

Tyrone Operations
P.O. Box 571
Tyrone, NM 88065

January 24, 2022

Via Email

Certified Mail #9171999991703580017030

Return Receipt Requested

Mr. David Ohori
Energy, Minerals & Natural Resources Dept
Mining and Minerals Division
Mining Act Reclamation Program
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear David,

Re: Tyrone's Response to MMD Comments on the Emma Expansion Project

In recent conversations you have stated that Tyrone has not provided a complete community impacts analysis for the Emma Expansion Project. You have stated that specifically, MMD would like to see evaluations of noise, lighting and viewshed in addition to other information Tyrone has provided.

Tyrone did not provide the studies on these matters directly to MMD because these issues have never been part of MMD's regulatory process in previous permitting activities for new unit areas at Tyrone. From a legal perspective, the Act references that the original site assessment (which included a community impacts assessment) may require an update for new units. Importantly, the first sentence of subsection B of section 69-36-5 provides context for the rest of the subsection: "The mining operation site assessment for new and existing mining operations shall describe in detail the mining operation's existing permits and regulatory requirements pursuant to the standards for mining operations pursuant to existing state and federal environmental standards and regulations." Reading the statute as a whole, as is the usual convention, the requirement for "an analysis of the mining operation's impact on local communities" should be viewed in the context of the preceding sentence, which focuses on impacts for which there are ". . . standards for mining operations pursuant to existing state and federal environmental standards and regulations." We have been unable to identify any standards for mining operations addressing noise, lighting and viewshed under existing state and federal environmental standards and regulations. Indeed, for this reason, we would ask what MMD would do with information received on these topics?

Because the original site assessment submitted by Tyrone and accepted by MMD under the terms of section 69-36-5 of the Mining Act does not have specific content relating to noise,

lighting or viewshed, Tyrone reviewed the original site assessment and provided updates in every category that it covered.

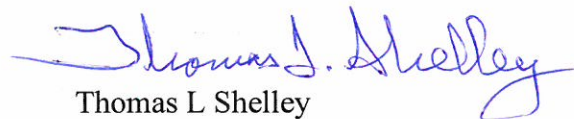
That said, Tyrone has not ignored the other areas you mentioned, Tyrone just doesn't agree that it belongs in a submittal to a state agency that has no "standards and regulations" in relation to these specific issues. The approach Tyrone took is to meet with our neighbors and ask them what issues they feel are important to address. Their top issues/concerns were how does the Emma Project affect: 1) their water supply wells and 2) air quality (including dust)? Those two issues are covered thoroughly in their proper permitting processes and were also discussed in the community impacts assessment summary. Secondary issues asked by neighbors include the issues you commented on – noise, lighting and viewshed.

Tyrone cares about our neighbors and their questions, and Tyrone did in fact make note of these concerns and complete studies with respect to each of these issues. Tyrone met with neighbors in community neighbor meeting settings appropriate to existing Covid restrictions, most recently on September 28, November 4 and 16, 2021. Tyrone also met with many neighbors individually to address their specific concerns. This list does not include separate meetings with the Gila Resource Information Project (GRIP) where Tyrone discussed the project on a regular basis. Tyrone reviewed the findings of these studies at the meetings cited and provided the studies themselves to our neighbors at the following link which you can access also: [Emma Project Information – Freeport-McMoRan \(freeportinnewmexico.com\)](http://Emma Project Information – Freeport-McMoRan (freeportinnewmexico.com)). GRIP was invited and present at all neighbor meetings.

Tyrone maintains an open-door policy with our neighbors and community members. Tyrone encourages them to comment and provide feedback on our operations and Tyrone welcomes opportunities to meet with them. Tyrone strives to resolve any issues that are brought to our attention, including implementing voluntary mitigation measures whenever practicable to address legitimate concerns.

Hopefully, this information will provide MMD with the information sufficient to understand the scope of what Tyrone has provided in the proper context and Tyrone urges MMD to advance its permitting process on an accelerated basis. Tyrone would like to see the director of MMD schedule a public hearing for Emma in the first quarter of 2022.

Sincerely,



Thomas L Shelley
Environmental Manager
Environmental Services