

Mining and Exploration Application Processing

Briefing Presentation to the
Water and Natural Resources Committee

Energy, Minerals and Natural Resources Department



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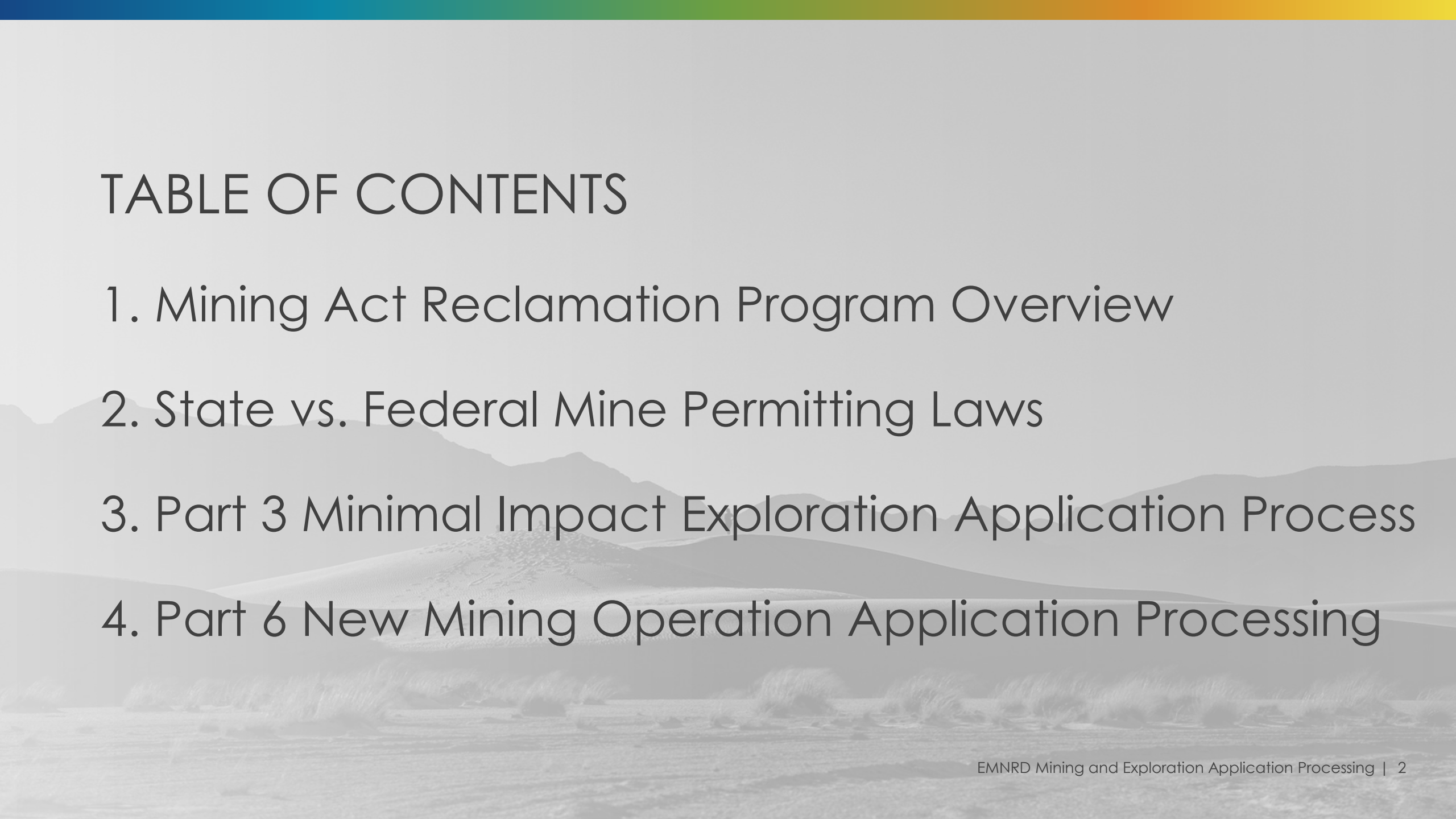


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Mining Act Reclamation Program

- Regulatory program for hard rock mining and exploration
 - Copper, gold, silver, uranium, perlite, pumice, humate
 - Focus on post-mining reclamation
 - Return mined land to a productive use
 - Typically grazing, wildlife habitat
 - All land status in New Mexico except Tribal Lands
- Eight (8) person program:
 - Geologists/Hydrologists
 - Soil Scientists
 - Land Reclamation Scientists
 - Biologists
 - Chemists
 - Wildlife Scientists



Reclamation at former pumice mine

Mining Act Reclamation Program

- New Mexico Mining Act of 1993
- Title 19 Chapter 10 New Mexico Administrative Code
 - a.k.a. “Mining Act Rules”
- **Five Basic Types of MMD Permits:**
 1. Minimal Impact – Exploration
 2. Minimal Impact – Mining
 3. Regular Exploration (bigger scope/scale)
 4. Regular Mining (bigger scope/scale)
 5. Modifications or revisions to any of the above
- For each permit type, MMD is required to perform agency consultation when new disturbance planned

BECAUSE...



Former Georgetown Mine after successful reclamation

Mine Permitting – Other State Laws That May Apply

Predominant State Laws:

- New Mexico Mining Act – reclamation, financial assurance
- New Mexico Water Quality Act – surface water and groundwater quality protection
- Water Law Code – surface water and groundwater quantity protection
- MMD works with other State and Federal agencies to permit hard rock mines and exploration sites:
 - Bureau of Land Management, U.S. Forest Service, NM State Land Office
 - NM Environment Department, State Land Office, Game and Fish, State Historic Preservation Division, NM Forestry



Mine Permitting – Federal Laws

- Federal Laws/Regulations
 - General Mining Law of 1872
 - 43 CFR 3809 Surface Management (BLM)
 - 36 CFR 228 Surface Resources (USFS)
 - National Environmental Policy Act (NEPA), 1969
- Similar to State permitting process:
 - Notice of Intent or Plan of Operations for exploration or mining
- Coordination between the State of NM and USFS or BLM
 - Site specific Memoranda of Understanding
- Federal permitting subject to National Environmental Policy Act (NEPA)
 - Categorical Exclusion (CE)
 - Environmental Assessment (EA)
 - Environmental Impact Statement (EIS)



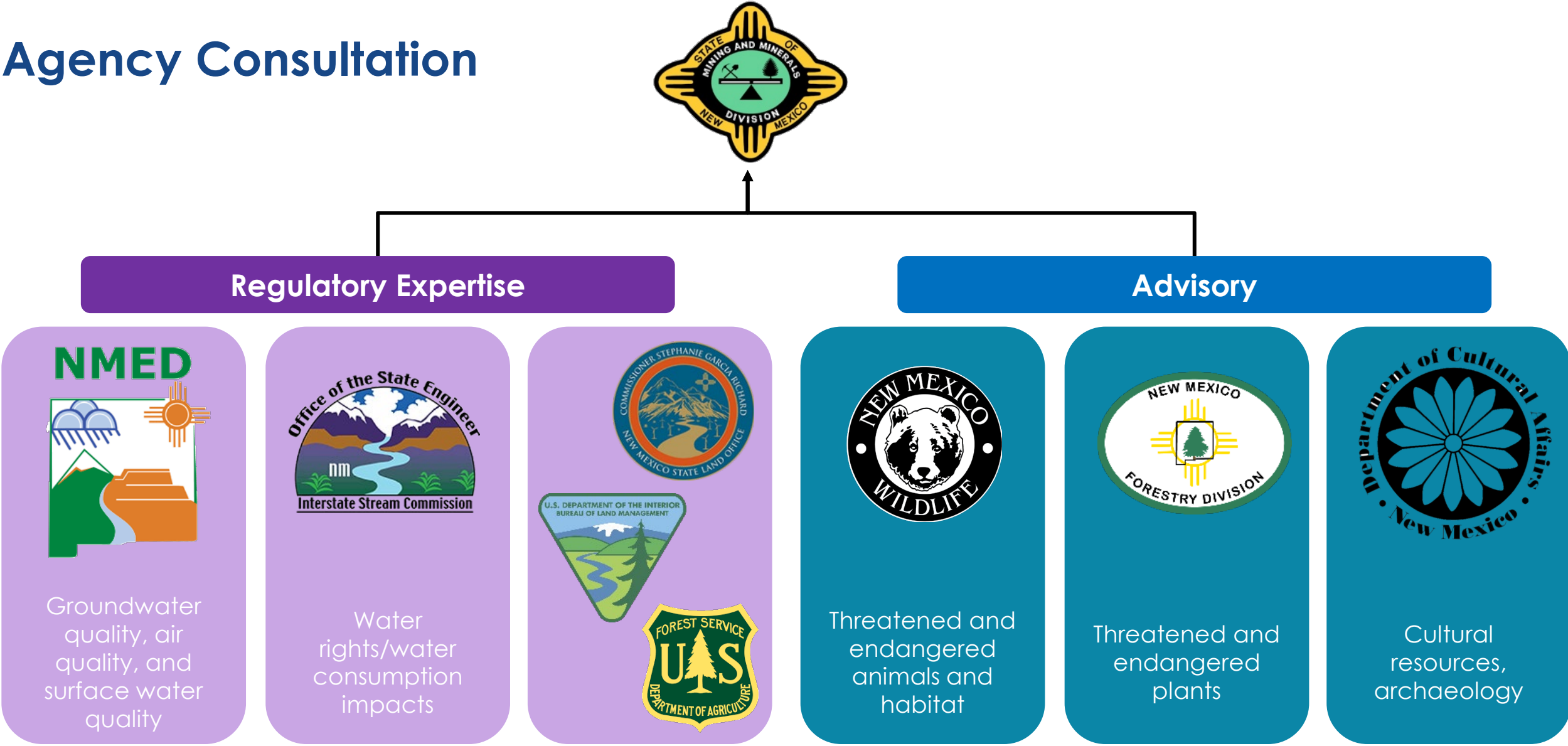
Part 3 Minimal Impact Exploration Application Process

- **Part 3 Minimal Impact Application and Fee from Company**
 - Administrative Completeness
 - Technical/Compliance Review
 - MARP Compliance Review for Part 3
 - **KEY TASK *Consultation***: NMED, HPD, NMDOW, NMOSE, NM Forestry, BLM, USFS, Tribal Consultation, Field Inspection
 - **KEY COMPONENT *Changes to Project***
 - Compliance review / Technical Review / Shaping Project
 - Avoidance of cultural resources, endangered species
 - Reduction of acres disturbed, moving roads
 - Financial Assurance
 - Permit Issuance



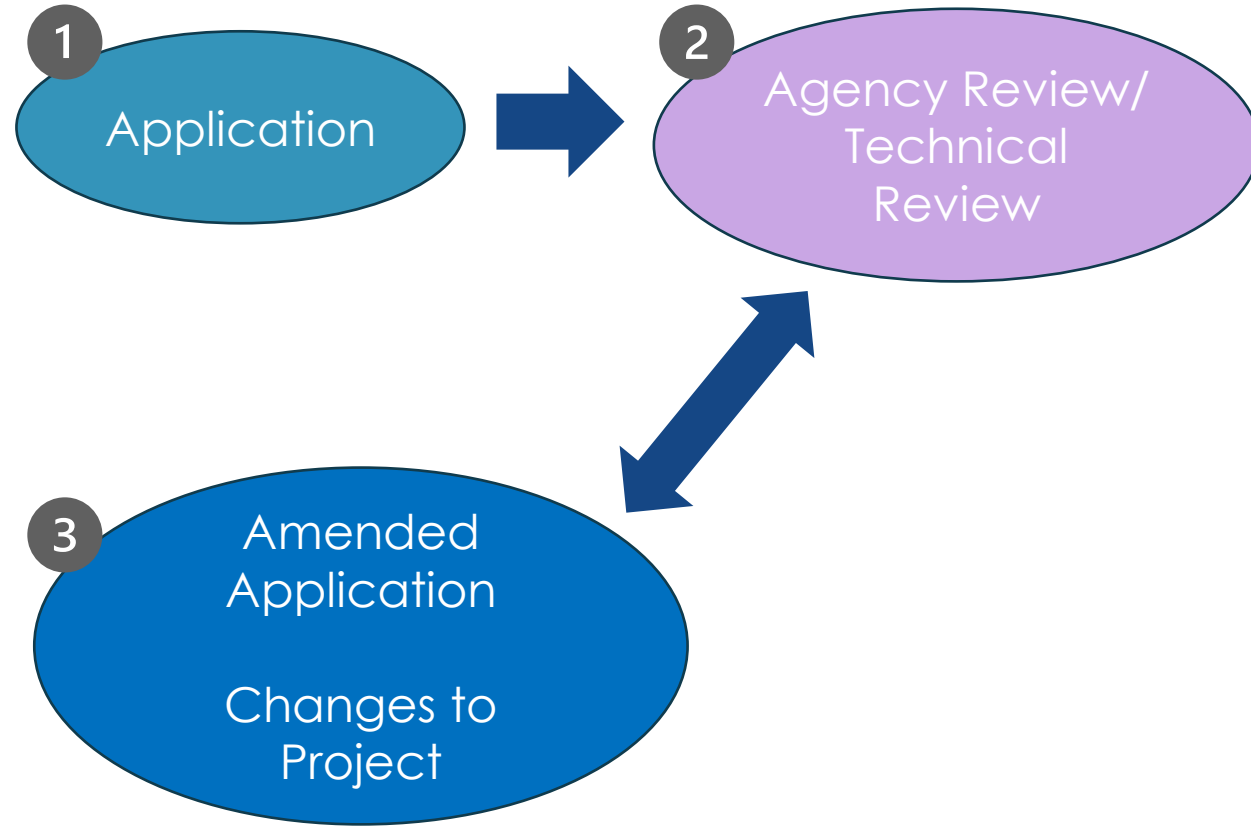
Typical Map for Part 3 Application

Agency Consultation



Changes to Project / Back and Forth

- Agencies could exert their jurisdiction
 - e.g. NMED - Discharge Permit Application
 - Additional permitting
- Operator can make changes to project:
 - Mitigations to avoid additional permitting
 - Reduction in scope
 - Reduction in disturbance
 - Revised road layout, drilling methods



Before MMD Permit Issuance:

Does the project comply with the Part 3 Minimal Impact Exploration regulations?

Part 6 New Mining Operation Application Processing

1. Sampling and Analysis Plan (SAP)

- What, where, when, and how data will be collected

2. Baseline Data Report (BDR)

- Climate
- Topography
- Vegetation
- Wildlife
- Soils
- Geology and Ore Deposit
- Surface and Groundwater
- Prior Mining
- Cultural Resources
- Land Use

3. Mine Operation and Reclamation Plan (MORP)

- What, where and how facilities will be constructed and reclaimed
- Roads
- Open Pits, Shafts, Adits
- Offices, Truck Shops, Support Facilities
- Crushers, Conveyors, Flotation Cells
- Waste Rock Stockpiles
- Tailing Impoundments
- Reclamation Material Stockpiles

4. Environmental Evaluation (EE)

- NEPA Equivalent
- Analysis of reasonably foreseeable impacts
- Affects and Mitigations Identified

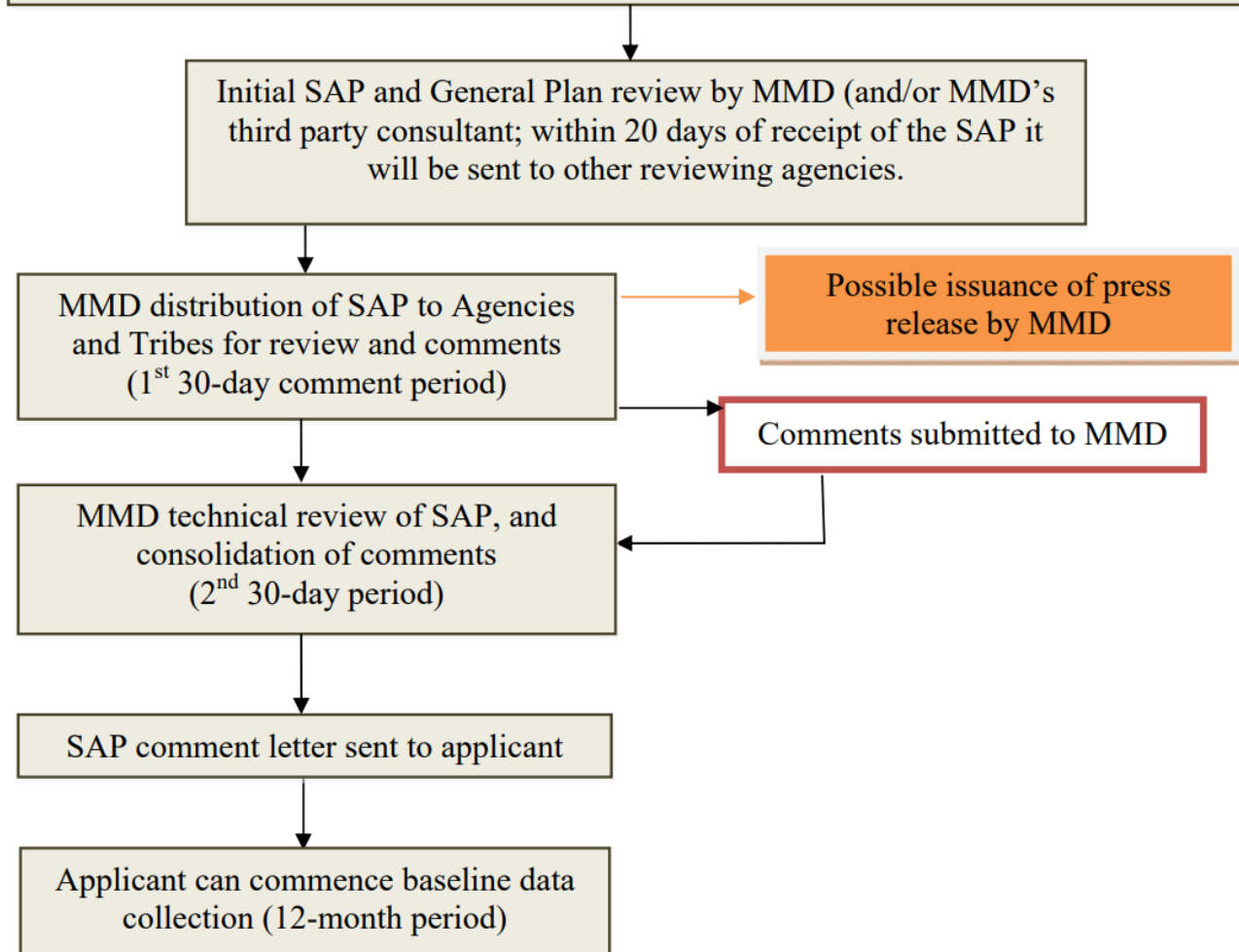
Part 6 New Mining Operations Guideline:

Phase I Sampling and Analysis Plan (SAP) Flowchart

- Administrative Completeness
- Technical/Compliance Review
 - MARP Compliance and Technical Review
 - Agency Consultation
 - Tribal Consultation
 - Field Inspection
- Changes to Scope
 - Compliance Review / Technical Review / Shaping Project
 - Sampling Techniques
 - Updating Available Data
- MMD Deems Plan Adequate

Items prepared and submitted by applicant:

- Sampling & Analysis Plan (SAP) [19.10.6.602.D.(12) NMAC]
 - 6 copies, plus 1 electronic copy
- General Plan [19.10.6.602.D.(1-6), (9) and (11) NMAC] within the SAP to include:
 - Commodity to be mined
 - Proposed number of pits, shafts, adits, vent holes, waste piles, stockpiles, facilities, etc.
 - Location of project features and areas to be used for baseline data collection
- \$5,000 permit fee [19.10.2.201.B.(1) NMAC]

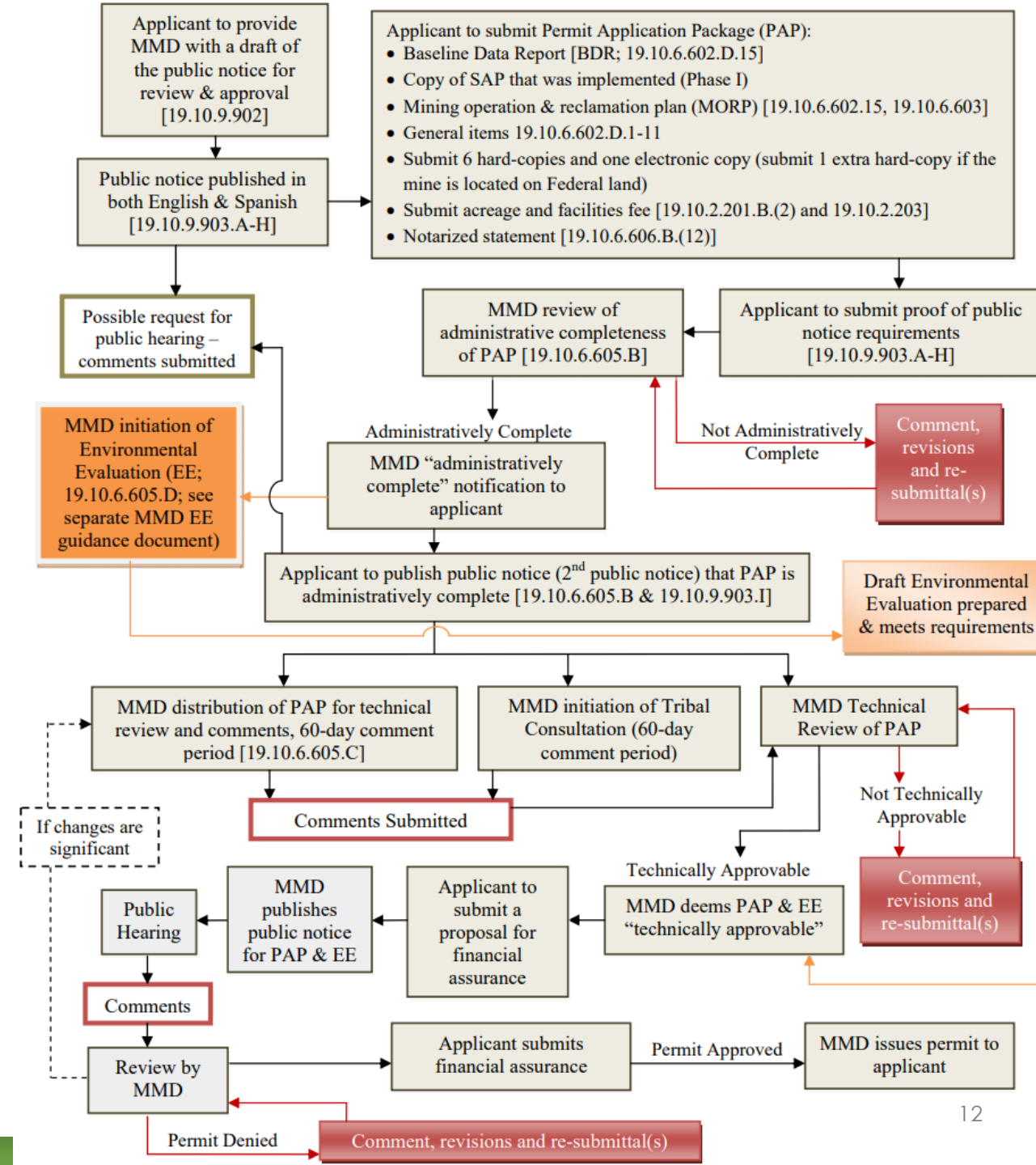


Part 6 New Mining Operations

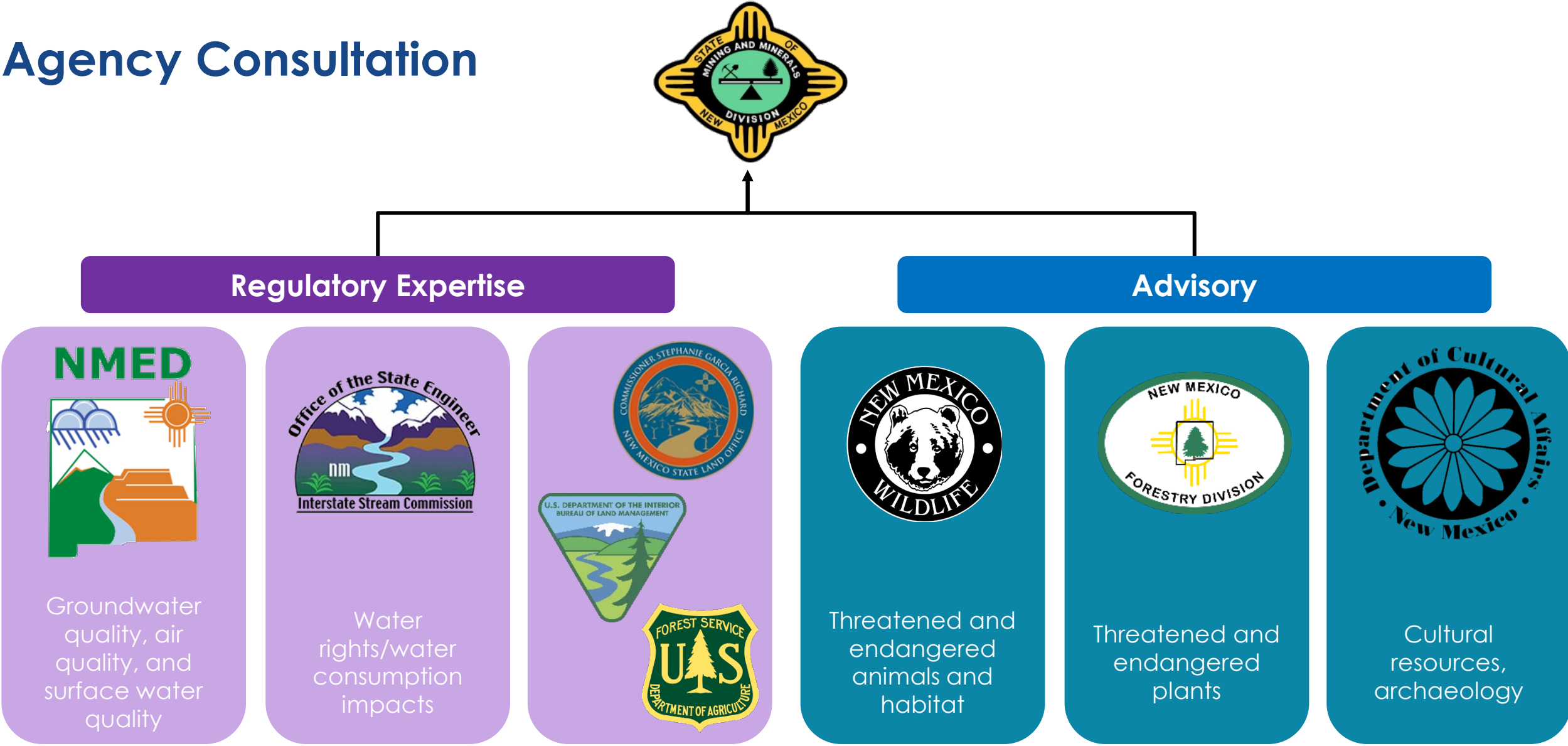
Guideline:

Phase II Baseline Data Report (BDR) and Mining Operation and Reclamation Plan (MORP) Flowchart

- Administrative Completeness
 - MARP Compliance and Technical Review
 - Agency Consultation
 - Tribal Consultation
 - Field Inspection
- Amended Application – Changes to Project
 - Compliance Review / Technical Review / Shaping Project
 - Additional Data
 - New Areas Added to Project
- Typically, multiple iterations
- Typically, multiple versions submitted for re-review
- MMD Issues “Technically Approvable” Determination

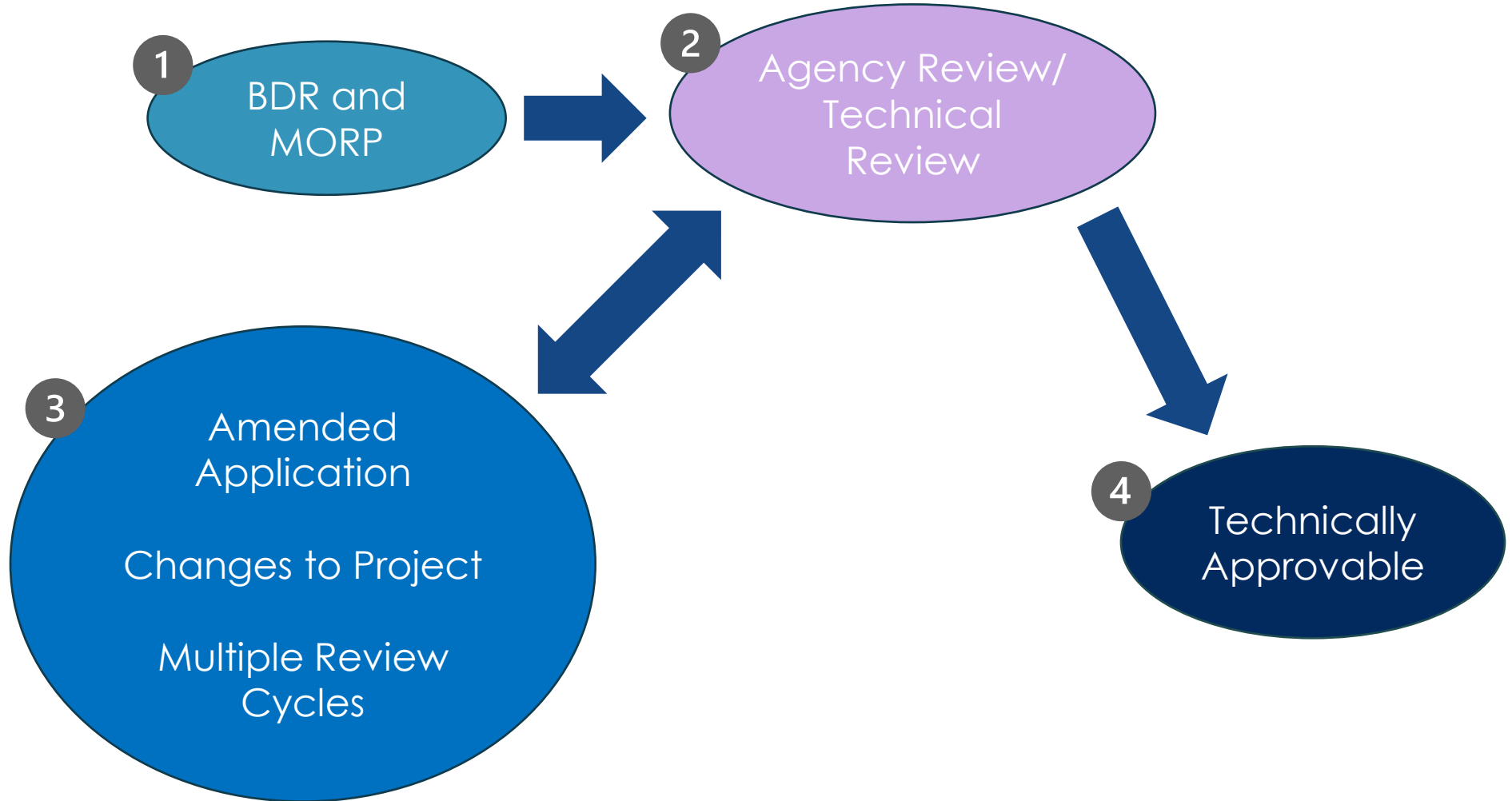


Agency Consultation



Part 6 New Mining Operations Guideline:

Phase II Baseline Data Report (BDR) and Mining Operation and Reclamation Plan (MORP) Flowchart



Part 6 New Mining Operations

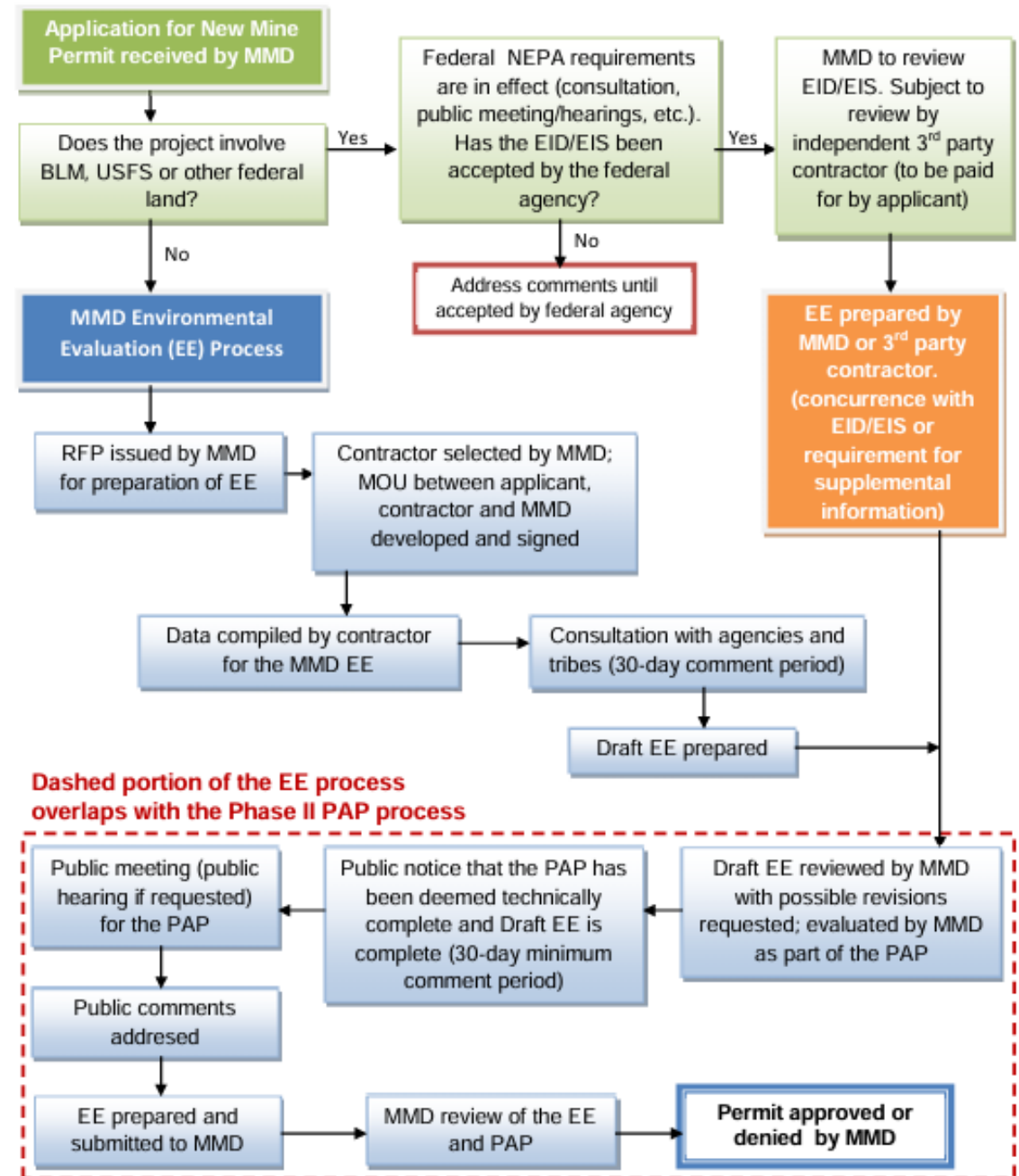
Guideline:

Phase III Environmental Evaluation (EE)

- Completed by MMD or Contractor
- Analysis of Project Impacts and Proposed Mitigations

Or

- Reference Document if a Federal NEPA Document has been prepared (e.g. EIS)
 - MMD Cooperating Agency with Federal Agencies
 - Memorandum of Understanding with Federal Agencies
 - Tribal Consultation Partner for Section 106 Process



Part 6 New Mining Operations Guideline:

Phase IV Financial Assurance

- Reclamation Cost Estimate from Company
- Review by NMED and Federal Agency
 - Typically, multiple iterations
 - Typically, multiple versions submitted
- Instruments for Total:
 - Trusts
 - Surety Bonds
 - Letters of Credit
 - Collateral Bonds
 - Third Party Guarantees
 - Insurance
 - Any combination of the above



Smoothing out this former rock quarry in Dona Ana County earned the Las Cruces District Office of the U.S. Bureau of Land Management a 2025 Excellence in Reclamation Award.

Part 6 New Mining Operations Guideline:

Phase V Public Hearing & Permit Issuance

■ Public Hearing

- When application is close to “technically approvable”
- Hearing Officer Report
- Public comments reviewed by MMD
- Address comments in the Permit

■ Permit Issued

- Conditions
- Mitigations
- Operational requirements
- Reclamation requirements



Public Hearing in Sierra County

Uranium Applications in Process

- **Premier American Part 3 Minimal Impact Exploration**
 - Cebolleta Exploration (CI018EM)
 - Modification 26-1 approved April 2026
 - 3.24 acres, up to 22 boreholes
 - North Cebolleta Exploration (CI019EM)
 - Renewed for calendar year 2026
 - 4.3 acres, up to 25 boreholes
- **Energy Fuels Roca Honda Part 6 New Mining Operation**
 - Conventional underground mine
 - USFS, SLO and Private Land
 - Dewatering treatment to potable standards
- **Laramide Resources La Jara Mesa Part 6 New Mining Operation**
 - Conventional underground mine
 - USFS Land



La Jara Mesa Mine Adit Area



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