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PUBLIC HEARING  
TYRONE MINE PUBLIC HEARING

August 16, 2022  
5:08 p.m.

HYBRID - SOME ATTENDEES APPEARING REMOTELY

HEARING OFFICER: MS. FELICIA ORTH

REPORTED BY: Peggy Jo Gonzales, RMR, CCR #145  
Bean & Associates, Inc.  
Professional Court Reporting Service  
201 Third Street, Northwest, Suite 1630  
Albuquerque, New Mexico 87102

(7039N-PJ)

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1 HEARING OFFICER ORTH: Good evening,  
2 everyone. Can you hear me at the back of the room  
3 there? Can you hear me? All right. Oops, let me  
4 turn on my video. There.

5 Good evening, my name is Felicia Orth,  
6 hearing officer appointed by the Mining and Minerals  
7 Division to conduct a hearing this evening on the  
8 Tyrone Mine Emma Project and closeout plan. This  
9 regards an application filed by Freeport-McMoRan  
10 Tyrone to expand the mine for the Emma Project and  
11 revise the closeout plan.

12 The Tyrone mine is a copper mine located  
13 approximately 10 miles south of Silver City, near the  
14 town of Tyrone in Grant County, New Mexico. The  
15 Mining and Mineral Division's permit number for the  
16 mine is GR010RE.

17 This hearing is going to be conducted as a  
18 hybrid event such that we have some dozens of you  
19 here in the room at the Community Center here in  
20 Silver City, and there are some dozens on the Cisco  
21 WebEx virtual platform, and, ideally, those of you on  
22 the virtual platform can see several parts of the  
23 room here from the cameras. There's a camera on the  
24 podium, there's a camera kind of far away from the  
25 crowd here, and there will be -- well, there's a

1 camera on me.

2 So the hearing is to give the public an  
3 opportunity to learn about and comment on the Emma  
4 Project. Representatives of MMD are here. You see  
5 these gentlemen here, and there are some others who  
6 will make a presentation. Representatives of Tyrone  
7 will make a presentation. We have some here and some  
8 online. And representatives of the Gila Resources  
9 Information Project or GRIP, again, some of them in  
10 person, some of them online, will make presentations.

11 We'll also accept public comment. I'm  
12 going to invite public comment after each of the  
13 technical presentations, that is to say, after the  
14 division, after Tyrone, after GRIP, and so there will  
15 be plenty of opportunities. We'll also invite public  
16 comment from folks attending on the virtual platform.  
17 If, however, you have a public comment to make and  
18 have a time constraint such that you cannot wait even  
19 to see the division presentation, just raise your  
20 hand and I'll take a few comments before we do even  
21 that for folks with time constraints. Otherwise, you  
22 can count on me inviting it after each of the three  
23 presentations. Okay, I don't see any hands.

24 A few important things before we begin. No  
25 decisions will be made tonight or this month. The

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1 testing -- testimony and comment offered tonight will  
2 become part of the larger administrative record on  
3 which the division director will base his decision.  
4 All of that record can be found on the division  
5 website.

6 The hearing will be conducted pursuant to  
7 the Mining Commission's public participation rules,  
8 which can be found in the New Mexico Administrative  
9 Code at Section 19.10.9, especially Section 905.  
10 This requires all testimony and comment be taken  
11 under oath or affirmation and be subject to  
12 questioning.

13 If you'd like to submit a written comment  
14 instead, or in addition to your oral comment for the  
15 record, you may send that to the division director  
16 directly. His name is Jerry Schoeppner, and his  
17 address is in Santa Fe at 1220 South St. Francis  
18 Drive. That address can be obtained from any of the  
19 staff here and, also, on the web page.

20 Please do not -- for those on the virtual  
21 platform, please do not try to use the chat function  
22 to offer public comment. The chat function is only  
23 to indicate that you'd like to offer public comment  
24 or to type out a question you might have for someone  
25 else, and it will go only to the technical hosts' --

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1 division staff serving as technical hosts on the  
2 platform.

3 For all of those offering public comment,  
4 please collect your thoughts. I'll invite your  
5 comment just once, and for only up to five minutes.  
6 If you have something to add, please submit it in  
7 your written comment. The deadline for written  
8 comments and any post-hearing submissions that the  
9 three parties would like to offer is August 31st.  
10 August 31st. We already have some written  
11 comments, for example, from Representative Terrazas  
12 and Representative Dow, but the deadline is a couple  
13 of weeks from now.

14 The hearing is being recorded and  
15 transcribed by Peggy Gonzales, court reporter, and  
16 because we are making a transcript of a hybrid event,  
17 it will be a little more awkward and it will require  
18 a little more patience from all of us than perhaps a  
19 event that was only in person or only on the  
20 platform. It's important that we identify ourselves  
21 before we begin speaking.

22 And we will be going more slowly, as you'll  
23 notice us up here having to turn off and on certain  
24 devices for clarity of transmission. We had a very  
25 long AV rehearsal this afternoon, and unless we have

1 only one laptop on and turn all the others off,  
2 there's a lot of reverb. So you'll see us going  
3 through that as -- as necessary.

4 And, Ms. Gonzales, please be sure to speak  
5 up in the event you need to have a statement  
6 repeated. We want to make an accurate transcript.

7 There are snacks at the back of the room,  
8 along with a copy of the permit application, a few  
9 site maps, notepads, pens, and an FMI handout on  
10 economic benefits.

11 We will hear from the division first, then  
12 FMI Tyrone, and then GRIP. As I said, I will invite  
13 public comment between each of these. Please sign  
14 in. The sign-in sheets are near the door there, if  
15 you haven't done so. No salesmen will call. We use  
16 the sign-in sheets -- well, I use them to call out  
17 your names in the order in which you're signed in to  
18 offer whatever comment you'd like, and for spelling  
19 in the transcript, and as evidence of public  
20 participation. And this is a good time to silence  
21 your devices, please. They're disruptive if they  
22 ring during someone's comment. Or set them on stun,  
23 whatever it is you need to do.

24 So let's begin with the division panel.  
25 And, Mr. Ohori, will you be introducing yourself

1 or...? Okay, if you would, please.

2 You should be able to see the PowerPoint on  
3 the screen here in the room, and, also on the virtual  
4 platform. So I'm going to be...

5 MR. OHORI: Thank you, Madame Hearing  
6 Officer.

7 DAVID OHORI,  
8 having been, later, duly sworn under oath,  
9 presented as follows:

10 MR. OHORI: Good afternoon and welcome.  
11 Thank you all for your attendance and participation.  
12 My name is David Ogori, that's O-H-O-R-I, and I am a  
13 senior reclamation specialist for the Mining and  
14 Minerals Division, and the permit lead for the Tyrone  
15 Mine MMD permit.

16 This public hearing is being held in  
17 reference to a permit revision 21-1 application for  
18 the Emma Project proposed by the Tyrone Mine operated  
19 by Freeport-McMoRan Tyrone Operations.

20 This hearing has several purposes. First,  
21 the Tyrone Mine will present information on the  
22 Tyrone Emma Project and closeout plan.

23 MMD will describe its process to review the  
24 Tyrone Emma Project closeout plan in accordance with  
25 the New Mexico Mining Act Rules.



1           Next, the Gila Resources Information  
2 Project will present their comments. And then as the  
3 hearing officer has indicated, the public will be  
4 asked to comment and ask questions of any of the  
5 presenters in this public hearing.

6           The permit revision application is  
7 regulated by the Mining and Minerals Division under  
8 part 5 of the Mining Act Rules, which addresses  
9 existing mining operations, and as -- that is mines  
10 that produce marketable minerals for a total period  
11 of at least two years between January 1, 1970, and  
12 June 18, 1993. Tyrone is permitted as an existing  
13 mine.

14           A permit revision under the Mining Act  
15 Rules proposes significant changes to the MMD permit.  
16 Significant changes include environmental impact,  
17 significant changes to the financial assurance,  
18 and/or significantly departs from the nature or scale  
19 of the permit.

20           This application includes  
21 closeout/reclamation and FA, or financial assistance  
22 cost estimate. The application also includes proof  
23 of public notices, a permit application fee, and any  
24 additional information that is required by the  
25 director of MMD.

1 First, I'll briefly go over the permit  
2 revision history of the Tyrone Mine with the Mining  
3 and Minerals Division. The permit GR010RE was  
4 approved by MMD in July 1996.

5 Revision 01-1, which incorporated the  
6 closeout plan for the mine, was approved by MMD on  
7 April 12, 2004.

8 Following that, revision 03-1 was approved  
9 for the Copper Mountain south pit expansion in 2005.

10 Revision 10-1 renewed the open pit waiver;  
11 that was approved in April of 2012.

12 And most recently, revision 09-1 reissued  
13 the permit and approved the updated site-wide  
14 closeout plan, and that was approved March of 2021.

15 Permit modifications differ from permit  
16 revisions in that they are for changes to the mining  
17 permit that are not as significant as permit  
18 revisions. Examples of modifications that were  
19 approved by MMD in the past for Tyrone were for  
20 completed reclamation, financial assurance releases,  
21 minor changes to reclamation requirements, addition  
22 of waste rock piles, and changes to the financial  
23 assurance instruments. Those are several examples.  
24 There are other permit modifications that have been  
25 approved.

1           The application for revision 21-1 was  
2 received by MMD in October of 2021. It was  
3 supplemented with a closeout plan and third-party  
4 reclamation cost estimate in November of 2021, and  
5 the application was further updated with technical  
6 information in 2021 and into 2022. The application  
7 and the supplements are all on the MMD website.

8           For application -- for the application for  
9 revision 21-1, Tyrone will present details on the  
10 mining plan and closeout plan in their presentation.  
11 The closeout plan supplements the approved closeout  
12 plan for the other Tyrone Mine disturbances and  
13 affected areas.

14           MMD has provided initial comments and the  
15 comments from other state agencies to Tyrone on the  
16 Emma Project, and Tyrone has submitted written  
17 responses to those comments. MMD may, in the near  
18 future, provide Tyrone with additional comments on  
19 the proposed closeout plan.

20           Next I'd like to talk a little bit about  
21 the MMD reclamation standards. These standards for  
22 an existing mine are outlined in part 507 of the  
23 Mining Act Rules, and they include the attainment of  
24 a self-sustaining ecosystem, which is the goal of  
25 reclamation. It is site-specific and it is life-zone

1 appropriate.

2 An additional feature of the part 507 rules  
3 is the post-mining land use, or PMLU, and that is a  
4 beneficial or multiple use established in the permit  
5 area under mining. The PMLU is selected by the  
6 landowner, in this case, Tyrone, and may include  
7 active management of the land. The post-mining land  
8 uses for the Emma Project that are proposed are  
9 wildlife management and a water treatment and  
10 management system.

11 Next, I'll talk a little bit about part 508  
12 of the Mining Act Rules. Part 508 involves new  
13 units, and new units are new discrete units that  
14 requires consideration of mine operations as well as  
15 having higher revegetation standards for the  
16 reclamation that will be done. The Emma Project  
17 application is being processed as a new unit to an  
18 existing mine. New units require consideration of  
19 operations to assure protection of human health and  
20 safety, the environment, wildlife, and include  
21 minimizing negative impact to the hydrologic balance  
22 of the new unit area and, potentially, affected  
23 areas. And as I said, it requires higher  
24 revegetation standards or, in this case, wildlife  
25 habitat PMLU.

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1           The application for the permit revision  
2 also includes, as I stated previously, a financial  
3 assurance cost estimate. In this case, the cost  
4 estimate for the proposed Emma Project involves an  
5 earthwork, water management and treatment capital  
6 cost component of over \$5 million, an earthwork and  
7 water treatment operations and maintenance costs of  
8 almost \$7 million. And, at this point, the total  
9 proposed closeout plan cost estimate is approximately  
10 \$12,300,000. This total cost estimate is subject to  
11 change based on additional review and comments by MMD  
12 and the other state agencies by public comment.

13           I'd like to move on to where we are in this  
14 permit revision process. A public hearing, which  
15 we're having this evening, was requested by the Gila  
16 Resources Information Project and others. MMD  
17 requires holding a public hearing as -- pursuant to  
18 part 9 of the New Mexico Mining Act Rules. MMD will  
19 consider public comments from the public hearing in  
20 its review of this revision application.

21           Moving forward, MMD is continuing its  
22 review of the application. MMD's review is not  
23 complete as of yet. This public hearing is held for  
24 MMD to inform and receive comments from the public.  
25 We will accept written comments until a date

1 announced by the hearing officer, which I believe is  
2 August 31st.

3 Again, moving forward, MMD will review  
4 written comments received after this hearing, and we  
5 will answer relevant questions and address  
6 requirements that the MMD director deems necessary.

7 In this process, Tyrone is required to  
8 obtain an environmental determination from the  
9 New Mexico Environment Department, or NMED, prior to  
10 MMD's approval of this revision. NMED is also  
11 processing changes to the Tyrone discharge permits,  
12 which they oversee for the Emma Project and other  
13 portions of the Tyrone Mine.

14 Tyrone will be required to propose a  
15 financial assurance package, including FA  
16 instruments, after MMD deems the application  
17 technically approvable. We have not reached that  
18 point yet.

19 I just want to mention that the documents  
20 are located on the MMD website. We've got a rather  
21 long link listed here for those documents, and  
22 following this public hearing I will post a copy of  
23 this presentation on the website.

24 Again, written comments related to this  
25 application for revision 21-1 may be submitted to the

1 MMD director at the following address: Director  
2 Jerry Schoeppner, Mining and Minerals Division, 1220  
3 South St. Francis Drive, Santa Fe, New Mexico 87505.

4 Thank you, and that is the conclusion of my  
5 presentation.

6 HEARING OFFICER ORTH: All right, thank  
7 you, Mr. Otori. We did have a request that you leave  
8 the mailing address up there a little bit longer.

9 And, Mr. Otori, I neglected -- I was -- my  
10 head was spinning from our AV rehearsal, and I  
11 neglected to do two things. The first is to swear  
12 you in. Put yourself on camera there, raise your  
13 right hand.

14 (Mr. Otori was duly sworn under oath.)

15 HEARING OFFICER ORTH: So the other  
16 thing -- so we will have questions of you in the  
17 event folks would like to ask questions.

18 If you are in the room and you have a  
19 question of Mr. Otori, please indicate that with a  
20 raise of your hand. We will have to incorporate you  
21 somehow into our hybrid sound system. And if you are  
22 on the platform and have a question of Mr. Otori,  
23 please indicate what that question is in the chat.

24 The other thing I neglected to do is invite  
25 Mr. Otori's counsel to introduce himself. Mr. Wade,

1 I believe you're on the platform. Would you like to  
2 introduce yourself.

3 MR. WADE: Good afternoon. Gabriel Wade, I  
4 am the legal counsel for the Mining and Minerals  
5 Division. Can you hear me okay?

6 HEARING OFFICER ORTH: So hold on.

7 UNIDENTIFIED SPEAKER: Okay, Gabe.

8 MR. WADE: Can you hear me?

9 HEARING OFFICER ORTH: Yes, loud and clear.

10 MR. WADE: Should I introduce myself again?

11 HEARING OFFICER ORTH: Yes.

12 MR. WADE: Gabriel Wade. I am the legal  
13 counsel for the Mining and Minerals Division.

14 HEARING OFFICER ORTH: Thank you very much.

15 I am not seeing questions typed into the  
16 chat box.

17 Let me look around the room to see if  
18 there's a questions for Mr. Ohori while we're  
19 together this evening. Yes, sir, come on up, please.

20 MR. BECKER: My name is Dave Becker, that's  
21 B-E-C-K-E-R, and my question is about the reclamation  
22 provision for self-sustaining ecosystem. And it sort  
23 of has two parts. One is what does that look like to  
24 the MMD, and the second is I'm fairly new to the area  
25 and I was driving up from Lordsburg a couple of weeks



1 ago, stopped on Tyrone Road and saw there was a sign  
2 that said, you know, look at the reclamation here.  
3 And there was, you know, a little area that used to  
4 be accessible that had some signage, but now is all  
5 locked off, so I don't have -- didn't have any way to  
6 get in and see what I was supposed to be looking at,  
7 but I know high desert ecosystems fairly well, and  
8 whatever I was looking at on those slopes was in no  
9 way a self-sustaining ecosystem.

10 So when was that reclamation done, what  
11 should it look like, and how does that factor into  
12 what you folks are going to require for the Emma  
13 plan?

14 MR. OHORI: Thank you for your question,  
15 Mr. Becker. Questions. I hope I can answer them  
16 appropriately and completely. When the requirements  
17 for a self-sustaining ecosystem were applied for the  
18 area that I believe you're talking about in the  
19 southern mine area, that area of former leach  
20 stockpiles was reclaimed approximately in the 2008 to  
21 2012 time frame. I might be off here by a couple of  
22 years either way. MMD has a requirement that -- in  
23 order to demonstrate that a self-sustaining ecosystem  
24 has been achieved, there are certain requirements,  
25 and currently they include that -- the

1 reestablishment of vegetation, in this case, for a  
2 post-mining land use of wildlife habitat.

3 And the revegetation period is a minimum of  
4 12 years. So that means that 12 years after the area  
5 was seeded with an approved reclamation seed mix,  
6 which includes perennial grasses, forbs, and shrubs,  
7 that the area will, at a minimum of 12 years, meet  
8 certain standards which, in this case, for Tyrone are  
9 a comparison of the vegetation with a reference area,  
10 the reference area being an area that is not -- not  
11 impacted by mining and has a similar type of  
12 vegetation regime.

13 So the area that you're speaking about has  
14 not been approved by MMD for meeting the  
15 self-sustaining ecosystem standard. There may be  
16 additional reclamation work required in order for the  
17 mine to meet that standard in the future.

18 And, hopefully, that answers your  
19 questions. Certainly if you have other questions,  
20 you may contact MMD and, in particular, me, and I can  
21 try and do my best to answer those questions. Thank  
22 you.

23 HEARING OFFICER ORTH: Are there any other  
24 questions of Mr. Ohori?

25 Other presentations from the division? All

1 right, thank you very much.

2 We will then go to the first of three  
3 public comment sessions. I will call off the names  
4 in the order in which I see them on the sign-in  
5 sheets, and you can choose to make your comment now  
6 or later on this evening.

7 So the first person I have here is David  
8 Rose. David Rose. Ah, would you like to make your  
9 comment at this time?

10 MR. ROSE: Inaudible.

11 HEARING OFFICER ORTH: Yes, I'm sorry.  
12 It's the only way we can all hear you.

13 DAVID ROSE,  
14 after having been first duly sworn under oath,  
15 presented as follows:

16 HEARING OFFICER ORTH: Thank you and if you  
17 would spell your name and then make your statement.

18 MR. ROSE: My last name is spelled R-O-S-E,  
19 just like the flower. Okay, did you get that? Okay.

20 I'm a retired game warden from California,  
21 and I did have some concerns to wildlife, and I'm not  
22 sure that the person from MMD answered them, but the  
23 water quality of the pit lake will exceed the water  
24 quality standards for selenium, cobalt, copper and  
25 cadmium, which poses a risk to wildlife and would

1 require permanent potential treatment and pumping  
2 forever, so I think that Freeport should minimize the  
3 area of the pit lake to mitigate risk to wildlife in  
4 addition to standard wildlife deference -- deterrent  
5 measures. Thank you.

6 HEARING OFFICER ORTH: Thank you very much,  
7 Mr. Rose.

8 Diana Edwards is the next person I have  
9 indicating a desire to offer comment. Would you like  
10 to comment now?

11 (A discussion was held off the record.)

12 HEARING OFFICER ORTH: Ms. Edwards  
13 indicated that she'd like to wait until after the  
14 next presentation.

15 Harry Browne, would you like to offer your  
16 comment at this time? All right, thank you. And I  
17 will ask you first to do the oath. If you would  
18 raise your right hand.

19 HARRY BROWNE,  
20 after having been first duly sworn under oath,  
21 presented as follows:

22 HEARING OFFICER ORTH: And please spell  
23 your name and then begin your comment.

24 MR. BROWNE: Okay, thank you very much.

25 My name is Harry Browne, B-R-O-W-N is

1 spelled like the color, but with an E at the end, and  
2 I don't know that there are two ways to spell Harry.

3 I am a member of the Grant County Board of  
4 Commissioners, but I'm not here on their behalf. I  
5 want to make that clear. I'm here as myself, an  
6 individual. My opinions certainly do not reflect any  
7 sort of consensus or vote of the commission. I  
8 should let you know that I'm also a board member of  
9 Gila Resources Information Project. Again, I'm not  
10 here representing them. I'm speaking as an  
11 individual.

12 On the Grant County Commission, we have  
13 spent a fair amount of time promoting and talking  
14 about how to promote outdoor recreation as an  
15 economic driver for this area. As we do that, I'm  
16 really proud, actually, of my fellow commissioners  
17 and myself, frankly, for being thoughtful in doing so  
18 and learning from the experiences of other  
19 communities where rushing too fast in that direction  
20 has actually damaged local communities. I think  
21 we're very careful that everything we do towards  
22 outdoor recreation has in mind, at the same time,  
23 improving the quality of life of our residents.  
24 We're not just looking to make tourist dollars, we're  
25 looking to improve our quality of life and have

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1 additional economic benefits.

2 I would hope the same philosophy applies to  
3 how the MMD considers the application for expansion  
4 of the Tyrone Mine permit in the sense that we know  
5 this will bring economic benefits, we need copper,  
6 the world needs copper, we need jobs, the county  
7 benefits from those jobs and from the taxes that the  
8 production of copper generate and that those jobs  
9 generate, but we should not expect residents to pay  
10 with a deterioration of their quality of life. And  
11 in particular, we shouldn't expect any subset of  
12 residents to pay. It's just not right to say certain  
13 people need to suffer so that the rest of us can  
14 benefit.

15 And I do trust that that is something the  
16 MMD will keep in mind, but in specific I hope that,  
17 A, you will approve this application or a slight  
18 modification of this application because we do need  
19 those jobs and we do need that production. But, B, I  
20 hope you will include actual -- requirements with  
21 actual teeth for how the expansion affects its  
22 neighbors and the county as a whole. And in  
23 particular I'm concerned about potential impacts on  
24 water supply, the water quality, air quality in night  
25 skies.

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1 I believe we'll be hearing a lot more about  
2 all those things. In particular, I hope you will  
3 include requirements for regular monitoring of the  
4 wells in that area to make sure that they're not  
5 being negatively impacted by the mine's operations.  
6 I actually hope that you will require an improvement  
7 in the data collection and the modeling that's been  
8 done so far so that, before we even get started, we  
9 have a more accurate idea of what the effects might  
10 be. I'm sure more people will be talking to that  
11 later on.

12 I hope you will require air quality  
13 monitoring. The dust generated by these operations  
14 is significant. It has been greatly reduced by the  
15 reclamation of inactive units, which has been a huge  
16 improvement to this area, but I don't want us to lose  
17 sight of the fact that we need to make sure that  
18 particulate matter is contained on-site. The  
19 particulate matter, among other things, makes worse  
20 the effects on the night skies by continuing to  
21 refract light even at night if the -- if the dust  
22 remains in the atmosphere.

23 And last, the night skies that I mentioned,  
24 we're very proud of our night skies here. We have  
25 attracted a large number of folks who are interested

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1 in astronomy. Some of them have had professions in  
2 astronomy. It's amazing the quality of folks who  
3 have moved here, some of their backgrounds, and that  
4 is because of our dark night skies.

5 Obviously, we already have the impact of  
6 two major mines. I read the light report that's  
7 included in the MMD page for this application and I  
8 read that it concluded there will be no significant  
9 additional impact of this operation. Frankly, I  
10 found it a little hard to believe. It's obviously  
11 not my area. I'm just reacting with my gut that  
12 saying that this additional operation won't have an  
13 impact counters my common sense.

14 In particular, it surprises me that it  
15 wouldn't have an impact on folks that live a half  
16 mile to a mile away. The report made some reference  
17 to the nearest neighbor being about a mile away.  
18 When I looked at the satellite photo and the scale  
19 that was included on that, it looked to me more like  
20 a half a mile. I would not want those folks to have  
21 to suffer, their dark skies that they bought here and  
22 moved here for, just because of this mine's  
23 operations.

24 Thank you very much for this time. And by  
25 the way, it's really good to see you again after,

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1 like, 20 years or something.

2 HEARING OFFICER ORTH: Thanks.

3 The next person indicating a desire to  
4 offer comment is Christine Hess. Ms. Hess, would you  
5 like to comment now or later?

6 Ms. Gonzales, Ms. Hess indicated she'd like  
7 to wait until later.

8 Tony Trujillo, would you like to comment  
9 now? Okay, we have a taker. Mr. Trujillo, I'll ask  
10 you about the oath first, and then you can offer your  
11 comment.

12 TONY TRUJILLO,  
13 after having been first duly sworn under oath,  
14 presented as follows:

15 MR. TRUJILLO: Madame Hearing Officer,  
16 thank you very much for the opportunity to provide  
17 this public comment.

18 My name is Tony, T-O-N-Y, Trujillo,  
19 T-R-U-J-I-L-L-O. I am the registered lobbyist for  
20 Freeport-McMoRan, and in that capacity am here only  
21 to read you a statement that Senator Siah Correa  
22 Hemphill asked me to read. She emailed me last  
23 night, at 11:07 p.m. to be exact. She's at Chama,  
24 New Mexico, at a Legislative Finance Committee  
25 hearing; she asked if I would come for the public

1 hearing today, and read her statement into the  
2 record.

3 Her statement reads as follows: Mining  
4 jobs and tax revenue are the pillar of our economy in  
5 Grant County. The Emma Project is very important to  
6 extend the life of the Tyrone Mine and to maintain  
7 mining jobs. The Emma Project will produce much  
8 needed U.S.-produced copper, which is in demand for  
9 renewal energy and electrification.

10 Freeport-McMoRan has demonstrated that it  
11 takes environmental protection seriously, and does a  
12 first-rate job of mine land reclamation. I  
13 appreciate that Freeport-McMoRan has also  
14 demonstrated a willingness to work with environmental  
15 groups to address concerns and minimize harm.

16 I hope that MMD will issue the permit to  
17 begin the project. Sincerely, Senator Correa  
18 Hemphill.

19 HEARING OFFICER ORTH: Thank you very much,  
20 Mr. Trujillo.

21 The next person indicating yes on the  
22 sign-in sheet was Art Ratcliffe. Mr. Ratcliffe,  
23 would you like to make your comment now?

24 MR. RATCLIFFE: Sure.

25 HEARING OFFICER ORTH: Thank you. I'll

1 swear you in and then if you would spell your name.

2 ARTHUR RATCLIFFE,

3 after having been first duly sworn under oath,  
4 presented as follows:

5 MR. RATCLIFFE: My name is Arthur  
6 Ratcliffe. That's spelled A-R-T-H-U-R  
7 R-A-T-C-L-I-F-F-E. And I'm a resident of White  
8 Signal. I live about 2 miles away from the proposed  
9 Emma pit.

10 Rising temperatures cause water to  
11 evaporate from land faster, making heat waves,  
12 droughts, and wildfires more frequent and intense.  
13 Over the past 50 years, scientists have measured an  
14 increase in the severity of these conditions  
15 worldwide.

16 The Rio Grande was once a perennial river,  
17 though marked by periods of extreme drought and  
18 dotted by dry stretches. But as agriculture and  
19 municipal use took more and more of the water, the  
20 river slowly became intermittent, and by the mid  
21 1900s only 20 percent of its flow reached the mouth.  
22 This year the river has been hit by unprecedented  
23 drought in the lower Rio Grande; the border between  
24 Texas and Mexico is now dry for hundreds of miles.

25 The Rhine River in Germany is nearly

1 un navigable. Record triple-digit temperatures have  
2 been recorded worldwide. So as we find ourselves  
3 heading into what scientists are calling a 1200 year  
4 extreme drought, we find our dwindling water supply  
5 further threatened by the climate crisis and by  
6 extractive industries.

7 A Freeport representative said to me in a  
8 recent meeting, "We have been through droughts  
9 before." Well, it's probably so, but not like this  
10 one. 1200 years ago is about the time that native  
11 people left the area due to drought before this.  
12 With triple-digit temperatures in Canada, Europe, and  
13 North America, and melting ice caps, this is not a  
14 casual dry spell.

15 We, the residents of Loma Blanca  
16 Subdivision, which is 2 miles away from the proposed  
17 Emma pit, are naturally concerned about water table  
18 levels as the proposed pit will intersect the  
19 groundwater table. The effects of drawdown on the  
20 water table are uncertain. The cone of depression,  
21 as per Freeport, will not extend to our subdivision.  
22 However, according to the Little Rock MPO Amendment  
23 Environmental Assessment of May 2022, Freeport  
24 installed a drawdown monitoring well at Burro  
25 Mountain Homestead, which is 4 miles away from the

1 Little Rock site at the Tyrone Mine and which  
2 revealed a fluctuating groundwater level of 5 feet,  
3 which Freeport maintains is due to climate.

4 It seems reasonable to conclude that since  
5 climate change is a scientific fact and is supported  
6 by their statement of "due to climate," then  
7 subsequent drawdown will occur as the drought  
8 worsens. The cone of depression will likely expand,  
9 as well. Will any drawdown caused by the expansion  
10 be attributed to "due to climate," as well, or will  
11 the Emma Project exacerbate an already identified  
12 critical condition. And who will ascertain whether  
13 it is drawdown caused by the climate or by Emma?

14 According to projections made by Freeport  
15 at 16.8 to 20 gallons per minute rate to dewater the  
16 pit of combined groundwater and runoff, an  
17 additional, approximately, 8 million gallon draw will  
18 occur annually. This is unacceptable in an area just  
19 2 miles from the site to believe that no additional  
20 drawdown will occur.

21 Therefore, the residents of Loma Blanca  
22 would like to see a mitigation plan before any  
23 further water usage of this magnitude is permitted.  
24 Assurances from Freeport are not enough. There needs  
25 to be thought given to the possibilities expressed

1 previously, and a plan of mitigated action, should it  
2 become necessary, needs to be included. This should  
3 be done and a monitoring well should be implemented  
4 in the Loma Blanca Subdivision before any further  
5 permits are forthcoming.

6 In conclusion, as a military veteran with  
7 PTSD, I am not looking forward to hearing the  
8 explosive blastings, although I can probably survive  
9 that, but no one can survive without water. So  
10 please guarantee this precious life source for us,  
11 the residents of Loma Blanca. Thank you.

12 HEARING OFFICER ORTH: Thank you. Please  
13 hold your applause. Thank you very much,  
14 Mr. Ratcliffe.

15 The next person indicating a desire to  
16 offer comment is Gerald Billings. Mr. Billings,  
17 would you like to comment now? Thank you. I'm going  
18 to be asking for the oath first, and then you'll  
19 spell your name and make your comment.

20 GERALD BILLINGS,  
21 after having been first duly sworn under oath,  
22 presented as follows:

23 MR. BILLINGS: My name is Gerald Billings,  
24 G-E-R-A-L-D B-I-L-L-I-N-G-S. Thank you, Madame  
25 Chair, members.

1 I'm an elected member of the Grant County  
2 Commission. I am not speaking for the commission.  
3 Thank you for being here and welcome to Grant County.

4 My family and I own property and live in  
5 close proximity to the proposed Emma Project. Our  
6 property is directly across Highway 90 south from the  
7 Apache Mountain Subdivision. We have several water  
8 wells, at least six wells located in close proximity  
9 to the Emma Project. Water from our wells is used to  
10 water livestock and for domestic use, including  
11 providing my family's drinking water.

12 We're not worried in the least that  
13 Freeport will contaminate our groundwater or that the  
14 water supply or the water table will be threatened.  
15 Freeport has proven themselves to be responsible -- a  
16 responsible neighbor. It's their best interest to be  
17 so, and, in addition, they are well-regulated by the  
18 Office of the State Engineer, the New Mexico  
19 Environment Department, New Mexico Mining and  
20 Minerals, thank you, New Mexico State Land Office and  
21 others.

22 Freeport is continually made a target by  
23 scrutiny from special interest groups, and they  
24 simply can't afford to contaminate groundwater or dry  
25 up someone's wells. Freeport has hundreds of

1 monitoring wells. They are accountable, and they are  
2 held accountable. We monitor the depth of our wells  
3 on a regular basis, and we will know if the water  
4 table drops. My family has been neighbors with  
5 Freeport or their predecessors, Phelps Dodge, since  
6 1965, and we have known them to be good, accountable  
7 neighbors.

8 Now, some have led us to believe that  
9 there's little or no responsibility from Freeport, or  
10 little or no regulation and oversight from the state,  
11 and that simply is not the case. As the world sees  
12 the need to move towards more sustainable energy  
13 options, I'd like to point out, for example, that the  
14 use of electric vehicles necessitates four to six  
15 times as much copper as conventional vehicles. Green  
16 energy needs copper and lots of it. There's no  
17 sustainable substitute -- sorry, there's no suitable  
18 substitute for copper. Wouldn't we prefer that that  
19 copper for a sustainable future be extracted here in  
20 New Mexico where we can do it safely, where it's  
21 extremely well-regulated, even as compared to other  
22 states where copper is extracted, but especially as  
23 compared to other companies in the world where labor,  
24 environmental, and safety standards are lacking.

25 (A discussion was held off the record.)

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1 MR. BILLINGS: Freeport-McMoRan's  
2 New Mexico operations have generated more than  
3 \$366 million in economic impact for New Mexico in  
4 2021. That's more than \$1 million per day. We  
5 should feel good about that. The mines provide good  
6 jobs here in Grant County, and copper mining is our  
7 contribution to a clean, sustainable energy future  
8 for America and the world.

9 I would ask that Freeport be allowed to  
10 continue providing copper, providing jobs here in  
11 Grant County, and they won't be able to do that if  
12 the regulatory environment becomes unnecessarily  
13 (inaudible). Thank you for what you do, and for -- I  
14 ask that you please allow copper mining to continue  
15 by approving the application for the Tyrone Mine and  
16 the Emma Project.

17 HEARING OFFICER ORTH: Thank you,  
18 Mr. Billings.

19 The next person indicating a wish to offer  
20 public comment is Glenn Griffin. Mr. Griffin, would  
21 you like to speak now? All right.

22 (A discussion was held off the record.)

23 HEARING OFFICER ORTH: Just make sure your  
24 mouth and the mic move together and not apart, and,  
25 also, remember to speak reasonably slowly, maybe a

1 little more slowly than you would in conversation.

2 GLENN GRIFFIN,

3 after having been first duly sworn under oath,  
4 presented as follows:

5 HEARING OFFICER ORTH: Thank you, and spell  
6 your name and then begin speaking.

7 MR. GRIFFIN: Glenn Griffin, G-L-E-N-N  
8 G-R-I-F-F-I-N. I'm a resident of Silver City. I am  
9 not paid by Freeport. I have no family employed by  
10 Freeport, and I was not offered 100,000 to be a PR  
11 person for Freeport. I am an individual, and not  
12 paid by anyone to speak today.

13 I have a series of questions. I have been  
14 in on the Little Rock Mine doubling and the earlier  
15 Emma pit hearing. 500-year flood planning for  
16 climate change. Freeport is stuck on 100-year flood  
17 planning. With the changes in climate and the  
18 increasing pulses and surges, Freeport needs to be  
19 planning for 500-year flood events. Otherwise, all  
20 their \$5.8 million worth of dirt work and water works  
21 will get blown out, and the environment will catch  
22 that.

23 Acre feet of lost groundwater. If you  
24 combine the Little Rock doubling and their, I think  
25 it is, 30-acre feet of water or 30 acres on top with

1 the proposed Emma pit -- I don't know the acre foot  
2 of the Emma pit lake, that seems to be hard to  
3 find -- that's a lot of groundwater lost. So what  
4 amount of groundwater will these two lakes, the  
5 Little Rock Mine lake and the Emma pit lake, how much  
6 fresh groundwater will Freeport be drawing from our  
7 groundwater.

8 The value of the mine. I've got a little  
9 bit of that tonight, 5.8, and I've got the other  
10 figures here. Will Freeport actually pay property  
11 taxes on these improvements like the rest of us that  
12 have businesses, but in millions of dollars. It's a  
13 great reduction for Freeport. But will they pay  
14 property taxes? They have a special exemption called  
15 the copper exemption, and they pay very little, less  
16 than a million this year.

17 A cumulative environmental impact effects  
18 of 5 feet pits, all adjacent. Are each pit figured  
19 separately? It sounded like it tonight. Or do you  
20 put them together, since they are all in the same  
21 groundwater, the water flows from the Burro Mountain  
22 Homestead, towards the Tyrone Mine, through the  
23 Little Rock Mine. I believe it's a cumulative  
24 effect, not an individual effect. I believe the  
25 cumulative environmental effects of 5 feet pits

1 should be figured.

2 Will you have lime tailings? I didn't see  
3 that in the Emma works. Lime tailings were here at  
4 Cobre Mines in the '90s, and to Freeport's credit at  
5 Chino there's supposed to be 500 acres of lime  
6 tailings now. Something like the Green Amendment --

7 (A discussion was held off the record.)

8 HEARING OFFICER ORTH: Back up just a  
9 minute.

10 MR. GRIFFIN: Okay, I was referring to lime  
11 tailings. Will the Emma pit, several hundred acres  
12 of tailings, be lime. Something like the Green  
13 Amendment would protect both mining jobs and  
14 neighbors. The Green Amendment would allow for  
15 Freeport to do more environmentally good work like  
16 the Chino -- Chino's first lime tailings, keeping  
17 heavy metals out of our groundwater and protecting  
18 neighbors' groundwater.

19 The Green Amendment was unanimously voted  
20 by the Grant County Democratic Party this winter  
21 during the past legislative session. The Green  
22 Amendment would protect the neighbors whereas what  
23 we're talking about tonight may not protect them.

24 I'm going to read what we voted on this  
25 winter. "Whereas the State of New Mexico Democratic

1 Party maintains a safe, healthy environment where the  
2 unmatched beauty of our land is preserved for future  
3 generations, it is essential to its platform and our  
4 belief that the welfare of our community citizens is  
5 critically important. The Grant County Democratic  
6 Party supports HJR2, the Green Amendment, allowing  
7 voters to decide for themselves whether or not clean  
8 and healthy air, water, soil, and environment should  
9 be a state constitutional right." Thank you for your  
10 time.

11 HEARING OFFICER ORTH: All right, thank  
12 you, Mr. Griffin.

13 That is the last of the people  
14 affirmatively indicating on the sign-in sheet that  
15 they wish to comment. I will, again, solicit comment  
16 from anyone, and you can certainly change your mind  
17 and comment tonight, even if you said no here.

18 There are two more public comment sessions,  
19 one after the FMI Tyrone presentation, which we're  
20 about to have and the last public comment session  
21 will be after the GRIP presentation.

22 So any reason not to move to the FMI Tyrone  
23 presentation? No. Let me invite Mr. Moellenberg,  
24 who I believe is on the platform, to introduce  
25 himself.

1           Hold on one second, Mr. Mollenberg. We  
2 have to mute my device.

3           MR. MOLLENBERG: Good afternoon, Madame  
4 Hearing Officer, D-A-L-V-A M-O-E-L-L-E-N-B-E-R-G,  
5 with Gallagher & Kennedy in Santa Fe, and I'm  
6 appearing as counsel for Freeport-McMoRan.

7           HEARING OFFICER ORTH: Thank you  
8 Mr. Moellenberg for introducing yourself.

9           I believe we turn now to Mr. Shelly and a  
10 few other folks. How about if I swear you in,  
11 Mr. Shelley, and then you can spell your name and  
12 continue with your presentation.

13                           TOM SHELLEY,  
14 after having been first duly sworn under oath,  
15 presented as follows:

16           MR. SHELLEY: Thank you, Madame Hearing  
17 Officer. I will spell my name for the court  
18 reporter. My name is Tom Shelley, T-O-M  
19 S-H-E-L-L-E-Y.

20           I'm the environmental manager at Tyrone. I  
21 really appreciate the Mining and Minerals Division  
22 and you, Madame Hearing Officer, for organizing this  
23 hearing for us. And I'm really grateful for  
24 everybody who came.

25           And I'm excited to get to introduce the

1 Emma Project to my community. The Emma Project is  
2 key to Tyrone's ten-year mine plan. It's critical to  
3 keep the mine operating and to continue to produce  
4 the positive economic benefit for our employees and  
5 their families, and our community and state, for many  
6 years to come.

7 Tyrone and its employees are part of our  
8 local community, and we're very proud of the  
9 responsible way that we produce copper, and that's  
10 demonstrated recently by our achieving certification  
11 under The Copper Mark in March of this year. We're  
12 committed to the good business practices of the  
13 organizations that we are a member of, and the Emma  
14 Project has been advanced and proposed with these  
15 commitments in mind.

16 We've held community meetings over the past  
17 four years. We very much appreciate those who have  
18 attended those meetings and given us comments and  
19 concerns. We've listened to that input and have  
20 incorporated it into our applications as appropriate.

21 Our Emma applications exceed or exceed  
22 (sic) the requirements of important environmental  
23 regulations, and others. The key focus of this  
24 hearing is the Mining Act application on the top,  
25 listed on the top there. It includes, as David

1 mentioned earlier, a permit application and a  
2 closure/closeout plan.

3 I'd like to orient my community to the  
4 project area. So the Emma Project is an expansion to  
5 the existing Tyrone Mine. It's located in the  
6 vicinity. It's just south of Tyrone Mine area. If  
7 you -- you can see it on this figure as the red  
8 outline, roughly. And just to give you a sense of  
9 the scale of the project, it's -- that Tyrone Mine  
10 area, the pit and the stockpiles immediately north of  
11 it -- north is up on this figure -- is about 5,000  
12 acres, and the area for the Emma Project covers about  
13 400 acres.

14 Our closest neighbor to the project is the  
15 Apache Mound Subdivision to the south. And the  
16 closest resident or residential structure from the  
17 edge of the open pit, the proposed open pit, to that  
18 nearest residential structure is six-tenths of a  
19 mile.

20 So zooming in to the project, I'd like to  
21 give you an overview of the actual mine activities  
22 that are being proposed. First of all, all of the  
23 mine activities that we are proposing are on private  
24 surface estate and mineral estate. And those mine  
25 activities include, first, development of an open



1 pit, which is within the area outlined in green on  
2 this figure. As we develop that pit, the ore will be  
3 transported to the Tyrone Mine on the haul road that  
4 is outlined in yellow, and that ore will be processed  
5 on existing facilities at Tyrone.

6 Now, the material that's removed or the  
7 overburden rock and dirt will be segregated so that  
8 the clean rock and dirt that is potentially useful  
9 for reclamation in the future will be stockpiled at  
10 two stockpiles, and they're outlined in dark red/  
11 brown. One is -- one stockpile is close to the pit,  
12 just to the north of it, and the other is located on  
13 the current disturbance of Tyrone to the north.

14 Before any of these activities start, the  
15 topsoil from the areas proposed for disturbance will  
16 be salvaged and placed in a topsoil stockpile that's  
17 outlined in light blue on this figure.

18 One other thing I wanted to point out on  
19 this figure is the Tyrone Mine permit and design  
20 limit boundary. It's outlined in dark blue. That  
21 existing permit boundary encompasses about  
22 11,000 acres. As part of the application, Tyrone is  
23 proposing to expand the permit boundary to encompass  
24 the area outlined in pink -- it's an area of about  
25 336 acres -- to accommodate the mining activities

1 I've just described.

2 So this is a geologic cross-section.

3 Imagine we took a slice through the land, through the  
4 pit area, the proposed pit area, so I could  
5 illustrate the proposed development of the open pit  
6 for you. The -- the open pit at full development  
7 will be about 550 feet deep. I'll also point out, on  
8 this figure, the water table is shown in blue. And  
9 that's approximately where it's located and it's  
10 based on existing wells, monitor wells that we have  
11 at the site.

12 So when the permits are issued, the first  
13 year -- or year one mining, we'll be salvaging the  
14 soils, as I explained, and building the haul road,  
15 and building a power line, and other infrastructure  
16 needed for mining. If you'll advance one click.

17 During mine years two and three, the pit  
18 bottom will advance to a depth of six -- to elevation  
19 6150. Advance one more. Again.

20 During mine year four, the pit bottom will  
21 advance to approximately elevation 6,000.

22 And during year five mining, the pit bottom  
23 would advance to approximately elevation 5700. And  
24 it's during that mine activity that the groundwater  
25 table will be intersected.

1           So the bottom of the pit is approximately  
2   200 feet below the water table. And during the  
3   mining sequence I've outlined, we're required to  
4   protect surface water and groundwater, and we will do  
5   that.

6           So this table lists the key permits  
7   required for the Emma Project. The water quality  
8   protection permit was applied for in October of 2021.  
9   It was deemed administratively complete, and it's  
10  very common to receive additional comments and  
11  questions from the agencies and to interact with  
12  them, reply and provide additional information, and  
13  we're in that process right now as we work toward a  
14  technical completeness determination.

15          The Tyrone air quality permit was reissued  
16  last year and included the activities proposed for  
17  the Emma Project. So this permit ensures that the  
18  activities at Emma and Tryone do not cause exceedance  
19  of New Mexico air quality standards for our  
20  neighbors.

21          One of the key concerns that we've heard  
22  about -- and I appreciate all of the comments we've  
23  received this evening and before -- is will the  
24  project affect my water supply. Our neighbors often  
25  ask this question. So even though that is the

1 subject of a separate permit from -- from the permit  
2 we're discussing tonight, I do want to provide some  
3 information related to that.

4 So the Emma Project doesn't require  
5 additional groundwater pumping. Tyrone has applied  
6 for an alternate point of diversion. We have pumping  
7 wells in Oak Grove with water rights associated with  
8 them that we use routinely, and we've applied to move  
9 water right from those wells to the proposed Emma pit  
10 so that we can dewater the mine at the appropriate  
11 times, but it won't be additional pumping than is  
12 occurring already for Tyrone operations.

13 New Mexico water law protects our  
14 neighbors' water supply. The Office of the State  
15 Engineer examines the application and determines  
16 availability of water and impairment of existing  
17 water rights. If the state engineer determines that  
18 the Emma Project would impair our neighbors' water  
19 rights, the permit will not be issued.

20 Tyrone is a good neighbor and we care about  
21 this very issue, also. We have tasked well-respected  
22 hydrology consultants to evaluate the aquifer in the  
23 Emma area and surrounding areas. These studies have  
24 indicated that there could be a drawdown in the  
25 nearest well, neighboring well to Emma of

1 approximately 2 to 7 feet. Our experience over and  
2 over shows that these models are very conservative  
3 and they overestimate the impact, but that is the  
4 kind of information the state engineer needs to  
5 evaluate. According to their guidelines, this should  
6 be considered an acceptable impact, but, again,  
7 that's the state engineer's determination, not mine.

8 So I want to have others present on the  
9 groundwater characterization around the Emma -- for  
10 the Emma Project. I'm going to -- I'll just  
11 introduce them briefly. Lee Nix will present, and he  
12 is an independent consultant to Tyrone. He's a  
13 former chief environmental engineer at Tyrone. And  
14 then he'll be followed by John Ayarbe, who is a  
15 hydrologist with the firm Geologic in Albuquerque.

16 And Madame Hearing Officer, after they  
17 present, I do have additional materials to present on  
18 the closeout plan, so I'll be -- I'll be back.

19 HEARING OFFICER ORTH: Thank you very much,  
20 Mr. Shelley.

21 This is Mr. Nix? Hi.

22 LEE NIX,  
23 after having been first duly sworn under oath,  
24 presented as follows:

25 HEARING OFFICER ORTH: Spell your name and

1 then present.

2 (Portions of Mr. Nix's testimony was taken from his  
3 written outline, as portions were unintelligible to  
4 the reporter.)

4 MR. NIX: Yes, I'm Lee Nix. That's spelled  
5 L-E-E N-I-X. I am a consultant, but in the interests  
6 of full disclosure, I was a former employee of the  
7 mine where I worked for over 15 years until very  
8 recently. I oversaw the groundwater program for most  
9 of that 15 years. But I sure didn't do it alone,  
10 there was a lot of help for the on-site Tyrone  
11 environmental team, and, additionally, we've had the  
12 services of the Daniel B. Stephens & Associates  
13 hydrology consulting firm out of Albuquerque for all  
14 that time, and even prior to my arrival in 2006. They  
15 are the true hydrology experts, and I've got John  
16 Ayarbe from their firm to co-present this segment  
17 with me today. I'll turn it over to him following the  
18 next few slides.

19 You neighbors have concerns about  
20 groundwater. I understand that. If I was dependent  
21 on groundwater for a domestic well, and I lived near  
22 a large industrial user of groundwater, I'd want to  
23 understand how we're going to coexist with enough  
24 water for me and my household. I might not even care  
25 about the industrial user. I'd feel my rights to the

1 water ought to supersede theirs. But that's not how  
2 it works.

3 Freeport has worked strategically for  
4 decades to secure the water rights needed for their  
5 operations, no differently from ranchers and other  
6 area landowners and water users. Our aim today is to  
7 explain how we can coexist, and if we're successful,  
8 help you realize the mine won't be a threat to either  
9 the quality or the quantity of your water supply.

10 So first of all, some general information  
11 on the nature of the hydrologic cycle in mountainous  
12 terrain. Rainfall is typically heavier at higher  
13 elevations, as illustrated here. From those  
14 highlands, surface water in the form of streams and  
15 groundwater below the surface flow downhill. Stream  
16 flows are, of course, the way we can best see for  
17 ourselves the direction of flow, but groundwater  
18 flows are generally running parallel to the majority  
19 of stream flows because they're both moving from  
20 higher to lower elevations. In other words, both  
21 surface and subsurface flows of water follow the land  
22 surface topography, especially in terrain as steep as  
23 we have in the Emma vicinity.

24 Throughout New Mexico, due to heavier  
25 rainfall at higher elevations, the highlands form

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1 high value, distinct recharge zones for groundwater  
2 that is then carried to surrounding lowlands,  
3 supplying water to well owners and groundwater users,  
4 both domestic and industrial, as illustrated. We all  
5 count on this phenomenon of highland groundwater  
6 recharge zones for our water supplies.

7 So let's apply these general principles to  
8 the immediate vicinity of Emma. The highlands are  
9 the Burro Mountains seen as the greenish color in  
10 this shaded relief topographic map in the lower  
11 left-hand corner. Land surface elevations peak at  
12 over 8,000 feet above sea level, which is close to  
13 2,000 feet higher than the 6,000-foot elevation of  
14 Emma and the neighboring subdivisions of Apache Mound  
15 and Loma Blanca further to the south, seen here to  
16 all be roughly the same elevation.

17 As local residents, we know the Burros  
18 receive much more precipitation than our 6,000-foot  
19 elevation because, first, we can see the rainfall and  
20 snowfall, but, also, because of how forested the  
21 mountaintops are in comparison to the lowlands. At  
22 higher elevations, the mountains are thick with  
23 ponderosa pine and other species that you'll hardly  
24 find at 6,000 feet, due in part to much lower soil  
25 moisture.

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1           In this graphic, we also see the blue lines  
2 showing the stream flows down from the Burros. On  
3 the north side of the Burros, flows are mostly  
4 towards the north, and on the east slope, flows are  
5 mostly towards the east. Although it's not shown,  
6 the same is true for the western and southern slopes  
7 of the Burros. This is equally true for the  
8 generalized flow direction of groundwater.

9 Groundwater comes off the Burro highlands in all  
10 directions.

11           A particularly good source of information  
12 that confirms this can be found in the historic  
13 document produced by the New Mexico State Bureau of  
14 Mines and Mineral Resources. It's titled "Water  
15 Resources and General Geology of Grant County  
16 New Mexico." It was published in 1972, and written  
17 by a geologist named Trauger. The report did a  
18 thorough job of characterizing our local hydrology,  
19 and everything I'm saying is consistent with that  
20 report. Even though the report is decades old, since  
21 we're talking about a hydrologic system that operates  
22 in geologic time, it hasn't changed much, if at all,  
23 since the 1970s.

24           This next figure has some additional  
25 overlays on top of the same shaded relief map. The

1 colored zones show the surface watersheds or drainage  
2 basins. The blue arrows show the direction of  
3 surface water flows, but, in general, groundwater in  
4 such steep topography is traveling pathways parallel  
5 to the surface water pathways, illustrated by these  
6 drainage basins down from the Burros.

7 The 2,000-foot drop I already mentioned  
8 between the top of the Burros and Emma occurs over a  
9 distance of only 5 to 6 miles. That's approximately  
10 a 7 to 8 percent grade from top to bottom, and in  
11 such steep train, there's really no question about  
12 the direction of groundwater flow exiting the Burro  
13 highlands. This is backed up by the 1972 Trauger  
14 report. These flow patterns deliver groundwater from  
15 the recharge zone high in the Burros, following  
16 parallel paths to the drainage basins highlighted  
17 here. Groundwater is directed to Apache Mound and  
18 Loma Blanca Subdivisions through the general flow  
19 pattern following the Cherry Creek watershed in an  
20 easterly direction from the primary recharge zone.

21 And as you see, the Emma pit intercepts  
22 groundwater primarily flowing toward the northeast  
23 from the Burros, beneath the Oak Grove watershed.  
24 The small greenish basin is a tributary to Oak Grove,  
25 joining the main channel just off the edge of the

1 figure. Cherry Creek and underlying groundwater flow  
2 form a distinct pathway from the recharge zone at the  
3 top of the Burros that will not be intercepted in a  
4 meaningful way by the Emma pit.

5 So that concludes my portion of the  
6 presentation where I've explained how groundwater  
7 should flow directionally based on local topography  
8 and the historic account of the Trauger report, but,  
9 in addition to this, we've collected site-specific  
10 data following our first two phases of installing  
11 monitoring wells at Emma.

12 We conduct our drilling in phases so that  
13 we learn from the early stages, informing us how to  
14 best conduct the following phases. The first two  
15 drilling phases are by no means the end of our plans,  
16 as we have in mind several additional wells to help  
17 us further characterize and monitor the surrounding  
18 aquifer.

19 I'll now turn it over to John Ayarbe to go  
20 over what we've learned from the wells drilled so  
21 far, and to show our future drilling plans.

22 JOHN AYARBE,

23 after having been first duly sworn under oath,  
24 presented as follows:

25 MR. AYARBE: John, J-O-H-N, and then last

1 name is Ayarbe, A-Y-A-R, B "as in boy," E. I'm going  
2 to -- again, I'm John.

3 I'm a senior hydrogeologist with Daniel B.  
4 Stephens & Associates. Daniel B. Stephens &  
5 Associates is a geologic company. That's why  
6 sometimes you're hearing both names.

7 I'm going to present information regarding  
8 the groundwater characterization work that we've  
9 conducted at Emma. The work includes the  
10 installation of wells and groundwater modeling to  
11 predict future conditions.

12 You know what I'm not seeing is the slides.  
13 There we go. Perfect. We have installed monitor  
14 wells at Emma to determine baseline groundwater  
15 conditions, including flow direction and water  
16 quality. Two wells were installed in 2021, and three  
17 additional wells were installed in 2022. Shown on  
18 the slide are groundwater elevations at the wells,  
19 along with contours of groundwater elevation, and  
20 arrows indicating groundwater flow direction. The  
21 contours and flow directions are based on groundwater  
22 elevations measured at the wells. Groundwater flows  
23 from higher elevations to lower elevations. The  
24 general direction of groundwater flow at Emma is to  
25 the northeast. This flow direction is consistent

1 with groundwater mapping presented by Trauger.

2 This slide shows water quality at the Emma  
3 monitor wells. Wells nearest the Tyrone Mine and  
4 Sprouse-Copeland Fault have good water quality that  
5 meet standards, and this is shown with the blue  
6 wells, MB-44 and 396-2021-02. The natural water  
7 quality of the four locations to the south exceeds --  
8 exceeds standards. These wells are completed in  
9 mineralized rock and the exceedances are attributed  
10 to natural conditions. And that's these four wells  
11 to the south and southeast shown in red. They are  
12 attributed to natural conditions because mining has  
13 not begun and groundwater between the Tyrone Mine and  
14 Emma flows to the northeast, not towards Emma.

15 Additional monitor wells are proposed at  
16 Emma. They, along with existing wells, will form a  
17 network of wells to monitor future groundwater levels  
18 and quality. The proposed network meets the  
19 requirements of the Copper Mine Rule. It allows for  
20 the monitoring of groundwater conditions around the  
21 perimeter of the open pit and downgradient of a  
22 proposed waste rock stockpile. The proposed wells  
23 are shown in magenta.

24 We have installed the wells at Emma in  
25 phases -- and Lee spoke to this -- allowing us to

1 better site and develop specifications for future  
2 wells, such as the five new ones that are proposed.  
3 Well 396-2021-01 is located to the south. Yup,  
4 perfect, there you go. One of the reasons it was  
5 placed where it is is because we wanted to establish  
6 a monitor -- a monitoring location between Emma and  
7 the Apache Mound Subdivision. If mine impacts were  
8 to occur, they would be observed at this location  
9 long before they are seen at wells in the Apache  
10 Mound Subdivision.

11 Tyrone will conduct dewatering to  
12 facilitate mining and limit the accumulation of water  
13 in the open pit. The dewatering activities will  
14 prevent impact to groundwater. This slide shows the  
15 groundwater capture zone associated with dewatering  
16 at the Emma water management sump. It is based on  
17 simulated groundwater levels. Why simulated  
18 groundwater levels? Because dewatering is a future  
19 condition and mining has not begun. We use  
20 groundwater flow modeling to predict future  
21 conditions to help with operational decisions such as  
22 the placement of future monitor wells and sizing of  
23 pumps for pit dewatering.

24 Groundwater in this area, defined by the  
25 orange line -- if you could show that, please -- will

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1 flow to and be captured at the Emma water management  
2 sump. Dewatering will occur during operations and at  
3 closure to prevent impact to groundwater. The  
4 delineated capture zone shown in the slide is its  
5 predicted maximum extent. It reaches this extent  
6 after approximately eight years of dewatering.  
7 Although we are currently basing the groundwater  
8 capture zone on simulated groundwater level  
9 elevations, the proposed monitoring well network --  
10 the proposed monitoring well network -- will be  
11 ultimately used to define it.

12 And with that, Ms. Hearing Officer, I  
13 conclude my presentation, and I'm going to pass it  
14 back to Tom Shelley. Thank you.

15 MR. SHELLEY: Thank you, Madame Hearing  
16 Officer.

17 Okay, if you'll click three times now.  
18 Thank you. So these are the areas we've heard  
19 tonight and, also, in previous meetings with  
20 neighbors of additional concerns, and if these are  
21 matters -- are concerns for our neighbors, they  
22 matter very much to every Tyrone employee. So Tyrone  
23 contracted with a well-respected environmental  
24 consultant, Golder Associates, to complete evaluation  
25 and studies. They do this in the United States and

1 internationally at similar projects, and they do  
2 these to industry standards.

3           So the overall finding in each of these  
4 areas was that the Emma additional impact is within  
5 typically accepted levels. We don't really have time  
6 to go into detail on explaining the why of that, but  
7 these studies are available on our Freeport website  
8 as well as the Mining and Minerals Division website,  
9 and I'm happy -- we have presented on them to our  
10 neighbors in the past, and are happy to continue to  
11 discuss them.

12           Tyrone is committed to be a good neighbor.  
13 So even if this study said these impacts are  
14 acceptable, we really are committed to have -- and we  
15 have an active program to receive input from our  
16 neighbors and listen and act on concerns. We'd like  
17 to work actively to resolve, and we feel like we've  
18 been quite successful. In fact, some of the -- some  
19 of the proposed lighting systems for the Emma Project  
20 and noise activities that we will implement to reduce  
21 noise are the result of having conversations with  
22 neighbors at our New Mexico operations, and we really  
23 appreciate the feedback and input we've received. So  
24 we know -- we are very confident that the project  
25 will not be a nuisance to our neighbors.

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1           There is another aspect to the project that  
2 requires some traffic adjustments. So because the  
3 Emma Project is -- basically, portions of it are  
4 constructed near to the current county road to the  
5 Burro Mountain Homestead, the project proposal is to  
6 move that road to the south of the project area, and  
7 it requires permits with the county and the  
8 New Mexico Department of Transportation. And we've  
9 also met with the community on this, and our feedback  
10 is that this is the best alternative to eliminate the  
11 interaction of mine equipment and public traffic, and  
12 it has a minimal impact of approximately an  
13 additional four-tenths of a mile travel for them.

14           So I'd like to provide an overview of the  
15 reclamation or closure/closeout plan for the site.  
16 After mining, we are required to achieve post-mining  
17 land uses, which we have proposed to you for  
18 different parts of the site. First, reestablish a  
19 self-sustaining ecosystem, wildlife habitat. That  
20 will -- and then the other is water management and  
21 water treatment for portions of the site, as David  
22 Ayarbe explained.

23           So let me talk about the open pit first.  
24 During -- after operations and, actually, as part of  
25 operations, areas of the pit, the upper areas of the

1 pit will be partially backfilled with clean rock and  
2 dirt, meeting our material handling criteria. And  
3 then it will be covered with topsoil that we salvaged  
4 at the beginning of the project, and then revegetated  
5 with native plants.

6 Also, at the pit, during operations, water  
7 that accumulates in the pit will be quite good in  
8 quality, but we expect the quality to degrade over  
9 time after mining operations, so we propose to  
10 collect and pump pit water to the Tyrone Mine.  
11 During Tyrone Mine's operation, that water will go to  
12 our process water system, and post-closure it will go  
13 to our water treatment plan. It's already required  
14 at the Tyrone Mine.

15 As was mentioned earlier by a commenter, we  
16 have received direction both from state agencies  
17 and -- and from GRIP, a desire to minimize the water  
18 surface, so we are not proposing to have a pit lake.  
19 So we will be partially backfilling the pit bottom to  
20 minimize the size of the water surface to be managed,  
21 and then what little is left will be fully covered so  
22 that -- to prevent wildlife contact.

23 Now I'll speak about the stockpiles.  
24 Remember, there -- they are constructed of  
25 environmentally friendly dirt and rock. Do you see

1     them sort of shaded in blue just to the north of the  
2     Emma pit and over at the Tyrone Mine? These will be  
3     regraded to three to one slope, and then topsoil will  
4     be placed over the top and they'll be revegetated.  
5     The haul roads connecting Emma and Tyrone will be  
6     graded and vegetated.

7             The scope of work for this closure/closeout  
8     plan includes operations and maintenance of -- of the  
9     site and the water treatment and management system  
10    for 100 years, which is analogous to perpetuity.  
11    Financial assurance for this work is about  
12    \$12 million.

13            These photos illustrate the habitat and  
14    soil platform it is based on currently at the Emma  
15    site. Tyrone proposes to recreate the soil profile,  
16    which consists of a thin soil layer over weathered  
17    granite. This will lay the foundation for the  
18    self-sustaining ecosystem to reestablish.

19            So Tyrone has a proven record, that we're  
20    very proud of, of successful award-winning  
21    reclamation. We have an open door policy for our  
22    neighbors. We want to keep active conversations  
23    going. We invite questions and concerns. Please  
24    reach out to us. These are the different ways our  
25    neighbors can contact us.

1           And, finally, Tyrone and our employees are  
2 very excited for the project. It's a great event  
3 for -- for Tyrone and our community.

4           And, Madame Hearing Officer, this concludes  
5 my presentation.

6           HEARING OFFICER ORTH: Thank you,  
7 Mr. Shelley.

8           We would move at this point to the  
9 questioning of the FMI panel, but we've now been  
10 going a little more than two hours, and staff and I  
11 and the court reporter all need a break. So it is  
12 7:04. Let's come back at 7:20. That's a 15-minute  
13 break, and we'll have whatever questions are had of  
14 the FMI panel, starting with the division and GRIP  
15 and anyone else. If you are on the platform and you  
16 have a question of the FMI panel, please put it in  
17 the chat. Thank you.

18           (A recess was taken from 7:04 to 7:22 p.m.)

19           HEARING OFFICER ORTH: So we have a few  
20 more folks prepared to answer questions, as  
21 appropriate, for the FMI panel. Any questions posed  
22 will be answered by the appropriate person. And  
23 Mr. Shelley, because we have to do our excruciating  
24 maneuvers up here every time we switch from in-person  
25 to on-platform, I'm going to ask you to affirmatively

1 identify those questions that you want Mr. Ayarbe or  
2 Mr. Stein to -- to answer.

3 So it's you and Mr. Nix, and who is this  
4 gentleman?

5 Adam Offutt. And is it A-D-A-M  
6 O-F-F-U-T-T? All right.

7 And Mandy Lilla? All right. M-A-N-D-Y  
8 L-I-L-L-A.

9 Mr. Offut, and Ms. Lilla, and Mr. Stein on  
10 the platform, please raise your right hands. Do you,  
11 and each of you, swear or affirm that you will tell  
12 the truth?

13 (Acknowledgment of the oath.)

14 And, Mr. Stein, put in the chat, if you  
15 would, please, that you swear or affirm to tell the  
16 truth so that I can put that on the record.

17 (A discussion was held off the record.)

18 ADAM OFFUTT, MANDY LILLA & TODD STEIN,  
19 after having been first duly sworn under oath,  
20 presented as follows:

21 HEARING OFFICER ORTH: So this is going to  
22 be, I think, even a little more awkward, but we're  
23 going to get through it, we're going to get through  
24 it together, and thank you, again, for your patience.

25 When we have gotten through the

1 cross-examination, we will, then, go to the next  
2 public comments section. Anyone who hasn't yet  
3 offered their public comment will have an opportunity  
4 to do that.

5 So I had asked Mr. Ohori if he had  
6 questions of the FMI panel, and he said no.

7 Ms. Siwik, let me ask you next, do you have  
8 questions of the FMI panel?

9 We did have a question pop up in the chat  
10 from those on the virtual platform. It was from  
11 Mr. Brence, and his question was if you could clarify  
12 the tailing issue or address the tailing issue.

13 Mr. Shelley is going to go to the podium,  
14 and I'm going off.

15 MR. SHELLEY: This is Tom Shelley  
16 responding to this question. So one of the public  
17 commenters asked if there were going to be lime  
18 tailings at the Emma Project area, and the answer is  
19 no, there are no tailings associated with the  
20 project.

21 Tailings is a mining term of art that  
22 relates to processing ore, crushing it up, extracting  
23 the copper, and then the residual crushed rock  
24 material is called tailing, and Tyrone does not  
25 process ore that way, so there are no tailings.

1 HEARING OFFICER ORTH: All right, let me  
2 ask if anyone in the room has a question of the FMI  
3 panel? Let me take anyone in the room, since I  
4 already started that. I will take questions from the  
5 virtual chat just momentarily. I see a hand there.

6 Hold on, we need you to come up.

7 MR. GRIFFIN: Glenn Griffin, resident of  
8 Silver City. So for clarification and not to get  
9 hung up on technical terms, will there be lined  
10 overburden rock pile stockpiles? In other words, if  
11 it hits the ground, there should be matting down,  
12 dirt, and piping to pull away the toxic heavy metal  
13 water, pregnant leach solution, whatever, away from  
14 the groundwater and into a precipitation plant or  
15 into a solvent extraction electrowinning plant for  
16 the next hundred years. In other words, to protect  
17 our groundwater. This is something Cobre Mines did  
18 in the '90s, and Chino is now beginning to understand  
19 lined overburden stockpiles.

20 MR. SHELLEY: Thank you. This is Tom  
21 Shelley responding to that question. No, there won't  
22 be lined overburden stockpiles. As I -- the reason  
23 is there is no need for it, and the reason there's no  
24 need for it is because the stockpiles that Tyrone is  
25 proposing to construct are -- are non-discharging

1 units. The material will be segregated to ensure  
2 that they do not have acid-generating potential or  
3 acid-generating qualities, and there -- so that will  
4 not be necessary.

5 There will be material encountered -- there  
6 will be waste rock encountered at the site that could  
7 be potentially acid-generating, and that will be  
8 placed on existing permitted stockpiles for that, to  
9 receive that kind of material.

10 HEARING OFFICER ORTH: Other questions to  
11 the FMI panel?

12 Give your name first and then the responder  
13 do just as Mr. Shelley did. I'll get off.

14 MR. BECKER: Hello, Dave Becker,  
15 B-E-C-K-E-R, again. And I think I have three  
16 interrelated questions probably for Mr. Nix and  
17 Mr. Shelley. One -- and they all relate to the  
18 hydrogeology slides that were presented. One was  
19 just a question about whether there's anything in the  
20 subsurface geology that separates the Oak Grove and  
21 Cherry Creek watersheds?

22 There was a slide that was titled  
23 "Simulated groundwater capture zone," and it showed a  
24 couple of arrows to the southwest of the Emma pit  
25 that showed a water flow to the northeast, where in



1 the earlier slides of the Cherry Creek watershed it  
2 showed flows to the southeast. And am I interpreting  
3 that correctly that the Emma pit is going -- because  
4 it's being dug underneath the -- you know, below the  
5 water table, that that's going to change the  
6 direction of the flow of the subsurface water in the  
7 Cherry Creek watershed?

8 And I think the third question that sort of  
9 relates to these, that is, if the Emma pit is  
10 changing the direction of the groundwater flow south  
11 of the Emma pit in the Cherry Creek watershed and  
12 private wells drop by 2 to 7 feet, what is  
13 Freeport-McMoRan going to do about that for the  
14 private well owners?

15 MR. SHELLEY: Okay, so I'll -- Madame  
16 Hearing Officer, this is Tom Shelley. I'll respond  
17 to the last question first, and then I think if John  
18 Ayarbe heard that -- the first two questions, he  
19 could bring that slide up, or Kevin could, and John  
20 could probably respond to them best.

21 So the first question is, okay, if -- if  
22 the drawdown occurs that is predicted, 2 to 7 feet,  
23 in the neighboring well, what does Freeport plan to  
24 do about it? So the answer to that question is, that  
25 much drawdown is not going to -- if that -- if that

1 occurs and the state engineer determines that that is  
2 not -- or if it's a significant impairment to that  
3 well, then they won't issue the permit. If -- what I  
4 expect will happen is that they will determine that  
5 isn't a significant impairment to that well and  
6 they'll issue the permit. That means that the water  
7 user can continue to use their well and that level of  
8 drawdown is not going to significantly impact their  
9 operation of their well.

10 So with that, I will allow John to respond.  
11 I think there were two questions. One was, is there  
12 any geologic structure separating Cherry Creek and  
13 Oak Grove? And then the other one was flow  
14 directions and how they are affected by pit pumping.

15 MR. AYARBE: All right, great, I will try  
16 to answer these as best I can. It would be great if  
17 we could pull the slides back up.

18 UNIDENTIFIED SPEAKER: Wait one moment.  
19 Let me pull up the slide.

20 MR. AYARBE: It's simulated groundwater  
21 capture zone. That's it.

22 Yeah, so to answer the question of is there  
23 a change in groundwater flow direction due to  
24 pumping. The change is local. So the change in  
25 groundwater flow direction is going to be right

1 around the immediate vicinity of the water management  
2 sump. It is not going to reverse groundwater flow  
3 directions over at Cherry Creek.

4 And then the next question was the divide,  
5 some hydrogeologic divide between Oak Grove and  
6 Cherry Creek, I believe was the question. There are  
7 a few faults of significance, we're showing one here  
8 on this slide, this Sprouse-Copeland Fault, it tends  
9 to act as an impediment to groundwater flow, and so  
10 water tends to flow parallel to this feature rather  
11 than across it.

12 There's also another fault that's located  
13 further south of Emma, between Emma and the Apache  
14 Mound Subdivision, it's an unnamed fault. It may  
15 have the same influence, I don't know for certain,  
16 but that would be the only feature I'm aware of  
17 between Emma and Apache Mound that might have that  
18 behavior.

19 (A discussion was held off the record.)

20 Sprouse-Copeland Fault. And then the other  
21 one located to the south of Emma, between Emma and  
22 the Apache Mound Subdivision, is unnamed.

23 And that information is presented in the  
24 hydrogeo report that was submitted to NMED as part of  
25 the DP396 permit package.

1 HEARING OFFICER ORTH: Thank you,  
2 Mr. Ayarbe.

3 MR. AYARBE: Thank you.

4 HEARING OFFICER ORTH: Are there others  
5 with questions of the FMI panel? We're checking with  
6 the Smiths, because I believe Mr. Ayarbe's testimony  
7 addressed the other online question that we had. So  
8 we're checking on that. Anyone else in the room?

9 All right, so Mr. Ayarbe, we need you back.  
10 I'm going to ask the question as I see it here from  
11 the chat, and then I'm going to get off so that you  
12 can answer.

13 Mr. Ayarbe said they would locate two wells  
14 between the Emma pit and the nearby Apache  
15 Subdivision. Would that -- what would be done if  
16 they found that the water level or quality was being  
17 adversely affected during the mining period?

18 Give me a moment to get off, if you would.

19 MR. AYARBE: All right, so I'm going to  
20 have you flip the slides and we'll go up one. All  
21 right, perfect.

22 So the proposed well locations, I guess the  
23 individual is asking about maybe the proposed  
24 locations or maybe they're thinking about PMW-03,  
25 which is one of the proposed locations, and then this

1 existing well, 396-2021-01, and what would happen if  
2 some sort of impairment or effect was seen at one of  
3 these wells. I'll probably need FMI's support in  
4 answering this, but generally what we do in terms of  
5 a water quality impairment is we would implement some  
6 sort of groundwater abatement measures such as  
7 groundwater pumping.

8 In terms of drawdown, I -- Tom, do you have  
9 anything you want to add?

10 MR. SHELLEY: This is Tom Shelley  
11 responding to that last part of that question. So  
12 just to rephrase a little bit what John said, so  
13 these wells between the Emma Project and Apache Mound  
14 are not expected to be impacted quality-wise because  
15 they're upgradient of our facility, so it would be  
16 hard to understand how they could be impacted  
17 quality-wise.

18 If it were, then that is an issue that we  
19 would address with the New Mexico Environment  
20 Department Groundwater Quality Bureau, and they  
21 typically would require some -- either a corrective  
22 action or an abatement process.

23 The other part of the question was what  
24 about drawdown in those wells, and that's the  
25 reason -- that is a great question because that's

1 part of the reason those wells are installed there.  
2 Because what they can do for us is we -- we will be  
3 monitoring them. These are not wells that are  
4 pumped. They're only designed to be monitor wells.  
5 So those are wells that we will be measuring water  
6 levels. We do expect there to be drawdown in those  
7 wells, and the great thing about them is we can -- as  
8 we monitor them, we can compare them to the -- to the  
9 modeling that geologic has completed, and that will  
10 tell us if -- if our model is correct and confirm  
11 that our drawdown predictions are either on or off,  
12 and then we can react to that once we know that  
13 information. But we do expect to see drawdown. Yes,  
14 that's all I have to say.

15 HEARING OFFICER ORTH: All right, thank  
16 you.

17 Are there other questions of the FMI panel?  
18 If not, we will move to the next public comment  
19 section. Other questions? Okay.

20 Anything else to say at all, gentlemen, and  
21 female? Thank you very much, Mr. Shelley, Mr. Nix,  
22 Mr. Offutt, Ms. Lilla, Mr. Stein, and Mr. Ayarbe.

23 Going to go through the sign-in sheets  
24 again and read out the names of those who said yes,  
25 but didn't speak in the first session. Again, you

1 can change your mind, and we'll make an open  
2 invitation, as well. And if you are on the platform  
3 and would like to offer comment, please just say so  
4 and give us your name in the chat.

5 Diana Edwards?

6 DIANA EDWARDS,  
7 after having been first duly sworn under oath,  
8 presented as follows:

9 HEARING OFFICER ORTH: I'm going to go off,  
10 but if you would spell your name and then make your  
11 comment.

12 MS. EDWARDS: Diana Edwards, Dr. Diana  
13 Edwards, D-I-A-N-A, E-D -- E-D-W-A-R-D-S.

14 I have lived in Grant County for more than  
15 20 years. I'm a family counselor and an  
16 anthropologist. My cabin and the 7 1/2 acres that I  
17 am restoring -- or I thought I was before Emma --  
18 that I'm restoring is 11 Apache Mound Road. So I'm  
19 one of those who's half a mile from the Emma pit.  
20 And I have many concerns about it.

21 One thing, how do you propose to monitor  
22 the air quality, because we have a lot of wind out  
23 there, and you certainly will be, not just with the  
24 blasting, but with everything else, stirring up a lot  
25 of dust particles, which Harry Browne mentioned, as

1 well.

2 And I don't know what you will do to  
3 mitigate some of the other damage. Nobody has  
4 mentioned insects, and we now do know how important  
5 these little creatures are to the survival of all of  
6 us, even with climate change and birds not being able  
7 to get insects that they usually have or whatever.  
8 So how does the light affect that? How does the  
9 noise affect the smaller creatures?

10 So, yes, I have questions about almost  
11 every part of it, and I was glad that Tom said  
12 something about covering the pit lake, because I  
13 will -- I want to say a little bit more about that,  
14 too. The open pit, he -- Tom just said, you know,  
15 that it will be covered completely. I don't  
16 understand -- you know, when mining operations stop,  
17 I don't understand how that would happen, and I would  
18 like to know about that, too. But the toxic  
19 chemicals in this water are poisonous forever, and  
20 one thing I did notice about the report was, okay,  
21 for the closeout report, almost 7 million was  
22 designated for earthwork and water treatment. Well,  
23 even 100 years is going to take more than 7 million,  
24 and so I don't quite see how the toxic -- I mean,  
25 water is life. Toxic water is death, and I don't see

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1     how it can possibly be mitigated enough not to be  
2     poisonous.

3                     I mean, the birds -- of course, the  
4     birds -- I keep bird baths out all the time because  
5     so many months we have no water; the birds have no  
6     water. So they're going to love seeing a big lake  
7     there. Yeah, let's go, you know, get water out of  
8     the lake. So anyway, I don't -- I don't see how they  
9     can -- that's one thing I don't see how it can be  
10    mitigated. And I don't question that it will far  
11    exceed the state water quality standards, and then  
12    how can it be approved if it isn't going to meet  
13    that?

14                    (A discussion was held off the record.)

15                    MS. EDWARDS: That was the concern I wanted  
16    to focus on was the toxic pit lake, and that the  
17    water will always have to be in at least the very  
18    bottom of it. And so it's just a great concern to me  
19    that we will have in perpetuity. And they say 100  
20    years. Is that -- no, no, that's not analogous to in  
21    perpetuity. One hundred years is not enough, and  
22    certainly \$7 million is not enough.

23                    Anyway, I will end with that, but those are  
24    some of my concerns. But I would also like to ask a  
25    question about the environmental report, because Tom

1 said that typically acceptable levels and, you know,  
2 the environmental effects, and I'm wondering  
3 typically acceptable to whom, because what I read in  
4 the environmental report was, of course, they expect  
5 deaths of animals and disruption of all of the life  
6 cycles, and they expect plants to die and not be  
7 recovered. So how do you decide what's typically  
8 acceptable? I guess I'm not typical, because that's  
9 not acceptable to me, but...

10           Anyway, I thank you and I thank all of you  
11 for coming and allowing us to speak, and I would like  
12 to say about Freeport that they have -- everybody  
13 there has always been very open to my calling up and  
14 saying, What are you doing? So they've been very  
15 courteous and very polite, and I do appreciate that.

16           HEARING OFFICER ORTH: Christine Hess.

17                           CHRISTINE HESS,

18           after having been first duly sworn under oath,  
19           presented as follows:

20           HEARING OFFICER ORTH: I'll ask you to  
21           spell your name and then go to your statement.

22           MS. HESS: Christine with a C-H, last name  
23           is Hess, H-E-S-S. Christine Hess.

24           Thank you to everybody from New Mexico  
25           Minerals and Mining Department and Freeport for all

1 your time and information regarding mining operation  
2 and its impacts. Also, to Allyson Siwik and GRIP for  
3 all your energy and cares in protecting this earth.  
4 We only have one earth. Thank you.

5 We have major concerns with the drawdown  
6 map illustrating predicted water drawdown due to the  
7 Emma open pit dewatering. This map totally fails to  
8 show the huge tract of land which includes the Loma  
9 Blanca/Collum Subdivision area and what impacts it  
10 may have. There are a good number of families living  
11 here, myself included, and this land tract is also  
12 very close to the proposed Emma expansion, as is  
13 Apache Mound area. We all need consideration,  
14 protections, and commitments.

15 This drawdown map needs to be extended  
16 showing this Loma Blanca/Collum Subdivision and other  
17 areas in proximity. The studies done by Freeport  
18 fall far too short, and I will never believe, along  
19 with fellow residents, that there won't be any  
20 impacts here. These studies have also failed to take  
21 each of our private wells into account. That needs  
22 to be a commitment put into writing that this map  
23 will be extended.

24 There will be a lot of water gradually  
25 running down to this proposed 600 foot plus/minus

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1 deep open pit area, which will also be going 200 feet  
2 below the groundwater level. How will this affect  
3 our water supply, the land, and the wildlife?

4 We have been informed there will be five  
5 different monitoring wells located around Emma open  
6 pit. A monitoring well, or more, must be installed  
7 here. We will know nothing about any possible  
8 impending or growing water issues here unless, of  
9 course, our wells begin to fail. These monitoring  
10 wells need to be placed in other areas besides just  
11 around the open pit so we can correctly watch for any  
12 impacts to our water supply. Again, there needs to  
13 be a commitment and put into a legal written  
14 agreement.

15 The earth's environment and weather has and  
16 is changing. It is majorly affecting not only this  
17 area in New Mexico, but also encompasses our entire  
18 glorious earth. Listen and observe the facts. And  
19 so severe drought in New Mexico, along with  
20 surrounding states, has been a major environmental  
21 impact this year, causing some of the largest fires  
22 in history. So we have been dealing with drought,  
23 and may now also have a mild expansion which will use  
24 millions of gallons of water in this semi-desert  
25 area. I fear there's never enough water to also

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1 support further mining.

2 If this Emma expansion may eventually be  
3 allowed to progress, then there needs to be a legal  
4 written agreement with all the residents that our  
5 private wells will be repaired, whether it's a deeper  
6 or new well if needed. And there is also the water  
7 quality, too. If Freeport plans an expansion, then  
8 they need to become responsible for all who are  
9 sharing this precious area's land and water.

10 I feel this mining company has done more  
11 than enough expansion already. In this area, there  
12 are views of miles upon miles of mining piles.  
13 There's a lot of nature that will disappear entirely  
14 if this expansion is allowed, its precious and scenic  
15 land, trees, and the wildlife. Upon the mine  
16 expansion's closing some day, this 600 foot deep,  
17 plus or minus, open pit will need to be dewatered,  
18 have its water pumped out perpetually, forever.  
19 Forever is rather frightening and becomes a huge  
20 question mark. Is Freeport's forever plan adequate?  
21 Will there be -- is there enough money set aside to  
22 cover the cost of forever? Not sure how one sets a  
23 monetary amount for the continual forever cares  
24 required for this massive open pit, wow, again  
25 requiring perpetual forever pumping.

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1           We also have major concerns regarding air,  
2 dust pollution, noise and light pollution. In just  
3 beginning to study the released 245-page permit  
4 application, it speaks of blasting all seven days a  
5 week and how many times daily. I don't believe  
6 blasting is even considered in the noise study. I  
7 truly fear all possible impacts to this area and our  
8 properties. What will happen to the air quality?  
9 How much dust will there be including during all this  
10 blasting? Then, we enjoy some of the most glorious  
11 dark night skies. What impacts will affect us with  
12 all Freeport's lighting?

13           And the noise pollution, what will we truly  
14 hear and experience? With noise coming from  
15 blasting, operating the mine, all the way down to  
16 trucks and heavy equipment backing up, are we going  
17 to hear the very impactful backup beeping? How much  
18 of what we so cherish in our lives and this area may  
19 be entirely destroyed?

20           I have met a lot of incredibly beautiful  
21 neighbors in my short time residing here, and not one  
22 of them deserves these impacts or change of life. My  
23 inner voice and heart tell me there's huge potentials  
24 for adverse impacts to this glorious semi-desert  
25 area, to our properties, as well, our health, and our

1 quality of life.

2 Further studies and communication need to  
3 be accomplished and committed to, put into legal  
4 written agreement. I am requesting another hearing  
5 covering commitments, along with new plans that need  
6 to be met. Will they be and when? Also, we need  
7 time to study this newly released 245-page permit  
8 application. If Freeport wants to move, expand into  
9 this area, sharing this land and life with us, there  
10 must be responsibility, along with legal commitments  
11 agreed to. Thank you for your time.

12 HEARING OFFICER ORTH: All right, thank  
13 you, Ms. Hess.

14 I have someone down as a maybe, Peter  
15 (inaudible). Peter Rankaitis? No? All right.

16 (Inaudible) who identified as wanting to  
17 make a comment on the virtual platform. First we  
18 have Carol Martin. I have to get off in order --  
19 okay, count to 15, Ms. Martin. I'm going to ask you  
20 to swear or affirm that you will tell the truth, and  
21 spell your name, and then offer your comment. Thank  
22 you.

23 CAROL MARTIN,  
24 after having been first duly sworn under oath,  
25 presented as follows:

1 MS. MARTIN: I swear to tell the truth.

2 C-A-R-O-L M-A-R-T-I-N.

3 And in reading through the --

4 UNIDENTIFIED SPEAKER: I'm sorry, I have to  
5 switch one more thing. You'll have to start again.

6 MS. MARTIN: I swear to tell the truth. My  
7 name is Carol Martin, C-A-R-O-L M-A-R-T-I-N.

8 In reading through the habitat impact  
9 assessment taken from the GSA in 2021, I saw a couple  
10 of things I wanted to bring to your attention. It  
11 says that there are no springs, wetlands, or streams  
12 in the area. (Unintelligible due to audio  
13 distortion.) Bullfrogs are found near water or  
14 (unintelligible due to audio distortion).

15 Also on the maps, listed Oak Grove as a  
16 wash. It's listed on the topo map as Oak Grove  
17 Creek. So that's a conflict.

18 Also, on pages 8 to 10 of the habitat  
19 impact assessment, there's attachment 1 of 114 plant  
20 species encountered in the assessment area, and their  
21 abundance. There's three pages listed, which is  
22 fabulous. Thank you for doing that. However, it's  
23 my hope that these are the only plants that will be  
24 used in the reclamation and restoration of the area,  
25 with the exception, of course, of non-native and



1 invasive species that are also included in the  
2 report.

3 In dealing with the Little Rock reclamation  
4 list of plants, there were approximately 20 plants  
5 that either are not found in the area, are not  
6 native, or do not grow in the state of New Mexico.  
7 The seed mix, then -- if you read down farther -- to  
8 be used in the reclamation of Emma, "many parts of  
9 New Mexico." So it's not specific here to the Burro  
10 Mountains. It's a generalized seed mix that can be  
11 used anywhere, in any parts of New Mexico. So I hope  
12 you pay attention to this, because why waste the time  
13 and money to plant things that aren't even going to  
14 grow here? Thank you.

15 UNIDENTIFIED SPEAKER: Ms. Martin, are you  
16 finished? I'm going to have to switch my microphone  
17 back. Hopefully you can hear this.

18 MS. MARTIN: Yes, thank you very much. I  
19 am finished.

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

22 The other person I saw on the platform who  
23 wanted to offer public comment, I believe, is C.  
24 Smith. C. Smith, can you hear me? C. Smith. I  
25 don't know what the first name is there, just C.

1 Smith is the identifier on the platform. He has no  
2 microphone? All right, we're not doing panelists for  
3 public commenters. It's a security measure. Some of  
4 these hearings have been bombed, Zoom bombed, as they  
5 say, and I'm not suggesting that Mr. Smith would be  
6 such a person, but that's why we don't have public  
7 commenters as panelists. I'm sorry if you don't have  
8 a microphone, Mr. Smith. Let me invite you to offer  
9 your public comment in writing sometime before  
10 August 31st. And if you have other communication  
11 on the platform with Mr. Myers here, your technical  
12 host, please go ahead and do that.

13 So let me ask just as an open invitation --  
14 I don't see anyone else expressing a desire on the  
15 platform to offer public comment. Is there anyone  
16 who has perhaps said no originally and then changed  
17 their mind here in the room? Okay, I'm not seeing  
18 any hands here.

19 We will move, then, to the presentation by  
20 GRIP. This is Gila Resources Information Project.  
21 As I understand it, Ms. Siwik -- we're going to hear  
22 from Ms. Siwik, by way of introduction, and then from  
23 Dylan Duverge, and then from Jim Kuipers, and then  
24 you'll wrap us up, wrap up the GRIP presentation at  
25 the end of that. So we have Mr. Duverge in person,

1 and you're in person, but then Mr. Kuipers is on the  
2 platform, right? There will be a little bit of  
3 awkward maneuvering, but we're going to get through  
4 it.

5 So, Ms. Siwik, if you would please raise  
6 your right hand.

7 ALLYSON SIWIK,  
8 after having been first duly sworn under oath,  
9 presented as follows:

10 MS. SIWIK: Thanks, Kevin and DJ.

11 Good evening, Madame Hearing Officer. My  
12 name is Allyson Siwik, A-L-L-Y-S-O-N S-I-W-I-K. I'm  
13 executive director of Gila Resources Information  
14 Project, otherwise known as GRIP. And thank you for  
15 the opportunity to provide technical testimony  
16 tonight on Freeport-McMoRan application for the Emma  
17 expansion project.

18 For those of you who are not familiar with  
19 GRIP, our organization was founded in 1998. Our  
20 mission is to promote community health by protecting  
21 our environment and natural resources in Southwestern  
22 New Mexico. GRIP's role is meant to facilitate  
23 informed public participation and natural resources  
24 decisions that will have profound and long-lasting  
25 impacts on the region's environmental and economic

1 health.

2 And for nearly 25 years, we've pushed mine  
3 operators and state regulators to ensure that copper  
4 mining is done responsibly in Grant County. I should  
5 say, we are a member of the Initiative for  
6 Responsible Mining Assurance, IRMA for short. IRMA  
7 is an international set of standards for socially and  
8 environmentally responsible mining. Anglo American,  
9 Ford, BMW, Microsoft, Tiffany, Hornig have all joined  
10 IRMA. All of these companies recognize that having  
11 responsibly sourced metals is an important societal  
12 goal and critical to their bottom line.

13 GRIP's responsible mining program is not  
14 anti-mining. We recognize the economic importance of  
15 Freeport-McMoRan to local families and businesses, to  
16 Grant County and the state, as well as the  
17 significance of copper production to renewable energy  
18 development. However, we believe that company  
19 profits should not come at the expense of healthy  
20 communities and environmental quality. Freeport's  
21 mining operations must respect their neighbors and  
22 mitigate risks to our water supplies, our  
23 environment, our wildlife, and public health.

24 As noted by Mining and Minerals Division,  
25 the Emma pit is a new unit and must, therefore,

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1 comply with additional requirements under the Mining  
2 Act. Under the part 5.508 mining and tools, the Emma  
3 operation shall be designed and operated using the  
4 most appropriate technology and the best management  
5 practices, and the Emma operation and completed  
6 reclamation shall meet requirements established to  
7 assure protection of human health and safety, the  
8 environment, wildlife, and domestic animals.

9 Now, we believe Freeport's operations and  
10 reclamation of Emma should meet industry best  
11 practice standards for socially and environmentally  
12 responsible mining as defined by IRMA.

13 Now, our comments tonight respond to the  
14 Mining Act new unit requirements, in addition to the  
15 other Mining Act regulations that all mining  
16 operations must comply with. And with me tonight are  
17 two of our technical consultants, Jim Kuipers of  
18 Kuipers & Associates. Jim is online from Montana.  
19 And, also, Dylan Duverge of Stratus Environmental  
20 who's here in the room. And I'll let them each  
21 introduce themselves.

22 Jim and Dylan, they're going to be  
23 outlining our technical concerns with Freeport's  
24 application, and recommendations for reducing impact  
25 to nearby residents, water supplies, the environment,

1 and wildlife. So I'm going to hand it over to Jim,  
2 and I know we're going to have to do a little  
3 maneuvering here.

4 HEARING OFFICER ORTH: Welcome,  
5 Mr. Kuipers. This is Felicia Orth and nice to see  
6 you again.

7 I'm going to ask you to swear or affirm  
8 that you will tell the truth and ask you to spell  
9 your name and then give your statement.

10 JAMES KUIPERS,  
11 after having been first duly sworn under oath,  
12 presented as follows:

13 MR. KUIPERS: I swear to tell the truth.  
14 My name is Jim, or James, Kuipers. Last name is  
15 spelled K-U-I-P-E-R-S.

16 And, Kevin, are you going to put up my  
17 presentation or should I try and share it --

18 HEARING OFFICER ORTH: Mr. Kuipers, you  
19 should share.

20 MR. KUIPERS: Can we -- can we see that?  
21 Whoops. Can you see my screen?

22 HEARING OFFICER ORTH: Yes.

23 MR. KUIPERS: Okay.

24 Good evening, Madame Hearing Officer, and  
25 others in the audience that have still stuck around.

1 Appreciate everybody's patience, and appreciate the  
2 patience of folks to try to make a hybrid meeting  
3 like this work. Hopefully, technology will get  
4 better. It can't get much worse sometimes, so...

5 Just to start with, I mentioned I've been  
6 working with GRIP for more than 20 years now, and in  
7 that process also had the chance to work with the  
8 folks at Freeport-McMoRan, the Mining and Minerals  
9 Division, the environment department, and others  
10 during that time. We've had a good conversation, I  
11 think, over the years and things have improved  
12 significantly.

13 I do work, have done for the last 25 years,  
14 work for public interest groups and communities  
15 throughout the United States, Canada, and elsewhere,  
16 and I find the questions, the input that are being  
17 provided by potentially impacted community members to  
18 be particularly helpful here. I think it's very good  
19 input to -- to have gotten. But oftentimes we don't  
20 get that, and so I really appreciate people's  
21 comments tonight.

22 Why don't we go to the next slide, and I'm  
23 going to keep my comments fairly brief. And I'm  
24 going to start by saying this slide is not meant to  
25 impugn or otherwise suggest that the process that's

1 being undertaken, nor Madame Hearing Officer's  
2 deadline in two weeks, is not respected, but I do  
3 think it's important to point out a couple of things  
4 in this situation.

5 One, as has been mentioned, the application  
6 itself is not technically complete. There's still  
7 questions between the agencies, the company going on,  
8 and that, also, is an opportunity typically for us to  
9 talk with the agencies informally, with the company,  
10 and others, as well. One of our goals is always, by  
11 the time we submit formal comments, we'd like to have  
12 those comments be fairly succinct, substantive, and  
13 not have to throw literally the whole kitchen sink at  
14 the Mining and Minerals Division, as well as others.

15 The second point here is the environment  
16 department discharge permit application. That  
17 application is presently under review, but we don't  
18 yet have a draft discharge permit. And in most  
19 cases, that's something -- we have at least had a  
20 draft discharge permit to review and comment on at  
21 the same time, and we expect the closure/closeout  
22 plan to also reflect the DP.

23 So it's -- and I just mentioned one other  
24 thing that, ideally, in the conversations we have,  
25 even going to the next point and talking to Freeport



1 about Tyrone, one of our goals that I think folks can  
2 appreciate that have gone through the process is to  
3 avoid a discharge permit hearing. Those hearings are  
4 much more onerous than what we're all going through  
5 tonight, and so part of our goal in this whole  
6 process, and discussions, and other things is to try  
7 and avoid that.

8 We've also -- I want to make sure on my  
9 third point, GRIP has had the opportunity to meet  
10 with Freeport, Tyrone, and discuss the CCP. What I  
11 really meant to suggest here is we need one or two  
12 more opportunities to really get to the point of  
13 where I think we've had the kind of discussion and  
14 clarification that we would desire, that would get us  
15 to that point of being fairly succinct in what we all  
16 expect of the Mining and Minerals Division, other  
17 regulatory agencies to do or address.

18 And then, finally, just quite simply, this  
19 has been a record summer for being busy, as well as a  
20 few other things. Our technical comments are still  
21 in the process of being developed, and they're  
22 pending, and so trying to do this in the next 14  
23 days, I'll just say it will be interesting, to say  
24 the least. Ideally, and, again, what's very  
25 important here is New Mexico has a great deal of

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1 respect for the Mining -- the Mining Act, as well as  
2 the people who work in the Mining and Minerals  
3 Division have a great deal of respect for public  
4 comment. Ideally, to really take that the whole way,  
5 we would have more time. And I do think -- we do  
6 note that we can always submit comments to the Mining  
7 and Minerals Division, they will address those, et  
8 cetera, but this is really the opportunity to  
9 formally submit those and have those submitted on to  
10 the company. So just want to mention that, and it  
11 wouldn't break my heart if you were to consider  
12 perhaps giving us four weeks instead of two. I'll  
13 just go so far as to make that recommendation.

14 So moving on to impact on local  
15 communities. And -- and, again, I think the  
16 discussion tonight that you've heard really reflects  
17 a lot of the different things that I would plan on  
18 commenting on in detail. But importantly here, what  
19 we have in the case of Emma, because it's a new unit,  
20 we essentially have a different situation where,  
21 through the process of the Mining Act, and as I  
22 mentioned, Section 69-36-5B here, there actually is  
23 an analysis of the mining operations impact on local  
24 communities. And that's something we haven't seen  
25 previously, at least in my experience, at Chino,

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1 Tyrone, Cobre, and/or Little Rock. And so we're  
2 really seeing the first studies, if you will, that  
3 have been generated to look at these issues relative  
4 to Tyrone, as well as to the Emma Project. And I  
5 think that's something important.

6 As Allyson mentioned, one of the real key  
7 parts of the act that we look at is the fact that it  
8 requires most appropriate technology, best management  
9 practices. And I'll touch on that a bit more, but  
10 that's really the heart of what we all want to see  
11 happen. We want to see the mining done, but we want  
12 to see it done right, and it's using these best  
13 practices and most appropriate technology, those are  
14 the best ways to get us there.

15 So I've listed here some of the potential  
16 impacts, specifically the non-water impacts because  
17 my colleague, Dylan, will talk about those in a  
18 moment here. But you've heard about things like  
19 noise, lighting, air impacts, dust, blasting.  
20 Haven't heard about safety, but I'd add that to the  
21 list. In my experience, all these things, what they  
22 lead to is an overall well-being, and way of life,  
23 and a question about that, and a change in that and  
24 people's either perception or actual well-being can  
25 be affected.

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1           Now, we look at the studies that have been  
2 done. It is notable that they all come back saying  
3 existing conditions, additional conditions are all  
4 within acceptable levels. Noise is a really good  
5 example. It was mentioned by somebody, but I'll use  
6 it as an example.

7           Twenty-one years ago now, I was asked to  
8 put together my first mitigation plan, a formal  
9 written, legally agreed to mitigation plan between  
10 Stillwater Mining Company and three environmental  
11 conservation groups in Montana, but that plan dealt  
12 with noise and lighting. And we did really pretty  
13 much the same thing that Golder has done here in  
14 terms of doing an assessment, a survey of the  
15 potential noise and lighting, but what we discovered  
16 was until we actually reached out to the community,  
17 not waited for them to get to us, but actually went  
18 to them and said, Tell us what your issues with noise  
19 and lighting, those type of things, are, that's when  
20 we learned that the studies we were doing really  
21 didn't hit the mark. And noise being one of the best  
22 examples.

23           The study that Freeport's done, the typical  
24 study, it's based upon noise levels measured as  
25 decibels. And that works very well in an industrial

1 setting. What happens in a quiet or quieter  
2 nighttime setting -- and we discovered this, again,  
3 when we actually went out and surveyed residents --  
4 was it was that backup alarm. And somebody mentioned  
5 that, I think, earlier in the testimony. The backup  
6 alarm, which didn't register hardly anything in  
7 decibels, but was high-pitched, very annoying, and  
8 happened to come on in the middle of the night and  
9 wake people up, that turned out to be the biggest  
10 issue. And, interestingly, the backups were  
11 occurring where we had vehicles going forward,  
12 parking it, and then having to back up when they were  
13 leaving the workplace. We just simply put a  
14 roundabout so they didn't have to back up.

15 That noise issue was addressed. Lighting  
16 similarly addressed. All these things have very  
17 individual impacts. One thing I would mention is the  
18 studies also talk about the present -- and, really,  
19 the impacts that they talk about are predicated on  
20 the present existing best management practices by the  
21 company.

22 And while they mention a couple of those  
23 practices, we actually don't have any formal document  
24 or an actual, what are these BMPs, how -- you know,  
25 what do they entail, how are they enforced, what kind

1 of expectation should people have from those BMPs,  
2 and are they, in fact, reflect current best practice?  
3 So these are just some of the aspects that we want to  
4 get to, and comments, in much more detail that will  
5 take a little bit of time and effort to put together.

6 Go ahead to the next slide. So there's a  
7 number of other things, and, again, I think it's  
8 interesting how many folks have brought up a lot of  
9 these different aspects. But this is just kind of a  
10 bullet list of the other aspects that we'd like to  
11 talk with the company about and/or comment on. We  
12 talked -- you know, we heard from Tom, and I  
13 appreciate Tom's presentation, always appreciate the  
14 information that Tom provides. In terms of project  
15 duration, I now understand this to be a five-year  
16 project. I actually wasn't sure if it was a six- or  
17 seven-year project, and the CCP, I wasn't sure,  
18 reflected that, but appreciate the clarification on  
19 the project duration. I think if I were a local  
20 community person, somebody who might be affected by  
21 this mine, two things I'd want to really know are is  
22 there a potential for further expansion. Could it  
23 be, the price of copper goes up, that you widen the  
24 pit and go even deeper? Are there other projects,  
25 pods and mineralization located in the vicinity? It

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1 would give folks some idea of whether this is truly a  
2 five-year project or perhaps just the beginning of  
3 something more. And I realize that's up to the  
4 company to provide that information, but it is  
5 something I think potentially impacted folks deserve  
6 to know.

7 It also leads to some ideas I would share  
8 with the company and talk with other folks about in  
9 terms of post-mining land use and, in particular,  
10 open space. One thought might be that after the five  
11 years of mining and reclamation, could the area  
12 surrounding the mine be put into a conservation  
13 easement and held for not being developed in the  
14 future, actually serve that purpose of wildlife  
15 habitat that's mentioned more fully.

16 Climate change is something that's also  
17 been mentioned. I do a lot of work on climate change  
18 throughout the country, as well as elsewhere, trying  
19 to come up with best ways to address build  
20 robustness, build resiliency into the system. It's  
21 always been surprising to me that Freeport itself  
22 hasn't viewed this issue from a risk standpoint a  
23 little bit differently, but that's certainly  
24 something we have some ideas on, and would like to  
25 see some data that's been talked about and due for

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1 that.

2           People are talking about waste rock and  
3 potential for leaching of metals, various other  
4 things. That's all part of the geochemistry. In  
5 particular, we want to discuss the implementation and  
6 carrying out of the company's waste management plan,  
7 because that's how you make sure that if a pile isn't  
8 supposed to generate metals, it doesn't, and that the  
9 material that might generate metals goes to the  
10 Tyrone Mine where they're already dealing with a lot  
11 of it. It's not so much what we think we do, but  
12 what we actually do on the ground in terms of that  
13 waste -- in terms of the waste management plan that's  
14 very important.

15           Pit reclamation, a pit lake sump, that's a  
16 whole subject that we have talked with the company  
17 about, the agencies about, as well. There's just  
18 some additional discussion there, and I think  
19 involvement with folks on the Fish and Wildlife, Fish  
20 and Game side that needs to occur.

21           A subject that I always bring up,  
22 particularly having my mining background and having  
23 some particular experience with open pits, et cetera,  
24 is we need to be concerned about high wall stability,  
25 as well as public safety. Mining features become



1 attractive nuisances to young folks and others, and  
2 it's just one of the unfortunate realities.

3 As I mentioned, the discharge permit's  
4 still under review.

5 And then I'll just close with one other  
6 area that we worked a lot with the agencies, as well  
7 as Freeport-McMoRan, is financial assurance so that  
8 we make sure that there's always money available to  
9 see these mines reclaimed and closed. One of the  
10 issues we've talked about frequently is the 100-year  
11 net present value and the use of that approach.  
12 Other places are looking at as much as 500 years.  
13 And the reality is -- while I -- I hesitate to use  
14 the word "perpetuity" because that's -- well, that's  
15 forever, it's going to be a long time, and we're  
16 talking centuries, tens of centuries into the future.  
17 We do need to make sure we've got that money.

18 And then, finally, one of the things that  
19 we've worked together on over the last 20 years has  
20 been a reduction of the corporate guaranty, which is  
21 essentially a promise by the company to provide the  
22 funds for some of this financial assurance. I think  
23 it's very laudable that we have seen the company  
24 reduce, and I think the agencies, as well as GRIP  
25 have been a part of this, the financial guaranties

1 from as much as 75 percent the company could place,  
2 presently it's 25 to 30 percent, I believe in that  
3 range. We'd like to see that worked down to zero.  
4 And if we're going to see the company, and I hope  
5 they do see some financial benefit from the green  
6 energy kind of revolution going on, that some part of  
7 that profit does go into eliminating those corporate  
8 guaranties over time.

9 So that's another subject we'd like to talk  
10 about. So, again, appreciate everybody's time,  
11 patience, and everything else, and look forward to  
12 answering any questions if I can.

13 HEARING OFFICER ORTH: Thank you,  
14 Mr. Kuipers.

15 I see Mr. Duverge at the podium.  
16 Mr. Duverge.

17 DYLAN DUVERGE,  
18 after having been first duly sworn under oath,  
19 presented as follows:

20 MR. DUVERGE: My name is Dylan Duverge.  
21 That's D-Y-L-A-N D-U-V-E-R-G-E.

22 Good evening, everybody. And everybody  
23 who's still here, I applaud you. It's been a tough  
24 evening.

25 I'm here to talk about the water issue that

1 has come up a lot. I think it's worth getting a  
2 little bit of background on myself. I'm working on  
3 behalf of the Gila Resources Information Project as a  
4 professional -- licensed professional geologist in  
5 the state of California. I think it's worth saying  
6 that I've got a lot of very specialized experience  
7 working with well interference, investigations, and  
8 fractured rock and granite specifically that looks a  
9 lot like the geology out there at Emma.

10 I've put together a groundwater monitoring  
11 and mitigation plans, and I've seen how groundwater  
12 modeling can oftentimes differ from reality. So I've  
13 seen how long-term modeling, future modeling of  
14 groundwater conditions have differed from what we see  
15 on the ground after five, ten years have gone by.  
16 And that is normal for science.

17 So my role here today is to give a  
18 technical review of two reports that I've reviewed  
19 for GRIP, and just give my perspective as -- my  
20 independent perspective as a geologist. Can we go to  
21 next slide?

22 So to be clear, I want to show the two  
23 specific reports that I've reviewed, which was the  
24 D.B. Stephens & Associates report in 2021 that, as I  
25 understand, was submitted in support of the discharge

1 permit application. There was another report that  
2 also provided a drawdown analysis, by John Shomaker &  
3 Associates in 2022, and that report was submitted in  
4 support of the OSE water rights application.

5 So these are two reports that address very  
6 similar questions that come up with very different  
7 results for drawdown at the nearest domestic wells.  
8 I'm going to do my best to give the sort of headlines  
9 of these rather than go through them in detail  
10 because you are all tired, and so am I.

11 So what I have found is that -- and this  
12 is -- this is normal for a report that takes a  
13 different technical approach, that makes different  
14 assumptions, and that applies different values to  
15 their analyses, but I want to point out the very  
16 large differences between results of these two  
17 reports. The D.B. Stephens & Associates report  
18 modeled 2-foot drawdowns after 40 years at the  
19 closest domestic wells. And the John Shomaker &  
20 Associates report modeled 10 feet of drawdown after  
21 ten years at the closest domestic wells.

22 The difference here is -- are few. I've  
23 highlighted -- I've bolded some of the major ones,  
24 which is the simulat- -- the time period that was  
25 simulated, as well as the other water rights that

1 were incorporated or not incorporated into the  
2 prediction of drawdown at the nearest residential  
3 wells. So the 10 feet for the water rights  
4 application attachment -- that's the one on the  
5 right -- that was 7 feet due to the exercise of  
6 Tyrone's existing water rights, and 2 feet overlaid  
7 on top of that because of Emma's pumping in order to  
8 keep their mine pit dry -- well, as dry as they can.

9 Go to the next slide. Well, actually wait.  
10 There's one other major difference I want to point  
11 out, which is the assumed inflow rate. And both were  
12 model simulated, but D.B. Stephens found a 10 gallon  
13 permanent average inflow rate, which in both analyses  
14 decrease over time, which makes sense. As  
15 groundwater conditions reach closer to equilibrium,  
16 that's a lot more likely -- that's more likely to be  
17 seen the longer you model groundwater conditions.  
18 But John Shomaker modeled about 62 gallons per minute  
19 on average, which, for reference, is about 100 acre  
20 feet per year. So there's an extremely large  
21 difference in the assumed inflow rate in both of  
22 these reports. And like I said earlier, it's not  
23 necessarily because they did something wrong, it's  
24 simply to point out that your assumptions, your  
25 methods, will always produce different results, and

1 this -- if you can go to the next slide -- this  
2 doesn't really inspire confidence in the drawdown  
3 results that have been reported to the model.

4 So in reviewing both reports, I found that  
5 there's a real lack of adequate baseline data when  
6 you're looking at the area south of the Emma pit, and  
7 as you guys have heard, there are a large number of  
8 residents that have concerns about access to their  
9 water. So if you're going to try and address those  
10 concerns, you would want to get -- gather more data  
11 from the wells of the concerned residents. And the  
12 only data in either report for the residents' wells  
13 are OSE lots. Neither analysis incorporates the  
14 exercise of domestic water users' water rights, which  
15 tend to be around 3 acre feet a year. It's small,  
16 but it ignores a very important user group in the  
17 surrounding area. Both reports present results  
18 without discussing data gaps or sources of  
19 uncertainty, which is critical when you're talking  
20 about hydrogeology, because our margins of error are  
21 humongous.

22 So what I have seen in the past is a  
23 presentation of a range of scenarios based on  
24 acknowledged uncertainty. Neither report, as I've  
25 read them, acknowledges the sources of uncertainty in

1 their results.

2 I won't spend too much time on this, except  
3 we heard from Freeport's consultants, and I don't  
4 actually disagree with most of what they have said.  
5 I just want to point out that they have -- they  
6 presented the hydrogeology at the 35,000-foot level.  
7 This is a very complex, intrusive igneous aquifer,  
8 which is heterogenous. For those in the audience  
9 that don't know what that means, you can drill a well  
10 in one area, get no water whatsoever, cross the  
11 street, drill a well, and have a well that produces  
12 30 to 60 gallons per minute. What that shows is that  
13 groundwater is moving in fractures, and it's moving  
14 in unpredictable ways.

15 I want to direct attention to the bottom  
16 middle area of the slide which shows the orientation  
17 of fractures and foliations in the rock that I've  
18 lifted directly from the source map, which is Hedlund  
19 1972 source map, which the regional geology is based  
20 off of. And there's much more detailed geology for  
21 the Emma pit itself, including remapping of the  
22 Sprouse-Copeland Fault.

23 What this shows is intersecting fractures  
24 that intersect in many different directions. So my  
25 main comment on the hydrogeology reports is that the

1 geology in this case has been painted with a very  
2 broad brush, especially when you're talking about the  
3 area south of the Emma pit. I want to also point out  
4 that I've added the two blue dots on that map which  
5 indicates springs that actually by -- mapped by the  
6 USGS, and the reaches south of -- or downstream of  
7 those springs are mapped as perennial reaches. These  
8 aren't shown on most of the figures -- well, any,  
9 actually -- that I reviewed in the two reports  
10 (inaudible) south of the unnamed fault that was  
11 mentioned earlier, and those are indications of  
12 surfacing groundwater.

13 In terms of this unnamed fault, we know  
14 very little about it as to whether it facilitates  
15 groundwater flow or impedes it. The Sprouse-Copeland  
16 Fault is being characterized as an impediment to  
17 groundwater flow in both of the reports. It's  
18 probably accurate, but we don't know until it's been  
19 validated. The reports I reviewed were after the  
20 drilling of two of the very first monitoring wells,  
21 so I have not reviewed what has occurred since the  
22 drilling of the next, I don't know, three or four  
23 monitoring wells. But the hydraulic properties of  
24 the monitoring well that was drilled closest to the  
25 Sprouse-Copeland Fault indicate an increase in



1 hydraulic connectivity rather than a decrease.

2 I've tried to summarize the elements that,  
3 at the very core, a hydrogeological model should  
4 reflect. It's essentially a computer running  
5 calculations and equations, but if you don't have  
6 these elements right, it becomes very difficult to  
7 provide a validated model. The geologic formation  
8 and the hydrologic properties are fairly well-known,  
9 so I would say that they were adequate, but with a  
10 big caveat that they're based on monitoring wells and  
11 well pump tests that were done only in and near the  
12 Emma pit. It provides a very sort of -- a smaller  
13 picture of a larger aquifer as a whole.

14 There are some questions about the faults,  
15 like I just mentioned in the previous slide. There  
16 is data, there is groundwater level data that was  
17 gathered by Freeport in the last two years. These  
18 are a small snapshot in time. As somebody pointed  
19 out earlier, the groundwater level contours change,  
20 and that can be for one of two reasons. Either it's  
21 because the actual groundwater flow has changed  
22 direction or because they are slowly getting a higher  
23 resolution of detail on what the groundwater is doing  
24 in that local area. In either case, there's no  
25 ground -- current groundwater level information south

1 of the pit or at Emma -- or at the Apache Springs  
2 Subdivision, or any of those subdivisions south of  
3 there.

4 I've covered those next two, which I think  
5 should have been shown and discussed in greater  
6 detail in both of the reports.

7 This is a cross-section of the mine that  
8 was shown earlier tonight. That cross-section was  
9 sort of a southwest to northeast cross-section, which  
10 shown here is in a near perpendicular direction from  
11 the northwest to the southeast. This shows the  
12 residents' wells, and what I really want to highlight  
13 here is the left of the cross-section -- the left  
14 half of the cross-section shows in black stairsteps  
15 the mine pit and the bottom, which we've covered is  
16 500 feet deep and intersects the groundwater table  
17 level by 200 feet. What I have added to the figure  
18 are the red boxes and the blue dots, which show the  
19 springs, as well as the date -- critically, the date  
20 ranges for the water level data at the domestic wells  
21 on the right-hand side of the cross-section. They  
22 range from 1995 to 2009, basically, 10 to 20 years  
23 old, and while groundwater levels in a fractured rock  
24 aquifer don't change rapidly, they do change within a  
25 20-year period, and the blue arrows indicate the

1 groundwater levels at the time those wells were  
2 drilled, and they're all over the place. So that  
3 shows that this is a dynamic system that changes and  
4 that follows the fractures in the rock.

5 So one of the major steps when determining  
6 how accurate a model is in predicting future  
7 groundwater levels is a calibration, and you do that  
8 based on the past, and past groundwater levels.  
9 How -- how accurate is it in predicting groundwater  
10 levels that we know have already occurred. There's  
11 one groundwater monitoring well with a long-term  
12 record in the vicinity of Emma, and that's well  
13 MB-44. I noticed that the calibration did not extend  
14 past 2010 and that MB-44 is completed in a different  
15 type of granitic rock. It's much younger, it's  
16 mapped as a different geological formation than  
17 the -- than what would be -- than the pit would be  
18 completed in.

19 There are always differences in simulated  
20 versus observed conditions and models. Small  
21 differences are acceptable. What I found is that a  
22 really important difference is a difference in the  
23 trend. The measured groundwater levels in the last  
24 10 years at MB-44 has been stable. The model  
25 predicted a decrease in groundwater level. I can't

1 say why, but it's a very important difference to  
2 point out.

3 This is probably my second major comment on  
4 the drawdown analysis that I've reviewed. When both  
5 of these consultants have reported the result, you  
6 know, 2 to 7 earlier, but I've seen 2 to 10 feet  
7 depending on the source, that sounds like not a lot  
8 because they're comparing it to the total water  
9 column that they know of that was measured when those  
10 drill -- when those wells were completed or drilled.  
11 And that can be any time between 1999 and, you know,  
12 close to present day.

13 This figure right here is not my figure.  
14 All of the colored arrows and the notations are mine,  
15 but the figure itself is from OSE's drawdown  
16 assessment guidelines. The reference for that is  
17 Morrison 2017. What this figure is showing is that  
18 the total drawdown that you can expect in a well has  
19 many components. Only one of those components is the  
20 drawdown caused by the dewatering -- well, by heavy  
21 pumping. There's -- and, also, a component of  
22 drawdown due to other water rights being exercised.

23 Some of them have got -- have -- one  
24 report, like the John Shomaker report, did  
25 incorporate the exercise of Tyrone's water rights as

1 a whole, but for only 10 years, and we've heard  
2 tonight that that is not a realistic assessment.  
3 Once this pit gets dewatered, it will need -- those  
4 pumps will need to be running forever. So what I'm  
5 trying to show here is that we don't know where the  
6 well pumps are. We don't know what -- the  
7 self-induced drawdown that happens in a resident's  
8 well when their pumps turn on. But what I know from  
9 experience is that when you have low-yielding  
10 aquifers where water is coming from 2 feet, that  
11 drawdown is very large.

12 So my major point here is that there's not  
13 been a survey of the residents' wells to get a better  
14 understanding of what the lowest practical pumping  
15 level is. The benchmark that has been applied is a  
16 blanket benchmark that says, you can draw down these  
17 wells as much as you want, as long as it's 20 feet  
18 above the bottom of the casing. That's a blanket  
19 threshold that, in this case, in a fractured rock  
20 aquifer that's low yielding and low producing, is  
21 inappropriate. It could be appropriate in an  
22 alluvial aquifer, but the OSE guidelines state that  
23 that threshold is a suggestion, and can be stricter  
24 based on site-specific conditions. And here I'm  
25 arguing that the site-specific conditions are -- sort

1 of ask for stricter guidelines.

2 I'm going to go to the -- well, I just said  
3 this. It's not appropriate to compare the drawdowns,  
4 the results to the total water column. You've got to  
5 compare it to what's actually happening in the  
6 domestic wells.

7 So, in my career, I've developed several  
8 groundwater monitoring and mitigation plans. These  
9 have been critical in actually protecting water  
10 rights because when you're talking about  
11 hydrogeological analysis, you're always talking about  
12 a very large level of uncertainty. The only way to  
13 really know what's happening in a system this complex  
14 is to actually measure what's happening in the  
15 domestic wells. Verbal assurances and data  
16 collection don't mean much without a written and  
17 enforceable purpose or plan.

18 The sentinel wells and the drilling of  
19 additional monitoring wells is very welcome. I think  
20 that's great. However, I worry that a sentinel well  
21 might work in an alluvial aquifer, but may be  
22 ineffective in an aquifer like this where groundwater  
23 moves through fractures, and faults, and mineral  
24 zones. And like -- like somebody mentioned earlier,  
25 like, the model domain should be extended further

1 south to ensure the protection of every neighbors'  
2 water rights. That includes Butterfield Trail and  
3 Cullum Ranch.

4 I've indicated the major components of a  
5 written and enforceable groundwater monitoring and  
6 mitigation plan that includes a well-inventoried  
7 survey to really understand where the pumps are, what  
8 the dynamic drawdowns are, and where the current  
9 water levels are critically. The lowest practical  
10 pumping levels should be well specific, not a blanket  
11 20 feet above the bottom threshold. There should be  
12 two monitoring wells installed in residents' wells  
13 who allow them, one being closest to the Emma Project  
14 and a second one being the one who is determined to  
15 be closest to the threshold or an impact.

16 Like I said earlier, MB-44 is the only  
17 long-term record of water levels. There should be an  
18 establishment of baseline conditions to know what  
19 happens at Apache Mound, and in between, without  
20 active mining, because how will -- how will they know  
21 what -- what is the cause of changes in water levels  
22 detected.

23 Finally there should be an action plan  
24 to -- to take if there are impacts detected, and that  
25 could mean deepening water wells, it could be use --

1 like, using water trucks or other measures to ensure  
2 continued access to water for these property owners.

3 That concludes my presentation. Sorry if  
4 it went a little bit long.

5 MS. SIWIK: Thank you, and thank you so  
6 much to the audience for still sticking with us.

7 I just wanted to quickly wrap up. I think  
8 the bottom line from GRIP's perspective is -- and I  
9 think, as you see, from Jim Kuipers' testimony, as  
10 well as Dylan's testimony, is we need plans, we need  
11 written plans. We need monitoring and mitigation  
12 plans for -- to make sure that domestic wells in the  
13 vicinity of Emma are not impaired by dewatering of  
14 the pit.

15 We need to see written plans, mitigation  
16 plans for noise, dust, lighting, and we need to see a  
17 formal grievance mechanism. I know, and I appreciate  
18 that Freeport does have a grievance line, and they do  
19 their best to deal with -- with grievances. However,  
20 there needs to be accountability to the community.  
21 The community needs to know what those grievances  
22 are, how many grievances, and what were the nature of  
23 the grievances, no matter what, and how were they  
24 taken care of. We need to see that. It's a -- it's  
25 a measurement, really, of accountability and how the



1 mine is doing in their environmental management  
2 systems.

3 We've provided this feedback for many, many  
4 years. We make this comment all the time. We hope  
5 that Freeport will take the next step really to be  
6 responsible to their neighbors, and especially with  
7 the (inaudible) as this new unit.

8 So with that, I will close. Thank you very  
9 much for the opportunity to comment. And I guess we  
10 can take comments or questions. Is that right?

11 HEARING OFFICER ORTH: Thank you very much,  
12 Mr. Duverge, and Ms. Siwik, and, of course,  
13 Mr. Kuipers.

14 This is the time when questions can be put  
15 to the GRIP panel. I know, Mr. Ohori, you don't have  
16 a microphone in front of you, but if you just answer  
17 the question as to whether you have questions of  
18 them, I'll convey that for the transcript.

19 All right, Mr. Ohori just said he does not  
20 have questions at this time.

21 I would (inaudible) at Mr. Shelley.  
22 Mr. Shelley, I know you're not mic'd. Do you have  
23 questions of the GRIP panel?

24 HEARING OFFICER ORTH: Thank you.

25 Mr. Shelley has indicated that he does not

1 have questions of the GRIP panel at this time.

2 If you're on the platform and you have a  
3 question, please put it into the chat. If you're in  
4 the room and have a question, please raise your hand  
5 now.

6 Okay, I'm not seeing hands. And let me  
7 check the chat. Thank you for looking. With that  
8 being the case, we will thank the GRIP panel for  
9 their presentation.

10 Let me turn one more time to throw the  
11 floor open for public comment. This is the last  
12 opportunity verbally.

13 Sir, come on up.

14 You do have a chance to put whatever you'd  
15 like in writing between now and August 31st.

16 RANDY CHULICK,  
17 after having been first duly sworn under oath,  
18 presented as follows:

19 HEARING OFFICER ORTH: Give us your name,  
20 spell it, and then make your comment.

21 MR. CHULICK: Yeah, my name is Randy  
22 Chulick, and -- C-H-U-L-I-C-K.

23 My comment is can you extend the comment  
24 period for two more weeks after the 31st of August?

25 HEARING OFFICER ORTH: The question was

1 whether the public comment period could be extended.  
2 That's not, as I understand, a decision that would be  
3 made tonight. I need to check with the division to  
4 see if it can be extended beyond August 31st. That  
5 was what they wanted me to announce tonight.

6 Mr. Shepherd or Mr. Ohori, what would be  
7 the best way to convey to folks whether there would  
8 be any extension? Would that be to put it on the web  
9 page?

10 Okay, so the -- Mr. Ohori just indicated  
11 that he doesn't have an answer this evening. If it  
12 is extended, or regardless of whether it's extended,  
13 the deadline will be on the web page. Will be on the  
14 web page. Mr. Ohori?

15 Okay, so a decision on a possible extension  
16 of the public comment period will be made very soon  
17 and will be posted to the web page very soon. We  
18 would certainly also convey it to GRIP and to FMI,  
19 regardless.

20 All right, is there anything else at all?  
21 Really, thank you all for your patience tonight. I  
22 know it was -- was not elegant procedurally, but I  
23 think we -- we have a reasonable record, and you  
24 weren't forced to listen to a lot of reverb on the  
25 way there.

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Anything else we can do? Thank you very  
much. Have a safe drive home.

(The hearing concluded at 9:10 p.m.)


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STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I, Peggy Jo Gonzales, New Mexico CCR #145, DO  
HEREBY CERTIFY that the hearing in the above-entitled  
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16, 2022, and that the foregoing is a true and  
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I FURTHER CERTIFY that I am neither employed by  
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this case, and that I have no interest in the final  
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