

November 25, 2025

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

Regarding: Response to the Mining Act Reclamation Program of the New Mexico – Energy, Minerals and Natural Resources Department: November 6, 2025 *Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 25-1*

Dear Mr. Barnes:

This correspondence is intended to respond to November 6, 2025 *Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 25-1* technical comment 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 including the former leonardite mines, now reclaimed in Section 1, Section 3 - SE, and Section 12.

The November 6, 2025 technical comment letter contained reviewing agency comment letters submitted by the following state agencies:

1. Mining Act Reclamation Program of the New Mexico Energy, Minerals and Natural Resources Department (MARP);
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 Office of the State Engineer (NMOSE).

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

#### **1. New Mexico – Energy, Minerals and Natural Resources Department**

In the General Comments section of the November 6, 2025 *Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 25-1* letter from the Mining Act Reclamation Program of the New Mexico – Energy, Minerals and Natural Resources Department, the NM&MD had the following technical comments:

“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 areas considered under Modification 25-1. Additionally, MMD observed the growth of Halogeton 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. Any plan to control Halogeton growth at mine reclamation areas must consider the control of growth on any stockpiles,. NMM&MD also encourages considering the application of the proscribed seed mix to cover stockpiles as material is excavated and stockpiled.

As we discussed during our November 20, 2025 meeting at your offices, Miocene does acknowledge the dominance of Halogeton and Russian Thistle in the environment, both in reclaimed and the undisturbed surrounding environment. We agreed that Halogeton is a challenging invasive, non-native plant that is found throughout the New Mexico high desert environment and is subject to wind dispersal from areas outside the reclaimed areas. As noted in the USDA database, the range of the invasive, often ubiquitous plant Halogeton is primarily in the dry, arid regions of the western United States, including states like California, Colorado, Nevada, New Mexico, Oregon, Utah, and Wyoming.

During our meeting, the NMM&MD stated that a Corrective Action Plan (CAP) correspondence was pending for both the Miocene Brie 1 Mines as well as the historical former San Luis Mine to improve the reclamation outcomes. The NMM&MD CAP correspondence will require that Miocene will evaluate other ground seeding preparation methods other than furrowing as well as other seeding techniques, to improve the germination results, as well as short term and long term growth of the approved reclamation seed mix.

Miocene is currently reviewing and evaluating a number of documented approaches and strategies in the academic and industry literature in restoring and reclaiming former mine disturbance areas in high desert ecosystems.

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

The NMDG&F September 21, 2025 correspondence stated that "the Department (NMDG&F) does not have any concerns regarding the proposed partial release of financial assurance for the completed reclamation work". The NMDG&F did state that the invasive, non-native, annual weeds Russian thistle (*Salsola tragus*) and Halogeton (*Halogeton glomeratus*) are widespread in the area 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."

Miocene will review the best practices and seek collaboration with the MARP as part of the pending CAP to better understand successful and proven options to lower the or eliminate the Russian thistle and Halogeton population in the recently reclaimed mine sites.

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

Kevin Barnes of the NMM&MD corresponded with Cortney Wands New Mexico State Preservation Officer of the NMDCA-HPD on August 22, 2025 and the notation on the NMM&MD correspondence stated that there was "No comment for the NM State Preservation Officer."

**4. New Mexico Office of the State Engineer | Hydrology Bureau (NMOSE – Hydro Bureau)**

The NMSOE – Hydrology Bureau replied to Kevin Barnes’ e-mail request on September 8, 2025 for comment by stating: “ The Hydrology Bureau has reviewed the materials you requested regarding the permit modification referenced below and has no comments.”

Miocene has responded to the comments and questions from the four New Mexico agencies in response to the November 6, 2025 *Agency Review Comments and Request for Additional Information, Brie 1 Mine, McKinley County, New Mexico, Permit Tracking No. MK039MN – Modification 25-1* technical comment letter: Mining Act Reclamation Program of the New Mexico Energy, Minerals and Natural Resources Department (MARPN); 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).

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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