

The following is an amendment to 19.10.4 NMAC, Sections 403 and 407, effective April 30, 2009.

19.10.4.403 PERFORMANCE AND RECLAMATION STANDARDS AND REQUIREMENTS:

Operations shall be designed and conducted to mitigate disturbance caused by exploration operations and, to the extent practicable, 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 and excavation work to be performed.

A. Reclamation of the disturbed area shall be initiated ~~[as soon as possible following the completion or abandonment of the exploration operation]~~ and completed within the permit term, unless the disturbed area is included within a complete permit application for a new mining operation. Drill holes shall be plugged in accordance with Subsections K and L of 19.10.3.302 NMAC.

B. Cemeteries and burial grounds and the disturbance of cultural resources listed on or eligible for the *national register of historic places* or the *state register of cultural properties* shall be avoided until clearance has been granted by the director after consultation with the state historic preservation officer.

C. Measures shall be taken to safeguard the public from unauthorized entry into hazardous areas if such hazards were created by the operator. Depending on site-specific characteristics, the following measures shall be required:

- (1) closing shafts, adits and tunnels to prevent entry;
- (2) posting warning signs in locations near hazardous areas;
- (3) restricting access to hazardous areas; or
- (4) other measures as needed to protect human safety.

D. Trash, other materials and structures incidental to exploration shall be removed and disposed of appropriately.

E. Exploration and reclamation operations shall be conducted to minimize erosion.

F. Disturbance to riparian areas and wetlands shall be minimized during exploration. Adverse effects on riparian areas and wetlands shall be mitigated during reclamation.

G. Measures shall be taken during exploration and reclamation to minimize adverse impacts on wildlife and important habitat. Impacts on important habitat shall be mitigated during reclamation.

H. If necessary for the re-establishment of vegetation, topsoil or topdressing shall be salvaged, stockpiled, and distributed.

I. Vegetation shall be re-established with appropriate species.

J. Road construction should be limited. Roads shall be located to minimize disturbance to land and wildlife and enhance stability. Roads shall be constructed and maintained to control erosion. Roads constructed in or across intermittent or perennial streams require site specific designs. Roads to remain permanent must be approved by the surface owner and must be stabilized to control erosion.

K. Excavations shall be backfilled and graded to approximate the original topography. Adits and shafts created by the operator shall be sealed. Drill holes not regulated by the state engineer office shall be plugged or filled to prevent subsidence and injury to the public and wildlife.

L. Blasting shall be conducted to prevent injury to persons or damage to property not owned by the operator. Fly rock shall be confined to the permit area. The director may require a detailed blasting plan, pre-blast surveys or specific blast design limits to control possible adverse effects to structures.

[7-12-94, 2-15-96; 19.10.4.403 NMAC - Rn, 19 NMAC 10.2.4.403, 05-15-2001; A, 04-30-09]

19.10.4.407 TERMINATION REPORT: At the conclusion of an exploration operation not to be renewed, the permittee shall submit to the director a termination report. The report shall:

A. certify that the exploration reclamation operations have been completed in accordance with the approved permit;

B. provide the total depth and diameter of each hole drilled, the date each hole was completed, depth of water bearing zones and a statement describing any flow to the surface;

C. identify on an approved map, the disturbed area including the number and the location of the disturbed acres, and the location, including identification number, of all drill holes and excavation sites[-]; and

D. financial assurance may only be released after the permittee has submitted a termination report that meets the requirements of 19.10.4.407 NMAC and the director has determined, after inspection, that the reclamation requirements of 19.10.4.403 NMAC and the permit have been satisfied.

[7-12-94, 2-15-96; 19.10.4.407 NMAC - Rn, 19 NMAC 10.2.4.407, 05-15-2001; A, 04-30-09]