa Fe

FERNANDO CLEMENTE, JR.
Sunland Park

GREGG FULFER
Jal

EDWARD T. GARCIA
Los Ranchos

TIRZIO J. LOPEZ
Cebolla

DR. SABRINA PACK
Silver City

9 August 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, North Cebolleta Exploration Project, Cibola County, New Mexico, Permit No. CI019EM; NMDGF Project No. NMERT-3662.

Dear Ms. Rynas,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced exploration project submitted by Cibola Resources, LLC (Cibola). Cibola is proposing to drill 25 exploratory holes across 25 drill pad sites. The depth of the holes will not exceed 650 feet. The exploration project will be located within the Cebolleta Land Grant, approximately 4.7 miles southeast of Seboyetta, New Mexico. The total area that would be disturbed by proposed activities is approximately 4.3 acres. Staff from the Department were unable to attend the site inspection conducted on 29 July 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 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.

Cibola is proposing to use a closed loop drilling system, which the Department fully supports and recommends. If the containment system for the drilling fluids is not fully enclosed, the Department recommends netting or covering any open containment tanks 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 drilling fluids.

It is also 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 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.

Thank you for the opportunity to review and comment on the proposed exploration permit 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