

State of New Mexico
Energy, Minerals and Natural Resources Department

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Cabinet Secretary

Ben Shelton
Deputy Secretary

Erin Taylor
Deputy Secretary

Erin McCullough, Director
Mining and Minerals Division



November 6, 2025

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 25-1

Dear Mr. Klewsaat,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package for Modification 25-1 (“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 Department of Game and Fish (“NMDG&F”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), and the New Mexico Office of the State Engineer (“NMOSE”). 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 MMD and other reviewing agencies. Please respond to any comments or recommendations in writing within 30 days. MMD’s technical comments are as follows:

- During inspections conducted as part of the review of Modification 25-1, MMD noted the immediate presence of invasive plants in recent reclamation areas in Sections 1 and 12, namely Halogeton. MMD did not observe any presence of plants in the approved seed mix at any of the reclamation considered under Modification 25-1. Additionally, MMD observed the growth of Halogeton on cover stockpiles at a new mine area in Section 7. MMD requests that Miocene develop a written plan to be approved as part of this modification to control Halogeton growth on new reclamation that considers the following factors:
 - Near total domination of reclamation areas by invasives does not match MMD’s requirements for ultimate release of these reclamation areas and may prevent release after the 12 year holding period.
 - Presence of invasives on cover stockpiles indicates Miocene may unintentionally developing a problematic seedbed in cover materials *before* application to reclamation

areas and spreading of preferred seeds. Any plan to control Halogeton growth at mine reclamation areas must also consider the control of growth on any stockpiles. MMD also encourages considering the application of the prescribed seed mix to cover stockpiles as material is excavated and stockpiled.

NMDG&F Comments:

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

NMDCA/HPD Comments:

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

NMOSE Comments:

Please review the comment memo received from NMOSE and respond to any concerns.

If you have any questions, please contact me at (505) 470-5354, or via email at kevin.barnes@emnr.dnm.gov.

Sincerely,



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

Enclosures: Agency Letters

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

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

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For information call: (888) 248-6866

<https://wildlife.dgf.nm.gov>

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25 September 2025

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

RE: Modification 25-1, Brie I Mine, Partial Release of Financial Assurance for 8.45 Acres in Sections 12 and 1 and 13.0 Acres in Section 3, Mckinley County, New Mexico. Permit No. MK039MN; NMDGF No. NMERT-5015.

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 8.45 acres of reclamation work performed in Sections 12 and 1 and 13.0 acres in Section 3. Staff from the Department and MMD conducted site inspections on 10 and 23 September 2025.

Department staff observed that the mine sites had been backfilled, recontoured to conform with the surrounding habitat, ripped, and seeded. Seeding in Sections 12 and 1 was completed on 24 June 2025. Seeding in Section 3 was completed on 5 August 2025. 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 weeds Russian thistle (*Salsola tragus*) and halogeton (*Halogeton glomeratus*) are widespread in the area and were the dominant species observed on the recently reclaimed mine sites. The Department recommends that Miocene continue to implement an integrated weed management program that includes a commitment to control Russian thistle and halogeton within the mine permit area. Aggressive control of these species is particularly important at recently reclaimed sites to allow native species to germinate and become established.

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.

Sincerely,

Virginia Seamster, Ph.D.
Assistant Chief for Technical Guidance, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office

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Mining and Minerals Division



HPD Log #126296
Received 8/22/2025

August 22, 2025

Ms. Cortney Wands
Department of Cultural Affairs, Historic Preservation Division
407 Galisteo St., Suite 236
Santa Fe, NM 87501

RE: Request for Comments on Modification 25-1 Application for Brie 1, Release of 8.45 Acres in Section 12 / 1 and Release of 13.0 Acres in Section 3, McKinley County, New Mexico, Permit No. MK039MN:

Dear Ms. Wands,

On August 18, 2025, the Mining and Minerals Division (“MMD”) received a permit application from Miocene, LLC, to modify Permit No. MK039MN for the Brie 1 Mine in McKinley County. The application requests the release of financial assurance associated with 8.45 acres of disturbance in Section 12 & 1, Township 19N, Range 6W, and 13.0 acres of Section 3, Township 19N, Range 6W. This application is being processed as modification number 25-1 to Permit No. MK039MN.

Pursuant to 19.10.3.304.H 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/mk039mn-brie-mine/>

In accordance with 19.10.3.304.H 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.

Sincerely,

Kevin Barnes
Permit Lead
Mining Act Reclamation Program (MARF)

No comment.

for the New Mexico State
Historic Preservation Officer

cc: Mine File (MK039MN)

From: [Krambis, Christopher, OSE](#)
To: [Barnes, Kevin, EMNRD](#)
Cc: [Zemlick, Katie, OSE](#)
Subject: RE: MK039MN - Brie 1 Mine - Modification 25-1 Request for Comment
Date: Monday, September 8, 2025 2:12:48 PM

Hello Kevin,

The Hydrology Bureau has reviewed the materials you requested regarding the permit modification referenced below and has no comments.

Thank you.

Christopher Krambis, Jr., P.G.

Lead Water Resources Professional

New Mexico Office of the State Engineer | Hydrology Bureau

130 South Capitol Street

Santa Fe, NM 87501

Concha Ortiz y Pino Building

Phone: (505) 827-7933 Fax: (505) 827-3806

Email: Christopher.Krambis@ose.nm.gov

Website: <https://www.ose.state.nm.us/>

From: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Sent: Friday, August 22, 2025 2:54 PM
To: Zemlick, Katie, OSE <Katie.Zemlick@ose.nm.gov>
Subject: MK039MN - Brie 1 Mine - Modification 25-1 Request for Comment

Good afternoon Katie,

Please see the attached request for comment on the proposed Modification 25-1 to Permit No. MK039MN for the Brie 1 Mine. The application requests the partial financial assurance release for 21.45 acres reclaimed lands within Sections 1, 3 & 12, Township 19 N, Range 6W. Per 19.10.3.304.H NMAC you have 20 days to provide comment on the proposed activities. The application can be downloaded from the MMD website at this address:

<https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/minimal-impact-new/mk039mn-brie-mine/>

A site inspection will be held in early September for this application. Please let me know if any of your team wishes to attend.

Regards,

Kevin

Kevin Barnes
Reclamation Specialist
Mining and Minerals Division
Mining Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 470-5354