

February 13, 2025

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Mr. Kevin Barnes, Permit Lead  
Mining Act Reclamation Program (MARF)  
State of New Mexico – Energy, Minerals  
and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Dear Mr. Barnes:

This correspondence is intended to respond to January 31, 2025 *Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 24-1* letter from the Mining Act Reclamation Program of the New Mexico – Energy, Minerals and Natural Resources Department. The permit modification request is for the Brie 1 mine permit area to include the NE1/4 of Section 3, Township 19N, Range 9W.

The January 31, 2025 letter contained reviewing agency comment letters submitted by the following state agencies:

1. The New Mexico Environment Department (NMED);
2. The New Mexico Department of Game and Fish (NMDG&F);
3. The New Mexico Department of Cultural Affairs – Historic Preservation Division (NMDCA-HPD);
4. New Mexico Forestry Division (EMNRD – Forestry Division).

Miocene, LLC (Miocene) has reviewed the letter and has responded to concerns or questions on a departmental basis below:

#### **1. The New Mexico Environment Department (NMED)**

The NMED comments were received from both the NMED Surface Water Quality bureau and the Air Quality Bureau through Ms. Amber Rheubottom, Acting Mining Act Coordinator.

The Surface Water Quality Bureau (SWQB) recommended policies and procedures regarding spills, spill clean-up, noxious weed management, and secondary containment during petroleum liquid product transfers. The SWQB also cited surface disturbances during road construction and use, as well as potential impacts to stormwater quality through vegetation and containment systems where applicable. The Brie 1 Mine, which is a minimal impact mining operation as it does not exceed 40 acres of disturbed land is currently under a Construction General Stormwater Permit (CGP-NMR100218). Please note no outfalls are present and an updated SWPPP has been implemented at the location.

The New Mexico Air Quality Bureau (aqB) recommended policies and procedures regarding particulate matter control. Our mining operations are limited to bulldozer and front loader excavation, stockpiling, and loading of over the road trucks. There is no screening or crushing taking place at the Brie 1 surface mines. As noted in 20.2.72.202 NMAC, front loaders and a variety of other mobile equipment are exempt regarding particulate matter considerations.

In regards to the policies and procedures listed in the January 31, 2025 review letter, Miocene personnel understand and perform their daily mining work adhering to these procedures and policies as applicable to our operation.

The NMED summarized their comments stating that the “NMED has determined that the proposed activities will be protective of the environment if done in accordance with the approved permits and pollution controls as presented.”

## **2. The New Mexico Department of Game and Fish (NMDG&F)**

The NMDG&F November 21, 2024 correspondence recommended that prior to initiating road construction, the grassland areas along the proposed road route should be surveyed for Gunnison’s prairie dog colonies, and should be avoided by establishing a 100-ft buffer zone from the outermost burrows.

Miocene will review the road route and take the prairie dog colony avoidance recommendation into account and keep the road center the recommended 100-ft from the outermost burrow of an existing colony, as applicable.

## **3. The New Mexico Department of Cultural Affairs – Historic Preservation Division (NMDCA-HPD)**

The NMDCA-HPD November 4, 2025 correspondence recommended that Miocene contact the Navajo Historic Preservation Department as the permit modification area falls on Navajo administered lands and the New Mexico Historic Preservation Officer (SHPO) does not comment on activities that take place on the Navajo Nation.

The area of question is noted in the lease agreement previously provided to EMNRD-MMD by Miocene. Please note that Section 7. Representation, Warranties and Covenants of the Title whereby the lessor represents and warrants to Lessee that lessor has title to the land and humate to grant Lessee the leasehold estate and the Rights specified in the lease. The section also details the Lessor’s rights to mine at these locations through note of the agreements listed therein.

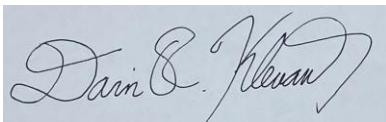
## **4. New Mexico Forestry Division (EMNRD – Forestry Division)**

The EMNRD – Forestry Division October 28, 2025 correspondence stated that they “do not anticipate any impacts to the State Listed Endangered Plants or Federally Listed Endangered or Threatened plants as a result of this project modification, as described in this application.”

Miocene has responded to the comments and questions from the four New Mexico 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), and the New Mexico Forestry Division (EMNRD – Forestry Division).

If there are any questions, comments, or if additional information is required, please contact me at your earliest convenience.

Thank you, Kevin.



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