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J. Krueger
N.M. MINING COMMISSION

BEFORE THE NEW MEXICO MINING COMMISSION

IN THE MATTER OF THE PETITION FOR REVIEW OF THE DIRECTOR'S ACTION
DATED NOVEMBER 13, 2023, PERMIT MODIFICATION 23-1 TO PERMIT NO. CA027EM

STANLEY KING as authorized representative for the Mogollon Concerned Citizens

Petitioners

Objection to Summa Silver Corp's. MOTION TO DISMISS

Pursuant to: **19.10.14.1410** COMPUTATION AND EXTENSION OF TIME:

This response to Motion to Dismiss by Summa Silver Corp. and our response to Mining and Mineral Division's Motion to Dismiss dated Jan. 19th 2023 are in fact timely.

Pursuant to: **19.10.14.1417**

Petition 23-1 was filed with the New Mexico Mining Commission on December 19, 2023 in response to the Director's action of approval of Permit Modification 23-1 on November 13, 2023.

This petition was filed 37 calendar days after the Director's action and is in fact timely.

RELEVANT FACT TO PETITION 23-1

2023-04 Application for Permit Renewal and Modification (page 8)

SECTION 3 – MAPS AND PROJECT LOCATION (§302.D.2) (Component D Mogollon Project Map Series)

B. Maps: Are topographic maps included with the application that show the following items: Yes – The boundary of the proposed exploration project Permit Area

The project Permit Area as shown in the permit application package 2023-04, page 150 is copied from the original permit application 2021-03. The drill pads (6) of which are identified on provided maps on pages 142 and 143 of Permit Application 2023-04 are not in this project Permit Area as shown on page 150. (Component D Mogollon Project Map Series)

The project Permit Area as shown in the permit application package 2023-04, page 152 is copied from the original permit application 2021-03. The 19 drill pads identified inside this Permit Area were approved and renewed by the Director of MMD Exploration Permit Renewal Approval Summa Silver Mogollon Exploration Project, Permit No. CA027EM-R2 Summa Silver Corp., Catron County, New Mexico. Dated September 1, 2023. The Permit Area Boundary shown on page 100 Permit Application Package 2021-03 is correct and sets a precedent and example of how Applicants depict Permit Area Boundaries pursuant to 19.10.3.302(D)(2) and Section 3 – Maps and Project Location of the Permit Application.

This map on page 152 of 2023-04 Application for Permit Renewal and Modification Permit CA027EM has no relevance to this application.

There are no maps in this Permit Application Package that correctly define Permit Area and identify the 6 drill pads (DP4, DP6, DP7, DP8B, DP8C and DP9A) as individual Permit Area boundaries nor a “Permit Area Boundary” that contains these drill pads.

Pursuant to: Section 3- Maps and Project Location: “The boundary of the proposed exploration project Permit Area” does not exist in the 2023-04 Application for Permit Renewal and Modification Permit CA027EM. This Section 3 of the Permit Application Package requires “boundary of the proposed exploration project Permit Area” to be included in this Permit Application Package.

Our petition is asking the Commission for clarification and interpretation of the NM Administrative Codes and Permit Application Package responses by the Applicant and objecting to the Director's action dated November 13, 2023 in approving this Permit Application.

Because our greatest concerns are the close proximity of Threatened and Endangered Species, National and State Historic Districts and fragile water shed, we are objecting to the Director's action of November 13, 2023 and requesting suspension and a re-evaluation of the approval of this Minimal Impact permit.

CERTIFICATE OF SERVICE:

NEW MEXICO MINING COMMISSION

IN THE MATTER OF SUMMA SILVER CORP'S. RESPONSE TO PETITION 23-1

DATED 1/18/2024

PERMIT NO. Modification 23-1 CA027EM

Stanley E King



Authorized Representative for
Mogollon Concerned Citizens
Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January 2024 a true and correct copy of the foregoing
RESPONSE TO MOTION TO DISMISS was electronically mailed to the following

Counsel of Record: Stephanie Rodriguez,

Summa Silver Corp: Chris York

NM EMNRD Director of MMD: Albert Chang

Attorney for Summa Silver: Stuart Butzier

Attorney for MMD: Gabriel Wade

Attorney for NM Mining Commission: Daniel Rubin

Hearing Officer: Felicia Orth

Counsel of Record:

NM Mining Commission Administrator

Stephanie Rodriguez
Mining and Minerals Division
1220 S. St. Francis Drive
Santa Fe, NM 87505





