

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd Leahy, JD, Ph.D.**  
Deputy Cabinet Secretary

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



July 28, 2023

Ms. Katie Zemlick  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102

**RE: Request for Comments on Modification 23-1 Application for Ojo Encino, Partial Release of Financial Assurance on 6.35 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK043MN:**

Dear Ms. Zemlick,

On June 22, 2023, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify permit number MK043MN. The application requests partial release of financial assurance associated with approximately 6.35 acres of reclamation performed at the Ojo Encino mine located in T19N, R5W, Section 9. This application is being processed as modification number 23-1 to permit MK043MN.

Pursuant to 19.10.3.302.G NMAC, MMD is requesting comments from your agency regarding this application. The application from the operator can be downloaded from MMD’s website at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk043mn-ojo-encino-mine/>

In accordance with 19.10.3.302.G NMAC, your agency has 20 days from the date of receipt of this letter in which to provide comments. The Director will consider these comments in making the determination of eligibility for minimal impact status. If you have any questions, please contact me at (505) 470-5354 or by e-mail at [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

Kevin Barnes  
Permit Lead  
Mining Act Reclamation Program (MARP)

cc: Mine File (MK043MN)

State of New Mexico  
Energy, Minerals and Natural Resources Department

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July 28, 2023

Dr. Matthew Wunder  
NM Department of Game and Fish  
P.O. Box 25112  
Santa Fe, NM 87504

**RE: Request for Comments on Modification 23-1 Application for Ojo Encino, Partial Release of Financial Assurance on 6.35 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK043MN:**

Dear Dr. Wunder,

On June 22, 2023, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify permit number MK043MN. The application requests partial release of financial assurance associated with approximately 6.35 acres of reclamation performed at the Ojo Encino mine located in T19N, R5W, Section 9. This application is being processed as modification number 23-1 to permit MK043MN.

Pursuant to 19.10.3.302.G NMAC, MMD is requesting comments from your agency regarding this application. The application from the operator can be downloaded from MMD’s website at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk043mn-ojo-encino-mine/>

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Sincerely,

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Mining and Minerals Division



July 28, 2023

Mr. Rick Reycraft  
Department of Cultural Affairs, Historic Preservation Division  
407 Galisteo St., Suite 236  
Santa Fe, NM 87501

**RE: Request for Comments on Modification 23-1 Application for Ojo Encino, Partial Release of Financial Assurance on 6.35 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK043MN:**

Dear Mr. Reycraft,

On June 22, 2023, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify permit number MK043MN. The application requests partial release of financial assurance associated with approximately 6.35 acres of reclamation performed at the Ojo Encino mine located in T19N, R5W, Section 9. This application is being processed as modification number 23-1 to permit MK043MN.

Pursuant to 19.10.3.302.G NMAC, MMD is requesting comments from your agency regarding this application. The application from the operator can be downloaded from MMD’s website at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk043mn-ojo-encino-mine/>

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Sincerely,

Kevin Barnes  
Permit Lead  
Mining Act Reclamation Program (MARP)

cc: Mine File (MK043MN)

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Mining and Minerals Division



July 28, 2023

Ms. Erika Rowe  
EMNRD-Forestry Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**RE: Request for Comments on Modification 23-1 Application for Ojo Encino, Partial Release of Financial Assurance on 6.35 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK043MN:**

Dear Ms. Rowe,

On June 22, 2023, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify permit number MK043MN. The application requests partial release of financial assurance associated with approximately 6.35 acres of reclamation performed at the Ojo Encino mine located in T19N, R5W, Section 9. This application is being processed as modification number 23-1 to permit MK043MN.

Pursuant to 19.10.3.302.G NMAC, MMD is requesting comments from your agency regarding this application. The application from the operator can be downloaded from MMD’s website at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk043mn-ojo-encino-mine/>

In accordance with 19.10.3.302.G NMAC, your agency has 20 days from the date of receipt of this letter in which to provide comments. The Director will consider these comments in making the determination of eligibility for minimal impact status. If you have any questions, please contact me at (505) 470-5354 or by e-mail at [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

Kevin Barnes  
Permit Lead  
Mining Act Reclamation Program (MARP)

cc: Mine File (MK043MN)

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



July 28, 2023

Ms. Anne Maurer  
NMED Ground Water Quality Bureau  
P.O. Box 5469  
Santa Fe, NM 87502-5469

**RE: Request for Comments on Modification 23-1 Application for Ojo Encino, Partial Release of Financial Assurance on 6.35 Acres of Reclamation, McKinley County, New Mexico, Permit No. MK043MN:**

Dear Ms. Maurer,

On June 22, 2023, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify permit number MK043MN. The application requests partial release of financial assurance associated with approximately 6.35 acres of reclamation performed at the Ojo Encino mine located in T19N, R5W, Section 9. This application is being processed as modification number 23-1 to permit MK043MN.

Pursuant to 19.10.3.302.G NMAC, MMD is requesting comments from your agency regarding this application. The application from the operator can be downloaded from MMD’s website at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk043mn-ojo-encino-mine/>

In accordance with 19.10.3.302.G NMAC, your agency has 20 days from the date of receipt of this letter in which to provide comments. The Director will consider these comments in making the determination of eligibility for minimal impact status. If you have any questions, please contact me at (505) 470-5354 or by e-mail at [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

Kevin Barnes  
Permit Lead  
Mining Act Reclamation Program (MARP)

cc: Mine File (MK043MN)