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2 November 2026
Maille Gray, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Revision 26-2, Updated Closure/Closeout Plan, Rocky Mountain Mine, Rio Arriba County New Mexico, Permit No. RA004RE; NMDOW No. NMERT-6504.

Dear Ms. Gray,

The New Mexico Department of Wildlife (Department) has reviewed the CR Minerals Company, LLC (CR Minerals) modification to update the Closure/Closeout Plan (CCP) referenced above. CR Minerals is also requesting partial release of financial assurance for 16 acres and the final release of reclamation liability for approximately 58.7 acres. Staff from the Department, MMD, and CR Minerals conducted a site inspection on 22 September 2026.

In Section 4 of the Request for Revision 26-1, the CCP incorrectly states that the updated reclamation seed mix and revised revegetation standards are included in Attachment 3. The updated reclamation seed mix is found in Attachment 5 and the revised revegetation standards are in Attachment 6.

During the site inspection, Department staff observed that the 16 acres of reclamation work performed in 2024 was satisfactorily graded, contoured to blend in with the surrounding undisturbed habitat, and seeded. The Department does not have any issues with granting the partial release of financial assurance for the reclamation work that has been completed.

The request for the full release of financial assurance for the 2011, 2012/2013, and 2014 reclaimed sites is problematic based on the Rocky Mountain Mine 2025 Vegetation Report (Report) prepared by Barr Engineering Co. The Report states that while shrub density at all of the reclamation sites meet success standards based on the reference area, the limited biomass production suggests that grass and forb establishment is lagging behind shrub establishment. The Report also notes that the reference area is situated in a slight depression, allowing it to capture and hold more surface water than the reclamation sites. This gives the reference area a “hydrologic advantage” over the reclaimed sites, which may account for the consistently higher vegetation cover, shrub density, and productivity observed in the reference area compared to the reclamation sites that are being proposed for a full release of financial assurance. Because of this, the Report suggests considering whether the current reference area “provides a fully appropriate or attainable target for evaluating reclamation success at the Rocky Mountain

Mine". Based on the Report, the Department does not support the full release of financial assurance at this time but does support CR Minerals initiating conversations with MMD to propose a modified, site-adjusted success standard that may be more appropriate in terms of achieving final reclamation success and the full release of financial assurance.

The Department concurs with the updated reclamation seed mix and recommends that CR Minerals consider adding some additional plant species that are beneficial for pollinating insects. A more pollinator-friendly seed mix should include a diversity of flowering plants with different colors and shapes and flowering times that span spring through fall (March-October). Rarer plants, perennials, native bunch grasses and thistles, some plants with pithy and woody stems, some bare ground, and high-nutrient or value plants (e.g., goldenrods [*Solidago* spp.], gumweed [*Grindelia* spp.], or sunflowers [*Helianthus* spp.]) may be beneficial to pollinators. Ideally, at least three different species should be flowering at all times between March and October. Consult pollinator-friendly plant species lists provided by the Xerces Society for Invertebrate Conservation or other appropriate resources, including the Ecological Revegetation Application. No-till drills may be more effective than broadcast seeding for establishing flowering plants. The Department also recommends that the seed mix and mulch be certified weed-free to avoid inadvertently introducing non-native species to the reclamation site and that sterile non-native seed sources not be used. If using mulch, a shallow layer of pebbles or compost, leaf litter, plant debris, or wood are preferred over plastic mulch. 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. Include as much locally appropriate genetic diversity in seed sources as possible.

Thank you for the opportunity to review and comment on the updated CCP. 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

Digitally signed by Virginia Seamster
Date: 2026.11.02 17:35:18 -07'00'

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

cc: USFWS NMES Field Office