

Hard Rock Mine Permitting In New Mexico

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Mining Act Reclamation Program

- Regulatory program for hard rock mining and exploration to ensure proper reclamation through permitting of operations across the state
- Implement the New Mexico Mining Act of 1993 and Title 19 Chapter 10, a.k.a. “Mining Act Rules”
- Works with various 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, State Forestry



NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS

New Mexico Historic Preservation Division



- Focus is on surface reclamation upon closeout of a mining operation or mine facility.
- Reclamation goal is to re-create a “self-sustaining ecosystem” or a beneficial “post-mining land use” after completion of a mining project

Small Scale Mining: General Permit

- Prospector exemption
 - Hand gold panning, rock collection
- Mechanical equipment needs a General Permit (\$50)
 - <200 cubic yards per year
 - Highbanker, power dredge



Exploration Permits: Minimal Impact & Regular Exploration

- Minimal impact: <5 acres of disturbance
- Regular: >5 acres of disturbance
- Environmental factors also dictate which permit applies:
 - Archaeological sites
 - Rare or endangered plants
 - Threatened or endangered species
 - Potential groundwater or surface water impacts



Mining Permits: Minimal Impact & Regular Mining

- Minimal Impact Mining : <10 acres of disturbance except <40 acres for dolomite, garnet, humate, perlite, and zeolite
- Regular Mining : >10 acres of disturbance
- Environmental factors also dictate which permit applies:
 - Archaeological sites
 - Rare or endangered plants
 - Threatened or endangered species
 - Potential groundwater or surface water impacts
- Consultation with other state cooperating agencies



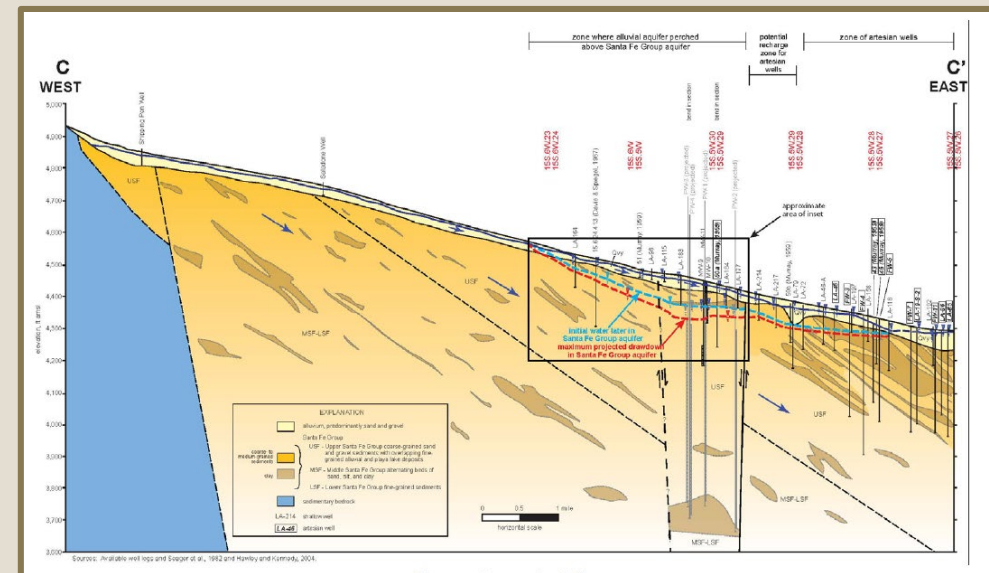
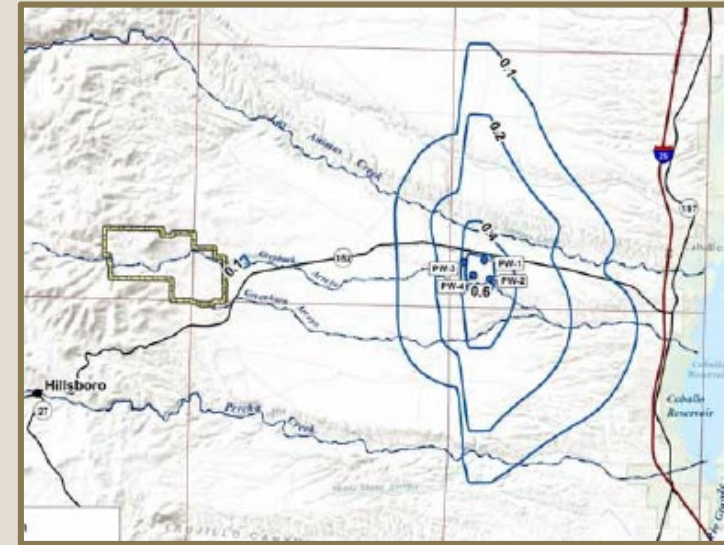
State Regulatory Framework

- County Mining Ordinances
- State Laws:
 - **NM Mining Act**
 - **Reclamation Program**
 - NM Clean Water Act
 - Groundwater Quality Bureau
 - Surface Water Quality Bureau
 - Hazardous Waste Bureau
 - Water Rights
 - Office of the State Engineer
 - NM Air Quality Act
 - Air Quality Bureau
 - Historic Preservation
 - Office of Cultural Affairs

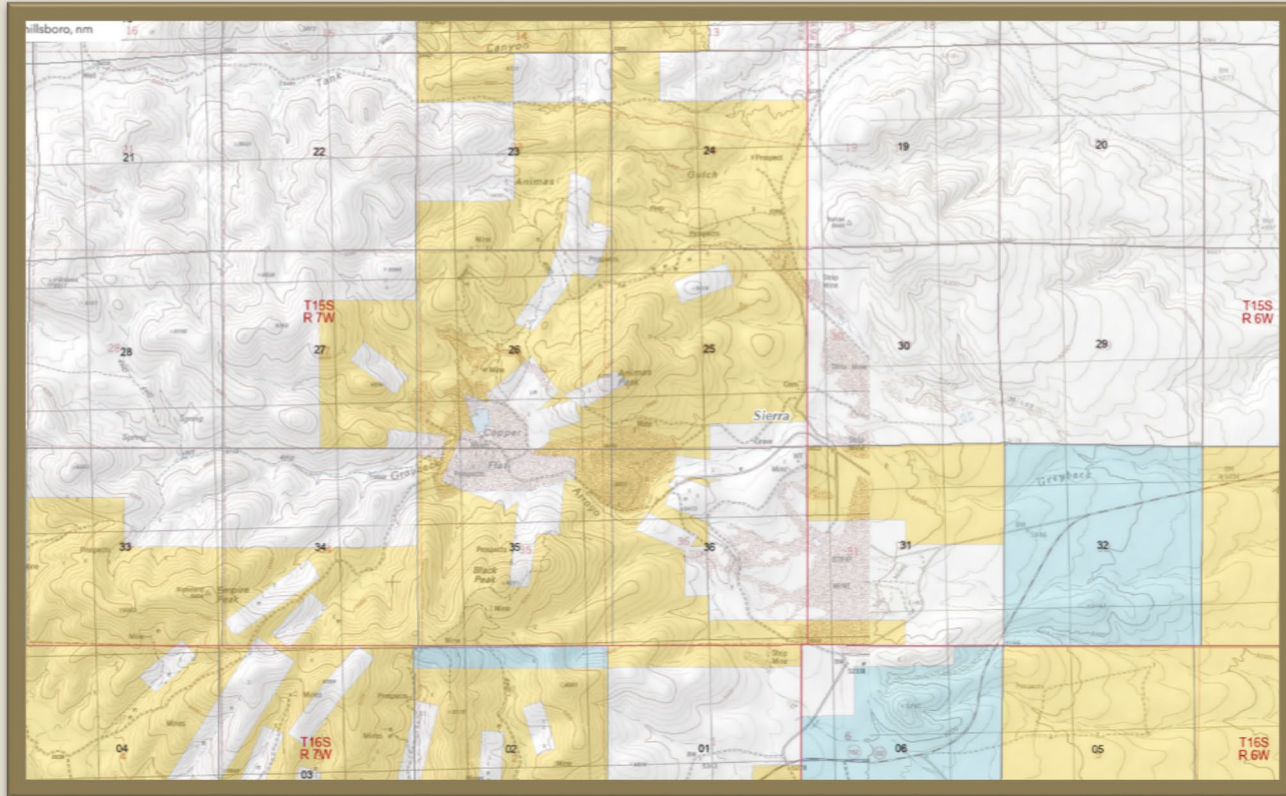


Mining Act – Part 6 New Mining Operation

- Sampling and Analysis Plan
- Baseline Data Report
 - Climate data
 - Vegetation studies
 - Wildlife studies
 - Soil investigation
 - Surface and groundwater studies
 - Probable hydrologic consequences
 - Cultural resources studies
- Mining Operation and Reclamation Plan
- Environmental Evaluation
- Public Hearing



Federal Regulatory Framework



- Federal Laws/Regulations
 - General Mining Law of 1872
 - 43 CFR 3809 Surface Management (BLM)
 - 36 CFR 228 Surface Resources (USFS)
 - National Env. Policy Act (NEPA), 1969
 - Endangered Species Act
 - EPA Permits (SWPPP)
 - U.S. Army Corp of Engineers
 - (Section 404 Permit)
 - Bureau of ATF
 - Dept. of Transportation

BLM and USFS

- Similar to state permitting process:
 - Exemptions
 - Notice of Intent for exploration or mining
 - Plan of operations for exploration or mining
- Coordination between the State of NM and USFS or BLM
- Federal permitting subject to National Environmental Policy Act (NEPA)
 - Categorical Exclusion
 - Environmental Assessment
 - Environmental Impact Statement

