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2 November 2026
Clint Chisler, 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, Hachita BCE Exploration Project, Hidalgo County, New Mexico, Permit No. HI027EM; NMDOW No. NMERT-6561.

Dear Mr. Chisler,

The New Mexico Department of Wildlife (Department) has reviewed the proposed exploration project referenced above. Bronco Creek Exploration (BCE) is proposing to drill 20 exploration bore holes, to a maximum depth of approximately 4000 feet, from 15 drill pad sites. The project area is on Bureau of Land Management (BLM)-administered land in Township 28S, Range 16W, Sections 21, 28, and 29. The proposed exploration project is anticipated to disturb a total area of approximately 4.3 acres. Staff from the Department, New Mexico Environment Department, MMD, BLM, and BCE conducted a site inspection on 28 October 2026.

The permit application states that BCE will use mud/fluid drilling techniques. Mud pits create an entrapment hazard for both terrestrial and volant wildlife species and should be fenced and covered by solid metal, plywood, or netting to exclude birds and bats. If netting is used, the Department recommends extruded plastic, knit, or woven netting. Monofilament netting should never be used 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 mud pits. Mesh size for both fencing and netting should not be larger than three eighths of an inch to exclude smaller animals. The Department also strongly recommends that BCE considers using a closed-loop drilling system. Closed-loop systems eliminate the need to build fences, install netting, or use other 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 of April 15-September 1. Breeding season may begin earlier for raptors or when working in low-elevation habitats such as 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 (*Aquila chrysaetos canadensis*), 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, permitted biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel. Removal of active nests of state-protected species may require a scientific collection permit; contact the Department's Wildlife Permits Manager at dgf.permits@dgf.nm.gov for more information. The Wild Take Unit at the USFWS, which issues take and relocation permits for migratory birds, can be reached at MBPermits_take@fws.gov.

The Department also recommends that, to the maximum extent feasible, large, mature cactus plants be left undisturbed during road and drill pad construction. Primary species that should be left undisturbed include barrel cactus (*Ferocactus sp.*), Palmer's agave (*Agave palmeri*), and Parry's agave *(Agave parryi)*. The agave plants are of particular importance for nectar-feeding bat species. Large cane cholla cactus *(Cylindropuntia imbricata)* that have cactus wren *(Campylorhynchus brunneicapillus)* nests in them should be left undisturbed. Also observed during the site inspection were large woodrat *(Neotoma* sp.*)* middens constructed from prickly-pear cactus *(Opuntia* sp.*)* and cane cholla cactus that should also be left undisturbed.

The application did not include a proposed native seed mix but stated that BCE will use a BLM-specified native seed mix for reclamation. The Department also recommends that only certified weed-free seeds be used to avoid inadvertently introducing non-native species to the reclamation site and that sterile non-native seed sources not be used. Any alternative 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

Digitally signed by Virginia Seamster
Date: 2026.11.02 18:14:12 -07'00'

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

cc: USFWS NMES Field Office