

From: [Roth, Daniela, EMNRD](#)
To: [Ennis, David, EMNRD](#)
Subject: RE: Request for Agency Comments - Summa Silver Mogollon
Date: Wednesday, March 24, 2021 8:26:01 AM

Dear David Ennis:

Thank you for giving me the opportunity to review and comment on the Summa Silver Mogollon Minimal Impact Exploration project in Catron County, New Mexico (Permit No. CA027EM). I do not anticipate any impacts to state listed endangered plants from the minimal impact exploration.

Please let me know if I can be of further help.

Sincerely,

Daniela Roth

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-372-8494 (cell)
<http://www.emnrd.state.nm.us/SFD/>

From: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Sent: Thursday, March 18, 2021 10:36 AM
To: McCarthy, Laura, EMNRD <Laura.McCarthy@state.nm.us>
Cc: Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>
Subject: Request for Agency Comments - Summa Silver Mogollon

Ms. McCarthy,

Attached please find a request for agency comments on the Summa Silver Mogollon Project, CA027EM.

The exploration application can be found on MMD's website at:
http://www.emnrd.state.nm.us/MMD/MARP/SummaSilverMogollon_CA027EM.html

This is electronic delivery only; a hard-copy will not be mailed out.

If you have any questions, please let me know.

Thanks,
DJ

DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
david.ennis@state.nm.us

NOTE NEW CELL/OFFICE PHONE NUMBER:
(505) 372-8634



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

March 31, 2021

DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
david.ennis@state.nm.us

Re: HPD Log# 114854, Request for Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

Dear Mr. Ennis:

I am writing in response to your request for review and comment on the above referenced Minimal Impact Exploration permit request received at this office March 18, 2021.

Pursuant to 19.10.4. 403 NMAC: "Cemeteries and burial grounds and the disturbance of cultural resources listed on or eligible for the National Register of Historic Places (NRHP) or the State Register of Cultural Properties shall be avoided until clearance has been granted by the director after consultation with the state historic preservation officer.

There are no known cemeteries or other burial grounds in the project area, but, according to our files, and based on the map of the mine exploration locations supplied in the permit file (Figure 2) drilling locations #3, #4, #8, #9, #30, and, possibly, # 2 are situated within a State Register Property (SR 1413 -Fannie Hill Mill & Company Town Historic District). Additionally, drilling location #s 14 and #15 appear to be abutting an historic property that is eligible for the NRHP.

The permit application states that a survey of the permit area ("*A Class III Cultural Resources Survey of 21 Acres of Private Land Near Mogollon, Catron County, New Mexico, For a Proposed Mineral Exploration Drilling Project, Summa Silver Corporation*") NMCRIS Activity No. 147264) by John M.D. Hooper/WestLand Resources, Inc.) has recently been completed. We have not received this report. Please provide the SHPO with a copy of this survey report, and any associated historic property site forms, so that we can conclude our review of this submission.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard. Reycraft
Staff Archaeologist

From: [Reycraft, Richard, DCA](#)
To: [Ennis, David, EMNRD](#)
Subject: Re: HPD Log# 114854, Request for Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM
Date: Wednesday, March 31, 2021 4:16:51 PM

Hello DJ,

I will consider this when I review the submitted cultural resources survey report. The CR survey should have covered all of the roads as well as the exploration areas.

Cheers

Rick

From: Ennis, David, EMNRD
Sent: Wednesday, March 31, 2021 4:09 PM
To: Reycraft, Richard, DCA
Subject: RE: HPD Log# 114854, Request for Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

Hi Rick,

The assessment below from DCA references Figure 2, when Attachment D is the figure that should have been used. Figure 2 is from the Biological Report, while Attachment D shows the drill pad locations Summa Silver is proposing for this exploration project as well as road improvements and new roads.

I initially made this exact same error in my review of the application.

Would it be possible to re-evaluate the scope of exploration based on Attachment D (and not Figure 2)? There is definitely overlap between the figures, but Figure 2 doesn't take into account the roads to be modified or created. As such, I think it's best to request a re-review based on the correct figure (Attachment D).

What do you think?

Please give me a call if this is unclear or if you wish to discuss.

Thanks,
DJ

*DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
david.ennis@state.nm.us*

NOTE NEW CELL/OFFICE PHONE NUMBER:
(505) 372-8634

From: Reycraft, Richard, DCA <richard.reycraft@state.nm.us>
Sent: Wednesday, March 31, 2021 8:36 AM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Subject: HPD Log# 114854, Request for Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

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The permit application states that a survey of the permit area ("*A Class III Cultural Resources Survey of 21 Acres of Private Land Near Mogollon, Catron County, New Mexico, For a Proposed Mineral Exploration Drilling Project, Summa Silver Corporation*" NMCRIS Activity No. 147264) by John M.D. Hooper/WestLand Resources, Inc.) has recently been completed. We have not received this report. Please provide the SHPO with a copy of this survey report, and any associated historic property site forms, so that we can conclude our review of this submission.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us
Sincerely,

Richard Reycraft

Staff Archaeologist

MEMORANDUM
OFFICE OF THE STATE ENGINEER
Hydrology Bureau

DATE: April 5, 2021

TO: David J. Ennis, Permit Lead, Mining Act Reclamation Program ("MARP")/MMD

THROUGH: Ghassan Musharrafieh, Ph.D., P.E., Hydrology Bureau Chief *GRM*

FROM: Kamran H. Syed, Ph.D., P.E., Hydrology Bureau *KHS*

SUBJECT: Hydrology Review and Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

I. Introduction and Conclusions

On March 18, 2021, the State of New Mexico Energy, Minerals and Natural Resources Department (EMNRD) requested the New Mexico Office of the State Engineer (NMOSE) Hydrology Bureau to review and comment on the MMD CA027EM Part 3 Minimal Impact Exploration Operation Permit Application for the Summa Silver Corp. for a minimal impact exploration project north of Mogollon, New Mexico ("Project"). The project consists of the drilling and evaluation of 50 boreholes, 600 to 2000 feet deep (4–5 inch diameter), exploring for precious metals (gold and silver). The boreholes will be drilled at 19 drill sites (50 feet x 50 feet drill pads).

The locations of the proposed boreholes are within Sections 27 and 28 of Township 10 South, Range 19 West. The project location is just north of the town of Mogollon, New Mexico, and approximately 7 miles east of the town of Alma, NM in Catron County. The surface elevations at the locations of the proposed boreholes range from approximately 6900 to 7100 feet above mean sea level (amsl).

Comment Summary

1. Groundwater
 - a. Based on the proposed borehole depths, it is most likely that groundwater will be encountered, either in borings through the alluvium of Mineral Creek/Silver Creek or tributary washes. Groundwater encountered through proposed maximum exploration depth of 2,000 feet in the crystalline rock may be under artesian conditions and/or require competent segregation from shallow groundwater sources when the borings are decommissioned, which would require additional administrative filings with the NMOSE through our District 3 Office.
 - b. In the unlikely event that no water is encountered MMD regulations (19.10.3 NMAC) will prevail, and NMOSE regulations (19.27.4 NMAC) would not apply.

- c. The application does not state whether the completed forms WR-07 (Application for permit to drill a well with no consumptive use of water) and WD-08 (Well plugging plan of operations) have been filed with the District Office of the State Engineer. It is stated in the application that copies of these forms will be provided when the driller is selected.

2. Borehole Abandonment

- a. In the unlikely event that the groundwater is not encountered MMD regulations for plugging (Subsection L of 19.10.302 NMAC) will prevail over NMOSE regulations for plugging (Subsection C of 19.27.4.30 NMAC)
- b. If water is encountered NMOSE well plugging regulations (Subsection C of 19.27.4.30 NMAC for non-artesian conditions; Subsection K of 19.27.4.31 NMAC for artesian conditions) should be followed.

II. Surface water

USGS 7.5-minute Topo map (Mogollon Quadrangle) and GIS data from NMOSE Geographic Information System database were used to locate surface water bodies in the vicinity of the proposed drill sites. The project site is approximately 1 mile west of Mineral Creek. Several area springs and ephemeral drainages are located in the vicinity of the proposed drill sites (Silver Creek, Deadwood Gulch etc.). In the NMOSE GIS Hydrographic Database, Mineral Creek is designated as a perennial stream.

It is recommended to avoid drilling in or within 100 feet of any streams and drainages. Subsection F of Section 6-*Groundwater/Surface Water Information* (page 16) of the MMD's "Part 3 Minimal Impact Exploration Operation PERMIT APPLICATION INSTRUCTIONS" (2012), suggests that drilling in or near water courses even if it is dry for most of the year is not preferred and will likely result in some drilling restrictions by the MMD. NMOSE regulation 19.27.4.29.P.(2)NMAC notes that drilling fluids and cuttings shall not be allowed to migrate or be discharged off property under the control of the well owner, and that no drilling fluid or cuttings be discharged into any waters of the State.

III. Groundwater

Using the New Mexico Water Right Reporting System (NMWRRS), 34 wells were identified within approximately 1 mile of the proposed project area. Out of those 34 wells, nine wells have well depth information and five wells have both well depth and depth to water (DTW) information. The well depths range from a minimum of 12 feet to a maximum of 200 feet. The DTW values range from a minimum of 6 feet to a maximum of 70 feet. Details are provided in the following table.

NMOSE POD Number	UTM Easting, m	UTM Northing, m	Approximate distance from the centroid of proposed wells, feet	Depth of Well, feet	Depth To Water, feet
GSF 01031	146731	3701930	3214	45	6
GSF 01044	146731	3701930	3214	18	
GSF 01045	146731	3701930	3214	12	
GSF 01047	146731	3701930	3214	25	
GSF 03580	146860	3701869	3342	123	21
GSF 01297	146830	3701829	3483	14	
GSF 03375	146998	3701810	3523	200	70
GSF 03797	146998	3701810	3523	104	12
GSF 02418	146630	3701829	3624	100	12

The project boreholes are proposed to be drilled to a maximum depth of 2000 feet. Given water level information from NMWRRS, presented above, it seems very likely that the proposed boreholes will encounter groundwater.

Since it is likely that groundwater will be encountered, the NMOSE requirements for the drilling and plugging of the proposed boreholes should be observed and met. *Application for Permit to Drill a Well with No Water Right* (NMOSE Form *WR-07*) for the proposed boreholes (that encounter water) would be required (The NMOSE District 3 Office may require additional filings such as an *Artesian Well Plan of Operations* if artesian conditions are encountered). The NMOSE regulation 19.27.4 also requires among other things, that the borehole be drilled by a New Mexico-licensed well driller.

IV. Exploratory borehole abandonment

MMD regulations (19.10.3 NMAC) prevail over those of NMOSE (19.27.4 NMAC) if groundwater is **not** encountered during exploratory drilling (this scenario is highly un-likely for the proposed borehole depth of 2000 feet as stated earlier). For exploratory borings that do not encounter a water-bearing stratum, MMD plugging regulation Subsection L of NMAC 19.10.3.302 addresses MMD-preferred plugging alternatives. In the event that drilling does encounter groundwater (a highly likely scenario for the proposed boreholes under this application), pluggings should be according to either a pre-approved “*plugging conditions*” attached to the NMOSE drilling permits, or can be separately conditioned by a *Well Plugging Plan of Operations*, as dictated by NMOSE Water Rights District 3 (Deming Office). Additional details regarding well plugging requirements under 19.27.4 NMAC are included in the attached document (“General Concerns Related to NMOSE Regulation of Exploratory Borehole Drilling Encountering Groundwater and Associated Plugging of those Borings”).

It is not clear whether a plugging plan has been provided to the NMOSE District 3 (Deming) Office. However, in the permit application, two of the options for abandonment of wet boreholes are selected. Wet boreholes will be decommissioned with a high-density bentonite (with a limited upper interval of cement) or net cement slurry. NMOSE regulation (19.27.4 NMAC) addresses

requirements for well's decommissioning and should be met if applicable. If the borehole is not flowing, a high-solids bentonite grout is an acceptable sealant **IF** water chemistry does not preclude its use – Chloride concentration in excess of 1500 mg/l or total hardness in excess of 500 mg/l are derogatory to bentonite sealant use, and bentonite sealant should not be used in this case. Refer to the NMOSE guidelines for well construction and plugging:

<https://www.ose.state.nm.us/Statewide/Guidelines/SealantTableSigned.pdf>, as well.

V. References

Mining and Minerals Division, 2011, Guidance Document for Part 3 Permitting Under the New Mexico Mining Act. Energy, Minerals and Natural Resources Department, Mining Act Reclamation Program October 2011.

http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part_3_Guidelines_October2011_.pdf

Mining and Minerals Division, 2012, Part 3 Minimal Impact Exploration Operation: PERMIT APPLICATION INSTRUCTIONS. Energy, Minerals and Natural Resources Department.

http://www.emnrd.state.nm.us/MMD/MARP/Documents/Part3_ExplorationApplication_Instructions_Feb2012.pdf

New Mexico Office of the State Engineer and New Mexico State Engineer and Interstate Stream Commission. New Mexico Water Rights Reporting System (NMWRRS).

URL: <http://nmwrrs.ose.state.nm.us/nmwrrs/index.html>

General Concerns Related to NMOSE Regulation of Exploratory Borehole Drilling Encountering Groundwater and Associated Plugging of those Borings

Well drilling activities (including mineral exploration borehole drilling (“mine drill holes”) that penetrate a water-bearing stratum) and well plugging, are regulated in part under 19.27.4 NMAC (New Mexico Administrative Code). Most recently promulgated in 6/30/2017, these regulations require any person engaged in the business of well drilling within New Mexico to obtain a Well Driller License issued by the NMOSE (New Mexico Office of the State Engineer). Therefore, a New Mexico licensed Well Driller shall perform the drilling and plugging of exploratory boreholes that encounter groundwater.

Exploration drilling where any form of groundwater is encountered will be subject to pertinent sections of 19.27.4 NMAC, including but not limited to Sections 19.27.4.30.C NMAC for plugging and abandonment of non artesian wells / borings; 19.27.4.31 NMAC for artesian wells / borings; and 19.27.4.36 NMAC for mine drill holes that encounter water. A complete version of the NMOSE 19.27.4 NMAC regulations can be found on the NMOSE website at:

<http://164.64.110.134/parts/title19/19.027.0004.html> . The Mining and Mineral Division (MMD) will likely place additional conditions on the drilling and plugging of all mineral exploration borings via the MMD project permit.

All onsite drilling and plugging activities where groundwater is encountered shall be conducted under the supervision of the New Mexico-licensed Well Driller or a NMOSE-registered Drill Rig Supervisor under the direction of the licensed Well Driller.

Additional NMOSE filings will be required where it is requested that an exploratory borehole be converted to a water well. The well design and construction shall be subject to the provisions of 19.27.4 NMAC Regulations. Appropriation of water from such a conversion may require a water right. **The MMD may disallow the conversions of exploratory borings to water wells if not permitted specifically in the MMD permit.**

Use/extraction of Temporary Casing

When drilling through overburden or caving, poorly-consolidated, or karst geologic units, use of temporary casing may be desired. Any temporary casing should be installed with the full intention of its removal before borehole plugging, therefore temporary casing should be inserted into a borehole of sufficiently large diameter to allow easy extraction upon termination of drilling. NMAC 19.27.4 regulations dictate methodology for the installation of permanent well casing, including the installation of required annular seal, should that option be more prudent.

If temporary casing lacking a rule-compliant annular seal or casing grade becomes stuck in-place downhole, the potential for permanent commingling of aquifers or downhole surface water drainage may occur via an unsealed annulus. In these cases, staged casing cutting and extraction, or remedial casing perforation and squeeze-cementing will be required to the satisfaction of the State Engineer as part of final well decommissioning. Steps should be taken during drilling to prevent deleterious fall-in or drainage of cuttings/sediments into the annulus outside the temporary casing to best allow for full retrieval and proper borehole plugging.

When setting of temporary casing occurs or is expected, appropriate detail of the proposed casing extraction and borehole clean-out process prior to plugging will be required in the NMOSE *Well Plugging Plan of Operations* form. If exploratory drilling through stratified or artesian aquifer systems, filing a NMOSE *Artesian Well Plan of Operations* may be required to preemptively assess and address NMOSE concerns regarding best borehole decommissioning practices.

Exploratory Borehole Plugging

Terms of borehole plugging will be established jointly by the evaluation of the NMOSE *Well Plugging Plan of Operations* and the review of the relevant MMD application for water-bearing boreholes. Approved high-solids bentonite abandonment-grade sealants and/or approved cement slurries will be required for plugging as deemed hydrogeologically appropriate by the agencies. NMOSE-authorized cement slurries will be required for the decommissioning of flowing artesian boreholes. If the exploratory borings do not encounter groundwater, MMD plugging regulations (19.10.3 NMAC) prevail over those of 19.27.4 NMAC.

NMOSE well plugging regulations require tremie placement of the column of well sealant, which shall extend from the bottom of the borehole to ground surface. By regulation, pumping decommissioning sealants into the top of the borehole is not allowed. The NMOSE defers to the discretion of the MMD for the choice of sealant versus natural fill in the uppermost portion of a borehole plug to facilitate site restoration.

Required plugging of water-bearing exploratory borings shall occur within the timeframe specified by either the NMOSE or MMD to minimize cave-in and the potential for incomplete plugging due to blockages in the borehole.

Drill Rig Fuels, Oils and Fluids

Drill rigs contain and consume fuels, oil, and hydraulic fluids, and are subject to leaks. Drill rigs often remain in-place longer than other pieces of exploration equipment onsite, are frequently running, and are positioned immediately above and adjacent to the open borehole. As a standard practice to prevent contamination and reduce site cleanup activities, it may be beneficial to use bermed, impermeable ground sheeting under the drill rig. Consideration of bermed containment volume sufficient to accommodate a high-intensity precipitation event is also a good practice.



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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STATE GAME COMMISSION

SHARON SALAZAR HICKEY
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Cebolla
DAVID SOULES
Las Cruces
ROBERTA SALAZAR-HENRY
Las Cruces

7 April 2021

David J. (DJ) Ennis, P.G., Permit Lead
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

***RE: Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico,
Permit No. CA027EM; NMDGF No. NMERT-1098.***

Dear Mr. Ennis,

The New Mexico Department of Game and Fish (Department) has reviewed the proposed exploration project referenced above. Summa Silver Corporation (Summa Silver) is proposing to drill up to 50 exploratory holes, to a maximum depth of approximately 2,000 feet. The drilling sites will be located in Catron County, Township 10S, Range 19W, Sections 27 and 28. The project will disturb an area of approximately 1.44 acres. A site inspection was conducted on 30 March 2021 by staff from the Department, MMD, New Mexico Environment Department and Summa Silver. To minimize potential impacts to wildlife the Department provides the following recommendations.

Summa Silver proposes to drill using an open above ground tank to contain the drilling fluids. The Department recommends that the open containment tank is covered with metal grating or netting to exclude birds and bats. The Department recommends a mesh size of $\frac{3}{8}$ inch to exclude smaller animal species. Extruded plastic, knit, or woven netting material is preferred. Monofilament netting should not be used due to its tendency to ensnare wildlife and cause injury or death. Netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into the drilling fluids. During drilling operations, it is also important to prevent wildlife from entering and becoming trapped in stockpiled drill pipes. Capping piping is the most effective way to prevent wildlife entry but at a minimum, each section of pipe prior to use should be visually inspected to verify that wild animals are not inside.

Summa Silver anticipates that drilling operations will begin sometime during the summer months of 2021. Since ground disturbing and clearing activities will occur during the primary breeding season for migratory songbirds and raptors, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory), and when occupied, nest disturbance should be avoided until young have fledged. For active nests, adequate buffer zones should be established to minimize disturbance to nesting birds. Buffer distances should be ≥ 100 feet from songbird and raven nests, and 0.25 mile from raptor nests. Active nest sites in trees or shrubs

that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available for consultation regarding nest site mitigation, and can facilitate contact with qualified personnel.

The Department concurs with the proposed seed mix. The Department also recommends that the seed mix and mulch be certified weed-free, and that seed test results are requested from the vendor to avoid inadvertently introducing non-native species to the reclamation site. Any alternate seeds used to substitute for primary plant species that are unavailable at the time of reclamation should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site.

The Department recommends that during road and drill pad construction, large mature trees are left undisturbed to the maximum extent feasible. These species include alligator juniper (*Juniperus deppeana*), piñon pine (*Pinus edulis*), and ponderosa pine (*Pinus ponderosa*).

Thank you for the opportunity to review and comment on the proposed exploration project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us

Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office

From: [Reycraft, Richard, DCA](#)
To: sbristow@westlandresources.com
Cc: [Ennis, David, EMNRD](#)
Subject: NMCRIS Activity No. 147264, GIS upload
Date: Friday, April 9, 2021 8:39:37 AM

Good Morning Ms. Bristow,

I am currently reviewing the cultural resource report entitled "*A Class III Cultural Resources Survey of 21 Acres of Private Land Near Mogollon, Catron County, New Mexico, For a Proposed Mineral Exploration Drilling Project, Summa Silver Corporation*" (NMCRIS Activity No. 147264) by John M.D. Hooper/WestLand Resources, Inc. This report has been submitted to the New Mexico Historic Preservation Officer (SHPO) for review by the New Mexico Mining and Minerals Division. I will be unable to complete my review of this project until Westland Resources Inc. is able to upload the GIS polygon of the survey area into NMCRIS GIS.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard. Reycraft

HPD Staff Archaeologist

From: [Reycraft, Richard, DCA](#)
To: sbristow@westlandresources.com
Cc: [Ennis, David, EMNRD](#)
Subject: NMCRIS Activity No. 147264, GIS upload
Date: Friday, April 9, 2021 8:39:37 AM

Good Morning Ms. Bristow,

I am currently reviewing the cultural resource report entitled "*A Class III Cultural Resources Survey of 21 Acres of Private Land Near Mogollon, Catron County, New Mexico, For a Proposed Mineral Exploration Drilling Project, Summa Silver Corporation*" (NMCRIS Activity No. 147264) by John M.D. Hooper/WestLand Resources, Inc. This report has been submitted to the New Mexico Historic Preservation Officer (SHPO) for review by the New Mexico Mining and Minerals Division. I will be unable to complete my review of this project until Westland Resources Inc. is able to upload the GIS polygon of the survey area into NMCRIS GIS.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard. Reycraft

HPD Staff Archaeologist



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: April 9, 2021

To: Holland Shepherd, Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Environmental Compliance Section

From: George Llewellyn, Mining Environmental Compliance Section
John Moeny, Surface Water Quality Bureau
Sufi Mustafa, Air Quality Bureau

Subject: **NMED Comments, Summa Silver Mogollon, Minimal Impact Exploration Permit Application, Summa Silver Corp., Catron County, New Mexico Mining Act Permit No. CA027EM**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on March 18, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act this proposed operation requires a minimal impact exploration permit. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED has the following comments.

Background

Summa Silver Corp. (applicant) is applying for a new minimal impact exploration permit in Catron County. The applicant proposes to drill 50 boreholes on 19 drill pads up to 2,000 feet in depth on private patented mining claims. The total acreage to be disturbed is 1.44 acres. The proposed exploration area is located northwest of Mogollon, NM on private property in Sections 27 and 28, T10S, R19W.

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

MECS has no comments.

NMED Summary Comment

NMED finds that exploration as proposed in the application will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: David Ennis, Permit Lead, EMNRD-MMD
Kurt Vollbrecht, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: April 7, 2021

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau

RE: Request for Review and Comment, Summa Silver Mogollon, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Air Quality Permitting History

The AQB has not issued an air quality permit for this project.

Details

Summa Silver Corporation proposes to explore for minerals near the town of Mogollon in Catron County. They will drill 50 holes and create drill pads. Approximately 1.44 acres of land will be disturbed by this project.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other Particulate Control*: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

“Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant.”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

“Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.”

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA's *Compilation of Air Pollutant Emission Factors, AP-42, "Miscellaneous Sources"* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

Recommendation

The AQB has no objection to issue this permit.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505.476.4318.



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: April 5, 2021

To: Anne Maurer, Mining Act Team Leader
Mining Environmental Compliance Section
Ground Water Quality Bureau (GWQB)

From: John Moeny
Watershed Protection Section
Surface Water Quality Bureau (SWQB)

Subject: **Request for Review and Comment, Summa Silver Mogollon, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM.**

On March 19, 2021, NMED received a request for comments regarding a new minimal impact exploration permit submitted by Summa Silver Corp. ("Applicant"). The project is in Catron County, approximately 1 mile north of Mogollon on patented mining claims located on private land.

Summary of Proposed Action

The Applicant seeks to explore for silver and gold drilling up to 50, five-inch bore holes to a maximum depth of 2,000 feet. Multiple holes will be drilled at 19 planned drill pads. Each pad will also include an adjacent sump pit to collect core cuttings and drilling mud. Total disturbance is estimated at 1.44 acres. Each site will be reclaimed by filling sump pits, regrading pits and drill pads to match preexisting contour and topography, replacing topsoil and reseeding using a species mix specified by the Mining and Minerals Division.

Relevant State and Federal Water Quality Regulations

This Project will disturb one or more acres and storm water discharges may be covered under either the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) or under the Multi-Sector General Permit (MSGP) under Sector G Metal Mining.

Operators of certain small construction activity (disturbance of one to five acres) may be waived from permit requirements under limited circumstances. To be eligible for this waiver, operators must certify to EPA that they are eligible (see Section 9 Appendix C of the CGP). Waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). If this Project transitions into mining activities, MSGP coverage would be required at that time.

The CGP was re-issued January 11, 2017 and is effective February 16, 2017. The CGP and the eReporting tool (NeT-CGP) to apply for coverage or waivers is available at: <https://www.epa.gov/npdes/2017-construction-general-permit-cgp>.

The MSGP is effective March 2021 and permit information is available at: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>

In addition to the regulations above, the following practices are recommended to protect surface water quality.

- Drill location #13 lies adjacent to a seasonally inundated, constructed pond. With drilling anticipated during the summer monsoon season, it is imperative that vehicles and drilling equipment or supplies be staged well away and upslope from the pond. Where practicable, confine travel to the outer, upland margins of the pond instead of travel through the pond center.
- Any water produced during drilling must be contained on-site and not discharged to adjacent drainages unless a discharge permit has been secured from the EPA.
- Sump pits may not be used as disposal sites for oil, gas, grease or other potential contaminants to surface and ground water.
- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must have a secondary containment system to prevent spills.
- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, drilling and reclamation to address potential spills.
- Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (NM Dept of Public Safety).

If you have any questions, please phone me at (575) 956-1545.



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

April 13, 2021

DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
david.ennis@state.nm.us

Re: HPD Log# 114938, Request for Comments, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

Dear Mr. Ennis:

Thank you for submitting the cultural resource inventory report for this project to the New Mexico Historic Preservation Officer (SHPO).

I have reviewed the submitted cultural resource report entitled "*A Class III Cultural Resources Survey of 21 Acres of Private Land Near Mogollon, Catron County, New Mexico, For a Proposed Mineral Exploration Drilling Project, Summa Silver Corporation*" (NMCRIS Activity No. 147264) by John M.D. Hooper/WestLand Resources, Inc.). The SHPO concurs with the results and recommendations specified in the report. Specifically sites LA 166359 and LA 166361 are eligible for listing on the National Register of Historic Places (NRHP) and should be avoided by all project related, ground disturbing activities. The remaining sites (LA 166360, LA 198307, LA 198308, LA 198309, and LA 198310) are not eligible for the NRHP. If the recommendations specified in the report are followed, this project will have no effect on cultural resources eligible for the NRHP.

Finally, the drill locations and roads specified in the provided attachment D map are all outside of the SR 1413 property.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard Reycraft
HPD Staff Archaeologist



White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Jerry Schoeppner, Director Mining and Minerals Division New Mexico

Date: April 01, 2021

Re: *Deming Alpha Mine, Luna County, New Mexico Permit No. LU042MN*
Turquoise Mountain Project, Grant County, New Mexico, Permit No. GR087EM
Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM

Magdalena Tailings Repurposing Exploration Project, Socorro County, NM Permit No. SO023EM

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The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; March 2021. In regards to this, please attend to the following statement below.

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above four (4) proposed projects by the New Mexico Energy, Minerals and Natural Resources Department

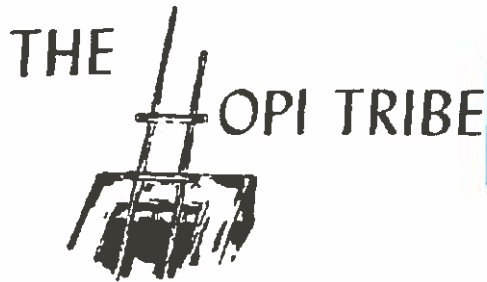
Please be advised, we reviewed the consultation letter and the information provided, and we've determined that the four (4) proposed projects will ***"Not have an Adverse Effect"*** on the tribe's cultural heritage resources and/or traditional cultural properties.

Thank you for your continued collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

Mark T. Altaha

White Mountain Apache Tribe – THPO
Historic Preservation Office



RECEIVED

APR 20 2021

MINING & MINERALS DIVISION

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

April 9, 2021

Jerry Schoeppner, Director, Mining and Minerals Division
Attention: David Ennis
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Dear Mr. Schoeppner,

This letter is in response to your correspondence dated March 18, 2021, regarding Request for Comments on Minimal Impact Exploration Application, Summa Silver Mogollon Project, Catron County, Permit No. CA027EM. The Hopi Cultural Preservation Office appreciates the New Mexico Energy, Minerals, and Natural Resources Department, Mining and Minerals Division (MMD)'s solicitation of our input and your efforts to address our concerns.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in New Mexico. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites that are habitations of our ancestors to be "footprints" and Hopi Traditional Cultural Properties. We are interested in consulting on any proposal in New Mexico with the potential to adversely affect prehistoric sites.

We understand the proposed project would involve 50 holes on 19 drill pads up to 2,000 feet to explore for gold and silver on private patented mining claims. We also understand the operator has conducted a cultural resources inventory with has been submitted to the State Historic Preservation Office. To enable us to determine if this proposal may affect cultural resources significant to the Hopi Tribe, we hereby request a copy of the cultural resources inventory from the State Historic Preservation Office for review and comment.

If prehistoric cultural resources are identified that will be adversely affected by project activities we request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment. In addition, if any cultural features or deposits are encountered during project activities, these activities must be discontinued in the immediate area of the remains, and the State Historic Preservation Office must be consulted to evaluate their nature and significance, and if any Native American human remains or funerary objects are discovered during construction they shall be immediately reported as required by law. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumpteewa, Program Manager/THPO
Hopi Cultural Preservation Office

xc: New Mexico State Historic Preservation Office

From: [Timothy Begay](#)
To: [Ennis, David, EMNRD](#)
Subject: [EXT] EXPLORATION PERMIT APPLICATION (S106-21-150)
Date: Monday, April 19, 2021 3:18:53 PM

Dear Mr. Ennis:

The Navajo Nation Heritage and Historic Preservation Department's (NNHHPD) Traditional Culture Program is (TCP) in receipt of your letter regarding the State of New Mexico Energy, Minerals and Natural Resources Department requesting comments on Minimal Impact Exploration Permit Application Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM.

After reviewing your letter and cross referencing our Traditional Cultural Properties (TCP's) database, NNHHPD-TCP has determined that there are No Navajo TCP's within the project area and you may proceed without further consultation for this project.

If you have any additional questions, concerns or would like to discuss these issues further, please don't hesitate to contact our office at (928) 871-7198 or (928) 871-7152. Thank you for including the Navajo Nation in the consultation process.

Sincerely,

Timothy C. Begay
Navajo Cultural Specialist
Navajo Nation Heritage and Historic Preservation Department
P.O. Box 4950
Window Rock AZ 86515
Office Phone: (928)871-7152
tbegay@navajo-nsn.gov