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Public Hearing and Comment on Updated Closure/Closeout Plan for the Chino Mine

Public Hearing

July 24, 2019

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<p>1 BEFORE THE NEW MEXICO MINING AND MINERALS DIVISION</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 PUBLIC HEARING AND COMMENT ON THE UPDATED</p> <p>9 CLOSURE/CLOSEOUT</p> <p>10 PLAN FOR THE CHINO MINE</p> <p>11 July 24, 2019</p> <p>12 5:33 PM</p> <p>13 1400 Highway 180 East</p> <p>14 Silver City, New Mexico 88061</p> <p>15</p> <p>16 BEFORE:</p> <p>17 FELICIA ORTH, Hearing Officer</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 DAVID (DJ) ENNIS, MMD</p> <p>21 HOLLAND SHEPHERD, MMD</p> <p>22 RITA LLOYD-MILLS, Freeport-McMoRan</p> <p>23 ALLYSON SIWIK, GRIP</p> <p>24 JIM KUIPERS, GRIP</p> <p>25</p> <p>26 REPORTED BY: Debra Ann Frietze, CCR #251</p> <p>27 RUSSIN REPORTING, LLC</p> <p>28 340 N. Water Street</p> <p>29 Las Cruces, New Mexico 88001</p> <p>30</p>	<p>1 HEARING OFFICER ORTH: My name is Felicia</p> <p>2 Orth. I'm here on behalf of the Mining and Mineral</p> <p>3 Division to accept comment on updates to the</p> <p>4 closure/closeout plan for Chino Mine, updates which are</p> <p>5 required every five years or so under the New Mexico</p> <p>6 Mining Act.</p> <p>7 A few matters before we proceed with</p> <p>8 comment. So the plan may be called a closure/closeout</p> <p>9 plan, but it is not a plan to close. And,</p> <p>10 unfortunately, the name of the plan may have misled some</p> <p>11 folks into thinking that that's what we're talking about</p> <p>12 tonight; it's not. So far as MMD is concerned, the mine</p> <p>13 will be operating for a long time. In fact, the mine</p> <p>14 will be operating until the operator chooses to close</p> <p>15 it. When the operator or owner choose to close it,</p> <p>16 that's when this plan kicks in. That's what we're talk</p> <p>17 about tonight, and we're not talking about anything else</p> <p>18 tonight.</p> <p>19 The closure/closeout plan describes the</p> <p>20 reclamation measures that will be taken when the mine</p> <p>21 owner chooses to close. Reclamation measures, for</p> <p>22 example, that present erosion, protect groundwater,</p> <p>23 protect surface water, speak to the revegetation of some</p> <p>24 of the piles. That's the sort of thing a</p> <p>25 closure/closeout plan describes.</p>
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<p>1 APPEARANCES</p> <p>2 For the New Mexico Mining and Minerals Division:</p> <p>3 Wendell Chino Building, Third Floor</p> <p>4 1220 South St. Francis Drive</p> <p>5 Santa Fe, New Mexico 87505</p> <p>6 BY: DAVID (DJ) ENNIS</p> <p>7 HOLLAND SHEPHERD</p> <p>8 (505) 476-3400</p> <p>9 david.ennis@state.nm.us</p> <p>10 holland.shepherd@state.nm.us</p> <p>11</p> <p>12 For Freeport-McMoRan:</p> <p>13 P.O. Box 10</p> <p>14 Bayard, New Mexico 88023</p> <p>15 BY: RITA LLOYD-MILLS</p> <p>16 (575) 912-5778</p> <p>17 rlloydmi@fmi.com</p> <p>18</p> <p>19 For GRIP:</p> <p>20 Kuipers & Associates, LLC</p> <p>21 P.O. Box 145</p> <p>22 Wisdom, Montana 59761</p> <p>23 BY: JIM KUIPERS</p> <p>24 (406) 689-3464</p> <p>25 jkuipers@kuipersassoc.com</p>	<p>1 Our event tonight is being recorded and</p> <p>2 transcribed Debra Ann Frietze of Russin Reporting.</p> <p>3 She's making a transcript there, so I will do my best to</p> <p>4 remember to keep my voice up and to speak slowly and</p> <p>5 clearly. We'll be asking that of everyone so that we've</p> <p>6 actually got what you have to sat on the record.</p> <p>7 This event will be conducted under Section</p> <p>8 19.10.9.905. These are the Mining and Mineral Division</p> <p>9 Regulations. All testimony -- those regulations require</p> <p>10 that all testimony is taken under oath and is subject to</p> <p>11 cross-examination.</p> <p>12 Our order of presentation tonight will be</p> <p>13 first, Chino. The company, the permittee in question,</p> <p>14 will make a presentation and then be available for</p> <p>15 questioning. Then GRIP, the party requesting the</p> <p>16 hearing will go next, and also be available for</p> <p>17 questioning. Then I'm going to turn to the commenters</p> <p>18 who signed in on these sign-in sheets to give public</p> <p>19 comment, and I will call on you in the order in which</p> <p>20 you signed in.</p> <p>21 Now, you may have signed in on sheets that</p> <p>22 were not on the divisions table but on the company's</p> <p>23 table, further into the lobby. They look like this</p> <p>24 (indicating), and were generously spaced to allow for</p> <p>25 written comment. Again, these are not the sign-in</p>

<p style="text-align: right;">Page 5</p> <p>1 sheets to offer comment. If you want to offer verbal 2 comment, please go to that table and sign in. Having 3 said that, to the extent these sheets reflect written 4 comment, many people use them that way, they're being 5 accepted into the record as written comments. 6 Speaking of written comment, tonight is not 7 the last time you have to offer comment on this plan. 8 The record is being left open until August 7th -- that's 9 two Wednesdays from now, August 7th -- to submit 10 whatever additional comment you have, to submit whatever 11 written you have. Obviously, no decision will be made 12 tonight; no decision will be made till after the 13 director has considered the entirety of the record, 14 including the comments made tonight. 15 I'd like to introduce the director, who's 16 not making a presentation, but he'd like to welcome you. 17 This is Holland Shepherd there against the wall. 18 MR. SHEPHERD: I'm Holland Shepherd, the 19 program manager of what we call the Mining Act 20 Reclamation Program, and we've basically been in 21 business for about the last 25 years, ever since the 22 Mining Act was passed in 1993. I was involved in 23 promulgating the rules, and have been involved with, 24 first of all, Phelps Dodge, and then Freeport-McMoRan 25 now for many years.</p>	<p style="text-align: right;">Page 7</p> <p>1 about. 2 The folks over here against the wall work 3 for the State, the Environment Department is here, Kurt 4 and Brad. Dana is with Mine and Mineral Provision. DJ 5 Ennis is the permit lead. Carmen Rose is a new player 6 with use. He just started. Jennifer Johnson is a 7 graduate from Tech. She's an engineer. She just 8 started working with us in the last year or so. 9 This is my technical staff. And what we do 10 is we look at this reclamation plan from a technical 11 perspective to make sure that it meets with the rules 12 and requirements and it's scientifically accurate. At 13 the end of all this, we'll have a good post-mine -- 14 productive post-mine land use. It's going to be cleaned 15 up, and the environment will be addressed. 16 So with that, I'm going to thank you for 17 coming again. 18 HEARING OFFICER ORTH: Thank you, 19 Mr. Shepherd. 20 Mr. Moellenberg, will you be presenting 21 this evening? 22 MR. MOELLENBERG: Madam Chair, I'm not 23 going to be presenting, but we have a Chino 24 representative who has got some slides and will be 25 giving some information on the company.</p>
<p style="text-align: right;">Page 6</p> <p>1 But anyway, I wanted to welcome everybody 2 here tonight. The Mining Act and the rules consider a 3 very public process in doing what we do, permitting the 4 mining operations here in New Mexico. So we're very 5 interested in hearing everybody's comments. That's what 6 we're here for. 7 We're going to listen to what you-all have 8 to say and take your verbal comments, handwritten 9 comments and then, as indicated, we'll be looking at all 10 those comments before we make that decision about this 11 closeout plan -- or let me correct that. I'm going to 12 call it a reclamation plan, because I think the word 13 term closeout has become a kind of flashpoint for a lot 14 of people here tonight. It's a reclamation plan. 15 Everybody -- every mine operator in the state has to put 16 together a reclamation plan which addresses what happens 17 after the mine is gone and it closes out, which, in this 18 particular case, is going to be a very long process, 19 because it's going to take years to do the reclamation. 20 They've already started. 21 You may have seen what they've done on the 22 tailings. That's a process that has already started on 23 some parts of the Freeport mines. They've done a great 24 job, and we want to continue updating the reclamation 25 plan and financial assurance. That's what this is all</p>	<p style="text-align: right;">Page 8</p> <p>1 HEARING OFFICER ORTH: Thank you. 2 Ms. Lloyd-Mills? 3 [Whereupon, Ms. Rita Lloyd-Mills was 4 sworn.] 5 MS. LLOYD-MILLS: We're here this 6 evening -- Holland has said a lot, and Ms. Felicia has 7 said a lot, too. But the reason we're here today is we 8 want to talk about the closure/closeout plan that Chino 9 has put together for operations. 10 So my name is Rita Lloyd-Mills, and I've 11 worked with Freeport-McMoRan, Chino Mines, since 2011. 12 I've been involved in a reclamation closure/closeout 13 since that time. I want to say that this 14 closure/closeout plan was not put together by just me. 15 It was put together by a whole team of scientists and 16 engineers who has several years of experience in 17 reclamation closure planning. So this is what we've put 18 together based on recent engineering and scientific 19 fact, and we want to share with you -- let me get back 20 to the Mining and Minerals Division and the New Mexico 21 Environmental Department. We just want you to know some 22 of the details, and other details, that we have in our 23 plan. We have a copy of the plan in the Bayard 24 Community Library. If you want to check it out, you're 25 welcome to do that. It's at the community library --</p>

<p style="text-align: right;">Page 9</p> <p>1 Bayard Community Library.</p> <p>2 I want to introduce a few of my folks out</p> <p>3 here. Mr. Thomas Shelley -- the mic is going in and</p> <p>4 out, but I hope you can still hear me. Mr. Thomas</p> <p>5 Shelley is the reclamation manager with</p> <p>6 Freeport-McMoRan. He has a lot of experience. He's a</p> <p>7 PE, that is a Professional Engineer, and he's done</p> <p>8 several reclamation -- he's worked on several</p> <p>9 reclamation projects not just in New Mexico, but at</p> <p>10 several of our Freeport sites. So he will be helping</p> <p>11 answer some of your questions.</p> <p>12 We have Ms. Sherry Burt-Kested, she is the</p> <p>13 Environmental Manager for Chino Mines. She has</p> <p>14 experience in all of the media, air, groundwater,</p> <p>15 surface water, reclamation, and she's part of the team</p> <p>16 too. She's going to help answer your questions.</p> <p>17 I thought that I could use the pointer. I</p> <p>18 forgot that we're doing high tech here, so the pointer</p> <p>19 doesn't work on this. But I'll try my best to describe</p> <p>20 what I'm talking about. So Freeport has mines down here</p> <p>21 in Grant County. We have the Tyrone Mine and the Chino</p> <p>22 Mine, just so people know which of the mines we're</p> <p>23 talking about. We're talking about the one that you can</p> <p>24 see the pit from Highway 152. There is an overlook over</p> <p>25 there that you can look into the pit. That is the one</p>	<p style="text-align: right;">Page 11</p> <p>1 in the plan. So based on the A, B, C you're going to</p> <p>2 do, you develop a cost estimate associated with doing A,</p> <p>3 B, C, and that's the financial assurance cost estimate.</p> <p>4 Once you prepare your plan, this is the</p> <p>5 process that you have to go through, according to the</p> <p>6 Mining Act. You submit it to the MMD, and a copy of it</p> <p>7 is also sent to the New Mexico Environmental Department,</p> <p>8 because we have a groundwater permit with them that we</p> <p>9 have to renew as well.</p> <p>10 So once MMD receives the application, they</p> <p>11 intend to distribute it to all the other parties</p> <p>12 interested, which includes other departments and folks</p> <p>13 like you. They make it available to you so that you can</p> <p>14 review it and contribute to it. They give a specific</p> <p>15 time that, you know, you have to give back comments.</p> <p>16 And once they receive comments from you and the other</p> <p>17 agencies, then they send the comments back to the</p> <p>18 applicants, which, in this case, will be us, to respond</p> <p>19 to those comments, so the response to their comments, or</p> <p>20 the applicant who responds to their comments. And if</p> <p>21 the scope of work is accepted -- the scope of work is</p> <p>22 the same as the plan, okay? So once the plan or the</p> <p>23 scope of work is accepted, then you go ahead and develop</p> <p>24 a reclamation cost estimate based on that plan. So once</p> <p>25 the reclamation cost estimate offer is accepted by all,</p>
<p style="text-align: right;">Page 10</p> <p>1 we're talking about. That same mine you can see from</p> <p>2 Highway 180. You can see the tailing impoundments in</p> <p>3 that area.</p> <p>4 So when we talk about Chino Mines, we</p> <p>5 usually break it down into the North and the South Mine.</p> <p>6 The South Mine is the tan area, and the North Mine is</p> <p>7 the one further to 152. So you might hear me use the</p> <p>8 term South Mine and the North Mine.</p> <p>9 Holland talked about what a closeout plan</p> <p>10 is. A closeout plan does not mean that the mine is</p> <p>11 shutting down tomorrow. Every mine, every operating</p> <p>12 mine that is under the Mining Act has to provide a</p> <p>13 closeout plan -- a closure/closeout plan every five</p> <p>14 years, and that just tells us what we're going to do</p> <p>15 with each of these areas when it closes down. So that</p> <p>16 is what we have done, and that's what we're going to</p> <p>17 tell you about today.</p> <p>18 It tells you that we're going to reclaim it</p> <p>19 to meet environmental standards and to be a</p> <p>20 self-sustaining ecosystem in accordance to the</p> <p>21 end-of-mine use. In Chino, post-mine land use is</p> <p>22 wildlife and industrial. So I'll talk more about that,</p> <p>23 too, when we go further.</p> <p>24 So the plan is that we can also see the</p> <p>25 scope of work. You say you're going to be doing A, B, C</p>	<p style="text-align: right;">Page 12</p> <p>1 then that plan is approved, and your application is</p> <p>2 approved as well.</p> <p>3 Now, let's talk about why we're here,</p> <p>4 Revision 18-1. That is the application that was</p> <p>5 submitted to the Mining and Minerals Department in</p> <p>6 February of 2018, and we had to submit the</p> <p>7 closure/closeout plan with that.</p> <p>8 The plan is in compliance with the copper</p> <p>9 mines, the Groundwater Quality Act, the Mining Act, and</p> <p>10 all the -- yeah, the Mining Act rules as well, with the</p> <p>11 public notice that went to you folks in February, or the</p> <p>12 end of February. MMD received comments from all the</p> <p>13 interested parties. They sent that to us, and we</p> <p>14 responded to all the comments that were received in</p> <p>15 appropriate timing.</p> <p>16 So in August of 2018 -- so we started in</p> <p>17 February, okay? So now we're down to August. In August</p> <p>18 of 2018, we set up -- we had a workgroup that consisted</p> <p>19 of the applicant and Chino Mine, the agencies and then</p> <p>20 GRIP to talk about how -- we wanted to collaborate, so</p> <p>21 that's what it was about. So the four groups, which is</p> <p>22 us, GRIP, New Mexico Environmental Department and then</p> <p>23 the Mining and Minerals Department, we discussed the</p> <p>24 closeout plan, we discussed what we need to do with the</p> <p>25 financial assurance.</p>

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1 The group came to an agreement on the way
 2 forward in December of 2018. So a reclamation cost
 3 estimate was then developed based on their scope and
 4 based on our agreement, and was submitted to the
 5 agencies in May of 2019.

6 We received comments from the agencies on
 7 the cost estimate and that's what we're working on right
 8 now. We're responding to those comments. And then we
 9 have the public hearing, which is kind of the process,
 10 too.

11 So now let's talk about the earthwork part
 12 of the closeout plan. How do we even determine where to
 13 start? So before we start working on the closure plan,
 14 we look at five years. And in that five years an
 15 analysis is done on the most expensive year to do a
 16 reclamation, okay? So it could be the first year out in
 17 the five years. It could be the five-year from last
 18 year. It could be the fourth year. Based on the amount
 19 of dirt, the most expensive year is chosen and
 20 reclamation plans or a reclamation closure plan is
 21 developed based on that. That is very conservative.

22 Once we have a plan to work with or a
 23 design to work with, then we go ahead and do the actual
 24 reclamation. So with that earthwork, which involves
 25 regrading on Copper Rules, it is very, very specific on

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1 what you can do with the regrading. So most of our
 2 outlook is recreated with a three-to-one slope, and that
 3 means that they are allowed to do a 200-grade
 4 uninterrupted slope. So we'll go ahead and redesign
 5 this slope, because the stockpile is standing up like
 6 that (indicating), but we have to cut it back to achieve
 7 the three-to-one, or whatever design slope we want to
 8 achieve in accordance to the Copper Rules. So once the
 9 regrading is done, then we do what we can in the
 10 stormwater design, so the stormwater control, and a lot
 11 of engineering goes into that.

12 Copper Rules, again, are specific on what
 13 you have to do in terms of stormwater design, and we
 14 design our stormwater, right now, depending on the
 15 stormwater, for a 100-year 24-hour event peak flow, to
 16 accept a 100-year 24-hour event.

17 So once the stormwater controls are cut in,
 18 then you come back and you put in the reclamation cover
 19 materials. So all these details is what is in the
 20 closure plan, okay? I'm just giving you an idea of what
 21 is in there and what constitutes the scope.

22 So you put in your reclamation cover
 23 material up on top. Again, Copper Rules are specific on
 24 how thick you can put it in there, so we do at least 3
 25 feet cover, and we go ahead and seed. Seeding includes

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1 ripping, and having to seed with native material. Then
 2 we watch it, and then we crimp it. So this is the scope
 3 in our cost estimate. All that will be you determining
 4 the cost estimate.

5 So now that they have revegetated it, now
 6 we need to monitor it. So we have long-term monitoring,
 7 which includes vegetation and erosion monitoring. And
 8 vegetation monitoring and then visual monitoring and
 9 qualitative and quantitative monitoring as well. So you
 10 need a cost estimate. All this is taken into account
 11 and cost is provided for that. Erosion monitoring is
 12 done every month the first year, and then we do
 13 quarterly thereafter. We also go out and inspect it
 14 after every one-inch rain event, so all that goes into
 15 our cost estimate.

16 So we do have what we call a waiver area --
 17 and I'm going to show that to you here in a little bit.
 18 The waiver area is just an area where we don't have to
 19 meet a self-sustaining ecosystem, okay? We applied and
 20 received the first waiver area in 2002. It's in the
 21 pit, the pit rim. And because we've done some pushback
 22 as part of the mine plan, we are reviewing waiver area
 23 as part of this application.

24 So this map here -- can you see all the
 25 lines okay? No? Okay. I'll try and describe it. So

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1 there is light blue and green and purple colors on this
 2 map, and there's an area where you really don't see any
 3 colors in there. So that area is the pit area, okay?
 4 And we have a waiver with MMD in that area. So we don't
 5 have to meet a self-sustaining ecosystem in that area,
 6 but we still have some reclamation in there. We're
 7 reclaiming the top surface of stockpiles in the pit.
 8 That is what we're showing in here.

9 Outside the pit area -- outside the pit rim
 10 we have the green and the blue areas as well. So the
 11 green area is just the top, the flat areas, and then the
 12 green -- the blue is the outslope of it.

13 A copy of this map is outside for the open
 14 house. We use this for the open house. So you could
 15 check it out and have a better view. I'm sorry. This
 16 doesn't come up very well here.

17 Let me go back and make this point here.
 18 So in the pit area, although we're not going to be
 19 moving any material, doing any earthwork on the pit
 20 bottom, we're still going to be doing some reclamation.
 21 Reclamation, that just means, you know, moving -- we'll
 22 be treating the water that is in the pit area, and
 23 that's also considered a reclamation activity. I just
 24 wanted to say that.

25 So this is the South Mine area; 180 goes

<p style="text-align: right;">Page 17</p> <p>1 across it to the west. We have green and purple colors 2 on this map. We have several acres of reclamation. At 3 the South Mine, close to 3,000 acres. And I'm showing 4 pictures of how the reclamation is doing just before we 5 end this. We'll go ahead and reclaim the other areas 6 that we've not reclaimed. Those will be the purple 7 areas. So that is all in this plan. We have money in 8 this plan to reclaim it. Of course, we'll regrade it 9 and then we'll seed it, like I described to you. 10 The water treatment. Right now where we 11 are operating, we capture all our impacted water in the 12 mine and we're reusing it. When it comes to closure, 13 we're still going to capture all the impacted water, and 14 it will go to water treatment. 15 So I want to go back to the South Mine. If 16 I go back to the last line, it's going to be at the 17 south end of all the green colors. That's where we're 18 going to put a water treatment plant. But all impacted 19 water is going to go into the water treatment plant, and 20 it's going to be treated. We're going to meet a very 21 high standard. It's going to meet the standard, and 22 that water, which is a very important resource to us, we 23 are going to release it, and so we have money in place 24 in our closure plan for any dissipated or infrastructure 25 to do that. We also have money in our plan for a</p>	<p style="text-align: right;">Page 19</p> <p>1 So a cost estimate has been developed in 2 accordance with this scope of work, and it wasn't done 3 by Chino. It was agreed upon -- I mean, we all sat 4 down -- again, it was GRIP, New Mexico Environmental 5 Department, Mining and Minerals Department, and that 6 division, Mining and Minerals Division, and then Chino, 7 all collaborated, and we discussed the methodologies to 8 use in developing the cost estimate. Once we were all 9 in agreement, we went ahead and used that methodology to 10 develop a cost estimate based on the scope of work that 11 I've described to you. 12 We already submitted that proposal to the 13 agencies, and with both earthwork and water treatment, 14 we are looking at \$426 million in current dollars. 15 Like, right now, if you want to do the reclamation 16 today, that's how much money you need. And that's what 17 we are proposing to the agencies, not -- we're not 18 proposing it because we think that's what it should be, 19 we're proposing it because of the scope of work, the 20 detailed scope of work. The \$426 million goes into -- 21 if you want to take it into net present value, it's \$212 22 million. So we are responding to some comments we 23 received from the agencies, and that would be the nexus. 24 Once we all agree on the reclamation cost 25 estimate, then we will propose the financial assurance</p>
<p style="text-align: right;">Page 18</p> <p>1 permit, which we already have, so it will be a 2 modification to this permit. 3 This plan also talks about all the other 4 things that -- some monitoring wells in the mine that we 5 may not need or we will not need during closure. So 6 those ones will be closed and abandoned in accordance 7 with OSC and the New Mexico Environmental Department 8 regulations. 9 We will have to drill some new wells, too. 10 So there's money in the plan to drill those new wells, 11 as well as abandoned wells that are not needed. There 12 are some buildings that will have to be demolished. At 13 Chino, the permitted land use is wildlife and 14 industrial. Industrial just means that some of the 15 buildings will be used as part of the water treatment. 16 So the structures that will not be needed will be 17 demolished. So there is money in place for demolishing 18 that. We'll put up fencing around the mine where we 19 don't have already to protect human life. 20 So I've given you -- the closure plan is 21 this big (indicating). I've tried to compress it all 22 into -- how many minutes have I talked? I really do 23 encourage you-all to take a look at the closure plan, if 24 you can, but that is the scope of work we are talking 25 about.</p>	<p style="text-align: right;">Page 20</p> <p>1 instrument to post, and then we'll post that assurance 2 instrument. 3 I know that the highway is pretty far away 4 from the reclaim ^ tailings land, so I wanted to give 5 you a view of what we are blessed to see when we work in 6 the mine. This is our reclamation. This is how it 7 looks, and this is what is happening over there. We've 8 seen several different wildlife use it, from deer to 9 javelinas to jackrabbits, and we do monitor that. You 10 know, we have a monitoring system that is going on. 11 We've seen evidence of predators out there, 12 too. That is a short version of our reclamation closure 13 plan. Thank you. 14 HEARING OFFICER ORTH: Thank you, 15 Ms. Lloyd-Mills. 16 Ms. Siwik, do you have questions based on 17 Ms. Lloyd-Mills' presentation? 18 MS. SIWIK: I do not. 19 HEARING OFFICER ORTH: All right. Is there 20 anyone who has a question of Ms. Lloyd-Mills based on 21 her presentation? 22 I see no hands. 23 Thank you very much, Ms. Lloyd-Mills. 24 MS. LLOYD-MILLS: Thank you. 25 HEARING OFFICER ORTH: Next we'll hear from</p>

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1 GRIP. And after GRIP has finished its presentation, I
 2 will begin calling on commenters in the order in which
 3 you signed in. If you have not yet signed in and wish
 4 to make public comment, the sign-in sheets are there on
 5 the table.
 6 [Whereupon, Allyson Siwik and Jim Kuipers
 7 were sworn.]
 8 MS. SIWIK: Jim is going to set up his
 9 presentation as I provide some introductory remarks.
 10 Good afternoon, I'm Allyson Siwik. I'm
 11 Executive Director of the Gila Resources Information
 12 Project, otherwise known as GRIP. Thank you for the
 13 opportunity to provide public comments in the Chino Mine
 14 closure/closeout plan.
 15 Just a little bit about GRIP for those of
 16 you who don't know who we are. We were founded in 1998,
 17 and we've worked on mining issues for more than 20
 18 years, and our mission is to promote community health by
 19 protecting our environment and natural resources in
 20 Southwestern New Mexico. Our role has really been to
 21 facilitate informed public participation in natural
 22 resource-use decisions that will have profound and
 23 long-lasting impacts on the region's environmental and
 24 economic health.
 25 For more than 20 years, GRIP has pushed

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1 mine operators and state regulators to ensure that
 2 copper mining is done responsibly in Grant County. Our
 3 responsible mining program is not anti-mining. We
 4 recognize the economic importance of Freeport-McMoRan to
 5 local families and businesses, to Grant County and the
 6 state, as well as the significance of copper production
 7 to renewable energy development. At the same time, we
 8 don't think that company profit should come at the
 9 expense of healthy communities and environmental
 10 quality.
 11 So with that, I will be making some
 12 introductory comments, but then I'm going to hand things
 13 over to Jim Kuipers of Kuipers Associates. He's our
 14 GRIP's technical consultant, and he's going to provide
 15 more details on our comments on behalf of GRIP.
 16 So with the Chino closure/closeout plan and
 17 financial assurance more than a decade out of date,
 18 we're pleased to be in the home stretch, getting them
 19 revised and finalized, and updated permits in place.
 20 So as we've heard from Rita, who did an
 21 excellent job, giving an overview of the reclamation
 22 plan, the updated closure/closeout plan and the permit,
 23 associated permit, are critical to protecting our water,
 24 land, air and wildlife, and ensuring a healthy community
 25 in the future when Chino eventually closes.

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1 As Rita said, GRIP and Freeport have been
 2 meeting quarterly for the past year to work through our
 3 comments on the closure/closeout plan. Jim, our
 4 technical consultant, has participated with Freeport and
 5 state agencies to reach consensus on the reclamation
 6 cost estimation methodology. We're pleased that
 7 differences have been resolved and we can move forward
 8 in getting updated financial assurance in place.
 9 One big change from the original plan that
 10 I'd like to highlight is water treatment, and Rita
 11 talked a bit about this. GRIP appealed, in 2003, the
 12 Chino Closure/Closeout Plan Discharge Permit under the
 13 New Mexico Water Quality Act, as it relied on use of an
 14 estimated 9,000 acre-feet per year of clean groundwater
 15 to dilute mine waste water to water quality standards.
 16 So to put this number in context, dilution would have
 17 used more than three times the amount of clean
 18 groundwater that Silver City uses every year.
 19 GRIP and Freeport settled the appeal in
 20 2008 after Chino agreed to include wastewater treatment
 21 in the closure/closeout plan. I think they spent like
 22 two years going back, doing bench testing, coming up
 23 with the methodology for the water treatment plan. They
 24 came up with a great plan. That's what is in the
 25 closure/closeout plan now. We're very pleased to see

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1 that in this current iteration, because it's going to
 2 clean up water pollution and save enormous quantities of
 3 groundwater that Silver City and the mining district
 4 rely on for drinking water. And Jim is going to talk a
 5 little bit about it in more detail about this.
 6 Overall, we're pleased that progress has
 7 been made in getting the closure/closeout plan and
 8 reclamation cost estimates reviewed and updated.
 9 However, there's still work to be done. Jim is going to
 10 outline that here in more detail. But at the moment, I
 11 just want to address one other issue, and that's
 12 financial assurance, and the financial assurance
 13 instruments used to guarantee that financial resources
 14 for cleanup and reclamation are available when the mine
 15 closes, or if Freeport were to go bankrupt.
 16 GRIP has had a long-standing disagreement
 17 with Freeport and state agencies about the use of a
 18 parent company guarantee, a third-party guarantee, as
 19 part of financial assurance for Grand County Mines. And
 20 although the New Mexico Mining Act allows mine operators
 21 to use third-party guarantees for a portion of their
 22 financial assurance, the parent company,
 23 Freeport-McMoRan, provides the third-party guarantee for
 24 Chino. So a parent company guarantee puts the state and
 25 the public at financial risk, should Freeport go out of

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1 business. This is nothing more than an IOU.
 2 If Freeport goes bankrupt and can no longer
 3 cover its environmental liabilities that Chino and the
 4 State of New Mexico, through its taxpayers, will have to
 5 put up the cash for the cleanup. You know, it's not
 6 just us that says this parent company guarantees are not
 7 industry best practice, according to the initiative for
 8 responsible mining assurance, but also in the Forest
 9 Service and the Bureau of Land Management, two federal
 10 agencies, prohibit use of parent company guarantees.
 11 In our opinion, it's our collective
 12 responsibility to our children and our grandchildren to
 13 prioritize the health -- a healthy future for Grant
 14 County. And in order to do that, we believe that
 15 Freeport and state agencies should follow responsible
 16 mining best practice and put in place less risky forms
 17 of financial assurance, such as a cash trust or a bank
 18 letter of credit.
 19 I know we haven't seen the financial
 20 instrument yet. We're going to see that once these cost
 21 estimates are finalized. So with that, that concludes
 22 my comments. Jim, you're up for the rest of GRIP's
 23 comments.
 24 MR. KUIPERS: I appreciate the opportunity
 25 to talk with everybody today. What we're really here to

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1 do is just to explain to people what's happened over the
 2 last couple of years to really get to the point that
 3 Allyson described, where we have a closure-and-closeout
 4 plan and financial assurance that all the different
 5 parties can essentially agree to, and that's actually
 6 quite an accomplishment considering where we started a
 7 while back.
 8 What I'm going to do is just give you some
 9 brief information on my background. I want to talk for
 10 just a few minutes about the Mining Act itself, and then
 11 give you a bit of history. You've already heard some of
 12 the history with respect to the closure-and-closeout
 13 plan. I just want to fill in a few gaps. I want to
 14 talk about what objectives of GRIP's involvement has
 15 been during this last couple of years and working with
 16 the company, as well as the agencies, and then some
 17 recommendations. You're going to be surprised how brief
 18 those recommendations are with respect to the current
 19 closure-and-closeout plan. And then finally, just some
 20 recommendations with respect to what we do as we move
 21 forward. And this really is intended to be
 22 recommendations that all the different parties take and
 23 consider and work together to address.
 24 Just so folks are aware, originally, I grew
 25 up in a mining family. I started working underground in

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1 a fairly young age. My grandfather convinced me that I
 2 didn't want to be an underground miner, but rather, I
 3 should be a mineral process engineer, and so that's what
 4 I ended up becoming. I'm a graduate of Montana School
 5 of Mines. I spent 15 years as a professional in the
 6 industry, and, essentially, have worked all the way from
 7 management through as a consulting engineer and various
 8 other things.
 9 Essentially what happened is about 23 years
 10 ago, I decided to take a little bit different course.
 11 For one thing, I wanted to return to Montana, and that's
 12 where I'm based -- originally from. But I also wanted
 13 to take the opportunity to work with public interest
 14 groups, tribes, first nations and government, and try to
 15 help them see some of the things that we're doing but
 16 also support some of the issues they have but from a
 17 technical sense and try to bring some of my mining
 18 background to that effort.
 19 I've been doing this for 23 years, and I
 20 can tell you that it's an evolving effort. What I'm
 21 really looking at now is the opportunity to see if we
 22 can't find better ways for folks to work together and
 23 resolve a lot of these issues so the public really can
 24 feel much more at ease about what's going on, whether
 25 you're for or against or -- really, I think we're all

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1 for the same thing at the end of the day.
 2 I spent a lot time working on tailing
 3 storage facilities, reclamation and closure. I have
 4 basically a library of most of the reclamation and
 5 closure plans, as well as financial assurance cost
 6 estimates for nearly every hard rock mine in the United
 7 States. I probably have most them for Canada, some
 8 other things, and I maintain a database. It's that
 9 database of knowledge that is part of what I've really
 10 been able to offer to the folks in these discussions.
 11 I do a lot of work also on water management
 12 treatment. And then, as I mentioned, financial
 13 assurance is something that I actually am working with
 14 various folks in developing good, sound, engineering
 15 methods to do cost estimates.
 16 Where we're really at is the point where,
 17 because of the methodologies that the company used,
 18 they're very consistent with methodologies that have
 19 developed for places like Nevada, where we use a
 20 standard reclamation cost estimator and various other
 21 places, and we don't have a dispute about the way things
 22 are being done. They hire good, professional engineers
 23 who understand what they're doing. And, in turn, I
 24 think the Chino/Tyrone mine staff has really educated
 25 themselves and become very knowledgeable and proficient

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1 in dealing with these issues, so I think a lot of
 2 progress has been made. I've been involved here since
 3 1998. And, essentially, my involvement began with the
 4 New Mexico Mining Act and Promulgation.
 5 So we've heard a description of the
 6 New Mexico Mining Act. I'm not going to go into it in
 7 detail. The real purpose is promoting responsible
 8 utilization and reclamation of effective mine lands.
 9 That's what we're all here to talk about tonight is how
 10 we've accomplished that in terms of the Chino plan.
 11 It's also been something that I think all of us who have
 12 worked on this for more than 20 years now -- I think
 13 there are MMD staff in the room who have worked longer
 14 than that, Holland for sure. This is something where
 15 we're evolving, and we're actually getting better at
 16 what we do. I will say I think we took a little step
 17 back in New Mexico, and now we're taking a big step
 18 forward and showing people how it's supposed to be done.
 19 Now, there is a definition for financial
 20 assurance, and this is what folks need to realize. This
 21 is not required just in New Mexico. This isn't just
 22 required for Chino. This is actually required for all
 23 mining operations everywhere in the United States. In
 24 fact, it's an international principle that's out there,
 25 and the idea is we really never know when a mining

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1 company is going to close or not. The hope is, in the
 2 case of Chino and Tyrone -- I personally hope they mine
 3 every last pound of copper that's available in both
 4 these deposits. And that may mean they're here 50 or
 5 100 years from now. The problem is it's the world
 6 market and a lot of other factors that are going to
 7 dictate that. We're not going to really have a lot of
 8 say about that here at the end.
 9 So the concept that's been accepted
 10 throughout the country is we're going to plan as if
 11 there could be a closure, but it's not intending to
 12 bring closure about; it's just in case. And if you
 13 don't understand why that's necessary, go to Wyoming
 14 right now where the coal mining industry has undergone
 15 somewhat of a crash. And what we've seen as major, very
 16 large ^ , coal mining companies two years ago that own
 17 these mines, have now sold a lot of them to smaller
 18 companies. They've gone bankrupt, and we're into a
 19 situation. So what we're all -- I think even the
 20 company would agree, it's about being fiscally
 21 responsible in trying to set things up so that we can
 22 all feel comfortable that we're doing the right thing.
 23 A couple of things. So it is intended in
 24 the event of bankruptcy and would only be used in that
 25 event. What we want to see and what we're encouraging

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1 is the mining company does the reclamation. They're
 2 doing a good job. They're being a part of doing this
 3 right, and we want to see them actually be the company
 4 to perform the reclamation and do the job.
 5 We're not here to talk about a catastrophic
 6 event, and something that could happen, like a big
 7 tailings dam failure or other things. That's not part
 8 of this financial assurance, nor do we want it to be
 9 part of that financial assurance. We want a plan that
 10 won't let the tailings dam fail. So that's why we're
 11 really here, and we've also been working with the
 12 agency, helping to ensure that.
 13 The cost estimation process is what we
 14 rationally spent the majority of the time working on
 15 over the last year or so. It's something that I'm not
 16 going to go into in detail with folks tonight. I can
 17 see you're all very patient as it is, and that would
 18 really stretch your patience. But really, what we want
 19 to make sure is when we do a cost estimate, the first
 20 thing is we need to know the site.
 21 Well, this is a site that a lot of
 22 information has been gathered. We've had an evolution
 23 of plans over time. We know a lot more, and we
 24 incorporated that information into this plan, which
 25 makes it a better plan. We have a lot of information on

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1 the current reclamation and closure that they're doing.
 2 Again, as was mentioned, they closed sites
 3 as they're completed. This isn't about closing the
 4 mine. It's as each site is completed and waste dropped
 5 down the tailing and storage facility, this is the plan
 6 to close those facilities. Those facilities are going
 7 to be closed, some of them in the next five years. Some
 8 of them might not be closed for 20 years, but that's
 9 what we're trying to address here. And then we need a
 10 schedule.
 11 Rita did an excellent job of describing how
 12 this whole process works. What we are looking for is in
 13 that next five years, there may be one year versus
 14 another where we actually would end up with the highest
 15 cost. So we want to make sure that higher cost is
 16 addressed in here.
 17 We also want to make sure it's accurate,
 18 and a number of other things. And, really, that's the
 19 kind of effort that, to us, or -- yeah, I guess to us,
 20 it was really brought to the work that Chino has been
 21 doing.
 22 So a little bit just to remember the
 23 history. In 1993, we had the New Mexico Mining Act.
 24 And then I believe the first CCP submittals or
 25 closure/closeout plan submittals were in 1998. All the

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1 other states I've worked in -- I've worked with the
 2 federal government -- we call them reclamation and
 3 closure plans. It's not intended to -- where this
 4 connotation of closeout has come from, I think it's
 5 folks have said these are kind of different than what's
 6 intended.
 7 They submitted that the first CCP in '98.
 8 It took us, essentially, five years to get that
 9 finalized and the initial financial assurance
 10 established in 2003. And as I also mentioned, that's
 11 when GRIP raised the issue of water treatment. The last
 12 time the CCP and financial assurance were updated was
 13 2008. That was actually before the water treatment
 14 issue was settled. That water treatment issue was
 15 actually just settled a couple of months after the
 16 update in 2008.
 17 Now, what happened is in 2013, we should
 18 have seen another update. The idea is every five years
 19 we're going to do this, and we didn't. My reasoning --
 20 we could get into a lot of details and other things, but
 21 lifestyle was just basically where New Mexico initially
 22 was really a model for how to do this properly and with
 23 engineering standards, et cetera. Various things
 24 happened, and we departed from that standard process; as
 25 a result, they just didn't seem to get it done.

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1 So really, beginning last year, GRIP and
 2 the other agencies and the company began a conversation.
 3 There had been talk about a third party to try to come
 4 in and resolve all this. We said, "Why don't we try a
 5 technical working group instead, and see if we can't all
 6 sit down and use our combined knowledge to address this
 7 and not have to bring in a third party and actually get
 8 this moved along." And as a result, today, basically as
 9 of March, the company had a closure/closeout plan we all
 10 agreed on so they could do an estimate. We got the
 11 estimate. We've reviewed it, and we're making comments
 12 on that estimate today.
 13 Now, the objectives of GRIP, again, no one
 14 is here to close the mine. The first thing is review
 15 the water treatment designs and financial assurance
 16 estimate as per the settlement. The company
 17 incorporated the settlement into the plan, they
 18 incorporated the requirement for water treatment as a
 19 part of the scope of work, as what's described, and it's
 20 included in the financial assurance estimate. We're
 21 good. That's what we wanted to see, and this is a real
 22 progress in terms of making sure this reflects the
 23 conditions that are agreed upon and the scope of work of
 24 the mine today.
 25 We essentially wanted to provide financial

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1 assurance and technical expertise based upon my
 2 background. This was really GRIP not advocating for a
 3 position over here but providing me to provide more of a
 4 middle position to try to inform both parties as to what
 5 was being done elsewhere.
 6 We wanted to expedite establishment of this
 7 closure/closeout plan and financial assurance. We still
 8 want to see this stamped and done this year. We also
 9 want to see the same thing for Cobre and Tyrone. So
 10 we're not here to delay the process. In fact, if
 11 anything, we want to encourage the process to go forward
 12 in an expedited manner this year.
 13 And then, finally, we do want to identify
 14 areas where, in policy, regulation and practice, we need
 15 to look at these improving. The idea is we want to see
 16 constant improvement, but we want that to be reasonable
 17 and be part of a process where we're all working under
 18 the same kind of picture of how we get there.
 19 So just recommendations or conclusions,
 20 one, we're very comfortable with the closure/closeout
 21 plan that's been produced. I think it's been a great
 22 effort by the company and their consultants, and it does
 23 provide the agencies the level of information that I
 24 would expect they would have for a mine at this time.
 25 As we get closer and closer to a mine

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1 closing, we'll get more details and improve this further
 2 and further. But again, given where we're at right now,
 3 just anticipating the next five years, the
 4 closure/closeout plan is quite adequate. The direct
 5 costs are estimated consistent with how we're doing it
 6 through the rest of the United States, and it really
 7 brings back New Mexico as having a -- be a model of how
 8 to do financial assurance estimation correctly. The
 9 indirect costs, which are from agency costs and
 10 demobilization, insurance, things like that. We
 11 basically ended up with -- I call it a middle road
 12 result. Now, neither high nor low, I kind of took the
 13 middle road in those costs, and that's something that a
 14 good sign of compromise and how collaboration can work.
 15 We have a single comment, a single
 16 recommendation to the agencies, and these are comments
 17 as much to the company as the agencies. Because we're
 18 really hoping it's the company that might make the
 19 decision to do this. But there is one aspect in their
 20 estimate where we're talking about long term costs,
 21 costs that go out for the next hundred years. In their
 22 estimate, what they did is they made some assumptions
 23 that, in years 25 or 50 or 75, maybe, for example, we
 24 could get the labor in half, or some other thing would
 25 happen that would allow us to reduce those costs.

<p style="text-align: right;">Page 37</p> <p>1 The only comment we're making is the right 2 way to do that, the way they're doing it in other 3 states, is we're continuing the cost constant. And then 4 when the operator actually achieves those reductions, 5 that's when they would go to the agencies and request 6 that financial assurance reduction.</p> <p>7 In terms of actual cost dollars behind that 8 number you saw up there earlier at 426 million, this 9 recommendation really has no impact on that bottom line. 10 So it's really an idea that we just not reduce costs 11 until we actually know we have the -- it's not based on 12 assumption, but based upon reality.</p> <p>13 Now, there are five things that we just 14 want to mention briefly with respect to the future CCP, 15 and this is, essentially -- now that we're done, we need 16 to start to begin putting together a checklist, if you 17 will, of what we do for the next five-year 18 closure/closeout plan. So we're going to talk about the 19 timing of that plan, the proposed use, stormwater, 20 duration and form, financial assurance, briefly. So the 21 timing of the next mill is somewhat of an issue because, 22 in reality, this is based upon a plan for 2014 to 2019. 23 And ideally, in 2019, we'd be approving a plan for 2019 24 to 2024, the next five-year period.</p> <p>25 Well, because things kind of got messed up</p>	<p style="text-align: right;">Page 39</p> <p>1 could do. Now, it's about a thousand gallons per 2 minute, and that 525 million gallons in a year. This is 3 not a small quantity of water. And water, as you-all 4 know, is quite a scarce commodity here. Some of the 5 options they could look at doing are aquifer recharge. 6 Essentially, we're taking this water out of the aquifer, 7 one thing you can do, which is simply put it back in and 8 try to balance that aquifer. But there are municipal 9 uses, potential agricultural uses, and there may be 10 other beneficial uses that we really haven't considered, 11 or might by a part of a good use of this water. That's 12 something -- essentially, the water -- the company owns 13 the water. They could just discharge it out into the 14 wash somewhere after being treated, but we do think we 15 need to take a look at these test means of discharge and 16 how it benefits the community.</p> <p>17 Storms and stormwater durations. This is 18 something that -- right now, what the companies required 19 to do on a regulation is a 100-year storm event. And 20 simply what happens is we see far more than 100-year 21 storm events occurring every 100 years. Essentially 22 what we've seen in a lot of cases, the existing event 23 criteria aren't adequate. We do have things going on 24 where climate change. Whether we want to agree on what 25 the cause is or not, there just are changes occurring,</p>
<p style="text-align: right;">Page 38</p> <p>1 in 2013 and we didn't get the job done, we're really 2 dealing with an outmoded reclamation and closure plan. 3 So what we'd like to see the company do, and what I want 4 to encourage folks to look at, because we'd actually 5 need to stagger these, is go ahead and get an updated 6 plan for Chino and, essentially, redo the plan and the 7 cost estimate next year.</p> <p>8 Now, it sounds like a pretty onerous task, 9 but I'm optimistic that when you take a look at the new 10 mine plan versus what's already been done, it's actually 11 going to need some minor changes. Now, this is going to 12 take a little more than a year. I think we get a lot 13 for a couple of years. But this would get up back in 14 the proper cycle for what we're doing, and so we really 15 want to encourage that. It also would stagger things. 16 So we would be doing Chino, for example, in two years, 17 and then maybe Tyrone in five years, and we're not all 18 trying to do all three mines in the area all in the same 19 year, which isn't a very good idea.</p> <p>20 The water discharge is something that we do 21 want to have more discussions about. I think it's 22 something that, actually, the County should have an 23 interest in being involved in these conversations.</p> <p>24 There are a lot of different things with 25 the water that's going to come out of this mine that we</p>	<p style="text-align: right;">Page 40</p> <p>1 and these 100-year events are happening way more common 2 and make sense.</p> <p>3 States like Montana, where I live, they've 4 actually formed working groups that -- industry and 5 everybody else sits down, and we've made revisions. And 6 a good example is in Montana we're really trending 7 towards using 200-year storm events. And realizing 8 those are probably more reflective of what we might 9 typically look at as a 100-year event.</p> <p>10 When you look at the change, it's only 11 about a 15 percent change. We're not talking radical, 12 big differences. And part of this is just realizing -- 13 and where I'm hoping this conversation goes is the 14 company, at some point, decides themselves, as part of 15 their risk management efforts, to make some changes 16 internally with these standards. Maybe we don't even 17 need to make a regulatory change here.</p> <p>18 We do want to make sure that we have 19 further discussions with the agency and with the company 20 about the duration of the financial assurance term and 21 the net present value.</p> <p>22 You've heard us talk about 100 years in 23 these estimates, but the reality is we're talking about 24 something that's going to go on a long, long time. The 25 actual time frame of this water treatment -- I don't</p>

<p style="text-align: right;">Page 41</p> <p>1 think anybody has a firm prediction, but we're talking 2 thousands of years, perhaps tens of thousands of years. 3 Right now we're estimating the cost for 100 years. So 4 people can justify, if they ask, "Well, what about the 5 rest of the time going forward?" 6 What BLM has done -- and I think it's very 7 innovative, is they're using now a 500-year long-term 8 estimate. And what I want to show folks in this 9 graphic -- I'll just flip down to it -- is what that 10 means. When you take a look -- and if you look at the 11 bottom two lines, the blue as well as well as the gold, 12 beyond 100 years, when you do the estimate out to 500 13 years, it only adds to it a very, very small increment 14 but allows us to really say to folks we're not just 15 looking at it as 100 years. And, actually, by carrying 16 it out to 500 years, what you see in the calculation is 17 you probably have done something that, if you keep 18 reinvesting, can go on for perpetuity. Now, again, 19 interest rates change, all kinds of things happen. 20 That's one of the things we're looking at is we'd like 21 to see it, just from a concepts standpoint, be taken out 22 to 500 years. 23 And then the other part is a net present 24 value. This is actually a very important part where 25 we're trying to predict the future inflation rate, as</p>	<p style="text-align: right;">Page 43</p> <p>1 preferred forms are cash or equivalent forms, and quite 2 a bit of existing financial assurance that they have. 3 The form of natural assurance is in these forms of 4 letters of credit, certificates of deposit, savings 5 account, surety bonds, things of that nature. As I 6 said, surety bonds and assurance, that's also a 7 preferred form. 8 Now, when we get to Numbers 3 and 4, 9 collateral and property, the reason they're not a 10 preferred form is they're simply not cash, and an agency 11 is going to have to have different issues trying to get 12 money for those. Property, they're going to have to 13 become real estate agents, and that's one of the 14 concerns we've always had. 15 And then self-guarantees, as I also 16 mentioned, the difficulty is it's not that we doubt the 17 company's veracity of data or otherwise, but things 18 change. And a corporate guaranty -- go to a bankruptcy 19 court to try and collect on a corporate guaranty. 20 You're not going to get it set, not a single set. 21 That's just the way it works. So we want to continue 22 working with the company and the agencies and having 23 discussions to see if we can't do what we can to 24 essentially address this. 25 When you look very clearly, the forms of</p>
<p style="text-align: right;">Page 42</p> <p>1 well as the future interest rate the company might earn 2 on -- or even an agency, if they deposit the money, 3 might earn on things. There's a lot of difficulty in 4 getting those numbers right. 5 None of us have crystal balls or 6 methodologies, and I would guess that none of us 7 actually know exactly what's doing to happen 30 years 8 from now much less even five years from now. 9 Where it's important is when you look at 10 this graphic you can see, if we take that year 100 and 11 compare the different costs at a 1 percent discount 12 rate, you might have, on this example, 80 million; 13 whereas, the 3 percent discount rate, we have 40 million 14 and a 5 percent discount rate, and we end up with about 15 25. 16 Now, the reality is that most of the 17 states, most regulations are looking at about 3 percent. 18 I think in this case we're around 3.5 to 4 percent. 19 It's important that we try to get this number right, 20 because as inflation occurs, as we earn interest, this 21 is going to dictate whether that money can last over 22 time. 23 And then, finally -- you know, really, this 24 is our last comment -- we do continue to have concerns 25 about the form of financial assurance. Typically, the</p>	<p style="text-align: right;">Page 44</p> <p>1 cash, the surety bonds are accepted by all the different 2 states and agencies. Self-guarantees are not accepted 3 by all the agencies, as Allyson mentioned. And then we 4 have various discretionary and other authorities that 5 various states use. Ideally, we're just really trying 6 to look at making sure this is in the best form of a 7 national assurance we can. 8 So what we're really recommending is we 9 have a -- we ensure that the long-term cost -- there 10 should be a long-term trust fund that's actually in the 11 form of cash trust fund. That's a portion of the total 12 cost we're talking about, not all of it. So we just 13 want to make sure that if something happens, the cash is 14 available to go into a trust fund for the agencies to 15 operate that in perpetuity. And then we'd like to work 16 with the company, perhaps do something tying it to the 17 price of copper, make sure they're being profitable, 18 et cetera, but something where we phase out the 19 corporate guaranties, and also, the collateral 20 guaranties over time. But again, I think it's very 21 important to do that in a fashion that doesn't impact 22 the company's bottom line such that it threatens the 23 veracity or the liability of the mine. 24 So that's it. Thank you very much. 25 HEARING OFFICER ORTH: Thank you,</p>

Page 45	<p>1 Mr. Kuipers.</p> <p>2 Are there questions on behalf of Chino?</p> <p>3 MR. MOELLENBERG: We don't have any</p> <p>4 questions, Madam Hearing Officer.</p> <p>5 HEARING OFFICER ORTH: Are there other</p> <p>6 questions based on the presentation?</p> <p>7 MR. TERRAZAS: They do have some cash</p> <p>8 reserve already.</p> <p>9 HEARING OFFICER ORTH: I'm sorry. Tell me</p> <p>10 your name.</p> <p>11 MR. TERRAZAS: My name is Luis Terrazas. I</p> <p>12 was just asking, on these guaranties for this trust,</p> <p>13 isn't there some -- is there cash already?</p> <p>14 MR. KUIPERS: Yes. I'm not sure how the</p> <p>15 protocol is, but in answer to your question, yes, they</p> <p>16 have a significant amount of their existing financial</p> <p>17 assurance is in cash, and that amount has been</p> <p>18 increasing over time. So we're not suggesting that</p> <p>19 there isn't some amount of cash, and that cash may -- we</p> <p>20 would just like to make sure that cash is adequate in</p> <p>21 the amount if it were converted to that long-term cost.</p> <p>22 HEARING OFFICER ORTH: You had another</p> <p>23 question?</p> <p>24 MR. TERRAZAS: Well, I just wanted to</p> <p>25 finish. So it's my understanding is that 212 is based</p>	Page 47	<p>1 MR. TERRAZAS: I just want to understand</p> <p>2 that the collateral is not sufficient, you say?</p> <p>3 MR. KUIPERS: Well, it's not preferred.</p> <p>4 Again, these are all in terms of preference. I don't</p> <p>5 want to really say it's sufficiency or not, that's not</p> <p>6 really what we're intending. And again, it's something</p> <p>7 where we'd like to see it phased into most preferred</p> <p>8 forms over time.</p> <p>9 HEARING OFFICER ORTH: All right. I saw</p> <p>10 another hand there in that section toward the back.</p> <p>11 Yes, sir, in the hat.</p> <p>12 DR. CLARKSON: My name is Dr. Gavin</p> <p>13 Clarkson. I appreciate your sentiment, that you said</p> <p>14 your personal position is that you would like to see</p> <p>15 every last bit of copper extracted from this mine.</p> <p>16 You're a consultant, working for -- is that GRIP's</p> <p>17 official position?</p> <p>18 MR. KUIPERS: I would like to let GRIP</p> <p>19 answer that. We certainly haven't done anything to</p> <p>20 counter that position --</p> <p>21 DR. CLARKSON: Right. I don't know if</p> <p>22 that's a question that is GRIP's official position, you</p> <p>23 would like to see every ounce of copper extracted out of</p> <p>24 that mine?</p> <p>25 MS. SIWIK: I think that -- sure, we're not</p>
Page 46	<p>1 on today's --</p> <p>2 MR. KUIPERS: Net presentation?</p> <p>3 MR. TERRAZAS: -- net presentation, meaning</p> <p>4 that in 100 years, that 400 is what you're looking at in</p> <p>5 the future, with inflation.</p> <p>6 That's an estimate, it looks like, to me,</p> <p>7 what the value would be in 100 years to accomplish your</p> <p>8 goal.</p> <p>9 MR. KUIPERS: So what we saw there was the</p> <p>10 400 and -- what was the exact number again? The</p> <p>11 400 million, 400 plus million is if we took the costs</p> <p>12 that are going to occur for each one of the next 100</p> <p>13 years at today's cost. And then what we've done, in</p> <p>14 terms of net present value, is apply interest rate as</p> <p>15 well as an inflation rate to bring that back to if you</p> <p>16 put -- if you were to take and just invest the money in</p> <p>17 the bank today, how much do you need to invest today,</p> <p>18 given this interest and inflation, to earn that 400 plus</p> <p>19 million over the 100 years.</p> <p>20 Now, what I'm suggesting is there's a part</p> <p>21 of that that needs to be the guest map for reclamation.</p> <p>22 That's one pot of money. There's another pot that has</p> <p>23 to go for the next 100 years. It's that next 100 years</p> <p>24 we want to make sure that the amount of cash is adequate</p> <p>25 to account for that.</p>	Page 48	<p>1 here, trying to close down the mine. It's really up to</p> <p>2 the mine operator. If that's what the mine operator</p> <p>3 wants to do to extract every bit of copper out of the</p> <p>4 mine, it's up to them. I mean, they're the mine</p> <p>5 operator. We're not here to shut down the mine and tell</p> <p>6 them, you know, what level of mining is appropriate.</p> <p>7 Our purpose here is to ensure that</p> <p>8 environmental laws are complied with and that our</p> <p>9 environment is protected and that our communities are</p> <p>10 protected. That's the purpose of GRIP. That's why</p> <p>11 we're here. We want to see healthy communities for the</p> <p>12 future. Where we see risk, these that are going to</p> <p>13 affect the health of our communities economically or</p> <p>14 public health-wise, we're going to speak up and we're</p> <p>15 going to offer our recommendations for doing a better</p> <p>16 job in protecting our communities.</p> <p>17 HEARING OFFICER ORTH: Do I see another</p> <p>18 hand?</p> <p>19 DR. CLARKSON: My second question was, when</p> <p>20 you were talking about looking at the long-term, you</p> <p>21 tried to make -- I mean, in terms of your actual</p> <p>22 recommendation, you're talking about that you didn't</p> <p>23 want to be able to give the company building to</p> <p>24 anticipate technical advances. And, clearly, in plenty</p> <p>25 of other safety spaces, for example, technological</p>

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1 advancements can dramatically reduce the cost.
 2 If you look at pipelines, for example, the
 3 ability to use remote monitoring and drones can
 4 dramatically reduce the cost and increase the viability
 5 of safety inspections, and increase the safety of the
 6 overall process of putting in pipelines but you're not
 7 allowing -- you're now allowing for technological
 8 advancement in mining in your recommendation, or am I
 9 missing something?
 10 MR. KUIPERS: No. I do believe you're
 11 missing something, quite honestly. Because again, those
 12 that you just described are proven technologies that
 13 have been applied now, and we do cost estimates that
 14 incorporate those in the industry and otherwise.
 15 DR. CLARKSON: Right. But you're assuming
 16 like that's going to happen --
 17 MR. KUIPERS: The -- well --
 18 HEARING OFFICER ORTH: Sir, you have to let
 19 him finish his answer.
 20 MR. KUIPERS: So the assumption is not that
 21 it won't occur. It's that when it occurs, we should
 22 give. You can't predict, nor I can predict, when these
 23 advances will occur. I hope -- I think we both hope
 24 they occur sooner than later, but we don't have that
 25 assurance. We don't know that.

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1 I personally -- I'll give you a good
 2 example, water treatment technology. I've been waiting
 3 for something drastic to come around to change it so
 4 we're not just adding lime, what I call kind of cement
 5 technology. It's been 30 years, nothing new has come
 6 in. I still think something will, but I don't think we
 7 should just place an artificial number out there for a
 8 year and say it's going to happen then. So that's all
 9 I'm suggesting. The last I want to do is discourage
 10 technological innovation.
 11 But as the company demonstrates it -- I
 12 don't want us to give them credit, but I think it's that
 13 step that maybe you and I aren't in the same place on.
 14 DR. CLARKSON: But it seems you would
 15 prefer to hamstring the company financially by having to
 16 take cash out of their operations and other innovations
 17 by parking it without giving the possibility of
 18 technological advancement.
 19 I had the opportunity to talk to people
 20 during the open house, and Freeport-McMoRan is
 21 constantly innovating in the reclamation space. Why
 22 can't we give them credit for anticipated advancements
 23 in their pipeline?
 24 MR. KUIPERS: Well, again, I think we can
 25 where they're reasonable. In this particular case, I

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1 have not seen any other mine site anywhere in the
 2 United States where that has been considered reasonable.
 3 Maybe this is going to be where we're the first to do
 4 it. But again, I would disagree that that's the intent.
 5 It's not to hamstring them or us. And I would sit down
 6 with you and show you the dollar values I'm actually
 7 talking about in recommendation. This is not causing
 8 any significant amount of capital to be tied up or
 9 otherwise; it is not.
 10 HEARING OFFICER ORTH: All right. The
 11 gentleman in the red hat. Tell me your name first.
 12 MR. WYMAN: My name is Peter Wyman, and I
 13 think maybe -- I thought we could clarify this a little
 14 bit better. I heard what sounded to me were opinions on
 15 what you felt best practices would be regarding
 16 financial assurances.
 17 What I'm asking you is with what Freeport
 18 is proposing right now, are they in compliance with the
 19 law as it stands, not with what you wish passed back in
 20 February or March with the mine bill, but given today's
 21 laws, is Freeport's proposal for financial insurance in
 22 compliance with today's laws?
 23 MR. KUIPERS: Let me try to answer that for
 24 a second. So we have two things going on here. We
 25 have -- you're talking laws and regulations, and what

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1 I'm usually talking about is standards of practice.
 2 Now, laws and regulations were promulgated,
 3 for example, with the New Mexico Mining Act in 1993.
 4 We've made a lot of advancement in terms of technical
 5 approaches, different standards, different regulations
 6 and other states and other things but that hasn't been
 7 updated. We're not here trying to suggest that we do
 8 that; but, rather, when you hear us talk about what is
 9 the current industry best practice or standard of
 10 practice, well, that's something that we're not going
 11 now to discuss, but it actually exists in industry
 12 documents that we can cite.
 13 What we've done, for example, is we've
 14 talked to the company about -- and Allyson mentioned
 15 it -- the international responsible mine accreditation
 16 standard. It's something that industry, unions, public
 17 interest groups, and everybody has worked on for over 10
 18 years now and published to actually say this is what we
 19 all believe are industry best practices, and consistent
 20 with the recommendations are of a number of different
 21 industry groups. So that's really where we're drawing
 22 that idea of best practice.
 23 Now, it's evolved -- and this is the thing
 24 I would want to point out to everybody, that this is all
 25 an evolving process. We're getting better at it. We're

<p style="text-align: right;">Page 53</p> <p>1 getting these numbers done. What's happening, as we 2 work at, the disagreement that the fact that we really 3 have come together and collaborated, it's going away. 4 So industry is developing. Better and better best 5 practices and standard of care. The environmental 6 community of the interest community is recognizing those 7 and realizing that's where we need to point to, not some 8 pie-in-the-sky thing up here. 9 When that's over, all what's causing things 10 like this to happen, where a lot of people may think 11 we're sitting here tonight with the controversy, no. 12 We're really here, largely, saying we've all done a good 13 job together. We're satisfied. So yes, they're meeting 14 the present requirements of the New Mexico Mining Act 15 and that's why -- unfortunately, we call this a hearing, 16 but we're not contesting what they've done. We're 17 agreeing with what they done, except for one little 18 part. And at the end of day, if they don't agree with 19 us on that, we're not going to appeal it. That's not 20 the idea here. 21 MR. WYMAN: Without getting into detail 22 about it right now, this letter from May 3rd, 2019, on 23 behalf of GRIP that was signed by Ms. Siwik, doesn't 24 sound like you're agreeing on that financial assurance 25 guarantee. That's my reading of it.</p>	<p style="text-align: right;">Page 55</p> <p>1 longstanding disagreement. We haven't seen -- as we 2 just said, we haven't seen the financial instruments 3 that will be used in this case. We've got a reclamation 4 cost estimate that's being finalized, but we haven't 5 seen the financial instruments yet to see what Freeport 6 is going to be proposing. 7 But I guess we're being proactive in 8 letting everybody know, and Freeport and the agencies, 9 like we did in our public comment in May, what our 10 position is on the financial instruments that they could 11 use. 12 I hope that answers your question. 13 MR. WYMAN: It did. It clarified your 14 opinion as opposed to the current law. 15 HEARING OFFICER ORTH: Thank you. 16 Other questions based on Mr. Kuipers' -- I 17 would like other people to ask questions, if they have 18 them? Ma'am, tell me your name? 19 MS. LILLA: Mandy Lilla. You said that BLM 20 is requiring 500 years of maintenance at certain mines. 21 Could you give specific examples of mines that have 22 agreed to that? 23 MR. KUIPERS: Yes, I could. I didn't come 24 prepared with a list tonight, knowing you were going to 25 ask that specific a question, but I have quite a number</p>
<p style="text-align: right;">Page 54</p> <p>1 MR. KUIPERS: The company -- 2 MR. WYMAN: Are you saying that you are or 3 are you not agreeing with it? 4 HEARING OFFICER ORTH: So we have to let 5 each person talk one at a time. 6 You're finished with your question? 7 MR. WYMAN: Yes, I -- as long as I get an 8 answer. 9 MS. SIWIK: Yes. And I think, as I said in 10 my public comment, we with a long-standing disagreement 11 with the mine operator and the agencies on financial 12 assurance, as was reflected in our public comments that 13 we submitted in May, and as I said this evening, we 14 believe that a parent company guarantee -- using a 15 parent company guarantee, the third-party guarantee is a 16 very risky thing to do, and Jim pointed this out. It's 17 not, you know, best industry, best man labor practice. 18 It's prohibited by the Forest Service and by BLM. 19 But you are right. You're correct that 20 under the Mining Act, third-party guaranties and, in 21 this case, the State agency is allowing a parent company 22 guarantee to be used as a third-party guarantee. We 23 don't agree with that; we never have. We think it 24 continues to put our community and the State at risk. 25 As I said in my public comment, this is</p>	<p style="text-align: right;">Page 56</p> <p>1 of them. The Phoenix mine is one example, in Nevada. I 2 believe have several others. In fact, you have some of 3 those that I've provided in the past. There are not a 4 lot of them, and it's something, to be honest, it's only 5 been doing for about five years now. Their policy is 6 that all their major gold mines and other mines will 7 have 500-year estimates. And again, for monitoring and 8 maintenance, and when you look at how they do this, 9 these aren't huge numbers. This is all part of what's 10 accepted as we're simply not just going to walk away 11 from these mines. 12 So I would suggest that what we're talking 13 about is something that where BLM is taking that 14 initiative and would like to suggest that's something we 15 all look at. 16 MS. LILLA: During the copper plants 17 hearings you stated you didn't know the status of BLM's, 18 I believe, policy in regards to 500 years. Has that 19 changed? 20 MR. KUIPERS: No. Again, BLM has their -- 21 it's usually their guidance, and their guidance is, you 22 know, this is guidance. It's not an actual regulation 23 or policy, and that's not the suggestion here. 24 Again, it's something that I haven't seen 25 in the work I've been doing in Nevada, and I've reviewed</p>

<p style="text-align: right;">Page 57</p> <p>1 most of the natural estimates there. I have not heard 2 the industry have any complaints about doing so. 3 Again, when you take the number out and 4 understands how it works, it really doesn't add 5 significantly to the cost. What it does do is indicate 6 that we're all acknowledging that this is a cost that 7 actually is going to go beyond 100 years. 8 MS. LILLA: Thank you. 9 HEARING OFFICER ORTH: Are there other 10 questions? Ma'am, in the pink? 11 MS. LEBLANC: Yes, Diane Leblanc. Is it my 12 understanding that you were talking about some states 13 that are requiring this now, and that New Mexico needs 14 to step up and be the same as these other states? Did I 15 understand that correctly? 16 MR. KUIPERS: Well, what we're encouraging, 17 and what I would encourage any state to do, is we want 18 to see everybody be as responsible a mining company as 19 we can, and a responsible mining company, that's a 20 mining company we all should support. So that's what 21 I'm really trying to encourage. And as the standard of 22 practice or regulations have changed in other states, 23 it's something New Mexico should look at. Not 24 necessarily would we have to do what they're doing, but 25 it's something we should consider.</p>	<p style="text-align: right;">Page 59</p> <p>1 out interest rate and inflation rate for what's going to 2 happen in 100 years? We can't even do that for the next 3 five years. 4 MR. KUIPERS: As I said, we're just trying 5 to do the best we can. That's why you need to renew it 6 every five years because we're not going to be right. 7 And every five years, maybe we get a little better, or 8 at least we're making a new guess on the new 9 information, and that's the best answer I can give you. 10 HEARING OFFICER ORTH: Other questions of 11 Mr. Kuipers before we begin? Yes? 12 DR. BROWN: Dr. Michael Brown. My 13 understanding is the Mimbres River Basin has fairly 14 pristine water from the groundwater. I was wondering, 15 in terms of like a 100-year flood event, is there any 16 indication or any testing of water in terms of what 17 happens in terms of heavy metal contaminates, such as 18 arsenic and uranium flow to Whitewater to the Mimbres 19 River Basin? 20 MR. KUIPERS: There is. There is. And we 21 actually -- we've sat down the with company. They've 22 given us some very good presentations on their 23 stormwater systems, their capture systems at the mine, 24 and things of that nature. There are things we're all 25 still trying to figure out. But I say they're doing a</p>
<p style="text-align: right;">Page 58</p> <p>1 MS. LEBLANC: Can I ask who these states 2 are? Are we talking California, are we talking -- 3 MR. KUIPERS: No, we're not talking 4 California. 5 The first one on my list would be Nevada, 6 one of the most pro-mining states in the world. That's 7 an example of where I'd like -- 8 MS. LEBLANC: The mines and minerals where 9 they are -- 10 HEARING OFFICER ORTH: Ma'am, ma'am -- 11 MS. LEBLANC: -- or are we talking about 12 states that really don't have the right amount of mining 13 that have just made -- 14 HEARING OFFICER ORTH: Ma'am, one, you need 15 to let him finish his answer before you begin speaking 16 again; two, this is for questions of Mr. Kuipers and 17 not your own comments. 18 I'm going to take your comments after we're 19 done with GRIP's presentation. 20 MS. LEBLANC: I'm finished. Thank you. 21 HEARING OFFICER ORTH: All right. 22 Sir? 23 MR. JAUREQUI: Juan Jaurequi. Most mine 24 plans are less than 100 years. So why do you have to be 25 the standard of 100 years, and how can anybody figure</p>	<p style="text-align: right;">Page 60</p> <p>1 very good job of trying to make sure we understand 2 what's being released from the mine, where it's going, 3 and to the extent we can best figure out how to treat 4 it. You know, there are still some areas that we're in 5 the process of going through all that. 6 Specific to what's happening in the Mimbres 7 Basin, I'm not aware of any impacts that people have 8 been able to identify. But that's certainly something 9 that part of all this work we're doing is to ensure that 10 when the mine closes, that that wouldn't happen. So 11 that is one of areas we're, of course, considering 12 making sure we have the right stormwater criteria and 13 things like that. 14 HEARING OFFICER ORTH: Other questions of 15 Mr. Kuipers? Hands? 16 Did you have another question, sir? 17 MR. JAUREQUI: No. It got answered. Thank 18 you. 19 HEARING OFFICER ORTH: Thank you very much. 20 Sir? 21 MR. BROWNE: Harry Brown, Silver City. 22 You mentioned that this reclamation plan is 23 based on the 2014-2019 mining plan. Does that mean that 24 Hillsboro -- sorry, the new mine that's going in -- I 25 think that Chino used to be Cobre Mine, does that mean</p>

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1 that that mountain coming down is not part of this plan?
 2 MR. KUIPERS: Right. So there are two
 3 other plans that are also going to be addressed, along
 4 with the natural assurance issue, one is for the Cobre
 5 Continental Mine, which is what you're speaking of.
 6 The company has submitted that cost
 7 estimate. The agencies and GRIP are in the process of
 8 reviewing it, and that estimate will be a different plan
 9 and a different estimate for discussion at a different
 10 time.
 11 MR. BROWNE: Do you have any preliminary
 12 idea of what that might add to financial insurance?
 13 MR. KUIPERS: I don't exactly. I believe
 14 it'll be about another, I want to say, 30 million.
 15 Tom, do you recall?
 16 MR. SHELLEY: Thirty.
 17 MR. KUIPERS: Yeah, it's in that range.
 18 MR. SHELLEY: About 30 million.
 19 MR. KUIPERS: Thank you.
 20 HEARING OFFICER ORTH: All right. I think
 21 we'll excuse Mr. Kuipers now. Thank you very much,
 22 Mr. Kuipers.
 23 So we need for the speakers to come up to
 24 the podium. And although the folks making 20-minute
 25 long presentations who are facing the crowd, I'll ask

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1 the public commenters to face me and the court reporter
 2 instead. It will be easier for the two of us to hear
 3 what you're saying to make a record.
 4 I'm going to ask commenters to keep their
 5 comments to just a few minutes, two or three minutes. I
 6 will give you some kind of sign when you've reached of
 7 reached two minutes, and ask you to wrap it up. I have
 8 about 30 names here, which is the only reason I'm asking
 9 you to keep it short.
 10 I discourage cross-examination of public
 11 commenters, technical witnesses. So although, under the
 12 regulations you're entitled to cross-examine one
 13 another, I'm going to ask not that you make that a
 14 practice of the public commenters, but that you get my
 15 attention if you really have a question of someone who's
 16 speaking. I'm not going to ask every time.
 17 So the first three commenters are Mark
 18 Osborn, Sam Morales and Peter Wyman.
 19 Are these three gentlemen here? One, two,
 20 three. All right. Would the three of you raise your
 21 right hand, please?
 22 [Whereupon, Mark Osborn, Sam Morales and
 23 Peter Wyman were sworn.]
 24 HEARING OFFICER ORTH: Mr. Osborn.
 25 MR. OSBORN: Thank you.

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1 To start with, I'd like to let everybody
 2 know I started working at Chino May 19th, 1976. Quite a
 3 few of you were not even here at that time, or you were
 4 in grade school, maybe.
 5 In spite of all the celebrations, there
 6 have been similar efforts come forward many different
 7 times in that 43 years that I've been at the mine.
 8 These efforts come and go and come and go. But it
 9 really sounds to me like this time there is actual
 10 forward movement in favor of everybody.
 11 Listening to the question about opinions,
 12 I'm sure a lot comes from as the result of opinion. But
 13 I have a question: At what point does GRIP supercede
 14 New Mexico Environmental Department, or if they do
 15 supercede New Mexico Environmental Department, who needs
 16 to be let go? Somebody needs to go. Either the
 17 Environmental Department needs to be relieved of their
 18 responsibilities and let GRIP take over, or GRIP can be
 19 released and let New Mexico Environmental Department
 20 continue to do their job.
 21 Early on -- like I said, early on, when
 22 efforts like this got started and I started paying
 23 attention to what was going on, I asked a man, who I
 24 regarded his opinion as very intelligent, I asked him --
 25 and at the time, it was pointed towards "releasing me of

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1 my job and closing the mine."
 2 I asked, "Why do people do this?" So we
 3 went through a big old long conversation and it came
 4 down to the final words and he says, "You can always
 5 follow the money."
 6 Now, for me it's very simple, I get up in
 7 the morning, I go to work, I do what they do tell me to
 8 do, what they asked me to do. I go home, I call the
 9 bank, and there's money. It's easy to follow. It's
 10 easy to follow my money trail. And I'm very curious,
 11 GRIP, I think, is a volunteer group, or -- I don't know.
 12 They have the power to supercede New Mexico
 13 Environmental Department, or do they do all of this for
 14 free? There's got to be some money someplace.
 15 I guess questions to think about is what I
 16 have to bring forward.
 17 HEARING OFFICER ORTH: Thank you,
 18 Mr. Osborn.
 19 Sam Morales?
 20 MR. MORALES: Good afternoon. I'm Sam
 21 Morales. I'm a lifelong resident of Grant County. My
 22 great grandfather, my grandfather, my dad, myself all
 23 worked for Chino Mine at one point or another.
 24 I recently retired after 46 years of
 25 service. I worked for this company in one shape or

<p style="text-align: right;">Page 65</p> <p>1 another that long. I saw them from the beginning. When 2 I was growing up, under the north dumps of the mine our 3 creeks ran water that would dissolve cans, turn cans 4 into copper. Yes, there was some problems with 5 groundwater pollution at that time. The creek ran all 6 the way through Bayard, into Hurley. There were 7 self-employed people all along there, building dams, 8 making copper out of the water. Freeport took over 9 mid-2000s, and they have cleaned things up. Actually, 10 Phelps Dodge cleaned it up prior to that, then Freeport 11 continued that.</p> <p>12 In my work with Freeport, I've gone all 13 over the world. Every mine they have, I went there. I 14 saw what they do. This company is responsible. They 15 take care of the environment better than any of you 16 guys. They take care of what they're doing because they 17 know they're responsible. And one way or another, 18 they're going to wind up paying for it.</p> <p>19 I'm not going to get into a lot of stuff 20 here. I do know that they've done water treatment in 21 Colorado, next to the Henderson and Climax Mine. Those 22 are blue ribbon troughs, springs, rivers and lakes. 23 Beautiful country, elk, grizzlies, moose. Everything 24 runs all over the place there. The water treatment 25 plant is right there. The people there love what</p>	<p style="text-align: right;">Page 67</p> <p>1 I'm asking you why? Why wouldn't you want 2 to hold Freeport's feet to the fire and make sure that 3 they're responsible -- this is the largest publically 4 traded copper company in the world. Why wouldn't you 5 take their note and hold their feet to the fire, instead 6 of a bank that could go bankrupt, okay? So if we let 7 them spin off Chino or spin off Tyrone, then the 8 scenario that was talked about by this gentleman from 9 Montana, could happen. They could claim bankruptcy, and 10 we're stuck.</p> <p>11 As long as Freeport has got their -- let's 12 say their feet to the fire right there, they need to 13 step up and make sure that it's continued to be cleaned 14 and the water reclamation, water treatment plant 15 continues to operate. Thank you.</p> <p>16 HEARING OFFICER ORTH: Thank you, 17 Mr. Morales.</p> <p>18 MR. WYMAN: My name is Peter Wyman. I'm 19 pleasantly surprised to find a level of cooperation and 20 respect shown here tonight, which is a welcome change 21 from only yesterday, when Ms. Siwik sent an email to her 22 supporters referring to those who disagreed with GRIP 23 as, quote, anti-environment.</p> <p>24 Ms. Siwik, because I don't agree with 25 everything that GRIP says, please don't insult me by</p>
<p style="text-align: right;">Page 66</p> <p>1 they're doing, and I'm impressed.</p> <p>2 So some people don't say I'm paid to be 3 talking here, I'm retired. I don't work for Freeport. 4 They're not paying for me to be up here right now. I'm 5 here because I'm concerned over what's going on.</p> <p>6 I'm afraid that we're going to hamstring 7 Chino into an earlier closure. Every mine is going to 8 close, okay? Every mine is going to close. Tyrone, 9 sooner than Chino. We know that. But there is a 10 potential that we make it so onerous on one of those 11 mines because of added funds that we're requiring them 12 to take out of the operating mind budget that now we 13 increase their cost. The price of copper comes down. 14 Instead of balancing work, they shut down for business.</p> <p>15 So, please, don't hamstring the company. 16 They've our best interest at heart. And yes, some 17 people don't think that they do. Yes, they're a 18 business. They're there to make money. If they shut 19 down we wouldn't be doing this.</p> <p>20 So the big question I have, one of the 21 sticking points for GRIP, who have soul appointment 22 themselves as our representative -- they don't represent 23 me -- the big sticking point seems to be that they don't 24 want Freeport-McMoRan to be the third-party holder, 25 right?</p>	<p style="text-align: right;">Page 68</p> <p>1 calling me anti-environment.</p> <p>2 Ms. Siwik was quoted in the Daily Press as 3 saying, "It's unfortunate that fear tactics used by 4 Freeport-McMoRan and the Grant County Chamber of 5 Commerce prevent an understanding and civil discussion 6 of HB 220 and HB 255."</p> <p>7 This five-page letter, dated May 3rd, is 8 addressed to Fernando Martinez, Director of the Mining 9 and Minerals Division. It's signed by Ms. Siwik, as 10 Executive Director of GRIP. This letter has 16 bullet 11 points regarding the closure plan. Section 3.3 states, 12 "It has been reported in the Silver City Daily Press 13 that the area experiences 500- to 1,000-year storm 14 events at least twice a year," end quote. GRIP then 15 requests that the Mining and Mineral Division takes this 16 flood data into consideration when evaluating the 17 closure plan.</p> <p>18 This claim of 500- to 1,000-year storm 19 events happening at least twice every year was 20 astonishing, so I put the footnoted link. The quote was 21 attributed to the Silver City Manager, Alex Brown, who 22 has served the town for 18 years.</p> <p>23 When I spoke with Mr. Brown just yesterday 24 and asked for a source of flood data, he said, "I don't 25 recall ever talking about 500- and 1,000-year floods</p>

<p style="text-align: right;">Page 69</p> <p>1 happening twice a year, and that would be almost 2 impossible to plan for. Fifty- to 100-year floods are a 3 more reasonable expectation, and I would stand by that 4 assessment. But certainly, not 500- and 1,000-year 5 floods happening twice every year," end quote. 6 So apparently, GRIP pulled an erroneous 7 quote out of the newspaper, didn't bother to fact-check 8 it with the source, and then requested that this 9 incorrect data from an inaccurate quote be taken into 10 consideration by this very Mining and Minerals Division. 11 It calls into question the accuracy of any other 12 statements made in this letter. 13 Then Ms. Siwik repeated that same flooding 14 claim her editorial in yesterday's Daily Press, 15 spreading more misinformation to county residents; 500 16 and 1,000-year floods occurring at least twice every 17 year? Some might call that fear tactics. Thank you for 18 your time. 19 HEARING OFFICER ORTH: The next three 20 commenters, Andy Payne -- is Andy Payne here? All 21 right. Clay Donaldson? Is Clay Donaldson still here? 22 No. Glenn Griffin, Janet Wallet-Ortiz. 23 Okay. So if the three of you would raise 24 your right hand, please? 25 [Whereupon, Andy Payne, Glenn Griffin and</p>	<p style="text-align: right;">Page 71</p> <p>1 Current regulations say that this mine 2 closure/closeout plan is supposed to be updated every 3 five years, and it has not been done. That regulation 4 has been ignored because there's no teeth in it. 5 So if we don't have strong standards for 6 protections regarding mine closures, it's possible that 7 those too will be ignored when the mine eventually 8 closes, which I personally hope doesn't happen for many 9 years. It's a stable force in our community. But these 10 strong regulations need to take into account four 11 things -- at least four things that I think are 12 important. The use of the treated water, it should be 13 very high quality. It comes out of the ground high 14 quality, it should be high quality when they're finished 15 with it. Also, the effects of climate change should be 16 taken into affect. Because they could have a profound 17 effect on the protection measures that are put in place. 18 For example, regardless of the specific 19 yearly data, severe weather events are occurring more 20 and more frequently than they were in the past, and 21 they're predicted to be more so in the future. 22 Another important thing I hope is included 23 in the plan is updating the plan frequently, a minimum 24 of five years, and not wait eleven. It has been eleven 25 years since the last time. And the last thing I think</p>
<p style="text-align: right;">Page 70</p> <p>1 Janet Wallet-Ortiz were sworn.] 2 HEARING OFFICER ORTH: Mr. Payne, you'll 3 begin. 4 MR. PAYNE: Thank you for taking my 5 comments. First of all, I'm not a mining expert or an 6 environmental expert, but I am a concerned citizen 7 that -- I'm just here to express my opinion about what I 8 hope happens through this process. 9 First of all, I'd like to say Silver City 10 and Grant County is a great place to live. That's why I 11 moved here. And that's partly because we had great 12 natural resources in this area. And one of those 13 resources is copper, copper deposits that allow for lots 14 of well-paying jobs. Another natural resource is we 15 have a large, clean aquifer, which allows people to live 16 here safely. Neither of these gifts from nature should 17 be given priority and allowed to destroy the other. 18 They both are necessary for the well-being of Grand 19 County, and they need to be protected. 20 So I'm here to request the Mining and 21 Minerals Division to put in place a reclamation plan 22 that protects all of our resources. And these need to 23 be strong protections. They need to be strong so they 24 cannot be ignored. These protections can be easily 25 overlooked, and this hearing is a prime example of that.</p>	<p style="text-align: right;">Page 72</p> <p>1 is really important, we need to have the absolute safest 2 and most secure financial backing for the FEMA 3 operation. 4 I'm not a financial expert. I don't know 5 what that is, but I know the third-party guarantee is 6 not it. That's putting all your eggs in one basket. 7 These are all copper mines, but based on the price of 8 copper. So you can't have one copper mine supporting 9 another one if that's the only guarantee you have. 10 I don't know what the best financial 11 instrument is, but it needs to not be a third-party 12 guarantee, something more secure than that. Thank you. 13 HEARING OFFICER ORTH: Thank you very much. 14 MR. GRIFFIN: Thank you. I'm Glenn 15 Griffin. And thank you to everyone for their patience. 16 I personally have been here since a little after 3:30, 17 so thank you for patience, and everybody gets to speak. 18 It wasn't that long ago, in August 2005, 19 our neighbor copper producer, ASARCO Mining Company 20 filed for bankruptcy citing environmental liability and 21 the high cost of pension and health benefit plans. 22 ASARCO's legacy in El Paso is 23 well-documented in the 2019 book, Copper Stain. I can 24 easily believe that Freeport will do the same, leaving 25 behind 8,000 acres of toxically polluted tailings over</p>

<p style="text-align: right;">Page 73</p> <p>1 our drinking water aquifer. Cadmium, chromium, lead and 2 zinc all migrating due to the very low pH and rain water 3 mixing and ending up in our groundwater. 4 At the February Trump rally, Grant County 5 Commission meeting, filled up 300 paid Freeport miners. 6 Tom Shelley told us there was nothing that could be done 7 with those 8,000 acres of toxic tailings. Well, 8 Shelley, it ain't so. 9 Cobre mines had mine tailings 20 years ago, 10 a plastic liner, leach piping and 2 feet of dirt, then 11 tailings dumped on top. Future tailings should always 12 be lined and the leach piped to a solvent extraction 13 electrowinning plant. There is money in there. 14 Rich mining corporations have a history of 15 leaving communities barefoot, pregnant and toxically 16 polluted. This same corporation, Freeport, paid 17 \$6.8 million in fines for polluting natural resources at 18 the neighboring Morenci Mine in 2011. Freeport must 19 post sufficient financial resources for reclamation when 20 the mine closes or if Freeport defaults. 21 Freeport's parent company guarantee as a 22 third-party guarantee means two counties of ranchlands 23 for sale at one time. That forces the price of 24 ranchland down. A fire sale on thousands of acres of 25 ranchland won't clean up Chino Mine for 100 years. With</p>	<p style="text-align: right;">Page 75</p> <p>1 jobs are important too. However, what we are facing 2 here is a giant corporation whose net income was 3 \$270 million in 2018 alone from Grant County mines 4 alone, not including their worldwide assets. 5 Freeport needs to please take fair and just 6 responsibility for the toxic waste generated to achieve 7 their fantastic profits. We have given them the people 8 power. The least they can do is finish the job. It 9 seems there are three key demands, in my mind, for the 10 scope of work that needs to be done to update the 11 closure plan by adjusting for climate change that is 12 upon us now -- if you read the news and you don't live 13 under a rock -- and will only get worse. So these kinds 14 of updates can involve designing the water conveyances 15 accordingly. 16 Two, establish a sizeable trust fund to 17 ensure our water quality is protected in perpetuity. A 18 trust fund established now would grow interest and keep 19 out water safe for future generations. 20 Finally, Freeport knows that this is his 21 business, and they must know that a third-party parent 22 guarantee can crumble quickly and turn to dust if a 23 business goes south. So we want adequate cash put up so 24 we are not left swimming in toxic remains. Thank you. 25 HEARING OFFICER ORTH: Thank you.</p>
<p style="text-align: right;">Page 74</p> <p>1 \$280 million saved by Freeport by not paying their fair 2 share of property taxes for 28 years, the Ad Valorem Tax 3 Act, that money goes for paying Freeport's top executive 4 \$14,781,040 a year. Pretty high pay. 5 Why should Grant County taxpayers bail out 6 Freeport when they are worth \$18 billion and, made a net 7 income of \$270 million from our Grant mines in 2018. 8 Please mandate that the Chino 9 closure/closeout plan forces Freeport to clean up and 10 reclaim the Chino Mine. Thank you. 11 HEARING OFFICER ORTH: Thank you, 12 Mr. Griffin. 13 MS. WALLET-ORTIZ: Thank you for the 14 opportunity to speak. My name is Janet Wallet-Ortiz. 15 I'm a retired professor from Western New Mexico 16 University and a 33-year resident of Grant County. 17 I want to publicly and profusely thank GRIP 18 and all of their workers and their experienced 19 consultants for all their hard work in protecting our 20 community. Without them, I don't know where we would be 21 right now. 22 I'm sure everyone here wants to have clean 23 water and a healthy environment for ourselves, our 24 children and grandchildren. And to be clear, as friends 25 and neighbors who work for Freeport -- and I think their</p>	<p style="text-align: right;">Page 76</p> <p>1 All right. We'll take three more, and then 2 we need to take a short break. But we will come back 3 and take public comment for as long as it's offered. 4 Frances Gonzales? Is Frances Gonzales 5 still here? 6 Okay. Kate Brown and Mary Walker. Would 7 you ladies please raise your right hand? 8 [Whereupon, Frances Gonzales, Kate Brown 9 and Mary Walker were sworn.] 10 HEARING OFFICER ORTH: Thank you. We'll 11 start with Ms. Gonzales. 12 MS. GONZALES: My name is Frances Gonzales, 13 and I'm from Bayard. I was born and raised in the 14 mining district. My father was a 45-year employee of 15 Kennecott at that time. My father, after all the years 16 and after he retired, we did benefit a lot from the mine 17 and from a lot of things. But because of the 18 protections that weren't given to our own employees, 19 which, to me, is a very precious investment in our 20 community and our agency, my father ended up dying of 21 metastatic lung cancer from the mine. 22 One of the things that I think is very, 23 very important is everybody's been talking about the 24 third-party guaranties. Our state of New Mexico isn't 25 one of the most wealthiest states, and we still have a</p>

<p style="text-align: right;">Page 77</p> <p>1 lot of poverty and things that we are dealing with from 2 a financial end point. And not having that guarantee 3 would leave New Mexico taxpayers responsible for pretty 4 much holding the bag and would actually put our state in 5 ruin. And at that point, all the things that we're 6 benefitting from now, seeing from things that we're 7 getting out of our legislature because of the moneys 8 that we have in and that have been saved through other 9 governors, and now that we're able to use and give 10 people pay raises and stuff are things that we would 11 have ended up suffering for, which would mean our next 12 generation of children would end up with more of the 13 water issues. 14 Whitewater Creek right now, for example, 15 that runs through Bayard, that was mentioned earlier, it 16 was supposed to have been cleaned in 1983. And I know 17 that was under Kennecott/getting into PD, and then now 18 we have this. So it is being cleaned now, but after how 19 many generations? I was a kid that used to play in it. 20 So those are some things that we need to look at. 21 The other thing, too, is looking at -- if 22 we look that we shouldn't be branding and looking at 23 everything is crisis, and us and them. One of the 24 biggest things that was important is that we look at our 25 reclamation plan as something that our community looks</p>	<p style="text-align: right;">Page 79</p> <p>1 HEARING OFFICER ORTH: Ms. Brown? 2 MS. BROWN: Yes, my name is Kate Brown. 3 I'm a 40-year resident of Grant County. I live in 4 Mimbres Valley. And I think I made this comment either 5 in 1998 or 2008, but just that -- first of all, I'm also 6 very gratified at the amount of collaboration that was 7 demonstrated today. It's been really heartwarming and 8 very reassuring to see that. But reclamation means 9 jobs, and the financial assurance means that these jobs 10 will be there for people and residents of Grand County. 11 That's really my only comment. Thank you 12 very much. 13 HEARING OFFICER ORTH: Thank you very much. 14 Ms. Walker? 15 AUDIENCE MEMBER: She had to go out. 16 HEARING OFFICER ORTH: Oh, I'm sorry. 17 Let's take a short break, then. When we 18 return, we will take the rest of the public commenters. 19 Ten minutes. 20 [Recess taken from 7:25 to 7:41 PM] 21 HEARING OFFICER ORTH: The next three up 22 are Dr. Gavin Clarkson, Harry Browne and Karl Hardin. 23 Gentlemen, would you-all raise your right 24 hand? 25 Do we have Mr. Brown and Mr. Hardin?</p>
<p style="text-align: right;">Page 78</p> <p>1 at, the mine, all the different partners and people that 2 are involved in it. 3 As community folks, we all have different 4 points of view and things that we may not always agree 5 with, but the bottom line is this: Our communities are 6 based on clean water. We all want to live somewhere 7 where our dirt is safe. Don't forget, we had to have 8 all the different yards in Hurley, that were by the 9 smokestack, cleaned out. The dirt had to be removed and 10 we had to get clean dirt. We just seem to forget about 11 those little things that happened. 12 I do see that Freeport is making an effort, 13 and I think it's great that we're all collaborating 14 under the same table and doing the same thing. But 15 instead of becoming divisive, especially when there's 16 different types of legislation that's coming before the 17 bills, and the CEO from the mine coming forward and 18 acting like the mine is going to close tomorrow if this 19 reclamation under that -- I mean the guarantee, the 20 third-party guarantee being gone, and they have to put 21 in the money or look at other options, that's one of the 22 things that we turn divisive on. 23 I think that we need to respect each other 24 and be community stewards together, with each other. 25 Thank you.</p>	<p style="text-align: right;">Page 80</p> <p>1 We do not? All right. Rachel Valencia and 2 Rebecca Summer? Do we still have Rebecca Summer? 3 No? Mary Hukill? 4 So Dr. Clarkson, Mary Hukill and Rachel 5 Valencia, would you please raise your right hand? 6 [Discussion off the record.] 7 HEARING OFFICER ORTH: Okay. Mr. Brown as 8 well, please. If you would, please, all four of you 9 raise your right hand. 10 [Whereupon, Gavin Clarkson, Mary Hukill, 11 Rachel Valencia and Harry Browne were 12 sworn.] 13 HEARING OFFICER ORTH: Dr. Clarkson? 14 DR. CLARKSON: May name is Dr. Gavin 15 Clarkson. I'm from Las Cruces, and I am the former 16 deputy assistant secretary for policy and economic 17 development in the Trump Administration, where I 18 supervised a multibillion dollar portfolio of oil, gas, 19 coal and minerals. 20 I inherited, obviously, a lot of the 21 problems, the war on coal, particularly, you know, along 22 the tribal populations, many of which are involved in 23 mining and, unfortunately, are suffering the impacts of 24 overregulation diminishing their ability to properly 25 manage their own resources on their own sovereign land.</p>

<p style="text-align: right;">Page 81</p> <p>1 The biggest issue is -- I'm really here on 2 behalf of my students. I'm a professor. I'm a Doctor 3 of Technology in operative management, but I teach 4 finance entrepreneurship, and 95 percent of my students 5 in New Mexico have to leave New Mexico to get a job. 6 And the mining industry is one of the few industries in 7 New Mexico that offers everything all the way from 8 skilled trades, all the way up to senior executive 9 positions where you can live in New Mexico. 10 Most people here, if you have children, 11 your children go away. They go away to college, but 12 they don't come back here. So most of us, we never see 13 our grandchildren rodeo and Little League here in 14 New Mexico. But the mining industry is different. The 15 mining industry allows us to have our families in the 16 communities where we grew up, where we raised our kids 17 and our grandkids get to come back. 18 I'm a firm believer in the cultural values 19 passed down through generations. I benefitted from 20 growing up with grandma. And if we can protect 21 industries like mining in New Mexico, more kids will 22 have more time with more grandmas, and that's a good 23 thing. So mining jobs are good jobs, and we need to 24 make sure that we protect the viability of mining 25 operations in New Mexico.</p>	<p style="text-align: right;">Page 83</p> <p>1 Directors of Human Resources and Commission Project. 2 I want to make three points: First is that 3 strong and secure financial assurance is crucial to 4 Grant County. To make this point, of course, I'm 5 wearing my Grant County Commission hat. We need to be 6 prepared for the time, as has been repeated many times, 7 and hopefully this is long in the future, when the mine 8 has that close. A third-party guarantee provided by the 9 parent company of a mine is not a strong and secure 10 guarantee. 11 Despite what Mr. Clarkson just told you, 12 the history of this country is littered with corporate 13 guaranties that were no good because companies declared 14 bankruptcy. The most recent example was cited by the 15 previous speaker. In 2005, ASARCO, the American 16 smelting and refining company declared bankruptcy. They 17 left \$1 billion in environmental liabilities behind, 18 about 100 million of which was covered by the successor 19 corporation, Grupo Mexico, when they took over from 20 ASARCO. 21 It may appear easy on paper, but somehow 22 practice, it is not. And I urge, for the sake of Grant 23 County, you, the Mining and Minerals Division, to not 24 include a parent company guarantee as a legitimate 25 third-party guarantee.</p>
<p style="text-align: right;">Page 82</p> <p>1 I'm sorry, I'm a finance guy. So it really 2 strikes me as disingenuous to, on one hand, say 3 Freeport-McMoRan, oh, they're this evil, multibillion 4 dollar company, and on the other side say, oh, but we 5 can't trust their guarantee. That is such a simple 6 contracting exercise. You put the guarantee in place, 7 and even if Freeport-McMoRan sells the mine to somebody 8 else, you're still with the big, evil, billion-dollar 9 company. So there's no problem. 10 You should not be trying to hamstring the 11 mining operations in New Mexico to provide good paying 12 jobs and allow families to stay together and be raised 13 together in the communities with grandmas. That's what 14 we want to try and have. 15 We want to be able to have kids in 16 New Mexico be able to go to school, even if it's out of 17 state, and come back to New Mexico, raise their families 18 here, and we get to watch our grandbabies rodeo and do 19 Little League on the weekend. I think that's a vision 20 that we could all share, and I think we all want for 21 New Mexico. Thank you very much. 22 HEARING OFFICER ORTH: Mr. Browne? 23 MR. BROWNE: Thank you very much. Harry 24 Browne. I'm the Grant County Commissioner for 25 District 5, and I'm also a member of the Board of</p>	<p style="text-align: right;">Page 84</p> <p>1 Second, I'm reminded, because I recognize 2 you from nearly two decades ago, Ms. Orth, that we've 3 been through this before. That's an important lesson 4 because when we went through this before, almost two 5 decades -- about 19 years ago, as I recall, you may 6 recall hundreds of people showing up to meetings and 7 expressing their concerns that the company would close 8 if it was required to follow the Water Quality Act and 9 follow the Mining Act and put through reclamation plans 10 in place and the actual financial assurance. The 11 company has proposed \$99 million as an amount of 12 assurance that it believed was adequate for the job. 13 Mr. Kuipers, who also, fortunately, has had 14 a long life. Back then, exam of the plans found that 15 wholly inadequate, recommended a combined amount for 16 Tyrone and Chino of, roughly, \$1 billion based on his 17 best estimates of what could be done. And in a year, we 18 came up with -- if I recall correctly, roughly, 19 \$550 million, a heck of a lot more than 100 million. 20 Well, fortunately, we were right. Nineteen 21 years later, the mine is now shut down. They managed to 22 absorb the cost of providing responsible financial 23 assurance as a cost of doing business, just as all other 24 businesses have to do. It's just a regulation. They 25 comply with it because they're an excellent company.</p>

<p style="text-align: right;">Page 85</p> <p>1 They've done a great job implementing those plans once 2 they were required of them. So I have every confidence 3 that they will continue to do that great job. 4 And third, I wanted to clarify something. 5 Now I'm wearing my GRIP hat. It was mentioned earlier 6 that GRIP sent a letter in May citing there were -- or, 7 apparently asserting that 500- and 1,000-year rain 8 events occur twice every year, which sounds ludicrous to 9 me, as it did, apparently, to many people listening. 10 Well, the full content of that letter is important. 11 In that letter, the main point GRIP was 12 making is there was no data provided in the reclamation 13 plan to let us know how often these events were 14 occurring. And as evidence of the lack of information, 15 a report in the Silver City Daily Press was cited that 16 said these were happening twice a week year. I have 17 every confidence that report was misguided. I can't 18 imagine anybody actually saying that, but misquotes 19 happen. 20 The point of the letter that GRIP sent was 21 not that that was a fact, it was that we need the data. 22 And that was the very next sentence that the previous 23 speaker left off conveniently was, "Please provide this 24 data in the closure/closeout plan." So I wanted to 25 clarify that, and I appreciate the opportunity.</p>	<p style="text-align: right;">Page 87</p> <p>1 here. Janet said she's been here for 33 years. My 2 sister's 96. That's means she's been here 96 years. My 3 mother, 104. She lived right under the Kneeling Nun. 4 If we had anything from any company, it's 5 been accidents and other safety issues that I have 6 fought to correct those. But don't come from back East 7 or California, or somewhere, and tell us what we are 8 suffering about. I'm not suffering about anything, 9 neither is my family, neither are the people who are 10 working there right now. 11 My son is hopefully going to be working for 12 McMoRan because we're a family of miners. I've been on 13 both sides of the aisle, and right now the controversy 14 is on the other shoe right now. Please don't be so 15 helpful, get a GRIP. 16 DR. CLARKSON: I love grandma. 17 MS. HUKILL: Hi. My name is Mary Hukill, 18 and that is a hard act to follow. Okay. You know what? 19 All I'm going to do is give you stats, and what this is 20 is a 100-year report on the precipitation from the NOAA 21 Atlas 14. There were some little highlights, and I'm 22 going to read it. The results that are provided at high 23 spacial resolution and include confidence limits for the 24 estimates. The Atlas includes temporal distributions 25 designed for use with precipitation, frequency</p>
<p style="text-align: right;">Page 86</p> <p>1 Best of luck. I hope you are able to 2 retire at some point. 3 HEARING OFFICER ORTH: Thank you. 4 Ms. Valencia? 5 MS. VALENCIA: Rachel Valencia, retired 6 teacher. I'm a substitute teacher right now just to 7 earn some money to keep going. My grandmother and 8 grandfather lived under the Kneeling Nun and passed away 9 when they were about 96 years old. My mother lived to 10 be 104. My oldest sister right now is 96. That's how 11 bad the water has been, because we've lived there all 12 our lives. Please don't do us any favors. We want to 13 keep going. 14 If anybody has died from cancer or any 15 other diseases, it's because they either smoke too much 16 or they drank too much. That happens everywhere, 17 doesn't it? 18 There are so many kids who depend on their 19 parents working at the mine. My father worked for 20 Kennecott, and he put us through college. And here I am 21 retired, still kicking. My sister taught in Douglas, 22 and she's, like I say, 96 years old right now. 23 I don't believe this environmental -- I 24 could say a bad word, but I better not. I never -- 25 we've done really well until some of you moved over</p>	<p style="text-align: right;">Page 88</p> <p>1 estimates, and it talks about Appendix A.1 and seasonal 2 information for heavy precipitation. In addition, the 3 potential affect of climate change were examined, okay? 4 And it says, "The first date annual maximum 5 series were analyzed per linear trends in means and 6 variance and shift. In mean to determine whether 7 climate change, during the period of record, was an 8 issue in the production of this Atlas. The results 9 showed little observable or geographical consistent 10 impact of climate change on the annual maximum series 11 during the period of record." And so the entire period 12 of record was used. You have copies. 13 It says, "There has been considerable 14 research done regarding climate change and 15 precipitation. NOAA's national weather service 16 conducted an analysis of shifts and trends in NOAA 17 Atlas 14, Volume I, one-day annual maximum series data. 18 The results suggest little consistent observable effects 19 of climate change on the annual maximum series and, 20 therefore, on parameters used for this Atlas," and then 21 it's got some charts. You know, it shows Grant County, 22 and then there's like these little numbers, and they're 23 like .009 to .010. And that's the difference in a 24 100-year 24-hour estimate in inches between Volume 1, 25 Versions 5 and 4, for the project area. And this was --</p>

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1 you know, because there's no color. And then there's
 2 another one. Here again, is 100-year 60-minute
 3 estimates. Those numbers are .04 to .005.
 4 And then it says percent changes between
 5 NOAA Atlas and the 100-year, 24-hour precipitation. And
 6 then again, it's showing like little gray dots. I can't
 7 even like read them, but like they're little, tiny
 8 numbers. Sorry, you guys. I can't read that one, so
 9 I'm not going to fake it.
 10 Anyway, thank you so much -- oh, I'm sorry.
 11 Do you want what I was reading? Thank you so much. And
 12 if I went over time, I apologize.
 13 HEARING OFFICER ORTH: Thank you very much.
 14 We have one more name on the sign-in
 15 sheets, that name is Michael Brown.
 16 Is there anyone who has changed their mind?
 17 Ms. Walker, have you changed your mind?
 18 No. Is there anyone who has changed their
 19 mind and you didn't sign up earlier and would, in fact,
 20 like to give comments? Do I see a hand? Sir?
 21 [Discussion was held off the record.]
 22 HEARING OFFICER ORTH: Let's see Mr. Brown
 23 and Mr. Hardin, and let's see if we can get a third one.
 24 I know that Kate Brown already spoke.
 25 Oh, do you want to speak, sir?

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1 MR. ARGUELLO: Yes.
 2 HEARING OFFICER ORTH: Great. That's
 3 three. Tell me your name.
 4 MR. ARGUELLO: Eduardo Arguello.
 5 THE HEARING OFFICER: Would you spell the
 6 last name?
 7 MR. ARGUELLO: A-r-g-u-e-l-l-o.
 8 HEARING OFFICER ORTH: If you three
 9 gentlemen would raise your hand?
 10 [Whereupon, Carl Hardin, Michael Brown and
 11 Eduardo Arguello were sworn.]
 12 MR. HARDIN: My name is Carl Hardin. I'm a
 13 lifelong resident here. I was born a few years ago. I
 14 grew up -- I was raised up in Santa Rita back whenever
 15 all these homes were around the mine and everything. My
 16 dad worked for the mining company for over 30 years. I
 17 worked for the mining company, Kennecott, Phelps Dodge
 18 and Freeport for over 40 years, 37 point something.
 19 I've watched as these companies have
 20 developed. In the '70s, they came in with the
 21 environmental push and everything. Kennecott worked
 22 with it, did what they do, did what they did. Phelps
 23 Dodge came in. They have done a whole lot, and I've
 24 watched Freeport. I worked reclamation for a while, and
 25 I also worked at the mine.

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1 I've seen a lot of change in the mining
 2 companies themselves. I've listened to this
 3 presentation today. I might have to agree that there
 4 might be a better way to secure the money or to secure
 5 the funds for reclamation, but that's something that's
 6 not -- I don't know that it needs to be brought to a
 7 vote to say this is how you have to do this. The State
 8 agrees to a way of doing it. Maybe it's not quite
 9 correct.
 10 I know that I've listened to these
 11 different people, and they talk about a 100-year,
 12 500-year, 1,000-year, all these kind of proposals. You
 13 don't even know if you're going to be alive tomorrow.
 14 You're trying to predict the future. You're trying to
 15 say that, well, in five years or ten years, this is how
 16 things are going to be. You have no clue. Like I say,
 17 you don't even know what tomorrow is going to bring.
 18 None of us may be alive, so who cares? But that mine,
 19 if it's alive in 100 years would say, oh, I made a
 20 prediction for 100 years.
 21 So I agree with the mine and the GRIP
 22 proposal to accept it. Maybe they do need to modify
 23 some of it. I think that they should pursue it and
 24 agree with it. That's my opinion.
 25 HEARING OFFICER ORTH: Thank you,

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1 Mr. Hardin.
 2 MR. HARDIN: Thank you.
 3 HEARING OFFICER ORTH: Mr. Brown?
 4 MR. BROWN: I'd like to say good evening.
 5 My name is Dr. Michael Brown, and I'm a Doctor of
 6 Chiropractor, but I'm the black sheep of the -- I'm a
 7 chiropractor, but I retired recently.
 8 I've had leukemia and prostate cancer for
 9 12 years. And as a result of being a damn
 10 environmentalist, when I used to work in Flagstaff and
 11 Northern New Mexico in the '70s. We just had the
 12 40-year anniversary of the uranium mill town and
 13 sponsored bill from Church Rock, New Mexico, when they
 14 had 94 million gallons of nuclear waste.
 15 When I used to go around to Sandra Lake to
 16 measure radioactivity in different areas, maybe that's
 17 what caused my cancer. But, nevertheless, it only took
 18 six years, since 1979, when that water -- the
 19 contaminated water to contaminate the Sandra Hill
 20 Elementary School and 85 acres. They no longer use the
 21 aquifer. They also recently had a spill in Colorado,
 22 the Gold King Mine, which the Animas River was
 23 contaminated.
 24 I'm not opposed to mining. I just would
 25 like to see that they take care of the future. Like

Page 93	<p>1 still, in Pinos Altos today, a lot of water can't be 2 drank because of the White Creek contamination from the 3 old milling of gold there. And then we had the -- 4 anyway, I'd just like to see them take care of it. 5 Also, on Boston Hill -- a lot of the water below 6 Boston Hill has so much arsenic in it. 7 So myself, I would like to think of the 8 future generation down the road. I know that Deming has 9 clean water, and a lot of it. We talk about stormwater 10 events going down Whitewater Creek, and those are the 11 beds that will wash the heavy metals and cadmium, or the 12 lead, or whatever heavy metals that are in there -- down 13 in there. So I just think of our future water. That's 14 all. 15 Also, you know, just on a casual 16 observation -- I don't have a statistic, but I think 17 Silver City has too high a grade of leukemia and lupus, 18 an autoimmune disease, lung cancer and different things 19 like that, as well as, you know, too high of a level of 20 domestic violence, you know. 21 So anything we can do to improve our 22 community is a good idea and, you know, to make sure 23 that Freeport-McMoRan ensures a future of reclamation to 24 take care of properly what they leave behind. It's good 25 for employment, and also good for water quality in the</p>	Page 95	<p>1 forever. 2 In view of the necessity to be proactive in 3 working with the local mining companies, I decided to 4 join the Board of Directors of the Gila Resources 5 Information Project. This organization is a lesson to 6 Grant County and to all our mining communities. Our 7 only purpose is to maintain the wellbeing of our 8 communities by working with mining companies to ensure 9 environmental and groundwater quality for all to enjoy 10 it. 11 I'm very proud and honored to be a part of 12 these hard-working, caring and honest group of people. 13 The truth is, no one is trying to shut the mines down. 14 We are all in this together. We all share the same 15 groundwater resources. The groundwater plumes extend 16 far beyond existing mining operations and the county. 17 The thing about it, folks, we all need 18 clean drinking water. Our children and our great 19 grandchildren's health is at stake. Can we have clean 20 water and clean jobs? Yes, we can. 21 We can support our mining neighbors. We 22 can also ask them to invest a little of the profits to 23 ensure the present and future needs to keep our 24 groundwater clean. 25 Is that asking too much of them? I don't</p>
Page 94	<p>1 future. Thank you. 2 HEARING OFFICER ORTH: Thank you, 3 Mr. Brown. 4 Mr. Arguello? 5 MR. ARGUELLO: Thank you all for being 6 here. I'm Eduardo Arguello, a former miner. I retired 7 from Chino Mine. I worked over there for 32 years. And 8 the first 10 years with Chino Mine's open pit, 9 maintaining and repairing all necessary equipment to 10 operate a mining operation. 11 In 1987, I volunteered to transfer to the 12 brand-new Burro Chief SX/EW plant next to -- east of the 13 Chino Mine open pit. In maintaining and repairing all 14 on-site and off-site electric electrical equipment, I'm 15 familiar with open pit and mission operations. 16 I am a strong supporter of mining 17 operations as long as it's done responsibly. Mill 18 use -- more than likely, billions of gallons of water 19 and sulfuric acid are necessary to run a mining 20 operation; therefore, it's imperative that mining 21 operators know that it's necessary to ensure that the 22 water and environmental quality are maintained in the 23 surrounding mining communities in Grant County. Future 24 generations depend on all of us, together with our 25 mining neighbors, to preserve our groundwater quality</p>	Page 96	<p>1 think so. Mining operations deserve to make a profit 2 for all their hard work. With that comes the 3 responsibility to invest some of those profits to ensure 4 that the groundwater integrity is maintained for our 5 communities in Grant County forever. 6 We cannot let the wellbeing of our children 7 and our grandchildren become a political issue. We can 8 all work together with each other and with our mining 9 company neighbors to ensure that we can all enjoy safe 10 drinking water forever. 11 Like I said, I support responsible mining. 12 Let's work together. Thank you all for listening. 13 HEARING OFFICER ORTH: Thank you, 14 Mr. Arguello. 15 All right. I will go back to reading the 16 names on the sheets. Please raise your hand or indicate 17 if you're still here and would like to give comment, 18 Carolbeth Elliott? Sally Smith? 19 MS. SMITH: Madam Hearing Officer, I'm 20 going to pass. I think it's too late. 21 HEARING OFFICER ORTH: Thank you, 22 Ms. Smith. 23 Mary Burton Riseley? 24 AUDIENCE MEMBER: She's not here. 25 HEARING OFFICER ORTH: Okay. Linda</p>

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1 Pafford?
2 AUDIENCE MEMBER: She's gone.
3 HEARING OFFICER ORTH: Okay. David Ramos?
4 Jonathan Stevens?
5 Jeremiah Garcia?
6 Linda Pecotte?
7 Harry Pecotte?
8 Theresa Wilson?
9 Buddy Eby?
10 Leon Klement?
11 Anthony Lucero?
12 Rudy Castillo?
13 Allison Bateman?
14 Shane -- I can't quite read the last name
15 there. It starts with an Freeport.
16 Mark -- I think we heard from Mark Osborn.
17 Roger Wright?
18 John Laney?
19 Alex Hernandez and family of a million?
20 Steven Aguirre?
21 Kim Clark?
22 Glenn Melton?
23 MS. CLARK: Kim Clark?
24 HEARING OFFICER ORTH: Would you like to
25 comment?

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1 MS. CLARK: Yes, ma'am.
2 HEARING OFFICER ORTH: Oh, good. Let me
3 see if I can get a few more.
4 Glenn Melton?
5 Richard Hickson?
6 MR. HICKSON: I'm here, but I'll pass.
7 HEARING OFFICER ORTH: Oh, you're going to
8 pass? Okay.
9 Ty Bays?
10 I hope I don't mispronounce any name I
11 call. Jeanette Hamilton?
12 Gregg Jarrette?
13 Jamie Mitchell?
14 MS. MITCHELL: Here.
15 HEARING OFFICER ORTH: Would you like to
16 speak?
17 MS. MITCHELL: Sure.
18 HEARING OFFICER ORTH: Okay. So that's
19 two. Guy Blackman?
20 Clay Donaldson?
21 Bobbie Grimes-Scoggin?
22 HEARING OFFICER ORTH: Okay, I've come to
23 the end. So I've got two ladies, Kim Clark and Jamie
24 Mitchell. If you would raise your right hand -- oh,
25 sorry?

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1 MR. JAUREQUI: Can I speak also?
2 HEARING OFFICER ORTH: Yes. You haven't
3 spoken yet, have you?
4 MR. JAUREQUI: No.
5 HEARING OFFICER ORTH: Tell me your name.
6 MR. JAUREQUI: Juan Jaurequi.
7 HEARING OFFICER ORTH: Spell the last name.
8 MR. JAUREQUI: J-a-u-r-e-q-u-i.
9 HEARING OFFICER ORTH: Okay. Thank you.
10 If you would raise your right hand, please?
11 [Whereupon, Kim Clark, Jamie Mitchell and
12 Juan Juarequi were sworn.]
13 HEARING OFFICER ORTH: Thank you. We'll
14 start with Ms. Clark.
15 MS. CLARK: Thank you for allowing me to
16 speak tonight. My family came to the Gila Valley in
17 1880, so I have been here for a -- well, my family has
18 been here for a long time. I want to commend
19 Freeport-McMoRan and the State of New Mexico and GRIP
20 for successfully negotiating the details for the closure
21 plan that is being discussed tonight. I think that that
22 is a huge step forward, and I'm grateful to hear that
23 that has been done.
24 I also want to say that I realize that GRIP
25 considers them to be a watchdog. However, their values

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1 do not represent the interest of a great majority of
2 Grant County residents.
3 It is my opinion, as well as the opinion of
4 over a thousand Grant County residents who showed up at
5 the February County Commission meeting, that 130 million
6 in trust, and a third-party guarantee is sufficient as
7 allowed by law. Thank you.
8 HEARING OFFICER ORTH: Thank you,
9 Ms. Clark.
10 Ms. Mitchell?
11 MS. MITCHELL: I don't really know how my
12 name got on the list, but I was born and raised here.
13 I've lived here all my life, except for just a little
14 bit of time when I first got married.
15 I've been sitting in the back, looking at
16 the county seal, and -- I'm sorry. I'm kind of an
17 emotional person. But there I see mining, ranching,
18 agriculture and our beautiful wilderness. I've been
19 sitting here, listening to -- and I was very impressed
20 with Jim's presentation and the things he had to say.
21 But then I was disappointed in the members of GRIP who
22 supposedly had been a part of this group who had come
23 together and had made this plan of how things were going
24 to be done, how the reclamation was going to be done.
25 And then more and more of them got up and said how they

<p style="text-align: right;">Page 101</p> <p>1 didn't like the way things were done. That bothered me, 2 and I agree with the young lady that was just here. 3 GRIP is not the voice for a majority of 4 Grant County. I just want the people from the mines, 5 from Chino, to know that we see the improvements that 6 they're making, the efforts that they are making, and 7 how hard they're trying to make our county safe, our 8 water safe. We're aware of that. We know that they are 9 doing that, and we appreciate them. And we would 10 appreciate GRIP to step back and allow the mine to do 11 the things that they have promised that they would do. 12 HEARING OFFICER ORTH: Thank you, 13 Ms. Mitchell. 14 Mr. Juarequi? 15 MR. JUAREQUI: My name is Juan Juarequi. 16 I'm a second-generation miner. My dad was there for 35 17 years. I'm going on my 10th year now. 18 Well, my dad raised me through mining and I 19 said -- you know, I didn't want to be in mining. He got 20 me through college and then I went into banking. I went 21 into retail, and then I finally ended up at the mine, 22 which I should have been there in the first place. 23 I'm just here to speak on the -- you know, 24 every tailgate meeting we talking about accountability 25 and integrity, and we always -- the main focus is our</p>	<p style="text-align: right;">Page 103</p> <p>1 education. You know, we could be focused on that 2 instead of -- like most of the people -- we have half 3 the people coming from Deming right now because most of 4 the people here in this county can't even pass a drug 5 test. 6 I just say there's better things to use our 7 resources for. Thank you. 8 HEARING OFFICER ORTH: Thank you, 9 Mr. Juarequi. 10 I'd like to thank all of you collectively 11 for your comments, which were pertinent and thoughtful. 12 Let me ask -- last call now, last call. 13 Has anyone changed their mind? I've come to the end of 14 both lists of names. 15 No? All right. It is not actually -- oh, 16 ma'am? 17 MS. NORDELL: I will. I didn't register, 18 but I will. 19 HEARING OFFICER ORTH: Okay. Come on up. 20 While you're walking up, just let me remind 21 folks that if you have something in writing that you 22 would like to hand me tonight -- I've got a short stack 23 of public comments up here. I'd be happy to accept your 24 written public comments tonight, or you can email them 25 to the Mining and Minerals Division staff until</p>
<p style="text-align: right;">Page 102</p> <p>1 safety, taking care of us, making sure we go home after 2 our shift. Second is the environmental. You know, 3 that's stress. We always have to take care of our 4 environment. If we create too much dust out there, we 5 have to slow down. We put more water trucks on the 6 road, you know. 7 I used to work by tailings. I used to -- 8 we were electricians. We worked on the water wells all 9 the way from Murray to the rest area. You know, we 10 pumped out water, and that was all clean water. A lot 11 of that goes through Hurley, and they use that for their 12 town. No other company would do that for a nearby town, 13 I don't think. Not free of charge like that one. 14 That's what I heard. I don't know if it is now or not. 15 We have programs that, you know, if we get 16 together maybe like for teams or schools, if an employee 17 comes and they come up with funding, the County will 18 match it twice. So from our one, they'll match it 19 twice. We don't take advantage of that. 20 Just little environment things, like when 21 they bring up climate control -- climate change, I don't 22 know. That's never been proven, so I laugh when they 23 bring up that. I think that's just about control. I 24 think we have more important things to worry about, like 25 the drug use around here in this county and the</p>	<p style="text-align: right;">Page 104</p> <p>1 August 7th. And if you want the email address, you 2 would approach a staff member there against that wall. 3 So, ma'am, tell me your name. 4 MS. NORDELL: My name is Helen Nordell. I 5 was born and raised in Hanover, New Mexico. 6 HEARING OFFICER ORTH: I have to swear you 7 in. 8 [Whereupon, Helen Nordell was sworn.] 9 HEARING OFFICER ORTH: Do you spell 10 Nordell, N-o-r-d-e-l-l? 11 MS. NORDELL: That's correct. 12 HEARING OFFICER ORTH: All right. Please 13 go ahead. 14 MS. NORDELL: Okay. I'm not a public 15 speaker, and usually I wouldn't do this, but listening 16 to everybody else, what they're saying, I have to say, 17 my grandfather, my father, uncles, they're all miners, 18 all of them. 19 As a little girl in Hanover, the creek was 20 running right by our house. There were tailings on one 21 side of my house and other tailings on the other side. 22 As a little girl, I used to go and play in those 23 tailings, me and my brothers. I'm still alive, and 24 nothing has happened. So I just want to let you know 25 that.</p>

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1 HEARING OFFICER ORTH: Thank you,
 2 Ms. Nordell.
 3 Once again, last call. Last call again.
 4 You still have two weeks to submit written
 5 comments.
 6 Ma'am?
 7 MS. DONOVAN: I'd like to talk, if I could?
 8 HEARING OFFICER ORTH: Okay. Come on up.
 9 Give us your name first, please.
 10 MS. DONOVAN: My name is Cindy Donovan.
 11 HEARING OFFICER ORTH: Say the first word.
 12 MS. DONOVAN: Cindy Donovan.
 13 HEARING OFFICER ORTH: Thank you.
 14 [Whereupon, Cindy Donovan was sworn.]
 15 MS. DONOVAN: I'm not prepared, but I'll
 16 just be brief. I don't know if this is the appropriate
 17 place, but I'm just curious. I, again, agree with what
 18 was said prior to this. I don't know who gives GRIP the
 19 authority to have more authority over our rules and laws
 20 than the State of New Mexico and the things that are put
 21 in place already. And I guess I'd like to know who
 22 funds GRIP. Are those -- I know it's a nonprofit, but
 23 is it funded by our tax dollars? It just seems
 24 ludicrous that somehow my dollars are paying out -- it
 25 would be like me handing you money so you could come

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1 against me and sue me.
 2 I know that their intention is -- and
 3 they're very good at being very, very proactive about
 4 using our terms back at us, that they do not want to
 5 close the mines, and they have the deepest concern for
 6 what's going on in our community, and that they very
 7 much know how much value that the mines bring to this
 8 community. However, my words of wisdom would be not to
 9 listen to what they say, but watch what they do, because
 10 that speaks volumes.
 11 My last thing is I think they continue to
 12 create unreasonable demands, and they push the bar back.
 13 They continue to go back, and they're never, ever
 14 satisfied. Because ultimately, GRIP, down deep, wants
 15 to close the mine.
 16 I had a lady sitting next to us, and she
 17 whispered and said, "I would love to see every one of
 18 these mines close." Now, I'm not speaking that she said
 19 that for them, but I believe that that is absolutely
 20 GRIP's motive and deep down what they would like to see
 21 happen.
 22 So you do not in any way represent me or
 23 thousands of us here in Grant County.
 24 [Applause.]
 25 HEARING OFFICER ORTH: Please direct your

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1 comments to me and to the court reporter if there are
 2 any more comments.
 3 Are there any more comments at all? Ma'am?
 4 MS. MORALES: May I come up, please?
 5 HEARING OFFICER ORTH: We need your name
 6 first.
 7 MS. MORALES: Liz Morales.
 8 HEARING OFFICER ORTH: Okay. Would you
 9 raise your right hand, please?
 10 MS. MORALES: Yes.
 11 [Whereupon, Liz Morales was sworn.]
 12 MS. MORALES: Well, first of all, my family
 13 dates back for hundreds of years. I am quarter
 14 Mescalero Apache. I'm very proud of my heritage. My
 15 mother was half, my -- and I go back to my great
 16 grandparents and great, great, great grandparents.
 17 While they were taken from their lands here and put in
 18 concentration camps by our government, and they were
 19 taken all the way to Florida, they were assigned a
 20 number. Years later they were released. They found
 21 their way back home, and they never conformed to living
 22 in the reservations as we know them today.
 23 My great, great, great grandparents decided
 24 to mine for gold in the Pinos Altos area, and that's how
 25 they sustained their families, along with my great

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1 grandparents. Thank God, holy pickles, there was no
 2 GRIP back then, because I know they wouldn't have been
 3 able to make a living.
 4 They did the best they could. They lived
 5 for many years. My great grandfather died in 1969, at
 6 the age of 101. So then my grandfather lived on, my
 7 grandmother, they lived on, and they both lived to be in
 8 their 90s.
 9 My father worked in the mining industry, my
 10 husband worked in the mining industry. So many of our
 11 neighbors here, our friends, our families have worked
 12 here. I think that right now, yes, we have to take care
 13 of this earth. This is all that we have. We've got to
 14 take care of it.
 15 Having said that, I think that GRIP goes
 16 over and beyond to make things very difficult for
 17 Freeport, and not just Freeport. I think every other --
 18 the coal mines up in Northern New Mexico. I mean, it's
 19 ridiculous. There are things that are being done by the
 20 mines. They're training very hard to abide by the
 21 New Mexico environmental laws. So you know, try to work
 22 with the people. Try to work with the mines.
 23 We've lived close to the Kneeling Nun for
 24 years, you know. I'm 65. I thank God I'm there. You
 25 know, our water is good. Just like many of my

N/A

Public Hearing and Comment on Updated Closure/Closeout Plan for the Chino Mine

Public Hearing

July 24, 2019

<p style="text-align: right;">Page 109</p> <p>1 neighbors -- and like Rachel has said before, yes, many 2 have died of cancer, I understand that, but please don't 3 blame it on the mines. I mean, like she said, you're an 4 alcoholic, you're smoking, you're -- heaven only knows 5 what else, but don't blame it on the mines. If you have 6 proof, 100 percent, that that's what caused it, then 7 bring it forward. But, you know, please try to work 8 with the mines. Don't make it impossible. Because, you 9 know, ultimately, it's going to affect you, too, your 10 livelihood -- 11 HEARING OFFICER ORTH: Ma'am, please make 12 your comments this way. 13 MS. MORALES: Okay. 14 HEARING OFFICER ORTH: And your time 15 actually is -- 16 MS. MORALES: Thank you so much. Have a 17 great evening. 18 HEARING OFFICER ORTH: Thank you very much. 19 All right. This is the last call, once 20 more -- Ms. Walker? 21 MS. WALKER: Mary Walker. I live in 22 Bayard. 23 HEARING OFFICER ORTH: You've been sworn 24 already? 25 MS. WALKER: I have been.</p>	<p style="text-align: right;">Page 111</p> <p>1 staff, and we'll give you the email address. 2 Thank you all very much. I always enjoy 3 making trips to Grant County. Drive safely home. 4 [The meeting adjourned at 8:29 PM] 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 110</p> <p>1 This is not what I intended to say, but I 2 think it needs to be said. This messaging that GRIP has 3 put out there has been wonderful. Everyone loves and 4 wants clean air, clean water, good health. But the 5 problem is that -- as the gentleman that spoke earlier 6 said, we have an environmental committee now, a group, 7 and they should be able to oversee this. I do not 8 understand why GRIP has such influence in dealing with 9 the mine issues. 10 I remember that I went to the meeting -- 11 commissioners' meeting back in -- I guess it was May, 12 where GRIP was pushing for regulations that would be 13 nearly impossible to meet and would most probably cause 14 the closure of the mines. And if you're doing that one 15 month, I just really don't think that they have a lot of 16 credibility in being pro mine and wanting to see it stay 17 up and running. 18 That's pretty much all I had to say. Thank 19 you. 20 HEARING OFFICER ORTH: Thank you. 21 Is there anyone who hasn't already 22 commented who would like to comment this evening, before 23 we adjourn? 24 Again, you have the next two weeks to put 25 other thoughts into writing and submit them to MMD</p>	<p style="text-align: right;">Page 112</p> <p>1 STATE OF NEW MEXICO 2 COUNTY OF BERNALILLO 3 4 5 6 CERTIFICATE OF COURT REPORTER 7 8 I, DEBRA ANN FRIETZE, New Mexico Certified 9 Court Reporter No. 251, do hereby certify that I 10 reported the foregoing proceedings in stenographic 11 shorthand and that the foregoing pages are a true and 12 correct transcript of those proceedings that were 13 reduced to printed form by me to the best of my ability. 14 I FURTHER CERTIFY that the Reporter's 15 Record of the proceedings truly and accurately reflect 16 the exhibits, if any, offered by the respective parties. 17 I FURTHER CERTIFY that I am neither 18 employed by nor related to any of the parties or 19 attorneys in this case and that I have no interest in 20 the final disposition of this case. 21 22 23 DEBRA ANN FRIETZE. 24 Certified Court Reporter 25 New Mexico CCR No. 251 Date of CCR Expiration: 12/31/2019</p>