March 1, 2010

Phyllis June Hoey
U.S. EPA Region 6
1445 Ross Avenue (6SF-PO)
Dallas, TX 75202

Re: Questa Mine Proposed Clean-Up Plan; NMDGF Project No.13131

Dear Ms. Hoey:

In response to your invitation for public comment, the New Mexico Department of Game and Fish (NMDGF) has reviewed the above referenced document. The proposed plan describes contamination associated with various units of the Chevron Mining, Inc. (CMI) Questa Mine, and identifies the preferred actions which EPA believes are the best ways to protect human health and the environment. NMDGF staff attended a public meeting about this plan in Questa, NM, on 21 Jan 2009. In general, the Department supports the EPA preferred alternatives for all areas of the mine, with the following additional comments.

Mine Site Area

Preferred alternative 3B comprises source containment by re-grading the rock piles to achieve a 2:1 slope, covering them with soil and native vegetation and constructing a new treatment system to collect and treat contaminated mine waters. This alternative is preferable to 3A because of the reduced area of surface disturbance, both in terms of the rock pile footprint and the potential need for an on-site repository, as well as improved feasibility. Existing test plots have shown that the covered rock pile surfaces can hold a 2:1 slope with even minimal vegetation. We urge the EPA, when conducting the engineering studies necessary to support this action, to remain flexible toward the use of "geomorphic" options using variable slope/cover thickness combinations, as has been proposed in the past by CMI. Due to the poor performance of existing revegetation test plots at the mine site, NMDGF strongly supports the implementation of revised test plots as part of the selected action, incorporating soil amendment, as described in the proposed plan on page 110-111.

The site Remedial Investigation showed that surface water in the mine site seepage catchments has hazard quotients greater than one for several metals. The catchments were not included for detailed evaluation of ecological risk because they will not contain trout. The most likely receptors for ingestion of seepage catchment water are terrestrial and flying wildlife which may use the impoundments for drinking. The proposed clean-up plan states that the preferred alternative will protect recreational visitors/trespassers from direct contact with
seepage and seepage catchments through the use of fencing and piping. The conclusion of low ecological risk should be contingent on maintenance of effective wildlife exclusion measures at any catchments that remain after implementation of the selected action.

**Tailing Facility Area**

In regards to the approved solar energy pilot project, NMDGF is not opposed to this use of the facility, however, we believe that a one-foot cover depth should not be considered because it may not be feasible to maintain it in the long term, even if it is deemed “successful” in a short term evaluation period. Five years is not a sufficient period to judge either vegetation success or uptake of molybdenum and other contaminants from the underlying tailing material.

Remedial Investigation indicated that the tailing pond surface water impoundments have both water and sediment contamination which may present a hazard to wildlife (most notably sediment contamination). As mentioned above regarding mine site catchments, these impoundments are used by terrestrial and flying animals for drinking and by waterfowl for migration rest stops and nesting. It is likely that waterfowl ingest contaminants while eating plant and invertebrate material, as well as directly through drinking water. Although the impoundments are not considered “suitable aquatic habitat,” presumably because they will be eliminated following the completion of mining activity, they do present a risk to wildlife now and for the short-to medium-term future.

**Red River, Riparian, and South of Tailing Facility Area**

The spring which supplies drinking water to the NMDGF Red River Hatchery exceeds the EPA selected Preliminary Remediation Goal for molybdenum concentration, due to contamination from a groundwater plume originating at the mine tailings. While there is no applicable state standard, and the exceedance is not large in magnitude, it has been persistent and may reasonably be expected to persist in the future (J. Marcoline, NMED, personal comm.). NMDGF requests that CMI provide and maintain either an alternative drinking water source, or a means of purifying the water, in order to protect the health of our hatchery employees and their families. In addition, there should be ongoing monitoring of the spring water, which is also used for hatchery operations, as well as an analysis of the molybdenum content of the fish reared in the spring water and potential impacts to the public from eating these fish.

During removal of contaminated soil from the Red River riparian zone and south of the tailings facility, best management practices should be applied to minimize physical damage or indirect kill by dewatering of native riparian vegetation. Any woody riparian vegetation which is removed or damaged should be replaced at a 2:1 ratio. NMDGF also requests advance coordination regarding tailing spill clean up, as this action could have major effects on our angler constituents.

**Eagle Rock Lake**

Please coordinate with NMDGF Fisheries Division (505-476-8055) regarding dredging of the lake, as this could have major effects on our angler constituents and may require fish salvage. We also request additional consultation on potential enhancements to fish habitat which might be incorporated during the construction operations.
Thank you for the opportunity to consult on this proposed clean-up plan. If there are any questions, please contact Rachel Jankowitz at 505-476-8159, or rjankowitz@state.nm.us.

Sincerely,

Matthew Wunder, PhD
Chief, Conservation Services Division

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