

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Erin Taylor
Acting Cabinet Secretary

Benjamin Shelton
Deputy Cabinet Secretary

Drew Roybal-Chavez
Deputy Director
Mining and Minerals Division



April 8, 2026

Darin Klewsaat, Mining Manager
Horizon Ag-Products, LLC
1819 Denver West Drive, Suite 350
Lakewood, CO 80401

**RE: Agency Review Comments - Modification 25-2
Brie 1 Mine, McKinley County, New Mexico, Permit No. MK039MN**

Dear Mr. Klewsaat,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package for Modification 25-2 (“PAP”) submitted by Horizon Ag-Products, LLC, on behalf of Miocene, LLC, for the Brie 1 Mine, located in McKinley County, New Mexico. In accordance with 19.10.3.304.H 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”), and the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”). 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 from reviewing agencies. Please respond to any comments or recommendations in writing within 30 days.

NMDG&F Comments:

Please review the comment letter received from NMDG&F and respond to any concerns.

NMDCA/HPD Comments:

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

Agency Review Comments - Modification 25-2
Brie 1 Mine, McKinley County, New Mexico, Permit No. MK039MN
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If you have any questions, please contact me at (505) 470-5354, or via email at 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 ("MARP")

Enclosures: Agency Letters

Cc: David "DJ" Ennis, Program Manager, MARP/MMD
Steve Whiting, Horizon Ag-Products
Mine 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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Albuquerque

3 February 2026

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

RE: Modification 25-2, Brie I Mine, Partial Release of Financial Assurance for 8.56 Acres in Section 7, Mckinley County, New Mexico. Permit No. MK039MN; NMDGF No. NMERT-5467.

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 8.56 acres of reclamation work performed in Section 7, Township 19N, Range 6W. Staff from the Department, MMD, and the Operator conducted a site inspection on 27 January 2026.

Department staff observed that the mine site had been backfilled, recontoured to conform with the surrounding habitat, and seeded. Seeding was completed in November 2026. The reclamation site was not ripped, and seeds were observed on the surface fully exposed to redistribution by the wind and readily available to be consumed by birds and small mammals. Ripping has been a standard practice in reclamation at humate mines to hold seeds in place and to help trap moisture following rain events. The Department suggests that drill seeding, combined with swales and shallow depressions to hold rainwater, may provide more successful reclamation results.

The invasive, non-native, annual weeds Russian thistle (*Salsola tragus*) and halogeton (*Halogeton glomeratus*) are widespread in the area. The Department continues to recommend that Miocene 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
Wildlife Management Division, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Michele Lujan Grisham
Governor

Erin Taylor
Acting Cabinet Secretary

Ben Shelton
Deputy Secretary

Erin McCullough, Director
Mining and Minerals Division



January 2, 2026

HPD Log #127142
Received 1/2/2026

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 25-2 Application for Brie 1, Release of 8.56 Acres in Section 7, McKinley County, New Mexico, Permit No. MK039MN:

Dear Ms. Wands,

On November 25, 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 8.56 acres of disturbance in Section 7, Township 19N, Range 6W. This application is being processed as modification number 25-2 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.emrmd.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@emrmd.nm.gov.

Sincerely,

Kevin Barnes
Permit Lead
Mining Act Reclamation Program (MARP)

The New Mexico State Historic
Preservation Office has no comment.

cc: Mine File (MK039MN)

for the New Mexico State Historic
Preservation Officer