



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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20 May 2025

Kevin Barnes, 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, Chino Main Entrance Project, Chino Mine, Permit No. GR096EM; NMDGF No. NMERT-4527.

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the exploration project referenced above. Freeport-McMoRan Chino Mines Company (Freeport) is proposing to drill 5 exploration bore holes, that will range in depth from approximately 1,500 feet to 4,000 feet, from a total of 3 drill pad sites. The project area is in Grant County, Township 17S, Range 12W, Section 32. The proposed drilling project is anticipated to disturb a total area of approximately 1.1 acres. Staff from the Department were unable to attend the MMD agency site inspection that occurred on 15 May 2025.

In Section C. Wildlife Protection/Noxious Weed Prevention, the permit application states that Freeport will use metal panels as perimeter fencing and to cover the mud pits. It also states that "stakes will be used to secure tarps". The Department would like clarification regarding how the mud pits will be covered. The Department would prefer the use of metal panels, instead of tarps, to more effectively prevent wildlife from accessing mud pits. This preference assumes that there would be no gaps left between the metal panels and the ground surface that would allow smaller animals to access the mud pits and become entrapped. The Department continues to recommend the use of 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 site, 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 should be visually inspected prior to use to verify that wild animals are not inside.

To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary migratory bird breeding season. This season runs from 15

April - 1 September for upland songbirds, willow flycatcher (*Empidonax traillii*), yellow-billed cuckoo (*Coccyzus americanus*), and other riparian songbirds; 1 March - 1 September for most raptors; 1 January - 15 July for golden eagle (*Aquila chysaetos canadensis*) and great horned owl (*Bubo virginianus*); and 1 March - 15 September for low-elevation deserts. 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 at least 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 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 seeds 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.

Sincerely,

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

cc: USFWS NMES Field Office