



Susana Martinez
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
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July 15, 2015

David L. Mayerson
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502-5469

RE: Mt. Taylor Mine/Discharge Permit DP-61

Dear Mr. Mayerson:

I am writing in response to your June 29, 2015, letter to the State Historic Preservation Officer (SHPO) concerning a proposed change to Discharge Permit DP-61 for the Mt. Taylor Mine. The New Mexico Environment Department (NMED) requests a review of the proposed changes and a new determination that the permit will not constitute a "use" of the Mt. Taylor Traditional Cultural Property (TCP) (SR # 1939).

According to your letter, Rio Grande Resources Corporation has proposed to construct a separate treatment facility within the existing disturbed area of the minesite. In addition to the information we received from NMED, we also received correspondence from the Mining and Minerals Division (MMD) on the proposed treatment facility. The information from MMD indicates that the permittee, Rio Grande Resources Corporation, is committed to conducting an archaeological survey of the borrow area that will be used in the construction of the treatment facility. The permittee has also committed to an archaeological monitor during construction of the facility.

As you know, on June 10, 2014, we made an initial determination that the renewal of DP-61 would not constitute a "use" of the Mt. Taylor TCP because the discharge permit was a reissuance of an existing permit and there were no substantial changes. Because this new treatment facility is proposed, we are re-evaluating our initial determination.

The new treatment facility has the potential to affect the Mt. Taylor TCP because a new building will introduce new visual elements that could have an indirect effect. In addition, borrow pits and new construction within the minesite could adversely affect significant archaeological sites that may be contributing properties to the Mt. Taylor TCP. New construction should be limited to areas of existing disturbance and areas devoid of cultural manifestations as to have the least possible physical and visual effect on the registered property. The building should also be constructed so that it does not substantially diminish the aesthetic value of the Mt. Taylor TCP.

Keeping the above comments in mind, the discharge permit, DP-61, will not have an adverse effect and will not constitute a "use" of Mt. Taylor with the condition that all significant archaeological sites are avoided by the borrow pit and the treatment facility is designed so that it does not substantially diminish the aesthetic value of the Mt. Taylor TCP. The permittee, Rio Grande Resources, Inc. must provide a copy of the archaeological survey report and construction plans for review and consultation with SHPO before construction begins.

If you have any questions concerning this determination and the conditions, please contact Michelle Ensey at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP', with a long horizontal flourish extending to the right.

Jeff Pappas, Ph.D.
State Historic Preservation Officer

Log: 101705