

March 5, 2021

Beth Ihle, Silver City District Ranger
Gila National Forest
3005 E. Camino del Bosque
Silver City, NM 88061

RE: Scoping Comments for Malone Mineral Exploration Drilling Project

Sent via email to comments-southwestern-gila-silver-city@usda.gov

Dear Ms. Ihle:

Thank you for the opportunity to provide public input on the Malone Mineral Exploration Drilling Project. On behalf of the undersigned organizations, we are submitting these comments on the scoping document for your consideration.

The Malone Mining District is located approximately 30 miles southwest of Silver City on U.S. Forest Service land in the Gila National Forest (GNF). According to the U.S. Geological Survey Mineral Resource Data System, John B. Malone first mined underground in this area in 1885. The commodities discovered include gold, silver, copper, lead, zinc. However, the deposit size is considered small with no economic significance.¹ Mining has not occurred in the district since 1956.

The Malone District is in the Big Burro Mountains (“Burros”) and includes Knight Peak (elevation 6,602 ft) and Brock Ridge, popular for hiking and rock climbing. The area is important to the region’s cultural history. Numerous Mimbres pithouses can be found, and potshards are common to see. The stage station to Lordsburg was located in the district. Thompson Canyon, just to the north east of drill pad KM-P-11, was the site of the McComas incident in 1883.

We are very concerned about the potential for future mineral development in the Burro Mountains. Currently, the Tyrone Mine is expanding at the Little Rock Mine which sits partially on Forest Service Land. Freeport-McMoRan also has plans for a new open pit, the Emma Project, on the southeast side of the Tyrone Mine. The Gila National Forest should be evaluating future mineral development as a reasonably foreseeable impact of this exploratory drilling. Moreover, the cumulative impacts of minerals development in the Gila National Forest could be significant and should be assessed.

According to federal law, mineral exploration on National Forest System Lands “shall be conducted so as to minimize adverse environmental impacts on National Forest System surface resources.”² Based on the Plan of Operations and the amended application submitted to the New Mexico Mining and Minerals Division (MMD) in February 2021³, we have identified the

¹ U.S. Geological Survey, Mineral Resource Data System https://mrdata.usgs.gov/mrds/show-mrds.php?dep_id=10013305

² 36 CFR § 228.1. <https://www.law.cornell.edu/cfr/text/36/228.1>

³ http://www.emrd.state.nm.us/MMD/MARP/documents/AmendedApplication_BroncoCreek.pdf

following scoping issues that should be addressed in your review of the Malone Mineral Exploration Drilling Project.

Public Participation

A three-week public comment period is unreasonably short to review this application. The Gila National Forest should be requiring an Environmental Assessment that would allow for a more comprehensive review and public comment period. The public interest in exploratory drilling and mining in New Mexico, particularly on the Gila National Forest and so near to the Tyrone Mine, requires a deeper analysis than can be accomplished through the issuance of a categorical exclusion.

Climate Change

Exploration and future minerals development in combination with climate change can cause increased impacts on ecological resources in the Knight Peak area and should be evaluated.

Given that metals mining is one of the world's dirtiest industries, responsible for 10% of global anthropogenic greenhouse gas emissions (GHG),⁴ future minerals development in the Burros is likely to contribute to GHG emissions.

Air Quality

Air quality degradation from mining activities can be significant during operations as well as at closure. Proper reclamation is necessary to ensure that the reclaimed drilling site is not a source of air quality impairment. The operator should minimize fugitive dust during operations with application of dust suppression measures. Additionally, adequate reclamation should be conducted to ensure that the drilling sites won't become future sources of dust during high wind events. Any future mining development in this area could also degrade local air quality.

Water Quality and Water Supply

The metals mining industry is a major toxic polluter according to EPA's Toxic Release Inventory data, producing 1.56 billion pounds of toxic waste in 2019.⁵ Given the production of toxic pollutants during operations, exploration activities as well as any future mine development have the potential to impact surface and groundwater quality.

From examination of the maps provided in the application, exploratory drilling looks like it will take place within 100 feet of ephemeral streams. Specifically, drill sites KM-P-09, KM-P-14A and 14B, KM-P-13A and 13B look like they are located within or close to ephemeral drainages. In order to protect water quality, drill pads should not be located in washes or arroyos. Drill sites should employ best practices to ensure containment of spills of hazardous chemicals, drilling waste and fluids.

Future mine development could significantly impact ground and surface water quality on the scale that we see at the Chino and Tyrone mines. Southwest New Mexico is 100% dependent

⁴ <https://www.earthworks.org/publications/ngo-letter-to-the-world-bank-re-mining-renewables/>

⁵ <https://www.epa.gov/trinationalanalysis/comparing-industry-sectors>

upon groundwater for drinking water supplies. The agricultural sector also relies heavily on groundwater. Future mineral development in this area threatens the long-term sustainability of the area's water supplies.

Permitting for non-consumptive use and plugging and abandonment will be required with the New Mexico Office of the State Engineer and should be verified before approval of the Plan of Operations.

Solid Wastes

Given that there are already abandoned mine lands in the area that have not been reclaimed, it is important to ensure that the 14 proposed drill sites are properly reclaimed. The operator should ensure that all solid wastes and drilling wastes are removed and properly disposed of.

Scenic Values.

A dome of pinkish rock that can be seen from 50 miles away, Knight Peak is a magnificent landmark on the drive from Lordsburg to Silver City. The applicant should harmonize its exploration operations with the scenic values of the area. More broadly, if this area were to be developed for future mining operations, the scenic values of the Knight Peak area would be significantly impaired, with adverse consequences for the local recreation-based economy.



Knight Peak, 2019 Photo: Dennis O'Keefe

Wildlife Habitat and Threatened and Endangered Species

According to the operator's MMD application, the Gila National Forest will be conducting biological studies of the proposed drilling sites. We are concerned about impacts to state and

federally threatened and endangered plant and animal species in drilling areas. State-listed species that occur in the Burro Mountains, like the yellow-eyed junco (*Junco phaeonotus*) and desert bighorn sheep (*Ovis canadensis mexicana*)⁶ and state-listed plant species should be assessed. The New Mexico Rare Plant Conservation Strategy⁷ (2017) developed by the Forestry Division of the New Mexico Energy, Minerals, and Natural Resources Department (EMNRD) in coordination with the Rare Plant Conservation Partnership (NMRPCP), identified the Burro Mountains as an Important Plant Area (IPA), a specific area within New Mexico that supports either a high diversity of sensitive plant species or are the last remaining locations of New Mexico's most endangered plants.

We encourage the GNF to consult with U.S. Fish and Wildlife Service and the New Mexico Department of Game and Fish on biological surveys, best management practices to avoid impacts to sensitive species, and appropriate reclamation to restore wildlife habitat.

The operator's application states that drill sites were selected to minimize need for vegetation removal. We strongly advise that timber cutting should not be authorized and that any important species, such as cacti, agave, and sotol, that need to be removed are subsequently transplanted on site as part of reclamation.

Roads

Roads in the Gila National Forest can be a source of erosion and damage to soil, water and other natural resources. Roads in the Burros in particular have caused serious damage to natural resources. Any access roads to drill sites should be contoured and stabilized to minimize erosion. Best practices should be followed in reclaiming and restoring access roads to avoid erosion and to prevent future off-road vehicle traffic.

The temporary re-opening of currently closed roads undermines any positive environmental impact that was achieved or analyzed by closing those roads. Temporary roads must be closed within 10 years of completion of a project, per 16 U.S.C. 1608(a), unless the Forest Service re-evaluates the road and determines it to be necessary for the minimum road system. During the project, however, and for an additional 10 years after completion of the project, the temporarily open roads will continue to allow for harassment of wildlife, littering, fires, invasive plant distribution, and negative impacts to aquatic and riparian habitat, as well as the fish that depend on that habitat. The agency must consider the effects of its proposal to perform repairs to closed roads and the temporary re-opening of currently closed roads.

The Forest Service should ensure that the temporary roads will in fact be temporary by committing to decommission all temporary roads within 6 months following completion of this project and identify monitoring and enforcement to confirm that commitment. The statutory requirement of 10 years allows too much time between project completion and decommissioning, and historically we have seen this approach allow roads and trails to proliferate on the landscape. We encourage the Forest Service to incorporate a mechanism to verify or enforce its proposal that temporary roads will be closed following project completion.

⁶ <https://nhnm.unm.edu/sites/default/files/nonsensitive/publications/other/N08DGF01NMUS.pdf>

⁷ https://nhnm.unm.edu/botany/nm_rare_plant_conservation_strategy

Reclamation.

Reclamation of the surface at drill sites should happen as soon as drilling is complete to prevent erosion and control water runoff; to remove and properly dispose of all drilling waste, solid waste and hazardous materials off-site; to reshape and revegetate the disturbed area; and to restore wildlife habitat.

The applicant states in the MMD application that it will use a GNF-approved seed mix for broadcast sowing. We want to ensure that the approved seed mix does not contain seeds from non-native plants. We also recommend reviewing past experience with reclamation at the Tyrone Mine under DP-27 to understand what revegetation practices are likely to be successful.

The applicant will need a permit from the Office of the State Engineer for well plugging and abandonment. OSE permit conditions should be followed. The Plan of Operation should not be approved until these state permits are obtained.

Public Safety

The drill sites could pose a hazard to public safety if they are not properly secured outside of operating hours. Hazardous and inflammable materials should be locked up to prevent vandalism.

Prevention and Control of Fire

Given that this area of Grant County is in exceptional drought⁸, ensuring that measures are taken at the drill sites to prevent fires and control a potential fire is of tantamount importance. This is not covered in the Plan of Operation or MMD application. Diesel fuel, gasoline and other inflammable chemicals need to be properly stored to prevent fire. Fuels and chemicals should be stored to prevent improper access by the public. Fire-fighting procedures must be in place in case of fire. The closest fire station is approximately 30 minutes away.

Cultural Resources

According to the operator's MMD application, the Gila National Forest will be conducting cultural resources studies of the drilling sites. We recommend that the GNF consult with Tribes and the State Historic Preservation Office on potential impacts to cultural resources. There are numerous Mimbres pithouses in the area and historical accounts indicate that this area was inhabited by the Chiricahua/Warm Springs Apache.

Consultation with State and Federal Agencies

The Gila National Forest will need to coordinate with other federal and state agencies in its review of this permit. MMD and Office of the State Engineer will need to be coordinated with on all state permitting requirements. We recommend consulting with the New Mexico Department of Game and Fish and US Fish and Wildlife Service on the biological surveys. Additionally, the GNF should consult with the State Historic Preservation Office and Tribal representatives on the cultural resource assessment.

⁸ <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?NM>

Financial Assurance

Financial assurance is a critical component of the permitting process, ensuring that a third party can reclaim drill sites in the event of operator financial default. We strongly encourage development of a reclamation cost estimate sufficient to cover the cost of third-party reclamation. Given that MMD also requires financial assurance under the New Mexico Mining Act, there are two agencies that could potentially hold the bond. We support MMD holding the bond as it can most effectively and quickly reclaim drill sites under an operator default scenario.

If you have any questions, please contact Allyson Siwik at 575.590.7619 or allysonsiwik@gmail.com.

Thank you for consideration of our comments.

Sincerely,

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