

State of New Mexico
Energy, Minerals and Natural Resources Department

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Governor

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Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



May 8, 2023

Mr. Galen McNamara
Summa Silver Corp.
918-1030 West Georgia Street
Vancouver, BC V6E 2Y3

RE: Fannie Road (Catron County C-040) Repair Workplan, Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA27EM

Dear Mr. McNamara:

The New Mexico Mining and Minerals Division (“MMD”) has received a Mexican Spotted Owl Survey Update (“MSO Survey”) dated April 19, 2023, for the Fannie Road Repair Workplan (“Workplan”), dated March 2, 2023. MMD requested comments on the MSO Survey from the New Mexico Department of Game and Fish (“DGF”). Based on comments received from DGF on May 1, 2023, MMD approves the Workplan contingent on the following conditions:

- All mitigation measures proposed by Summa Silver in the Workplan and concurred to by DGF shall be adhered to during the proposed road repairs.
- Appropriate permission shall be obtained from Catron County for work to be performed on Fannie Road (Catron County C-040).
- Appropriate permission shall be obtained from the U.S. Forest Service for work to be performed on Forest Service Road FS40560.
- Please contact MMD prior to the commencement of road repair work and submit an update letter summarizing work completed and showing final repairs within 30 days of repair completion.

Should you have any questions, comments, or require additional information concerning this letter or any enclosures, please contact me at (505) 470-5354, or via email at kevin.barnes@emnrd.nm.gov.

Sincerely,

Kevin Barnes
Reclamation Specialist
Mining and Minerals Division

Attachment: DGF letter dated May 1, 2023

cc: Mine File (CA027EM)



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

www.wildlife.state.nm.us

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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