



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

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

For information call: (888) 248-6866

www.wildlife.state.nm.us

STATE GAME COMMISSION

TIRZIO J. LOPEZ
Vice Chair
Cebolla

FERNANDO CLEMENTE, JR.
Sunland Park

GREGG FULFER
Jal

EDWARD T. GARCIA
Los Ranchos

SHARON SALAZAR HICKEY
Santa Fe

31 July 2023

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

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

Dear Mr. Barnes,

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

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

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

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

Proposed drill pad sites 10, 12, and 13 are within the 0.5 miles buffer of Silver Creek nest site #1. These drill pad sites should either be removed from the proposed drilling program or relocated outside of the nest site buffer zone.

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

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

Thank you for the opportunity to provide comments on the permit renewal and modification. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dgf.nm.gov.

Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office