



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

TIRZIO J. LOPEZ
Cebolla

DR. SABRINA PACK
Silver City

28 October 2024

Alaina Osimowicz, Permit Lead
Mining Act Reclamation Program
New Mexico Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

**RE: Regular (Part 4) Exploration Permit Application, Tyrone Peak Exploration Project,
Permit No. GR093ER; NMDGF No. NMERT-3803.**

Dear Ms. Osimowicz,

The New Mexico Department of Game and Fish (Department) has reviewed the exploration project referenced above. Freeport-McMoRan Tyrone Mining, LLC (Tyrone) is proposing to drill 36 exploratory bore holes, to a maximum depth of approximately 2,500 feet, from a total of 17 drill pad sites. The project area is in Grant County, Township 19S, Range 14W, Sections 7 and 17- 18 and Township 19S, Range 15W, Sections 12-13. The proposed drilling project would disturb a total area of approximately 40 acres. Staff from the Department, MMD, New Mexico Environment Department, and Tyrone conducted a site inspection on 22 October 2024. The Department provides the following recommendations to minimize potential impacts of the proposed action to wildlife and wildlife habitat.

The permit application states that, to prevent wildlife entrapment, plastic tarps will be placed over the drilling mud pits. The Department believes that placing plastic tarps over the mud pits may not adequately prevent wildlife from entrapment and recommends that, if tarps are used, they be securely anchored over the pits. The mud pits should also be adequately fenced to prevent larger animals from walking onto the tarps and potentially becoming injured or entrapped. To exclude mule deer (*Odocoileus hemionus*) and other large animals, the above-ground fence height should be a minimum of 8 feet. The Department continues to recommend that Tyrone use a closed loop drilling system. Closed loop systems eliminate the need to build fences or install netting or similar materials to exclude wildlife from mud pits, reduce the amount of surface disturbance associated with the drill pad sites, and consume significantly less water.

During drilling operations, it is also important to prevent wildlife from entering and becoming trapped in stockpiled drill pipes. Capping piping is the most effective way to prevent wildlife entry. At a minimum, the Department recommends that each section of pipe be visually inspected prior to use to verify that wild animals are not inside.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during road and drill pad construction activities, the Department recommends that ground disturbance

and vegetation removal activities be conducted outside of the primary breeding season. This breeding season is 1 March – 1 September for migratory songbirds and most raptors; for golden eagle (*Aquila chrysaetos*) 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 American goshawk (*Accipiter atricapillus*), 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 recommends that, to the maximum extent feasible, large mature trees be left undisturbed during road and drill pad construction. Tree species that should be left undisturbed include alligator juniper (*Juniperus deppeana*), piñon pine (*Pinus edulis*), and all species of oak (*Quercus* spp.).

The Department concurs with the proposed seed mix. 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.

During the site inspection at hole #TP-23G, Department staff observed two banner-tailed kangaroo rat (*Dipodomys spectabilis*) burrow mounds along the proposed overland access route and near the proposed drill pad site. Tyrone agreed with the Department recommendation to avoid disturbing these banner-tailed kangaroo rat burrow mounds during road and drill pad construction by establishing, at minimum, a 20-foot buffer zone around the burrow complex.

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.

Sincerely,

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

cc: USFWS NMES Field Office