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1 May 2023

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

RE: Mexican Spotted Owl Survey Update - Fannie Road (Catron County C-040) Repair Workplan, Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM; NMDGF No. NMERT-2570.

Dear Mr. Ennis:

The New Mexico Department of Game and Fish (Department) has reviewed Summa Silver's Mexican spotted owl survey update, workplan for road repair, and the proposed mitigation measures that will be implemented during road repair activities. Summa Silver is requesting permission to repair 1.23 miles of road along Fannie Road (Catron County C-040) and Forest Service Road FS4056O, both north of Mogollon, NM, during the Mexican spotted owl (MSO) closure and migratory bird survey season (March 1 – August 31). Summa Silver anticipates completion of the road repair work within two to three days.

With the implementation of, and strict adherence to, the following mitigation measures proposed by Summa Silver, the Department does not anticipate that the proposed road repair work will cause significant disturbance to the resident MSO population:

1. *Pre-construction surveys:* Surveys will be conducted daily by a qualified biologist before roadwork begins to identify active migratory bird nests and to monitor MSO roosting sites.
2. *Buffer delineations:* Buffer edges in proximity to the northern and southern work areas will be flagged to ensure that road repair activities do not encroach on sensitive habitats.
3. *Worker education:* Road repair workers will be briefed about the presence of MSO in the area and provided guidelines on how to minimize disturbances.
4. *Limit work hours:* Road repair operations will be limited to one to two hours after sunrise until one to two hours before sunset.
5. *Monitoring:* A qualified biologist will be on-site during road repair activities to monitor owl behavior in the area, detect any potential adverse effects, and adjust mitigation measures accordingly.

6. *Adaptive management*: If any negative impacts are observed, road repair activities and mitigation measures will be adjusted to reduce further disturbances.

The Department also requests that Summa Silver notify Ron Kellermueller (contact below), in advance, regarding the final timeline for road repair work completion.

Thank you for the opportunity to provide comments on the proposed work plan to conduct road repairs and associated mitigation measures. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dgf.nm.gov.

Sincerely,

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

cc: USFWS NMES Field Office