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NEW MEXICO MINING AND MINERALS DIVISION
MINE EXPANSION AND UPDATED CLOSEOUT PLAN

LITTLE ROCK MINE

PERMIT NO. GR007RE, Revision 14-1

Public Hearing on the above-entitled matter,
taken at the request of Freeport-McMoRan Tyrone Inc.,
at the Grant County Commissioners Meeting Room,
1400 Highway 180 East, Silver city, New Mexico 88061,
on September 2, 2015.

1 HEARING OFFICER ORTH: Let's prepare to
2 begin, please. Can you hear me in the back row?

3 UNIDENTIFIED SPEAKER: Yes.

4 HEARING OFFICER ORTH: Yes? All right.
5 Terrific. My name is Felicia Orth, and we are here
6 this evening in Silver City to take public comment on
7 certain aspects of the amended application for revision
8 14-1 of New Mexico Mining Permit GR007RE.

9 In particular, the applicants plan to
10 expand the mining operation, and the updated closeout
11 plan and financial assurance. You probably saw the
12 sign-in sheet when you walked in on that back desk. If
13 you haven't signed in yet, please do so. No salesmen
14 will call. We use the sign-in sheets as evidence of
15 public participation and for the correct spelling of
16 your name in the transcript.

17 On the back desk, you would also have
18 seen a fact sheet on this mine. It resembles a time
19 line of certain events in connection with the permit.
20 A number of other documents are on the EMNRD Mining and
21 Minerals Web page. I encourage you to look there,
22 including the permit application prepared by Golder
23 Associates. I certainly welcome you to look at the
24 copy I have borrowed, and on a break you can also speak
25 with the Mining and Mineral Division representatives

1 who are here tonight, again on a break.

2 Holland Shepherd is walking across the
3 back of the room in the blue shirt and David Ohori is
4 across the way there. They will not be speaking during
5 the comments this evening, but are happy to talk with
6 you on a break.

7 You also see sort of an array along this
8 wall, a number of poster boards that show the existing
9 permit boundary, the proposed expanded permit boundary
10 and other items and some photographs.

11 So the hearing will be conducted in
12 accordance with the applicable regulation, which is
13 19.10.9, Section 905. These are the non-coal mining
14 public participation rules adapted by the New Mexico
15 Mining Commission. Essentially, all testimony is taken
16 under oath and is subject to cross-examination.

17 The hearing is being recorded and
18 transcribed by Truenea Teasley, court reporter. And if
19 you would like to purchase a copy of the transcript,
20 please see Ms. Teasley directly. The transcript also
21 eventually becomes a public record.

22 Mr. Ohori.

23 MR. OHORI: Excuse me, Felicia, could you
24 turn the volume up a little bit?

25 HEARING OFFICER ORTH: Oh, is this going

1 up? Is this going up?

2 UNIDENTIFIED SPEAKER: Better.

3 THE COURT: Is that better? Very sorry.

4 MR. OHORI: Thank you.

5 HEARING OFFICER ORTH: All right. So
6 you'll hear the mine tonight referred to as the Little
7 Rock Mine, if I didn't mention that earlier. Let's
8 see, we will take -- we will take a break after an hour
9 and a half or so just to allow folks to take a break,
10 but we're here tonight as long as necessary to take all
11 public comment that is ready to be offered.

12 I will say this again at the end of the
13 hearing. If you have comments that you would like to
14 submit in writing to be considered by the Mining and
15 Minerals Division, you have until close of business on
16 September 23rd to do that, September 23rd. And, again,
17 I'll repeat that at the end of the hearing.

18 Finally, there are a number of regulatory
19 agencies that sometimes share regulatory authority for
20 the same operation. One of the other regulatory
21 agencies that regulates the Little Rock Mine is the
22 New Mexico Environment Department. Again, they are not
23 providing comment tonight but there are representatives
24 from NMED here tonight, including Kurt Vollbrecht, and
25 I've lost the other guys, John. All right.

1 MR. EHLERT: And I'm Keith Ehlert. I'm
2 in the permit department on the Little Rock Mine.

3 HEARING OFFICER ORTH: Thank you very
4 much.

5 And again all these gentlemen are happy
6 to talk with you on the break. And by the way, if you
7 say something tonight or submit something in writing to
8 the Mining and Minerals Division that relates perhaps
9 more directly to the permit that's issued by the
10 New Mexico Environment Department, as I understand it
11 from the Mining and Minerals Division staff, they will
12 forward that to NMED for their consideration. This is
13 not the NMED hearing.

14 Let's see, are there any strictly
15 procedural questions? I know there are bathrooms and
16 vending machines out there.

17 So we're going to start with a
18 presentation by the permit applicant, Freeport-McMoRan,
19 and I believe I'm to call on Ms. Lande. We'll then go
20 to GRIP and Ms. Siwik and her colleagues, and then I
21 will call on folks in the order in which you signed in.
22 And again, please, sign in if you haven't done so.

23 So let's see, where are the folks
24 testifying on behalf of the permit applicant? Is it
25 just you, Ms. Lande, or is it you and Mr. Shelley?

1 MS. LANDE: It would be myself,
2 Mr. Shelley and Martin Soltero.

3 HEARING OFFICER ORTH: All right. So if
4 the three of you would please raise your right hand.

5 (Speakers were sworn en masse.)

6 HEARING OFFICER ORTH: Ms. Lande.

7 MS. LANDE: I don't know where a good
8 place to stand is. I guess I'll stand this way. It's
9 kind of -- the microphone is -- I don't do this very
10 often.

11 So my name is Lynn Lande and I'm Chief
12 Environmental Engineer for Freeport-McMoRan, and I work
13 in the Environmental Sustainability Department and my
14 focus is reclamations, mine reclamations. Before we
15 get started, I just want to thank everybody for coming.
16 I want to thank David, David Ohori, the MMD Permit Lead
17 and, also, Holland Shepherd, the Program Manager. They
18 have certainly guided us through this process and many
19 others.

20 I would also like to introduce some of my
21 coworkers that will help address questions during this
22 process today. Martin Soltero, he's the Tyrone
23 Environmental Manager. Tom Shelley is the Reclamations
24 Manager for our New Mexico Operations. They are going
25 to help me address questions from everybody here, and

1 so what I would like to do, if everybody is on board,
2 is -- the presentation isn't very long. I guess that's
3 the good news.

4 And so what I would like to do is work
5 through the presentation, and -- with the expectation
6 that maybe some of your questions are addressed in this
7 presentation. And at the end, if you have other
8 questions, please, you know, we're here to answer
9 questions now or at the break. That's why we brought
10 these. We tried to prepare these poster boards.

11 So the first slide -- so before we get
12 started, I just wanted to review what I was going to
13 cover today. So this is about the reclamation designed
14 for the Little Rock Mine, and also the expansion
15 boundaries. So I want to just give a brief overview of
16 the mine. I want to talk about the expansion and the
17 closeout plan, and the closeout plan is a little
18 tricky. Closeout plan really, in normal language,
19 means reclamation plan. So I'm going to call it a
20 reclamation plan. Closeout plan is just an MMD permit
21 word.

22 And the last thing I'm going to talk
23 about is the financial assurance estimate. I've got
24 some notes on here. Oh, okay. Well, this slide is
25 just a location map. It's usually included in most

1 documents. It just shows that the mine is located in
2 southwestern New Mexico in Grant County, and then the
3 Little Rock Mine. It's located actually about 11 miles
4 southwest of here, Silver City, and it's about a mile
5 from the Tyrone Mine. I have other maps in the
6 presentation that will give you a better idea of where
7 in the world we are, but this is just a general
8 location map.

9 The next slide is the, again, mine
10 history. We've been mining in this area since the
11 1890s. There have been miners mining materials again
12 in the 1940s. I think they mined floral spar out there
13 at this site.

14 In the 1970s -- this is more of a modern
15 mining company, USNR or the United States Natural
16 Resource Company, leased and operated the Little Rock
17 Mine, and they're a private mining company and they
18 actually operated at the site and they produced copper
19 at the site. They set up what we call a P plant, a
20 precipitation plant. They also have a leach stockpile
21 and it's an overburdened stockpile.

22 Since they were located very close to the
23 Tyrone Mine, Tyrone is interested in acquiring that
24 mine and seeing if it was economic. In the 1990s
25 Tyrone began permitting, doing a permitting and

1 acquiring the mine, and they acquired the mine. And I
2 don't -- I apologize. I don't know the year they
3 acquired the mine.

4 In 2010 they -- we actually had a hearing
5 much like this where we were requesting to come off of
6 standby, which means to go back into operations. And I
7 think it was held in this room, actually. At this same
8 time, the same year, Tyrone reclaimed one of those
9 historic stockpiles called the Copper Leach Stockpile,
10 and I'm going to talk about that more a little later.

11 Tyrone was able to start up the mine in
12 2011, and then in 2014 we submitted application to
13 expand the mine. So this is just a brief overview of
14 the operation. It's a typical copper mining operation
15 in that we break up the rock using explosives. We use
16 a large shovel, and you can almost see the shovel in
17 that picture, and then we load the trucks.

18 The material from Little Rock is put in a
19 truck and then it's taken to the Tyrone Mine where
20 there's an existing stockpile, and that's where we
21 process the copper at Tyrone. We're not processing at
22 the Little Rock Mine. On the other hand, we are -- we
23 just started putting overburdened material into the
24 Little Rock Mine. Before that we were bringing it to
25 the Tyrone Mine, but now we're putting it on the west

1 side of the mine.

2 So now I'm going to talk about the permit
3 boundary, and that's part of the permit process and has
4 to do with the expansion project. So if you -- oh, I
5 don't -- here's the pointer. So I'm just going to talk
6 about what's called the permit boundary, and that's the
7 outer limits of the mine area, and that's this magenta
8 line, that nice line they did in the 1990s, the nice
9 squared line the engineers love.

10 We are expanding it, but it is not a
11 pretty line, but it does define the limits of where we
12 need to mine and it's this magenta and green line here,
13 and then it comes back up here, comes around, just
14 follow it around, magenta all the way around.

15 So as you can see, the majority of
16 expansion of this mine is in this area I'm here. This
17 is where the most is, and also right here. So the
18 current permit boundary is 610 acres. It's going to
19 be -- we're proposing to expand it to 680, a 70-acre
20 expansion.

21 Thanks, Martin.

22 MR. SOLTERO: Uh-huh.

23 MS. LANDE: Now, I want to talk about the
24 area of operational activity. That would be this green
25 line in here, and then the darker green line. These

1 are all the lines we're asking to expand, MMD. So the
2 green line you see in here, which is 200 acres, is the
3 current approved mine. So when you look at these mine
4 pictures, you know we're mining within that boundary.
5 Also, as part of that boundary -- it doesn't show up
6 well on this map, but I will show it on the other
7 map -- is the haul road. So there's a haul road. It
8 leads in and out of this mine to the Tyrone Mine, and
9 that's about 260 acres, and that's the current plan.

10 The proposed plan is the darker green
11 line and it's expansion to 470 acres. Most of the
12 expansion is on the east side of the mine, right in
13 here and around here. And, of course, you can follow
14 it around. The funky shape that you're kind of seeing
15 right here is because there's a haul road that needs to
16 deliver material over here.

17 So -- oh, oh, the last thing I wanted to
18 point out was the crest of our pit. So I've talked
19 about just areas we're expanding, where we're going to
20 operate in, but I wanted to point out how the actual
21 crest of the pit changes. So this is the current crest
22 of the pit, this green line, and the dark blue line is
23 the proposed new crest. So really it's in this area,
24 and that would be -- currently it's 200 acres. It goes
25 to 330 acres. Some of this area, again, it already has

1 a haul road in it, though. So there is a facility
2 there. Okay. Thanks.

3 The next thing I want to talk about is
4 financial assurance. So how do we calculate financial
5 assurance? Financial assurance is the cost. Costs are
6 calculated for the highest cost mine configuration on a
7 five-year period. That's kind of a confusing sentence,
8 but all it means is we -- the mine planners -- will
9 make designs for the mine. And we look at each year
10 and we come up with a general cost, which one is the
11 most expensive, and then we work with the agencies and
12 we agree upon which one of those plans will be the most
13 expensive reclamations year, and so that's how that's
14 conducted.

15 Now, you might think intuitively that it
16 would always be the last year, but it isn't. It has to
17 really do with what the reclamation costs are. And in
18 this case the most expensive reclamation year was 2017.
19 And that simply had to do with that it was the year --
20 it was the area in the mine where we had the greatest
21 amount of reclamation, surface reclamations that had to
22 be -- that would be conducted, and that's the only
23 reason. So we had more vegetation costs, more
24 regrading costs, more reseeding costs and stuff like
25 that.

1 So I wanted to point out the current
2 plan, approved plan and our proposed plan. I kind of
3 wanted to put them on the same page so you could see
4 them, but I don't think you would see them. They would
5 be so small. So I tried to put them on separate
6 slides. The reason I wanted them on the same slide is
7 because they are pretty similar, and I just wanted to
8 show you that the proposed plan and current plan are
9 pretty similar. It's not really a surprise.

10 The major differences is that the mine is
11 getting bigger to the east, larger to the east. The
12 financial assurance for this mine is roughly \$1.5
13 million for the operational reclamation costs. So for
14 that proposal, for that approved mine closure plan and
15 this proposed one, the post-mining land use for both
16 are wildlife habitat. So that's what we're
17 developing -- we're doing the reclamation for is
18 wildlife habitat.

19 I want to make sure I don't miss -- this
20 slide I spent a lot of time on. So make sure I don't
21 miss something. So the entire mine is going to be used
22 for wildlife animals to be able to access various
23 places in the mine. There's going to be out-slopes.
24 There's going to be flat surfaces. There's going to be
25 high walls, which are going to be like cliffs. So it's

1 pretty diverse in the mine habitat.

2 There -- if you look in that red line,
3 there's -- within this red line, there's these gray
4 areas and also out here, outside the red line, all in
5 here. Those are where we're bringing the equipment in
6 and we're able to regrade it and rip it and vegetate
7 it. The other areas we just don't have -- we won't
8 have access with equipment.

9 There also is an open pit lake just like
10 the original plan right here, and there was a water
11 quality model done in 2014, updated, and it was an
12 updated model, and it shows good quality water. There
13 is -- it's a little bit of concern involved, but it
14 looks like the only exceedings that might be a little
15 high is fluoride, but again it is a conservative model.
16 But, yeah, it could exceed on fluoride.

17 Let's see what else. So we have safety
18 berms going around the entire mine, safety berms,
19 fencing, depending on the conditions on those slopes.
20 We -- I talked about the contouring. The haul road
21 will get reclaimed so these -- this is the haul road
22 right here. And that -- so access there. This is part
23 of the haul road, part of the haul road, revegetation,
24 open pit lake. I talked about that. There's also a
25 monitor well included. There's long-term monitoring

1 and reporting and, of course, maintenance.

2 The cost came to \$1.9 million, so it's
3 about a half a million dollars higher than the previous
4 estimate, and I just want to point out that this -- I
5 just want to point out one more thing, just so it's
6 clear, is that is the 2017 mine plan. Okay. I talked
7 about why we would use that mine plan because of it
8 being the most expensive.

9 MS. SMITH: Do I get to ask a question or
10 no?

11 HEARING OFFICER ORTH: Sally, you'll be
12 able to ask a question when she's done.

13 MS. SMITH: Okay.

14 MS. LANDE: Next slide. So we haven't
15 talked -- so we talked about groundwater quality, and
16 what I also want to talk about is the groundwater flow.
17 The left side is a potentiometric map, and all a
18 potentiometric map is -- it's a lot like a contour map
19 where it -- you contour the elevation of the ground
20 surface. This map contours the elevation of the water
21 table.

22 And if you look at that map, the higher
23 elevation is to the left, the lower to the right, which
24 means that water is flowing to the east. Now, that --
25 that -- that potentiometric map doesn't really show you

1 where Little Rock is in relationship to the Tyrone
2 Mine. So I wanted to show you. And I don't know if
3 you can see very well, but that's the Tyrone Mine.

4 UNIDENTIFIED SPEAKER: Little Rock.

5 MS. LANDE: I mean Little Rock. Thanks.

6 Little Rock Mine, and this is the Tyrone
7 Mine. And that water will flow right towards the
8 Tyrone main open pit. That's all.

9 This is the last slide. And why I wanted
10 to show folks -- show this slide is because it shows
11 our reclaimed stockpile at the mine. This is the USNR
12 site. It's an older stockpile, but it was just
13 recently reclaimed. It was reclaimed five years ago in
14 2010, and it's located on the south end of the mine
15 right here. So this is the -- right here.

16 And we reclaimed it, like I said, in 2010
17 and we use material from one of the older, overburdened
18 stockpiles. That material came right from the Little
19 Rock Mine. So we used the material from the Little
20 Rock Mine that was devoid of any mineralization, and
21 used it as reclamation material.

22 I wanted to also mention that the
23 material that we're backfilling the Little Rock Mine,
24 making a stockpile I talked about inside the Little
25 Rock Mine, is also tested to ensure that it will not

1 affect ground water quality. I want to -- last
2 slide -- just thank everybody for listening and being
3 patient. And if you have any questions, we would be
4 really happy to answer them right now. And I want Tom
5 and Martin to kind of help me.

6 MS. SMITH: My question was about that
7 slide, you know. And I think you said that's a 2017
8 portrayal, but the pit lake looks like it's up at the
9 elevation that it would be in eight years when it's
10 completely full. Isn't it about 5750 or something? I
11 just am wondering if you could comment on that.

12 MS. LANDE: I -- well, I don't know if
13 that's the final design. Do you guys know?

14 MR. SHELLEY: You're right, Sally.
15 That's the pit lake that would form over the long term
16 if it -- if it remained in the configuration at 2017.

17 MS. SMITH: Projected with that --

18 MR. SHELLEY: Yeah. Sure.

19 MS. SMITH: -- in other words.

20 MR. SHELLEY: Yeah.

21 MS. LANDE: And we thought that would
22 be -- I mean what we wanted to do is show people how
23 big the lake would be so it was a good idea to put
24 the --

25 MS. SMITH: So then projected out, if

1 your mining continues to 2020, that is not the size the
2 lake would be? It would be bigger than that.

3 MS. LANDE: Yeah. It would be bigger,
4 uh-huh.

5 MS. SMITH: And would it be further up
6 the ramp than that.

7 MS. LANDE: No. It would actually be
8 lower.

9 MS. SMITH: Lower on the ramp.

10 MS. LANDE: Yeah.

11 MS. SMITH: So it would fluctuate on the
12 ramp because the ramp is a leach stockpile. It's going
13 to fluctuate its contact with the leach stockpile.

14 MS. LANDE: That's not a leach stockpile.
15 That is just overburdened material.

16 MS. SMITH: It's what?

17 MS. LANDE: Overburdened. It's tested
18 and it will not affect groundwater at all, Sally. But
19 the groundwater will, you know, based on a lot of
20 conditions, it will -- if you have a high rain event
21 or --

22 MS. SMITH: That's just hypothetical
23 because you're going to pump it. So it won't really
24 be -- you know, if you continue mining.

25 MS. LANDE: So just to be clear that that

1 stockpile is not going to affect groundwater quality.
2 We were going to pump during operations. And then,
3 when we stop mining, we are not going to pump. We want
4 the groundwater to reach equilibrium.

5 MS. SMITH: It's not going to look like
6 that.

7 MS. LANDE: This is the most expensive
8 case scenario and this is how we structure our closure
9 plans on, but all that information will work with the
10 NMED.

11 MS. SMITH: Sure.

12 HEARING OFFICER ORTH: Are there other
13 questions of Ms. Lande?

14 MR. MARTIN: Richard Martin. If I read
15 the plan right, you're saying that the water model says
16 that in 80 years there could be between 3,900 and 5,700
17 acre foot in that lake. Correct?

18 MS. LANDE: (Nods head.)

19 MR. MARTIN: But it would only have
20 excessive fluoride content?

21 MS. LANDE: Uh-huh.

22 MR. MARTIN: Now, the six-foot fence that
23 you're going to put around it, is that high enough now
24 that we have elk back in the boroughs again or is the
25 intention not to prevent wildlife access, but just

1 people access to the lake?

2 MS. LANDE: We will allow animal access
3 to the lake.

4 MR. MARTIN: So --

5 MS. LANDE: So I should be clear. If you
6 take a really close look at that map --

7 MR. MARTIN: Right.

8 MS. LANDE: -- there's a couple labels on
9 the side. And we actually have fencing and we have
10 berms and we have different kinds of fencing. So, you
11 know, if you're looking at a high voluntary peak at
12 that edge, you don't want animals. So we have a
13 higher, and another area would be lower.

14 MR. MARTIN: But say in 80 years' time,
15 is there going to be security or anything if it's an
16 attractive nuisance to both humans or wildlife to
17 prevent access?

18 MS. LANDE: There will be security, yes.

19 MS. SMITH: My additional question, Lynn,
20 about the fencing is that you've got cattle fencing
21 around the haul road areas, just -- there's some
22 sections there that are cattle fencing. Those -- are
23 those current? Do you have current cattle fencing on
24 the haul roads?

25 MS. LANDE: Tom can answer that.

1 MS. SMITH: And if so -- and the other
2 part of the question, Tom, is -- okay -- is the whole
3 thing is not fenced. It's bermed. And can cattle
4 access the mine site now?

5 MR. SHELLEY: Yeah. Okay. Well, help me
6 if I miss an answer to your question, but we currently
7 have operational fencing around so cattle can't access
8 the mine area right now. Okay. They are not in the
9 same locations that we show that are in the cost
10 estimate for closeout or reclamations, but -- and then
11 the other fences Lynn was talking about are primarily
12 to keep human -- for human safety reasons, to restrict
13 access.

14 MS. SMITH: Chain link, Tom?

15 MR. SHELLEY: High walls and things like
16 that. But the rest of the area is livestock fence so
17 that wildlife can come in and out of there.

18 MS. SMITH: The reason I'm asking is
19 because I know in the future you said that the fact
20 that it's going to be all wildlife habitat doesn't
21 preclude grazing or recreation for that matter. So in
22 the future, because you only show cattle fencing in
23 certain places, will there be access to cattle to the
24 mine site after closure.

25 MR. SHELLEY: We haven't -- the fencing

1 will be there. So I suppose that could happen, but
2 during -- during the life of this permit, that's not
3 contemplated. There's going to be cattle fencing to
4 preclude livestock access.

5 MS. SMITH: Thank you.

6 HEARING OFFICER ORTH: Other questions of
7 Ms. Lande or Mr. Shelley? Mr. Martin.

8 MR. MARTIN: Again, in my -- it's
9 probably my bad reading, but in reading it I saw
10 references to BLM/USF as being the landowners. There
11 isn't private property within any of this area, is
12 there? It's BLM and Forest Service are the landowners?

13 MR. SOLTERO: No. No. There is.

14 MR. MARTIN: There is?

15 MR. SOLTERO: There is. There's
16 actually -- private property is actually right along
17 the middle of our -- of the pit and it's actually then
18 also towards the south. There's private property that
19 is actually owned.

20 MR. MARTIN: Okay.

21 HEARING OFFICER ORTH: Other questions?

22 Other questions? No. Thank you very much,
23 Mr. Shelley, Ms. Lande, Mr. Soltero.

24 Ms. Siwik, if you would, identify,
25 please, everyone who will testify for GRIP.

1 MS. SIWIK: Sure, Sally Smith, Steve
2 Blodgett. Do we need to stand up and take the oath?

3 HEARING OFFICER ORTH: Yes, you do.

4 (Speakers were sworn en mass.)

5 HEARING OFFICER ORTH: Please, go ahead.

6 MS. SIWIK: I don't have a presentation.

7 So okay. Good evening, I'm Allyson Siwik. I'm
8 Executive Director of the Gila Resources Information
9 Project. We're a nonprofit environmental group that
10 promotes community health by protecting our environment
11 and natural resources here in southwestern New Mexico,
12 and we've been involved with permitting issues related
13 to Grant County mines since our organization was
14 founded in 1998. So we've been here in this room and
15 other rooms in Santa Fe and Grant County many times.

16 We're also a member of the New Mexico
17 Mining Act Network, and we work on mining act issues at
18 the state level with our partners. So I would like to
19 just give an overview of our comments this evening for
20 our organization, and then we'll talk more about some
21 of the details after. Sorry. It's kind of weird.
22 I've got my back -- I'll try and meet everybody in the
23 middle here.

24 All right. Okay. So we're very
25 concerned that, at this late date in the process, here

1 we are at the public hearing on the Closure/Closeout
2 Plan permit, that there's so many significant issues
3 that are unresolved. The reclamation plan is far from
4 complete because there's no approved cover material.
5 We've seen in the letters, over the course of the last
6 year or more, the discussion going back and forth
7 between the company, Freeport, and Mining Minerals
8 Division and the Environment Department that the
9 company has not yet demonstrated, according to MMD and
10 NMED rules, that leach top meets reclamation standards
11 and requirements and will protect groundwater quality.
12 So we're very concerned about that.

13 We've seen from comment letters that
14 there's still no comprehensive stormwater plan. We've
15 seen discussion back and forth as to whether or not a
16 waiver for the open pit is going to be required. I do
17 note that, you know, there's some inconsistency here,
18 which mean Little Rock and the process at Chino and
19 Tyrone, but at the same time we do acknowledge that,
20 you know, that the company is going to be partially
21 reclaiming the pit.

22 There's a letter dated July 23rd from the
23 Environment Department with a list of issues still left
24 to be worked out that are related to the
25 Closure/Closeout. I understand that it's really more

1 related to DP-1236. However, they are related to the
2 Closure/Closeout Plan. And we are not going to get an
3 answer, I believe, until later this month. I think the
4 company has 60 days to respond. So that's a huge
5 concern. We're going to get into some of those details
6 here in a few minutes.

7 Financial assurance. We're very glad to
8 hear that a surety bond will be kept in place to cover
9 100 percent of the reclamation costs of this \$1.9
10 million reclamation plan. I think this is great news.
11 We're certainly appreciative of Freeport for keeping
12 that surety bond in place because the mining act
13 rules -- you can, you know, have a third party
14 guarantee up to 75 percent. So we're appreciative of
15 keeping that surety bond in place.

16 However, we do believe that some
17 contingency plan should be developed. That includes
18 use of Gila conglomerate in reclamation activities. So
19 as I mentioned previously, there's no -- you know,
20 leach cap is not an approved cover. We don't know if
21 leach cap will be approved by MMD and the Environment
22 Department, and until that happens we don't really
23 know, you know, if the leach cap -- the current plan
24 will be sufficient. So we encourage MMD to require an
25 additional reclamation cost estimate that covers the

1 cost of using an approved cover material, and we
2 suspect that will probably raise the costs and
3 hopefully the existing surety bond -- you have, I
4 believe, it's \$2.9 million. Freeport was suggesting,
5 you know, releasing some of that, but you've got funds
6 in that existing surety bond. So we would like to see
7 a calculation of new reclamation costs using Gila
8 conglomerate.

9 In terms of monitoring, we are very
10 concerned that there isn't sufficient monitoring
11 locations for monitoring groundwater quality for -- or
12 down-gradient of faults. So the Closure/Closeout Plan
13 characterizes faults as low permeability barriers for
14 groundwater transport, but as we've seen with some of
15 the groundwater modeling -- or monitoring on the east
16 side of the Tyrone Mine, we have seen that
17 mine-impacted water is crossing the Sprouse-Copeland
18 Fault on the east side of the mine. And we need to
19 have monitors in place to guarantee that these faults
20 truly are low permeability barriers. So I encourage
21 the Environment Department and Mining and Minerals
22 Division to require additional monitoring so that we
23 can be sure that mine-impacted water truly is staying
24 on site.

25 Finally I would like to talk a little bit

1 about the -- Freeport's financial situation. As we've
2 all seen in the press for months now, Freeport is \$20
3 billion dollars in debt companywide, and given
4 continued low global copper prices, oil and gas prices,
5 we heard last week the company announced a new
6 operating plan that cuts, you know, operations in North
7 America, but here, in Grant County, operations are
8 going to be cut at Tyrone by 50 percent with layoffs of
9 210 employees.

10 And, you know, we understand that the
11 company needs to control costs to create a better
12 financial situation, and the better off Freeport is,
13 the better off we are here locally. We recognize all
14 the terrific work, and -- that Freeport has done in
15 terms of reclaiming all the accelerated reclamation
16 that Freeport has done.

17 Tom, terrific job. Your folks, over the
18 last ten years, that are going to -- you know, all of
19 this work is going to benefit our groundwater quality,
20 our environment. So that your -- the company's
21 financial situation obviously really influences what
22 you're able to do in terms of reclamations. So we
23 recognize that.

24 However, you know, we strongly believe
25 that cost cutting shouldn't come at the expense of

1 reclamation at any of the mines. And, you know, we
2 need to protect our groundwater quality, wildlife and
3 environment. So we strongly encourage Mining and
4 Minerals Department to strictly enforce the
5 requirements of the mining act.

6 So with that I would like to hand the
7 microphone over to Steve Blodgett for some of the
8 details, to follow up on some of these points.

9 Thank you.

10 HEARING OFFICER ORTH: Would you like to
11 take questions as a panel?

12 MS. SIWIK: Sure. We can do that.

13 HEARING OFFICER ORTH: All right.

14 MR. BLODGETT: Thank you, Allyson. My
15 name is Steve Blodgett. I'm a consultant working with
16 J. Kuipers Associates, and I've been working on behalf
17 of GRIP on the Grant County mines since about 2002, and
18 I've actually made a couple of field trips to the
19 Little Rock Mine, although that was probably ten years
20 ago now. So I just have a few short comments here.

21 And I'm going to follow up on Allyson's
22 comments on the leach cap material and the issues
23 related to using that for reclamation soil. We don't
24 really dispute that this material can probably provide
25 an adequate growth medium for some plants under certain

1 circumstances, but our larger concern here is that
2 there's been demonstrated success at the Tyrone Mine
3 over the last ten years in reclaiming various
4 facilities using Gila conglomerate material, which is
5 widely available throughout the Mangus Valley.

6 And it's kind of disturbing to learn that
7 the existing leach -- I mean the existing test plots
8 are only testing leach cap material, I guess, at
9 different thicknesses and different slopes. So one
10 question that arises is what's actually being compared
11 here? It makes sense that there would be some plots
12 that had Gila conglomerate so that Gila conglomerate
13 could be compared with leach cap material in terms of
14 how well it performs as a reclamation cover soil.
15 Apparently that's not being done.

16 Also, apparently the company has --
17 against the advice of MMD -- decided not to apply
18 amendments like compost or mulch or other organic
19 material that might enhance revegetation. And again
20 that's unfortunate because there's widespread
21 experience throughout the mining industry around the
22 world that using amendments always and forever improves
23 reclamations. It does cause short-term problems
24 occasionally like increased weed growth and loss of
25 diversity, but those are O&M problems that can be

1 managed over time. So our concern is that the Gila
2 conglomerate, which has proven itself to be a good
3 reclamation cover soil, is not going to be used at all
4 at Little Rock, even though right next door at Tyrone
5 there's very extensive evidence of successful
6 reclamation using Gila conglomerate. So we would
7 recommend that Gila conglomerate be included in the
8 test plots, and that ultimately Gila conglomerate be
9 used for the reclamation cover soil at the Little Rock
10 Mine.

11 Right now, as Allyson mentioned, the
12 existing financial assurance is \$2,944,583. Based upon
13 the revised, update closure plan and the mine plan,
14 Freeport is now estimating a total reclamation cost of
15 \$1.922 million. And we're assuming that they are going
16 to be requesting a reduction in the financial assurance
17 of about a million dollars as a consequence.

18 Well, because there is no contingency
19 being made in these test plots for testing Gila
20 conglomerate, we think it's appropriate to maintain the
21 existing financial assurance of \$2.944 million at the
22 mine until these tests are completed. Our
23 understanding is it's going to take seven years to get
24 the initial data on the USNR plots, and then there's
25 existing plots that stockpile 780. So at that time it

1 may be appropriate to request a reduction in financial
2 assurance, but in the absence of a contingency and in
3 the event that the state would have to take over
4 reclamation responsibility if there were bankruptcy, we
5 think it's appropriate to maintain the existing
6 financial assurance at 2.944 million.

7 Just a couple other comments here. We
8 note that the state environment department has noted
9 that there's no comprehensive stormwater plan yet
10 submitted and approved for the Little Rock Mine. So we
11 feel that's a major deficiency, and we're expecting
12 that that will probably be addressed by the end of this
13 month sometime. I think the company has until
14 September 23rd or something to submit a stormwater
15 plan. So that's a deficiency that can be easily
16 rectified.

17 And then the final concern we have
18 relates to the creation of yet another pit lake. I saw
19 Dr. Ingar Walder's initial presentation on the
20 groundwater modeling back in -- I believe it's 2002.
21 And we note that Daniel B. Stephens & Associates has
22 updated the modeling and included some new features
23 liked adding the Ausen (phonetic) Amazon and Southern
24 Star Faults as potential barriers to flow to the north.

25 And those are all good efforts, but our

1 concern is that even though the pit will be partially
2 backfilled, we're seeing that the pit itself is going
3 to be filled with some leach cap material, which has
4 been noted doesn't have any sulfides in it, but it's
5 also noted in the closeout plan that this material
6 contains up to .15 percent copper, even though that
7 copper would be in an oxide form and it's not readily
8 mobile in water.

9 Our concern is that if the water level in
10 the pit lake fluctuates over the next 80 years as it's
11 approaching equilibrium, that every time the water
12 level drops, there will be soluble metal salts
13 precipitating out of the massive sulfides that underlie
14 the pit. And then, if the water level rises again,
15 those salts will be remobilized and metal will go into
16 solution.

17 And so we're concerned that there is some
18 potential if the climate fluctuates over the next 80
19 years as the pit fills. So we think, in general, it's
20 just bad environmental policy to create another pit
21 lake, but this is an existing mine so essentially this
22 pit is being grandfathered in, as we understand the
23 process.

24 Anyway those are our basic concerns as
25 far as leach cap, stormwater plan and the pit lake.

1 Thank you.

2 HEARING OFFICER ORTH: Thank you,
3 Mr. Blodgett.

4 Ms. Smith.

5 MS. SMITH: I'll be brief. My name is
6 Sally Smith. I'm going to speak for the 79-plus bird
7 species that would be attracted to an open pit, and in
8 the original EIS I believe it was over 100 birds that
9 it was a fly-away zone for, the Tyrone Mine and Little
10 Rock; the 18 mammals or more that have been documented
11 there and five reptiles or more that also have been
12 documented in the area, and my -- I think the concern
13 would be, for the most part, that the pit might become
14 an attractive nuisance that we've already had an
15 experience of the pit lakes and/or the tailing piles,
16 the tailing ponds that have become a danger to wild
17 life, which resulted in an extended legal battle and
18 fees that were quite significant to the company for
19 bird kills in the past. And wildlife damage is a
20 known -- it's a known factor in pit lake creation in
21 many places around the country and I guess around the
22 world. I don't really know that detail.

23 But in the 80 years it will take for the
24 pit to fill, it is easy to imagine climate
25 unpredictability might create a situation that Steve is

1 talking about where the pit could possibly change in
2 pH, and metals -- and the metal content.

3 And, also, something that I always speak
4 about at hearings when it comes to habitat creation --
5 there is no map here. There is a map in the -- in the
6 CDP that shows some habitat features. In my opinion
7 they are always insufficient. They are usually piles
8 of rock pushed up in vast areas of reclamation. No
9 complaints about the reclamation. It's been well done
10 and beautiful in lots of place, but the habitat is
11 limited.

12 It's always confusing in a mine site like
13 this about whether we want to attract wildlife to this
14 area. Also, you see that cattle are potentially going
15 to be involved in the mine site. Is that a danger? Is
16 that a danger to cattle? They are often attracted to
17 mine sites for whatever reason. So just that. This
18 wildlife needs to be strongly considered in moving
19 forward with this project. Thank you.

20 HEARING OFFICER ORTH: Thank you,
21 Ms. Smith.

22 Is there anyone who has questions of
23 Ms. Siwik, Mr. Blodgett or Ms. Smith?

24 No. I see no hands.

25 All right. In that case I will move to

1 folks indicating a desire to offer comment who have not
2 already gone.

3 Carol Morrison, Ms. Morrison.

4 (Ms. Morrison was sworn.)

5 MS. MORRISON: And I will be brief. I've
6 been coming to the MMD meetings for 10 or 12 years. I
7 remember being out on 180 when it was so cold we had to
8 go next door to Wendy's and get coffee cups to try to
9 warm our hands, and I also remember another meeting
10 that was up at the Global Resource Center, I think
11 about eight years ago, where I -- really kind of
12 brought home to me as a citizen why I needed to be
13 coming to these meetings because I did learn that some
14 of the citations and the fines that were here that were
15 actually in abeyance and were on the books for maybe
16 four years. And I thought, "If I got a speeding ticket
17 in New Mexico, how quickly would I have to pay that?"

18 So I'm really interested in maybe putting
19 off problems so that we don't have citations and that
20 we don't have continued problems. I think we need --
21 we want to have a good working relationship in the
22 community and with the mines, but I also believe that
23 corporations are there to maximize profits, and I
24 believe that MMD should be there to protect the
25 environment, our soil, our water, our wildlife,

1 including me.

2 And I would just encourage -- basically
3 Allyson and Sally have spoken to the issues that I had
4 with the pit lake and also the concerns about
5 groundwater flow, and also the concerns about the
6 cover. I was concerned about all of those, but I
7 appreciate the time and I appreciate the work that's
8 gone into this hearing. Thank you.

9 HEARING OFFICER ORTH: Thank you,
10 Ms. Morrison.

11 Questions? No.

12 All right. I didn't see anyone else on
13 these sign-in sheets who indicated a wish to offer
14 comment, but if you've changed your mind I'm happy to
15 hear from you. Is there anyone else who would like to
16 offer comment this evening?

17 Again, you also have an opportunity until
18 September 23rd -- I believe that's a Wednesday -- close
19 of business to send your comments in writing to the
20 Mining and Mineral Division in Santa Fe.

21 Anyone else at all? Is there any reason
22 not to adjourn then this evening? Or I suppose we
23 could take a break for a little bit if anyone thinks
24 someone might show up late?

25 MR. OHORI: Yes.

1 HEARING OFFICER ORTH: I'm seeing yes
2 from Mr. Ohori. All right. So for the moment I'll
3 just take a break. We'll be in the room for a little
4 while in case someone is a late arrival and wants to
5 give comment. If we don't have someone say 15 or 20
6 minutes from now, I'll probably adjourn at that time.
7 Thank you all very much for coming out tonight.

8 (A recess was taken.)

9 HEARING OFFICER ORTH: Hello. No one
10 need take their seat. Let me just say that I didn't
11 see anyone else come in, but let me ask if anyone has
12 changed their mind and would like to offer anything
13 more by way of comment this evening? Otherwise I will
14 adjourn. No.

15 Thank you all very much again, and we're
16 adjourned.

17 (Meeting concluded at 6:48 p.m.)

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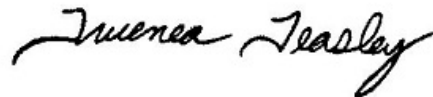
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