

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

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Cabinet Secretary

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Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



September 19, 2023

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

RE: Notice of Exclusion from Minimal Impact Status, 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 response to Agency Review Comments and Request for Additional Information (“Letter”) submitted on September 4, 2023, by Summa Silver Corp. (“Summa”) in reference to the Summa Silver Mogollon exploration project located in Catron County, New Mexico (“Site”).

After review of the Letter, MMD has determined that Modification 23-1 (“Mod 23-1”) to Permit No. CA027EM as outlined in the Permit Application Package (“PAP”) submitted April 20, 2023, and in the Letter, does not qualify for Minimal Impact Status as defined under NMAC 19.10.1.7.M.(2)(b) due to Summa’s inclusion of DP-10 within Mod 23-1. This determination is based on the comments from the State of New Mexico Department of Game & Fish (“DGF”), received August 4, 2023, which state in reference to proposed drill pad DP-10 and Mexican Spotted Owl (“MSO”) roosts located near the 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.”

MMD has determined that based on this comment, this permit modification is excluded from Minimal Impact Status as it no longer meets the requirements, specifically contradicting NMAC 19.10.1.7.M.(2)(b) which excludes operations that are “Located...in areas determined by the Department of Game and Fish likely to result in an adverse impact on an endangered species designated in accordance with the Wildlife Conservation Act, Section 17-2-37 through 17-2-46 NMSA 1978...”

This determination is based solely on the current proposed location of drill pad DP-10 and DGF’s related comments. If DP-10 remains included as part of the future scope of work, then the Permit will require conversion to a Part 4 Regular Exploration Operation and be subject to the permitting requirements under 19.10.4 NMAC and public notice requirements under 19.10.9

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

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NMAC. Please contact the undersigned at (505) 470-5354, or via email at kevin.barnes@emnrd.nm.gov in reference to next steps to proceed with Mod 23-1.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Barnes', with a long horizontal flourish extending to the right.

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

Cc: Chris York, Summa Silver Corp.
Jens Deichmann, Summa Silver Corp.
David “DJ” Ennis, Program Manager, MARF/MMD
File (CA027EM)