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18 May 2026
Kevin Barnes, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

**RE: Modification 26-1, Jim Crow Mine, Grant County, New Mexico, Permit No. GR065ME;
NMDOW No. NMERT-5793.**

Dear Mr. Barnes,

The New Mexico Department of Wildlife (Department) has reviewed the proposed permit modification referenced above. JC Imperial, LLC (Imperial) is proposing to relocate the mine water discharge point from an existing infiltration pond to the Carlisle Canyon arroyo. Imperial also proposes to reclaim the infiltration pond that encompasses approximately 0.5 acres. Staff from the Department, MMD, New Mexico Environment Department, and Imperial conducted a site inspection on 11 May 2026.

The permit modification states that “water quality characteristics remain unchanged and will continue to comply with permit limitations and monitoring requirements”. The Department does not have any issues with Imperial relocating the mine water discharge point into the Carlisle Canyon arroyo provided that mine water quality measurements currently meet safe standards for wildlife. The permit modification did not include any recent mine water quality tests for Department review.

The Department also recommends that adequate riprap is placed below the mine water discharge pipe to control erosional downcutting.

During the site inspection, Department staff observed an active red-tailed hawk (*Buteo jamaicensis*) nest at the top of the mine headframe. The nest contained three downy young that are approximately three weeks away from fledging. The Department recommends that Imperial establish a 0.25-mile buffer zone to minimize any potential adverse disturbance to the nest site until the young have fledged. Once the young have fledged, Imperial should remove the nest to prevent it from being used again the following year, when the presence of an active nest could potentially impact or delay mining operations.

Thank you for the opportunity to review and comment on the proposed permit modification. 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
Wildlife Management Division, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office