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## STATE OF NEW MEXICO DEPARTMENT OF WILDLIFE

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11 May 2026  
Charles Barber, Permit Lead  
Mining Act Reclamation Program  
Mining and Minerals Division (MMD)  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: Modification 26-1, Lordsburg Banner Mill, Hidalgo County, New Mexico, Permit No. HI001RE; NMDGF No. NMERT-5930.**

Dear Mr. Barber,

The New Mexico Department of Wildlife (Department) has reviewed the proposed permit modification project referenced above. Summit Gold Corporation (Summit) is proposing to bring the mill out of standby status and update the financial assurance associated with the mill site. Staff from the Department, MMD, New Mexico Environment Department, and Summit conducted a site inspection on 6 May 2026.

Permit Revision 14-1 added three tailing decant cells and a dry stack tailing unit to the existing mine permit area. The dry stack tailing unit will be constructed in an undisturbed area of Chihuahuan Desert habitat. To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings during the construction of the dry stack tailing unit, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary migratory bird breeding season. This season runs from 15 April - 1 September for upland songbirds, willow flycatcher (*Empidonax traillii*), yellow-billed cuckoo (*Coccyzus americanus*), and other riparian songbirds; 1 March - 1 September for most raptors; 1 January - 15 July for golden eagle (*Aquila chysaetos canadensis*) and great horned owl (*Bubo virginianus*); and 1 March - 15 September for low-elevation deserts. If ground-disturbing and clearing activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory) and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be at least 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk (*Buteo regalis*), golden eagle, peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

The Department also recommends that Summit contact Erika Rowe ([Erika.Rowe@emnrd.nm.gov](mailto:Erika.Rowe@emnrd.nm.gov)) at the New Mexico Endangered Plant Program ([Botany Program -](#)

[Forestry \(nm.gov\)](#) of the Energy, Minerals, and Natural Resources Department, regarding potential presence and conservation needs for state-listed plants. The state-endangered plant night-blooming cereus (*Peniocereus greggii* var. *greggii*) has been documented near and potentially within the proposed dry stack tailing unit footprint and may need to be considered and/or mitigated for while designing and implementing project activities.

Thank you for the opportunity to review and comment on the proposed exploration project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto:ronald.kellermueller@dgf.nm.gov).

Sincerely,

Virginia Seamster, Ph.D.  
Assistant Chief for Technical Guidance  
Wildlife Management Division, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office