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21 November 2024

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

**RE: Modification 24-1, Brie I Mine, Expansion of Permit Area into NE ¼ of Section 3
McKinley County, New Mexico, Permit No.MK039MN; NMDGF No. NMERT-3888.**

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Miocene, LLC (Miocene) is requesting to expand the Brie I mine permit area to include the NE ¼ of Section 3, Township 19N, Range 9W. Staff from the Department, New Mexico Environment Department, MMD, and the Operator conducted a site inspection on 20 November 2024.

The expansion of the permit area is being requested to allow for the construction of a new road to access a mining area that is located within the existing mine permit area. At this time, construction of this new road is the only activity proposed to occur within the requested expansion of the mine permit area. The length of the proposed new road will be approximately 2,590 feet and it will be constructed through big sagebrush (*Artemisia tridentata*)/grassland habitat. Prior to initiating road construction, the Department recommends that Miocene survey the grassland areas along the proposed route for Gunnison's prairie dog (*Cynomys gunnisoni*) colonies. Gunnison's prairie dogs are designated as a New Mexico Species of Greatest Conservation Need, and their colonies provide important habitat for other grassland wildlife. If any prairie dog colonies are documented, road construction activities should avoid disturbing the colony by establishing a 100-foot buffer zone from the outermost burrows.

Thank you for the opportunity to review and comment on the proposed permit modification. 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, Ecological and Environmental Planning Section
cc: USFWS NMES Field Office