

From: [Bob Moore](#)
To: [Ennis, David, EMNRD](#)
Cc: [Kellermueller, Ronald, DGF](#); shawn_sartorious@fws.gov; shaula_hedwall@fws.gov
Subject: Summa Silver Corporation Application for Exploratory Drilling in Mogollon, NM
Date: Tuesday, August 17, 2021 7:37:05 AM

August 17, 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

Dear D.J. Ennis,

Although I have not received a reply from you concerning my correspondence dated August 5 and 13, 2021, concerning Summa Silver Corporation's application consideration as a 'minimal impact exploration project', it has come to my attention that MMD is retaining Summa's application consideration as a minimal impact exploration project.

It is my understanding that MMD will not change the permit from minimal impact exploration to regular impact given how the Mining Act rules are written. Mining Act rules say that a minimal impact exploration can't be located in designated critical habitat or can't be located in an area determined by the NM Department of Game and Fish (DGF) to likely cause adverse impact to threatened or endangered species. While the DGF letter dated August 13, 2021, states: "To minimize potential impacts to spotted owl the Department recommends that....." Isn't the DGF admitting there will be adverse impact to the spotted owl? Do DGF's recommendations for mitigation substantially reduce the adverse impact to the spotted owl? **Does not the MMD have an obligation and responsibility to determine Summa's application as not qualifying as a minimal impact project since the DGF recommendations for mitigation may likely not be sufficient in 'minimizing potential impacts' to the spotted owl?**

For instance, in the DGF's letter dated August 13, 2021, there is no mention of Summa's objective to work 24/7. That means, Summa's exploratory drilling team will be creating noise, light and dust pollution in the very same area as the spotted owl is nocturnally foraging. Is Game and Fish suggesting there will be no adverse impact to the spotted owl as the owl forages nocturnally in the very same area as active drilling is taking place through-out the night?

In addition to the noise, light and dust pollution, there is an extreme risk of human interaction with the spotted owl during the owl's nocturnal foraging routine. As I have pointed out in prior correspondence, it only takes one bullet to get rid of the nuisance, the Mexican spotted owl, and what a perfect opportunity to do so when the drill rig is operating at night.

Furthermore, DGF states: "After this period (ie, breeding and fledgling-dependency period), juveniles typically disperse and adults are less tied to their territories and will wander more widely to avoid disturbance." Is DGF suggesting that it is permissible to adversely impact the spotted owl outside of the breeding and fledgling dependency period to the point of pushing them out of their desired foraging habitat?

Furthermore, DGF recommends: "...that Summa Silver consult with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts and guidance prior to any exploratory drilling activities." Are we to interpret this statement as it is Summa Silver Corporation's responsibility to directly consult with the USFWS? Is Summa responsible for hiring an appropriately certified wildlife biologist to conduct surveys? Under such circumstances, how can it be guaranteed that the hired biologist is not sympathetic to the employer, Summa Silver Corporation. And what agency will be responsible for the overseeing of surveys and policing of Summa's actions on the ground?

In conclusion, does the MMD erroneously believe that putting "a strong condition in the exploration permit about bird surveys and DGF recommendations" is enough to significantly minimize the adverse impact to the Mexican spotted owl? Should not the DGF consult with the USFWS to ensure their recommendations are sufficient in mitigating adverse impacts to the owl? **And in the interim, should not Summa's application be considered to not qualify as a minimal impact project because the potential adverse impacts to the Mexican spotted owl have not been remedied by the DGF's current recommendations?**

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Bob Moore](#)
To: [Kellermueller, Ronald, DGF](#)
Cc: [Ennis, David, EMNRD](#); shawn_sartorious@fws.gov; shaula_hedwall@fws.gov
Subject: Summa Silver Corp Application for Exploratory Drilling
Date: Monday, August 16, 2021 8:12:05 AM

August 16, 2021

Ron Kellermueller
Mining and Energy Habitat Specialist
New Mexico Game and Fish

Dear Ron,

This correspondence is with respect to Summa Silver Corporation's exploratory drilling application in Mogollon, NM. I have read NM Game and Fish's letter dated August 13, 2021, and find the suggestions to 'minimize' potential impacts to the Mexican spotted owl incomplete and insufficient.

For instance, there was no mention of Summa's objective to work 24/7. That means, Summa's exploratory drilling team will be creating noise, light and dust pollution in the very same area as the spotted owl is nocturnally foraging. Is Game and Fish suggesting there will be no adverse impact to the spotted owl as the owl forages nocturnally in the very same area as active drilling is taking place through-out the night?

In addition to the noise, light and dust pollution, there is an extreme risk of human interaction with the spotted owl during the owl's nocturnal foraging routine. As I have pointed out in prior correspondence, it only takes one bullet to get rid of the nuisance, the spotted owl, and what a perfect opportunity to do so when the drill rig is operating at night.

Furthermore, NM Game and Fish states: "After this period (ie, breeding and fledgling-dependency period), juveniles typically disperse and adults are less tied to their territories and will wander more widely to avoid disturbance." Is Game and Fish suggesting that it is permissible to adversely impact the spotted owl outside of the breeding and fledgling dependency period to the point of pushing them out of their desired foraging habitat?

Furthermore, NM Game and Fish states: "If an occupied breeding territory is located within the 0.5-mile buffer zone, drilling activities should not occur until the young have fully fledged and dispersed from the area." According to the US Fish and Wildlife Service (USFWS), the spotted owl core area is the "area within designated protected activity centers (PACs) circumscribed around the nest site". According to the USFWS protocol for Mexican spotted owl survey: "Because spotted owls do not nest every year, the alternative, and often default outcome, is to observe adult or subadult spotted owls at daytime roosts. However, it can take up to four years of roost location data to effectively delineate owl core activity areas (Ward and Salas 2000)." Is NM Game and Fish implying that 4-years of survey will be conducted to determine the breeding territory, ie, the core and the PAC? If so, then according to NM Game and Fish's own recommendation, until the spotted owl survey is complete: "To minimize potential impacts to spotted owl the Department recommends that all road work, drill pad construction, and drilling occur outside of the breeding and fledgling-dependency period (March 1 through August 31)."

In conclusion, since Summa Silver Corporation's objective is to conduct exploratory drilling 24/7 in an area not surveyed but with the Mexican spotted owl present, it is imperative that the New Mexico Game and Fish consults with the USFWS. New Mexico Game and Fish recommends: "...that Summa Silver consult with the U.S. Fish and Wildlife Service regarding potential impacts and guidance prior to any exploratory drilling activities." Are we to interpret this statement as it is Summa Silver Corporation's responsibility to directly consult with the USFWS? Is Summa responsible for hiring an appropriately certified wildlife biologist to conduct surveys? Under such circumstances, how can it be guaranteed that the hired biologist is not sympathetic to the employer, Summa Silver Corporation. And what agency will be responsible for the overseeing of surveys and policing of Summa's actions on the ground?

More questions and concerns have arisen out of the New Mexico Game and Fish's letter than answers to mitigate the adverse impacts to the Mexican spotted owl. I appreciate a response to the above questions and concerns.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Bob Moore](#)
To: [Ennis, David, EMNRD](#)
Cc: [Kellermueller, Ronald, DGF](#)
Subject: Summa Silver Corporation Application for Exploratory Drilling
Date: Friday, August 13, 2021 7:03:38 AM

Dear D.J. Ennis,

I am inquiring about the status of Summa Silver Corporation's application for exploratory drilling in Mogollon, NM, with due respect for the presence of the Mexican spotted owl.

In email correspondence by Mogollon residents dated 8/5/21, the point was made that Summa's application was in error as the YES box was not checked indicating the presence of a Threatened and Endangered species, notably the Mexican spotted owl. If the YES box was correctly checked, then their application would not qualify as a minimal impact exploration project (page 2 of the application).

In addition, it is my understanding that New Mexico Game and Fish has notified the US Fish and Wildlife for consultation pertaining to the presence of the spotted owl. I am available to meet with agency personnel if a field trip to Mogollon is arranged.

Thank you for your time.

Respectfully,

Bob Moore

From: [Bob Moore](#)
To: [Ennis, David, EMNRD](#)
Subject: Summa Silver Corp MMD application Mogollon, NM
Date: Monday, August 9, 2021 9:04:33 AM

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 2 of the application) that indicates the proposed drilling locations are in the State Register of Cultural Properties. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

Summa should have checked the YES box pertaining to their project area being located in an area with cultural resources listed on either the National Register of Historic Places or the **State Register of Cultural Properties**.

Following is an excerpt from NM Dept of Cultural Affairs Historic Preservation Division letter that clearly states that some of Summa's proposed drilling locations are within the State Register of Cultural Properties.

"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.** ."

In summation, Summa's application does not qualify as a minimal impact exploration project because some of their proposed drilling locations are within a State Register Property.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Bob Moore](#)
To: shawn_sartorious@fws.gov
Cc: shaula_hedwall@fws.gov; [Ennis, David, EMNRD](#); [Kellermueller, Ronald, DGF](#)
Subject: Re: Summa Silver Corporation Application for Exploratory Drilling: Mexican Spotted Owl Concerns
Date: Friday, August 6, 2021 2:37:33 PM

Dear Shawn,

Please review the following letter sent via email to D.J. Ennis, NMMMD, dated 8/5/2021. The substance of the letter references an error in Summa Silver Corporation's application for exploratory drilling pertaining to the lack of identifying the presence of a T&E species, more specifically the Mexican spotted owl. The application should be considered incomplete and should not qualify as a minimal impact exploration project. As USFWS is responsible for the protection of T&E species, I request your involvement and guidance in this matter.

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 1 of the application) that indicates the presence of Threatened and Endangered (T&E) species, more specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

It is my impression that the Forest Service has not performed spotted owl surveys in the Mogollon vicinity. I am 100 % certain, however, that the spotted owl has been living in the Mogollon area for over 20-years. I am a biologist/forester by education and trade who owned and operated a business that conducted extensive spotted owl surveys for national forests through-out the Southwest, including the Gila National Forest.

My family and I have on several occasions seen and heard the Mexican spotted owl as a single and as a pair. Please review attached photos No. 1 & 2 of the local spotted owl pair taken in March, 2002. I am willing to verify the location as shown in photo No. 2. In addition, my wife and I have consistently heard the spotted owl every year during the spring and early summer and as recently as 2021.

Following is a list of full-time residents that have seen or heard the spotted owl and can provide a similar testament to mine. In fact, please review attached photos No. 3 & 4 of a local single spotted owl taken by John Gebhardt in August, 2018. The sight location can be verified as shown in photo No 4.

The townsite of Mogollon is situated at the bottom of an east-west canyon where the spotted owl has been heard on both the north and south slopes leading up to Summa's proposed project area. It is possible the spotted owl may target the abandoned Fanny Hill townsite as foraging grounds due to its abundant rodent population

The list represents eight out of the 13 full time residents of Mogollon. The other five residents are not included on the list due to the respect for privacy or I don't directly know if they have seen or heard the spotted owl.

Full-Time Residents of Mogollon who have seen or heard the Mexican spotted owl with contact information is as follows:

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmoore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com
John Gebhardt gebhardt47@mac.com
Linda Gebhardt gebhardt103@att.net

In summation, we request the determination that Summa's application be considered in error of not indicating the presence of T&E species, most specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation.

In addition, any further consideration of Summa's proposed exploration activities should be in consultation with the agency in charge with the protection of T&E species, the US Fish and Wildlife Service.

Summa's proposed mining activity would create increased noise pollution, light pollution (during night operation), and dust pollution from truck activity. The slightest amount of standing polluted water could potentially be lethal to an unwary spotted owl who may sweep down for a drink. The noise, light and dust pollution could be significant enough for the spotted owl to abandon its foraging grounds.

Let us be clear, it is also the consequence of human nature that additional risk to the spotted owl is created when human activity is allowed in areas where the owl is active. It would only take one bullet to get rid of the nuisance, the Mexican spotted owl.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Valentine, Lloyd, OSE](#)
To: [Stanley King](#); [Ennis, David, EMNRD](#); [Moeny, John, NMENV](#)
Cc: [Bob Moore](#); [Leia Barnett](#); [Cordelia Rose](#); mary.newkirk@yahoo.com; niels.mandoe; kathy.knapp; John.Gebhardt; Linda.Gebhardt; allysonsiwik; Vicki.Moore; Marianne.Scharn; myleabayless@gmail.com
Subject: RE: Summa Silver Corp MMD application for exploratory drilling Mogollon NM
Date: Friday, August 6, 2021 5:18:48 PM

Greetings Mr. King,

I just want to add some clarification to OSE's involvement to this process so far. I am uncertain if you are referring to the MMD application or to the OSE application when you refer to "review of the subject permit application". I am assuming you are referring to the MMD application. The OSE did not make a determination on a water right issue related to this application. Summa Silver Corp did file an application with our office to drill exploratory wells, which is required by the state if water is expected to be encountered. We have returned the application because it was incomplete. Summa Silver Corp may resubmit the application. This is not a determination by the OSE, this is a request to drill exploratory wells by Summa Silver Corp.

Exploratory permits do not permit water to be withdrawn from the drilled wells. If water is being hauled to the site, the water shall be coming from a water source that has a valid water right with a purpose to do so. This is something we can address with them and ensure the water they are proposing to use is coming from a legal source. There is no new water available for appropriation in this area; and, if Summa Silver Corp decides they have a need for a consumptive water use, they will have to acquire water from an existing source and, if needed, file appropriate applications with our office to change that water right to fit their needs. If this type of application were to be submitted to our office, Summa Silver Corp would be required to put the public on notice, the public would have a chance to protest the application, and the OSE would conduct an impairment analysis on the request prior to acting on such application.

As you have expressed, water in this area is a very limited resource and the State also has compliance matters to adhere to related to court decrees. I hope I have added some clarification to the conversation.

Respectfully,

Lloyd Valentine
District 3 Manager
Office of the State Engineer
(575) 546-2851

From: Stanley King <kingstanley67@gmail.com>
Sent: Friday, August 06, 2021 4:11 PM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>; Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us>; Moeny, John, NMENV <John.Moeny@state.nm.us>
Cc: Bob Moore <sosilvercreek@gmail.com>; Leia Barnett <lbarnett@wildearthguardians.org>; Cordelia Rose <cordelia.rose3@gmail.com>; mary.newkirk@yahoo.com; niels.mandoe <nmandoe@gilanet.com>; kathy.knapp <kathyknapp01@gmail.com>; John.Gebhardt

<gebhardt47@mac.com>; Linda Gebhardt <gebhardt103@att.net>; allysonsiwik <allysonsiwik@gmail.com>; Vicki Moore <vmoore50@gmail.com>; Marianne Scharn <mariannescharn@gmail.com>; myleabayless@gmail.com

Subject: Re: Summa Silver Corp MMD application for exploratory drilling Mogollon NM

In review of the subject permit application, We understand the OSE has determined the water right issue to be "non consumptive". We, residents of Mogollon, are taking issue with this judgment.

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmoore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com
John Gebhardt gebhardt47@mac.com
Linda Gebhardt gebhardt103@att.net

In our many years residing in the Silver Creek canyon, we have witnessed abuses of water grabs by exploratory drilling that have left our wells depleted and or dry.

We disagree with the "non consumptive" designation by the OSE.

When 3000 gallons are pumped from the Silver Creek aquifer upstream of the Mogollon town site and then hauled over the Little Fanny mountain (as in the project plan) by water tender and then dumped on, around and in the drill site and evaporated in the drill site pit, would this not be considered consumptive use? This is the process as we have experienced and proposed by Summa Silver Corp. and it will be repeated for several hundred days.

The referenced MMD application page 17 is incomplete. Section 6 paragraph C. WR 07 and WR 08 as submitted are also incomplete.

The MMD application indicates water is to be used at each drill site but quantities are not specified. Water will be delivered by water tender. From where and how much, how often?

We have a very limited water resource here and rely on NM Surface Water Quality Bureau and District 3 Office of the State Engineer to protect it.

Thank you for considering our concerns.

Stanley King
Bob Moore
Vicki Moore
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Stanley King](#)
To: [Ennis, David, EMNRD](#); [Valentine, Lloyd, OSE](#); [Moeny, John, NMENV](#)
Cc: [Bob Moore](#); [Leia Barnett](#); [Cordelia Rose](#); [mary.newkirk@yahoo.com](#); [niels mandoe](#); [kathy Knapp](#); [John Gebhardt](#); [Linda Gebhardt](#); [allysonsiwik](#); [Vicki Moore](#); [Marianne Scharn](#); [myleabayless@gmail.com](#)
Subject: Re: Summa Silver Corp MMD application for exploratory drilling Mogollon NM
Date: Friday, August 6, 2021 4:10:55 PM

In review of the subject permit application, We understand the OSE has determined the water right issue to be "non consumptive". We, residents of Mogollon, are taking issue with this judgment.

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmoore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com
John Gebhardt gebhardt47@mac.com
Linda Gebhardt gebhardt103@att.net

In our many years residing in the Silver Creek canyon, we have witnessed abuses of water grabs by exploratory drilling that have left our wells depleted and or dry.

We disagree with the "non consumptive" designation by the OSE.

When 3000 gallons are pumped from the Silver Creek aquifer upstream of the Mogollon town site and then hauled over the Little Fanny mountain (as in the project plan) by water tender and then dumped on, around and in the drill site and evaporated in the drill site pit, would this not be considered consumptive use? This is the process as we have experienced and proposed by Summa Silver Corp. and it will be repeated for several hundred days.

The referenced MMD application page 17 is incomplete. Section 6 paragraph C. WR 07 and WR 08 as submitted are also incomplete.

The MMD application indicates water is to be used at each drill site but quantities are not specified. Water will be delivered by water tender. From where and how much, how often?

We have a very limited water resource here and rely on NM Surface Water Quality Bureau and District 3 Office of the State Engineer to protect it.

Thank you for considering our concerns.

Stanley King
Bob Moore
Vicki Moore
Kathy Knapp

Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Ennis, David, EMNRD](#)
To: [Stanley King](#); [Valentine, Lloyd, OSE](#)
Cc: [Bob Moore](#); [Leia Barnett](#); [Cordelia Rose](#); mary.newkirk@yahoo.com; [niels mandoe](#); [kathy Knapp](#); [John Gebhardt](#); [Linda Gebhardt](#); [allysonsiwik](#); [Vicki Moore](#); [Marianne Scharn](#); [Mylea Bayless](#); [Moeny, John, NMENV](#)
Subject: RE: Summa Silver Corp MMD application for exploratory drilling Mogollon NM
Date: Monday, August 9, 2021 3:35:00 PM

Mr. King,

In response to your question, Mining and Minerals Division asked Summa Silver to identify their proposed source and quantity of water for the project. Here's the response I received from Summa Silver:

We will be purchasing water from the Faust Ranch in Alma as needed. Water usage will vary depending on rock/downhole conditions and we will be using a closed loop re-circulation system along with a solids removal system to recycle our water as much as possible. These systems along with using lost circulation materials will reduce the amount of new water needed.

MMD acknowledges your request for a copy of the completed and signed exploration permit when it becomes available.

Thanks,
DJ

*DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505) 372-8634 cell/office
david.ennis@state.nm.us*

From: Stanley King <kingstanley67@gmail.com>
Sent: Monday, August 9, 2021 11:53 AM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>; Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us>
Cc: Bob Moore <sosilvercreek@gmail.com>; Leia Barnett <lbarnett@wildearthguardians.org>; Cordelia Rose <cordelia.rose3@gmail.com>; mary.newkirk@yahoo.com; niels mandoe <nmandoe@gilanet.com>; kathy Knapp <kathyknapp01@gmail.com>; John Gebhardt <gebhardt47@mac.com>; Linda Gebhardt <gebhardt103@att.net>; allysonsiwik <allysonsiwik@gmail.com>; Vicki Moore <vmoores50@gmail.com>; Marianne Scharn <marianescharn@gmail.com>; Mylea Bayless <myleabayless@gmail.com>; Moeny, John, NMENV <John.Moeny@state.nm.us>
Subject: Re: Summa Silver Corp MMD application for exploratory drilling Mogollon NM

Greetings Mr. Ennis and Mr. Valentine

Thank you, Mr. Valentine, for your response and your very clear explanation of how the OSE is involved in permitting exploratory drilling.

As concerned residents of the townsite of Mogollon, we would like to be notified of any water right transfer request you may receive. We would also like to be notified of any change in the status of WR 07 and WR 08 as related to the referenced applicant.

Mr Ennis, we find the MMD permit application incomplete and concerning. We understand, unfortunately, the State of New Mexico MMD does not require an applicant to identify a water source for core drilling prior to the issuance of a permit. Since water is one of the main ingredients of core drilling, one would think the State MMD would require the applicant to identify the water source and the estimated quantity to be consumed at each drill site. The MMD permit application only states water is to be used and delivered by tender.

We would like to be provided with a copy of the completed and signed exploratory drilling permit issued by NM MMD to Summa Silver Corp.

If we witness water being pumped from our aquifer by the permittee without notification from the OSE, what is our remedy?

Thank you again for your help in this matter,

Respectfully,

Stanley King
e signature

Co-signed e signatures

Bob Moore sosilvercreek@gmail.com

Vicki Moore vmoore50@gmail.com

Stan King kingstanley67@gmail.com

Kathy Knapp kathyknapp01@gmail.com

Niels Mandoe nmandoe@gilanet.com

Marianne Scharn mariannescharn@gmail.com

John Gebhardt gebhardt47@mac.com

Linda Gebhardt gebhardt103@att.net

On Fri, Aug 6, 2021, 5:18 PM Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us> wrote:

Greetings Mr. King,

I just want to add some clarification to OSE's involvement to this process so far. I am uncertain if you are referring to the MMD application or to the OSE application when you refer to "review of the subject permit application". I am assuming you are referring to the MMD application. The OSE did not make a determination on a water right issue related to this application. Summa Silver Corp did file an application with our office to drill exploratory wells, which is required by the state if water is expected to be encountered. We have returned the application because it was incomplete. Summa Silver Corp may resubmit the application. This is not a determination by the OSE, this is a request to drill exploratory wells by Summa Silver Corp.

Exploratory permits do not permit water to be withdrawn from the drilled wells. If water is being hauled to the site, the water shall be coming from a water source that has a valid water right with a purpose to do so. This is something we can address with them and ensure the water they are proposing to use is coming from a legal source. There is no new water available for appropriation in this area; and, if Summa Silver Corp decides they have a need for a consumptive water use, they will have to acquire water from an existing source and, if needed, file appropriate applications with our office to change that water right to fit their needs. If this type of application were to be submitted to our office, Summa Silver Corp would be required to put the public on notice, the public would have a chance to protest the application, and the OSE would conduct an impairment analysis on the request prior to acting on such application.

As you have expressed, water in this area is a very limited resource and the State also has compliance matters to adhere to related to court decrees. I hope I have added some clarification to the conversation.

Respectfully,

Lloyd Valentine
District 3 Manager
Office of the State Engineer
(575) 546-2851

From: [Valentine, Lloyd, OSE](#)
To: [Stanley King](#); [Ennis, David, EMNRD](#)
Cc: [Bob Moore](#); [Leia Barnett](#); [Cordelia Rose](#); mary.newkirk@yahoo.com; [niels mandoe](#); [kathy Knapp](#); [John Gebhardt](#); [Linda Gebhardt](#); [allysonsiwik](#); [Vicki Moore](#); [Marianne Scharn](#); [Mylea Bayless](#); [Moeny, John, NMENV](#)
Subject: RE: Summa Silver Corp MMD application for exploratory drilling Mogollon NM
Date: Monday, August 9, 2021 3:45:17 PM

Greetings Mr. King,

OSE notices of publications for applications that involve water right transfers can be found on our website and are circulated in a newspaper. The newspaper that notices are placed in for the Mogollon area would be in the Silver City Daily Press. The easiest way to find them is on our website. Here is a [link](#) to that page on our website.

The OSE does not take requests to be notified for when or status changes of applications/filings submitted to our office. This would be very burdensome on the limited resources of our office. You are more than welcome to call/email our office for any status updates at your leisure.

If you do witness or suspect illegal water use, please contact our office and we will investigate.

Lloyd Valentine
District 3 Manager
Office of the State Engineer
(575) 546-2851

From: Stanley King <kingstanley67@gmail.com>
Sent: Monday, August 09, 2021 11:53 AM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>; Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us>
Cc: Bob Moore <sosilvercreek@gmail.com>; Leia Barnett <lbarnett@wildearthguardians.org>; Cordelia Rose <cordelia.rose3@gmail.com>; mary.newkirk@yahoo.com; niels mandoe <nmandoe@gilanet.com>; kathy Knapp <kathyknapp01@gmail.com>; John Gebhardt <gebhardt47@mac.com>; Linda Gebhardt <gebhardt103@att.net>; allysonsiwik <allysonsiwik@gmail.com>; Vicki Moore <vmooore50@gmail.com>; Marianne Scharn <mariannescharn@gmail.com>; Mylea Bayless <myleabayless@gmail.com>; Moeny, John, NMENV <John.Moeny@state.nm.us>
Subject: Re: Summa Silver Corp MMD application for exploratory drilling Mogollon NM

Greetings Mr. Ennis and Mr. Valentine

Thank you, Mr. Valentine, for your response and your very clear explanation of how the OSE is involved in permitting exploratory drilling.

As concerned residents of the townsite of Mogollon, we would like to be notified of any

water right transfer request you may receive. We would also like to be notified of any change in the status of WR 07 and WR 08 as related to the referenced applicant.

Mr Ennis, we find the MMD permit application incomplete and concerning. We understand, unfortunately, the State of New Mexico MMD does not require an applicant to identify a water source for core drilling prior to the issuance of a permit. Since water is one of the main ingredients of core drilling, one would think the State MMD would require the applicant to identify the water source and the estimated quantity to be consumed at each drill site. The MMD permit application only states water is to be used and delivered by tender.

We would like to be provided with a copy of the completed and signed exploratory drilling permit issued by NM MMD to Summa Silver Corp.

If we witness water being pumped from our aquifer by the permittee without notification from the OSE, what is our remedy?

Thank you again for your help in this matter,

Respectfully,

Stanley King
e signature

Co-signed e signatures

Bob Moore sosilvercreek@gmail.com

Vicki Moore vmooore50@gmail.com

Stan King kingstanley67@gmail.com

Kathy Knapp kathyknapp01@gmail.com

Niels Mandoe nmandoe@gilanet.com

Marianne Scharn mariannescharn@gmail.com

John Gebhardt gebhardt47@mac.com

Linda Gebhardt gebhardt103@att.net

On Fri, Aug 6, 2021, 5:18 PM Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us> wrote:

Greetings Mr. King,

I just want to add some clarification to OSE's involvement to this process so far. I am uncertain if you are referring to the MMD application or to the OSE application when you refer to "review of the subject permit application". I am assuming you are referring to the MMD application. The OSE did not make a determination on a water right issue related to this application. Summa Silver Corp did file an application with our office to drill exploratory wells, which is required by the state if water is expected to be encountered. We have returned the application because it was incomplete. Summa Silver Corp may resubmit the application. This is not a determination by the OSE, this is a request to drill exploratory wells by Summa Silver Corp.

Exploratory permits do not permit water to be withdrawn from the drilled wells. If water is being hauled to the site, the water shall be coming from a water source that has a valid water right with a purpose to do so. This is something we can address with them and ensure the water they are proposing to use is coming from a legal source. There is no new water available for appropriation in this area; and, if Summa Silver Corp decides they have a need for a consumptive water use, they will have to acquire water from an existing source and, if needed, file appropriate applications with our office to change that water right to fit their needs. If this type of application were to be submitted to our office, Summa Silver Corp would be required to put the public on notice, the public would have a chance to protest the application, and the OSE would conduct an impairment analysis on the request prior to acting on such application.

As you have expressed, water in this area is a very limited resource and the State also has compliance matters to adhere to related to court decrees. I hope I have added some clarification to the conversation.

Respectfully,

Lloyd Valentine
District 3 Manager
Office of the State Engineer
(575) 546-2851

From: [Ennis, David, EMNRD](#)
To: [Bob Moore](#)
Subject: RE: Summa Silver Corp MMD application Mogollon, NM
Date: Monday, August 9, 2021 1:19:00 PM
Attachments: [2021-04-13 HPD Comments 3 Summa Silver.pdf](#)

Mr. Moore,

During the initial agency consultation with Cultural Affairs Historic Preservation Division (HPD), it is true that HPD stated that several boreholes were located in a State Register of Cultural Properties. However, HPD reviewed the incorrect map in making that determination. Upon review of the correct map, HPD determined that “..the drill locations and roads specified in the provided attachment D map are all outside of the [State Register of Cultural Properties].”

Please see the attached letter from Historic Preservation Division (HPD) dated April 13, 2021, in which HPD makes the above statement. This letter is also included on the MMD website here: https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/2021-04-Agency-and-Tribal-Comments_Summa-Silver.pdf

Thanks,
DJ

*DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505) 372-8634 cell/office
david.ennis@state.nm.us*

From: Bob Moore <sosilvercreek@gmail.com>
Sent: Monday, August 9, 2021 9:04 AM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Subject: Summa Silver Corp MMD application Mogollon, NM

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 2 of the application) that indicates the proposed drilling locations are in the State Register of Cultural Properties. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

Summa should have checked the YES box pertaining to their project area being located in an area with cultural resources listed on either the National Register of Historic Places or the **State Register of Cultural Properties**.

Following is an excerpt from NM Dept of Cultural Affairs Historic Preservation Division letter that clearly states that some of Summa's proposed drilling locations are within the State Register of Cultural Properties.

"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.** "

In summation, Summa's application does not qualify as a minimal impact exploration project because some of their proposed drilling locations are within a State Register Property.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Bob Moore](#)
To: [Ennis, David, EMNRD](#)
Subject: Re: Summa Silver Corporation Application for Exploratory Drilling
Date: Thursday, August 5, 2021 12:43:25 PM

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 1 of the application) that indicates the presence of Threatened and Endangered (T&E) species, more specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

It is my impression that the Forest Service has not performed spotted owl surveys in the Mogollon vicinity. I am 100 % certain, however, that the spotted owl has been living in the Mogollon area for over 20-years. I am a biologist/forester by education and trade who owned and operated a business that conducted extensive spotted owl surveys for national forests through-out the Southwest, including the Gila National Forest.

My family and I have on several occasions seen and heard the Mexican spotted owl as a single and as a pair. Please review attached photos No. 1 & 2 of the local spotted owl pair taken in March, 2002. I am willing to verify the location as shown in photo No. 2. In addition, my wife and I have consistently heard the spotted owl every year during the spring and early summer and as recently as 2021.

Following is a list of full-time residents that have seen or heard the spotted owl and can provide a similar testament to mine. In fact, please review attached photos No. 3 & 4 of a local single spotted owl taken by John Gebhardt in August, 2018. The sight location can be verified as shown in photo No 4.

The townsite of Mogollon is situated at the bottom of an east-west canyon where the spotted owl has been heard on both the north and south slopes leading up to Summa's proposed project area. It is possible the spotted owl may target the abandoned Fanny Hill townsite as foraging grounds due to its abundant rodent population

The list represents eight out of the 13 full time residents of Mogollon. The other five residents are not included on the list due to the respect for privacy or I don't directly know if they have seen or heard the spotted owl.

Full-Time Residents of Mogollon who have seen or heard the Mexican spotted owl with contact information is as follows:

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmoore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com

John Gebhardt gebhardt47@mac.com

Linda Gebhardt gebhardt103@att.net

In summation, we request the determination that Summa's application be considered in error of not indicating the presence of T&E species, most specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation.

In addition, any further consideration of Summa's proposed exploration activities should be in consultation with the agency in charge with the protection of T&E species, the US Fish and Wildlife Service.

Summa's proposed mining activity would create increased noise pollution, light pollution (during night operation), and dust pollution from truck activity. The slightest amount of standing polluted water could potentially be lethal to an unwary spotted owl who may sweep down for a drink. The noise, light and dust pollution could be significant enough for the spotted owl to abandon its foraging grounds.

Let us be clear, it is also the consequence of human nature that additional risk to the spotted owl is created when human activity is allowed in areas where the owl is active. It would only take one bullet to get rid of the nuisance, the Mexican spotted owl.

Respectfully,

Bob Moore

Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore

Stan King

Kathy Knapp

Niels Mandoe

Marianne Scharn

John Gebhardt

Linda Gebhardt

From: [Bob Moore](#)
To: shawn_sartorious@fws.gov
Cc: shaula_hedwall@fws.gov; [Ennis, David, EMNRD](#); [Kellermueller, Ronald, DGF](#)
Subject: Re: Summa Silver Corporation Application for Exploratory Drilling: Mexican Spotted Owl Concerns
Date: Friday, August 6, 2021 2:37:33 PM

Dear Shawn,

Please review the following letter sent via email to D.J. Ennis, NMMMD, dated 8/5/2021. The substance of the letter references an error in Summa Silver Corporation's application for exploratory drilling pertaining to the lack of identifying the presence of a T&E species, more specifically the Mexican spotted owl. The application should be considered incomplete and should not qualify as a minimal impact exploration project. As USFWS is responsible for the protection of T&E species, I request your involvement and guidance in this matter.

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 1 of the application) that indicates the presence of Threatened and Endangered (T&E) species, more specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

It is my impression that the Forest Service has not performed spotted owl surveys in the Mogollon vicinity. I am 100 % certain, however, that the spotted owl has been living in the Mogollon area for over 20-years. I am a biologist/forester by education and trade who owned and operated a business that conducted extensive spotted owl surveys for national forests through-out the Southwest, including the Gila National Forest.

My family and I have on several occasions seen and heard the Mexican spotted owl as a single and as a pair. Please review attached photos No. 1 & 2 of the local spotted owl pair taken in March, 2002. I am willing to verify the location as shown in photo No. 2. In addition, my wife and I have consistently heard the spotted owl every year during the spring and early summer and as recently as 2021.

Following is a list of full-time residents that have seen or heard the spotted owl and can provide a similar testament to mine. In fact, please review attached photos No. 3 & 4 of a local single spotted owl taken by John Gebhardt in August, 2018. The sight location can be verified as shown in photo No 4.

The townsite of Mogollon is situated at the bottom of an east-west canyon where the spotted owl has been heard on both the north and south slopes leading up to Summa's proposed project area. It is possible the spotted owl may target the abandoned Fanny Hill townsite as foraging grounds due to its abundant rodent population

The list represents eight out of the 13 full time residents of Mogollon. The other five residents are not included on the list due to the respect for privacy or I don't directly know if they have seen or heard the spotted owl.

Full-Time Residents of Mogollon who have seen or heard the Mexican spotted owl with contact information is as follows:

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmoore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com
John Gebhardt gebhardt47@mac.com
Linda Gebhardt gebhardt103@att.net

In summation, we request the determination that Summa's application be considered in error of not indicating the presence of T&E species, most specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation.

In addition, any further consideration of Summa's proposed exploration activities should be in consultation with the agency in charge with the protection of T&E species, the US Fish and Wildlife Service.

Summa's proposed mining activity would create increased noise pollution, light pollution (during night operation), and dust pollution from truck activity. The slightest amount of standing polluted water could potentially be lethal to an unwary spotted owl who may sweep down for a drink. The noise, light and dust pollution could be significant enough for the spotted owl to abandon its foraging grounds.

Let us be clear, it is also the consequence of human nature that additional risk to the spotted owl is created when human activity is allowed in areas where the owl is active. It would only take one bullet to get rid of the nuisance, the Mexican spotted owl.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Ennis, David, EMNRD](#)
To: [Bob Moore](#)
Subject: RE: Summa Silver Corporation Application for Exploratory Drilling
Date: Friday, August 6, 2021 11:07:00 AM

Mr. Moore,

Thank you for your email regarding the Summa Silver exploration project. The Mining and Minerals Division has forwarded your email and asked for additional agency consultation from the New Mexico Department of Game and Fish regarding the spotted owl. MMD has asked for a written response from Game and Fish by August 13, 2021.

MMD has also asked Summa Silver for some additional details on their commitment to perform bird surveys prior to exploratory drilling, specifically the timing of those surveys relative to the drilling timeline.

If you have any questions, please let me know.

Sincerely,
DJ

*DJ Ennis, P.G.
Mining and Minerals Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505) 372-8634 cell/office
david.ennis@state.nm.us*

From: Bob Moore <sosilvercreek@gmail.com>
Sent: Thursday, August 5, 2021 12:43 PM
To: Ennis, David, EMNRD <David.Ennis@state.nm.us>
Subject: Re: Summa Silver Corporation Application for Exploratory Drilling

Dear D.J. Ennis,

I am a long-time resident representing other full-time residents of Mogollon. I am writing this letter in response to Summa Silver Corporation's application for exploratory drilling in Mogollon, NM.

Please take notice that Summa's application is in error as they did not check the 'Yes' box (page 1 of the application) that indicates the presence of Threatened and Endangered (T&E) species, more specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation (page 2 of the application).

It is my impression that the Forest Service has not performed spotted owl surveys in

the Mogollon vicinity. I am 100 % certain, however, that the spotted owl has been living in the Mogollon area for over 20-years. I am a biologist/forester by education and trade who owned and operated a business that conducted extensive spotted owl surveys for national forests through-out the Southwest, including the Gila National Forest.

My family and I have on several occasions seen and heard the Mexican spotted owl as a single and as a pair. Please review attached photos No. 1 & 2 of the local spotted owl pair taken in March, 2002. I am willing to verify the location as shown in photo No. 2. In addition, my wife and I have consistently heard the spotted owl every year during the spring and early summer and as recently as 2021.

Following is a list of full-time residents that have seen or heard the spotted owl and can provide a similar testament to mine. In fact, please review attached photos No. 3 & 4 of a local single spotted owl taken by John Gebhardt in August, 2018. The sight location can be verified as shown in photo No 4.

The townsite of Mogollon is situated at the bottom of an east-west canyon where the spotted owl has been heard on both the north and south slopes leading up to Summa's proposed project area. It is possible the spotted owl may target the abandoned Fanny Hill townsite as foraging grounds due to its abundant rodent population

The list represents eight out of the 13 full time residents of Mogollon. The other five residents are not included on the list due to the respect for privacy or I don't directly know if they have seen or heard the spotted owl.

Full-Time Residents of Mogollon who have seen or heard the Mexican spotted owl with contact information is as follows:

Bob Moore sosilvercreek@gmail.com
Vicki Moore vmooore50@gmail.com
Stan King kingstanley67@gmail.com
Kathy Knapp kathyknapp01@gmail.com
Niels Mandoe nmandoe@gilanet.com
Marianne Scharn mariannescharn@gmail.com
John Gebhardt gebhardt47@mac.com
Linda Gebhardt gebhardt103@att.net

In summation, we request the determination that Summa's application be considered in error of not indicating the presence of T&E species, most specifically the Mexican spotted owl. Therefore, their application does not qualify as a minimal impact exploration operation.

In addition, any further consideration of Summa's proposed exploration activities should be in consultation with the agency in charge with the protection of T&E species, the US Fish and Wildlife Service.

Summa's proposed mining activity would create increased noise pollution, light pollution (during night operation), and dust pollution from truck activity. The slightest amount of standing polluted water could potentially be lethal to an unwary spotted owl who may sweep down for a drink. The noise, light and dust pollution could be significant enough for the spotted owl to abandon its foraging grounds.

Let us be clear, it is also the consequence of human nature that additional risk to the spotted owl is created when human activity is allowed in areas where the owl is active. It would only take one bullet to get rid of the nuisance, the Mexican spotted owl.

Respectfully,

Bob Moore
Electronic signature

Electronic Co-Signers to the Letter:

Vicki Moore
Stan King
Kathy Knapp
Niels Mandoe
Marianne Scharn
John Gebhardt
Linda Gebhardt

From: [Moeny, John, NMENV](#)
To: [Maurer, Anne, NMENV](#); [Ennis, David, EMNRD](#)
Subject: FW: Summa Silver Corp. coming to Mogollon, Catron County NM
Date: Monday, August 2, 2021 2:15:00 PM

Good afternoon Anne and DJ,

I'm forwarding both of you an email I drafted to a resident of Mogollon who had some concerns about the Summa Silver exploration project. I'm not sure he knows the scale or nature of the project, but appears to have some concerns derived from past (pre Mining Act) activities in the area.

Thanks,

John

*John Moeny
Environmental Scientist
New Mexico Environment Department
Surface Water Quality Bureau
Silver City Field Office
3082 32nd Street Bypass Road, Suite D
Silver City NM 88061*

*Phone: (505) 819-9868 ****Please note new phone number*****

John.moeny@state.nm.us
<https://www.env.nm.gov/>

From: Moeny, John, NMENV
Sent: Monday, August 2, 2021 2:10 PM
To: Stanley King <kingstanley67@gmail.com>; Styer, Susan, NMENV <susan.styer@state.nm.us>; gail@gailfornewmexico.com
Subject: RE: Summa Silver Corp. coming to Mogollon, Catron County NM

Good afternoon Mr. King,

I can speak to your concerns about surface water. I reviewed the application and submitted comments to the Mining and Minerals Division as required under the state's Mining Act. The project proponents anticipate drilling up to 50 relatively small (5" diameter) bore holes to a maximum depth of 2,000 feet. Multiple bore holes will be drilled at each drilling pad, so while the total number of bore holes is anticipated to be 50, only 19 drilling locations are planned. The applicant estimates the depth of groundwater to be 55 feet, so they will likely encounter groundwater at most, if not all bore holes. I have not seen the mine permit conditions that MMD has drafted, but I recommended in my comment letter that the applicant seek National Pollutant Discharge Elimination System (NPDES) permit coverage from the EPA. The SWQB does not issue discharge permits. We are one of the few states that lack primacy to draft our own permits and rely on the EPA. NPDES permitting would include development of a stormwater pollution protection plan and other practices to contain potential pollutants during the drilling operation. That said, under the current Navigable Waters rule, the project area may not be considered jurisdictional by the EPA and therefore not subject to federal Clean Water Act regulations. State water quality regulations would still apply of course and I plan to make a visit when the drilling operation is underway to verify that water quality is being protected. Because this is an exploration drilling project (as opposed to the milling operation you detail in your email below) I doubt there will be a large discharge of water, but it is certainly possible that each bore hole could bring some groundwater to the surface. The applicant anticipates using a "closed-loop" drilling system so produced water and drilling mud will be contained in above-ground containers that will move to each drilling location.

I hope that helps answer some of your questions. Please feel free to contact me if you have additional concerns or need clarification. If you haven't seen it already, Summa Silver's application to MMD can be found here: <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-exploration-applications/minimal-impact/ca027em-summa-silver-mogollon/>. You may also want to speak directly to permit lead at MMD, David Ennis: (505) 372-8634 or david.ennis@state.nm.us

*John Moeny
Environmental Scientist
New Mexico Environment Department
Surface Water Quality Bureau
Silver City Field Office
3082 32nd Street Bypass Road, Suite D
Silver City NM 88061*

*Phone: (505) 819-9868 **Please note new phone number***

john.moeny@state.nm.us
<https://www.env.nm.gov/>

From: Stanley King <kingstanley67@gmail.com>

Sent: Monday, August 2, 2021 12:51 PM

To: McMillan, Martin, OSE <Martin.McMillan@state.nm.us>; Valentine, Lloyd, OSE <Lloyd.Valentine@state.nm.us>; Moeny, John, NMENV <John.Moeny@state.nm.us>; Styer, Susan, NMENV <susan.styer@state.nm.us>; gail@gailfornewmexico.com

Subject: Summa Silver Corp. coming to Mogollon, Catron County NM

Please be advised of the pending operation by Summa Silver Corp. on the western slope of the Mogollon Mountains near the townsite of Mogollon, NM.

As a local long standing resident of the Silver Creek canyon and the town of Mogollon, I have concerns of a foreign mining company coming to this area.

I share these concerns with other residents of this area:

1. Water rights issues. Has Summa Silver Corp. obtained water rights for its proposed drilling activities? If so, how much water will be pumped from the aquifer and if our wells run dry is there any mitigation? We have experienced this issue in 1985 with another Canadian based mining company and there was no mitigation.

2. Water treatment issues: Is the NMED SWQB (Surface Water Quality Bureau) aware of this proposed action and are there permits in place? Will there be monitoring of surface water to ensure no pollutants from the drilling operations enter the streams or ground water? We experienced this issue in 1984; Challenge Venture, Richard Manning, USDA portable millsite permit. That operation was terminated after several months of Silver Creek being polluted with copper sulfate. The "portable millsite" is now considered a hazardous waste site on USDA land and remains fenced with chain link and triple link barbed wire. There are no plans that I'm aware of to mitigate this situation.

3. This proposed operation will be 24 hours per day 7 days per week. Traffic on NM State 159 will steadily increase for the duration. Is the NMDOT aware of this proposal? Is there a budget to maintain the NM State 159 to its current condition with the added load of truck traffic?

4. Is there any remedy for noise pollution? This area is home to many natural species and the endangered Spotted Owl. Not to mention the human population seeking peace and quiet. This operation will certainly impact my yoga and spiritual retreat operation at Silver Creek Inn silvercreekinn.com. Will there be any effort by Summa Silver Corp. to mitigate noise?

Below is what I know so far about Summa Silver Corp.

Please contact me at 575 418 7941 (text accepted) with any additional information or questions.

Stanley King,
Owner and Sole Proprietor,
Silver Creek Inn, Mogollon, NM

Investor Presentation (Description of Mogollon property starts on pg 20):

https://www.summasilver.com/wp-content/uploads/2021/01/SummaSilver_InvestorPresentaton_V1.20_2021-01-12.pdf?utm_content=151453645&utm_medium=social&utm_source=twitter&hss_channel=tw-1270446551467360256

Description of Mogollon Property:

<https://summasilver.com/mogollon-property/>

Summa Silver Options Property Agreement within Mogollon Mining District:

<https://www.newswire.ca/news-releases/-r-e-p-e-a-t-summa-silver-options-property-within-historic-mogollon-silver-gold-mining-district-from-allegiant-gold--836537366.html>

Summa Silver Upsizes Financing:

<https://finance.yahoo.com/news/summa-silver-corp-upsizes-financing-182900760.html>

'Will Summa Silver Spend its Money Wisely' Article:

<https://simplywall.st/stocks/ca/materials/tsxv-ssvr/summa-silver-shares/news/will-summa-silver-cvessvr-spend-its-cash-wisely>

Summa Silver Increases the Size of Holdings by 50% at Hughes Property, Tonopah, NV:

<https://www.juniorminingnetwork.com/junior-miner-news/press-releases/2809-tsx-venture/ssvr/102684-summa-silver-increases-the-size-of-its-hughes-property-by-nearly-50-via-staking-an-additional-1-280-acres-prospective-for-high-grade-silver-and-gold-mineralization.html>

News Article Boasting of Drilling Results at Hughes Property, Tonopah, NV:

<https://www.juniorminingnetwork.com/junior-miner-news/press-releases/2809-tsx-venture/ssvr/103543-summa-silver-drills-11-992-g-t-silver-equivalent-over-0-9-m-within-4-408-g-t-silver-equivalent-over-2-8-m-at-the-hughes-property-tonopah-nevada.html>

Summa Silver Stock Price:

https://www.google.com/finance/quote/SSVR:CVE?sa=X&ved=2ahUKEwiV4_LegrruAhXLoFsKHVJ3CrUQ3ecFMAB6BAgBEBk