

The Friends of Santa Fe County remarks concerning LAC/Barrick Responses to Agency & Public Comments

March 31, 2023

Friends applauds the continuing efforts of the Agencies, LAC/Barrick, and the community.

Friends believes that the most important conclusion of the current CCP process is that LAC/Barrick is likely to be at the site for the foreseeable future, that there is no "walk-away" solution that has been identified. And that leads directly to the most significant of Friends' requests: that any pit waiver issued now be conditioned to be time-limited, not permanent. Until it is clear that LAC/Barrick will no longer have a presence at the site, Friends regards it as inappropriate for the Agencies to issue a forever pass on the pit. Given that the Financial Assurance (FA) estimates have a 100-year timeframe, that may be an appropriate timeframe for the default duration of any pit waiver. In 100 years, the state of reclamation science presumably will have changed, and some sort of reclamation of the pit may be technically feasible, economically feasible, and environmentally sound.

To be clear, Friends suggests that the 100-year timeframe for the pit waiver be reset with each revision of DP-55, as occurs with the associated Financial Assurance.

If, before 100 years has elapsed, LAC/Barrick succeeds in finding a walk-away solution to the ongoing generation of acid rock drainage at the site that does not involve maintenance within the pit, and requests a termination of Agency supervision and the return of remaining FA funds, it would be appropriate for the pit waiver to be reviewed at that time. If reasonable, it could be made permanent at that time.

Comments on Financial Assurance ("FA"):

1. A number of planning issues at the site are as yet undecided; the FA should be revisited when they (all) have been decided. They include the provision of an alternative clean water source for wildlife; the results of the pit wall stability analysis; the final design, maintenance and security programs for the fence around the pit; the NMED/MMD decision on regrading of the benches at the WRP; the NMED decision on proposed remediation program for ground water in Dolores Gulch; the borrow material location study; and the revision of AP-27.
2. The inclusion of contingency costs in "specific work items", rather than as a percentage of the total identified costs, is dubious; particularly when climate change and the 100-year timeframe introduce large uncertainties in costs. And more importantly, introduce larger uncertainties in what specific "work activities" will be required.

3. There are two weather stations at the site. The SRCE 2.0 Models Summary "Mobile and Fix Equipment" row, "MMD Permit SF002RE" column states "...the Weather Station will be removed..." Which of the two? If removal of both weather stations within 15 years is contemplated, Friends strenuously objects. Site-specific precipitation information is fundamental to assessing the pit water balance and the effectiveness of the Waste Rock Pile cover system, not to mention the effects of climate change and watershed management. Friends notes that as of 2022, there are only 8 years of real data for the Upper Cunningham Gulch diversion, as an unknown volume of flow didn't make it to the measurement wier until the diversion was repaired in 2015.
4. A number of specific cost items may have been left out; Friends has not attempted to decipher the details of the three SRCE Cost Estimate Model spreadsheets, so apologies to LAC/Barrick and the Agencies if Friends has made errors. (Our hope is that Jim Kuipers will be able to review the entire FA submittal, including the spreadsheets.) Specific examples: the pipeline from the measurement wier to the pit lake should be up-sized. The engineering data indicate that the capacity of that pipeline is sufficient for only a 24-hour event with a 1 year recurrence interval; when that capacity is exceeded, water from the diversion may flow down the pit walls, presumably generating acid. (Capacities for the other pipelines controlling storm water flows in the pit drainage area are unknown to Friends.)

Given the consequences of a catastrophic fire on the pit water quality, the costs for completing the thinning program recommended in LAC's Forest Management Plan for the site should be included in the FA, including subsequent treatments to maintain a safe condition.

Given the very high sulfate content of the ARD generated by the WRP, it would be prudent to assume that the Interceptor Wall grouting will have to be repeated at once, if not more, time(s) within the 100-year term.

It is unclear whether any costs are assumed for monitoring of the re-vegetation success of the borrow areas for the large "Growth media" and "Local soil /fill" volumes required ("Reclamation-Borrow Areas" row, "DP-55" and "AP-27" columns of SRCE 2.0 Models Summary).

Thank you for your consideration of these comments.