

State of New Mexico
Energy, Minerals and Natural Resources Department

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June 1, 2022

Dr. Matthew Wunder
NM Department of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504

Re: Request for Comments, Mexican Spotted Owl Survey Results, Summa Silver Mogollon Minimal Impact Exploration, Catron County, New Mexico, Permit No. CA027EM

Dear Dr. Wunder,

On June 1, 2022, the Mining and Minerals Division (“MMD”) of the New Mexico Energy, Minerals and Natural Resources Department received a letter entitled *Mexican Spotted Owl Survey Results* dated May 30, 2022, and a *Biological Technical Memorandum* dated May 28, 2022 (collectively “Survey Results”). The Survey Results are for the Summa Silver Mogollon Exploration Project, permit number CA027EM and have been posted on MMD’s website.

Pursuant to §19.10.3.302.G NMAC, MMD is requesting comments on the Survey Results from New Mexico Department of Game and Fish. Specifically, MMD requests NMDG&F comments relative to the Permit Number CA027EM Condition 10.E:

To minimize potential impacts to Mexican Spotted Owl, all drilling and disturbance activities should be performed outside of the breeding and fledgling-dependency period of March 1 through August 31 when possible. If drilling activities cannot be avoided during the breeding and fledgling-dependency period, spotted owl surveying shall be conducted within a 0.5-mile buffer zone prior to any road work, drill pad construction, and drilling. Surveys shall be conducted by qualified biologists using U.S. Fish and Wildlife Service Mexican Spotted Owl Survey Protocol (2012) and in accordance with New Mexico Department of Game and Fish recommendations. If an occupied breeding territory is located within the 0.5-mile buffer zone, drilling activities shall not occur until the young have fully fledged and dispersed from the area.

Pursuant to §19.10.3.302.G, please provide any comments on the Survey Results within 15 days from the date of receipt of this letter. The Director will consider any comments in the assessment of compliance with Permit Condition 10.E. If you have any questions, please contact me at (505) 372-8634 or by email at david.ennis@state.nm.us.

Sincerely,

David J. (DJ) Ennis, P.G., Permit Lead
Mining Act Reclamation Program (MARF)

cc: Mine File (CA027EM)