



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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29 August 2023

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

RE: Modification 23-1, Ojo Encino Mine, Partial Release of Financial Assurance, McKinley County, New Mexico, Permit No. MK043MN; NMDGF Project No. NMERT-2758.

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 6.35 acres of reclamation work performed at the Ojo Encino Mine. Staff from the Department, MMD, and the Operator conducted a site inspection on 24 August 2023.

Department staff observed that the mine site had been backfilled, recontoured to conform with the surrounding habitat, deep-ripped, and seeded. Seeding was done in early August, 2023. 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 weed Russian thistle (*Salsola tragus*) is widespread in the area surrounding the reclamation site and has become the dominant plant species at this site. The Department recommends that Miocene implement an integrated weed management program that includes a commitment to control Russian thistle within the mine permit area.

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,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division
cc: USFWS NMES Field Office