

#1

Sign-in Sheet to Present Public Testimony

Chino Mine Revision 18-1 to Permit GR009RE

July 24, 2019

Name Please Print	Address Please print
✓ Alyson Simk	GRIP 305A N. Cooper St. Silver City, NM 88061
✓ Jim Kuipers	Kuipers & Associates Wisdom, MT.
✓ Mark Osborn	Mimbres, N.M.
Alex Hernandez	Mimbres NM
✓ Sam Morales	Santa Clara
✓ Peter Wyman	Tyrone, NM
✓ Andy Payne	Silver City, NM

#2

Sign-in Sheet to Present Public Testimony

Chino Mine Revision 18-1 to Permit GR009RE

July 24, 2019

Name Please Print	Address Please print
X Clay Donaldson	96 Mesa rd CLIFF NM 88028
Marg Burton RISELEY	468 Box Canyon Rd Box 179 Cliff 88028
✓ Glenn Griffin	3701 Tracy Circle Silver City, NM 88061
✓ Janet WALLET-ORTIZ	2009 N Juniper Ave SC
✓ Frances Gonzales	616 Bard St. Bartol, NM 88023
✓ Kate Brown	147 Hot Springs Canyon Rd. San Lorenzo NM 88041
X MARY WALKER	1005 Blackhawk St 88023

#3

Sign-in Sheet to Present Public Testimony

Chino Mine Revision 18-1 to Permit GR009RE

July 24, 2019

Name Please Print	Address Please print
X Pete Krogseng	# 51 Cleveland mine rd Silver C 88061
X Linda Pafford	91 Wilson Rd San Lorenzo, 88041
X Robbi Parsons	145 Hot Springs Canyon Rd San Lorenzo, NM 88041
✓ Dr. Gavin Clarkson	1110 W. Tornillo Las Cruces, NM 88001
X Billy Billings	PO Box 695 Tyrone NM 88065
✓ HARRY BROWNE	210 N Cooper St Silver City, NM 88061
✓ KARE HARDIN	29 Turn Here Road Mimbres, NM 88049

4th

Sign-in Sheet to Present Public Testimony

Chino Mine Revision 18-1 to Permit GR009RE

July 24, 2019

Name Please Print	Address Please print
✓ Rachel Valencia	2403 Village Dr. Silver City, NM.
x Rebecca Summer	8 Fotis Rd Silver City
✓ Mary K. Hill	PO Box 675 Mimbres San Lorenzo NM 88049

5th

Sign-in Sheet to Present Public Testimony

Chino Mine Revision 18-1 to Permit GR009RE

July 24, 2019

Name Please Print	Address Please print
✓ Michael Brown	1409 N Silver St Silver City
✓ Eduardo Arguello	(from Chino sheets)
✓ Kim Clark Jane	— " —
✓ Jannie Mitchell	— " —
✓ Mr. <u>Juan</u> Jaurige	
✓ Helen Nordelf	
✓ Cindy Donovan	
✓ Liz Morales	
✓ Mary Walker	

Name: Kate Brown
Phone: 575 536 9935

Comments: The more comprehensive and developed the close out plan, the more reclamation jobs there will be, and the better the future for all of Grant County. Best practices are what we as citizens all deserve

Name: Marion Newton
Phone: 575-536-2864

Comments: I live just east of the mine - my concern has always been for the long term safety of our water and air.

Name: JANE WALKER-ORTIZ
Phone: 575-388-2033

Comments: Freeport made \$270 million in profit - plus avoided 10 million/year in not paying taxes! They need to ① update permit keeping Climate Change in mind ② we need cash guarantee!! no 3rd party

Name:

Phone:

Comments:

Name: Eduardo Arguella

Phone: 575-313-6187

Comments:

Name: CarolBeth Elliott

Phone: 575-538-0128

Comments:

Name: SALLY SMITH

Phone: 313-6121

Comments:

Name: Peter Wyman

Phone: ⁵⁷⁵640-6344

Comments:

Silver City needs the mines.
Do not be swayed by a small
but well-funded group of activists - GRIP!

Name: Glenn Griffin

Phone: 575-388-9130

Comments: make Freeport pay for clean-up, not taxpayers.

Name: Andy Payne

Phone: 575-956-5686

Comments: We need strong protections that cannot be ignored.

Name: Frances Gonzales

Phone: 575-956-8942

Comments: We need water protection, environment protection & water for 100 yrs. Reclamation money put aside not using a 3rd party protector.

Name:

Phone:

Comments:

Name: Mary Burton Riseley

Phone: 575-535-4474

Comments: only a cash bond, safely invested, can be a guarantee. If there is a world wide recession, NM taxpayers will be forced to pay for monitoring and prevention of further contamination

Name: Linda Patterson

Phone: 575-536-3055

Comments: All industries need to maintain a credible insurance policy in case of catastrophe. In this case it is a known event for which this business needs to prepare. A small continuing investment starting now will save both the company and the tax payers, and could save the residents from catastrophic health damage

Name:

Phone:

Comments:

Name:

Phone:

Comments:

Name: Dr Gavin Clarkson, Esq.

Phone: ~~575~~ - ~~914~~ ~~2846~~ ~~914~~ 575 - 91 GAVIN

Comments: Mining jobs are good jobs, and given the assault on the few sectors of our economy that support New Mexico's overall economic health, support for mining and mining jobs is critical.

Name: DAVID RAMOS

Phone: 537-2601

Comments: for ??

Name: Jonathan Stevens

Phone: (575) 654-0020

Comments: Pro mine

Name:

Phone:

Comments:

Name: Jeremiah Garcia
Phone: (575) 313-2963
Comments: Pro Mines

Name: Linda Pecotte
Phone: 575 538-1623
Comments: Pro Mines

Name: Harry Pecotte
Phone: 575 388-8533
Comments: Pro Mining

Name: Theresa Wilson
Phone: 575-342-2683
Comments: pro mines

Name: Buddy Eby

Phone: 575-536-9606

Comments: I support the mine. It is the backbone of this county. It supports & employs most of the residents of this county.

Name:

Phone:

Comments:

Name:

Phone:

Comments:

Name:

Phone:

Comments:

Name: LEON KLEMENT

Phone: 575 313-2334

Comments:

PRO MENFNU. CURRENT CLOSURE PLANS ARE SUFFICIENT.

Name:

Phone:

Comments:

Name:

Phone:

Comments:

Name:

Phone:

Comments:

Name: Anthony Lucero

Phone: (575) 313-3195

Comments:

Name: Sam Morales

Phone: 575 313 3606

Comments:

Name: Rudy CASTILLO

Phone: 575 574-7429

Comments:

Name: Allison Bateman

Phone: 538 3086

Comments:

Name: *Shawn Fennel*

Phone: *574 7650*

Comments:

Name: *Mark Deborn*

Phone: *575-313-7141*

Comments:

Name: *Roger Wright*

Phone: *574-2686*

Comments:

Name: *V John Lauer*

Phone: *574-2315*

Comments:

Alex Hernandez and Family of a Million
519-8172

Name: *Steve R Aguirre Jr.*

Phone: *538-3531*

Comments: *mining*
Pro

Name: *Kim Clark*

Phone: *574-2629*

Comments: *I feel the current plan sufficient.*

Name: *Glenn Melton*

Phone: *575-956-7126*

Comments: *pro mining*

Name: *Richard Hickson*

Phone: *538-3818*

Comments: *pro mining*

Name: Michael Brown

Phone: 388-1862

Comments: I support Freeport McMoran providing bond assurance so that reclamation will take place after they leave.

Name: KARL HARDIN

Phone: 575-519-2586

Comments: I support a healthy community, the mining industry, and a healthy environment, I DO NOT SUPPORT A SOCIALIST MOVEMENT TO CHANGE MY COUNTY.

Name: Ty Bays

Phone: 575-590-7587

Comments: Pro mining

Name:

Phone:

Comments:

Name: Guy BLACKMAN

Phone: 388-7897

Comments: mining keeps Grant Co. ALive, Supports ALOT of families. ADDITIONAL costs will Jeopardize our Jobs.

Name: Clay Donaldson

Phone: 575-574-7646

Comments: Grant County and The State of NM needs Freeport Mining and The more regulation and Less Profitable we make it To do business here The Less Likley They will stay and The Less money They will Put into Reclamation

Name: MARY WALKER

Phone:

Comments: Like the mexican rat, it is the lifeblood of this county, supporting families so they can clothe and feed their family - send them to college.
We know these CRIP rules are part of their agenda to shut down the mines

Name: BOBBIE GRIMES - SCOGGIN

Phone:

Comments: WE STAND WITH OUR MINING Family.

Name: Jeanette Hamilton

Phone: 575-654-6720

Comments: ^{or largest biggest} I want our mines open, they contribute
to ~~our~~ our tax base ~~in~~ Its Grant Countys
Tradition + heritage.

Name: Rachel Valencia

Phone: 538-3983

Comments: Do not close the mines!

Name: GREGG JARRETTE

Phone: 708 334 1889

Comments: THIS ECONOMY CAN'T SURVIVE ON CANDLES, INCENSE
AND PATCHOULI OIL. THE MINE WAS HERE BEFORE YOU MOVED
HERE FROM CALIFORNIA AND COLORADO. I DON'T WANT
TO PAY \$10,000/YR IN PROPERTY TAXES
A PROPERLY ADMINISTERED MINE IS PERFECTLY SUSTAINABLE

Name: Jamie Mitchell

Phone: 575-313-2190

Comments: I was born and raised here. My father, husband, brother,
2 brothers in laws & father ^{in law} worked at the mines. That's how supported our
families. This ~~for~~ County won't survive closing the mines. Our taxes
will skyrocket and eventually everything will close down.
Many will lose their homes and businesses. Everything ↓

they have worked for, Look at our county seat.

Mining, Ranching, agriculture & our wilderness.
I don't know why Commissioner Brown and his group
are so determined to destroy us.

Mine Closure Public Comment, July 24, 2019

It wasn't that long ago. In August 2005 our neighboring copper producer Asarco Mining Company filed for bankruptcy citing environmental liability and the high cost of pension and health benefit plans. Asarco's legacy in El Paso is well documented in the 2019 book, Copper Stain.

I can easily believe that Freeport will do the same, leaving behind ^{8,000}~~25,000~~ acres of toxically polluted tailings over our drinking water aquifer. Cadmium, chromium, lead and zinc, all migrating due to a very low ph and rain water mixing and ending-up in our groundwater. At the February Trump Rally Grant County Commission meeting full of 300 paid Freeport miners Tom Shelly told us there was nothing that could be done with those ^{8,000}~~25,000~~ acres of toxic tailings. GTC

Well Shelly, it just ain't so. Cobre mines had lined tailings 20 years ago. A plastic liner, leachate piping then two feet of dirt, then tailings dumped on top. Future tailings should always be lined and the leachate piped to a SXEW plant.

Rich mining corporations have a history of leaving communities bare-foot, pregnant and toxically polluted. This same corporation, Freeport, paid six point eight million dollars in fines for polluting natural resources at the neighboring Morenci Mine in 2011.

Freeport must post sufficient financial resources for reclamation when the mine closes or if Freeport defaults. Freeport's parent company guarantee, as a third party guarantee, means two counties of ranchland for sale at one time. That forces the price of ranch land down. A fire sale on thousands of acres of ranch land won't clean-up Chino Mine for 100 years.

With 280 million dollars saved by Freeport by not paying their fair share of property taxes for 28 years, that money is goes for paying Freeport's top executive 13 million, 781 thousand and forty dollars a year. Why should Grant County taxpayers bail out Freeport when they are worth 18 billion and made a net income of 270 million from our Grant County mines in 2018?

New Mexico Mining and Mineral Division- Please mandate that the Chino Closure Closeout Plan forces Freeport to clean-up and reclaim the Chino Mine once the mine is no longer in operation. Otherwise Freeport might just leave us holding their ^{8,000}~~25,000~~ acre mining pollution bag. GTC

Glenn Griffin

3701 Tracy Circle

Silver City, NM 88061

gilatreethinners@gmail.com

20/3 minutes

Comments July 24' 19 Silver City

Chino Mine Closure Comments

I am remembering 2003 when Governor Bill Richardson yielded to the J. Dodge pressure to accept property as part of the Reclamation bond NM law required.

Governor Gary Johnson had resisted this pressure for many years. It took 3 years for the Courts to accept the properties offered because of the possibility of contamination, especially of the water rights JD tried to include.

My nightmare as a 3rd generation NM taxpayer is that the Mining Company - now Freeport-McMohan - will default (because of a possible world wide recession? or some internal problems? or a copper glut on world markets) and when Chino closes we will be stuck with monitoring the tailings and the waters they contain forever.

Please require a safer bond to protect me and my descendants.

Sincerely, Mary Burton Risley

Box 179

Chino, NM 88022

**Public Notice:
Chino Mine Open House and Public Hearing**

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division ("MMD") hereby gives notice of an open house and public hearing on the application by Freeport-McMoRan Chino Mines Company ("Chino"), the operator of the Chino Mine, for the Updated Closure/Closeout Plan under Revision 18-1. The purpose of the Public Hearing is to give the public an opportunity to learn about and comment on the Updated Closure/Closeout Plan for the Chino Mine. Representatives of MMD, Chino and the New Mexico Environment Department ("NMED") will be in attendance.

The Chino Mine is an existing open pit copper mine located near the towns of Bayard and Hurley, NM. MMD's permit number for the mine is GR009RE. The mailing address of the applicant is:

Freeport-McMoRan Chino Mines Company
P.O. Box 10
Bayard, NM 88023

An open house starting at 4:30 pm followed by a public hearing starting at 5:30 pm is scheduled for **Wednesday, July 24, 2019**. The location of the public hearing will be at the **Grant County Commission Meeting Room, Grant County Administration Center, 1400 Highway 180 East, Silver City, NM 88061**. **Comments regarding Chino's Updated Closure/Closeout Plan may be submitted to the Director of the Mining and Minerals Division at the following address:**

**Director
Mining and Minerals Division
NM Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505**

Written comments must be received by the Director prior to the close of the hearing record set during the Hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the Hearing, please contact the Mining and Minerals Division at the telephone number provided below at least twenty-one (21) days prior to the Hearing.

A copy of Chino's application for this permit revision is available for viewing on the MMD website at:

http://www.emnrd.state.nm.us/MMD/MARP/GR009RE_Revision18-1.html

For additional information regarding the Updated Closure/Closeout Plan, please contact the Mining and Minerals Division, Mining Act Reclamation Program at 1220 South St. Francis Drive, Santa Fe, NM 87505 or contact David Ennis, Permit Lead, at (505) 476-3434, or by e-mail at david.ennis@state.nm.us.

Ennis, David, EMNRD

From: Peter Wyman <pwnm99@gmail.com>
Sent: Tuesday, July 30, 2019 10:33 AM
To: Ennis, David, EMNRD
Subject: [EXT] Chino Closure Plan

Mr. Ennis:

I want to make it abundantly clear:

GRIP DOES NOT SPEAK FOR ME!

They act as though they have huge support in Grant County. The reality is that when the County Commissioners held a meeting regarding HB 220 and HB 255 in February, 700+ people showed up, and hundreds more were turned away. For five+ hours, dozens of people spoke AGAINST those bills that would cripple mining in New Mexico. All of FOUR people supported the bills.

As you know, the bills were defeated. So why is GRIP trying to dictate to the State what is and what is NOT required for financial assurances? Their latest effort seems to be: "We lost the fight to enact those bills....but we'll just plow forward and ACT as though they passed!" Just who do they cite when they quote their alleged "best industry practices"....perhaps another anti-mining "watchdog"?

GRIP IS NOT MY VOICE!

I hope your voice is better.

Peter Wyman
Tyrone, NM

Ennis, David, EMNRD

From: Iris <iwnj@aol.com>
Sent: Tuesday, July 30, 2019 10:54 AM
To: Ennis, David, EMNRD
Cc: iwnj@aol.com
Subject: [EXT] GRIP

Dear Mr. Ennis,

GRIP does not speak for me.

Here in Tyrone, Silver City and all Chino Mine employees feel that GRIP is a 'political organization' masking as Environmental activists who will look for any excuse to shut down all the mines, thus turning our city/town into ghost towns.

In addition, Harry Browne is the founder of GRIP in 1998 AND is a County Commissioner which is a major conflict of interest.

It is time the swamp is drained of these politicals with a mission to advance their Leftist agenda and who are funded by wealthy non-profits --- as is GRIP.

Let's put an end to the which hunt before this situation becomes worse and there will be no turning back for the Mines, Chino, Silver City, or Tyrone.

Would you please have a look into the matter above on behalf of all Mine supporters.

I thank you in advance!

Iris N. Woman
575.993.4114
Tyrone
iwnj@aol.com

Ennis, David, EMNRD

From: Laura <lrwygant94@msn.com>
Sent: Wednesday, August 7, 2019 9:49 PM
To: Ennis, David, EMNRD
Subject: Grip

I am not in agreement with grip. They must think we can live on air!! They are a detriment to our society n life n do not live in reality. Laura Wygant Sent from my iPhone

Ennis, David, EMNRD

From: Linda Beattie <lindabeetle620@gmail.com>
Sent: Wednesday, August 7, 2019 7:40 PM
To: Ennis, David, EMNRD
Subject: GRIP

I am a citizen of Grant County and I wanted to let you know that GRIP does not represent me or my views on the environment. It is a very left oriented environmental group that only represents the views of relatively few people and is backed by money coming in from outside of the state that does not have the well-being of New Mexico citizens at heart.

Thank you,
Linda Beattie
Silver City

Ennis, David, EMNRD

From: Carolyn Garnsey <cwgarney@gmail.com>
Sent: Wednesday, August 7, 2019 6:09 PM
To: Ennis, David, EMNRD
Subject: GRIP

GRIP does ***not*** speak for me!

Carolyn Garnsey

Ennis, David, EMNRD

From: Fr John H Price III <jprice.mdiv@gmail.com>
Sent: Wednesday, August 7, 2019 5:39 PM
To: Ennis, David, EMNRD
Subject: Stop GRIP

Grip does not speak for me. Grip is not my voice and I do not appreciate or condone its platform. Sincerely, Fr John

Ennis, David, EMNRD

From: raymond barnes <rlkab@hotmail.com>
Sent: Wednesday, August 7, 2019 4:12 PM
To: Ennis, David, EMNRD
Subject: grip

Grip does not speak for my family

Sent from [Mail](#) for Windows 10

Ennis, David, EMNRD

From: tedmel@q.com
Sent: Wednesday, August 7, 2019 3:46 PM
To: Ennis, David, EMNRD
Subject: Chino mine closure plan

Dear Sir,

GRIP does not represent our views or the views of most of the people in Grant County. We hope you will not be swayed by their pressure tactics.

Respectfully,

Ted & Melinda Stout



Virus-free. www.avast.com

Ennis, David, EMNRD

From: Leesa Martin <scrims2@yahoo.com>
Sent: Wednesday, August 7, 2019 4:03 PM
To: Ennis, David, EMNRD
Subject: Mines

GRIP does not speak for me. Please do not take away mining jobs in NM.
Thank you,
L. Martin

[Sent from Yahoo Mail on Android](#)

Ennis, David, EMNRD

From: Lynda Bosworth <lydihybo@aol.com>
Sent: Wednesday, August 7, 2019 3:36 PM
To: Ennis, David, EMNRD
Subject: Grip does it stand for me!!

Sent from my iPhone

Ennis, David, EMNRD

From: Garrett Clark <grttclr@gmail.com>
Sent: Wednesday, August 7, 2019 3:02 PM
To: Ennis, David, EMNRD
Subject: Grip

Grip does not speak for me.

Garrett Clark

Ennis, David, EMNRD

From: mam@maryalicemurphy.com
Sent: Wednesday, August 7, 2019 2:50 PM
To: Ennis, David, EMNRD
Subject: comment on Chino Mine Closure Closeout Plan

- 1) Do not let Gila Resources Information Project determine what goes into this plan
- 2) Chino Mines has the best interests of Grant County in mind for this plan, because their livelihood depends on it, as well as the jobs of all its employees.
- 3) GRIP does not represent me
- 4) Protect the environment, but don't make it too onerous on the mine to complete the plan
- 5) Make the financial assurance reasonable, but do not require the company to have to limit innovation because of an overly expensive requirement. Third-party guarantees are simply one of the financial instruments that are reasonable.

Mary Alice Murphy
14 Six Shooter Drive (but not my mailing address, which is PO Box 1026, Silver City, NM 88062) Silver City, NM

Ennis, David, EMNRD

From: CJ Luhrsen <bopeep2@hotmail.com>
Sent: Wednesday, August 7, 2019 2:54 PM
To: Ennis, David, EMNRD
Cc: Don Luhrsen
Subject: Mine Closure Plan - Comment Deadline is Today

Importance: High

GRIP does NOT speak for me! GRIP is an environmental group which does nothing for the environment and everything for reasons of greed and corruption. Their main purpose is to line their pockets with donations, payments for legal services from federal and local governments, and graft. Mines in NM provide jobs for New Mexicans and contribute to our national bottom line (GNP). The mines can adequately mitigate the conditions resulting from mining minerals over time. Mines can protect the environment and apply REAL science with actual scientists, who work on the ground to develop plans to protect watersheds, ground water and aquifers, and soil from possibly dangerous mineral residue runoff.

The old mine at Hanover, north of Hwy 152, just east of the railroad tracks and next to the old bar there is visible from the highway. It is proof that a mine can be reclaimed. This reclaimed area has good vegetative ground cover, is not eroding and looks great.

Thank you,

Candy Luhrsen

Retired Forest Service

Community Leader in American Legion Auxiliary, Farm Bureau, and Republican Women

Ennis, David, EMNRD

From: john mahl <7777.preacher@gmail.com>
Sent: Wednesday, August 7, 2019 1:34 PM
To: Ennis, David, EMNRD
Subject: GRIP

GRIP does not speak for me, my family, my employees or my church...if you want at least 100 emails agreeing with me I will get them for you.

John Mahl

Ennis, David, EMNRD

From: Mick <cmcoonsc@gmail.com>
Sent: Wednesday, August 7, 2019 12:42 PM
To: Ennis, David, EMNRD
Subject: Against GRIP

Dear Mr. Ennis, my wife Carol and I are residents of Grant County and we support miners and mining in the county. We do not support the interests of GRIP.

Charles Coon

31 Yucca Stalk Lane

Silver City, NM 88061

Ennis, David, EMNRD

From: Julie Forlizzo <jforlizzo@gmail.com>
Sent: Wednesday, August 7, 2019 11:12 AM
To: Ennis, David, EMNRD
Subject: GRIP

GRIP is NOT my voice!
GRIP does NOT speak for me!

Ennis, David, EMNRD

From: Armando Tavizon <tav042360@gmail.com>
Sent: Wednesday, August 7, 2019 11:08 AM
To: Ennis, David, EMNRD
Subject: "GRIP is NOT my voice!"

"GRIP DOES NOT SPEAK FOR ME!"

Ennis, David, EMNRD

From: Susan Bryant <mr.mrs.bryant@gmail.com>
Sent: Wednesday, August 7, 2019 10:23 AM
To: Ennis, David, EMNRD
Subject: Not for G.R.I.P.

As 38 year residents of Grant County, NM G.R.I.P. does not represent our views.

We support Freeport-McMoRan copper mines, and we believe they have been following the laws, doing good works, and providing good jobs for our local economy. We believe that it is G.R.I.P.S. intention to unnecessarily financially hamstring our mines and prematurely put them out of business.

Sincerely, Susan and Doug Bryant 4824 highway 15 pinos Altos New Mexico 88053

Ennis, David, EMNRD

From: Nancy Pidutti <npidutti@gmail.com>
Sent: Wednesday, August 7, 2019 10:15 AM
To: Ennis, David, EMNRD
Subject: Protest

Please register my protest against the outside interference from GRIP.

GRIP does NOT speak for me!!! They certainly are NOT my voice.

Joe Pidutti

Ennis, David, EMNRD

From: Nancy Pidutti <npidutti@gmail.com>
Sent: Wednesday, August 7, 2019 10:14 AM
To: Ennis, David, EMNRD
Subject: Concern

Please register my protest against the outside interference from GRIP.

GRIP does NOT speak for me!!!

Nancy Pidutti

Ennis, David, EMNRD

From: Bob Baker <mnat@q.com>
Sent: Wednesday, August 7, 2019 6:56 AM
To: Ennis, David, EMNRD
Subject: Silver City

Please realize that GRIP doesn't represent all of Grant County, as their voice is not for the good of all
..

We, Rosalie & I don't agree with their direction, nor approve of such.

Thanks, Rosalie & Robert Baker
575-590-2859

Ennis, David, EMNRD

From: Danny Klement <wy5g@zianet.com>
Sent: Wednesday, August 7, 2019 6:14 AM
To: Ennis, David, EMNRD
Subject: GRIP

Grip is not my voice!
Or
Grip does not speak for me!

Daniel Klement

Ennis, David, EMNRD

From: Kathy Davis <rodeogypsie76@gmail.com>
Sent: Tuesday, August 6, 2019 9:36 PM
To: Ennis, David, EMNRD
Subject: Grip

“ GRIP is NOT my voice!”
And “GRIPs words are NOT my words!”

Sent from my iPhone

Ennis, David, EMNRD

From: Jan McClain <wskbe3162@gmail.com>
Sent: Tuesday, August 6, 2019 9:03 PM
To: Ennis, David, EMNRD
Subject: VOICE

"GRIP is NOT my voice" and never will be I speak up on what I believe and stand behind it.

" GRIP does NOT speak for me " I speak for myself.

Ennis, David, EMNRD

From: canuto06@netzero.net
Sent: Tuesday, August 6, 2019 8:38 PM
To: Ennis, David, EMNRD
Subject: Grip is not my voice

Mr. Ennis,

I am a proud citizen of Grant County and the United States. The group known as GRIP does not speak for me and I have no interest in their agenda!

Thank you,
Kenneth C Herrera

This Is The Hottest New Trend For Looking Your Summer Best LifeBluHealth
<http://thirdpartyoffers.netzero.net/TGL3231/5d4a39e962b2539e93d89st03vuc>

Ennis, David, EMNRD

From: Wayne Ebaugh <wdmimbres@icloud.com>
Sent: Thursday, August 8, 2019 8:11 AM
To: Ennis, David, EMNRD
Subject: GRIP

GRIP DOES NOT STAND FOR ME! HURRAY FOR THE MINES,NATURAL GAS, AND OIL.

Sent
from my iPhone

Ennis, David, EMNRD

From: Cyndi Donovan <cynibun@outlook.com>
Sent: Wednesday, August 7, 2019 11:09 PM
To: Ennis, David, EMNRD
Subject: New Mexico mine closure plans

To Whom It May Concern;

We are lifetime residents of Grant County and would like add our public comment to the "NM Mine Closures Plans". Recently we attended the local meeting held here in Grant County concerning the mining closure plans that are required by law. We felt that FreePort Mc MoRan has produced a solid, very safe and financially secure closure plans for the mines located in our county. We would like to state that GRIP does NOT represent our views in any way. They claim to be a "watchdog" group "just trying to protect our environment", however we feel that their ultimate goal, regardless of their sugar-coated verbiage is to completely end mining in Grant County period. Their scare tactics do not work with us and thousands of others in this area and we do not understand even why they get a voice or vote at the table. Freeport is clearly operating within the policies, guidelines, rules and regulations already in place and we are satisfied a residents that we have no environment or economical concerns about the mine closing processes already in place.

Please do not allow GRIP to speak for us or thousands of others in our county.

Thank you for your attention to this matter.

Thank you,

James & Cyndi Donovan
108 Peterson Dr
Silver City, NM 88061
Cynibun@outlook.com 575-313-3389

Get [Outlook for Android](#)

Ennis, David, EMNRD

From: Martinez, Fernando, EMNRD
Sent: Friday, August 2, 2019 4:29 PM
To: Shepherd, Holland, EMNRD; Ennis, David, EMNRD
Cc: Ohori, David, EMNRD
Subject: FW: Chino Mine Closure Plan

From: Peter Wyman <pwnm99@gmail.com>
Sent: Friday, August 2, 2019 2:12 PM
To: Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>
Subject: Chino Mine Closure Plan

I live in Tyrone, Grant County, NM.

I want to state explicitly that GRIP IS NOT MY VOICE. Freeport McMoran has been a responsible neighbor since they took over the mine from Phelps Dodge years ago.

When the Grant County Commissioners held a meeting in February to hear the voices of Grant County residents, the meeting had to be moved to a larger facility to accommodate over 700 attendees, and 300+ people were still turned away. Dozens of people spoke AGAINST the Mine Bills. Only GRIP's Alysson Siwik and FOUR others supported the Bills.

WHY is GRIP given a disproportionate voice in mining matters, especially when they DO NOT represent the vast majority of Grant County residents?

The Mine Bills did NOT pass. Why would the State consider GRIP's recommendations that are more reflective of requirements in those Bills that DID NOT BECOME LAW?

You more than anyone else realize that GRIP's strategy of appealing EVERY SINGLE permit request and permit approval is their strategy of "throwing EVERYTHING against the wall so they can see what sticks" in an attempt to effect delays and cost the mine money.

STOP BENDING to GRIP's every desire and do the job you are charged with doing: Enforcing CURRENT LAWS, not the wishlist of an extreme group who claims to simply want "Clean Water, Clean Air" (as we ALL do) but in reality is a group who will not be happy until all mining in New Mexico is shut down.

I have zero relationship with FMC other than being appreciative of their positive impact on Grant County.

Peter Wyman

Ennis, David, EMNRD

From: Martinez, Fernando, EMNRD
Sent: Monday, August 5, 2019 5:15 PM
To: Shepherd, Holland, EMNRD; Ennis, David, EMNRD
Cc: Ohori, David, EMNRD
Subject: FW: Chino Mine closure plan

From: carolina <coyotecreative@gmail.com>
Sent: Sunday, August 4, 2019 5:58 PM
To: Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>
Subject: Chino Mine closure plan

Dear Mr. Martinez,

Thank you for accepting input on the Chino Mine Closure/Closeout Plan.

The current plan is more than a decade out of date. Therefore, I support the proposed update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation.

I am asking that the Mining and Minerals Division requires adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.

As our region experiences the effects of a changing climate, future reclamation plans must incorporate the latest data on extreme weather events and industry best practice design standards in order to protect public safety.

Finally, I urge that the Mining and Minerals Division not approve a parent company or subsidiary company of Freeport-McMoRan as acceptable financial assurance for the Chino Mine Closure/Closeout Plan. *The U.S. Forest Service and the Bureau of Land Management prohibit these risky forms of financial assurance.* Please follow responsible mining best practice and approve cash or cash equivalents only in Chino's financial assurance package.

Thank you for considering my comments.

Caroline Metzler
Silver City, NM

"Ultimately, the only wealth that can sustain any community, economy or nation is derived from the photosynthetic process – green plants growing on regenerating soil." — Allan Savory

Ennis, David, EMNRD

From: Martinez, Fernando, EMNRD
Sent: Thursday, August 8, 2019 3:06 PM
To: Shepherd, Holland, EMNRD; Ennis, David, EMNRD
Cc: Otori, David, EMNRD
Subject: FW: CHINO MINE CLOSURE/CLOSEOUT PLAN

-----Original Message-----

From: Sharon Bookwalter <sharon.bookwalter@gmail.com>
Sent: Saturday, August 3, 2019 8:19 AM
To: Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>
Subject: CHINO MINE CLOSURE/CLOSEOUT PLAN

Fernando Martinez,

My family and I moved to Grant County in 1982, and we have seen many changes in the mine and the community since. During this time we have been increasingly aware of the constant battle the mining industry has waged against anyone who questions their concern for the environment and well-being of local residents. We have seen how those cast as "environmentalists" have also been cast as "anti-mining." We have also been aware of what toxic and degraded environmental conditions ours and other communities, both in New Mexico and in other states, have been left to live with as a result of poorly regulated mining practice and failure to comply with what regulations there are. At no time, but especially after closure, do we want the people of Grant County or the State of New Mexico to have to bear both the environmental and economic burdens of attempting to undo the damage done to the land, air, and water by mining.

Freeport-McMoran should have to provide cash or cash equivalent in its financial assurance in its closure and closeout plan. Using Freeport's parent company as assurance does not provide our community nor our state with the financial security it requires in the event of closure and closeout.

Thank you.

Sincerely,
Sharon Bookwalter
1213 W. 6th St.
Silver City, NM 88061
575.388.5944

Technical Review Comments
Chino Mine Closure/Closeout Plan
New Mexico Mining and Minerals Division
Public Hearing
Silver City, NM July 24, 2019

James R. Kuipers P.E., Kuipers & Associates
On behalf of
Gila Resources Information Project (GRIP)

Overview

- Presenter background
- 1993 Mining Act
- History of Chino Mine CCP
- Objectives of GRIP Technical Involvement
- Recommendations on current CCP and FA
- Recommendations on updating CCP and FA

Presenter background

- Miner, Mineral Process Engineer, 15 years as professional in industry.
- 23 years independent consultant, primary clients NGOs, Tribes and First Nations, Government.
- Expertise includes Tailings Storage Facilities, Reclamation and Closure, Water Management and Treatment, Financial Assurance.
- Involvement in New Mexico since 1998.

1993 New Mexico Mining Act

As per MMD:

The purposes of the Mining Act of 1993 include “promoting responsible utilization and reclamation of lands affected by exploration, mining or the extraction of minerals that are vital to the welfare of New Mexico.” The act establishes requirements for a broad range of “hard rock” mines to obtain permits, meet certain standards, develop an approved reclamation plan, and post financial assurance to support the reclamation plan.

Definition of Financial Assurance

- Financial assurance is the basic concept that a company or corporation affecting public lands or resources (e.g. hardrock mining) must provide funding to ensure mitigation or remediation of any adverse impacts from those activities.
 - Used in the event of bankruptcy or foreclosure and as an enforcement tool.
 - Financial assurance funding amount is typically based on cost estimates for planned/permitted reclamation and closure activities.
 - In some cases it may also include agreed upon mitigation activities for unintended MIW impacts.
 - It does not include catastrophic or unplanned events that are not predicted or assumed to occur.

Financial Assurance Cost Estimation

- Cost estimation is the process of assessing the amount of funds required to perform the necessary tasks for mine reclamation and closure.
- Considerations
 - Adequacy of site specific characterization
 - Current mine reclamation and closure plan
 - Project schedule or timeframe, including “worst case cost assumptions”
- During bankruptcy existing facilities and equipment may be considered property of the corporation and could be subject to liens by secured creditors, or considered an asset to be liquidated
 - estimate must include replacement of all equipment or any other assets
- Cost estimating uncertainty results from
 - Accuracy of available information
 - Inaccuracies inherent to the cost estimating process

History of Chino Mine CCP and Financial Assurance

- 1993 – NM Mining Act
- 1998 – CCP first submitted
- 2003 – Initial CCP and FA established
 - GRIP raised water treatment/discharge issue
- 2008 – Updated CCP and FA
 - 2008 – GRIP settlement including plan and FA revisions
- 2013 – Updated CCP and FA not performed
 - Reason – Departure from a standard process
- Feb 2018 – Updated CCP submitted to MMD
 - GRIP involvement in CCP review and FA estimation
- Mar 2019 – Updated FA submitted to MMD
- Jul 2019 – MMD Public Hearing

Objectives of GRIP Technical Involvement

- Review Water Management and Treatment designs and financial assurance estimate as per settlement.
- Provide technical expertise on financial assurance methods for direct and indirect cost estimation.
- Expedite establishment of a current CCP and financial assurance and return to performing regular updates at least every five years.
- Identify areas that need to be addressed in policy, regulation or practice to ensure future CCP and financial assurance are kept current and reflect best practice.

Recommendations on current CCP and FA

- The current CCP provides the required level of information for the agencies and the public to be able to acknowledge that Chino Mines has provided a viable plan and corresponding cost estimate for closure.
- The direct cost estimates are based on standard and accepted professional engineering methods, and the costs used are those that would be incurred by the MMD subcontracting to a third party.
- The indirect cost estimates are based on a method that uses a percentage of direct costs, and the method and values used are consistent with that of the BLM and most states.

Recommendations on current CCP and FA

- Comment #1 – Long-Term Costs

- Proposed method reduces some monitoring, maintenance and operating costs over the 100-year estimate period.
 - No actual basis for reducing costs
 - Method not consistent with that used in other estimates for long-term costs
 - Actual reductions are hypothetical – may or may not actually occur, or occur sooner or later
- Recommendation: Ongoing costs should not be reduced in long-term costs estimates. When reduction in costs is proven or accepted, proponent can submit new estimate and reduce FA at that time.

Recommendations on updating CCP and FA

- Timing of current and next submittal
- Proposed use of water discharge
- Stormwater design standards
- Duration and Net Present Value of financial assurance estimate
- Form of financial assurance

Timing of current and next submittal

- The 2018 CCP update represents the mine plan during years 2014-2019.
- The intent is for the updates to represent the upcoming five years, thus the 2018 update should have been based on a new forward looking mine plan for 2018-2023.
- Recommendation is to require revised CCP and cost estimate in 2020 based on updated 2020-2024 mine plan.

Proposed Use of Water Discharge

- Water to be treated and discharged is valued commodity and options need to be considered with regard to disposition.
- Quantity will vary over time but approximately 1,000 gpm (525 M gpy)
- Options include:
 - Aquifer recharge
 - Municipal use
 - Agricultural use
 - Other beneficial use

Stream and Stormwater Diversion Standards

Section 19.10.6.603.C(5) NMAC (Stream Diversions) requires that “When streams are to be diverted, the stream channel diversion shall be designed, constructed, and removed in accordance with the following: (a) unless site-specific characteristics require different measures to meet the performance standard and are included in the approved permit, the combination of channel, bank and flood plain configurations shall be adequate to safely pass the peak run-off of a 10-year, 24-hour precipitation event for temporary diversions, a 100-year, 24-hour precipitation event for permanent diversions.”

Stream and Stormwater Diversion Standards

- Anthropogenic climate change has resulted in previous storm event estimates used in operation and closure designs to be highly inadequate.
- In New Mexico, storms exceeding the predicted 100-year storm event criteria have recently occurred on a common basis.
- Some states, such Montana, have recognized the importance of addressing climate change. The DOWL (2016) Montana Dam Safety Program, Montana Department of Natural Resources and Conservation, Extreme Storm Working Group Summary Report is one example.

Duration and Net Present Value of financial assurance estimate

Duration/Term

- The CCP uses a concept of 100 years for planning and financial assurance purposes.
- Actual requirements are predicted to continue for an indefinite period beyond 100 years.
- Recommendation: BLM has recently used 500-yr long-term estimates for financial assurance purposes to represent indefinite costs and to establish what is essentially a perpetual trust fund.

Duration and Net Present Value of financial assurance estimate

Net Present Value

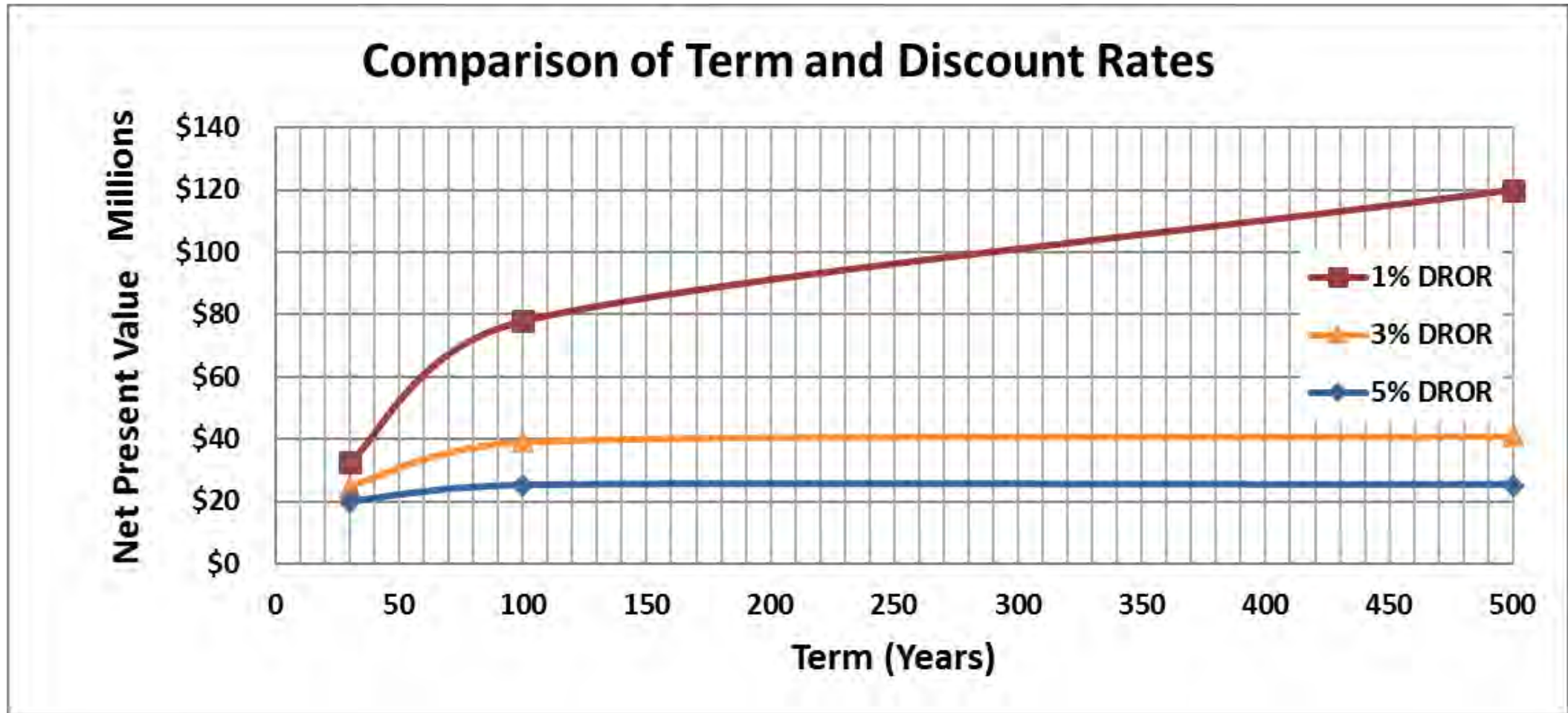
- Interest, inflation and discount rates are used to predict the future cost of a project in current dollars by determining a net present value
 - Predict future rates of inflation affecting costs
 - Predict future rates of interest on invested financial assurance funds deposited
 - Predict overall (e.g. discount rate)

Discount rate = Interest Rate – Inflation Rate

- Interest and inflation rates are difficult to predict and even the best sources have been known to fail

Therefore, best to take a conservative approach!

Term and Discount Rate impact on financial assurance estimate



Form of Financial Assurance

Financial Assurance Instruments

1. Cash or Equivalent Forms
 - Irrevocable Letters of Credit
 - Certificates of Deposit
 - Savings Accounts
 - Government Bonds
 - Trust Funds
 - Deeds for Property
2. Surety Bonds and Insurance
3. Collateral (Property)
4. Self Guarantees

Forms of Acceptable Financial Assurance for State and Federal Agencies

Financial Assurance Form	US BLM	US EPA	US FS	Alaska	Arizona	California	Colorado	Idaho	Montana	Nevada	New Mexico	Oregon	South Dakota	Utah	Washington	Wyoming
Forms of Cash	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Surety Bonds	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Self Guarantees		✓			✓		✓			✓	✓			✓		✓
Discretionary						✓	✓		✓							
Other				✓						✓	✓					

Form of Financial Assurance

Recommendations:

- Ensure funds for long-term costs are in cash form convertible to a trust fund.
- Phase out corporate guarantees and collateral guarantees over time.

August 7, 2019

Fernando Martinez, Director
Mining and Minerals Division
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Mr. Fernandez:

I am a property-owning, voting citizen of Grant County.

Thank you for the opportunity to weigh in on the Chino Closure/Closeout Plan. I was not able to deliver these public comments at the July 24 hearing because I had to leave before my name was called.

There are many and articulate persons who have spoken and written specifically about the Closure/Closeout Plan process.

I would like to digress briefly and enter the record for myself and on behalf of the Gila Resources Information Project - GRIP - to correct a lie that has been spread about GRIP. GRIP has been said to be anti-mining. That is not true. There are those who say we want to shut down mining. That is not true. It is a lie to say that GRIP is anti-mining.

Almost 30 years ago I came to Grant County to make my home. I knew mining had long been, a large part of the economy. I am not anti-mining. I am a 21st century person who lives in a cooled home, drives a reasonable car, and enjoys nice things. I certainly consume, or use products and things that contain, copper and molybdenum both of which Freeport-McMoRan mines here. And there are other mined substances in my comfortable 21st century life that can't be manufactured or farmed. They must be mined.

So when I was asked to help form GRIP more than 20 years ago, and when I recently returned to the board, it was and is in part because I believe in responsible mining: responsible mining defined as extraction which does not hurt the people doing it or harm the people living around it and which takes responsibility for reclamation. Responsible mining and reclamation leave the water resources and mined-out lands in good shape for post-mine use and further jobs are provided through the reclamation process.

The mining industry in Grant Co. has not always practiced responsible mining. If it had, the Administrative Order on Consent (AOC) would not have needed to be put in place in the 1990s in order to prevent the Chino mine site areas from being designated a Super Fund Cleanup Site. The AOC issue is, of course, different from

this CCP process. But the fact that GRIP has worked for these 20 years with the mining industry to get the responsible thing done is the same issue in both cases.

As a part of the cleanup process that had begun to be negotiated at the time of the signing of the AOC, a Community Work Group - the CWG - was formed of paid company employees, State and Federal staff and volunteer community members. They were to help oversee the AOC cleanup process. Early projections were that the process could take 6 years or more. GRIP was also formed at this time. I am still on the CWG more than 20 years later as are two other members of the original 20 volunteers. The cleanup activities continue. The discussions continue.

Which brings us to this CCP hearing. In 2008, Phelps Dodge negotiated an agreement as to what they would be financially responsible for in the future for certain mining lands cleanup, along with other issues. It was agreed that this was to be looked at and reevaluated every 5 years. It is now 11 years later. We are negotiating, no longer with PD, but with Freeport- McMoRan, calling for certain revisions and for strict future compliance with the 5-year review requirement.

The truth is that GRIP will continue to work with the mining industry to champion responsible mining. GRIP and many, many other members of the Grant County community want to see best mining practices for responsible mining followed here, and elsewhere.

Thank you.

CarolBeth Elliott
Silver City, NM



August 7, 2019

Fernando Martinez, Director
Mining and Minerals Division
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

Via e-mail: fernando.martinez@state.nm.us

RE: Chino Mine Closure/Closeout Plan (2018) Permit No. GR009RE and DP-1340

Dear Mr. Martinez:

The Gila Resources Information Project (GRIP) submits the following additional public comments on the Chino Mine Closure/Closeout Plan (CCP) under Mining Act permit GR009RE. These comments are submitted to you after the public hearing held on July 24, 2019 and before the close of the public comment period today.

Please find attached electronic files of testimony from GRIP's Executive Director and GRIP consultant Jim Kuipers of Kuipers and Associates. Also attached is an Excel spreadsheet of additional comments from GRIP members, many of whom attended the public hearing but did not make public comment.

Because it's more than a decade out of date, we support the update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation.

However, we have one additional comment that emerged from recent discussions during the Reclamation Cost Estimation workgroup and Mr. Kuipers' subsequent review. The proposed cost estimation method reduces some monitoring, maintenance and operating costs over the 100-year estimate period. But there is no actual basis for reducing costs, and the method used is not consistent with those used in other estimates for long-term costs. Therefore the actual reductions in costs are

305A North Cooper St. Silver City, NM 88061
575.538.8078 • www.gilaresources.info • grip@gilaresources.info

hypothetical as they may or may not occur, or occur sooner or much later. GRIP's recommendation is that ongoing costs should not be reduced in long-term cost estimates. When reduction in costs is proven or accepted, Chino can submit a new cost estimate and reduce financial assurance at that time.

Although we support completion of the update on the current Chino CCP and associated permitting by the end of 2019, there are areas for improvement that we hope MMD can support moving forward toward the next iteration of the Chino Closure/Closeout Plan. A complete list of these improvements as well as other comments were outlined in our May 3, 2019 letter to MMD, but we would like to emphasize the following two points:

- We encourage the Mining and Minerals Division to require adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.
- As our region experiences the effects of a changing climate, future reclamation plans must incorporate the latest data on extreme weather events occurring at the Chino Mine, as well as industry best practice design standards protective of public safety.

We recommend that MMD review the report released on August 1, 2019 by the American Geophysical Union that concluded:

“Extreme weather events are on the rise, but U.S. water management systems use outdated design guidelines. New research, published in the AGU journal *Geophysical Research Letters*, analyzed data from multiple regions throughout the U.S. and found the rising number of extreme storms combined with outdated building criteria could overwhelm hydrologic structures like stormwater systems..... Though trends in rainfall extremes have not yet translated into observable increases in flood risks, these results nonetheless point to the need for prompt updating of hydrologic design standards, taking into consideration recent changes in extreme rainfall properties.”ⁱ

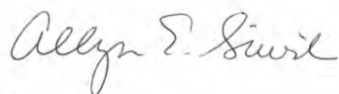
It is important that the next iteration of the CCP include frequency data on extreme precipitation events and provide an evaluation of the reliability of infrastructure designs using alternative and more conservative design standards.

Finally, we strongly recommend that the Mining and Minerals Division not approve a parent company or a Freeport-McMoRan subsidiary company as acceptable financial assurance for the Chino Mine Closure/Closeout Plan. As you know, the U.S. Forest Service and the Bureau of Land Management prohibit these risky forms of financial assurance. We have a moral obligation to protect current and future generations from environmental health and financial risks if Freeport goes out of business and is unable to cover its liabilities under a Third Party Guarantee. Please follow responsible

mining best practice and approve cash or cash equivalents only in Chino's financial assurance package.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script that reads "Allyson Siwik". The signature is written in dark ink on a light-colored background.

Allyson Siwik
Executive Director

Cc: Jim Kuipers, Kuipers and Associates
Holland Shepherd, EMNRD/MMD
Kurt Vollbrecht, NMED/MECS

ⁱ <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2019GL083235>

Director - Mining and Minerals Division
NM Energy, Minerals and Natural Resources Dept.
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Director,

Please accept this as my written comment regarding the Chino Mines Updated Closure/Closeout Plan. I am Gerald Billings Jr., Grant County Commissioner District 1

On February 21, 2019, at the regular meeting of the Grant County Commission, the Commission heard more than 4 hours of public comment, mostly related to mining in Grant County. The meeting lasted almost 7 hours and was attended by 650 to 700 persons, with hundreds more not able to get in because of fire code restrictions. The public comment on mining was given almost entirely by informed individuals with knowledge about mining and attesting to the excellent environmental stewardship and compliance of Freeport MacMoRan at the mines in Grant County. Some of the testimony was technical, given by Freeport engineers and other employees. It is the technical testimony that was largely missing at the Mining and Minerals Division hearing in Silver City on July 24th.

During the Feb. 21st meeting, the Grant County Commission passed a resolution which was highly supportive of the laws, rules and regulations currently in place. I urge Mining and Minerals to also work within the laws, rules and regulations currently in place and to approve the permit as submitted if it complies with the law. The Grant County Commission is and will remain supportive of Freeport's excellent record on following laws, rules and regulations. Please consider that the Commission is elected by the people to represent the public interest - not GRIP.

At the February meeting, the GRIP executive director portrayed GRIP as a watchdog group for Grant County, but that comment was met with a huge audible public outcry of disbelief. When asked where GRIP Funding comes from, the director did not answer. Please understand that GRIP is a special interest group with a mindset not favorable to mining. They are largely funded from outside Grant County and outside New Mexico. They have consistently taken actions against mining. They have never supported the mines or mine jobs and anything they say to that end is now suspect. They have a seat at the table only because they have threatened and litigated their way to have a voice. They do not represent Grant County!

GRIP has stated verbally that they support this permit being approved as is, but called for the hearing and presented additional, unreasonable requests. The people of Grant County largely support the rules in place, including the Copper Rule (which GRIP had a say in and which rule adopted many of their comments) and the Mining Act Regulations which govern the establishment of financial assurance among other things.

Freeport met (at length) with GRIP extensively over the Closure/Closeout Plan, but GRIP will never be satisfied. GRIP wants regulations to be more stringent. They don't take into consideration the balance between the benefits of mining and the need for regulations, they operate simply from the side of more and more regulation. I ask that the Division consider a balanced approach. Please consider mine jobs, the economic impact of mining in the state, and the world-wide need for copper.

It is apparent that GRIP's purpose in requesting the hearing was to try to get public and legislator support for their legislative agenda - which agenda will continue to be anti-mining as hard as they can drive it under this legislature. We ask the Division to support a balanced approach so that the mines can remain open. Freeport is cleaning up messes made decades ago by former mining companies when laws were not as stringent. Freeport's ability to remain open will ensure more cleanup and greater environmental stewardship in the near and distant future.

GRIP's request to make public the proposed use of treated wastewater at mine closure and how it will be discharged is unreasonable as the Mining Act does not require this, and it is difficult to predict 30 or more years in the future how Chino will utilize or dispose of mine water that has been treated to meet NM drinking water standards. Despite the fact that GRIP calls it "waste water", this is water that we can drink if we want to. This water could easily be utilized for other beneficial uses or it could be discharged into the aquifer through Whitewater Creek without concern. Ironically, GRIP never questions the Town of Silver City on how they discharge or utilize water they treat that does not meet drinking water standards, but suddenly it is important because now we are talking about the mining industry. It is my understanding that this question has been addressed in the CCP. Freeport included costs to discharge the water into Whitewater Creek purely as a placeholder for now. The New Mexico Environment Department asked about this in a meeting in Santa Fe last year, Freeport has addressed it and NMEC has not indicated that a flaw exists in the CCP.

GRIP requested that climate change be taken into account for design of water conveyances and channels and has – “in order to protect public safety” encouraged Freeport to use more conservative design criteria, but Chino relies on site specific (and regional) reliable climate data stations to estimate rainfall patterns used in engineering calculations for its facilities (not Silver City Daily Press Articles). If climate change affects the intensity of rainfall, it will be captured by measurements utilized to estimate the 100 year storm event used in developing closure plans. Reliable weather stations in the region, do reflect a drying trend indicative of less rainfall, not more. Please be aware that climate alarmists predict both results in NM - drying and more intense storms or flooding - but this is generally based on modelling not actual long term measurements. Please don't trust the IPCC (international panel on climate change) because they have been caught manipulating their data and how they present it to fit their bias.

GRIP stated that the BLM utilizes 500 years to represent perpetual water treatment, but I can't find that there is any published guidance from BLM on this matter and inquiries to BLM cannot confirm any position by BLM on a 500 year recommendation. Chino is following state regulations which require 100 years of water treatment which exceeds requirements of many other states and industries.

The 100 year storm criteria is a conservative criteria and meets or exceeds standards for other industries and public works that have even more impact on public safety than the mine closure plan. For example, the New Mexico solid waste regulations require that closure of landfills be designed utilizing only a 25 year storm criteria. It is arbitrary, but typical, that organizations like GRIP demand more from the mining industry than we are willing to accept from the Highway Department and municipalities - though the risks be even greater to public safety from for example: a trash dump. Public policy makers rightfully balance risk and cost when selecting design criteria that affect the tax dollars. The 100 year storm criteria is a high standard, used nationwide for similar requirements. There are components of Chino's CCP on storm-water criteria for critical aspects of tailing dam closure that far exceed the 100 year storm capacity where it is warranted. GRIP has been told of this numerous times yet continues to claim that Chino is not doing enough to consider public safety.

GRIP's comments imply that Chino is delinquent on complying with the timeliness of its permit submittals and renewal of financial assurance. It is true that the current financial assurance was approved in 2003; however, it is my understanding that Chino submitted its renewal applications on time and these have not been acted on by state agencies partly due to the litigations and other actions and delays caused, threatened or encouraged by GRIP. GRIP should acknowledge their own role in delaying the renewal process, for example, State agencies did not act on Chino's prior submittals because of litigation by GRIP on the Copper Rule. GRIP has a responsibility in the delay that they don't acknowledge. Furthermore, Chino's permits require a 5 year review of which Chino has submitted as required that demonstrated that the financial assurance they have filed continues to meet State requirements even though the new CCPs had not been acted on. Chino is not in violation of its permits. With the request for the July hearing, GRIP has further delayed the renewal and update of financial assurance.

Finally, GRIP wants to prohibit Parent Company Guarantees or 3rd Party Guarantees but Chino mines provided justifications on this matter at the February county commission meeting. Apparently GRIP believes that an IOU from an insurance company is better for some reason - maybe because Chino will have to pay for it, but there has never been a default of a third party guarantee by a mining company in New Mexico. Chino currently has financial assurance in several forms including land, a cash trust that continues to grow and the third party guarantee as allowed by New Mexico law. Eliminating the use of third party guarantees was considered by the 2019 New Mexico Legislature, but thanks to overwhelming community opposition, the legislation was not successful.

Please approve Chino's plan as presented.

Thank You,

Gerald W. Billings Jr.
Grant County Commission, District 1

Ennis, David, EMNRD

From: Martinez, Fernando, EMNRD
Sent: Wednesday, August 7, 2019 3:11 PM
To: Shepherd, Holland, EMNRD; Ennis, David, EMNRD
Cc: Oori, David, EMNRD
Subject: FW: Fernando Martinez, Director of Mining and Minerals Division, Support Clean Water & Healthy Communities: Approve a Strong Chino Reclamation Plan
Attachments: support-clean-water-healthy-communities-approve-a-strong-chino-reclamation-plan-2_signatures_201908070717.pdf

From: Allyson Siwik via ActionNetwork.org <info@sg.actionnetwork.org>
Sent: Wednesday, August 7, 2019 1:17 PM
To: Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>
Subject: Fernando Martinez, Director of Mining and Minerals Division, Support Clean Water & Healthy Communities: Approve a Strong Chino Reclamation Plan

Fernando Martinez, Director of Mining and Minerals Division,

36 people have signed a petition on Action Network telling you to Support Clean Water & Healthy Communities: Approve a Strong Chino Reclamation Plan.

Here is the petition they signed:

Thank you for the opportunity to provide my input on the Chino Mine Closure/Closeout Plan.

Because it's more than a decade out of date, I support the update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation.

I encourage the Mining and Minerals Division to require adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.

As our region experiences the effects of a changing climate, future reclamation plans must incorporate the latest data on extreme weather events and industry best practice design standards in order to protect public safety.

Finally, we strongly recommend that the Mining and Minerals Division not approve a parent company or subsidiary company of Freeport-McMoRan as acceptable financial assurance for the Chino Mine Closure/Closeout Plan. The U.S. Forest Service and the Bureau of Land Management prohibit these risky forms of financial assurance. Please follow responsible mining best practice and approve cash or cash equivalents only in Chino's financial assurance package.

Thank you for consideration of my comments.

You can view each petition signer and the comments they left you in the attached PDF.

Thank you,

Allyson Siwik



Sent via Action Network, a free online toolset anyone can use to organize. [Click here to sign up](#) and get started building an email list and creating online actions today.

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First name	Last name	City	State	State Abbreviated	Zip code	Country	Comments
Allyson	Siwik	Silver City	New Mexico	NM	88061	US	The grass roots efforts of organizations like GRIP to preserve our environment are in the best traditions of American democracy. The collaborative negotiation between Chino Mines and GRIP are a wonderful statement about how mining and environmental protection can both be accomplished. I do hope that the MMD can support these important local efforts statewide.
John	Stocke	Hanover	New Mexico	NM	88041	US	
Patricia	Burch-Vaughn	Silver City	New Mexico	NM	88061	US	I support the update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation. Further, I encourage the Mining and Minerals Division to require adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.
Janiece	Jonsin	Santa Fe	New Mexico	NM	87501	US	
Pat	Wolph	Silver City	New Mexico	NM	88061	US	The mines make millions of dollars and they need to be responsible about the clean up.
Jon	Harned	Hanover	New Mexico	NM	88049	US	I support mining as it is a service to people. Leaving a huge toxic mess is a disservice that will outlast any services rendered. We are responsible for the health of our grandchildren!
Lorna	Ruebelmann	Silver City	New Mexico	NM	88061	US	The quality and quantity of our ground water depends on regulations and policies that protect our people and our wildlife, the very essence of our community.
Rebecca	Summwe	SILVER CITY	New Mexico	NM	88061	US	My family and friends all support clean water and healthy communities. We ask that you approve a STRONG Chino Reclamation Plan. Please review my comments sent to you yesterday.
denise	evans	Hanover	New Mexico	NM	88049	US	Thank you Director Martinez
Thomas	Hester	Silver City	New Mexico	NM	88061	US	In these times of corporations responsible only to distant investors, we must require unbreakable guarantees of reclamation when mining ceases.
Melissa	Amarello	Silver City	New Mexico	NM	88061	US	Chino mine needs to comply with reasonable assurance that Chino mine will have the funds available the cleanup this site when the mine closes
Marty	Eberhardt	Silver City	New Mexico	NM	88061	US	
Robert	Southworth	Mount Royal	New Jersey	NJ	(8061	US	
Catherine	Swain	Silver city	New Mexico	NM	88062	US	

Kate	Brown	San Lorenzo	New Mexico	NM	88041	US	Those of us who live in Grant county New Mexico deserve to be guaranteed that industry best practices will be utilized in designing a closeout plan: 1) that the plan is updated every 5 years 2) that future plan reflect the latest data on extreme weather events 3) that Freeport provide cash or cash equivalents in its financial assurance package for the Chino Mine. Thank you for the opportunity to provide comments.
Sandra and G	Griffin	Silver City	New Mexico	NM	88061	US	We feel strongly that Freeport will file for bankruptcy and not clean-up their toxically polluted 8,000 acres of mine tailings. No third-party guarantee, but actual cash.
Esther	Jamison	Arenas Valley	New Mexico	NM	88022	US	
Susan	Selbin	Albuquerque	New Mexico	NM	87104	US	
H.	Shoup	Silver City	New Mexico	NM	88061	US	Best Practices for Mining! And Best Practices if/when they close down! And not just for the company!
Ronald	Shoup	Silver City	New Mexico	NM	88061	US	
Carol	Sassaman	Hanover	New Mexico	NM	88041	US	
Linda	Pafford	San Lorenzo	New Mexico	NM	88041	US	I am pleased that the parties were able to agree on the needs for protective planning. However, I am concerned that Freeport-McMoRan is balking at adding the funding to ensure those protections are put in place when the time comes. We live in an era of changing ownerships and Hedge Fund bankruptcies so it seems imprudent to rely so heavily on their "3rd Party Assurances." We have already seen examples of Superfund cleanups where there was no longer anyone to hold accountable. It is a small thing to ask that they fund a few Bonds and put in place a means to keep their small "cash account" growing. Assuming there will continue to be 5 year Reviews (which is evidently not a certainty), many of these protections can be gradually strengthened, but it would be a bad precedent to start with no financial backbone.
Janie	Valerio	Santa Clara	New Mexico	NM	88026	US	
Rebecca	Summwe	SILVER CITY	New Mexico	NM	88061	US	Please remember that a parent company IOU is worthless. Please follow practices of US BLM and FS
Leigh	Jenkins	Silver City	New Mexico	NM	88061	US	
Caroline	Metzler	Silver City	New Mexico	NM	88061	US	We must have an updated plan that protects our water and environment, period.
Donna	Stevens	Silver City	New Mexico	NM	88062	US	
Marcia	Stout	Silver City	New Mexico	NM	88061	US	
Catherine	Swain	Silver city	New Mexico	NM	88062	US	

Jane	Foraker-Thon	Silver City	New Mexico	NM	88061	US	<p>Too often in our society we allow corporations to go for the quick gain with no thought to long-term repercussions. Because of this we have fouled our water, land, air and are killing off species at a rapid rate. We need to stop that and plan for the long term outcomes of every large project like the China mine closure obligations. The terms should include guaranteed money for the reclamation and the reclamation should be real, sincere and effective. We need to protect current population that lives in the area as well as all future generations. The final reclamation plan should have enough money and it should be guaranteed. The plan itself should be realistic and effective. No cheap buy-outs.</p>
Shirley	Pevarnik	Silver City	New Mexico	NM	88061	US	<p>I am glad there is a conversation happening between the mine and the community. However, it is important that this new plan be backed by real finances not a promise. The mining companies are notorious for not cleaning up and leaving communities responsible for clean up. We need real assurances for our land, water, air, and health of our community.</p>
Kristina	Fisher	Santa Fe	New Mexico	NM	87501	US	<p>These permits MUST be renewed in a timely manner and be kept up to date.</p> <p>Your hearings here in Grant County are imperative for keeping the public informed of Freeport's plans and activities.</p>
Sally	Smith	San Lorenzo,	New Mexico	NM	88041	US	
Kim	McCreery	Silver City	New Mexico	NM	88061	US	<p>As a Grant County resident, it is imperative that the plan is regularly updated and includes clean up and reclamation plans that help safeguard our drinking water, particularly since surrounding mines no longer have to abide by the Water Quality Act.</p>
Kim	McCreery	Silver City	New Mexico	NM	88061	US	<p>Regularly updating the reclamation plan to incorporate best design standards is more critical than ever given that surrounding mines do not have to adhere to the Water Quality Act and climate change is upon us. Current and future residents of Grant County need and deserve a strong reclamation plan that can be updated as new advances and challenges present themselves.</p>
Joni	Arends	Santa Fe	New Mexico	NM	87594	US	<p>Require the reclamation plan to include free-standing financial assurance, not dependent on those profiting from the mining operations. Thank you.</p>



Freeport-McMoRan, Chino Mines Company
P.O. Box 10
Bayard, NM 88023

August 6, 2019

Delivered by Email

Mr. Fernando Martinez, Director
Mining and Minerals Division
NM Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Director Martinez:

**RE: Freeport-McMoRan Chino Mines Company Closure-Closeout Plan
Permit No. GR009RE Revision 18-1
Additional Technical Information for Hearing Record**

Freeport-McMoRan Chino Mines Company (Chino) submits the following comments for your consideration regarding the above permit action. A public hearing was held on July 24, 2019 in the Grant County Administration Building in Silver City, New Mexico. Chino appreciates the opportunity to present a summary of its updated closeout plan at this hearing to facilitate public comments. Certain technical testimony was given during the public comment session by Gila Resources Information Project (GRIP). Recognizing that the Mining and Minerals Division may request Chino to respond to that technical testimony as well as other public comments, the following technical information is provided.

Chino's closeout plan meets, and in some areas exceeds, all of the legal requirements for closeout plans, which include some of the highest standards in the nation. The excellence of the closeout plan is evidenced by the high quality reclamation work already conducted on over 6,000 acres of reclaimed mine lands in Grant County.

Storm Event Recurrence Intervals

During the public hearing, GRIP's witness questioned the conservatism of Chino's design criteria for storm water conveyances and stated that climate change is a reason to consider larger recurrence interval events. One of the key elements of the closeout plan is water management, including planning for potential large storm events. The closeout plan includes water management features designed to allow stormwater to flow across reclaimed mine areas through channels, drops, and other conveyances without excessive erosion or damage to the reclaimed areas. Consistent with laws, regulations and industry standards, Chino's engineers have designed these systems to convey the peak flow produced by the 100 year precipitation event (there are examples where even more conservative design standards have been applied by Chino where warranted), as specified in 20.6.7.33 NMAC (Copper Mine Rule). Chino engineers have made conservative assumptions beyond the requirement in the New Mexico Mining Act Regulation for hard rock mines by also considering shorter-duration storm events (which will produce the peak flow in smaller basins) along with the, 24 hour storm event, which ensures that critical durations are included for the basin for which structures are being designed. The Copper Rule standard based on the 100-year storm event was recently adopted in 2013, and is more conservative than the standard in the Mining Act Rules which were adopted in 1994. The standard Chino has applied is a higher standard as compared with other federal and state standards and is more stringent than the standards applied to other man-made facilities such as solid waste landfills, transportation projects and other public works. This

standard already has been applied to the large-scale reclamation that has been completed in the area and the existing reclamation has withstood several large storm events without damage (e.g., portions of Chino's reclaimed tailing facility is believed to have experienced a 500 year recurrence interval event in 2016 – based on data from a nearby rain gauge).

As climate change affects weather patterns in the southwest, those changes will be reflected in the precipitation databases used for design. Chino will continue to use industry-accepted databases (such as NOAA Atlas 14) as the design basis for water facilities until better estimates for precipitation frequency depths become available. As new databases become available, incorporation of up-to-date data as well as regional analyses will incrementally inform the precipitation depths for a given recurrence interval. That being said, however, recent studies by the National Oceanic and Atmospheric Administration (NOAA) do not indicate significant changes in magnitude of the recurrence interval events discussed above for the Southwest New Mexico region. Regarding an analysis to quantify shifts and trends in precipitation data, NOAA stated, "Results suggested little consistent observable effects of climate change on the annual maximum series and therefore on parameters used for this Atlas. As such, NOAA's National Weather Service has assumed that the full period of the available historical record derived from rain gauges was suitable for use in this analysis even though there were some local instances of linear trends and shifts in mean in the data." (https://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume1.pdf). When comparing NOAA Atlas 14 data to previous estimates of the 100 year and larger storm events, Chino notices only slight changes that are within the margins of error of the statistical analyses. Chino must rely on real data for design of its facilities not hearsay quotations regardless of their source.

Chino maintains that we are designing to the appropriate standard and it is a high standard. Those who are questioning this standard are implying that an arbitrarily higher standard should be applied to the mining industry in excess of the standards applied to city, county, federal and state public works that have even higher public safety consequences of failure.

Water Treatment

Decrease in O&M Cost Over Time

GRIP stated that there is no basis for water treatment operations and maintenance (O&M) cost decreasing over time. The water treatment cost report does provide the basis for this. The water treatment financial assurance cost estimate was developed based on current industry practice as well as site-specific information concerning planned water treatment plant operations. O&M costs will decrease over time. This is based on the sludge production and lime demand of the influent flow to the water treatment plant and the influent sulfate. As various facilities are reclaimed, and water that would otherwise be routed to the water treatment plant becomes clean runoff, there will be a decreasing load to the water treatment plant. All of these concepts have been carefully considered in the Chino CCP documents and associated cost estimates.

Disposition of Treated Water

Chino is required to select a viable disposition of treated water to demonstrate that the Closure/Closeout Plan includes sufficient provisions to meet environmental standards. Chino's plan includes treating water to New Mexico Water Quality Control Commission ground water quality standards under 20.6.2.3103 NMAC, which include standards for protection of human health, and a mechanism to discharge that water into Whitewater Creek. During development of the plan and cost estimate, Chino told GRIP and the State Agencies that there are many options and potential uses of the water that may present themselves at the end of mining many decades from now or in a default scenario (the scenario where the state must implement the plan). GRIP reiterated those ideas during the hearing; however, it is not practical or necessary to evaluate them all or try to predict them. Chino selected a placeholder scenario to address the State Agency's request that seemed the most reasonable path that the State may take in a default scenario. If other parties propose other options, and they have a right and permit to utilize the water, then

they will also have an incentive to provide the legal, financial and technical means to implement those alternative plans. Chino's proposal meets the current obligation.

Financial Assurance Long Term Calculation of Net Present Value

GRIP's hearing witness stated that Chino should consider extending the financial assurance cash flow analysis beyond the current period required by Chino's closure discharge permit (100 years) to a longer period such as 500 years. The accepted practice for many years in New Mexico for the Chino and Tyrone Mines has been to utilize a 100-year period to represent the long term closure/closeout period for cost estimating for O&M, even though there were (at the time the New Mexico Mining Act was passed) and are still examples of shorter periods utilized by other similar programs and agencies in the US. For example, the standard O&M period utilized by the US Environmental Protection Agency for CERCLA is 30 years. This topic was discussed with state agencies many years ago and it was agreed that the 100 year period is sufficiently representative of long-term activities (including activities that have the potential to be required in perpetuity). The overall net present value of activities beyond 100 years is not a significant dollar amount and the incremental dollars that would be added to financial assurance are within the typical inaccuracies of estimating that far into the future and are accounted for by conservative estimates and contingencies included in the estimates.

Financial Assurance Instruments

As a publicly traded company, Freeport-McMoRan Inc. accounts for the reclamation obligations of its operating subsidiaries as asset retirement obligations, as required by Securities and Exchange Commission. These asset retirement obligations are subject to independent accounting review by Freeport-McMoRan's independent audit firm.

Nevertheless, financial assurance of reclamation obligations also is a key component under the Mining Act, and is intended to ensure that there will be funds available, should they be needed, for the state to implement reclamation at closure if Chino is unable to do so. Financial assurance covers not only the reclamation the state deems necessary under the Mining Act, but also water collection and treatment to meet requirements of the Water Quality Act and the Copper Mine Rule under the primary jurisdiction of the Environment Department. Chino has one of the most robust financial assurance plans in place among hardrock mining operations in the U.S. and includes a large trust fund that has grown to over \$130 million and continues to grow by reinvested earnings. Chino has proposed an updated financial assurance amount of \$212,220,000, a substantial part of which will be covered by the existing growing trust fund.

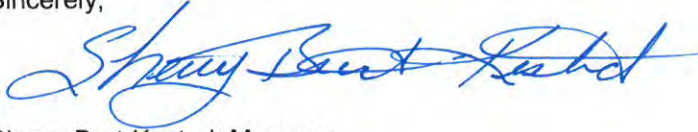
The balance of Chino's financial assurance is covered by a combination of surety bonds required for portions of the mine on federal public lands and a corporate guarantee provided by Chino's parent company, Freeport Minerals Corporation. The Mining Act Rules allow for a third-party guarantee covering up to 75% of the total financial assurance amount, provided that the guarantor shows, on a quarterly basis, that it meets strict financial capability requirements under the Mining Act Rules. This showing is based upon stringent financial tests ensuring the guarantor's solvency, liquidity, and assets. These stringent tests have been in use in the U.S. for nearly 40 years, and there has not been an instance in New Mexico where a guarantee has failed and it was necessary for the State to use public funds for reclamation costs covered by a guarantee.

Third-party guarantees, as allowed by the Mining Act and the Mining Act Rules, in combination with other forms of financial assurance, provide an effective financial assurance mechanism to ensure that funds will be available for future reclamation without any need for the State to step in and conduct the work. The use of this mechanism is important to mining companies to provide financial flexibility and to avoid burdensome and unnecessary costs. Chino urges MMD to continue to accept third-party guarantees as part of a responsible financial assurance package.

In conclusion, Chino urges you to approve the updated closeout plan as submitted by Chino, as modified to address the agency and public technical comments, including the adjustments made as a result of the

collaborative working-group process. Approval of this plan is not only very important to Chino's ability to plan for its current and future mining operations, but is important to ensure that the State has an updated plan with appropriate financial assurance. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, reading "Sherry Burt-Kested". The signature is fluid and cursive, with the first name "Sherry" being the most prominent.

Sherry Burt-Kested, Manager
Environmental Services

20190807_001

Fernando Martinez, Director of Mining and Minerals Division,

36 people have signed a petition on Action Network telling you to Support Clean Water & Healthy Communities: Approve a Strong Chino Reclamation Plan.

Here is the petition they signed:

Thank you for the opportunity to provide my input on the Chino Mine Closure/Closeout Plan.

Because it's more than a decade out of date, I support the update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation.

I encourage the Mining and Minerals Division to require adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.

As our region experiences the effects of a changing climate, future reclamation plans must incorporate the latest data on extreme weather events and industry best practice design standards in order to protect public safety.

Finally, we strongly recommend that the Mining and Minerals Division not approve a parent company or subsidiary company of Freeport-McMoRan as acceptable financial assurance for the Chino Mine Closure/Closeout Plan. The U.S. Forest Service and the Bureau of Land Management prohibit these risky forms of financial assurance. Please follow responsible mining best practice and approve cash or cash equivalents only in Chino's financial assurance package.

Thank you for consideration of my comments.

You can view each petition signer and the comments they left you below.

Thank you,

Allyson Siwik

1. Allyson Siwik (*ZIP code: 88061*)

2. Patricia Burch-Vaughn (*ZIP code: 88061*)

3. Rebecca Summwe (*ZIP code: 88061*)

My family and friends all support clean water and healthy communities. We ask that you approve a STRONG Chino Reclamation Plan. Please review my comments sent to you yesterday.

Thank you Director Martinez

4. Carol Sassaman (*ZIP code: 88041*)

5. Janie Valerio (ZIP code: 88026)

6. Caroline Metzler (ZIP code: 88061)

We must have an updated plan that protects our water and environment, period.

7. Donna Stevens (ZIP code: 88062)

8. Esther Jamison (ZIP code: 88022)

9. Jane Foraker-Thompson (ZIP code: 88061)

Too often in our society we allow corporations to go for the quick gain with no thought to long-term repercussions. Because of this we have fouled our water, land, air and are killing off species at a rapid rate. We need to stop that and plan for the long term outcomes of every large project like the China mine closure obligations. The terms should include guaranteed money for the reclamation and the reclamation should be real, sincere and effective. We need to protect current population that lives in the area as well as all future generations. The final reclamation plan should have enough money and it should be guaranteed. The plan itself should be realistic and effective. No cheap buy-outs.

10. Sandra and Glenn Griffin (ZIP code: 88061)

We feel strongly that Freeport will file for bankruptcy and not clean-up their toxically polluted 8,000 acres of mine tailings. No third-party guarantee, but actual cash.

11. H. Shoup (ZIP code: 88061)

Best Practices for Mining! And Best Practices if/when they close down! And not just for the company!

12. Joni Arends (ZIP code: 87594)

Require the reclamation plan to include free-standing financial assurance, not dependent on those profiting from the mining operations. Thank you.

13. Leigh Jenkins (ZIP code: 88061)

14. Jon Harned (ZIP code: 88049)

I support mining as it is a service to people. Leaving a huge toxic mess is a disservice that will outlast any services rendered. We are responsible for the health of our grandchildren!

15. Janiece Jonsin (ZIP code: 87501)

I support the update to the reclamation plan that is vital to ensuring that surface and groundwater quality, air quality, land and wildlife are protected whenever Chino closes and is no longer in operation. Further, I encourage the Mining and Minerals Division to require adherence to the Mining Act 5-year review period for closure/closeout plans, permits and financial assurance.

16. John Stocke (ZIP code: 88041)

The grass roots efforts of organizations like GRIP to preserve our environment are in the best traditions of American democracy. The collaborative negotiation between Chino Mines and GRIP are a wonderful statement about how mining and environmental protection can both be accomplished. I do hope that the MMD can support these important local efforts statewide.

17. denise evans (ZIP code: 88049)

18. Kate Brown (ZIP code: 88041)

Those of us who live in Grant county New Mexico deserve to be guaranteed that industry best practices will be utilized in designing a closeout plan: 1) that the plan is updated every 5 years 2) that future plan reflect the latest data on extreme weather events 3) that Freeport provide cash or cash equivalents in its financial assurance package for the Chino Mine. Thank you for the opportunity to provide comments.

19. Kristina Fisher (ZIP code: 87501)

20. Lorna Ruebelmann (ZIP code: 88061)

The quality and quantity of our ground water depends on regulations and policies that protect our people and our wildlife, the very essence of our community.

21. Robert Robbins (ZIP code: 88061)

As a Grant County resident, it is imperative that the plan is regularly updated and includes clean up and reclamation plans that help safeguard our drinking water, particularly since surrounding mines no longer have to abide by the Water Quality Act.

22. Melissa Amarello (ZIP code: 88061)

23. Marty Eberhardt (ZIP code: 88061)

24. Marcia Stout (ZIP code: 88061)

25. Pete Krogseng (ZIP code: 88062)

Chino mine needs to comply with reasonable assurance that Chino mine will have the funds available the cleanup this site when the mine closes

26. Pat Wolph (ZIP code: 88061)

The mines make millions of dollars and they need to be responsible about the clean up.

27. Robert Southworth (ZIP code: (8061)

28. Ronald Shoup (ZIP code: 88061)

29. Linda Pafford (ZIP code: 88041)

I am pleased that the parties were able to agree on the needs for protective planning. However, I am concerned that Freeport-McMoRan is balking at adding the funding to ensure those protections are put in place when the time comes. We live in an era of changing ownerships and Hedge Fund bankruptcies so it seems imprudent to rely so heavily on their "3rd Party Assurances." We have already seen examples of Superfund cleanups where there was no longer anyone to hold accountable. It is a small thing to ask that they fund a few Bonds and put in place a means to keep their small "cash account" growing. Assuming there will continue to be 5 year Reviews (which is evidently not a certainty), many of these protections can be gradually strengthened, but it would be a

bad precedent to start with no financial backbone.

30. Sally Smith (*ZIP code: 88041*)

These permits **MUST** be renewed in a timely manner and be kept up to date.

Your hearings here in Grant County are imperative for keeping the public informed of Freeport's plans and activities.

31. Susan Selbin (*ZIP code: 87104*)

32. Shirley Pevarnik (*ZIP code: 88061*)

I am glad there is a conversation happening between the mine and the community. However, it is important that this new plan be backed by real finances not a promise. The mining companies are notorious for not cleaning up and leaving communities responsible for clean up. We need real assurances for our land, water, air, and health of our community.

33. Thomas Hester (*ZIP code: 88061*)

In these times of corporations responsible only to distant investors, we must require unbreakable guarantees of reclamation when mining ceases.

**Testimony of Allyson Siwik, Gila Resources Information Project
Mining and Minerals Division Hearing on
Chino Mine Closure/Closeout Plan
July 24, 2019**

Good afternoon, my name is Allyson Siwik. I'm executive director of the Gila Resources Information Project, otherwise known as GRIP.

Thank you for the opportunity to provide public comments on the Chino Mine Closure/Closeout Plan.

GRIP was founded in 1998 and has worked on mining issues for more than 20 years.

Our mission is to promote community health by protecting our environment and natural resources in southwestern New Mexico. GRIP's role has been to facilitate informed public participation in natural resource use decisions that will have profound and long-lasting impacts on the region's environmental and economic health.

For more than 20 years, Gila Resources Information Project has pushed mine operators and state regulators to do their jobs and ensure that copper mining is done responsibly in Grant County. Our Responsible Mining Program is not anti-mining. We recognize the economic importance of Freeport-McMoRan to local families and businesses, to Grant County and the state, as well as the significance of copper production to renewable energy development.

But we don't think that company profits should come at the expense of healthy communities and environmental quality.

I will be making some introductory comments, but then I will hand things over to Jim Kuipers of Kuipers and Associates, GRIP's technical consultant. Jim will provide more detailed comments on behalf of GRIP.

With the Chino Closure/Closeout Plan and financial assurance more than a decade out of date, we are pleased to be in the home stretch getting them revised and finalized and updated permits in place. The updated CCP and permit are critical to protecting our water, land, air

and wildlife and ensuring a healthy community in the future.

GRIP and Freeport have been meeting quarterly for the past year to work through our comments on the Chino Closure/Closeout Plan. Jim Kuipers, our technical consultant, has participated with Freeport and state agencies to reach consensus on the reclamation cost estimation methodology. We're pleased that differences have been resolved and we can move forward in getting updated financial assurance in place.

One big change from the 2003 plan that I would like to highlight is water treatment. GRIP appealed the 2003 Chino Closure/Closeout Plan discharge permit under the NM Water Quality Act as it relied on use of 9,000 acre-feet/year of clean groundwater to dilute mine wastewater to water quality standards. To put this number in context, dilution would have used more than 3 times the amount of clean groundwater Silver City uses every year. GRIP and Freeport settled the appeal in 2008 after Chino agreed to include water treatment in its closure/closeout plan.

We're very happy that water treatment is included in this current iteration of the closure/closeout plan as it will clean up water pollution and save enormous quantities of groundwater that Silver City and the Mining District rely on for drinking water. Jim will talk in a bit more detail about this.

Overall, we're pleased that progress has been made in getting the closure/closeout plan and reclamation cost estimates reviewed and updated.

However, there is still work to be done. Jim will talk about these issues in more detail, but at the moment I would like to address financial assurance and the financial assurance instruments used to guarantee that financial resources for cleanup and reclamation are available when the mine closes or if Freeport were to go bankrupt.

GRIP has had a long-standing disagreement with Freeport and state agencies about the use of a parent company guarantee as a Third Party Guarantee as part of financial assurance for Grant County mines.

Although the NM Mining Act allows mine operators to use Third Party Guarantees for a portion of their financial assurance, the parent company, Freeport-McMoRan, has provided the third party guarantee for Chino. A parent company guarantee puts the state and the public at financial risk should Freeport go out of business, since it is nothing more than an I.O.U. If Freeport goes bankrupt and can no longer cover its environmental liabilities at Chino, then the State of New Mexico through its taxpayers will have to put up the cash for the cleanup.

Parent company guarantees are not industry best practice according to the Initiative for Responsible Mining Assurance. Similarly, the US Forest Service and Bureau of Land Management prohibit the use of parent company guarantees.

It's our collective responsibility to our children and grandchildren to prioritize a healthy future for Grant County.

In order to do that, Freeport and state agencies should follow responsible mining best practice and put in place less risky forms of financial assurance, such as a cash trust or bank letter of credit.

That concludes my portion of GRIP's comments. I would like to hand things over to Jim Kuipers.

July 30, 2019

Director, NM Mining and Minerals Division
NM Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe NM 87505



Dr. Rebecca M Summer
8 Fotis Road
Silver City, NM 88061

Comments on the Chino Mine Closure/Closeout Plan (CCP) under
Mining Act permit GR009RE and Discharge Permit 1340 (DP-1340)

My name is Rebecca Summer, PhD, Hydrology/Geomorphology. I live in the Silver City area and have worked at the US Geological Survey and Sandia Labs. I submit the following public comments on the Chino Mine Closure/Closeout Plan.

Section 3.3.2 Geology

Mechanisms of tectonic and structural geology -- faulting, folding, metamorphism, igneous intrusion, and volcanism -- have been active in the region of the Chino Mine area beginning about 2 billion years ago (Hawley et al, 2000; Woodward, 1970). These processes provide the basin's relief which is a driving mechanism for the current and historical physical and chemical weathering, mass wasting, erosion, incision and sedimentation. To better understand the processes, please add the following points to Section 3.3.2:

- Provide detailed maps of the location of fracture and faults on an annual or 5-year basis. This can show indications of probable earth instability, rock slips, landslides as well as water and waste movement over time.
- Provide chronological seismic data of the mine and surrounding region.

Section 3.3.5 Groundwater Hydrology ; Section 7.2 Ground Water and Surface Water Control Facilities and Section 3.1.9 Water Management

Groundwater pollution can occur both directly and indirectly from mining. Direct degradation and pollution can occur to groundwater down gradient from the mine due to the flow of contaminated drainage. Mine drainage can come from ponds, pits, or pollution from toxic overburden. Indirect terrain degradation can result from mine blasting that can cause temporary or permanent fractures and movement of the rock may result in new fractures near the mining area. These activities occurring over many decades can alter the flow of groundwater associated with seeps, springs and aquifers. Preexisting rock fractures can become reactivated by loosening mineral debris or cement in the fractures. Water monitoring well data are essential for monitoring the water/wastewater movement over time. Please cover these points in Sections 3.1.9, 3.3.5, and 7.2 and evaluate the density of monitoring wells to best identify groundwater movement.

Section 7.5 Public Health and Safety

1. Climate

Dr. David Gutzler's (2007) climate studies showed that New Mexico is warmer now than any time in the last century. The results of numerous climate models predict: increased temperature, higher evapotranspiration (soil evaporation and plant transpiration), reduced or no mountain snowpack, and earlier snow melt. Total annual precipitation decreases in places like the Southwest, and the heaviest annual rainfall events may become more intense (Walsh et al. 2014). When heavier precipitation falls on drought-hardened soil, more of the water runs off and flash flooding will be more common.

A 500-year storm event appears to be more frequent as the size of the heavier precipitation events increases. Designing for these weather events

is paramount to protect public safety. Please assess these effects of climate in Section 7.5.

2. Hazardous and related substances in the groundwater

Most of the alluvial aquifer have been injured from mining activity.

Hazardous and related substances in the groundwater at the Chino mining area were detected at elevated concentrations and were, in most cases, above relevant human-health-based water quality standards (Federal and State of New Mexico groundwater standards for human health and domestic water supply). Tests done by the New Mexico Office of Natural Resources (2012) showed that the hazardous substances - arsenic, cadmium, copper, cobalt, zinc, lead, and manganese - had leached into the groundwater from the source material at concentrations in excess of State of New Mexico standards for human health and domestic water supply. Cobalt, zinc, arsenic and cadmium are recognized as human or animal carcinogens by the International Agency for Research on Cancer (IARC) and the U.S. Department of Health and Human Services. Please address these issues in Section 7.5.

