

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Dylan Fuge**  
Deputy Cabinet Secretary (Acting)

**Albert Chang, Director**  
Mining and Minerals Division



November 17, 2023

Darin Klewsaat, Mining Manager  
Miocene, LLC  
100 Fillmore Street, Suite 350  
Denver, CO 80206

**RE: Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 23-1**

Dear Mr. Klewsaat,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package for Modification 23-1 (“PAP”) submitted by Miocene, LLC, for the Brie 1 Mine located in McKinley County, New Mexico. In accordance with 19.10.3.302.G NMAC, MMD requested comments on the PAP from cooperating state and federal agencies.

Enclosed with this letter are the reviewing agency comment letters submitted by the following state agencies: the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), the New Mexico Energy, Minerals, and Natural Resources Department – Forestry Division (“Forestry”), and the Bureau of Land Management (“BLM”). Additionally, please find general comments from MMD based on review of this application.

**General Comments:**

MMD has reviewed the PAP and has found it to be *technically complete* contingent on the Permittee’s response to the following comments by reviewing agencies. Please respond to any comments or recommendations in writing within 30 days.

**NMED Mining Environmental Compliance Section, Ground Water Quality Bureau Comments (“MECS”)**

Please review the comment letter received from NMED MECS Ground Water Quality and respond to any concerns.

**NMDG&F Comments:**

Please review the comment letter received from NMDG&F and respond to all concerns and recommendations raised.

**Forestry Comments:**

Please review the comment letter received from Forestry and respond to any concerns.

**NMDCA/HPD Comments:**

Please review the comment letter received from NMDCA/HPD and respond to any concerns.

If you have any questions, please contact me at (505) 470-5354, or via email at [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Barnes', with a long horizontal flourish extending to the right.

Kevin Barnes, Permit Lead  
Mining Act Reclamation Program (“MARF”)

Enclosures: Agency Letters

Cc w/o enclosures: David “DJ” Ennis, Program Manager, MARF/MMD  
File (MK039MN)



## Electronic Transmission

### MEMORANDUM

Date: August 16, 2023

To: David Ennis, Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Amber Rheubottom, MECS  
Alan Klatt, Surface Water Quality Bureau (SWQB)  
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Brie I Mine, Minimal Impact New Mining Operation, Modification 23-1, Miocene, LLC, McKinley County, New Mexico, New Mexico Mining Act Permit No. MK039MN**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 28, 2023 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Brie I Mine is a minimal impact new mine. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED requested an extension to submit comments by August 16, 2023. NMED has the following comments.

#### **Background**

Miocene, LLC (Applicant) is requesting partial release of financial assurance associated with approximately 7.01 acres of reclamation located in Sections 29 and 33, Township 20N, Range 6W.

#### **Air Quality Bureau**

The Air Quality Bureau has no comments.

Mr. David Ennis  
Brie Mine, MK039MN  
August 16, 2023

**Surface Water Quality Bureau**

The Surface Water Quality Bureau has no comments.

**Mining Environmental Compliance Section (MECS)**

MECS has no comments.

**NMED Summary Comment**

NMED has determined that the activities proposed in the application will be protective of the environment.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: Kevin Barnes, Permit Lead, EMNRD-MMD  
Joseph Fox, Program Manager, NMED-MECS  
Shelly Lemon, Bureau Chief, NMED-SWQB  
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB

GOVERNOR  
Michelle Lujan Grisham



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

[www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)

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Los Ranchos

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Santa Fe

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29 August 2023

Kevin Barnes, Permit Lead  
Mining Act Reclamation Program  
Mining and Minerals Division (MMD)  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: Modification 23-1, Brie I Mine, Partial Release of Financial Assurance, McKinley County, New Mexico, Permit No. MK039MN; NMDGF Project No. NMERT-2757.**

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Miocene, LLC (Miocene) is requesting the partial release of financial assurance associated with approximately 7 acres of reclamation work performed at the Brie I Mine. Staff from the Department, MMD, and the Operator conducted a site inspection on 24 August 2023.

Department staff observed that the mine site had been backfilled, recontoured to conform with the surrounding habitat, deep-ripped, and seeded. Seeding was done around mid-June, 2023. The Department does not have any concerns regarding the proposed partial release of financial assurance for the completed reclamation work.

The invasive, non-native, annual weed Russian thistle (*Salsola tragus*) is widespread in the area surrounding the reclamation site and has become the dominant plant species at this site. The Department recommends that Miocene implement an integrated weed management program that includes a commitment to control Russian thistle within the mine permit area.

Thank you for the opportunity to review and comment on the proposed partial release of financial assurance. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto:ronald.kellermueller@dgf.nm.gov).

Sincerely,

Matt Wunder, Ph.D.  
Chief, Ecological and Environmental Planning Division  
cc: USFWS NMES Field Office

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Cabinet Secretary

**Laura McCarthy**, State Forester  
Forestry Division



August 8, 2023

Kevin Barnes  
Permit Lead; Mining and Minerals Division  
Energy, Minerals and Natural Resources Department (EMNRD)  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**RE: Request for Comments on Modification 23-1 Application for Brie 1, Partial Release of Financial Assurance on 7.01 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK039MN.**

Thank you for the opportunity to comment on the above referenced project. I do not anticipate any impacts to State Listed Endangered Plants or Federally Listed Endangered or Threatened plants as a result of this project, as described in the application.

Please let me know if I can be of further help.

Sincerely,

A handwritten signature in blue ink that reads "Erika Rowe".

Erika Rowe  
State Botanist/Endangered Plant Program Coordinator  
EMNRD-Forestry Division  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505  
[erika.rowe@emnrd.nm.gov](mailto:erika.rowe@emnrd.nm.gov) / <http://www.emnrd.state.nm.us/SFD/>  
cell: (505) 699-6371

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**From:** [Reycraft, Richard, DCA](#)  
**To:** [Barnes, Kevin, EMNRD](#)  
**Subject:** Log#120255-Brie 1 Mine - Modification 23-1 - Request for Commen  
**Date:** Monday, August 7, 2023 8:32:31 AM

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Good Morning Mr. Barnes,

The State Historic Preservation Office has no comment regarding this permit modification.

Sincerely

*Richard Reycraft*

Richard. Reycraft, Ph.D.  
New Mexico Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, New Mexico 87501  
505-827-6162