

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



August 9, 2023

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

RE: Agency Review Comments and Request for Additional Information, Summa Silver Mogollon, Catron County, New Mexico, Permit Tracking No. CA027EM

Dear Mr. McNamara,

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the Permit Application Package (“PAP”) submitted on April 20, 2023, by Summa Silver Corp. (“Summa”) for the Summa Silver Mogollon exploration project located in Catron County, New Mexico. In accordance with 19.10.3.302.G NMAC, MMD requested comments on the PAP from cooperating state and federal agencies.

Enclosed with this letter are the reviewing agency comment letters submitted by the following state agencies: the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico Office of the State Engineer (“NMOSE”), the New Mexico Department of Cultural Affairs - Historic Preservation Division (“NMDCA/HPD”), the New Mexico Energy, Minerals, and Natural Resources Department – Forestry Division (“Forestry”). Also enclosed are a tribal comment letter from the White Mountain Apache Tribe and general comments from MMD based on review of this application.

General Comments:

MMD has reviewed the PAP and has found it to be *technically incomplete*. MMD has conducted a review of the PAP and has the following comments to be addressed in writing within 30 days of receipt of this letter:

1. During site visits conducted on June 26 and July 26, 2023, it was stated by Summa that proposed drill pads DP8A, DP12, and DP13 were to be removed from the PAP due to proximity with registered historic districts and/or artifact sites. Please confirm that these drill pads have been removed from the PAP and state if any other drill pads, access roads, or any other form of permitted disturbance are to be removed from the PAP.
2. During site visits conducted on June 26 and July 26, 2023, it was noted that proposed access routes along historic roads to DP6/DP7 and DP10 are in some sections totally reclaimed by native vegetation and slopes. The condition of these routes would require new road construction as opposed to extension or widening of an existing usable road. Please recalculate estimated disturbance acreage due to new road construction.

3. It was noted during site visits that the proposed access route to DP10 at one point crosses a drainage with two prominent channels. Please show how the road would be constructed in this portion, i.e. installation of a culvert or another diversion structure.
4. State and show which previously permitted drill pads, borings, and access roads have been constructed and the reclamation or abandonment status of each.
5. In the 2021 PAP and the current PAP, there are several different road widths included for estimated disturbance due to new road construction and existing road improvement ranging from 5 to 14 feet in width. For the purpose of disturbance estimation due to road construction or improvement, the entire road width should be included in the calculation, and road width should not vary widely across a permit unless there is a different purpose or equipment usage planned. Please clarify road width for all proposed and previously permitted new road construction and existing road improvement and recalculate total estimated disturbance as necessary. If a section of road will vary in width from the majority of proposed roads, please state the reason for the variation.

NMED Mining Environmental Compliance Section, Ground Water Quality Bureau Comments (“MECS”)

Please review the comment letter received from NMED MECS Ground Water Quality and respond to any concerns.

NMED Surface Water Quality Bureau Comments:

Please review the comment letter received from NMED Surface Water Quality Bureau and respond to any concerns.

NMED Air Quality Bureau Comments:

Please review the comment letter received from NMED Air Quality Bureau and respond to any concerns.

NMDG&F Comments:

Please review the comment letter received from NMDG&F and respond to all concerns and recommendations raised.

NMOSE Comments:

Please review the comment letter received from NMOSE and respond to any concerns.

Forestry Comments:

Please review the comment letter received from Forestry and respond to any concerns.

NMDCA/HPD Comments:

Please review the comment letter received from NMDCA/HPD and respond to any concerns.

White Mountain Apache Comments:

Please review the comment letter from the White Mountain Apache Tribe and respond to any concerns.

Agency Review Comments and Request for Additional Information, Summa Silver Mogollon, Minimal Impact Exploration Permit Application, Catron County, Permit Tracking No. CA027EM

Page 3 of 3

If you have any questions, please contact me at (505) 470-5354, or via email at kevin.barnes@emnrd.nm.gov.

Sincerely,



Kevin Barnes, Permit Lead
Mining Act Reclamation Program ("MARF")

Enclosures: Agency Letters

Cc with enclosures: Chris York, Summa Silver Corp.
Jens Deichmann, Summa Silver Corp.

Cc w/o enclosures: David "DJ" Ennis, Program Manager, MARF/MMD
File (CA027EM)



Electronic Transmission

MEMORANDUM

Date: August 2, 2023

To: David Ennis, Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: David Mercer, MECS
John Moeny, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Summa Silver Mogollan Project, Minimal Impact Exploration Permit Application, Summa Silver Corporation, Catron County, New Mexico, New Mexico Mining Act Permit No. CA027EM**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on June 9, 2023 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Summa Silver Mogollan Project requires a minimal impact exploration permit. MMD requested comments on the application within 20 days of receipt of the request for comments. NMED requested an extension to submit comments by August 2, 2023. NMED has the following comments.

Background

Summa Silver Corporation (applicant) is applying for a minimal impact exploration permit in Catron County. The applicant proposes to drill 75 boreholes on 29 drill pads ranging from 600-2,000 feet in depth on private patented mining claims. The total acreage to be disturbed is 2.456 acres. The proposed exploration area is located northwest of Mogollon, NM on private property in Sections 27 and 28, T10S, R19W.

Mr. David Ennis
Summa Silver Mogollan Project
August 2, 2023

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

The MECS has the following comments:

1. Regulations associated with minimal impact exploration operations are found at 19.10.3.302 NMAC. Required information associated with an application for a minimal impact exploration operation with regard to groundwater are found at 19.10.3.302 D(5) NMAC and state, “an estimate of depth to groundwater and total dissolved solids concentration”. The applicant lists a Total Dissolved Solids (TDS) range of 120-1,440 mg/L cited from research for Catron County. This range may not be representative of site conditions given the site is located within a mining district. The applicant should sample groundwater from at least one of the borings that encounters groundwater and provide sample results as part of project.
2. The applicant does not anticipate artesian conditions and will not need to contain produced water during the project.
3. New Mexico Office of the State Engineer (NMOSE) forms WR-07 and WD-08 were not provided in the application. The applicant needs to comply with the NMOSE regulations for permitting and abandoning monitoring wells.

NMED Summary Comment

NMED finds that exploration as proposed in the application will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: Joseph Fox, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB
Kevin Barnes, MMD permit lead



MEMORANDUM

July 31, 2023

To: Anne Maurer, Mining Act Team Leader
Mining Environmental Compliance Section
Groundwater Quality Bureau (GWQB)

From: John Moeny
Watershed Protection Section
Surface Water Quality Bureau

Subject: **Request for Review and Comment, Summa Silver Mogollan, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM**

On June 9, 2023, NMED received a request for comments regarding a modification and renewal of an existing minimum impact exploration project submitted by Summa Silver ("Applicant"). The project is in Catron County, approximately 1 mile northwest of Mogollon, NM on private lands.

Summary of Proposed Action

The Applicant would like to bore an additional twenty-five 5-inch diameter holes to a maximum depth of 2,000 feet from an additional 10 drill pad locations. Each drill pad will require a cleared area approximately 50'x50' and a closed-loop mud/fluid drilling system will be utilized. A combination of existing roads, new roads, and improvements to abandoned roads will be utilized to access drill locations and total disturbance is estimated at 2.456 acres.

Relevant State and Federal Water Quality Regulations

This Project will disturb one or more acres and storm water discharges may be covered under both/either the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) or under the Multi-Sector General Permit (MSGP) under Sector G Metal Mining.

The applicant must contact the EPA to determine whether this project is subject to NPDES permitting. Please provide documentation of either 1) EPA's confirmation that coverage is not required, or 2) a permit coverage number under CGP and/or MSGP. For industrial stormwater, please contact: Nasim Jahan (jahan.nasim@epa.gov), (214) 665-7522. For Construction General Permit, please speak with Suzanna Perea (perea.suzanna@epa.gov), (214) 665-7217.

Mine activities may affect Surface Waters of the State as defined in 20.6.4.7 NMAC, which includes ephemeral arroyos within the mining operations and are subject to 20.6.4.98 NMAC. Furthermore, operations must ensure protection of surface waters of the state including General Criteria at 20.6.4.13 NMAC, established to sustain and protect existing or attainable uses of surface waters of the State. These general criteria apply to all surface

waters of the state at all times. Surface waters of the State shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property.

The Applicant is required to report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (NM Dept of Public Safety).

In addition to the above regulatory standards, SWQB requires the following practices to avoid contamination and to protect surface and groundwater quality:

- Access to drill pad 10 will require widening and improving an abandoned road that crosses an ephemeral drainage. Improvements to the crossing should not impede the flow of water and at reclamation, the channel should be returned to its original dimensions.
- Process water must be contained within the closed-loop system and may not be discharged unless a discharge permit has been secured from the EPA and/or NMED.
- Drill pads should be lined to prevent mobilization of fuels and oils subsurface and into groundwater.
- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must have a secondary containment system to prevent spills. Store these materials outside of the flood-prone zone.
- Perform all work, when practicable, in the dry season and postpone work during wet and muddy conditions.
- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, drilling and reclamation to address potential spills.
- Provide a minimum 50' setback from existing drainages to drill pads and staging areas.

If you have any questions, please phone me at (575) 956-1545.



MEMORANDUM

DATE: August 1, 2023

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

Re: Request for Review and Comment, Summa Silver Mogollan, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Details

On behalf of Summa Silver Corporation (Summa), Everett Ecological is submitting this memorandum to request a (I.) modification to and (II.) renewal of Summa's Part 3 Minimal Impact Permit No. CA027EM (Permit) for Mogollon Project in Catron County, New Mexico. This request encompasses the documentation associated with the original nineteen exploration work sites addressed in both the original Permit Application Package (PAP, Component A - Attachment 1) approved by MMD in March 2021 and the Permit Renewal Application (PRA) subsequently approved in August 2022. Furthermore, this request introduces the addition of thirteen new exploration work sites. Total land disturbance from this project will be less than 2.5 Acres.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other*

Request for Review and Comment, Summa Silver Mogollan, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM

Page 2

Particulate Control: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

"Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review."

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

"Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant."

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

"Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department."

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project

Request for Review and Comment, Summa Silver Mogollan, Summa Silver Corp., Minimal Impact Exploration Permit Application, Catron County, New Mexico Mining Act Permit No. CA027EM

Page 3

area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA's *Compilation of Air Pollutant Emission Factors, AP-42, "Miscellaneous Sources"* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to "optimum moisture" for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

Recommendation

The Air Quality Bureau has no objection to this request.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505 629 6186



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

TIRZIO J. LOPEZ
Vice Chair
Cebolla

FERNANDO CLEMENTE, JR.
Sunland Park

GREGG FULFER
Jal

EDWARD T. GARCIA
Los Ranchos

SHARON SALAZAR HICKEY
Santa Fe

4 August 2023

Kevin Barnes, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: *Minimal Impact Exploration Permit Application Renewal and Modification, Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM; NMDGF Project No. NMERT-2647.*

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced renewal and modification of the Mogollon Exploration Project submitted by Summa Silver Corporation (Summa Silver). Summa Silver is proposing to drill 75 exploratory holes at 29 drill pad sites. Hole depths will range from approximately 600 to 2,000 feet. The drill pad sites will be located in Sections 27, 28, and 33 in Township 10S, Range 19W. The total area that will be disturbed is approximately 3.9 acres. Staff from the Department, MMD, New Mexico Environment Department, and Summa Silver conducted a site inspection on 26 July 2023.

After two years of contracting U.S. Fish and Wildlife Service (USFWS) protocol Mexican Spotted Owl (MSO) surveys, Summa Silver has documented four pairs of MSOs near the proposed exploration project area. Juvenile MSO have successfully fledged during the two-year survey period from two confirmed nest sites in Silver Creek. The contractor also documented two roost and possible nest sites, one in Mineral Creek and one near Forest Road 716B. At both sites, pairs of adult owls have been observed in habitat that provides the necessary structural complexity and cliff substrate for nesting. However, breeding has not yet been confirmed at these sites. Based on the current survey data, there may be four, potentially breeding pairs of MSO that could be adversely impacted by the proposed drilling activities during the breeding season.

Summa Silver's proposed exploration dates have been updated to occur from 1 September 2023 through 1 September 2024. The Department believes that the current seasonal restriction for drilling activities has been successful in minimizing impacts to breeding MSOs. This has been demonstrated by the successful fledging of young at the two, documented Silver Creek nest sites. The Department is particularly concerned about potential adverse impacts to MSO foraging behavior and nest success in the event that Summa Silver decides to bring in multiple drilling rigs during the breeding and fledgling-dependency period. The Department recommends that current seasonal restrictions on, and buffer distances (i.e., 0.5 miles) from nest sites, for drilling activities be maintained to minimize impacts on the MSO population near the proposed

exploration project area. It is also recommended that the MSO nest and roost sites continue to be monitored for occupancy, breeding activity, and reproductive success for the duration of the exploration project.

Proposed drill pad sites 10, 12, and 13 are within the 0.5 miles buffer of the Silver Creek #1 nest site. These drill pad sites should either be removed from the proposed drilling program or relocated outside of the nest site buffer zone. Of particular concern is pad site 10, which is located 0.33 miles away from and is also in direct line of sight of the nest/roost site. The Department believes that conducting drilling activities at site 10 would be likely to have adverse effects on the MSO pair that nest and roost at Silver Creek nest site #1.

The Department recommends that during new road and drill pad construction, large, mature trees are left undisturbed to the maximum extent feasible. Tree species to protect include alligator juniper, Gambel oak, piñon pine, and ponderosa pine.

The Department also recommends that Summa Silver continue to consult with the USFWS regarding any additional concerns or mitigation measures and to assist with a strategy to delineate appropriate boundaries for Primary Activity Centers (PACs).

Thank you for the opportunity to provide comments on the permit renewal and modification. 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

Barnes, Kevin, EMNRD

From: Gersh, Max, OSE
Sent: Thursday, August 3, 2023 10:17 AM
To: Barnes, Kevin, EMNRD; Zemlick, Katie, OSE
Cc: Ennis, David, EMNRD; Valentine, Lloyd, OSE
Subject: RE: Summa Silver Mogollon Exploration Project - CA027EM - Permit Renewal and Modification - Request for Comment

Good morning Kevin,

Apologies for the delay. We have one comment worth noting here:

If Summa Silver is going to continue with any undrilled exploration boreholes, it is worth noting the current permit they have, under OSE File No. GSF-04731, for permit to drill exploratory PODs 5, 7, 8, 10, 13-18, 21-23, however, that permit is set to expire on September 30, 2023. If drilling under this permit is set to continue, they must provide the OSE District III office with Well Logs before September 30, 2023. If Summa plans to drill any exploratory wells after that date, they will need to submit the WR-07 and WR-08 paperwork with the District III office and await approval prior to any drill operations. I spoke with Martin McMillan in District III and they do not have any additional applications filed from Summa Silver that indicates further drilling operations past September 30, 2023.

According to my records, it appears the OSE has received Well Logs and Plugging Records for the following: PODs 5, 7, 8, 13, 15-18, 21-23. Therefore, based on the OSE records, Summa is still permitted to drill PODs 10 and 14 before September 30, 2023.

Other than that, the Hydrology Bureau has no additional comments referring to CA027EM. Please let me know if you have any questions.

Thank you,

Max Gersh
Hydrology Bureau
[NM Office of the State Engineer](#)
Concha Ortiz y Pino Building
130 South Capitol Street
Santa Fe, NM 87504
Email: max.gersh@state.nm.us
Phone: (505) 827-7935
Cell: (602) 881-2296

From: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Sent: Monday, July 31, 2023 2:17 PM
To: Zemlick, Katie, OSE <Katie.Zemlick@ose.nm.gov>
Cc: Ennis, David, EMNRD <david.ennis@emnrd.nm.gov>; Valentine, Lloyd, OSE <Lloyd.Valentine@ose.nm.gov>; Gersh, Max, OSE <Max.Gersh@ose.nm.gov>
Subject: FW: Summa Silver Mogollon Exploration Project - CA027EM - Permit Renewal and Modification - Request for Comment

Good afternoon Katie,

I wanted to verify that OSE had no comments to give on the Summa Silver Mogollon permit renewal and modification. We plan to send all agency comments to Summa this week. Thank you!

Regards,

Kevin

Kevin Barnes
Reclamation Specialist
Mining and Minerals Division
Mining Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 470-5354

From: Barnes, Kevin, EMNRD
Sent: Friday, June 9, 2023 10:12 AM
To: Zemlick, Katie, OSE <Katie.Zemlick@ose.nm.gov>
Cc: Ennis, David, EMNRD <David.Ennis@emnrd.nm.gov>
Subject: Summa Silver Mogollon Exploration Project - CA027EM - Permit Renewal and Modification - Request for Comment

Good morning Katie,

Please see the attached request for comment letter for the renewal and modification permit request for the Summa Silver Mogollon Project located in Catron County, NM (CA027EM). The Part 3 Minimal Impact Exploration permit renewal and modification application can be viewed at <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-exploration-applications/minimal-impact/ca027em-summa-silver-mogollon/>

Please note that a site visit to view this project has been scheduled for the afternoon of June 26, 2023. Let me know if you or a representative from your agency would like to attend or if you have any questions.

Regards,

Kevin

Kevin Barnes
Reclamation Specialist
Mining and Minerals Division
Mining Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 470-5354

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



June 30th, 2023

Kevin Barnes
Reclamation Specialist; Permit Lead
Mining Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 470-5354

RE: Request for Comments on Minimal Impact Exploration Permit Application Renewal and Modification, Summa Silver Mogollon Project, Catron County, New Mexico, Permit No. CA027EM

Thank you for the opportunity to comment on the above referenced project. I do not anticipate any impacts to State Endangered plants listed in Section 75-6-1 NMSA 1978.

However, there are several rare species listed on the New Mexico Rare Plant Technical Council's website for Catron County that could be present. These species are: *Cymopterus davidsonii* (State Rank: 1), *Silene wrightii* (State Rank: 2), *Packera cardamine* (Forest Service Sensitive species; State Rank 2), *Draba mogollonica* (State Rank: 2), *Cirsium gilense* (Forest Service Sensitive Species, State Rank: 2), *Anticlea mogollonensis* (Forest Service Sensitive Species, State Rank: 1), and *Phemeranthus humilis* (Forest Service Sensitive Species, State Rank: 2). ***Phemeranthus humilis*** (Pinos Altos fame flower), is the most likely species to be present; a rare species that only flowers from July-September and only in late afternoon, making it difficult to detect. It has been found on nearby Gila National Forest lands at, or near, similar elevations as the project area and in similar habitat. It is currently being watched as a potential species for listing.

It should be noted that the species listed above have not yet been listed as State Endangered, nor Federally listed by the USFWS, thus do not carry legal protections. However, they do have state rankings of S1 (Critically Imperiled) or S2 (Imperiled) as defined by NatureServe (<https://explorer.natureserve.org/>) and determined rare by local experts.

The Division of Forestry would suggest that if a biological assessment is conducted again in the future, that it be done during an appropriate time (during growing season) to search for the above-mentioned species. It appears that the on-the-ground Habitat Assessment prepared by WestLand Resources was conducted in mid-November. Any rare plants, if present, would have been difficult, if near impossible to identify as they would have already senesced (i.e., died back).

Please let me know if I can be of further help.

Sincerely,



Erika Rowe

State Botanist - Endangered Plant Program Coordinator
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov
(505)699-6371
<http://www.emnrd.state.nm.us/SFD/>

###



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320

June 21, 2023

Kevin Barnes
Reclamation Specialist
Mining and Minerals Division
kevin.barnes@emnrd.nm.gov

Re: HPD Log# 119915, Summa Silver Mogollon Exploration Project - CA027EM - Permit Renewal and Modification

Dear Mr. Barnes:

I am writing in response to your request for comment on the above referenced permit renewal application, of which the complete information necessary for review was received by this office on June 14, 2023.

Pursuant to 19.10.4.03 NMAC, Minimal Impact Exploration Operations, the Director shall determine whether a permit modification would have an adverse impact on cultural resources listed on, or eligible for, either the National Register of Historic Places (NRHP) or the State Register of Cultural Properties (SRCP) or be located in a known cemetery or other burial ground.

I have reviewed the submitted report entitled "A Cultural Resources Inventory of 29.17 Acres of Private Lands near Mogollon, Catron County, New Mexico for a Proposed Mineral Exploration Drilling Project" (NMCRIS# 152144) by Westland Engineering and Environmental Services.

Regarding the report's recommendations:

Concerning proposed Drill Pad 9A: as no concrete pad will be constructed and all drill related disturbance will be contained within the already disturbed road prism, the State Historic Preservation Officer (SHPO) believes this drill activity will have no adverse effect to the Fannie Hill Mine (SR 563), which is listed in the State Register of Cultural Properties, and the Fannie Hill Mill and Company Town Historic District (SR 1413), which is also listed in the National Register.

However, the SHPO does believe that the proposed modification of the road that will lead to Drill Pads 12 and 13 will have an adverse effect to SR 1413 as the proposed road widening will introduce a modern feature that will diminish the historic district in the aspects of design and setting. The proposed road will change the historic character of the historic district by widening a narrow, unpaved road.

The SHPO concurs with the report's site eligibility recommendations with the following exceptions:

Sites LA 202361 and LA 202362 represent historic trash dumps that each contain thousands of artifacts. The report acknowledges that these trash middens are associated with mining and domestic activities but recommends the sites as not eligible for the NRHP. The SHPO does not concur with these NRHP eligibility recommendations. While the sites are not situated within the National Register District, potentially significant mining-related properties can also be located in places distant from the actual mine locations. These sites may contain information regarding the domestic consumption patterns of miners and their families and could provide important information regarding mine economies. LA 202361 and

LA 262362 retain an undetermined eligibility for the NRHP pending a more comprehensive analysis of the site's artifact assemblages conducted under an appropriate research design. Until such occurs, these sites should be treated as being eligible for the NRHP and avoided by all drill related construction.

The SHPO believes that the building recorded as HCPI 38345 is not eligible for listing in the National Register because of its loss integrity in its design, materials, and workmanship.

Finally, The SHPO believes that IO-2, a trash scatter composed of 40-50 artifacts, should have been recorded as a site.

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-827-6162 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard Reycraft
HPD Staff Archaeologist



White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Kevin Barnes – Permit Lead Mining and Minerals Division

Date: June 27, 2023

Re: *Permit Renewal for the Summa Silver Mogollon Project – Permit No. CA027EM*

.....

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; June 09, 2023. In regards to this, please refer to the following statement(s) below.

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above proposed renewal and modification of Minimal Impact Exploration Permit application, for the Summa Silver Mogollon Project, in Catron County, New Mexico.

Please be advised, we have reviewed the consultation letter and the information provided, we have reviewed the information provided and determined the proposed project application will have a ***“No Adverse Effect”*** to the tribe’s traditional cultural properties and/or historic properties.

Thank you for the continued tribal engagement and consultation, and collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

Mark Altaha

White Mountain Apache Tribe – THPO
Historic Preservation Office