



AGENDA
San Miguel County Planning & Zoning Commission
Public Hearing & Regular Meeting
Thursday, April 6, 2023
2:00 p.m.
San Miguel County Administration Building
500 West National Ave., Las Vegas, NM 87701

Harold M Garcia
Chair-District 1
Janice C. Varela
Vice-Chair-District 2
Max O Trujillo
Commissioner- District 3
Martin Sena
Commissioner-District 4
Kenneth C. Medina
Commissioner- District 5
Joy Ansley
County Manager

- 1. Call to Order**
- 2. Roll Call**
- 3. Election of Officers- Chair and Vice-Chair**
- 4. Approval of Minutes from March 15, 2022**
- 5. Approval of Agenda**
- 6. Public Hearing:**
CU-0266- Temporary Conditional Use Permit
Fisher Sand & Gravel-New Mexico, INC
 - *Enter Public Hearing*
 - Application Presented by: Amanda Salas, Planning & Zoning Director
 - Applicant: Fisher Sand & Gravel-New Mexico, INC
 - Purpose of Public Hearing: Establish a temporary Hot Mix Asphalt (HMA) Plant for NMDOT Project No. 4101370 for I-25 between Mile Post 305 and 309
 - Public Comment on Application including Comments from Applicant/Property Owner
 - *Exit Public Hearing*
- 7. Approval/Disapproval of Application CU-0266 for Temporary Conditional Use Permit Fisher Sand & Gravel-New Mexico, INC**
(Discussion/Action)
- 8. Possibility of upcoming applications**
(Discussion Only)
 - Topics- Solar Fields, Community Solar, Recreational businesses, Rebuilds
- 9. Next Possible Regular Meeting Date: Thursday, June 1, 2023**
(Action/Discussion)
- 10. Adjournment**



Planning & Zoning Division

Amanda C. Salas, Director

San Miguel County Planning & Zoning Commission/Board of Adjustment Public Hearing & Regular Meeting

Tuesday, March 15, 2022

2:00 p.m.

San Miguel County Courthouse
500 West National Ave., Las Vegas, NM 87701

Harold M Garcia
Chair-District 1

Janice C. Varela
Vice-Chair-District 2

Max O Trujillo
Commissioner- District 3

Martin Sena
Commissioner-District 4

Kenneth C. Medina
Commissioner- District 5

Joy Ansley
County Manager

The San Miguel County Planning & Zoning Commissioners held a Public Hearing & Regular Meeting on Tuesday March 15, 2022. The meeting convened at the San Miguel Administrative Complex located at 500 West National Avenue, Suite 200 Las Vegas New Mexico 87701

1. Call to Order And Roll Call

San Miguel County Planning and Zoning Chairman Kenny Lujan called the Meeting to order at 2:00 p.m. Upon Roll Call Chairman Kenny Lujan-present, Vice-Chair Sean Medrano-present, Commissioner Eva Artschwager-present, Commissioner Macario Gonzales-absent, Commissioner Phillip Warfield-present. A quorum was duly established.

2. Approval of Agenda

Motion made by Commissioner Phillip Warfield to approve the Agenda, Second by Commissioner Sean Medrano. Motion Carried.

3. Approval of Minutes for September 30, 2021

Motion made by Commissioner Sean Medrano to approve the minutes for September 30, 2022, Second by Commissioner Phillip Warfield. Motion Carried.

4. Public Hearing was CU-0265-Conditional Use Permit Kiddie Kampus Korner DayKare Center

Entered into Public hearing at 2:03 p.m.



Board of County Commissioners

San Miguel County Planning & Zoning Director Amanda Salas presented to the Commission the application submitted by the applicants Greg Martinez & Rosalie Martinez. The purpose of the Public Hearing is to establish a daycare learning center on a parcel of land located N. of Las Vegas, at the corner of Harlan Road and NM Hwy 518.

San Miguel County Planning & Zoning Director Amanda Salas went over the Utilities within proximity of the site, General Plan Conformance, Specific Use Limitations Applicable. She mentioned that public notices were sent out to anyone within 100 feet of the property line and any others that may be affected. Ms. Salas also went over all the Agency & Contacts that were notified about the application submitted by Greg Martinez & Rosalie Martinez to establish a daycare.

Public Comment

Four individuals spoke for public hearing

Rosalie Martinez informed the Commission that she is the owner of the daycare. She has been opened to the public since April 2016. She stated that approximately 55-60 children ages infant to 12 years old attend the daycare. Once the daycare is built approximately 110 kids would be able to attend the day care. The daycare is open Monday through Friday from 7:00 a.m. to 6:00 p.m.

Carlos Martinez informed the Commission that the daycare is federally and state funded. Mr. Martinez mentioned that the construction is privately funded. Mr. Martinez mentioned that the daycare is being built to help the community with any daycare needs they may have.

Greg Martinez informed the Commission upon approval of the application, the construction of the building will begin as soon as possible.

Jeff Salmon informed the commission with his concern about the traffic off NM Hwy 518.

Commissioner Kenny Lujan mentioned that the New Mexico Department of Transportation would go out to the site to do a traffic study. Mr. Salmon also was concerned about any street lights and any signs that may be bright and disturbing at night. Mr. Salmon asked if the lights could be turned off at a certain time. Mr. Greg Martinez mentioned that the lights would be downward lighting and the sign will not have any lights on it.

San Miguel County Attorney Dave Romero asked the Commission if they could make a motion to make the Survey Report Exhibit A & any pre-documents as Exhibit B.



Board of County Commissioners

Motion made by Commissioner Phillip Warfield to make the Survey Report as Exhibit A, Second by Commissioner Sean Medrano. Motion Carried.

Motion made by Commissioner Phillip Warfield to make the application and any pre-documents as Exhibit B, Second by Commissioner Sean Medrano. Motion Carried.

5. Approval /Disapproval of Application CU-0265 for Kiddie Kampus Korner Daycare Center by Planning & Zoning Commission

Motion made by Commissioner Sean Medrano to approve Application CU-0265 for Kiddie Kampus Korner Daycare Center, Second by Commissioner Phillip Warfield. Motion Carried.

Motion made to exit public hearing at 3:00 p.m.

6. Rules, Procedures and Role of the Planning & Zoning Commission

San Miguel County Attorney Dave Romero discussed the rules, Procedures and Role the Planning & Zoning Commission has. Mr. Romero stated that the commission must not speak to anyone outside of the meeting about anything. Mr. Romero also mentioned that the Commissioners should listen to all the evidence before making any final decisions. Mr. Romero recommended that anyone that is speaking in the meeting should go up to the podium so the record is there.

7. Possibility of upcoming applications

San Miguel County Planning and Zoning Director Amanda Salas spoke about all applications. The guidelines to apply must go through the County. All applicants must follow the San Miguel Ordinance which is based off the State Statue. San Miguel County Planning & Zoning Director Amanda Salas also informed the Commission on Solar Fields, Community Solar, Subdivisions, and Recreational Businesses.

8. Next Meeting Date

San Miguel County Planning and Zoning Director Amanda Salas informed the commission that Regular meeting should be held every three months. If a Special Meeting needs to be held the Commission will be informed. Chairman Kenny Lujan asked if Amanda could send out an email with the day and time of any upcoming meetings.

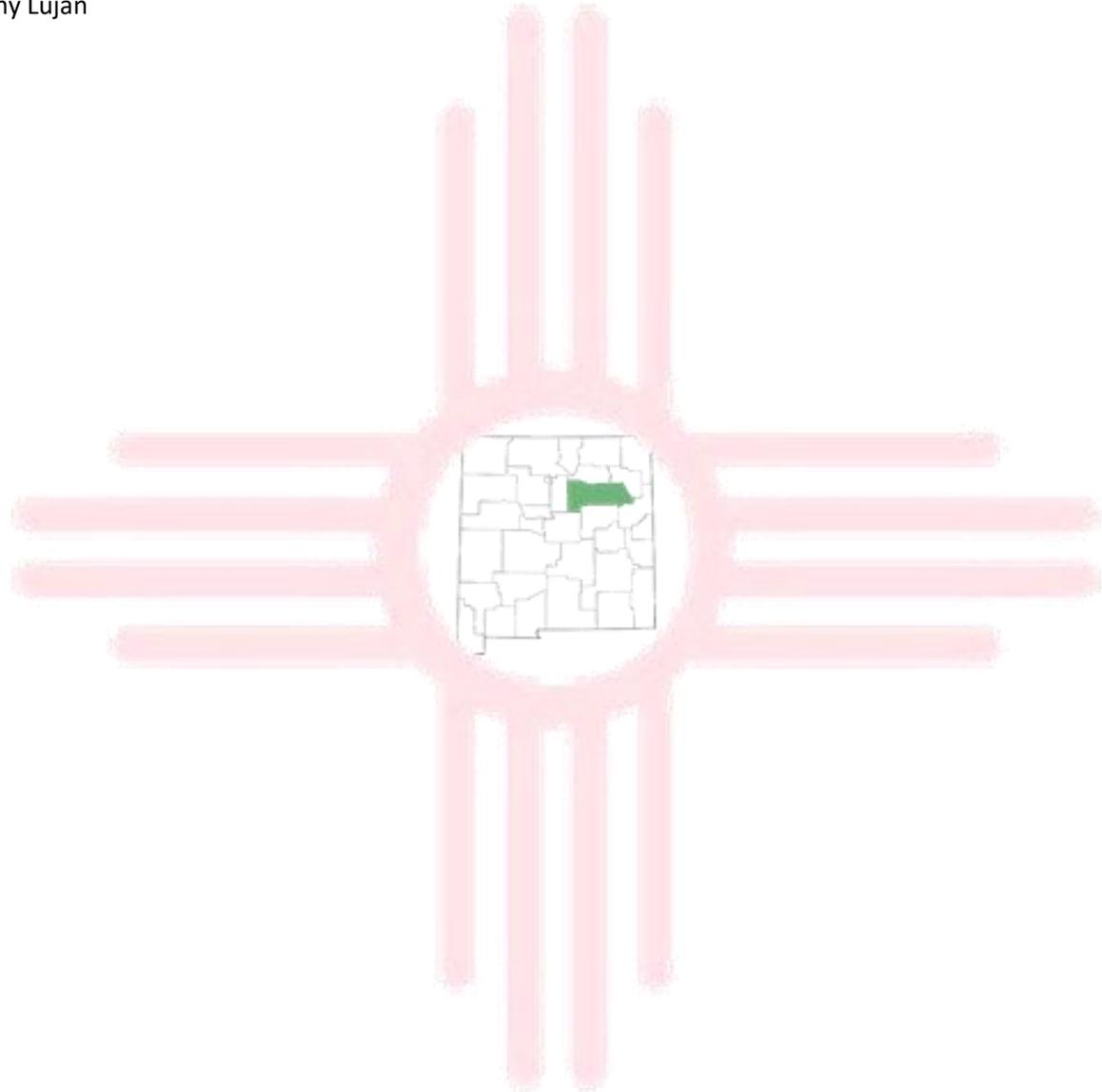


Board of County Commissioners

Adjournment

Motion made by Commissioner Phillip Warfield to adjourn meeting at 3:57 P.M., Second by Commissioner Sean Medrano. Motion Carried.

Chairman Kenny Lujan





San Miguel County Planning & Zoning

TYPE OF APPLICATION: Temporary Conditional Use Permit- Temporary Hot Mix Asphalt Plant File Number : CU-0266 Resolution : 04062023-P&Z	
<u>Petitioners/Applicants</u> Fisher Sand & Gravel-New Mexico, INC 30A Frontage Road East/P.O Box 2340 Placitas, NM 87043	<u>Current Property Owners</u> Agnes CdeBaca/Paul CdeBaca-Agua Bendita Corp. Off of County Road B35A – Rencona Area
<u>Name of Contractor</u> Fisher Sand & Gravel-New Mexico, INC 30A Frontage Road East/P.O Box 2340 Placitas, NM 87043	Currently has a business license with San Miguel County (SMC) to operate
<u>Intended Land Use</u>	<u>Seeking Conditional Use Permit for Temporary Hot Mix Asphalt (HMA) Plant for NMDOT Road Way and Bridge Restoration Project No. 4101370 I-25 between Mile Post 305.00 to 309.00</u> <ul style="list-style-type: none"> Cost of Project is \$15,150,000.00 <u>Currently has Conditional Use Permit for Agua Bendita Gravel Pit for Gravel Extraction – 1997</u> Previous uses per property owner: <ul style="list-style-type: none"> Used by Corn Construction – 1997 Condition Use Permit sought/approved La Farge/Corn Construction- 2000 County Purchased Material- 2004 to 2006 NMDOT used in 2005-2007 Currently uses for gravel business in Pecos, NM – CdeBaca Sand & Gravel, Inc
<u>Number of Employees on Site</u>	Crusher – 6 employees

	Hot Mix Asphalt Plant—4 employees Trucking – 15 Drivers -subcontracted to company "Makin It Move Transport"
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SITE INFORMATION	
<u>Location:</u>	Off of County Road B35A – Rencona area <ul style="list-style-type: none"> Coordinates: 35° 18'56.70"N 105°38'39.67"W Located on the southern end of Hogback Hill ridgeline. Head North on County Road B35A toward State Rte 34 for 0.9 miles and turn right onto State Rte for about 11 miles to get to Frontage Rd 2116.
<u>Legal Summary</u>	S: 26 T: 13 R: 12 384.570 acres
<u>Site of Acreage Used</u>	Three (3) acres being used of approximately a 385 acre parcel per applicant
<u>SMC Tax Parcel #</u>	1-071-074-145-185
<u>Account#</u>	R0293715
<u>Current Land Use</u>	Agricultural
<u>Current Land Structures</u>	Grazing land

ADJACENT PROPERTY ZONING and CURRENT LAND USE	
<u>North</u>	Unknown; likely state/federal land
<u>East</u>	0400 Agricultural
<u>South</u>	0400 Agricultural
<u>West</u>	County Road B35A, 0400 Agricultural and 0200 Non-Residential Land

UTILITIES WITHIN PROXIMITY OF SITE/PUBLIC SAFETY	
<u>Water Use</u>	<ul style="list-style-type: none"> Crusher to use 8,000 gallons a day for 25 days – 200,000 gallons Roadways and HMA will use 8,000 gallons for 30 days – 240,000 gallons

	Plan is to get with City of Las Vegas Wastewater Treatment plant as they have been getting such water from them for another project north of Las Vegas. Will require permission from CLV Wastewater Tx Plant.
<u>Liquid Waste Disposal</u>	Portable toilets will be utilized; provided by Roybal's Septic Service
<u>Gas</u>	Gas is not being utilized on site; both the crusher and the HMA plant have 10,000 gallon diesel tank per site map.
<u>Solid Waste</u>	AAF Hauling will bring in a dumpster for trash and dispose of. Will not be using a county landfill.
<u>Electricity</u>	Portable electric generators for electrical power
<u>Cable</u>	N/A
<u>Telephone</u>	N/A
<u>Internet</u>	N/A
<u>Public Safety</u>	Fire Protection: Rowe Fire Department, Police Protection: State Police, San Miguel County Sheriff Department Rowe Fire Station is approximately 12 miles from the location

GENERAL PLAN CONFORMANCE	
<u>Land Use Designation</u>	Rural Holding Zone – The purpose of this zone is to permit in appropriate areas a lower density of population than in residential agricultural zones and still maintain an environment supporting large farms and ranches.
<u>Intended Use Interpretation:</u>	Industrial - Temporary
<u>Proposed Land Use Designation</u>	Temporary Industrial Use – Temporary Hot Mix Asphalt (HMA) Plant
<u>Conditional Use Permit Defined</u>	Implemented when use may have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.
<u>Conditional Use Permit Implemented</u>	CONDITIONAL USE: As provided under San Miguel County Ordinance 86-2, Section 3620(P) and Section 5130- Asphalt Batching and Cement Plants, Permanent and Temporary

<u>Setback Requirement:</u>	
A. 100 feet to the nearest road B. 60 feet to any perimeter property lines C. No less than 200 feet to an existing residential dwelling	A. Approximately 800 feet to County Road B35A B. Plant will be 200 feet to the south, 750 feet to the west, 4500 feet to the east and 6300 feet to the north.
<u>Street Access :</u>	Private roadway to County Road B35A
<u>Clearview of Intersecting Streets:</u>	Yes
<u>Proposed Building:</u>	N/A

<u>Landscaping:</u>	No landscaping is proposed.
<u>Flood Plain Review</u>	Not in a floodplain per NFHL Viewer
<u>Steep Slope:</u>	N/A
<u>Erosion Hazard Area:</u>	N/A
<u>Drainage/Stormwater Runoff</u>	Stormwater Pollution Prevention Plan (SWPPP) is in place; United States Environmental Protection Agency (EPA) requirements <ul style="list-style-type: none"> • NOI was provided to receive National Pollutant Discharge Elimination System (NPDES) Permit coverage • An NOI for a general permit is a notice to the NPDES permitting authority of an Operator's intent to be covered under a general permit, and typically contains basic information about the Operator and the planned discharge for which coverage is being requested.
<u>Assets and Constraints:</u>	Property has been previously and currently being used for gravel extraction.

<u>Any Item Waived:</u>	None Section 5130, Paragraph G, provides for a performance bond or surety bond for the restoration of the site to an acceptable condition. The property is currently disturbed area as gravel extraction has occurred at the Agua Bendita Gravel Pit on the same parcel. The gravel pit was previously approved by a conditional use permit in 1997 with San Miguel County Planning & Zoning Division. Continuous extraction will be used. Fisher Sand & Gravel does plan to place unusable sand and material back to the pit, contour existing terrain, including natural drainage.
<u>Grading:</u>	None required.
<u>Lot Width:</u>	2700 feet
<u>Fire Vehicle Access:</u>	Determination will be made by San Miguel Fire Chief if needed. Fire plan also submitted by Fisher Sand and Gravel.
<u>Cultural, Historic or Archaeological:</u>	None known per Environmental Assessment done in 1996 when Corn Construction sought the development of the gravel pit along with the property owner.

Public Notices	
APPLICATION FILING DATE	Received 02-14-2023; Accepted 03-13-2023
P&Z MEETING	Thursday, April 6, 2023
PUBLICATION NOTICE OF P&Z MEETING	March 22, 2023, SMC Website March 24, 2023 Las Vegas Optic
PUBLIC NOTICE MAILING LIST	Completed with adjacent property owners
PUBLIC NOTICE SIGN	5 Signs-Completed Thursday, March 23, 2023 -

Sent for Review to the following departments and agencies for comment on March 22, 2023	
Agency & Contact(s)	Response & Date Received
SMC Planning & Zoning Division Amanda C. Salas, Planning & Zoning Director asalas@co.sanmiguel.nm.us	3-30-23: Concerns - noise, road damage to county and state roads, traffic control; If conditional use application is approved, a

	<p>temporary permit will also be required for a temporary construction yard.</p> <p>The location will be 83 NM 63 in Rowe for the sole purpose to have a portable office at the size of 8x20. Signs and bases, barrels, arrow boards, message boards, trash dumpsters and portable toilets. Heavy equipment will not be stored there. Noise and traffic will also have to be considered for this area. Noise and traffic is not going to be an issue as per applicant for this use. No concerns for the temporary permit at this time.</p> <p><i>Administrative Process for Planning & Zoning Director per Section 5470- Temporary Uses</i></p>
<p>SMC Planning & Zoning Division Nanette Knox, Land Use Compliance Specialist nknox@co.sanmiguel.nm.us</p>	<p>3-30-2023:None at this time; building is not occurring</p>
<p>SMC Public Works Division Benito Romero, Public Works Director bromero@co.sanmiguel.nm.us</p>	<p>3-30-2023: No issues or concerns at this time.</p>
<p>SMC Fire Division Chief Andrew Duran, SMC Fire Chief aduran@co.sanmiguel.nm.us</p>	<p>3-22-2023: Fire protection would be provided by Rowe Fire Station.</p> <p>Knowing the location, the site is adjacent to the county road. I do not see fire access to be an issue. I have reviewed their fire safety plan and have no concerns.</p>
<p>NM Environment Department Kenny Santiestevan, Environmental Scientist Kenny.Santistevan@state.nm.us</p>	<p>3-22-2023: I don't see any problems with this application as all the proper permits meet the Air Quality and NMDOT regulations. NMED is only concerned about meeting the setbacks from property lines and waterways. Based on the photos submitted, it can be determined that</p>

	the proper setbacks are met.
<p>City of Las Vegas Wastewater Division Maria Gilvarry, Utilities Director gilvarrym@lasvegasnm.gov</p>	<p>3-28-23: At this time our comment is that we cannot guarantee water availability. Effluent may be made available. At this time I cannot commit to its availability. The volume available will be based on the amount already committed and in accordance with our permit. (Pending)</p>
<p>NM Department of Transportation Veronica Lovato-Lerma, District Traffic Engineer Veronicar.lovatoler@state.nm.us Gabriel Lucero, Assistant District Engineer Gabrielm.lucero@state.nm.us</p>	<p>3-23-2023: Veronica Lerma- Fisher’s access point to the proposed plant is located of a county road, therefore does not require anything from my shop as far as permitting. We do expect them to have ‘Trucks Turning” signs on NM 34 as well as FR 2116.</p> <p>3-29-2023: Gabriel Lucero- I believe we have two main concerns.</p> <p>The first concern we have is the impact the heavy vehicles will have on the pavement of NM 34. We have had similar cases where the haul route suffers severe damage due to the additional traffic.</p> <p>The second concern we have is the increase in the volume of traffic, specifically the commercial traffic. NM 34 is a very narrow roadway and we have concerns with the commercial vehicles and passenger cars on the road. The portion of NM 34 as you climb to the top of the mesa is very narrow and lacks guardrail.</p>
<p>Department of Cultural Affairs Historic Preservation Division</p>	<p>3-27-2023: Bob Estes- Historic Preservation Specialist/Archaeology</p>

<p>Geoff Cunnar, PhD RPA Staff Archaeologist Geoff.Cunnar@state.nm.us</p>	<ul style="list-style-type: none"> • My review shows that the project area of potential effects has not been surveyed to identify and evaluate historic properties. However, the addition of hot mix plant to the quarry is unlikely to affect any unidentified historic properties. • The State Historic Preservation Office has no concerns and no additional work is needed.
<p>Dennis J. Esquibel San Miguel County/City of Las Vegas Office of Emergency Management desquibel@co.sanmiguel.nm.us</p>	<p>3-31-2023: Does not have any Concerns</p>
<p>Did received public comments via phone as well from two concerned residents: 3/30/23 and 3/31/23</p>	<p>Concerns are:</p> <ul style="list-style-type: none"> • Jake brakes being used down the hill by semis • The poor current condition of NM 34 • Concerns NM 34 will be left in worse condition • Fire concerns for the location

<p>Additional Items:</p>	<p>Fire Protection and Exhibit Plan Facility Layout Map- Air Quality Permit GCP2-2981R1 Certificate of Liability Insurance Material Agreement with Property Owner Construction Permit Nm:GCP-3-Rev.1 for Hot Mix Plant SWPPP-EPA NOI (Notice of Intent) San Miguel County Business License- Fisher Industries Construction Permit No:GCP-2-Rev.3- Registration 3618 Temporary Use Permit Application for Temp Construction Yard BLM Contract</p>
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NOTICE OF REGULAR MEETING AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the San Miguel County Planning & Zoning Commission, pursuant to the Open Meetings Act, Section 10-15-1.1, NMSA 1978, will hold a regular meeting on Thursday, April 6, 2023 at 2:00 p.m. in the San Miguel County Commission Chambers, County Courthouse 2nd Floor, 500 W. Nat'l Ave., Suite 200, Las Vegas, NM, for the purpose of regular business and considering the application set forth hereunder. Any protests and objections may be made by interested persons.

APPLICATION: CU-0266– Temporary Hot Mix Asphalt Plant (HMA) for NMDOT Project #4101370 on NM HWY I-25 MP 305.0 to 309.0

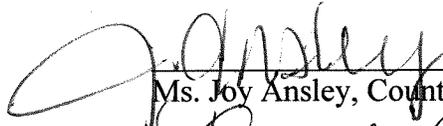
APPLICANT: Fisher Sand & Gravel – New Mexico, Inc.

PLACE OF PROPOSED USE: Agua Bendita Gravel Pit site within a parcel of land comprised of 385 acres, more or less, off of County Road B35A and NM State Route 34, located within San Miguel County near Rowe, projected Section 26, Tract 13, Range 12.

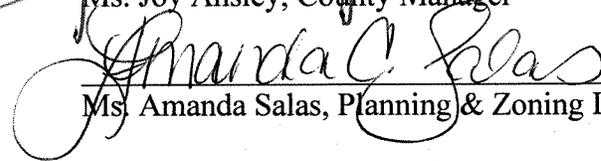
ACTION REQUESTED OF THE PLANNING & ZONING COMMISSION: Conditional use approval to establish a Temporary Hot Mix Asphalt Plant.

Adjournment

Further details regarding this request may be examined at the aforementioned hearing or by contacting the Planning & Zoning Division, 500 West National Avenue, Suite 203, Las Vegas at 505-454-1074.



Ms. Joy Ansley, County Manager



Ms. Amanda Salas, Planning & Zoning Director

Publish: March 22, 2023
San Miguel County Website
March 24, 2023
Las Vegas Optic

AFFIDAVIT OF PUBLICATION

**COUNTIES OF SAN MIGUEL and MORA,
STATE OF NEW MEXICO } ss.**

Phil Scherer, Editor, being first duly sworn, on oath states that he is a Manager of the Las Vegas Optic, a semi-weekly newspaper of general paid and general circulation in San Miguel and Mora Counties, New Mexico, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of the provisions of Chapter 167, session Laws of 1937, and that payment therefor has been made and assessed as court costs. That the notice of which a copy as published is hereto attached and hereby made a part hereof was published in said newspaper once each week for 1 consecutive insertion(s). That the first publication being on the 24th day of March, 2023 and the subsequent consecutive publications on the n/a day(s) of _____, 20 .

Price: \$ 67.83.

Account Number: 33825.

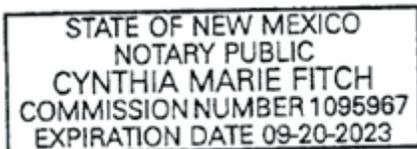


Editor

Subscribed and sworn to before me this 24th day of March, 2023.



Notary Public



**NOTICE OF REGULAR
MEETING AND PUBLIC
HEARING**

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Adjournment

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/s/ Ms. Joy Ansley, County Manager

/s/ Ms. Amanda Salas, Planning & Zoning Director

PUB: Las Vegas Optic, Mar 24, 2023

#23030103

LEGALS (cont.)

tion site located at NM Hwy 121, Chacon, NM. The monopole tower is to be located at latitude 36-08-14.55 N and longitude 105-22-12.48 W. Interested persons may raise environmental concerns about the proposed structure by filing a Request for Environment Review with the Federal Communications Commission (FCC). The FCC strongly encourages interested parties to file Requests for Environmental Review online, and instructions for making such filings can be found at <http://www.fcc.gov/asr/environmentalrequest>. The proposed communications site can be identified by FCC Form 854 File Number A1240204 and interested persons may review the application by going to www.fcc.gov/asr/applications and entering the FCC Form 854 File Number A1240204. The mailing address for interested parties that would prefer to file a Request for Environmental Review

by paper copy is as follows; FCC Request for Environmental Review, Attn: Ramon Williams, 445 12th Street SW, Washington, DC 20554. PUB: Las Vegas Optic, Mar 24, 2023 #23030100

REQUEST FOR PROPOSALS

The City of Las Vegas, New Mexico will open Sealed Proposals at 2:00 pm, April 19, 2023, at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico, or other designated area at the City Offices; ON THE FOLLOWING: PUMP, MOTOR, MECHANICAL AND ELECTRICAL SERVICES Proposal Forms and Specifications may be obtained from the following location: City Clerk's office at 1700 N GRAND AVE., LAS VEGAS, NM 87701 Mailed proposals should be addressed to the City Clerk, 1700 N. Grand Ave., Las Vegas, New Mexico 87701; with the envelope marked PUMP, MOTOR, MECHANICAL AND ELEC-

TRICAL SERVICES Opening No. 2023-13 ; on the lower left-hand corner of the submitted envelope. It shall be the responsibility of the Offeror to see that their proposal is delivered to the City Clerk by the date and time set for the proposal request. If the mail or delivery of proposal request is delayed beyond the opening date and time, proposal thus delayed will not be considered. Proposals will be reviewed at a later date with possible negotiations to follow. The City of Las Vegas reserves the right to reject any/or all proposals submitted. CITY OF LAS VEGAS, /s/ Leo J. Maestas, City Manager /s/ New Mexico Local Government Law /s/ Casandra Fresquez, City Clerk /s/ Tasha Martinez, Finance Director /s/ Helen Vigil, Purchasing Officer Opening No. 2023-13 Date Issued: 3/15/2023 PUB: Las Vegas Optic, Mar 24, 2023 #23030101

NOTICE OF A

SPECIAL CITY COUNCIL MEETING Notice is hereby given that the City Council of the City of Las Vegas, NM, will hold a Special meeting on Tuesday, March 28, 2023 starting at 1:00 p.m. at the City of Las Vegas Council Chambers, 1700 N. Grand Ave. Items to be discussed and considered: Consideration of the City of Las Vegas and Las Vegas Police Officer's Association (LVPOA) Memorandum of Understanding (MOU) regarding Section 16 (Compensation) and Section 44 (Terms of Agreement) of LVPOA Agreement #3848-22. The Council may convene in Executive Session if the subject matter of such discussion or action is exempt from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act. A copy of the agenda may be obtained from the City Clerk, 1700 N. Grand Avenue, during regular business hours. The Meeting is open to the public. City of Las Vegas /s/ Casandra Fresquez

City Clerk PUB: Las Vegas Optic, Mar 24, 2023 #23030102

NOTICE OF REGULAR MEETING AND PUBLIC HEARING

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NOTICE THE ACEQUIA MADRE DE LOS ROMEROS WILL MEET ON SAT-

URDAY, APRIL 8, 2023 AT 1:00 PM AT THE LAS VEGAS CITY SCHOOLS BOARD ROOM LOCATED AT 901 DOUGLAS AVE, LAS VEGAS NM. PUB: Las Vegas Optic, Mar 24, 31, Apr 7, 2023 #23030104

FOURTH JUDICIAL DISTRICT COURT COUNTY OF MORA STATE OF NEW MEXICO STATE OF NEW MEXICO ex rel., HUMAN SERVICES DEPARTMENT Petitioner vs.

CLARENCE ABEYTA Respondent TATIANA VIGIL Co-Respondent Case D-430-DM-02016-00032 NOTICE OF PENDENCY OF ACTION

STATE OF NEW MEXICO TO TATIANA VIGIL, GREETINGS: You are hereby notified that CLARENCE ABEYTA, the above-named Respondent, has re-opened the civil action against you in the above-entitled court and cause, the general

object thereof being to be awarded sole legal physical custody of the minor child of the parties. Unless you enter your appearance in this cause within thirty (30) days of the date of the first publication of this Notice, judgment by default will be deemed entered against you. The first date of publication is March 24, 2023. /s/ Suzanne Gaulin SUZANNE GAULIN Attorney for Respondent 717 4th Street Las Vegas, NM 87701 Phone: 505-235-9556 gaulinlawfirm@gmail.com WITNESS the Honorable Michael Aragon, District Court Judge of the Fourth Judicial District Court of New Mexico, and the Seal of the District Court of San Miguel, this 22 day of March 2023. BRENDA J. MURPHY CLERK OF THE DISTRICT COURT /s/ Leonor Encinias By Deputy PUB: Las Vegas Optic, Mar 24, 31, Apr 7, 2023 #23030105



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APPLICATION FOR CONDITIONAL USE PERMIT

**PLANNING & ZONING DIVISION
SAN MIGUEL COUNTY ADMINISTRATION COMPLEX
500 W. NATIONAL, SUITE 203
LAS VEGAS, NEW MEXICO 87701
(505) 454-1074 Fax: (505) 454-9728
Email: pandz@co.sanmiguel.nm.us**

Accepted: 03-13-2023

Application File No. CU-0266 Date Submitted: 2/23/2023

Name of Applicant: Fisher Sand & Gravel - New Mexico, INC.

Address: 30 A Frontage Rd East / PO Box 2340 Placitas NM
87043

Telephone Number: 505-867-7600

Property Interest of Applicant: Purchase + Process Sand & Gravel for

Name of Property Owner: Agnes C de Baca - Agua Bendita Corp
NM DOT Project

Location of Property: Rencong

Legal Description of Property: N 1/2 NW 1/4 Sec 35 T13N R12E NMPM

Copy of Deed or Survey Attached: Yes X No

Present Use and Character of Property: Sand & Gravel Pit - Disturbed

Intended Use of Property: Crush Gravel + Mix Material in HMA plant

New Mexico Tax ID Number: 03-042187-000

Applicant San Miguel County Business License: Yes X No

Use of Existing Structure. Date Established: N/A No structures

Applicant Signature: [Signature]

Date: 2/23/2023

Property Owner Signature: Agnes B. C de Baca

Date: 2/23/2023



PO Box 2340 | 30A Frontage Rd East | Placitas, NM 87043-2340
(866) 460-7927 | (505) 867-2600 | Fax: (505) 867-1609 | www.fisherind.com

Fisher Sand & Gravel Co.
Arizona Drilling & Blasting
Fisher Grading & Excavation
Fisher Ready Mix
Southwest Asphalt
Southwest Asphalt Paving
Fisher Sand & Gravel - New Mexico, Inc.
General Steel and Supply Company
Southwest Concrete Paving Co.

February 23, 2023

RE: San Miguel County (Conditional Use Permit) for NMDOT Project 4101370 I-25 MP 305.00 to 309.00.

Dear Ms. Salas,

Enclosed you will find information needed for Conditional Use Permit to support Fisher's road project in San Miguel County. The permit is for an aggregate pit with a crusher with (HMAP) Hot Mix Asphalt Plant.

Project name; Rowe.
NMDOT Control #; 4101370
NMDOT Project #; 4101370
Highway; I-25 MP 305.0 to 309.0.
NMDOT District; 4
NMDOT Project Manager; Joseph Leger 505-617-5251.
Federal Project; Yes
Location; San Miguel County
Land Owner; Aqua Bendita Corp: Agnes CdeBaca, Paul CdeBaca 505-470-0542

Project Description: Roadway Rehabilitation, fencing, paving, guardrail, etc.

Cost Estimate: Bid price was \$15,150,000.00

Requested Time Frame: May 1, 2023 to October 31, 2023, **Hours of operation:** 6:00 am to 6:00 pm 7 days a week.

Operations Tonnages: Crushing/Screening 200 TPH/2000 TPD, **HMA** 350 TPH/2800 TPD, 120 Truck Round Trips.

Employee's on site: Crusher 6 employees, HMA 4 employees, (**Subcontractor Trucking Company**), Trucking 15 Drivers.

Need for Proposed Action:

Fisher Sand & Gravel-New Mexico, Inc. (Fisher) has requested a Conditional Use Permit for the removal of sand and gravel. The material would be used for HMA (hot mix asphalt) pavement



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Southwest Asphalt
Southwest Asphalt Paving
Fisher Sand & Gravel - New Mexico, Inc.
General Steel and Supply Company
Southwest Concrete Paving Co.

material on a Federal Aid Highway construction project (CN 4101370) for Interstate 25 near Rowe. Fisher has contracted with Aqua Bendita Corp for the purchase of the aggregate materials.

Description of Proposed Action:

Fisher proposes to mine 40,000 tons of aggregate material, primarily sand and gravel from an existing pit located in the N1/2 NW1/4 of Section 35, T. 13 N., R. 12 E., NMPM, comprising of 20 acres, the haul road comprises of .85 acres. The surface estate is owned by Agnes CdeBaca of Pecos NM. Fisher has already entered into a Material Owner's agreement with the Aqua Bendita Corp. The highway project is expected to start in early May with the crushing, then continuing with the HMA paving.

Operations would begin with moving in the crusher. Then the rock would be removed from the pit using a Dozer and front-end loader. The depth of the mining would be 20 feet. The rock would be run through the crushing plant in order to reduce it to the required gradations and then screened to removed unwanted sand. The remaining sand material, which is unusable for the project would be put back into the pit area. The gravel would be stockpiled for the HMA plant to mix into asphalt material. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the site.

Upon completion of the mining, the pit walls would be sloped 3:1 (horizontal to vertical). The entire site would be contoured to the existing terrain as much as possible, including restoring natural drainage.

Environmental Impacts:

The pit is located on the southern end of the Hogback Hill ridgeline. The ridgeline trends northwest-southeast at an elevation between 7,110 and 7,220 feet msl. Annual precipitation is 18 inches. The tanks being used for liquids will be with lined containment berms, A trash dumpster will be brought in for all trash and portable toilets will be utilized. Any solid waste not being retained by the land owner, will be hauled off and disposed of.

Mineral Resources:

The primary impact to the mineral resources would be the complete removal of all gravel material from the top 20 feet from the surface. Any remaining sand would still be available, as would any mineral resources below the 20 foot level.

Electrical Power:

Fisher will utilize portable electric generators for electric power.

Fire Prevention Plan: See Attached.



February 16, 2023

Cynthia Vigue
 Division Administrator
 Federal Highway Administration
 4001 Office Court Dr., Suite 801
 Santa Fe, NM 87507

District: 4
 Control No.: 4101370
 Project No.: 4101370
 Contractor: Fisher Sand & Gravel

SUBJECT: Programmatic Categorical Exclusion

Dear Ms. Vigue:

The New Mexico Department of Transportation (NMDOT) Environmental Bureau staff has reviewed the following project. The project meets the conditions stipulated in the agreement approved March 30, 2021 for completing the requirements of 23 CFR § 771 and it qualifies for the NMDOT and Federal Highway Administration Programmatic Categorical Exclusion.

<u>District</u>	<u>County</u>	<u>Project Number</u>	<u>Termini Description</u>
4	San Miguel	CN 4101370	I25 Pavement Rehabilitation MP 305 to MP 309
Project Scope:			
The contractor proposes to use a 1.2-acre previously disturbed privately owned lot for a construction yard for temporary vehicle parking as well as the storage of equipment and materials. The contractor also proposes to use an existing 14.9-acre borrow pit with private surface and BLM mineral rights for a borrow source and hot-mix asphalt plant.			
Certification is based on information provided by contractor and only applies to the action and lands described herein. Any modifications to scope of work or expansion of lands used shall be submitted to the NMDOT Project Manager and Environmental Development Bureau for approvals per Standard Spec 107.14.			

In addition, a review of the project has been completed in accordance with the requirements of the National Historic Preservation Act of 1966, as amended through 1992 and 36 CFR 800 (August 5, 2004). The proposed project does not include any activities or programs that can result in changes in the character or use of historic properties.

NMDOT files contain documentation supporting this determination. The files are available for FHWA review. We will continue to monitor project design and development to ensure the applicability of the Programmatic Categorical Exclusion.

The proposed contractor located activity meets all the conditions stipulated in the Programmatic Categorical Exclusion under CFR § 771.117(c). No further coordination is necessary for environmental approval.

Sincerely,

DocuSigned by:

2C407E2EBFCB4A2...

Trent Botkin, Acting Manager

2/16/2023

Date

**Michelle Lujan
 Grisham**
 Governor

Ricky Serna
 Cabinet Secretary

Commissioners

Jennifer Sandoval
 Commissioner, Vice-Chairman
 District 1

Bruce Ellis
 Commissioner
 District 2

Hilma E. Chynoweth
 Commissioner
 District 3

Walter G. Adams
 Commissioner, Chairman
 District 4

Thomas C. Taylor
 Commissioner
 District 5

Charles Lundstrom
 Commissioner, Secretary
 District 6

Location/Labeling of Fire Extinguishers

Fire extinguishers are to be mounted in easily accessible locations, and strategically located in close proximity to flammables according to specific regulations. No equipment, boxes, or product may be placed (even temporarily) in the way of a fire extinguisher.

Maintenance

All fire extinguishers, where possible, shall be mounted so they are visible and easily accessible. All fire extinguishers shall be maintained as follows:

- Fully charged and in operable condition.
- Clean and free of defects.
- Readily accessible at all times.

Inspection, Maintenance and Testing

All fire extinguishers are to be visually inspected by employees on a monthly basis, and receive an annual maintenance check by certified personnel from a fire extinguisher supplier. Extinguishers shall be inspected and recharged by certified personnel after any use, or when an extinguisher shows a loss of pressure during monthly inspection. Fire extinguisher inspection tags will be attached to each extinguisher and marked accordingly.

Use

In the event of a fire, one employee will get the nearest fire extinguisher and use it to attempt to put out the fire. All other employees in the immediate area will prepare to evacuate, if needed. All other employees in the building need to be advised that a fire is in progress. The employee attempting to extinguish the fire will break the safety seal on the handle and pull the pin. He will then aim his extinguisher at the base of the fire and discharge it with a sweeping motion from side to side; continuing until the fire is out or the extinguisher is emptied.

Remember that a standard fire extinguisher will be emptied in about 10 to 15 seconds. If the fire is not out when the extinguisher has been completely discharged, the employees must evacuate the area.

TRAINING

The purpose of this section is to establish the training procedures necessary to ensure the proper use and understanding of a fire extinguisher and incipient stage firefighting. Training will occur prior to initial assignment, and at least annually thereafter.

Retraining

Retraining shall re-establish employee proficiency and introduce new or revised control methods and procedures, as necessary. Retraining shall be provided for all authorized and affected employees as follows:

- On an annual basis, or when there is a change in job assignment.
- Fisher Industries has reason to believe that there are deviations from, or inadequacies in, the employee's knowledge or use of fire extinguishers or fire prevention procedures.

PURPOSE

To provide fire extinguisher procedures that ensure equipment is operable, and that employees have the knowledge necessary to safely operate the equipment in case of a fire incident.

RESPONSIBILITY

Safety Department

Develop procedures for the use and care of fire extinguishers, and a training program for the proper use of these devices.

Supervisor

Implement fire extinguisher training at their location. Ensure that all employees have a clear understanding of, and comply with, all aspects of the program.

Employees

Comply with all aspects of the program.

PROGRAM and PROCEDURE

Selection and Distribution

Portable fire extinguishers shall be provided for employee use. They will be selected and distributed based on the classes of anticipated workplace fires, and on the size and degree of the hazard which would affect their use. Fire extinguishers used by this company are for **four** classes of fires.

Class A Fire Extinguishers

For use on ordinary combustibles or fibrous materials, such as wood, paper, cloth, rubber, and some plastics. Travel distance for employees to any extinguisher is 75 feet (22.9 m) or less.

Class B Fire Extinguishers

For use on flammable or combustible liquids, such as gasoline, kerosene, paint, paint thinners, and propane. Travel distance from the Class B hazard area to any extinguisher is 50 feet (15.2 m) or less.

Class C Fire Extinguishers

For use on energized electrical equipment, such as appliances, switches, panel boxes, and power tools. Travel distance from the Class C hazard area to any extinguishing agent is 50 feet (15.2 m) or less.

Class D Fire Extinguishers

For use on combustible metals, such as magnesium, titanium, potassium, and sodium. Travel distance from the combustible metal working area to any extinguishing agent is 75 feet (22.9 m) or less.

X

Quarter NW 1/4 of NW 1/4 of
Section S35 T13N R12E
Meridian New Mexico
State New Mexico
Source BLM
GLO GLO Township Records

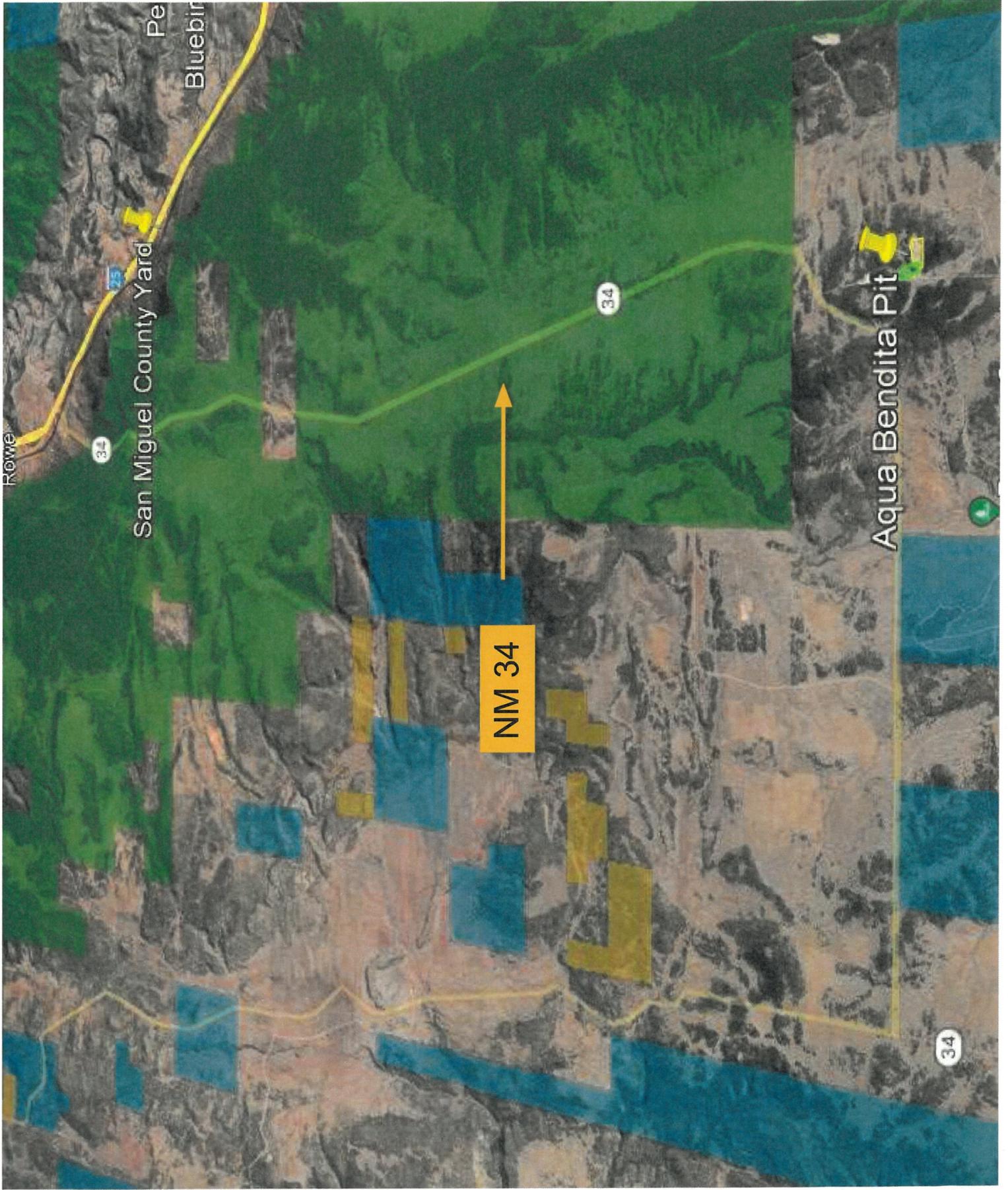
Calculated Values

Acres 40
Centroid 35.3167805, -105.6454958
Corners NW 35.3185820, -105.6477298
NE 35.3186079, -105.6432991
SE 35.3149740, -105.6432639
SW 35.3149579, -105.6476943

For illustration only. User to verify all information. www.earthpoint.us

35.3167805, -105.6454958





San Miguel County Yard

Aqua Bendita Pit

NM 34



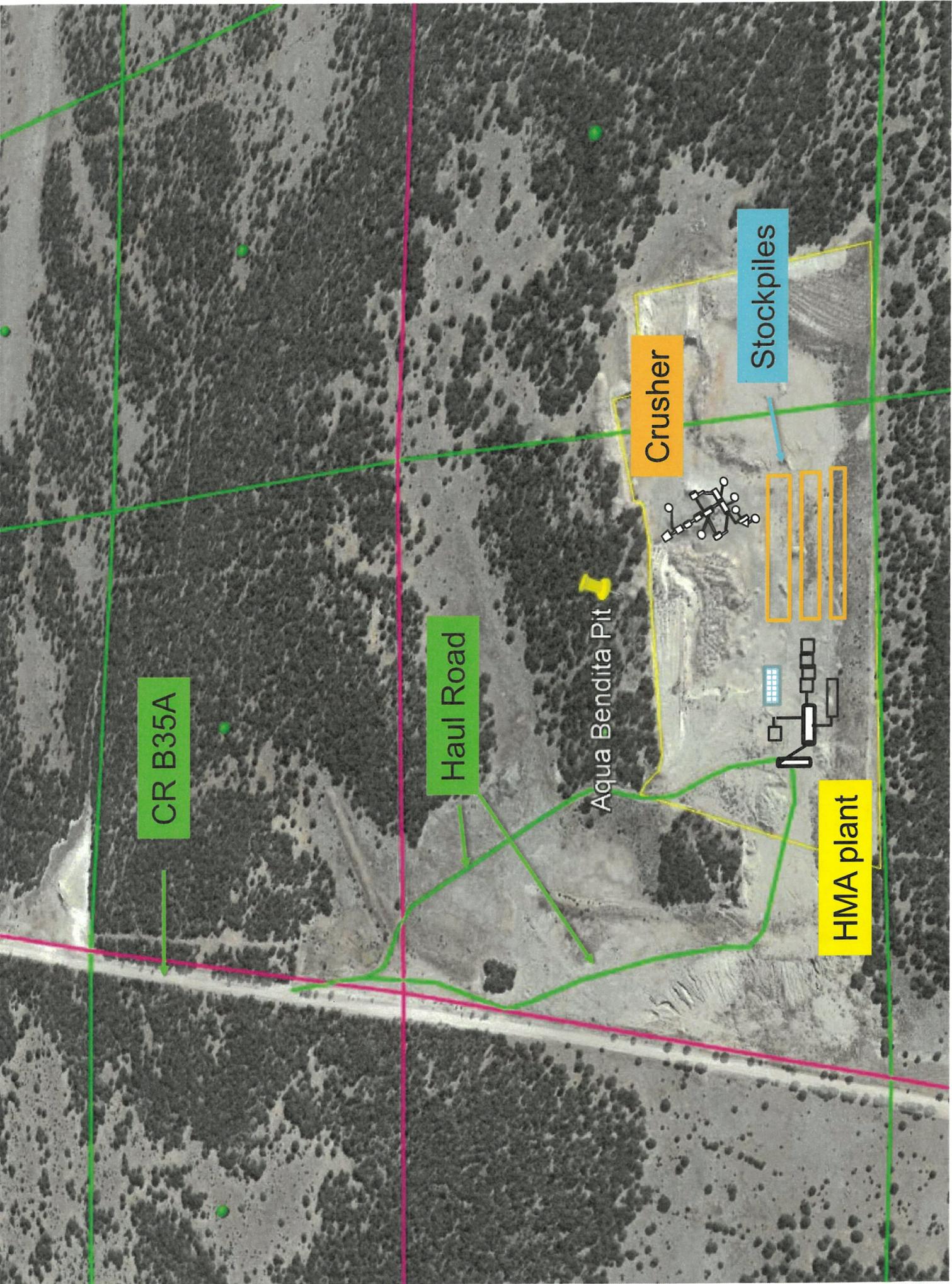
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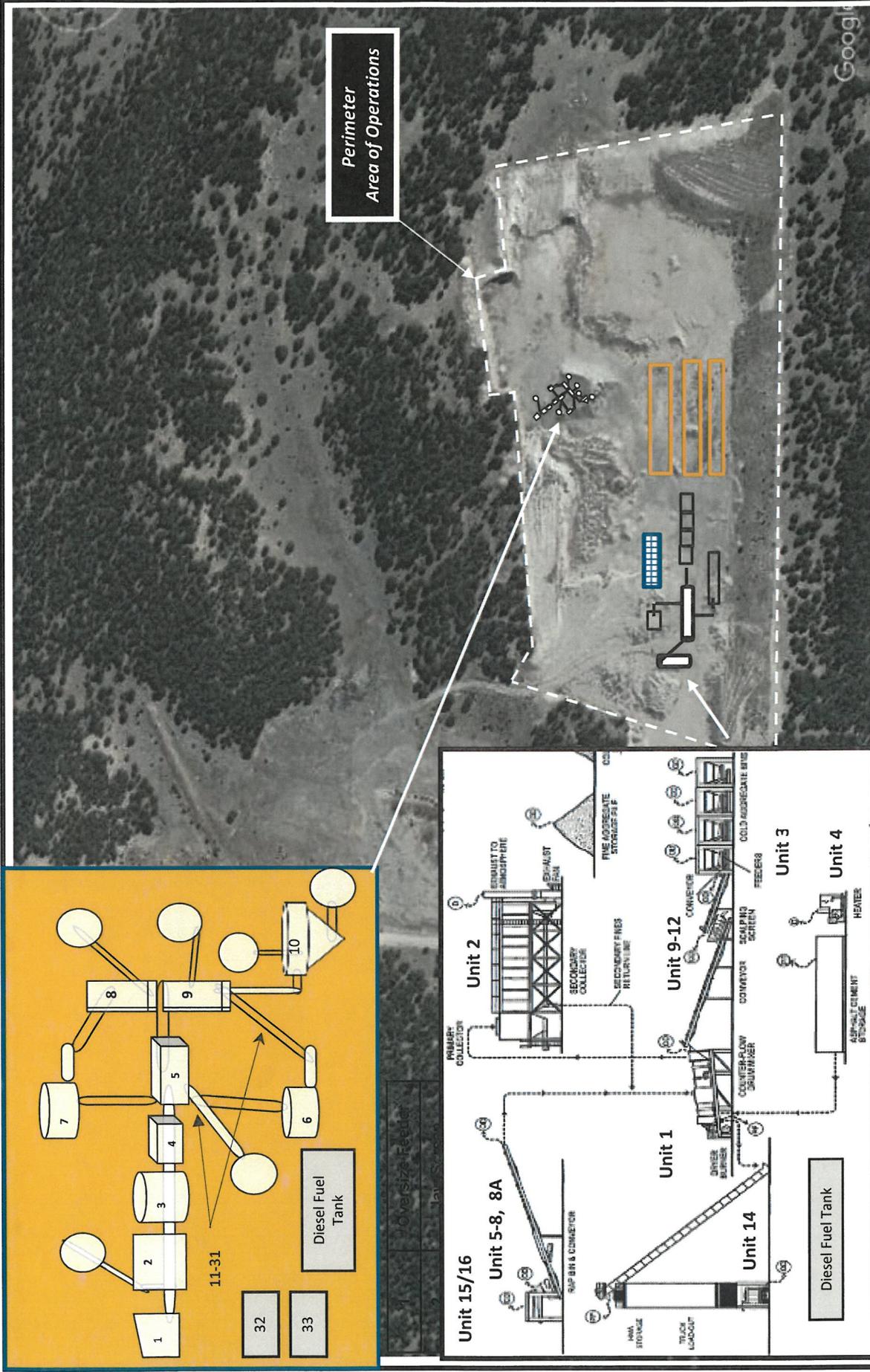
Haul Road

Aqua Bendita Pit

Crusher

Stockpiles

HMA plant



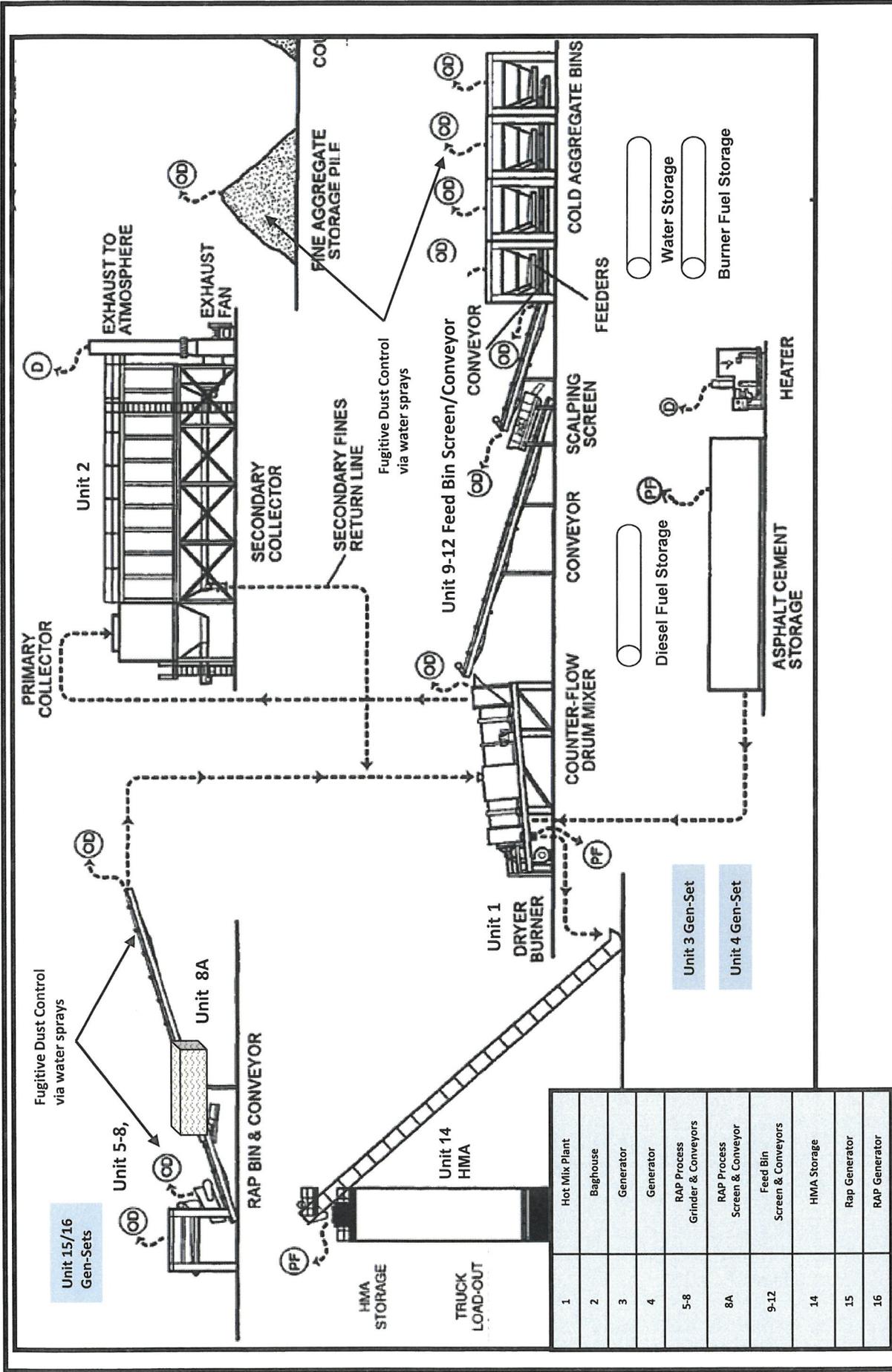
Fisher Sand & Gravel-NM, INC.

Date: March 2023

Attachment 2
 Facility Layout Map
 Air Quality Permit GCP2-3981R1
 San Miguel County, New Mexico

Fisher Sand & Gravel-
 NM, Inc.
 P.O. Box 2340
 30A Frontage Road East
 Placitas, NM 87043





1	Hot Mix Plant
2	Baghouse
3	Generator
4	Generator
5-8	RAP Process Grinder & Conveyors
8A	RAP Process Screen & Conveyor
9-12	Feed Bin Screen & Conveyors
14	HMA Storage
15	Rap Generator
16	RAP Generator



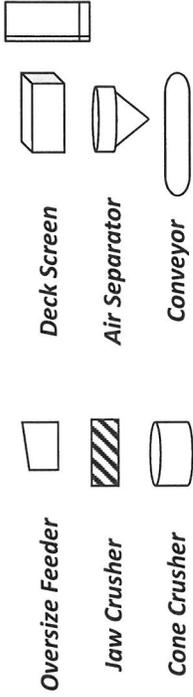
FISHER
Sand & Gravel
Flow-Process, Inc.

Attachment 1
Process Flow Sheet –
Air Quality Permit GCP 3-3601R1
Mora County, New Mexico

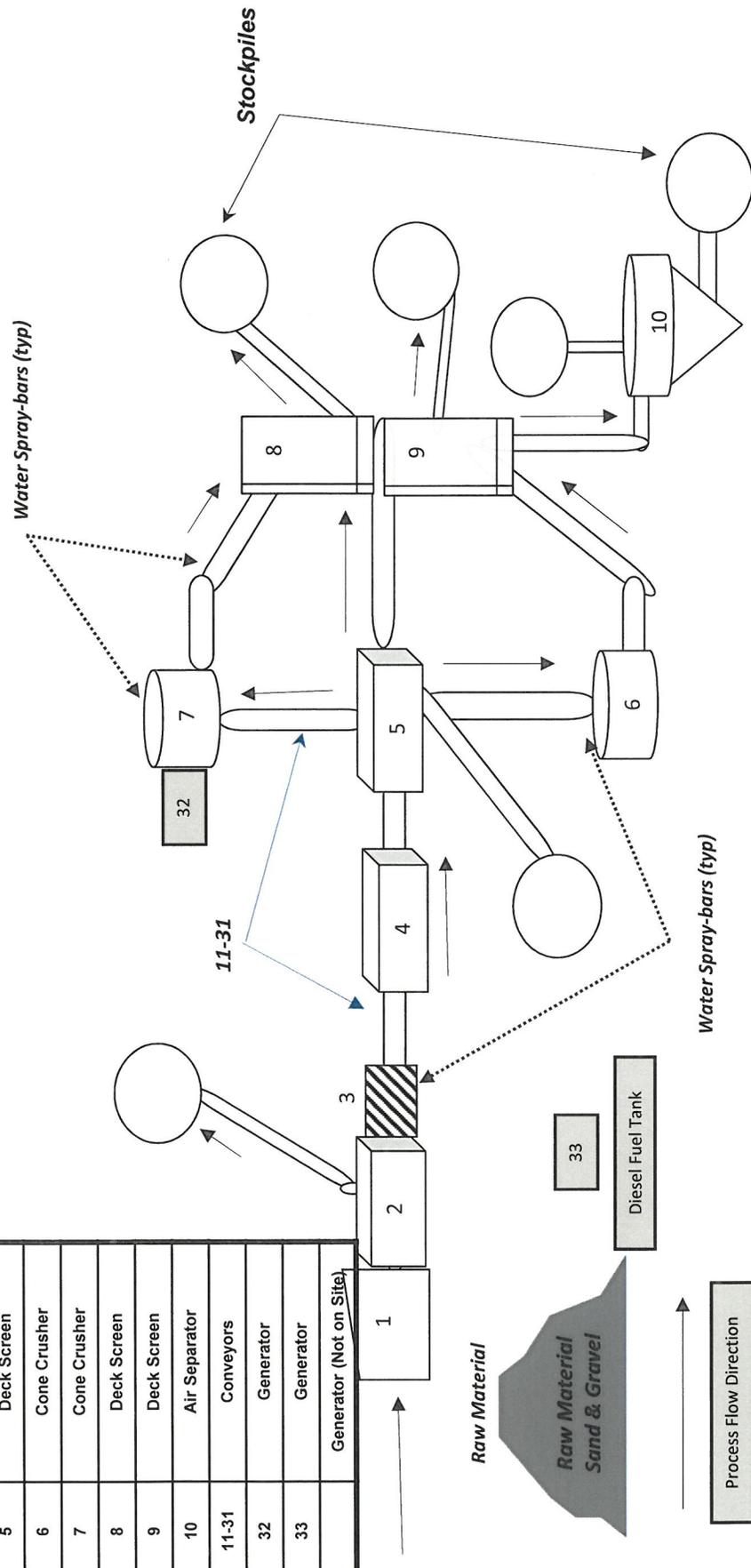
Fisher Sand & Gravel-
NM, Inc.
P.O. Box 2340
30A Frontage Road East
Placitas, NM 87043

Fisher Sand & Gravel-NM, INC.
Date April 2021

EQUIPMENT SCHEMATIC KEY



1	Oversize Feeder
2	Deck Screen
3	Jaw Crusher
	Deck Screen (Not on site)
	Cone Crusher (Not on site)
4	Feeder
5	Deck Screen
6	Cone Crusher
7	Cone Crusher
8	Deck Screen
9	Deck Screen
10	Air Separator
11-31	Conveyors
32	Generator
33	Generator (Not on Site)



Fisher Sand & Gravel-NM, Inc.
 P.O. Box 2340
 30A Frontage Road East
 Placitas, NM 87043

Attachment 1
Process Flow Sheet
Air Quality Permit GCP2-3981R1
San Miguel County, New Mexico

Fisher Sand & Gravel-NM, INC.
 Date: March 2023



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

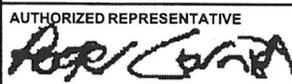
PRODUCER CSDZ, LLC 225 South Sixth Street, Suite 1900 Minneapolis MN 55402	CONTACT NAME: Allie Darling
	PHONE (A/C, No, Ext): 612-322-6041 FAX (A/C, No): E-MAIL ADDRESS: adarling@csdz.com
INSURED FISSANPC Fisher Sand & Gravel-New Mexico, Inc. PO Box 1034 Dickinson, ND 58601-1034	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Starr Indemnity & Liability Company 38318
	INSURER B: Travelers Indemnity Company 25658
	INSURER C: Travelers Property Casualty Co. America 25674
	INSURER D: The Standard Fire Insurance Company 19070
	INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 1077037184 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Cont Liab Per <input checked="" type="checkbox"/> Policy Form/XCU GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			VTC2KCO5A040006IND22	12/31/2022	12/31/2023	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> Comp \$10,000 <input checked="" type="checkbox"/> Coll \$10,000			VTC2JCAP5A040018TIL22	12/31/2022	12/31/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUP3L2100932225 1000584818221	12/31/2022 12/31/2022	12/31/2023 12/31/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 Total Limit: \$ 10,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N	UB1R5253292225	12/31/2022	12/31/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Stop Gap Employers' Liab only			UB1R5253292225	12/31/2022	12/31/2023	Applies in the States of: ND, OH, WA, WY

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Leased Property: Sec35 T15N R12E in San Miguel County New Mexico

CERTIFICATE HOLDER Aqua Bendita Corp, Paul CdeBaca P.O. Box 455 Pecos NM 87552	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	--

PERSONAL REPRESENTATIVE DEED

THOMAS E. TAPIA, Personal Representative of the Estate of RUFINA T. MARTINEZ, deceased, appointed on June 25, 2008, in cause No. 2008-0029 by the Probate Court, County of San Miguel, New Mexico, and transferred by Order to the District Court of San Miguel County as Probate No. D-412-PB-2010-0020 grants to AGNES C de BACA, a married person, as her sole and separate property, whose address is P.O. Box 193, Pecos, New Mexico 87552, all the interest of the estate of RUFINA T. MARTINEZ, deceased, in and to the real estate located in San Miguel County, New Mexico, and described as follows:

Lands within Section 26, T13N R12E NMPM described as follows:

The N1/2 of the NW1/4, excluding the lands of Huddleston as the same appears and is depicted in that certain plat of survey dated August 26, 1988 and recorded as Instrument No. 3334 in the land records of the San Miguel County Clerk, San Miguel County, New Mexico;

The N1/2 of the NE1/4, excluding that portion of the N1/2 NE1/4 of Section 26 previously deeded by Pablo Martinez, Jr., and Rufina T. Martinez to James L. Padilla and Leon J. Padilla by Warranty Deed recorded in Book 239, Page 6426; records of the San Miguel County Clerk described as "the NE1/4 of Section 26 Township 13 North Range 12 East measuring 800 feet from West to East and 1262.5 feet from North to South and containing 23.185 acres.

ALSO INCLUDED ARE:

The SW1/4 of the NW1/4;

Also that portion of the SE ¼ of the NW1/4 deeded by Leon J. Padilla and James L. Padilla to Pablo Martinez and Rufina T. Martinez, and being more particularly described as follows:

A certain tract of land lying and being situated in a portion of Township 13 North Range 12 East, County of San Miguel, State of New Mexico and better described as follows:

Beginning at the NW corner of Section 26 thence S 20 chains, thence East 20 chains to the NW corner and true place and point of beginning, measuring 1,000 feet East to West and 1010 feet from North to South and measuring 23.185 acres, more or less, as the same appears in that certain deed of conveyance recorded in Book 237 Page 8094, records of the San Miguel County Clerk.

ALSO: The SW 1/4 of Section 26.

ALSO: Lands within Section 35, T13N R12E, NMPM

The N/2 of the NW/4 of Section 35.

Together with all rights of ingress and egress thereto and all easements of record and subject to the same.

Any mineral interests and contractual rights that the Estate may own are conveyed hereunder by quitclaim only.

with warranty covenants.

DATED: January 13, 2012.

The Estate of RUFINA T. MARTINEZ .
Deceased

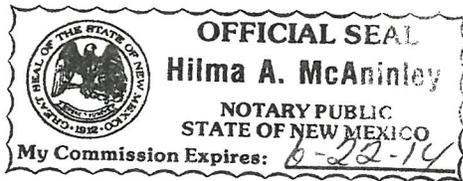
By: [Signature]
THOMAS E. TAPIA, Personal Representative

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN MIGUEL)

The foregoing instrument was acknowledged before me this 13 day of Jan, 2012, by THOMAS E. TAPIA, Personal Representative of the Estate of RUFINA T. MARTINEZ, deceased.

[Signature]
Notary Public

My commission expires:
6-22-14



COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss PERSONAL REPRESENTATIVE
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 20TH Day Of January, 2012 at 01:05:15 PM And Was Duly Recorded as Instrument #201200249 Of The Records Of San Miguel

Witness My Hand And Seal Of Office
Deputy [Signature] Melanie Y. Rivera
County Clerk, San Miguel, NM

MATERIAL AGREEMENT

This material agreement is made this 13th day of February 2023 by and between Fisher Sand & Gravel – New Mexico, Inc., a corporation of Placitas, N.M., the Lessee and Aqua Bendita Corp, Paul CdeBaca (505-470-0542 C), PO Box 455, Pecos New Mexico 87552, the material owner the Lessor

RECITALS:

1. Lessor has property located in Sec35 T15N R12E in San Miguel County New Mexico.
2. Lessee obligates the purchase from the Lessor approximately 40,000 tons of rock, sand, and gravel material from the property.
3. Lessee shall pay an advanced royalty of \$2300.00.

AGREEMENT:

- A. Lessor hereby grants to the Lessee, its agents, and employees the right to set up and operate such mining and related equipment on the above-described property as is required to suitably mine and process material, to blend or enhance the finished product and free ingress and egress to and from the points where such rock, sand, and gravel material is to be so removed.
- B. Lessor represents and warrants that it is well seized of good and merchantable title to the Property, and has the lawful right to lease the Property.
- C. Lessee shall use its own equipment, and that of its subcontractors, for the purpose of removing, crushing, screening, and hauling the sand and gravel material. Lessee shall utilize the site for a crushing plant, stockpile area for materials and HMAP. All site areas shall be kept in clean condition and used only for equipment of Lessee and its subcontractors.
- D. Lessee shall pay a royalty of \$2.00 per ton for all aggregate materials mined and removed from the property. Lessor agrees to permit the Lessee to mine and remove materials from said land for the period extending until December 31, 2023, any and all rock, sand, and gravel material it may so desire to take and remove, the same to be paid for at the rate set forth, materials will be weighed at the HMAP with a negative weigh scale and be removed at the expense of the Lessee. Any materials mined and stockpiled will become the Lessor's property after this agreement expires, unless another agreement has been made.
- E. Payments shall be made to Lessor based on payments made to Lessee by the contracting agency. A statement showing proper quantity valuation for the period of payment shall be issued with payment. Lessee shall release payment on a corporate check on the last Friday of each month following the receipt of the quantity payment from the contracting agency. Lessee shall make its books and records reasonably available to Lessor for the purpose of calculating the Lessee's payment, which is based upon the actual weight of the real material removed from the Lessor's property. The Lessee shall use platform scales to get the actual weight of the material.
- F. Upon completion of the mining and processing operation, the Lessee shall restore such areas, which are disturbed during the mining process to a generally smooth condition and neat

appearance at no expense to the Lessor. Excavated areas will be contoured, sloped and seeded to the Lessors specifications. The roads on Lessor's property will be dust controlled and maintained during operations and left in a condition as good as or better than at the present.

- G. Lessee shall provide all mining permits, utility locates, all necessary air quality permits for the purpose of removal of materials including Stormwater Protection (SWPPP). No liabilities associated with the mining process are due concern of the Lessor. Lessee shall provide Workmen's Compensation Insurance and Liability Insurance naming the Lessor and such other insurances to cover personnel and all of its operations upon the premises in the amount and form as may be required by law, to protect the Lessor from any liability due to the operations of the Lessor. Lessee assumes full and sole responsibility for the operation and direction of the work done under this Lease on the Property and no employee or agent furnished by Lessee shall not under any circumstances be deemed an employee of the Lessor.
- H. This Agreement shall be construed in accordance with the laws of the State of New Mexico. This Agreement shall bind the heirs, successors, and assigns of the both parties.
- I. Lessee shall indemnify the Lessor and hold the Lessor harmless from and against any and all losses, costs and liabilities, joint or several and all expenses (including legal fees and other expenses reasonably incurred in investigating or defending against litigation or in connection herewith or as a result of the presence or required cleanup of Hazardous federal, relating to Hazardous Materials which are deposited on the premises by Lessee. Upon receiving knowledge of any suit, claim or demand asserted by a third party that Lessor believes is covered by this indemnity, Lessor shall give Lessee notice of the matter and opportunity to defend it, at Lessee's sole cost and expense, with legal counsel satisfactory to Lessor.
- J. Unless otherwise incorporated in this document, no agreements or understandings expressed or implied shall be binding to either party. This agreement shall be binding upon all heirs and/or successors and assigns in interest.

LESSOR:

Paul L. [Signature] 2-13-23
Landowner/Representative (Date)

LESSEE:

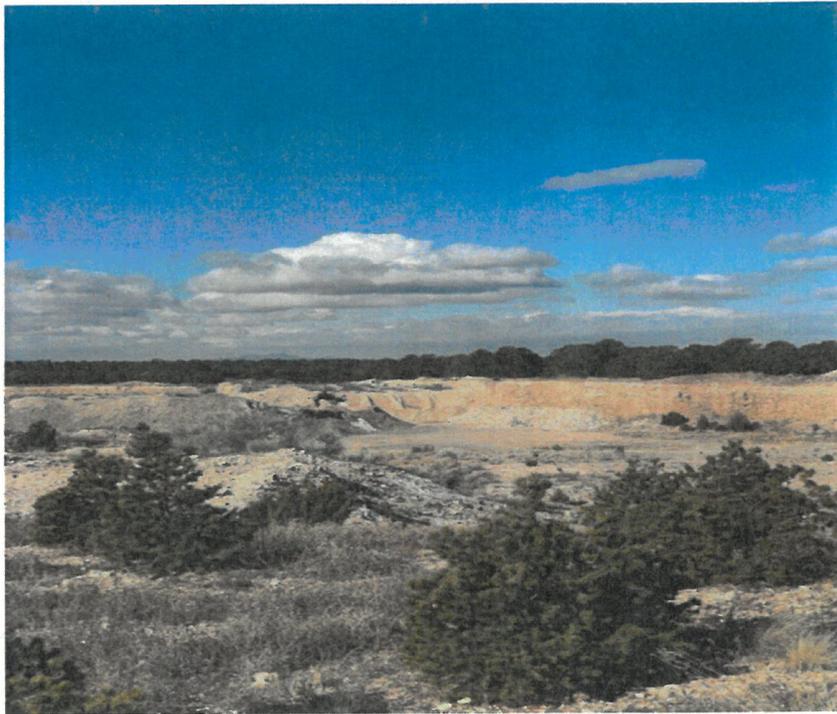
[Signature] 2/13/23
Fisher Sand & Gravel NM, Inc. (Date)

SSN or Fed ID# _____

Photos for CN 4101370



CdeBaca Pit

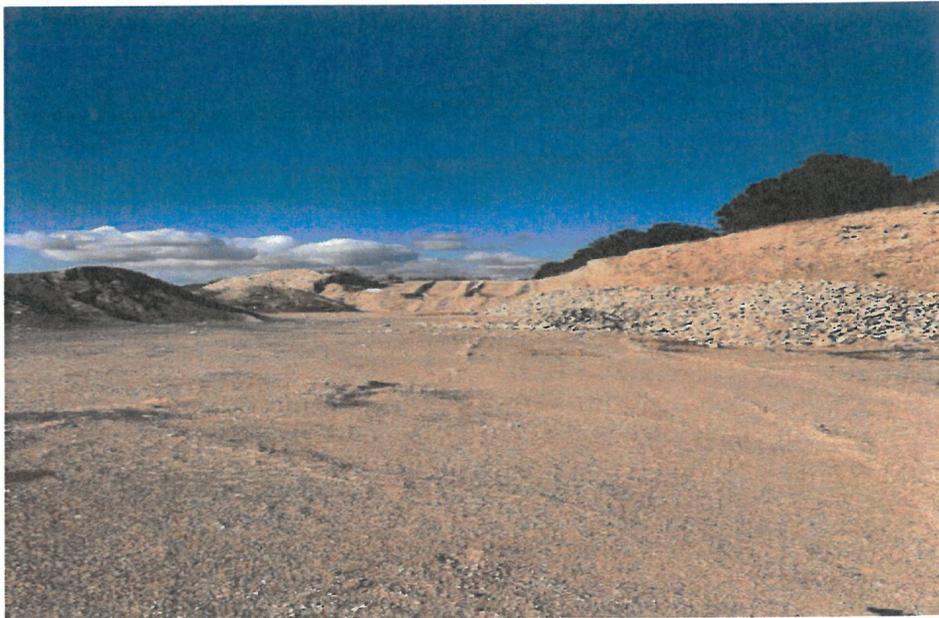


CdeBaca Pit

Photos for CN 4101370



CdeBaca Pit



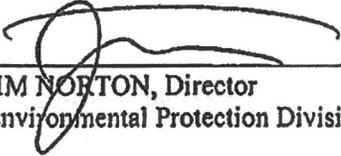
CdeBaca Pit

CONSTRUCTION PERMIT NO: GCP-3-Rev.1

Registration No.
(For NMED use only) 3601

GENERAL PERMIT CATEGORY: Hot Mix Asphalt Plants

ISSUED BY: New Mexico Environment Department



JIM NORTON, Director
Environmental Protection Division

9/12/06

Date of Issuance

Air Quality Permit No. GCP-3-Rev.1 for Hot Mix Asphalt Plants (Permit) is issued by the Air Quality Bureau (aqb) of the New Mexico Environment Department (Department) under Title 20 Chapter 2 Part 72 of the New Mexico Administrative Code (20.2.72 NMAC) – Construction Permits, Section 220 – General Permits. The Department issues general permits in order to register groups of sources that have similar operations, processes, and emissions and that are subject to the same or substantially similar requirements. [20.2.72.220.A(1) NMAC] General permits provide an additional permitting option for specific types of sources that can meet the predetermined permit requirements. [20.2.72.220.C(1) NMAC]

This Permit authorizes the owner or operator to construct, modify, and operate a Hot Mix Asphalt Plant (Facility) in New Mexico (excluding Bernalillo County and Tribal lands) under the conditions set forth herein as long as all conditions of this Permit are continuously met.

An owner or operator, who registers for and receives approval to construct under this Permit, will have satisfied the State of New Mexico's requirement for obtaining an air quality permit prior to constructing, modifying, or operating a source of air pollutants. However, other federal, state, or local agencies may have additional requirements such as zoning restrictions.

The GCP-3-Rev.1 revisions require action by facilities currently registered under this permit; therefore, a transition schedule, for those facilities that have an earlier version of GCP-3, is available on the New Mexico Environment Department's web page at <http://www.nmenv.state.nm.us/aqb>

All terms written with initial capital letters are defined in Section VII – Acronyms and Definitions, of this Permit. Regulatory authority, if applicable, is cited in brackets. Please refer to the guidance document for this Permit for details, descriptions, and registration instructions. Questions regarding eligibility for this Permit can be directed to the Air Quality Bureau of the Environment Department at (505) 827-1494, or visit the New Mexico Environment Department Web Site at <http://www.nmenv.state.nm.us/AQB>.



Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

Permit Information

NPDES ID: NMR1005FB

State/Territory to which your project/site is discharging: NM

Is your project/site located on federally recognized Indian Country lands? No

Are you requesting coverage under this NOI as a "Federal Operator" or a "Federal Facility" as defined in Appendix A (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-a-definitions.pdf>)? No

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? No

Will you use polymers, flocculants, or other treatment chemicals at your construction site? No

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? Yes

Are you able to demonstrate that you meet one of the criteria listed in Appendix D (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-d-endangered-species-protection.pdf>) with respect to protection of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated critical habitat?

Yes

Have you completed the screening process in Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>) relating to the protection of historic properties? Yes

Indicating "Yes" below, I confirm that I understand that CGP only authorized the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

Operator Information

Operator Information

Operator Name: Fisher Sand and Gravel of NM, Inc

Operator Mailing Address:

Address Line 1: 30A Frontage Road

Address Line 2:

City: Placitas

ZIP/Postal Code: 87043

State: NM

County or Similar Division: Sandoval

Country: US

Operator Point of Contact Information

First Name Middle Initial Last Name: Brian Gambrel

Title: Manager

Phone: 505-876-2600

Ext.:

Email: bgambrel@fisherind.com

NOI Preparer Information

This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: Len Horan

Organization:

Phone: (505) 699-5913

Ext.:

Email: lenhoran@rocketmail.com

Project/Site Information

Project/Site Name: CN4101370 San Miguel County

Project/Site Address

Address Line 1: I25 MP305 to 309

Address Line 2:

City: Rowe

ZIP/Postal Code: 87552

State: NM

County or Similar Division: San Miguel

Latitude/Longitude: 35.53183°N, 105.69162°W

Latitude/Longitude Data Source: Map

Horizontal Reference Datum: WGS 84

Types of Construction Sites:

- Highway or Road

Will there be demolition of any structure built or renovated before January 1, 1980? No

Will you be discharging dewatering water from your site? No

Was the pre-development land use used for agriculture? No

Are there other operators that are covered under this permit for the same project site? No

Have earth-disturbing activities commenced on your project/site? No

Is your project/site located on federally recognized Indian Country lands? No

Is your project/site located on a property of religious or cultural significance to an Indian tribe? No

Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? No

Are any of the waters of the U.S. to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? See Resources, Tools and Templates (<https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>)

No

001: Drainage to Glorieta Creek

Latitude/Longitude: 35.534328°N, 105.691633°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? Yes

Impaired Pollutants:

- Nutrient/Eutrophication
- Flow rate

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

Will all required personnel, including those conducting inspections at your site, meet the training requirements in Part 6 of this permit? Yes

First Name Middle Initial Last Name: Len Horan

Title: Engineer

Phone: 505-699-5913

Ext.:

Email: lenhoran@rocketmail.com

Endangered Species Protection Worksheet: Criterion E

Determine ESA Eligibility Criterion

Are your discharges and discharge-related activities already addressed in another operator's valid certification of eligibility for your "action area" under the current 2022 CGP? No

Has consultation between you, a Federal Agency, and the USFWS and/or the NMFS under section 7 of the Endangered Species Act (ESA) concluded? Yes

The result of the consultation was:

Option ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your site's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting federal agency with your NOI.

True

You are eligible under Criterion E.

Identify the federal action agency or agencies involved (i.e. the federal agencies seeking coverage):

US Dept of Interior - USFWS

Identify the Service(s) field or regional offices providing the consultation:

USFWS - New Mexico Service

Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

2023-0047054

Provide the date the consultation was completed: 2023-02-17

Attach correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence.

Name	Uploaded Date	Size
 project Species List_ New Mexico Ecological Services Field Office.pdf (attachment/1637233)	02/17/2023	247.42 KB

Historic Preservation 

Are you installing any stormwater controls as described in Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>) that require subsurface earth disturbances? (Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>), Step 1)

No

Certification Information 

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: David Olson

Certifier Title: Vice President

Certifier Email: dolson@fisherind.com

Certified On: 02/20/2023 5:11 PM ET



NM Gross Receipts Tax Number: 03-042187-000

MTD : 1063

WEIGHT DISTANCE TAX ID – 07-000128-00-6

No. 1070

\$36.00

County Business License Registration

STATE OF NEW MEXICO



COUNTY OF SAN MIGUEL

WHEREAS, Fisher Sand & Gravel-New Mexico, Inc. an agent, person, firm, corporation or association known as

Fisher Sand & Gravel-New Mexico, Inc.

engaged in a business or occupation within the unincorporated area of San Miguel County, New Mexico, has made application for a business license registration as an Highway Construction and has paid to the Collector of aforesaid County the fee of (\$36.00), the amount required by law.

THEREFORE, license has been granted to the said Fisher Sand & Gravel-New Mexico, Inc. ending December 31, 2023 under the provisions of the law in such case made and provided.

IN WITNESS WHEREOF, said business license registration approved at Las Vegas, San Miguel County, New Mexico,



Received of the sum of THIRTY-SIX AND 00/100 in full payment of the above license.

[Signature] on this 17th day of February 2023
Planning and Zoning Director
Date 02/17/23

[Signature]
Collector
Date 2-17-23

2023



SAN MIGUEL COUNTY
PLANNING & ZONING DIVISION
500 W. NATIONAL AVENUE SUITE 203
LAS VEGAS, NEW MEXICO 87701
505-454-1074 FAX 505-454-9728
Email- pandz@smcountv.net

TEMPORARY USE PERMIT APPLICATION

PERMIT NO: _____ DATE: _____
APPLICANT NAME: Fisher Sand & Gravel - New Mexico, Inc.
ADDRESS: 30 A Frontage Road East
CITY: Placitas STATE: NM 87043
PHONE NO: (HOME) 505-867-2600 (CELL) _____
PROPERTY OWNER NAMES: Tommy Ortiz
PHYSICAL ADDRESS OF LOCATION: 83 NM 63
CITY: Rowe STATE: NM 87562
DIRECTIONS TO LOCATION: I-25 to Exit 307, go North
ON NM 63
PHONE NO: (HOME) _____ (CELL) _____

PROPERTY OWNER AGREEMENT OR LETTER OF CONSENT MUST BE ATTACHED TO APPLICATION.

*****EVENT INFORMATION******

NAME OF SPECIAL EVENT: Temporary Construction yard
EVENT DATE(S) BEGIN: April 1, 2023 END: October 31, 2023
EVENT DATE(S) BEGIN: _____ END: _____
LOCATION OF EVENT: 83 NM 63
CITY: Rowe STATE: NM ZIP: 87562
OPERATION START TIME: 7:00 AM END TIME: 6:00 PM

SEE SMC ORDINANCE 86-2 SECTION 5470 TEMPORARY USES FOR SPECIFIC EVENT STANDARDS AND REGULATIONS REQUIREMENTS.

ITEMS TO BE ADDRESSED:

ACCOMMODATION FOR SANITARY FACILITIES AND WATER SUPPLY NEEDED:

YES: NO: _____ PROVIDED BY: TRASH-AAF HAULING / ^{Porta-potties} ^{Septic} _{Secure}

ENVIRONMENT DEPARTMENT APPROVAL: YES: NO: _____

ROADWAYS AND EASEMENTS EFFECTED: YES _____ NO IF YES,

NAME ROADWAY: COUNTY ROAD: _____ NM STATE HWY: 63

OR PRIVATE ROAD: _____

TRAFFIC CONTROL CLEARANCE: YES: _____ NO: SHERIFF: _____

STATE POLICE: _____ DOT: _____ OTHER: _____

EMERGENCY PERSONNEL (EMT) NOTIFICATION: YES: NO: _____

SECURITY RECOMMENDED: YES: _____ NO: PROVIDED BY: _____

FOOD PROVIDED AT EVENT: YES: _____ NO:

NM ENVIRONMENTAL DIVISION PERMIT NO: See Attached PCE

PARKING SPACES PROVIDED: YES: NO: _____ NUMBER OF SPACES: _____

LIGHTING PROVIDED: YES: _____ NO: IF YES,

ELECTRICAL INSPECTOR AND PERMIT NUMBER: _____

PROOF OF INSURANCE OR BOND MUST BE PROVIDED FOR THE SPECIFIC EVENT.

INSURANCE MUST SHOW SAN MIGUEL COUNTY AS ADDITIONAL INSURED.

COMMERCIAL GENERAL LIABILITY, EACH OCCURRENCE OF \$1,000,000.00.

LIABILITY INSURANCE PROVIDED: YES: NO: _____ IF NO,

PLEASE EXPLAIN: _____

A COMPLETE COUNTY APPLICATION OF THE EVENT MUST BE SUBMITTED TO SAN MIGUEL COUNTY PLANNING AND ZONING DEPARTMENT TWO (2) WEEKS PRIOR TO THE SCHEDULED EVENT.



N35°30'08.33" W105°40'32.80"

N35°30'05.29" W105°40'31.46"

N35°30'08.26" W105°40'30.19"

N35°30'05.40" W105°40'29.67"

S28 T15N R12E

83 NIM 63 Rowe NM

Gate MP .6 on NIM 63

Oltiz Yard

63

A. Setbacks: All antennas or towers shall be so located on a continuous parcel of land so that the distance from the base of the tower or antenna to all boundaries of the parcel is at least equal to the height of the tower or antenna as measured from ground level.

B. Compliance With Federal Regulations: All applicable regulations of the Federal Communications Commission (FCC) shall be met.

SECTION 5130 Asphalt Batching and Cement Plants, Permanent and Temporary: All permanent or temporary asphalt batching and cement plants shall observe the regulations specified below.

A. Each application shall be accompanied by a sketch plan at a scale of not less than one (1) inch equals one hundred (100) feet, showing the location of the facilities with the proper legal description and such other information as may be necessary to explain the proposed site and facilities operation.

B. The applicant shall submit a written report outlining the reasons for placing the facilities in the particular location and stating the duration of time for which the applicant intends to operate the said facilities. Permission to locate and operate temporary facilities shall be granted for a period not to exceed 6 months. An additional extension of time not to exceed 6 months may be granted upon expiration of the time period initially granted if exceptional circumstances warrant it.

C. All facilities shall be located no closer than one hundred (100) feet to the nearest public road and shall be located no closer than sixty (60) feet to any perimeter property lines and shall be located no closer than (200) feet to any existing residential dwelling in the case of a temporary facility and not closer than (300) feet to an existing residential dwelling in the case of a permanent facility.

D. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.

E. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to residential neighborhoods or commercial businesses.

F. The Board of Adjustment may limit the time of day during which the facility may be operated; and may make such further conditions as would protect the public health, safety, morals and welfare.

G. If the facility is temporary, the Board shall require a performance bond or surety bond conditional upon the removal of the facility and restoration of the site to an acceptable condition at the time specified by the Board.

SECTION 5140 Automobile Service Stations: The regulations specified below shall apply to all automobile service stations:

A. Number of Points of Street Access: The allowed number of points of street access shall be as follows:

<u>Lot Width Abutting the Street</u>	<u>Number of Points of Access</u>
Less than 100 ft.	2
Over 100 ft.	2 plus 1 for each additional 100 ft. of lot width in excess of 100 ft.

B. Design of Points of Access: The number of points of access for one automobile service station shall not exceed two for each 100 ft. of street frontage. Each point of access shall be no more than 30 ft. wide and be located no less than 25 ft. from the intersection of street rights of way. Each point of access shall be located no less than 15 ft. from any adjoining property line.

C. Location of Accessory Structures: Accessory structures shall not be located within 15 feet of any adjoining property. No accessory structures shall be erected closer than 10 ft. to a street. If accessory structures are erected within any required street yard, they shall be removed before the property is converted to a use other than an automobile service station.

D. Permanent Storage of Materials, Merchandise and Equipment: All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

E. Trash Facilities: Adequate, enclosed trash storage facilities shall be provided on the site.

F. Parking of Vehicles: Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays or with any required off street parking spaces. No more than two motor vehicles may be offered for sale on the premises at any one time

12.7. Other permits: The Planning and Zoning Supervisor or the Board of County Commissioners may suspend or revoke the conditional use permit if any State or Federal agency permit expires, is suspended or revoked.

12.8. Injunctive relief: The Board of County Commissioners may apply to the District Court for any one or more of the following remedies in connection with violations of this Ordinance:

12.8.1. Injunctive relief to prohibit any exploration, mining, processing or transporting of materials until the person, company, corporation complies with the provisions of this ordinance and the terms of any approved conditional use permit or agreement.

12.8.2. Injunctive relief to compel compliance by any person, company or corporation with the provisions of this ordinance and the terms of any approved conditional use permit or agreement.

12.8.3. Civil penalties.

SECTION 13: CONTINUANCE OF EXISTING MINING USES.

13.1. Effective date: Exploration, mining and processing activities and uses in existence at the time of the effective date of this ordinance and which were initiated in full compliance with all applicable County, State and Federal regulations shall not be subject to the requirements of this ordinance, except the applicant/operator shall provide to the Planning and Zoning Supervisor within twelve (12) months after the effective date of this ordinance; (1) a description of current operations which conforms to the requirements of this ordinance; and (2) copies of all of its permits and approvals which it holds from State and Federal regulatory agencies.

13.2. Non-conforming use and abandonment: An existing exploration, mining or processing activity or use shall be permitted to continue a non-conforming use in accordance with the provisions of this ordinance until it is abandoned or expanded. For the purpose of this section, "abandoned" means an exploration, mining or processing site on which no exploration, mining or processing activity has occurred for more than six (6) months. Exploration, mining or processing activity and uses shall be deemed to be in existence on the site on the effective date of this ordinance if actual exploration, mining or processing has commenced.

13.3. Intermittent use: Exploration, mining and processing sites that have a historic pattern of intermittent use shall not be considered as existing uses.

13.4. Expansion: Exploration, mining or processing activity in existence on or prior to the effective date of this ordinance may not be enlarged upon, expanded or extended

OWNER OR APPLICANT	LOCATION	YEAR OF DETERMINATION
Bill Barnett	SR-283 East of San Geronimo	1992
Luciano Martinez	Lower Rociada	1992
Corn Construction	Bernal	1997
Andy Quintana	El Pueblo	1998
Baros Family	El Pueblo	1998

Here is a listing of gravel pits that have received conditional use permits from the Planning and Zoning Commission:

OWNER OR APPLICANT	LOCATION	YEAR APPROVED
Manuel Varela	West Pecos	1987
Inter-West Limited	Forked Lightning Ranch - Rowe	1988
Twin Mountain Rock Company	Los Alamos (Sapello) Kiker Ranch	1988
Eddie Duran	Forked Lightning Ranch - Rowe	1988
Eugene Long	Pecos Canyon	1990 P&Z Denied BCC Approved
Hamilton Const./Cleofas Baca	El Ancon	1990
Eugene Long	Pecos Canyon	1994
A.R. Ulibarri	Pecos Canyon	P&Z Denied
Corn Const./Paul Martinez	Rowe Mesa	1996
J.R. Hale Company/Gary Lyon	Rowe/Los Trigos Ranch	1996 P&Z Approved 1997 BCC Denied
Eddie Duran	Witte Ranch/Rowe Mesa	1997 P&Z Approved 1997 BCC Approved
Robert Quintana	10 Miles East of Las Vegas	1997
Gary Lyon	Rowe/Los Trigos Ranch	1997 P&Z Denied BCC Decision Pending

ENVIRONMENTAL ASSESSMENT CHECKLIST/ROUTING PAGE

EA Name: PAUL MARTINEZ PIT EA Number: NM-018- NM-017-96-050

Case File No.: NM-96977

Priority: Immediate High _____ Low _____ EA Completion Target Date 8-6-96

Lead Preparer: BRIAN LLOYD

Please Comment on impacts, alternatives, and possible mitigating measures for the attached proposed action. A check mark in the "No Comment" column constitutes a determination that the element(s) have been considered and there would be no known significant impact.

<u>Comments</u>		<u>Critical Environmental Elements</u>	<u>Signature</u>	<u>Date</u>
<u>*YES</u>	<u>NO</u>			
_____	_____	Air Quality	_____	_____
_____	✓	ACEC or SMA	<u>[Signature]</u>	<u>8/29/96</u>
_____	✓	Cultural Resources	<u>[Signature]</u>	<u>8/7/96</u>
_____	_____	Floodplains	_____	_____
_____	_____	Hazardous or Solid Wastes	_____	_____
_____	✓	Native American Religious Concerns	<u>[Signature]</u>	<u>8/7/96</u>
_____	_____	Prime or Unique Farmlands	_____	_____
_____	✓	Threatened or Endangered Species	<u>[Signature]</u>	<u>8/29/96</u>
_____	_____	Water Quality (Drinking/Ground)	_____	_____
_____	_____	Wetlands/Riparian Zones	_____	_____
_____	_____	Wild & Scenic River	_____	_____
_____	_____	Wilderness or WSA	_____	_____
		<u>Staff/Program Elements</u>		
_____	_____	Forestry	_____	_____
_____	_____	Lands	_____	_____
_____	_____	Law Enforcement	_____	_____
_____	_____	Minerals	_____	_____
_____	_____	Planning/Cumulative Impacts	_____	_____
_____	_____	Range	_____	_____
_____	_____	Recreation/Visual Resources	_____	_____
_____	_____	Wildlife/NMDGF Review	_____	_____
_____	_____	NEPA Coordinator	_____	_____
_____	✓	Area Manager	<u>[Signature]</u>	<u>8/29/96</u>

*SEE THE EA FOR COMMENTS, SPECIAL STIPULATIONS AND/OR MITIGATING MEASURES

ENVIRONMENTAL ASSESSMENT FOR THE PAUL MARTINEZ PIT - CORN CONSTRUCTION

EA No. NM-017-96-050

BLM Office: Rio Puerco Resource Area (for the Taos Resource Area)

Case No. NM-96979

Proposed Action Type: Sale of 78,000 tons of aggregate material to Corn Construction from Stockraising Homestead Act lands owned by Mr. Paul Martinez of Pecos, NM.

Location: SW $\frac{1}{4}$ of Section 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, T. 13 N., R. 12 E., NMPM, comprising 260 acres in San Miguel County, NM (Recona 7.5' Quadrangle).

Conformance With Applicable Land Use Plan: This proposed action is subject to the following land use plan:

Name: Taos Resource Management Plan, 1988. Also, authority for disposal of mineral materials is found in the Materials Act of July 31, 1947 and 43 CFR 3610.

Need for Proposed Action:

Corn Construction Company (Corn) has requested a sale for sand and gravel. The material would be used for base course and bituminous pavement material on a Federal Aid Highway construction project (IM-025-5(69)291) for Interstate 25 near the Lamy Junction. Under the current Memorandum of Understanding between the BLM and the Federal Highway Administration, the BLM would issue a Title 23 Right Of Way rather than a Free Use Permit. However, because of the short time frames required to begin the project, Corn has decided to purchase the material from the BLM at fair market value.

Description of Proposed Action

Corn proposes to mine 78,000 tons of aggregate material, primarily sand and gravel from an area located in the SW $\frac{1}{4}$ of Section 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, T. 13 N., R. 12 E., NMPM, comprising 260 acres. The surface estate is owned by Paul and Rufina Martinez of Pecos, NM. Corn has already entered into a Surface Owner's Agreement with the Martinez family. Although Corn has leased 260 acres, initially, only 80 acres would be used, beginning in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35. The highway project is expected to start in early August. Depending on future construction projects, Corn may choose to continue to use the pit for the next several years. However, the impacts of any expansion would be the same because Corn plans on concurrent reclamation. The planned pit disturbance at any one time would be about 10 acres.

Operations would begin by removing the vegetation (pinyon-juniper trees and grasses), and then stripping the top 4" of soil. the topsoil would be stockpiled for reclamation. Then the rock would be removed from the pit using front-end loaders. The maximum depth of mining would be 20 feet. The rock would be run through a crushing plant in order to reduce it to the required gradations and then screened to remove unwanted sand. The remaining sand material, which is unusable for the project would be placed back into the pit area. Finally, the gravel would be stockpiled until needed for the construction project. A Stormwater Pollution Prevention Plan has been prepared for the site.

Upon completion of mining, the pit walls would be sloped 3:1 (horizontal to vertical). The entire site would be contoured to the existing terrain as much as possible, including restoring the natural drainage. The topsoil would be replaced and reseeded to the landowners specifications.

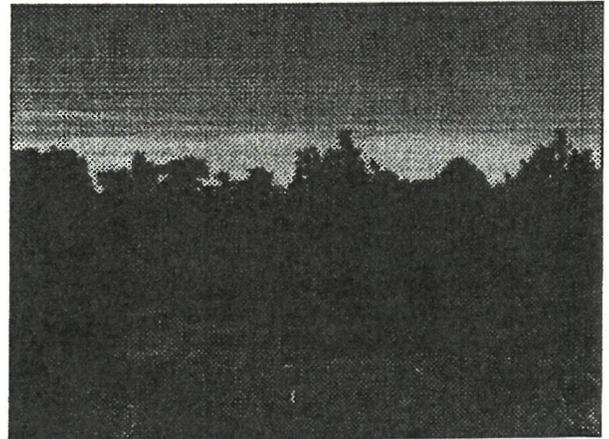
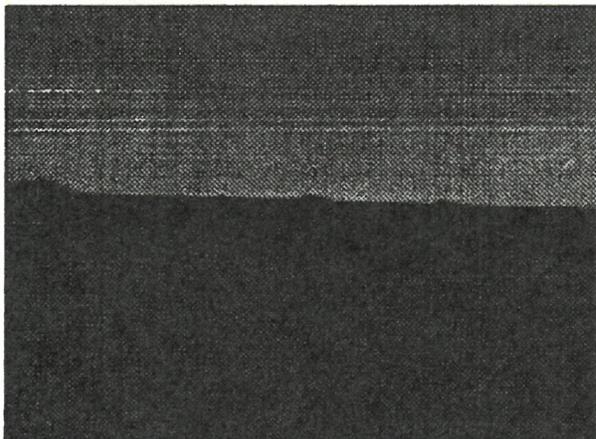
No Action Alternative

If the BLM selects the No Action alternative, a minerals sales contract would not be issued to Corn. Corn would then have to find another mineral material site.

Environment Impacts

The pit is located on the southern end of the Hogback Hill ridgeline. The ridgeline trends northwest-southeast at an elevation between 7,110 and 7,220 feet msl. Annual precipitation is 18 inches. Soils belong to the Tapia-Dean association, characterized by deep, well-drained brown loams. Outcrops of sandstone, quartzite, and granite cobbles occur along the ridgeline. Vegetation consists of a dense overstory of pinyon-juniper with a few interspersed Ponderosa Pine. The understory consist of rabbitbrush, blue grama, pinyon ricegrass, sideoats grama, and scrub oak.

Because the surface estate is privately owned, the BLM has no jurisdiction on potential impacts beyond cultural resources and threatened and endangered species. Therefore, only these impacts will be analyzed.



Mineral Resources

The primary impact to the mineral resources would be the complete removal of all gravel material from the top 20 feet from the surface. Any remaining sand would still be available, as would any mineral resources below the 20 foot limit.

Threatened and Endangered Species

Thr TRA biologist completed a T&E survey for the proposed project. No species of concern are located in the area of concern.

Cultural Resources

Corn Construction contracted with Lone Mountain Archaeological Services, Inc. to

complete a Class III cultural resource inventory for the pit. The report indicates no sites and only 12 isolated occurrences were found during the survey. All information from the isolated occurrences has been recorded. Clearance for the project has been recommended.

No Action Alternative

There would be no environmental impacts to the surface or subsurface resources under the No Action alternative.

Consultation and Coordination

Mr. Mike Beck, Corn Construction, Inc., proponent of the action.

Mr. Paul Martinez, surface owner. Provided surface owner consent for surface access to split estate lands.

Preparer: Brian A. Dwyer

Date: July 30, 1996

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this EA and determined that the proposed action with the mitigation measures described below will not have any significant impact on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

MITIGATION MEASURES/REMARKS

Reclamation as per surface owner agreement.

SPECIAL CONDITIONS

Stipulations and conditions to which the user agrees to adhere, are listed below:

1. The user shall take such reasonable steps as may be needed to prevent extraction and processing operations from:
 - a. Causing or contributing to soil erosion.
 - b. Unnecessarily creating or contributing to pollution of the air, soil, or water.
 - c. Dumping common earth, mineral materials, waste, etc., in a drainage course so as to cause siltation down gradient.
 - d. Disturbing, destroying or removing known valuable historic or prehistoric ruins, artifacts, or fossils.
2. If any valuable historic or prehistoric ruins, artifacts, or fossils are discovered, all operations must be stopped and the discovery must be immediately reported to the Rio Puerco Resource Area Office at (505) 761-8700.
3. All vehicles will be restricted to roads and working areas. All roads on public land must be maintained in good passable conditions.
4. Berms or firewalls will be constructed around all storage facilities sufficient in size to contain the storage capacity of tanks, or the combined capacity of tanks if a rupture could drain more than one tank.
5. Where access is across private lands, user is responsible for acquiring all rights-of-way and authorizations from land owners prior to commencing operations.
6. User is responsible for mitigating all conflicts with private land owners concerning access, noise, dust, and use of adjacent private lands when necessary.
7. Natural drainage systems shall not be blocked. Cuts or fills causing siltation or accumulation of debris in stream channels shall be avoided, and if they occur, must be corrected to the satisfaction of the authorized officer.
8. All existing improvements, including but not limited to fences, cattleguards, roads,

trails, culverts, pipelines, bridges, public land survey monuments and water development control structures shall be maintained in serviceable condition at all times. Damaged or destroyed improvements shall be replaced, restored or appropriately compensated for a determined by the Area Manager or his authorized representative.

9. The Federal government, Department of the Interior, the Bureau of Land Management, and their representatives shall not be responsible for damage or injury to persons and property which may occur during the permitted use period or as a result of such use.
10. This permit may be canceled by the Bureau of Land Management when it is found that the buyer has violated Federal law or regulations, any clause of the contract or any of the special stipulation.

AREA MANAGER:

Walter D. Villalobos

DATE:

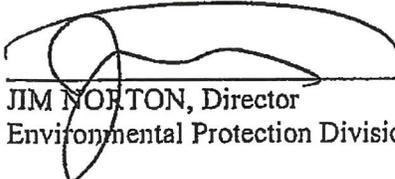
9/12/96

CONSTRUCTION PERMIT NO: GCP-2-Rev.3

Registration No. **3618**
(For NMED use only)

GENERAL PERMIT CATEGORY: Quarrying, Crushing, and Screening Facilities

ISSUED BY: New Mexico Environment Department



JIM NORTON, Director
Environmental Protection Division

9/12/06
Date of Issuance

Air Quality Permit No. GCP-2 – Rev.3 for Quarrying, Crushing, and Screening Facilities (“Permit”) is issued by the Air Quality Bureau (aqb) of the New Mexico Environment Department (Department) under Title 20 Chapter 2 Part 72 of the New Mexico Administrative Code [20.2.72 NMAC] – Construction Permits, Section 220 – General Permits. The Department issues general permits in order to register groups of sources that have similar operations, processes, and emissions and that are subject to the same or substantially similar requirements [20.2.72.220.A(1) NMAC]. General permits provide an additional permitting option for specific types of sources that can meet the predetermined permit requirements [20.2.72.220.C(1) NMAC].

This Permit authorizes an owner or operator to construct, modify, and operate an Aggregate Processing Facility (Facility) in New Mexico (excluding Bernalillo County and Indian lands) under the conditions set forth herein as long as all conditions of this Permit are continuously met.

An owner or operator that registers for and receives approval to construct under this Permit, will have satisfied the State of New Mexico’s requirement for obtaining an air quality permit prior to constructing, modifying, or operating a source of air pollutants. However, other federal, state, or local agencies may have additional requirements such as zoning restrictions.

The GCP-2 Rev. 3 revisions require action by Facilities currently registered under this permit; therefore, a transition schedule, for those Facilities that have an earlier version of GCP-2, is available on the New Mexico Environment Department's web site at <http://www.nmenv.state.nm.us/aqb>

All terms written with initial capital letters are defined in Section VII – Acronyms and Definitions, of this Permit. Regulatory authority, if applicable, is cited in brackets. Please refer to the guidance document for this Permit for details, descriptions, and registration instructions. Questions regarding eligibility for this Permit can be directed to the Air Quality Bureau of the Environment Department at (505) 827-1494, or visit the New Mexico Environment Department's Web Site at <http://www.nmenv.state.nm.us/AQB>.

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

FORM APPROVED
 OMB NO. 1004-0103
 Expires: February 29, 2024

CONTRACT FOR THE SALE OF MINERAL MATERIALS

Office
Taos Field Office
Contract Serial Number
NMNM140044

The UNITED STATES OF AMERICA acting through the Bureau of Land Management (BLM), and Agua Bendita Corp. you, the purchaser, make this AGREEMENT, under the authority of the Act of July 31, 1947 (61 Stat. 681), as amended at 30 U.S.C. 601 through 604, and the regulations at 43 CFR Group 3600.

We agree:

Sec 1. Contract area – Under the terms and conditions of this contract, the United States sells to you and you buy the mineral materials listed in Section 2 and contained in the following lands as shown on the map and mining plan attached to this contract:

COUNTY	STATE	TOWNSHIP	RANGE	SECTION	ALIQUOT PARTS	MERIDIAN	ACREAGE
San Miguel	NM	T13N	R12E	26	W1/4 SW1/4	NMPM	15.00
				35	N1/4 NW1/4	NMPM	

Pit Name (if any): Rowe Mesa Pit

BLM will check this box if this contract is in a Community Pit. Community Pit Serial Number:

Sec. 2. Amount and price of materials – The United States determines the total purchase price by multiplying the total quantity of mineral material designated by the unit price given below, or as changed through reappraisal.

KIND OF MATERIAL <i>You may list only one material commodity per contract</i>	QUANTITY <i>(Unit of Measure must be specified in next column)</i>	UNIT OF MEASURE <input type="checkbox"/> Cubic Yards OR <input checked="" type="checkbox"/> Tons <i>(Choose only 1)</i>	PRICE PER UNIT	TOTAL PRICE
Sand and Gravel, Gravel	40,000.00	Tons	\$1.15	\$46,000.00
Reclamation Fee, if in a Community Pit:	40,000.00			\$0.00
TOTAL PURCHASE PRICE				\$46,000.00
PERFORMANCE BOND				

BLM's determination of the amount of materials that you have taken under the contract is binding on you. You may appeal this determination as provided in Section 19.

You are liable for the total purchase price, even if the quantity of materials you ultimately extract is less than the amount shown above. You may not mine more than the quantity of materials shown in the contract.

If you pay in full in advance, BLM will check this box, and Subsections 3(a) through 3(c) do not apply to your contract. You must pay in full for all sales of \$2,000 or less.

Sec. 3. Payments, title, and reappraisals – You may not extract the materials until you have paid in advance for them in full \$ _____, or paid the first installment of \$ \$2,300.00 .

(a) If you pay in installments, you must pay the first installment before BLM approves the contract.

(b) Once you start removing material, you must pay each subsequent installment payment monthly in an amount equal to the value of materials removed in the previous month. Payment must be made by the 15th day following the end of the month for which you are reporting. **You must pay the total purchase price not later than 60 days before the contract expires.**

(c) The United States will retain the first installment as security for your full and faithful performance and will apply it to the last installment required to make the total payment equal to the total price given in Section 2.

If you are late making an installment payment, you must not remove any more material until you have paid. Removing material you have not paid for is trespass, and for trespass you must pay at triple the appraised unit price, or at triple the reappraised unit price if BLM has made a reappraisal. To resume removal operations after you were late making payments, you must obtain BLM's written approval.

(d) You must annually produce an amount sufficient to pay to the United States a sum of money equal to the first installment identified in this section. In lieu of such production, you may make an annual payment in the amount of the first installment. If in any contract year you make production payments that are less than the first installment, you must pay the difference between the production payments and the amount of the first installment. These annual payments are due on or before each anniversary date of the contract.

(e) You receive title to the mineral materials only after you have paid for them and extracted them.

Sec. 4. Bonds - (a) You must furnish BLM with a performance bond in the amount of \$ _____ as a condition of issuing this contract.

(b) If you do not perform all terms of the contract, BLM will deduct an amount equal to the damages from the face amount of the bond. If the damages exceed the amount of the bond, you are liable for the excess. BLM will cancel the bond or return the cash or U.S. bonds you supplied when you have completed performance under this contract.

(c) BLM will require a new bond when it finds any bond you furnish under this contract to be unsatisfactory.

Sec. 5. Risk of loss - You assume complete risk of loss for all materials to which you have title. If material covered by this contract is damaged or destroyed before title passes, you are liable for all loss suffered if you or your agents are directly or indirectly responsible for the damages. If you are not responsible for the damage or destruction, you are liable only to the extent that the loss was caused by your failure to remove the material under the terms of this contract. You are still liable for breach of contract or any wrongful or negligent act.

Sec. 6. Liability for damage to materials not sold to you - You are liable for loss or damage to materials not sold to you if you or your agents are directly or indirectly responsible for the damage or loss. You are also liable if you fail to perform under the contract according to BLM's instructions and the United States incurs costs resulting from your breach of any contract term or your failure to use proper conservation practices. If the damage resulted from willful or gross negligence, you are liable for triple the appraised value of the damaged or destroyed materials. If the damage or destruction did not result from willful or gross negligence, you are liable for lesser charges, but not less than the appraised value of the materials.

Sec. 7. Stipulations and reserved terms - Your rights are subject to the regulations at 43 CFR Group 3600 now or hereafter in force and to any stipulations and the mining plan attached to this contract.

BLM will check this box if there are stipulations attached to this contract.

Sec. 8. Notice of operations - You must notify BLM immediately when you begin and end operations under this contract. If BLM has specified a time frame for notification, you must comply with that time frame.

Sec. 9. Assignments - You may not assign this contract without BLM's written approval.

Sec. 10. Modification of the Approved Mining or Reclamation Plan - You or BLM may initiate modification of these plans to adjust for changed conditions, or to correct any oversight. The conditions for BLM requiring you to modify these plans, or approving your request for modification are found in the regulations at 43 CFR 3601.44.

Sec. 11. Expiration of contract - This contract will expire
_____ 1 _____ years, _____ months, _____ days from its
approval date, unless BLM extends the term or renews the contract.

Sec. 12. Extensions of time - BLM may grant you an extension of time in which to comply with contract provisions under the regulations at 43 CFR 3602.27. For contracts with terms over 90 days, you must apply in writing no less than 30 or more than 90 days before your contract expires. For contracts with terms of 90 days or less you must apply no later than 15 days before your contract expires.

BLM will check this box if this contract is a renewable competitive contract.

Sec. 13. Renewal of renewable competitive contract - BLM will renew your renewable competitive contract if you apply in writing no less than 90 days before your contract expires and you meet the conditions in the regulations at 43 CFR 3602.47.

Sec. 14. Time for removing personal property - You have _____ 90 _____ days (not to exceed 90) from the date this contract expires to remove your equipment, improvements, and other personal property from United States lands or rights-of-way. You may leave in place improvements such as roads, culverts, and bridges if BLM consents. Any property remaining after this period ends, including extracted materials, becomes the property of the United States. You will remain liable for any costs of removing and disposing of the property and restoring the site.

Sec. 15. Violations and cancellations - (a) If you violate any terms or provisions of this contract, BLM may cancel your contract following the regulations at 43 CFR 3601.60 et seq., and recover all damages suffered by the United States, including applying any advance payments you made under this contract toward the payment of the damages.

(b) If you extract any mineral materials sold under this contract during a suspension period, or after the contract has expired or been canceled, you have committed, and may be charged with, willful trespass.

Sec. 16. Responsibility for damages suffered or costs incurred by the United States - If you, your contractors, subcontractors or employees breach this contract or commit any wrongful or negligent act, you are liable for any resulting damages suffered or costs incurred by the United States. You must pay the United States within 30 days after receiving a written demand from BLM.

Sec. 17. Equal opportunity clause - The actions you take in hiring must comply with the provisions of Executive Order No. 11246 of Sept. 24, 1965, as amended, which describe the non-discrimination clauses. You may get a copy of this order from BLM.

Sec. 18. *Effective date* - This contract becomes effective as indicated below.

If this contract becomes effective on the date BLM signs the contract, BLM will check this box.

If this contract becomes effective only after certain conditions are met, BLM will check this box, list the conditions below, and indicate the effective date.

- Rowe Mesa Pit is FEE surface, Federal minerals. Mr. Paul C de Baca/Agua Bendita Corp. represents the FEE surface owner.
- Existing bond on file for Agua Bendita Corp. Fisher Sand & Gravel has an existing bond for the construction project with NMDOT. No reclamation liability as the surface is FEE.
- Excavation and crushing will be completed by Fisher Sand & Gravel on behalf of Agua Bendita Corp for NMDOT Project No 4101370.
- See attached stipulations for removal of mineral materials.

Sec. 19. *Appeal* - You may appeal any decision that BLM makes in regard to this contract under Parts 4 and 1840 of Title 43 of the Code of Federal Regulations.

The following parties have executed this contract as of:

PURCHASER
Agua Bendita Corp.

THE UNITED STATES OF AMERICA

(Individual or Firm Name)

By

Pamela Mathis

(Print Name of BLM Official)

P.O. Box 193
Pecos, NM 87552

PAMELA MATHIS

Digitally signed by PAMELA MATHIS
Date: 2023.02.02 13:58:14 -07'00'

(Address)

(Signature of BLM Official)

505-490-0542

(505) 757-6356

Field Manager

(Phone Number - include area code)

(Title)

Paul C de Baca

1-26-23

(Signature)

(Date)

(Signature)

If you are a corporation, affix corporate seal here:

Title 18 U.S.C. 1001, makes it a crime for any person knowingly or willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction, subject to a fine of up to \$10,000 and imprisonment up to 5 years.

NOTICES

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 601 et seq.; 43 CFR Group 3600

PRINCIPAL PURPOSE: BLM uses this information to identify the parties entering into contracts for disposing of mineral materials.

ROUTINE USES: BLM will transfer information from the record or the record itself to appropriate Federal, State, local, or foreign agencies, when relevant to criminal, civil, or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: If you do not provide this information to BLM, we will not be able to process your application for a contract.

The Paperwork Reduction Act requires us to inform you that:

The BLM is collecting this information to process your application and effect a binding contract.

The BLM will use this information to identify and communicate with applicants.

You must respond to this request to get a benefit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average about 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0103), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Room 2134LM, Washington, D.C. 20240.

be located less than 25 ft. from any property line.

SECTION 5280-Solid Waste Disposal Operations: All solid waste disposal operations shall observe every pertinent regulation, specified for Mining, Gas, Oil and Soils Extraction uses which are contained in Section 5190. Landfilling and incineration activities shall observe the same setbacks as designated for open excavation in Section 5190.

SECTION 5290-Temporary Storage Structure or Yard for Construction Purposes: The installation of a temporary storage structure or yard for use while development project is under construction shall observe the regulations specified below.

A. General Conditions: The following general conditions shall be met.

(1.) Such temporary storage structures or yards shall only be used for storage of construction materials needed of the development occurring on the lot or within a subdivision of which the lot is a part of.

(2.) Materials stored in open yards shall be properly secured, fenced in or screened from view, as needed, in order to avoid hazards, visual clutter or being blown about by the wind.

(3.) Temporary storage structures shall be installed at least 10 feet from any lot line.

(4.) The person responsible for the development on which a temporary storage structure is to be located shall obtain all applicable governmental permits.

B. Time of Installation and Removal: Temporary storage structures and yards installed and removed as follows:

(1.) Temporary storage structures or yards shall be installed only at the commencement of construction activities and only after a building permit has been issued for such construction or final plat approval has been given in the case of a subdivision.

(2.) Temporary storage structures or yards shall be removed within two weeks after the completion of the construction activities for which they were installed or after work on the project has been dormant for a period of six months or more, and the ground area occupied by such temporary structures or yards shall be restored to an acceptable condition.

SECTION 5300-Temporary Use of a Structure as a Construction Site Office or a Real Estate Office: Temporary use of a structure including a mobile office or other similar temporary office structure, shall be permitted for only the initial builder or developer as a temporary on-site contractor's construction/security office or on-site real estate sales office provided that the conditions listed below are met. The Planning Director or his designee shall issue such permits upon application and upon agreement by the applicant to the conditions specified below.

A. General Conditions: The following general conditions shall be met:

(1.) Such temporary offices may only be used in conjunction with the development of approved residential subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multiple family, institutional, recreational or industrial buildings. Temporary offices are not permitted in conjunction with the construction of one single family dwelling on a single lot unrelated to development elsewhere in the subdivision.

(2.) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.

(3.) Such temporary offices shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is located.

(4.) Such temporary office structures shall be located at least 10 ft. from any lot line.

(5.) The Person responsible for the development on which the temporary office is to be located shall obtain the proper permits from all applicable governmental agencies including but not limited to electrical, plumbing and building permits.

B. Time of Permit issuance: Permits for temporary offices shall be initially issued as follows:

(1.) For the construction of approved subdivisions; only after preliminary plat approval.

(2.) For the development of mobile home parks, and recreational vehicle parks and campgrounds; only at the same time or after any applicable building permits

for the installation of improvements are issued.

(3) For commercial, industrial, institutional, multi-family, or recreational projects; only after the buildings permit has been issued.

(4) For the sale or rental of mobile homes; only at the same time or after the occupational license has been issued.

C. Expiration of Permits: Permits for temporary office structures shall expire and such temporary office structure shall be removed as follows:

(1) For the development of approved subdivisions; after 60% of the lots have been sold.

(2) For the development of mobile home parks and recreational vehicle parks and campgrounds; immediately after the park or campground is abandoned.

SECTION 5320- Airports, Heliport, or Landing Fields: All structures must be located at least 100 ft. from perimeter boundaries and landing fields for small aircraft must be 300 ft. from perimeter boundaries. Additional buffer area based on FAA standards shall be required for jets or large airplanes. The Las Vegas airport zoning regulations are hereby adopted by reference as applying to the clear zones designated on the official zoning map.

SECTION 5330- Commercial Stables, Rodeo Arenas, Polo Grounds and Riding Academies: All structures must be at least 40 ft. from adjoining property lines. The down draft area for rodeo arenas shall provide at least 100 feet to prevent excessive dust being blown onto adjacent residential dwellings or commercial uses. Nonsurfaced roads may be used in rodeo arenas provided there is at least one parking space for every four bleacher seats, and provided roads are at least 20 ft. wide, and that there is one parking space for every five feet of spectator railing.

SECTION 5340- Guest Ranches and Incidental Facilities: All structures and activities shall be at least 40 feet from adjoining property lines. A ranch or farm that accommodates guests on an incidental basis and not as a commercial activity is exempt from the requirements of this section.

SECTION 5350- Hunting and Fishing Lodges, Ski Resorts, and Incidental Facilities: Same as Guest Ranches. Hunting reserves shall provide at least 300 feet of natural or wooded buffers from public roads or perimeter boundaries where no hunting is allowed.

a 200 foot setback of all structures or corrals holding animals from an existing recreational, commercial or residential use on another property.

B. Vineyards producing for home use or meeting the criteria of home occupations excepting the location of the vineyards outside the residential dwelling do not need a conditional use permit provided all activities and structures are located at least 60 feet from adjoining property line.

SECTION 5470-Temporary Uses

A. Temporary uses are permitted only as expressly provided in this section and shall comply with the requirements of Article VII.

B. No temporary use shall be established unless a certification of compliance with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued by the Planning and Zoning Director.

C. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

1. Carnival or Circus:
 - a. Permitted in any district.
 - b. Maximum length of use shall be seven (7) days.
 - c. No structure or equipment within one hundred feet of any residential dwelling
2. Christmas Tree sales:
 - a. Permitted in any district.
 - b. Maximum length of use for display and open lot sales shall be forty-five (45) days.
3. Contractor's office, temporary storage structure or yard for construction purposes are permitted in any district where use is incidental to a construction project. See Section 5290.
4. Events of public interest:
 - a. Permitted in any district.
 - b. Events of public interest include but are not limited to outdoor concerts, bazaars, auctions, and historic celebrations.
5. Religious tent meeting:
 - a. Permitted in any district.
 - b. Maximum length of use shall be fifteen (15) days.

6. Flea Markets, Farmers Markets
See Section 5160

D. Additional regulations for carnivals or circuses, religious tent meeting, and events of public interest are as follows:

1. Documentation from the New Mexico Environmental Improvement Division that adequate arrangements for temporary sanitary facilities has been insured.
2. No permanent or temporary lighting shall be installed without an electrical inspection and permit issued by the New Mexico State Electrical Inspector.
3. All uses shall be confined to the dates specified by the Planning and Zoning Director.
4. Hours of operation shall be confined to those specified by the Planning and Zoning Director.
5. A security deposit shall be posted with the Director to insure that the premises will be cleared of debris during and after the event and that any damage to the public right-of-way will be repaired. The minimum security deposit will be two hundred dollars (\$200.00). The deposit shall not be required for real estate sales offices, Christmas tree sales, temporary storage or construction sheds or yards, or farmers markets with 20 or fewer rental spaces.
6. Public Parking for the exclusive use of the facility shall be provided. The parking area shall be maintained to provide one parking space per leased space or booth. It shall be the responsibility of the event sponsor to guide patrons to these areas and to prevent unlawful parking.
7. Traffic control arrangement will be arranged by the event sponsor with the Sheriff's Department.
8. Serving of alcohol beverages will not be permitted without a permit from the County.
9. The event sponsor will provide security, when required by the Sheriff's Department.
10. Games at carnivals will not be permitted which are classified as games of chance.



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE



Press Releases

Roadway and Bridge Rehabilitation Project on Interstate 25

Feb 3, 2023 | District 4 Press Release, Press Release

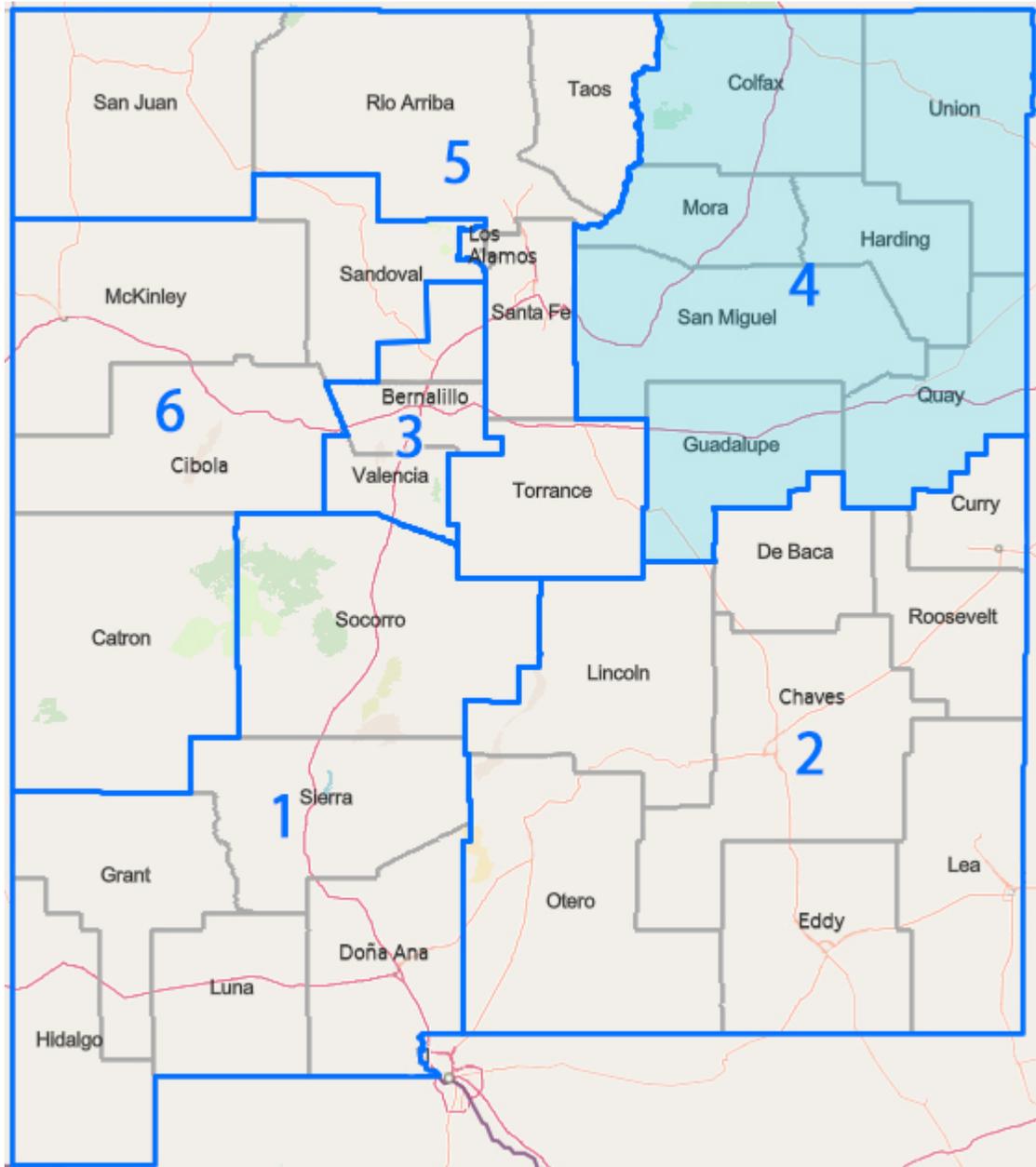
Drivers can expect minor delays traveling near Rowe, NM

LAS VEGAS – The New Mexico Department of Transportation District Four office in cooperation with Fisher Sand & Gravel N.M. Inc. (Contractor) are excited to announce the upcoming roadway and bridge rehabilitation project on Interstate 25 between milepost 305 and milepost 309 (Rowe).

This project will consist of a Cold In Place Recycling (CIR) process. Cold in-place recycling (CIR) is a process that consists of milling and sizing reclaimed asphalt pavement (RAP) and mixing in-place the RAP with recycling additive and new aggregate (either in the milling machine's cutting chamber or in a mix paver) to produce a recycled cold mix, which is then re-laid and compacted as a new base course.

Beginning Monday, March 6, 2023, drivers can expect various daytime lane closures on both the north and southbound lanes as needed. The contractor's hours of operation will be from 7 a.m. to 6 p.m., Monday through Friday. This rehabilitation project was awarded in the amount of \$17.2 million and is expected to take 130 working days to complete, weather permitting.

The New Mexico Department of Transportation is committed to providing a safe and efficient transportation system for the traveling public and appreciates your cooperation during this project. For updated information, call 511 or go to www.nmroads.com, the official road advisory system for the State of New Mexico.



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