

## Ennis, David, EMNRD

---

**From:** Chris York <cyork@summasilver.com>  
**Sent:** Wednesday, October 26, 2022 12:41 PM  
**To:** Ennis, David, EMNRD; Galen McNamara; Jens Deichmann  
**Cc:** Shepherd, Holland, EMNRD  
**Subject:** RE: [EXTERNAL] Permit No. CA027EM Summa Silver Mogollon Minimal Impact Exploration Operation Section 7 paragraph G (Page 8 of 15)  
**Attachments:** Road Work.zip

Dear Mr. Ennis,

The following actions were performed to remedy rutting of the road in response to your email (Permit No. CA027EM Summa Silver Mogollon Minimal Impact Exploration Operation Section 7 paragraph G (Page 8 of 15) dated 10/7/2022. Corrective actions were taken at two locations within a day of having received your email concerning Mr. King's concerns:

Location	X	Y
1	705008	3698487
2	705166	3698405

- Exploration activities were immediately suspended until weather and ground conditions allowed for safe resumption of operations.
- Ruts were removed via backhoe, shovels, and rakes at Location 1 and Location 2. Weed free certified straw was placed in Location 1 to support/solidify roadway edges adjacent to Pad 17.
- Corrective actions were implemented on 10/7/2022.
- Summa Silver is committed to the preservation of the environment and is looking into additional solutions to these areas, including placement of construction mats in appropriate locations. These mats are currently on order.
- Members of the region and visitors continued to utilize the road subsequent to our having taken corrective actions. Summa has continued to remove all rutting along the roadway.

In response to Mr. King's concern that "the resulting runoff from these disturbed areas flows directly into Graveyard Gulch and Silver Creek and into our wells in Mogollon," our activities will not impact the town of Mogollon wells. Firstly, surface runoff of rainwater is independent of, and unrelated to our activities. Secondly, water wells pull water from the screened portion of the well below the ground surface. Lastly, our current work area is greater than half a mile away from the Mogollon townsite. In order to allay any potential concerns, Summa Silver would volunteer to collect water samples of any well in Mogollon for analysis should it be requested by residents.

In addition, Summa Silver will immediately begin daily inspections of the locations of concern and take timely corrective actions as appropriate.

Please let us know if you have any questions or suggestions for further actions, we could take to address your concerns.

Sincerely,

Chris York



## Chris York

VP Exploration  
Summa Silver

618-263-8664  
cyork@summasilver.com  
www.summasilver.com



Sent from [Mail](#) for Windows

---

**From:** [Ennis, David, EMNRD](#)

**Sent:** Tuesday, October 25, 2022 12:42 PM

**To:** [cyork@summasilver.com](#); [Galen McNamara](#); [Jens Deichmann](#)

**Cc:** [Shepherd, Holland, EMNRD](#)

**Subject:** FW: [EXTERNAL] Permit No. CA027EM Summa Silver Mogollon Minimal Impact Exploration Operation Section 7 paragraph G (Page 8 of 15)

Chris, Galen, and Jens,

Please see the below email regarding an update on the road condition from Mr. King and MMD's permit condition.

MMD's email dated 10/7/2022 requested a written description of Summa Silver's proposed remedy, which has yet to be received by MMD. MMD requests the remedy description no later than close-of-business tomorrow Wednesday, 10/26/2022.

As an interim remedy, Summa Silver shall inspect this problematic location daily and perform maintenance on an as-needed-basis to maintain this corner location such that it is in a passable condition at all times.

If you have any questions, please let me know.

Thanks,  
DJ

---

**From:** Stanley King <kingstanley67@gmail.com>

**Sent:** Tuesday, October 25, 2022 10:52 AM

**To:** Ennis, David, EMNRD <david.ennis@emnrd.nm.gov>

**Cc:** Shepherd, Holland, EMNRD <holland.shepherd@emnrd.nm.gov>; Moeny, John, ENV <John.Moeny@env.nm.gov>; kathy Knapp <kathyknapp01@gmail.com>; niels mandoe <nmandoe@gilanet.com>; Marianne Scharn <marianescharn@gmail.com>; Vicki Moore <vmoore50@gmail.com>; Cordelia Rose <cordelia.rose3@gmail.com>; Bob Moore <sosilvercreek@gmail.com>; John Gebhardt <gebhardt47@mac.com>; Linda Gebhardt <gebhardt103@att.net>; Leia Barnett <lbarnett@wildearthguardians.org>; Mike Hasson <handlebarmike@gilanet.com>; Apache <apache@wolhorseoutfitters.com>; William Bradford <chiricahuaprofessor@hotmail.com>; Victoria Linehan <valinehan@gilanet.com>; Tony Estrada <wildhorsefilms@yahoo.com>; Jeff Ray <jayrayslim@q.com>; Lori Mitchell <jewellist@gmail.com>; Gary Clauss <clauss.gary@gmail.com>; Cresta Terrell <cterrell3@hotmail.com>; tonyaloro@hotmail.com; tgspringer@icloud.com; Beyer, Ashley (Heinrich) <Ashley\_Beyer@heinrich.senate.gov>; Madeleine Carey <mcarey@wildearthguardians.org>; siah.hemphill@nmlegis.gov; allysonsiwik



David ("D.J.") Ennis, P.G.

Mining and Minerals Division

1220 S. St. Francis Drive

Santa Fe, NM 87505

(505) 372-8634 Cell and Office

[david.ennis@emnrd.nm.gov](mailto:david.ennis@emnrd.nm.gov)

---

**From:** Stanley King <[kingstanley67@gmail.com](mailto:kingstanley67@gmail.com)>

**Sent:** Thursday, October 6, 2022 12:10 PM

**To:** Ennis, David, EMNRD <[david.ennis@emnrd.nm.gov](mailto:david.ennis@emnrd.nm.gov)>; Shepherd, Holland, EMNRD <[holland.shepherd@emnrd.nm.gov](mailto:holland.shepherd@emnrd.nm.gov)>; Moeny, John, ENV <[John.Moeny@env.nm.gov](mailto:John.Moeny@env.nm.gov)>

**Cc:** Stanley King <[kingstanley67@gmail.com](mailto:kingstanley67@gmail.com)>; kathy Knapp <[kathyknapp01@gmail.com](mailto:kathyknapp01@gmail.com)>; niels mandoe <[nmandoe@gilanet.com](mailto:nmandoe@gilanet.com)>; Marianne Scharn <[mariannescharn@gmail.com](mailto:mariannescharn@gmail.com)>; Vicki Moore <[vmoore50@gmail.com](mailto:vmoore50@gmail.com)>; Cordelia Rose <[cordelia.rose3@gmail.com](mailto:cordelia.rose3@gmail.com)>; Bob Moore <[sosilvercreek@gmail.com](mailto:sosilvercreek@gmail.com)>; John Gebhardt <[gebhardt47@mac.com](mailto:gebhardt47@mac.com)>; Linda Gebhardt <[gebhardt103@att.net](mailto:gebhardt103@att.net)>; Leia Barnett <[lbarnett@wildearthguardians.org](mailto:lbarnett@wildearthguardians.org)>; Mike Hasson <[handlebarmike@gilanet.com](mailto:handlebarmike@gilanet.com)>; Apache <[apache@wolhorseoutfitters.com](mailto:apache@wolhorseoutfitters.com)>; William Bradford <[chiricahuaprofessor@hotmail.com](mailto:chiricahuaprofessor@hotmail.com)>; Victoria Linehan <[valinehan@gilanet.com](mailto:valinehan@gilanet.com)>; [wildhorsefilms@yahoo.com](mailto:wildhorsefilms@yahoo.com); DeLaRosa, Joseph J, NMDOT <[JosephJ.DeLaRosa@dot.nm.gov](mailto:JosephJ.DeLaRosa@dot.nm.gov)>; Jeff Ray <[jayrayslim@q.com](mailto:jayrayslim@q.com)>; Lori Mitchell <[jewellist@gmail.com](mailto:jewellist@gmail.com)>; Gary Clauss <[clauss.gary@gmail.com](mailto:clauss.gary@gmail.com)>; Cresta Terrell <[cterrell3@hotmail.com](mailto:cterrell3@hotmail.com)>; [tonyaloro@hotmail.com](mailto:tonyaloro@hotmail.com); [tgspringer@icloud.com](mailto:tgspringer@icloud.com); Beyer, Ashley (Heinrich) <[Ashley\\_Beyer@heinrich.senate.gov](mailto:Ashley_Beyer@heinrich.senate.gov)>; Madeleine Carey <[mcarey@wildearthguardians.org](mailto:mcarey@wildearthguardians.org)>; [siah.hemphill@nmlegis.gov](mailto:siah.hemphill@nmlegis.gov); allysonsiwik <[allysonsiwik@gmail.com](mailto:allysonsiwik@gmail.com)>

**Subject:** [EXTERNAL] Permit No. CA027EM Summa Silver Mogollon Minimal Impact Exploration Operation Section 7 paragraph G (Page 8 of 15)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Greetings Mr. Ennis,

Please find attached photos of Fanny Road (Catron County Maintained) below. These photos were taken adjacent to Project Area Drill Pad 17, October 5, 2022. This condition exists within the Project Area and is not in compliance with Section 7, Paragraph G of Permit No. CA027EM. These conditions are forecast to continue and will result in impossible travel for visitors to the Mogollon Cemetery and access to other USDA property east of the Project Area. The resulting runoff from these disturbed areas flows directly into Graveyard Gulch and Silver Creek and into our wells in Mogollon.

Section 7, Paragraph G. Permit No. CA027EM

"Use of the roads and overland travel is prohibited within the Permit Area during wet, muddy conditions. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six (6) inches deep, the soil shall be deemed too wet to adequately support construction equipment."

We are requesting NM EMNRD to uphold the terms of this permit and suspend Permit CA027EM until the terms of Section 7, Paragraph G are back in compliance.

Thank you in advance for your action on this issue.


Stanley King, Mogollon Concerned Citizens



 2022\_10\_07\_road Repair Locations\_NAD83Z12



0 100 200 m

A horizontal scale bar with a black segment on the left and a white segment on the right, representing 0, 100, and 200 meters.

Location	X	Y
1	705008	3698487
2	705166	3698405



North American  
Weed Free  
Forage  
Certification  
Program

Certified to the North American Standards  
NMSU Seed Certification

MSC 3 Ley PO Box 30003, Las Cruces, NM 88003-8003  
(575) 646-4215

This product was produced and inspected in accordance with the certification standards of the New Mexico State University Seed Certification. IN CONNECTION WITH THIS PRODUCT, NMSUSC MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING MERCHANTABILITY OR FITNESS FOR PURPOSES OR OTHERWISE UNDER NO CIRCUMSTANCE OR EVENT SHALL NMSUSC BE RESPONSIBLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES

77422

1584



### New Mexico State University Seed Certification

NEW MEXICO STATE UNIVERSITY  
P.O. Box 30003 MSC 3AE  
Las Cruces, New Mexico 88003  
Phone (505) 646-4125 Fax (505) 646-8137

### New Mexico Weed Free Forage Program

## CERTIFICATE OF INSPECTION

This certifies that the field(s) described herein, have been inspected according to North American Forage Certification Standards using both the North American and the New Mexico Department of Agriculture (NMDA) list of noxious species. The objective of this program is to help prevent and slow the spread of designated noxious weeds by providing forage which is free\* of the potential for transport and dispersal of listed weed species.

Producer: Environmental Erosion Controls<sup>LLC</sup> Phone: (505) 859-0881

Address: PO Box 528

City: Paralta State: NM Zip Code: 87042

Field(s) Description: Site inspection

Acres Inspected: \_\_\_\_\_ Cutting: (circle one) 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> Other \_\_\_\_\_

Tons/Bales \_\_\_\_\_ Package Type: (waddle - erosion control)

FORAGE PRODUCT: wheat/oat straw - 3 Strand Bales

A.  **MEETS** requirements of the North American Forage Certification Standards using both the North American and the NMDA list of noxious species. This forage contains variable amounts of annual weeds and/or other weeds not listed as prohibited or noxious.

B.  **COMPLIES with MINIMUM** requirements of the North American Forage Certification Standards using both the North American and the NMDA list of noxious species. This forage contains variable amounts of Prohibited or Noxious weed species which were immature, (no viable seed) when harvested, or were treated to prevent seed formation. These plants parts, although not usually desirable in the forage product, are not considered able to begin new infestations.

Weeds Noted: Some Russian thistle on edge -

Additional Comments: fields Clean interior

### REQUIREMENTS

Forage must be certifiable within 10 days of harvesting; and inspected in the Field of Origin by proper officials. Inspection shall include surrounding ditches, fence rows, easements, roads, and loading areas and stockyards.

Certified by: Stanley Sweet Title: Tech II

\*Certification does not guarantee the absence of seeds listed as prohibited or noxious; certification is based upon prudent and reasonable visual inspection. This certificate is Not Transferable. End User must have the original white form Transit Certificate (no photo copies), or forage must be identified with an approved marking system such as special twine or tags. For additional information call the New Mexico State University Seed Certification at (575) 646-4125





