



Water and Natural Resources Committee

Upper Pecos Watershed Water Quality Concerns

Taos, New Mexico

August 13, 2021

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Mining and Minerals Division



Presentation Overview

EMNRD/MMD Permitting overview
Tererro Proposed Drilling Project





Types of Permits EMNRD/MMD issues

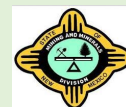
- General Exploration Mining
- Exploration
- Mining



Regulated Minerals

Mineral:

"Mineral" means a nonliving commodity that is extracted from the earth for use or conversion into a saleable or usable product, but does not include clays, adobe, flagstone, potash, sand, gravel, caliche, borrow dirt, quarry rock used as aggregate for construction, coal, surface water or subsurface water, geothermal resources, oil and natural gas together with other chemicals recovered with them, commodities, byproduct materials and wastes that are regulated by the Nuclear Regulatory Commission or waste regulated under Subtitle C of the federal Resource Conservation and Recovery Act.



General Permit (Recreational Permits)

Dry

Wet

Excavation	<200 yds³/year	< 2 yds³/day
Disturbance	<25 yds³ & <2 acres	<100 yds³/year
Reclaim	Yes	Yes
Term	1 year	1 year
Other	No Discharge	No excavation or drilling into stream bed
		Requires Environmental Determination (NMED)
		Financial Assurance

Activity outside of Intermittent, perennial stream or other body of water

Activity inside an intermittent, perennial stream, or other body of water



Exploration Permit

	Minimal Impact	Non-Minimal/Regular
Excavation	<1,000 yds ³ /year	>1,000 yds ³ /year
Disturbance	<5 acres	>5 acres
Term	1 year	1 year
Agency Review	Yes	Yes
Reclamation Plan	Yes	Yes
Other		FA Required
		Public participation/hearing/mtg.
		NMED surface releases
		Termination Report

Federal lands – require land management agency approval



Mining Permit

Minimal Impact

Non-Minimal/Regular Impact

	Existing	New	Existing	New
Disturbance	>10 acres	<10 acres	<100 yds ³ /year	
Reclaimed	SSE	SSE	SSE	SSE
	FA Req. (ex <2 ac.)	FA Req. (ex <2 ac.)	FA Required	FA Required
Agencies	Yes	Yes	Yes	Yes
NMED ED	Yes	Yes	Yes	Yes
			Public meeting/participation	Public participation
				SAP
				Annual Report

SSE: Self-sustaining Ecosystem

FA: Financial Assurance

SAP: Sampling and Analysis Plan

Federal lands – require land management agency approval



Tererro Exploration Project Overview

Exploration operations must be designed and conducted to mitigate disturbance caused by exploration operations and provide for the stabilization of disturbed areas to minimize future impact to the environment and protect air and water resources following closure.

The reclamation plan must be developed to address site-specific characteristics and the exploration work to be performed.



Tererro Exploration Project Permit Process

- Applicant submits exploration permit application
- Department reviews and determines if it is administratively complete
- Department sends application to agencies/tribes for review/comment
 - Applicant response to comments
- Department completes technical review – responses/reports/additional information
- Department reviews and considers whether to approve reclamation plan, costs, and FA instruments



Tererro Exploration Project Chronology

- June 2019: Comexico submitted a non-minimal/regular exploration application
 - 30 drill holes/pads, up to 4,000 feet deep proposed, 84 (32) possible locations (SFNF)
 - copper, gold, zinc, lead, and silver
- Received 4 requests for a public hearing
- June 2019: department deemed application administratively complete, requested comments from agencies and tribes
- Comments from agencies sent to Comexico
- October/November 2019 - Comexico supplemented application with Hydrogeologic Report, Road Maintenance Plan, Cultural Resources Report, and Biological Survey Report



Tererro Exploration Project Permitting Process

- Status of technical review:
 - Hydrogeologic Report – MMD/agency comments, reviewed responses, awaiting additional public comments
 - Road Maintenance Plan (USFS) – MMD/agency comments, reviewed responses, awaiting additional public comments
 - Cultural Resources Report (SHPO) – MMD/agency comments, reviewed responses, awaiting additional public comments
 - Biological Survey Report – under review (months) NMDG&F and NM Forestry
- Review and consider whether to approve reclamation plan and cost estimate for FA (weeks)
- Schedule a public hearing including a public comment period (4th Q 2021)
- Make a decision on the application (1st Q 2022)
- Federal agency (USFS) completion of NEPA process – under review (months)

USFS – Santa Fe National Forest completion of NEPA Required



Mine Permitting Process If Application is Submitted New Mine – Part 6



- Application submittal
 - Deem administratively complete
 - Applicant provides public notice
 - Sampling and analysis plan (SAP) – agency review/comment
 - Review and approve SAP, qualified expert review
 - Detailed Reclamation plan with Post Mine Land Use/SSE – agency/tribe review/comment
 - Applicant response to comments
 - MMD prepare a draft environmental evaluation
 - Deem application approvable
 - Complete technical review – responses/reports/addition information
 - Applicant submits proposed FA
 - Federal agency (USFS) complete NEPA process



Mine Permitting Process

New Mine – Part 6

Permit approval or denial

- Achieve self-sustaining ecosystem
- All state and federal permits have been or will be issued
- NMED issues an environmental determination
- Reclamation in accordance with the proposed reclamation plan is economically and technically feasible
- Reclamation will meet all environmental requirements without perpetual care



Mine Permitting Process

New Mine – Part 6

Permit approval or denial

- An environmental evaluation has been prepared which meets the requirements
- If the proposed mining operation is on state or federal lands, the appropriate land management agency approves the proposed mining operation
- The public participation requirements have been met
- The applicant agrees to comply with the performance and reclamation standards and requirements



Mining Permit

Any decision EMNRD/MMD makes can be appealed through:

- NM Mining Commission
- District Court





Thank you

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<https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-exploration-applications/pending-exploration-applications-regular/sf040er-tererro-exploration-project/>

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