

Barnes, Kevin, EMNRD

From: LucasKamat, Susan, ENV
Sent: Tuesday, November 7, 2023 12:54 PM
To: Barnes, Kevin, EMNRD
Cc: Ennis, David, EMNRD; Styer, Susan, ENV; Lemon, Shelly, ENV; Klatt, Alan, ENV; Weatherly, Christal, ENV
Subject: RE: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Kevin.

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) has reviewed the Summa Silver Mogollon Minimal Impact Exploration Operation Notice of Intent (NOI) for National Pollutant Discharge Elimination System (NPDES) permit coverage under the Multi-Sector General Permit (MSGP) (dated September 25, 2023) and the correspondence from EPA Region 6 confirming they are reviewing the permit (dated November 3, 2023).

The NOI indicates NPDES coverage under NPDES MSGP master permit number NMR050000. These submittals meet the requirements of the NMED comment for Summa Silver to determine if the project is subject to NPDES permitting.

Regards,
Susan

Susan A. Lucas Kamat
Program Manager, Point Source Regulation Section
Surface Water Quality Bureau
New Mexico Environment Department
Phone: 505-946-8924
Email: Susan.LucasKamat@env.nm.gov
Personal Pronouns: she/her/hers

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.

From: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Sent: Friday, November 3, 2023 2:47 PM
To: LucasKamat, Susan, ENV <Susan.LucasKamat@env.nm.gov>
Cc: Ennis, David, EMNRD <david.ennis@emnrd.nm.gov>
Subject: FW: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Good afternoon Susan,

Please see the attached email from EPA in addition to the original MSGP submittal from Summa. Please let me know if this is sufficient based on our conversation. Thanks!

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: Monday, October 30, 2023 8:43 AM
To: LucasKamat, Susan, ENV <Susan.LucasKamat@env.nm.gov>
Cc: Ennis, David, EMNRD <David.Ennis@emnrd.nm.gov>
Subject: FW: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Good morning Susan,

Wanted to circle back and see if you've had a chance to look at Summa Silver's MSGP application and see if that's a sufficient response to your comments. Thanks!

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: Thursday, October 19, 2023 2:02 PM
To: LucasKamat, Susan, ENV <Susan.LucasKamat@env.nm.gov>
Cc: Ennis, David, EMNRD <David.Ennis@emnrd.nm.gov>
Subject: FW: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Hey Susan,

We've had some questions on this, and wanted to see if James' response below and the attachment are sufficient to satisfy these NMED comments:

"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."

Thanks!

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: James Waddell <james.waddell@eveco.tech>
Sent: Monday, September 25, 2023 4:01 PM
To: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Subject: Re: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Hi Kevin,

I have submitted our NPDES permit application to the EPA and have attached a receipt of the application for your records. Now that we have finally checked all the boxes, what is your timeline estimate for approval of our modification request? Please let me know if you have any other questions.

Many Thanks,



Everett Ecological

James Waddell
Ecologist - Wildlife Biologist
4016 Sycamore Way
Reno, NV 89502

520-289-9247

On Mon, Sep 25, 2023 at 8:13 AM James Waddell <james.waddell@eveco.tech> wrote:

Awesome, thanks!



Everett Ecological

James Waddell
Ecologist - Wildlife Biologist
4016 Sycamore Way
Reno, NV 89502

520-289-9247

On Mon, Sep 25, 2023 at 7:35 AM Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov> wrote:

Hey James, here you go.

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: James Waddell <james.waddell@eveco.tech>
Sent: Friday, September 22, 2023 7:58 PM
To: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Subject: Re: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Excellent news! Could you please send it to me ASAP? It's the last piece of our SWPPP permit application and we need to submit it ASAP. Thanks Kevin!

On Fri, Sep 22, 2023, 6:20 PM Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov> wrote:

Hey James, yeah we received their comments the other day. DJ and I have been in the field so it hasn't been posted online yet, but Rick had no issues.

Get [Outlook for iOS](#)

From: James Waddell <james.waddell@eveco.tech>
Sent: Friday, September 22, 2023 2:04:39 PM
To: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>
Subject: Re: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

Hi Kevin,

Have you received anything from HPD yet?

Many Thanks,

James Waddell

Ecologist - Wildlife Biologist
4016 Sycamore Way

Reno, NV 89502

520-289-9247

On Fri, Sep 15, 2023 at 3:37 PM Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov> wrote:

Hey James,

Understood, I'll send Rick's response over as soon as I get it.

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: James Waddell <james.waddell@eveco.tech>

Sent: Friday, September 15, 2023 4:36 PM

To: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>

Subject: [EXTERNAL] Summa Silver - Mogollon Project - EPA SWPPP Update

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

Hi Kevin,

I saw that you recently posted a Request for Additional HPD Comments on the MMD website. I am in the final stages of submitting our NPDES application to the EPA. Still, I will need a copy of Mr. Reycraft's final determination letter to include with our application. That said, you will be the first to know as soon as I submit our EPA application. Please let me know when you receive the final HPD response letter or if you have further questions. I genuinely appreciate your help.

Thanks Kevin,

James Waddell

Ecologist - Wildlife Biologist
4016 Sycamore Way

Reno, NV 89502

520-289-9247

Barnes, Kevin, EMNRD

From: Jahan, Nasim <Jahan.Nasim@epa.gov>
Sent: Friday, November 3, 2023 2:40 PM
To: James Waddell; Barnes, Kevin, EMNRD
Subject: [EXTERNAL] RE: Summa Silver EPA MSGP Submission and Review

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

Dear James:

We have received the NOI and currently, the NOI is under EPA's review.

Thank you,

Nasim Jahan

Environmental Engineer, MSGP Coordinator
Permitting Section (6WD-PE)
214-665-7522

U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

From: James Waddell <james.waddell@eveco.tech>
Sent: Friday, November 3, 2023 1:05 PM
To: Barnes, Kevin, EMNRD <Kevin.Barnes@emnrd.nm.gov>; Jahan, Nasim <Jahan.Nasim@epa.gov>
Subject: Summa Silver EPA MSGP Submission and Review

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello Nasim and Kevin,

The purpose of this message is to introduce one another so that we can work together on finalizing Summa Silver's MSGP. Kevin Barnes is a Reclamation Specialist for the New Mexico Mining and Minerals Division (MMD) Mining Act Reclamation Program. Nasim Jahan is the MSGP Coordinator for EPA Region 6.

To finalize Summa's MMD Part 3 Minimal Impact Exploration Permit, Kevin needs written acknowledgment from the EPA stating that Summa has submitted an MSGP NOI that is under EPA review. Can we make this happen? Kevin would prefer a brief statement on EPA letterhead. If that is an unrealistic route, perhaps this email chain may suffice as proof of submission? I can also send Kevin screenshots of Summa's submission history from EPA's Central Data Exchange.

I am excited to work with you both to find a quick solution to meet everyone's needs. Please feel free to reach out to me anytime.

Many Thanks,



James Waddell
Ecologist - Wildlife Biologist
4016 Sycamore Way
Reno, NV 89502

520-289-9247

NPDES
FORM
3510-6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR OR GENERAL PERMIT

FORM
Approved OMB Number
2040-0300

Permit Information

This form has not yet been certified.

Attention: The review period for this NOI has been increased to 60 days based on the information entered into this form.

Master Permit Number: NMR050000

NPDES ID:

Eligibility Information

State/territory where your facility is discharging: NM

Does your facility discharge to federally recognized Indian Country lands? No

Are you a "Federal Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

No

Which type of form would you like to submit? Notice of Intent (NOI)

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.1.2 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1. and 1.2.2. will be discharged, they must be covered under another NPDES permit.

Yes

Are you a new discharger or a new source as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

Yes

➔ Are you discharging to any waters of the U.S. that are designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding National Resource water)? (See Appendix L (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_l_-_list_of_tier_3_tier_2_and_tier_2.5_waters.pdf))

No

Do you anticipate the discharge of groundwater or spring water from your facility? No

What is the legal name of the Operator as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

Summa Silver

What is the name of your facility or activity as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

Mogollon Minimal Impact Exploration Operation

Operator Information

Operator Information

Operator Name: Summa Silver

Operator Mailing Address

Address Line 1: 123 E. Marcy Street STE #201

Address Line 2:

City: Santa Fe

ZIP/Postal Code: 87501

State: NM

County or Similar Division: Santa Fe

Operator Point of Contact Information

First Name Middle Initial Last Name: Chris _ York

Title: VP Exploration

Phone: 618-263-8664

Ext.:

Email: cyork@summasilver.com

NOI Preparer Information

This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: James _ Waddell

Organization: Everett Ecological LLC

Phone: (520) 289-9247

Ext.:

Email: james.waddell@eveco.tech

Facility Information

Facility Information

Facility Name: Mogollon Minimal Impact Exploration Operation

Facility Address

Address Line 1: 121 Mineral Creek Road

Address Line 2:

City: Glenwood

ZIP/Postal Code: 88039

State: NM

County or Similar Division: Catron

Latitude/Longitude for the Facility

Latitude/Longitude: 33.401939°N, 108.798854°W

Latitude/Longitude Data Source: Map

Horizontal Reference Datum: WGS 84

General Facility Information

What is the ownership type of the facility? Privately Owned Facility

Estimated area of industrial activity at your facility exposed to stormwater (rounded to the nearest quarter acre):

3.25

Is your facility presently inactive and unstaffed? Yes

➔ **Will any industrial materials or activities be exposed to stormwater?** No

Exception for Inactive and Unstaffed Facilities: The requirement for indicator monitoring, impaired waters monitoring, and/or benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater.

If circumstances change during the permit term that affect your qualifications for this exception to monitoring requirements (i.e. industrial materials or activities exposure to stormwater or your facility's active/inactive and staffed/unstaffed status) you must submit a NOI notifying EPA of the change in circumstances.

Sector-Specific Information

Primary Sector: G

Primary Subsector: G2

Primary SIC Code: 1044

If you are a Sector G (Metal Mining) facility, do you have discharges from waste rock and overburden piles? No

Discharge Information

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the authorized stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

Other Discharge Information

Do you anticipate the discharge of groundwater or spring water from your facility? No

Does your facility discharge into a Municipal Separate Sewer System (MS4)? No

Receiving Waters Information

List all of the stormwater discharge points from your facility.

Discharge Point 001: Main Drainage Point 1: Pad11

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.405534°N, 108.796006°W

This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:

Waterbody Name:

Listed Water ID:

n/a

Silver Creek

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 002: Main Drainage Point 2: Pad17

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.406053°N, 108.795272°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ **Substantially Identical to Discharge Point ID:** 001

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 003: Main Drainage Point 3: Pad18

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.406925°N, 108.7951°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 001

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 004: Main Drainage Point 4: Pad20

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.407463°N, 108.794925°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ **Substantially Identical to Discharge Point ID:** 001

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 005: Main Drainage Point 5: Pad22

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.40837°N, 108.794751°W

This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Mineral Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

No

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the

receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? Yes

Cause of Impairment Group	Pollutant	Units	Monitoring Required?	TMDL Completed?
TEMPERATURE	Temperature, water deg. centigrade	Degrees Centigrade	<u>Yes</u>	<u>No</u>

Discharge Point 006: Main Drainage Point 6: Pad26

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/> G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.408202°N, 108.795422°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 005

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Mineral Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

No

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the

receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? Yes

Cause of Impairment Group	Pollutant	Units	Monitoring Required?	TMDL Completed?
TEMPERATURE	Temperature, water deg. centigrade	Degrees Centigrade	<u>Yes</u>	<u>No</u>

Discharge Point 007: Main Drainage Point 7: DP4

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.395096°N, 108.804855°W

This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:

n/a

Waterbody Name:

South Fork Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 008: Main Drainage Point 8: DP6

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.410213°N, 108.807739°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 010

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 009: Main Drainage Point 9: DP7

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.410591°N, 108.810181°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 010

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 010: Main Drainage Point 10: DP8B

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.406979°N, 108.804884°W

This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 011: Main Drainage Point 11: DP8C

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.40959°N, 108.805036°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ **Substantially Identical to Discharge Point ID:** 010

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 012: Main Drainage Point 12: DP9A

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.404588°N, 108.801302°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 010

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Discharge Point 013: Main Drainage Point 13: DP10

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	G - METAL MINING (ORE MINING AND DRESSING)	G2 - Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; Metal Mining Services; Miscellaneous Metal Ores	1044

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 33.402443°N, 108.806175°W

This discharge point is *Substantially Identical* to an existing discharge point.

➔ Substantially Identical to Discharge Point ID: 010

Receiving Water

GNIS Name:

n/a

Waterbody Name:

Silver Creek

Listed Water ID:

n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit?

No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list? No

Impaired Waters Information for New Discharges

Are you a new discharger or a new source as defined in Appendix A

(https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

Yes

➔ **Do you discharge to an "impaired water" (as defined in Appendix A**

(https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

Yes

➔ **Which of the following will you do to comply with the eligibility requirements for new dischargers and new sources for water-quality impaired waters (Part 1.1.6.2)?**

Prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP.

Attach to this NOI for EPA's review: technical information or other documentation to support your claim that the pollutant(s) for which the waterbody is impaired is not present at your facility, and retain such documentation with your SWPPP.

Attach to this NOI for EPA's review: either data or other technical documentation, to support a conclusion that the discharge is expected to meet applicable water quality standards and retain such information with your SWPPP. See Part 1.1.6.2.c for required contents.

SWPPP Information

Has the SWPPP been prepared in advance of filing this NOI, as required? Yes

SWPPP Contact Information:

First Name Middle Initial Last Name: Chris York

Phone: 618-263-8664

Ext.:

Email: cyork@summasilver.com


SWPPP Availability:

Your current SWPPP or certain information from your SWPPP must be made available through one of the following three options. Select one of the options and provide the required information.

Note: you are not required to post any confidential business information (CBI) or restricted information (as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access.

Option 1: Attach a current copy of your SWPPP to this NOI.

You can use the space below to upload a copy of your SWPPP

Name	Uploaded Date	Size
 MSGP_SWPPP_Summa_Silver_Mogollon.pdf (attachment/850164)	09/14/2023	2.28 MB

Option 2: Maintain a Current Copy of your SWPPP on an Internet page (Universal Resource Locator or URL).

Option 3: Provide the following information from your SWPPP:

Endangered Species Protection Worksheet: Criterion C3

The following questions will help you determine your eligibility under Part 1.1.4 of the permit with respect to protection of Endangered Species Act (ESA) species and critical habitat(s). Please refer to Appendix E (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_e_-_procedures_relating_to_endangered_species_protection.pdf) of the 2021 MSGP for important information regarding your obligations under this permit concerning ESA-protected species and critical habitat(s).

Determine ESA Eligibility Criterion

Are your industrial activities already addressed in another operator's valid certification of eligibility for your "action area" under eligibility criteria A, C, D, or E of the 2021 MSGP?

No

Are your industrial activities the subject of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of your facility's discharges and discharge-related activities on ESA-listed species and critical habitat?

No

You must determine whether species listed as either threatened or endangered under the Endangered Species Act, and/or their critical habitat are located in your facility's action area. ESA-listed species and critical habitat are under the purview of the NMFS and the USFWS.

Determine Your Action Area

Your "action area" (as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)) includes all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action, including areas beyond the footprint of the facility that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges. You must select and confirm that all the following are true:

➔ In determining my "action area", I have considered that discharges of pollutants into downstream areas can expand the action area well beyond the footprint of my facility and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g. perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. I confirm that all receiving waterbodies that could receive pollutants from my facility are included in my action area.

True



In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

True

Provide a written description of your action area and explain your rationale for the extent of the action area drawn on your map. Click here for an example.

The action area for the Mogollon Project is strategically defined to encapsulate a comprehensive understanding of both direct and indirect environmental impacts by the guidelines laid out in the 2021 MSGP Appendix A. The project facility entails a total disturbance footprint of 3.26 acres, devoted primarily to mineral exploration activities. However, the action area extends beyond this, covering approximately 352 acres. The expansive action area has been delineated to include critical hydrological features that could serve as conduits for stormwater discharges and other authorized non-stormwater discharges from the project facility. Specifically, the action area encompasses integral drainage routes and outfalls that lead into Silver Creek, South Fork Silver Creek, and Mineral Creek.

Rationale for the Extent of the Action Area

Hydrological Connectivity: Given that the project facility's activities have the potential to result in stormwater runoff, it is imperative to consider the entire hydrological network that could be affected. Drainage routes and outfalls could carry sediment, contaminants, or other substances downstream, potentially affecting the broader region's aquatic ecosystems and terrestrial habitats.


Temporal Factors: Storm events could cause episodic yet significant runoff impacts that necessitate a broader action area. Water flow during storm events may extend the reach of potential pollutants beyond the immediate project facility.

Ecological Sensitivity: The included water bodies—Silver Creek, South Fork Silver Creek, and Mineral Creek—are known for their environmental significance and may be ecologically sensitive areas.

Indirect Impacts: Activities like vehicular movement, excavation, and drilling not only have direct impacts but also have indirect effects, such as changes in land use patterns, erosion, and sedimentation that could affect distant regions within the defined action area.

Compliance and Due Diligence: The delineation of the action area is designed to provide an exhaustive scope for environmental monitoring and mitigation strategies. This ensures thorough compliance with federal and state regulations, including but not limited to those laid out by the Environmental Protection Agency and New Mexico's Mining and Minerals Division (MMD).

Attach a map of the action area for your facility. Mapping tool IPaC (the Information, Planning, and Consultation System) located at <http://ecos.fws.gov/ipac/> (<https://ecos.fws.gov/ipac/>) or click here (/net-msgp/documents/action_area_example.pdf) for an example.

Name	Uploaded Date	Size
 Mogollon Action Area Map.pdf (attachment/850215)	09/15/2023	1.78 MB

Determine if ESA-listed species and/or critical habitat are in your facility's action area.

ESA-listed species and critical habitat are under the purview of the NMFS and the USFWS, and in many cases, you will need to acquire species and critical habitat lists from both federal agencies.

National Marine Fisheries Service (NMFS)

To obtain NMFS-listed species and critical habitat information, use the resources listed below:

General Resources:

- NOAA Fisheries, Regions Page (<https://www.fisheries.noaa.gov/regions>) 

For the Northeastern U.S.:

- NOAA Fisheries Greater Atlantic Region ESA Section 7 Mapper (<https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=a85c0313b68b44e0927b51928271422a>)

For Puerto Rico:

- *Acropora* critical habitat map (<https://www.fisheries.noaa.gov/resource/map/acropora-elkhorn-and-staghorn-coral-critical-habitat-map-and-gis-data>)

- Green turtle critical habitat map (<https://www.fisheries.noaa.gov/resource/map/green-turtle-critical-habitat-map-and-gis-data>)
- Hawksbill Turtle critical habitat map (<https://www.fisheries.noaa.gov/resource/map/hawksbill-turtle-critical-habitat-map-and-gis-data>)

Western U.S.:

- West Coast Region Protected Resources App (<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>)

Pacific Islands:

- Contact the Pacific Islands Regional Office at (808) 725-5000 or pirohonolulu@noaa.gov (<mailto:pirohonolulu@noaa.gov>)

I have checked the webpages listed above and confirmed that:

There are no NMFS-listed species and/or critical habitat in my action area.

U.S. Fish and Wildlife Service (USFWS)


To obtain FWS-listed species and critical habitat information, use the resources listed below:

- IPaC (the Information, Planning, and Consultation System) (<https://ecos.fws.gov/ipac/>)
- For instructions for using IPaC, [click here](#).

I have checked the webpages listed above and confirmed that:

There are FWS-listed species and/or critical habitat in my action area.

For FWS species, include the full printout from your IPaC query/Official Species List.

Name	Uploaded Date	Size
 Species List_ New Mexico Ecological Services Field Office.pdf (attachment/850160)	09/14/2023	275.38 KB

You may be eligible under **Criterion C**. You must assess whether your discharges and discharge-related activities are likely to adversely affect ESA-listed species or critical habitat, and whether any additional measures are necessary to ensure no likely adverse effects. In order to make a determination of your facility's likelihood of adverse effects, you must complete the Criterion C Eligibility fields below.

Criterion C Eligibility

Provide a general description of the industrial activities that are taking place at this facility:

The Mogollon Project, operated by Summa Silver, is a mineral exploration project situated on 3.26 acres of previously disturbed land. The facility aims to assess the commercial viability of high-grade silver and gold deposits and is located approximately 21 miles south of Reserve in Catron County, New Mexico. The project falls under the purview of the MMD's Part 3 Minimal Impact Permit, designed to regulate mineral exploration projects with anticipated minimal environmental impacts.

Core Activities

Geological Surveying: Extensive geological mapping and sampling are performed to identify mineralogical compositions and estimate the grade of ore bodies.
Drilling Operations: Core drilling is conducted for sub-surface samples, using approved drilling fluids and muds for stabilization.
Material Handling: Stockpiling of drill cuttings and extracted samples, and their subsequent transport for lab analysis.

Ancillary Activities

Water Management: Installation and maintenance of sediment ponds, and stormwater mitigation measures in compliance with EPA MSGP requirements.
Access Roads: Grading and maintenance of temporary access roads to facilitate the movement of machinery and personnel.
Equipment Maintenance: Routine maintenance activities for drilling rigs, earth-moving machinery, and other specialized equipment.
Waste Management: Proper disposal or recycling of industrial waste, including drilling muds and fluids, following federal and state guidelines.
Environmental Monitoring: Continuous monitoring of air quality, noise levels, and water quality, particularly in identified drainage routes leading to Silver Creek, South Fork Silver Creek, and Mineral Creek.

Using your species list(s) attached above, determine which of the following applies:

The species list(s) includes both terrestrial and aquatic or aquatic-dependent species and/or their critical habitat.

Evaluation of Discharge-Related Activities Effects

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on protected terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

Select the applicable statement below: There are discharge-related activities planned as part of the proposal.

➔ Describe your discharge-related activities:

Aquatic Systems:

Stormwater Discharge: Runoff from drilling operations, trenching, and material stockpiles, which may contain sediment, drilling fluids, and other particulate matter, are potential sources of stormwater discharge. These discharges are channeled through designated outfalls into Silver Creek, South Fork Silver Creek, and Mineral Creek.

Erosion Control Measures: Installation of silt fences, berms, and sedimentation ponds are standard practices, particularly in proximity to water bodies, to minimize sediment-laden stormwater reaching aquatic habitats.

Chemical Storage: The storage of chemicals like drilling mud additives, fuel, and lubricants presents the risk of accidental leakage into the aquatic systems.

Terrestrial Systems:

Material Storage: Stockpiles of drill cuttings, ore samples, and bulk materials are temporarily stored on-site. Inadequate containment could result in the dispersal of these materials into adjacent terrestrial habitats during storm events.

Land Disturbances: Activities like vegetation clearance, grading for access roads, and the placement of stormwater control measures inherently disturb the land and can alter the natural flow of surface water, thereby potentially affecting terrestrial habitats.

Stormwater Control Installations: The positioning of swales, stormwater detention basins, and drainage channels can require excavation or other land disturbances, impacting terrestrial species or their critical habitats.

Both Aquatic and Terrestrial:

Waste Management: Waste materials, if not properly managed, have the potential for both soil contamination and leaching into aquatic systems.

Infrastructure Development: The construction of temporary structures, including platforms for drilling rigs and storage sheds, can compact soil, alter landforms, and impact both water flow and animal movement.

Vehicle Movements: Routine operation of vehicles and machinery for transport and maintenance activities can result in both air emissions and soil compaction, affecting both aquatic and terrestrial ecosystems.

In order to ensure any discharge-related activities will have no likely adverse effects on ESA-listed species and/or their critical habitat, you must certify that all the following are true:

➔ Discharge-related activities will occur on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species).

True

➔ Discharge-related activities that will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

True

➔ For any vegetation removal (e.g., brush clearing) or other similar activities that will occur, no terrestrial listed species that use these areas for habitat or listed critical habitat would be expected to be present during vegetation removal.

True

Evaluation of Discharge Effects

Using the next few questions, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge effects you should consider:

- **Hydrological Effects.** Stormwater discharges may adversely affect receiving waters by causing changes in water quality parameters such as turbidity, temperature, salinity, or pH. Stormwater discharges may adversely affect the immediate vicinity of the discharge point through streambank erosion and scour. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a

stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- **Toxicity of Pollutants.** Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards due to exposures to multiple stressors at the same time. In addition, stormwater pollutants identified in Part 6.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and critical habitat, these questions will help you to analyze your discharges to make a determination of whether your discharges will likely have adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

Evaluation of Pollutants and Controls to Avoid Adverse Effects

In the section below, document **all** of your pollutant sources and pollutants expected to be discharged in stormwater. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic and aquatic-dependent species.

Potential Pollution Source: ⓘ

Vehicle and Equipment Fueling: This source involves fueling operations for the heavy machinery, trucks, and other vehicles on-site.

Potential Pollutants: ⓘ

Oils, Greases, Diesel, Gasoline, Solvents, Antifreeze, Hydraulic Fluids.

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Spill Kits: Located at every fueling station for immediate containment of small-scale spills.

Spill Kit Effectiveness: Immediate spill response can contain up to 95% of pollutants before they reach aquatic systems, effectively minimizing potential harm to aquatic species.

Secondary Containment: Use of drip pans and impermeable liners under fueling areas.

Secondary Containment Effectiveness: Secondary containment structures are documented to capture nearly 100% of accidental minor spills, reducing the potential of these pollutants to reach water bodies.

Fueling Protocol Training: Mandatory training sessions for all personnel involved in fueling operations to ensure correct procedures are followed.

Fueling Protocol Training Effectiveness: Well-trained personnel are less likely to cause accidental spills, substantially lowering the risk to aquatic and aquatic-dependent species.

Regular Maintenance and Inspection: Scheduled preventive maintenance and inspection of all fueling equipment to detect any wear, tear, or malfunctions that could result in leaks.

Regular Maintenance and Inspection Effectiveness: Regular inspections can prevent equipment failures that might otherwise result in spills.

Automated Shut-off Nozzles: Use of nozzles that automatically shut off when the fuel tank is full to prevent overflows.

Automated Shut-off Nozzles Effectiveness: These nozzles are designed to prevent overfills and can effectively mitigate the risk of accidental spills.

Material Safety Data Sheet (MSDS) Availability: Ensure MSDS for all fuel types and associated substances are readily available at fueling stations.

MSDS Availability Effectiveness: Having immediate access to MSDS can expedite response measures in the event of a spill, thereby reducing environmental impacts.

Use the space below to attach any photos of your controls.

Potential Pollution Source: ⓘ

Material Storage Areas: Stockpiles of drill cuttings, ore samples, and chemical storage, including drilling muds and lubricants.

Potential Pollutants: ⓘ

Drilling Fluid Additives (Hydrous silica of alumina, Wyoming sodium bentonite, sodium montmorillonite, Performaltrol 930), Diesel Fuel, Down-hole Lubricants (Rod grease), Lost Circulation Materials (Kwik-Plug), Oils/Grease, Gasoline, Hydraulic Fluid, Binding Agents (Cement-Portland II, Bentonite-Quick Gel)

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Enclosed Storage: Impermeable bases and covered storage units to prevent leaching and runoff.

Effectiveness of Enclosed Storage: The EPA indicates that sealed containment can reduce leachate production by up to 98%, substantially diminishing the risk to aquatic habitats.

Hazard Signage: Prominent and accurate markings for hazardous material areas.

Effectiveness of Hazard Signage: Proper labeling can reduce handling errors, subsequently reducing accidental spillage risks.

Inventory Management: Regular auditing and recording of stored materials to minimize the storage of excessive hazardous substances.

Effectiveness of Inventory Management: By reducing the volume of potentially hazardous materials on site, inventory management minimizes the risk of large-scale spill events, thereby decreasing the potential for environmental harm.

Spill Response Training: All employees receive training on how to use spill kits and implement emergency response procedures properly.

Effectiveness of Spill Response Training: Well-implemented training programs can substantially reduce the incidence of human-caused spills.

Regular Inspection: A scheduled and routine examination of storage units for structural integrity and potential leakage.

Effectiveness of Regular Inspection: Regular inspection protocols can detect potential failure points before they result in leaks or spills, thus significantly reducing risk to aquatic systems.

Sediment Barriers: Installation of silt fences or other sediment control measures around storage areas.

Effectiveness of Sediment Barriers: Sediment barriers can capture sediment that could otherwise enter waterways, reducing the impact on aquatic habitats.

Secondary Containment Trays: Placement of spill containment trays under stored containers of liquid pollutants.

Effectiveness of Secondary Containment Trays: Secondary containment trays are highly effective in capturing minor leaks, with up to a 99% containment rate for accidental spills, thus protecting aquatic ecosystems from contamination.

Stormwater Diversion: Utilization of berms or drainage systems to divert stormwater away from storage areas.

Effectiveness of Stormwater Diversion: Stormwater diversion strategies can prevent stormwater from coming into contact with stored materials, thus reducing the risk of pollutant transport to aquatic systems.

Use the space below to attach any photos of your controls.

Potential Pollution Source: ⓘ

Erosion from Disturbed Land Areas: Soil and other earth materials exposed by drilling, excavation, and the construction of infrastructure like roads and drilling platforms.

Potential Pollutants: ⓘ

Sediment (silt, clay, sand), Organic Material (leaves, plant debris), Nutrients (nitrogen, phosphorus), Heavy Metals (lead, arsenic, copper, zinc).

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Silt Fences: Installed around areas of earth disturbance to trap sediment.

Silt Fences Effectiveness: Silt fences can substantially reduce sediment outflows, effectively limiting sedimentation in water bodies.

Revegetation: Quick replanting of native species post-disturbance to stabilize soil and restore habitat.

Revegetation Effectiveness: According to USDA data, revegetation reduces soil erosion by up to 70%, while also providing habitat cover for terrestrial species.

Erosion Control Blankets: Biodegradable mats placed over exposed soil to prevent erosion.

Erosion Control Blankets Effectiveness: Erosion control blankets can be highly effective at preventing soil loss, depending on the conditions.

Buffer Zones: Natural or planted vegetation adjacent to water bodies to filter runoff.

Buffer Zones Effectiveness: Buffer zones can capture significant volumes of nutrients and sediments, thus protecting aquatic habitats from runoff.

Stormwater Retention Ponds: Designed to capture and store runoff, allowing sediments and pollutants to settle.

Stormwater Retention Ponds Effectiveness: According to EPA guidelines, retention ponds can remove up to 90% of sediment from stormwater, reducing the load on downstream water bodies.

Use the space below to attach any photos of your controls.

Potential Pollution Source: ⓘ

Wash Water from Equipment and Vehicle Cleaning: Cleaning procedures can result in discharges containing detergents or other cleaning agents.

Potential Pollutants: ⓘ

Detergents (non-biodegradable surfactants), Cleaning Agents (bleach, ammonia), Petroleum Hydrocarbons (motor oil, lubricants), Heavy Metals (zinc from galvanized surfaces, copper from piping), Solvents (acetone, toluene), Phosphates (from certain industrial detergents), Acidity/Alkalinity (pH imbalances from cleaning solutions).

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Recycle and Reuse: Implementing a closed-loop system for wash water.
Recycle and Reuse Effectiveness: A closed-loop system can substantially reduce pollutant discharge volume.

Biodegradable Cleaners: Use of eco-friendly, biodegradable cleaning agents.
Biodegradable Cleaners Effectiveness: Biodegradable agents decompose naturally, mitigating long-term environmental impact.

Training and Awareness: Regular training sessions for responsible personnel.
Training and Awareness Effectiveness: Regular training can significantly reduce error rates.

Use the space below to attach any photos of your controls.

Potential Pollution Source: ⓘ

Airborne Pollutants: Dust and particulate matter from the drilling operations can settle on water bodies.

Potential Pollutants: ⓘ

Dust (e.g., soil particles, organic matter), Particulate Matter (e.g., combustion residues, metal particles), Nitrogen Oxides (e.g., NO, NO₂), Sulfur Dioxide (e.g., SO₂ from combustion processes)

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Dust Suppressants: Controlled application of water to disturbed areas during dry conditions.
Dust Suppressant Effectiveness: Controlled water applications can greatly reduce particulate emissions, limiting their transport and deposition on water bodies.

Vegetative Barriers: Planting of shrubs or trees around the site to act as natural filters for airborne pollutants.
Vegetative Barriers Effectiveness: Vegetative barriers can capture airborne particulate matter, thereby decreasing the potential for aquatic contamination.

Emission Monitoring: Air quality monitoring to ensure compliance with regulatory limits.
Emission Monitoring Effectiveness: Scheduled monitoring can identify exceedances, allowing for immediate corrective action, thereby minimizing environmental impact.

Low-Emission Equipment: Utilization of machinery designed to reduce emissions of harmful gases and particles.
Low-Emission Equipment Effectiveness: Low-emission equipment can reduce the emission of harmful gases, minimizing their potential to be carried to aquatic systems.

Use the space below to attach any photos of your controls.

Potential Pollution Source: ⓘ

Accidental Spills and Leaks: Despite best practices accidental occurrences could happen, such as spillage during refueling.

Potential Pollutants: ⓘ

Ethylene Glycol (antifreeze), Hydraulic Fluids, Flammable Liquids (gasoline, diesel), and Synthetic Lubricants.

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

Spill Response Plan: Comprehensive and immediate protocols for containment and clean-up of accidental spills are implemented.
Spill Response Plan Effectiveness: Immediate response protocols have demonstrated effectiveness in containing spill volumes, minimizing the risk of hazardous materials reaching water bodies.

Secondary Containment Systems: Use of double-walled tanks and impermeable liners where appropriate.
Secondary Containment Systems Effectiveness: These systems are capable of capturing the majority of accidental minor spills, thereby preventing contamination of adjacent water bodies.

Material Compatibility: Storage containers and materials are chosen for compatibility with stored substances to reduce corrosion and leaks.
Material Compatibility Effectiveness: Material compatibility can reduce the risk of container failure.

Automated Shut-Off Valves: Incorporated into piping and storage systems.
Automated Shut-Off Valves Effectiveness: Can halt the flow of material within seconds, reducing the spill volume and potential contamination.

Employee Training Programs: Regular training sessions for staff on hazardous material handling and emergency response procedures.
Employee Training Programs Effectiveness: Regular training sessions for staff can reduce errors and spill risks.

Inventory Control: Regular inventory checks to monitor the level of stored materials and facilitate early detection of leaks.
Inventory Control Effectiveness: Periodic inventory management can identify irregularities that may signify a leak, allowing for early intervention and reducing potential impacts.

Hazard Signage: Prominent and accurate markings for hazardous material areas.
Hazard Signage Effectiveness: Proper labeling reduces handling errors, thereby reducing accidental spillage risks.

Regular Inspections: Scheduled checks of storage, fueling stations, and equipment to identify potential sources of pollution before they become problematic.
Regular Inspections Effectiveness: Proactive inspections can reduce the risk of accidental discharge by identifying and rectifying issues before they escalate.

Spill Kits: Specialized kits located strategically throughout the facility, containing absorbents and containment tools for immediate response to accidental spills.
Spill Kits Effectiveness: Equipped with materials to immediately contain spills, these kits in the hands of trained personnel can quickly mitigate spills, significantly reducing the risk of pollutants reaching water bodies.

Use the space below to attach any photos of your controls.

Were you able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their critical habitat?

I was able to make a preliminary determination that all of my pollutants will be controlled to a level necessary to avoid adverse effects.

Analysis of Effects Based on Past Monitoring Data

Select which of the following applies to your facility:

I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2021 MSGP.



You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:

Our facility's Stormwater Pollution Prevention Plan incorporates a multi-faceted approach to ensure effectiveness and redundancy in safeguarding against potential pollutants. This framework complies with federal and state standards and is expected to frequently surpass them. The critical control measures are as follows:

Spill Kits: Strategically located spill kits are designed for immediate spill response. Based on industry data, the quick deployment of these kits has proven to contain up to 95% of pollutants, significantly minimizing the potential for harm to aquatic species and their habitats.

Secondary Containment: By using drip pans and impermeable liners in fueling and material storage areas, we have a secondary layer of protection. These containment structures have been documented to capture nearly 100% of accidental minor spills, virtually eliminating the risk of these pollutants reaching aquatic systems.

Biodegradable Cleaners: The exclusive use of eco-friendly, biodegradable cleaning agents significantly mitigates long-term environmental impacts. These agents decompose naturally and quickly, reducing the potential for chronic pollution.

Training and Awareness: Our facility prioritizes regular training sessions and safety drills for all personnel handling pollutants. Industry data substantiates that such training reduces error rates by up to 60%, further diminishing the risk of accidental spillages.

Regular Inspections: Routine inspections of all equipment and storage units are proactive measures to preempt potential failures or leaks. As supported by peer-reviewed studies, these inspections are estimated to lower the risk of accidental discharges by up to 70%.

Sedimentation Ponds: Engineered to settle out particulate matter from runoff water. Studies indicate sedimentation ponds can effectively remove up to 80% of suspended solids, providing a substantial safeguard for downstream aquatic habitats.

Vegetative Buffers: These strips of grass or other vegetation are used to slow water flow and capture sediment. Vegetative buffers have been shown to trap up to 75% of sediment and associated pollutants.

Silt Fences: Silt Fences are also used to slow water flow and capture sediment. Silt Fences have been shown to trap appreciable volumes of sediment and associated pollutants, thereby offering additional protection to water quality.

Diversion Dikes and Swales: These channeled slopes or dikes direct stormwater away from exposed soil, reducing erosion and sediment transport. They have effectively diverted up to 90% of stormwater, reducing erosion risk and sediment transport to nearby aquatic environments.

Recycling of Drilling Water and Muds: Utilizing drilling mud centrifuges to recycle drilling water and muds, these specialized units are designed to handle the high-solids environment found in drilling applications and enable the effective separation and recycling of drilling fluids, allowing for water reuse in drilling operations. The effectiveness of this technology is underscored by its capability to recover and recycle up to 95% of drilling fluids. This minimizes waste and substantially decreases the demand for new water resources, thereby mitigating the environmental impact on aquatic ecosystems and surrounding habitats.

In accordance with the monitoring requirements of the 2021 MSGP, our facility will initiate a rigorous monitoring regimen upon operation commencement. This approach enables real-time adaptation of control measures, thereby ensuring ongoing compliance and the protection of ESA-listed species and habitats. In light of the designed controls and adherence to 2021 MSGP and ESA requirements, it is reasonable to predict that our facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances. Consequently, adverse impacts on ESA-listed species or their critical habitats are not anticipated.

You must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities. Select one of the following that applies:

Based on the above responses, I have provided information supporting a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Identify the USFWS and NMFS information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

In preparing this analysis, the facility consulted various authoritative resources and sought expertise from qualified professionals to ensure a comprehensive and informed conclusion concerning the protection of ESA-listed species and their critical habitats. This evaluation has considered species and habitats under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and N.M. Department of Game and Fish (NMDGF).

USFWS Information Resources:

USFWS ECOS Environmental Conservation Online System
USFWS IPaC - Information for Planning and Consultation
USFWS National Wetlands Inventory

NMFS Information Resources:

NMFS Critical Habitat Mapper

State and Federal Biologists:

Consultations were held with state biologists specializing in aquatic ecology and local endangered species. Direct interaction with federal biologists from the USFWS to review and discuss specific threats and mitigation strategies for local ESA-listed species and critical habitats.

Agency and Tribal Authority Consultation for MMD Part 3 Permit

As part of our due diligence and in compliance with regulatory requirements, we sought review and comment from relevant agency and tribal authorities concerning the issuance of our N.M. Mining and Minerals Division (MMD) Part 3 Minimal Impact Permit. This engagement aimed to ensure that our proposed operations meet the stringent criteria for environmental protection, with a specific focus on the safeguarding of ESA-listed species and critical habitats (<https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-exploration-applications/minimal-impact/ca027em-summa-silver-mogollon/>).

Agency Authorities Consulted:

N.M. Mining and Minerals Division (MMD)
N.M. Environmental Department
N.M. Department of Game and Fish
U.S. Fish and Wildlife Service (USFWS)

Tribal Authorities Consulted:

Local Native American Tribes with jurisdiction over lands and waters potentially affected by our operations.

Peer-reviewed Publications:

Journal articles and government reports that include data on the effectiveness of mitigation measures and the ecology of endangered species and critical habitats.

Site Assessments:

Comprehensive on-site environmental assessments were and continue to be conducted by qualified biologists to identify potential impacts on ESA-listed species and critical habitats.

What ESA-listed species and/or critical habitat are located in your "action area"?

In accordance with the regulatory framework stipulated by the Endangered Species Act (ESA) and based on comprehensive environmental evaluations, only the Mexican Spotted Owl (*Strix occidentalis lucida*; MSO) has been identified as occurring within the vicinity of our action area.

Species Identification:

Mexican Spotted Owl (*Strix occidentalis lucida*; MSO)

Critical Habitat:

None identified within the action area

Surveys and Monitoring:

Two years of specialized surveys for the MSO have been conducted by U.S. Fish and Wildlife Service (USFWS) permitted biologists. These surveys identified four nests located outside of the action area, reaffirming that the designated action area itself does not contain MSO nests or recognized critical habitat for this species. Monitoring surveys will be ongoing throughout the duration of the project to ensure continued compliance and responsiveness to potential changes in the MSO's local population or movements. Our MMD Part 3 permit provides strict stipulations to be followed in order to mitigate potential impacts to local MSO populations. These findings are derived from robust, USFWS protocol surveys conducted by qualified experts. They inform our project's Environmental Protection and Mitigation Strategies, providing key data to ensure that our operations comply with federal regulations aimed at safeguarding ESA-listed species and their critical habitats. This information is documented and will be continuously updated to reflect the most current scientific and regulatory guidance, fulfilling our obligation for adaptive management as detailed in the Multi-Media Division (MMD) Part 3 Permit and the 2021 Multi-Sector General Permit (MSGP).

Distance in miles between your site and the ESA-listed species and/or critical habitat within the action area: 1

Provide a description of EPA approved measures you will implement or will continue to implement to ensure no likely adverse effects on ESA-listed species and/or critical habitat.

Based on consultations with the U.S. Forest Service (USFS) and the U.S. Fish and Wildlife Service (FWS), as well as data collected from two years of Mexican Spotted Owl (MSO) surveys conducted by FWS-permitted biologists, we have devised a comprehensive set of measures to mitigate any potential adverse effects on ESA-listed species and their critical habitats. These measures are specifically engineered to adhere to the stipulations of our MMD Part 3 Permit and are detailed as follows:

1. **Restricted Work Timelines:** Operations are suspended during MSO breeding seasons to prevent disturbances that could affect mating and nesting.
2. **Ornithological Clearance Surveys:** Prior to the commencement of any project activities, professional biologists conduct ornithological clearance surveys to ensure the absence of MSO or other sensitive species in the immediate vicinity.
3. **Buffer Zones:** Taking into account that critical MSO habitat is located 1.2 miles east of our project area, as a supplementary precautionary measure, an additional .5-mile "no activity" buffer zone has been established around identified MSO roosts and nest sites.
4. **Noise Abatement:** Equipment and activities are selected and planned to minimize noise pollution.
5. **Light Pollution Controls:** Lighting during permissible working hours is designed to minimize illumination spill into natural habitats to avoid disrupting nocturnal behaviors.
6. **Continued Monitoring:** In accordance with our MMD Part 3 Permit, we are committed to ongoing MSO surveys throughout the duration of the project to promptly identify any new nesting or roosting sites and adjust our operations accordingly.
7. **Agency Collaboration:** We maintain open communication channels with USFS and FWS to discuss any adjustments or refinements to our mitigation measures, ensuring they align with the latest science and recommendations. Our biologists are working closely with agency representatives to delineate MSO Primary Activity Centers (PACs) based on the results of our previous and ongoing surveys.
8. **Employee Training:** All staff members undergo training to recognize MSO and their potential nesting or roosting sites to avoid accidental disturbances.
9. **Adaptive Management:** Our approach allows for real-time adaptation based on monitoring outcomes, thereby ensuring ongoing compliance and minimization of adverse effects on MSO.
10. **Annual Surveys and Reporting:** In accordance with the mandates of our MMD Part 3 Permit and as part of our proactive management strategy, we conduct annual surveys of the MSO population and their habitats. These surveys are executed by USFWS-permitted biologists and are designed to capture any changes or threats that may have emerged. The results are meticulously documented and submitted to the relevant state and federal agencies, ensuring an ongoing and transparent evaluation of our operations' impact on ESA-listed species and their critical habitats. This annual reporting mechanism also facilitates timely interventions and adaptations to our environmental protection strategies.

Given the rigorousness of these agency-approved measures, and the consultative approach involving state and federal agencies, we assert with a high degree of confidence that our operations will result in no likely adverse effects on the Mexican Spotted Owl or any other ESA-listed species and their critical habitats.

Note: Any missing or incomplete information in this section may result in a delay of your coverage under the permit.

Historic Preservation: Criterion C

The following questions will help you determine your eligibility under Part 1.1.5 of the permit with respect to preservation of historic properties. You may still use the paper instructions in Appendix F (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_f_-_procedures_relating_to_historic_properties_preservation.pdf) of the MSGP in advance or in conjunction with answering the questions in this section of the form. For more information about your State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO), please visit the National Park Service (NPS) websites at:

- **State Historic Preservation Office (SHPO)** (<https://www.nps.gov/subjects/nationalregister/state-historic-preservation-offices.htm>)
- **Tribal Historic Preservation Office (THPO)** (<https://www.nps.gov/subjects/historicpreservationfund/tribal-historic-preservation-office-program.htm>)

Are you an existing facility that is resubmitting for certification under the 2021 MSGP? No

Are you constructing or installing any stormwater control measures? Yes

➔ Will the stormwater control measures you are constructing or installing disturb subsurface less than one (1) acre?

Yes

Have prior earth disturbances determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?

No

You need to contact the appropriate historic preservation authorities (SHPO, THPO, or other tribal representative) to determine the likelihood that artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited surface and subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by your construction or installation of control measures, you should contact the relevant SHPO, THPO, or tribal representative in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state that if the SHPO, THPO, or tribal representative does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation.


Have you contacted the appropriate SHPO, THPO, or tribal representative? Yes

➔ **Did the appropriate historic preservation authority respond to you within 30 days?** Yes

➔ **Could a written agreement be reached with the appropriate historic preservation authority?** Yes

You are eligible under **Criterion C**.

Please attach a copy of your written agreement with the SHPO, THPO, or other tribal representative regarding how to address any adverse impacts on historic properties.

Name	Uploaded Date	Size
 2023-09-20 HPD Additional Comment on Modification 23-1.pdf (attachment/851099)	09/25/2023	175.97 KB

Additional Supporting Information

Use this section to provide additional information you feel is pertinent to your coverage or to provide information in a Change NOI for a numeric effluent limitation exceedence as required in part 4.2.3.3. of the permit.

Do you have supporting information you would like to add? No

Certification Information

Form has not been certified yet.