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1 PUBLIC HEARING

2 LITTLE ROCK MINE PUBLIC HEARING

3 NEW MEXICO ENERGY, MINERALS AND

4 NATURAL RESOURCES DEPARTMENT

5

6 WEB CONFERENCING

7 JUNE 3, 2021

8 5:05 P.M.

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1 APPEARANCES

2 Hearing Officer presiding: Ms. Felicia Orth.

3 ALSO PRESENT:

4 David Otori, MMD

Mandy Lilla, FMI

5 Dana David, Esq.

Dal Moellenberg, Esq.

6 John Daws, EMNRD

Kevin Myers, EMNRD

7 Tom Shelley, FMI

John Ayarbe, FMI

8 Lee Nix, FMI

Tom Meuzelaar, FMI

9 Morgan Warren, FMI

Watt Niccoli, FMI

10 Jim Kuipers - GRIP

Allyson Siwik, GRIP

11 Holland Shepherd

Johannes Lencer

12

13 REQUESTS FROM THE PUBLIC AND OTHER AGENCIES TO MMD TO

ATTEND HEARING:

14

15 Sandy Shelley

Matthew Armijo, FMI

16 Seth Traeger, FMI

Kim Kindle, FMI

17 Angela Roach, FMI

David Brence, FMI

18 Gail Humphrey

J. Raffizan

19 R.J. Parry

Erich Bower, FMI

20 Ronald Gerdes, FMI

Sharon Grande, FMI

21 Brooke Scarsella, FMI

Danny Benavidez, FMI

22 Zachary Maughan, FMI

Carlton Thompson FMI

23 Arthur Ratcliffe

John Indall, Esq.

24 Laura Phelps, FMI

Jene Moseley

25 Rebecca Summer

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1 REQUESTS FROM THE PUBLIC AND OTHER AGENCIES TO MMD TO
ATTEND HEARING CONTINUED:

2

3 Glenn Griffin

Carol Sassaman

4 Richard Martin

Jenna Padilla, USFS

5 Beth Ihle, USFS

Matthew Schultz, USFS

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1 (Hearing commenced at 5:05 p.m.)

2 HEARING OFFICER ORTH: Good evening. My

3 name is Felicia Orth. I'm here on behalf of the

4 Mining & Minerals Division of the Energy, Minerals and

5 Natural Resources Department to serve as a hearing

6 officer in order to take and compile public comment on

7 the permit revision application by Freeport McMoRan

8 Tyrone for the Little Rock mining operation, which is an

9 existing operation. The application is for a revision

10 for expansion and then updated closeout plan. You may

11 hear this application referred to by its permit revision

12 number 20-1.

13 If you'd like to look at the documents

14 related to this permit revision application, please go

15 to EMNRD web page, and in particular the MMD, Mining &
16 Minerals Division, web page of the EMNRD website and
17 follow the links for existing operation permit
18 applications. The specific link for this permit
19 revision application can be found in the chat. If you'd
20 like to see the chat button, it's in the lower
21 right-hand side of your computer screen if you have
22 joined us on a computer.

23 The hearing is being conducted in
24 accordance with 19.10.9.905 of the New Mexico
25 Administrative Code. The key provisions are as follows:

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1 This is not an adjudicatory hearing, it is an
2 opportunity for Freeport to show the public its
3 application, for the public to give comment, for
4 division staff to set up the permit revision process.

5 You may notice some lawyers among us, but
6 the rules of civil procedure and the rules of evidence
7 do not apply.

8 Any interested person may testify, and all
9 testimony is taken under oath or affirmation. I will
10 invite your comment only once, so please collect your
11 thoughts before you begin. If you wish to add something
12 to verbal comment you've made, please set out your
13 additional thoughts in writing.

14 And I'll say now and I'll repeat
15 throughout the hearing and at the end, that written
16 public comment may be submitted by snail mail to EMNRD
17 on the address in Santa Fe that you see on the notice of

18 public hearing. It may also be sent via email to
19 emnrd.nmd2@state.nm.us. And the deadline for submitting
20 written public comment on this matter is 5 p.m.
21 June 17th.

22 Please know that the chat -- other than
23 setting out the link for this hearing on a virtual
24 platform, the chat is really intended only to provide a
25 method of communication between the technical hosts for
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1 MMD staff and participants. Nothing in the chat will be
2 preserved, so please don't think of it as another way of
3 making public comment.

4 Speaking of which, this proceeding is
5 being transcribed by Belen Soto, a certified court
6 reporter, and her transcript will be the only official
7 record of this proceeding. There may or may not be
8 folks making recordings of this virtual proceeding, but
9 none of those recordings represent the official record
10 in this matter, it's the transcript. Which of course
11 makes it all that much more important that we all keep
12 our voice up, that we speak clearly and that in the
13 event there are any technical glitches or anything else
14 that makes it difficult to hear someone, we will be
15 asking you to repeat what you've said so that we can
16 capture it on the transcript. And, of course, Ms. Soto
17 has been invited to speak up in the event she is having
18 trouble hearing someone.

19 Beyond just trying to assure the public
20 comment is taken in an orderly fashion this evening, my

21 only role is to prepare a summary report of the public
22 comments for the director of the Mining & Minerals
23 Division, which I will do shortly after the transcript
24 is finalized. That report does not include decisions or
25 recommendations from me as to the outcome. That's one
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1 way in which this hearing may differ from other hearings
2 that you're familiar with, obviously no decisions are
3 made this evening or this week.

4 We'll hear first from Mining & Minerals
5 Division staff about the permitting process. We'll hear
6 next from Freeport McMoRan Tyrone. And we will hear,
7 then, from GRIP. And then I will invite any public
8 comment there is to be given following GRIP's comments.

9 Let's see here. If the folks making
10 presentations this evening would introduce themselves
11 please. I saw David Ohori there briefly. Mr. Ohori, if
12 you would introduce yourself, please.

13 MR. OHORI: Yes. Thank you, madam hearing
14 officer.

15 My name is David Ohori, and I am a permit
16 lead with the New Mexico Mining & Minerals Division.
17 I'm the -- presently the permit lead for the Little Rock
18 Mine and the neighboring Tyrone Mine, as well as a
19 number of other mines in the state.

20 Just briefly, I'm -- I've been with MMD
21 Mining & Minerals Division for about 19 years, and
22 during most of that time I have been the permit lead for
23 Little Rock and Tyrone. I'll have a short presentation

24 about the permitting process that we have engaged in and
25 are currently working on for Little Rock. Thank you.

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1 HEARING OFFICER ORTH: Thank you very
2 much, Mr. Ohori.

3 We have two technical hosts this evening,
4 Kevin Myers from MMD and also John Daws. You may be in
5 communication with them through chat or you may hear
6 them speaking in the event we have any glitches.

7 Mr. Moellenberg, are you here on behalf of
8 Freeport?

9 MR. MOELLENBERG: Thank you madam hearing
10 officer. This is Dal Moellenberg with the law firm of
11 Gallagher & Kennedy in Santa Fe for the applicant. And
12 I will not be doing much of, or any really, of the
13 presenting today on behalf of Freeport--McMoRan, that
14 will be done by the technical team. But thank you for
15 having us and thank you for running the meeting tonight.

16 HEARING OFFICER ORTH: All right. Thank
17 you.

18 And Ms. Siwik, I saw -- there you are.

19 MS. SIWIK: Yes. Good afternoon. I'm
20 Allyson Siwik. I'm Executive Director of Gila Resources
21 Information Project. And thank you for putting the
22 hearing together today. And Jim Kuipers and I will be
23 making remarks today on behalf of Gila Resources
24 Information Project. Thank you.

25 HEARING OFFICER ORTH: Thank you very

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1 much.

2 And I understand we have another call-in
3 user. So because we don't have to interrupt anything
4 just this moment, who is call-in user number 8, please?

5 Call-in user number 8, this is Felicia Orth.

6 Oh, they dropped off.

7 MR. JOHN DAWS: Looks like they dropped.

8 HEARING OFFICER ORTH: All right. Thank
9 you for that. When we get to public comment, if we have
10 any more call-in users we will ascertain who they are.

11 So, if there is nothing we need to take up
12 before Mr. Ohori's presentation, let's begin.

13 Mr. Ohori, if you would raise your right
14 hand please.

15 Do you swear or affirm that the testimony
16 you're about to give will be the truth, the whole truth
17 and nothing but the truth?

18 MR. OHORI: I do.

19 (Mr. David Ohori sworn in.)

20 HEARING OFFICER ORTH: Thank you very
21 much. Please proceed.

22 MR. OHORI: Thank you.

23 Again, my name is David Ohori. I'm the
24 permit lead for the Little Rock Mine with the New Mexico
25 Mining & Minerals Division. I hope everyone can see my
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1 PowerPoint presentation.

2 Okay. This hearing is regarding the
3 Permit Revision 20-1, application from the Freeport

4 McMoRan Tyrone operations, the operator of the Little
5 Rock Mine as well as the neighboring Tyrone Mine.

6 And, again, I introduced myself briefly
7 before, but I've been with the Mining Act Program for a
8 number of years and have covered the Little Rock Mine
9 during that time.

10 First, I'd just like to, briefly, go over
11 the purpose of this public hearing. As you see listed
12 here, not exactly in the order we're going tonight, but
13 I am describing and -- the process to review the Little
14 Rock Mine expansion and updated closeout plan
15 application in accordance with the New Mexico Mining Act
16 Rules. And as our hearing officer stated, Freeport
17 McMoRan Tyrone folks will be doing a presentation of the
18 mine expansion and updated closeout plan. And as far as
19 I know, the Gila Resources Information Project will be
20 either commenting or presenting tonight as well. And
21 then once the three presentations have been made, as
22 Ms. Orth has indicated, the public will be invited to
23 ask questions and comment.

24 The New Mexico Mining Act Rules, which
25 were promulgated as required by the New Mexico Mining
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1 Act back in the early 1990s, provides for various
2 categories of mining operations in New Mexico. And
3 we're talking hard rock mines, not coal or oil and gas
4 which have their own sets of rules and regulations. The
5 Little Rock Mine is regulated under the New Mexico
6 Mining Act as an existing mine under Part 5 of the

7 Mining Act Rules. And just, briefly, the definition of
8 an existing mine, in part, would be: (Reading)

9 Mines that produce marketable minerals for
10 a total of at least two years between
11 January 1st, 1970 and June 18th, 1993.

12 Of course mines have been permitted --
13 mining operations are being permitted as we speak and
14 have been since 1994. And, again, Little Rock is
15 permitted currently as an existing mine under the Mining
16 Act Rules.

17 We process changes to mine permits as
18 typically either a revision or a modification, that
19 would be for Part 5 mines, in addition to other
20 operations. The way we decide which type of process we
21 use, either revision or modification, depends on a
22 number of factors. As you can see in the first bullet:

23 (Reading)

24 Significant environmental impact.

25 Significant increase to the financial

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1 assurance, or FA, as we call it. And/or
2 significant departure from the nature or
3 scale of the original permit, or the
4 current permit.

5 Revision applications must include proof
6 of public notice, of course, a permit application fee
7 and additional information as requested by MMD. And it
8 also must include a reclamation plan and FA cost
9 estimates, if those are required. And it does provide

10 the opportunity for a public hearing of which we're
11 having tonight.

12 I just quickly want to go over some of the
13 significant permit revisions that -- or permitting
14 actions that MMD has processed over the years for the
15 Little Rock Mine.

16 Starting at the top, the permit GR007RE
17 for Little Rock was approved in December of 1998.

18 Revision 97-1 incorporated a closeout plan
19 to the permit and financial assurance, and that was
20 approved in December of 2000.

21 Third, Revision 02-2, which approved
22 standby status for the mine, for Little Rock, was
23 approved in November of 2004.

24 Then in 2010, December, the permit was
25 revised under Revision 10-1 to return to operating
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1 status, again, for the Little Rock Mine.

2 And then Revision 14-1 for an expansion of
3 the permit area and design area limit was approved in
4 March 2016.

5 The other category of permitting actions
6 that MMD typically does for this type of mine are
7 modifications, and there have been a number of
8 modifications that we have processed and approved over
9 the years, since 2001. They include partial financial
10 assurance releases for reclamation that have been
11 completed at the mine; minor changes to the reclamation
12 requirements, in this case the addition of the USNR test

13 plot program for Little Rock; and then changes to
14 financial assurance instruments. Those are just some of
15 the permit modifications that we have approved over the
16 years.

17 This is a photo of Little Rock Mine open
18 pit looking west from the Tyrone Mine overlook. The
19 mine, of course, has expanded quite a bit since the
20 original permit, and the photo here shows pretty much
21 the expansion that was approved under the previous
22 approval of Revision 14-1.

23 This next photo is just another photo of
24 the Little Rock open pit, this time looking east from
25 the crest of the open pit. You can't quite see it, but
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1 in the background are some of the stockpiles for the
2 Tyrone Mine on the horizon in the right center of the
3 photo.

4 And this photo was taken, again, near the
5 open pit crest at the copper leach stockpile.

6 Heading on to the application for
7 Revision 20-1, this application was submitted by
8 Freeport to MMD in June 2020. The application includes
9 a proposed mine expansion as well as an updated closure
10 closeout plan, which is abbreviated CCP.

11 This is a plan view drawing looking at the
12 proposed expansion of the Little Rock Mine. It may be
13 difficult to see quite clearly because the writing's
14 kind of small, but the magenta or purple outline is the
15 current mine approved permit boundary and design limit

16 for the open pit and stockpiles. The red dashed line
17 represents the expansion area that the Little Rock Mine
18 operator, Freeport, has proposed for that mine.

19 Just for your reference the blue line,
20 which runs kind of from the upper to lower right of the
21 drawing, is the permit boundary between the Tyrone Mine
22 and the Little Rock Mine. So, the Tyrone Mine is to the
23 east or to the right in this drawing.

24 The open pit, which I showed you some
25 photos of, is very much in the center of this drawing.

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1 And if you can read them, there are some in-pit and
2 out-of-pit stockpiles which are either existing or being
3 proposed as new stockpiles in this application.

4 I might add that FMI will present details
5 of the proposed mine expansion and the updated CCP in
6 their presentation, so I just briefly gave you a few
7 facts about the application.

8 In the processing over the last year of
9 this application, MMD has provided comments, and also
10 solicited and provided comments from other state
11 agencies, to Tyrone on the updated CCP and the expansion
12 application. [Report-Freeport](#) has responded to the comments with
13 additional submittals, and the information is currently
14 posted on our website, as much as we possibly could, in
15 terms of the application, state agency comments and then
16 FMI responses.

17 Just briefly I'd like to talk about what
18 the Mining & Minerals Division reclamation standards

19 require. First off, as a permitted mine, Section 507 of
20 the Mining Act Rules requires that the closeout plan
21 specify incremental reclamation work to be done within
22 specific time frames.

23 Two very important aspects of the
24 reclamation standards are the self-sustaining ecosystem
25 or SSE. That is the goal of reclamation. It is

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1 required to be site specific and life zone appropriate.
2 There is a requirement of a 12-year time period after
3 seeding with the required seeding mix at reclamation for
4 vegetation reestablishment.

5 And the other important aspect is the
6 post-mining land use, or PMLU, which is a beneficial or
7 multiple use established in the permit area after
8 mining. The PMLU is generally selected by the
9 landowner, in this case it's Freeport, and approved by
10 MMD. And the approved PMLU for the Little Rock Mine is
11 wildlife habitat.

12 Continuing on the reclamation standards
13 there is another section, Part 508 of the Mining Act
14 Rules, that requires that new previously undisturbed
15 areas have additional more stringent or more
16 comprehensive reclamation requirements. Since these
17 areas had not been previously disturbed, there's a
18 higher bar set as far as the requirements for
19 reclamation. There are parts of the Little Rock Mine
20 which are being proposed that have not been disturbed
21 yet, and, therefore, these new unit standards will apply

22 to those areas.

23 Another aspect of the Part 5 existing mine
24 regulations are waivers for pits and waste units. Just
25 briefly, it waives the requirement to achieve the SSE or
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1 PMLU. There is a demonstration required of technical
2 infeasibility, economic infeasibility and/or
3 environmental unsoundness. The Little Rock Mine does
4 not currently have a waiver for any of the pit or waste
5 units, and the application that we're processing does
6 not request a permit waiver.

7 I just like to contrast that with the
8 Tyrone Mine which does have a waiver for reclamation of
9 the open pit in some of the -- most of the open pits and
10 some of the stockpiles that generally drain towards the
11 open pit.

12 Some of the reclamation that has been
13 performed at the Little Rock Mine includes the copper
14 leach stockpile and former precipitation plant area,
15 which another mining company had disturbed in that area
16 in the past, I think in the 1970s to 1980s. Other
17 disturbances that have been reclaimed are the small
18 north and west canyon stockpiles, historic exploration
19 drill holes and some access roads outside the open pit
20 area.

21 The current proposal by Freeport in
22 Revision 20-1 is to remove the vegetated cover of the
23 reclaimed copper leach stockpile area, excavate and haul
24 the underlying copper bearing materials to the Tyrone

25 mine for processing. This area is then proposed to be
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1 the location of the CLW waste stockpile that the mine
2 would be placing there in the future. This stockpile
3 would have -- also have reclamation requirements.

4 Moving on to the financial assurance in
5 place. Basically, the FA is based on the cost estimate
6 for a third-party contractor to complete the reclamation
7 or the closeout plan in case of forfeiture by the mine
8 operator. This, again, is governed by the New Mexico
9 Mining Act Rules.

10 The current FA approved for the Little
11 Rock Mine today is almost \$3 million, that is jointly
12 held with the New Mexico Environment Department. The
13 current FA instruments are two surety bonds. And,
14 lastly, the proposed FA under Revision 20-1 is almost
15 \$8 million. And this, again, will be jointly held with
16 the New Mexico Environment Department.

17 Where we are in the process, we are
18 nearing completion of the review of Revision 20-1
19 application. Today's public hearing was requested by
20 the Gila Resources Information Project, as well as
21 others. And our requirement, as I mentioned towards the
22 beginning of my presentation, are that a public hearing
23 will be held, if requested, in a timely fashion, and
24 that is governed by Part 9 of the New Mexico Mining Act
25 Rules.

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1 Continuing on. This public hearing is

2 held for comments and questions from the public. MMD
3 will keep a record of the public comments made during
4 this hearing. The hearing officer will announce how
5 long MMD will accept written comments after the hearing,
6 and I believe our hearing officer stated that they would
7 be accepted to the close of business on June 17th,
8 that's two weeks from now. The date will be posted on
9 MMD's website, which the link is shown at the bottom of
10 this slide.

11 And this presentation will also be posted
12 on the MMD website. So, for those of you just listening
13 in or who want to go back and review it, it will be
14 there for your review. I can't say it's there now, but
15 it probably will be there by sometime tomorrow.

16 Moving forward, as I said, MMD will review
17 comments received and may ask Freeport to respond to
18 relevant questions and comments.

19 Further, FMTI is required to obtain an
20 environmental determination from the New Mexico
21 Environment Department prior to MMD approval of
22 Revision 20-1. And just, basically, the environmental
23 determination is a, I guess, a concurrence from the
24 environment department that if the closeout plan is
25 performed according to what's been proposed and what is
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1 about to be approved by MMD, that that plan will meet
2 the environmental standards and regulations that NMED
3 oversees.

4 Currently, NMED is processing a renewal of

5 the discharge permit, DP1236, for the Little Rock Mine,
6 and that includes the expansion and updated CCP. And,
7 of course, NMED and MMD are coordinating our review of
8 the expansion that's been proposed and the updated CCP.

9 Once our review is basically complete,
10 ~~NMED-MMD~~ will require Tyrone, or FMTI as I've been referring
11 to them, to propose a financial assurance package or a
12 number of instruments, which currently as I've showed
13 are surety bonds. In the past they've been letters of
14 credit. There are a number of other mechanisms that are
15 acceptable under the Mining Act Rules. This would
16 happen after MMD deems the application technically
17 approvable, and we have not reached that point yet.

18 As a summary, again, this presentation and
19 related documents will be available on the MMD website
20 at this link. And, again, as some of you have submitted
21 comments or requests to participate in this hearing, the
22 emnrd.mmd2@state.nm.us email address, please if you do
23 submit emails with comments, enter in the subject line
24 Little Rock Mine expansion and closeout plan.

25 Again, here is the email address to send

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1 written comments to. And that concludes my
2 presentation. Thank you very much.

3 HEARING OFFICER ORTH: Thank you,
4 Mr. Otori.

5 I neglected to invite your counsel to
6 introduce himself. Mr. David?

7 MR. DAVID: Hello. My name is Dana David,

8 I'm a legal assistant general counsel to EMNRD, and
9 welcome everybody.

10 HEARING OFFICER ORTH: Thank you very
11 much.

12 We're going to turn, then, to questions of
13 Mr. Ohori. Mr. Moellenberg, do you have questions of
14 Mr. Ohori?

15 MR. MOELLENBERG: Madam hearing officer, I
16 don't have any questions for Mr. Ohori. Thank you.

17 HEARING OFFICER ORTH: Thank you.

18 Ms. Siwik, do you have questions for
19 Mr. Ohori?

20 MS. SIWIK: Madam hearing officer, I do
21 not have any questions for Mr. Ohori.

22 HEARING OFFICER ORTH: Thank you.

23 Anyone else who is on the platform with us
24 this evening may pose a question to Mr. Ohori. Just a
25 few simple things, please keep your questions to the
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1 topics that Mr. Ohori raised in his presentation. If
2 you'd like to ask a question, please find the reaction
3 button that allows you to raise your hand on this
4 platform and the technical hosts will let me know that
5 folks have raised their hand.

6 And, unfortunately, I should say, that if
7 you're on this platform this evening to cause mischief,
8 the technical host has been asked to expel you without
9 discussion. Ain't nobody got time for that.

10 So, Mr. Daws, do we have anyone raising

11 their hand to ask a question of Mr. Ohori?

12 MR. JOHN DAWS: I don't see any hands.

13 HEARING OFFICER ORTH: Thank you very
14 much. In that case, thank you, Mr. Ohori.

15 And we'll move on to the presentation by
16 Freeport McMoRan Tyrone.

17 MR. OHORI: Thank you madam hearing
18 officer.

19 HEARING OFFICER ORTH: Let's see. I see
20 Mr. Shelley has turned on his video. Mr. Shelley, how
21 many of you speak this evening on behalf of FMTI.

22 You're muted. You have to unmute
23 yourself. I can't hear you.

24 As a panelist, you have the power to mute
25 and unmute yourself. So, if you can find that button.

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1 MS. LILLA: Hello?

2 HEARING OFFICER ORTH: Is that Ms. Lilla?

3 MS. LILLA: Yes. Can you hear us?

4 HEARING OFFICER ORTH: Yes. And that
5 terrible echo has come back now.

6 MR. SHELLEY: Can you hear me madam
7 hearing officer?

8 HEARING OFFICER ORTH: I can hear you now,
9 Mr. Shelley. There is an echo. If there's second audio
10 source, you're going to want to turn that off so you
11 just have the one.

12 Oh, that's better.

13 So, Mr. Shelley, how many -- again, how

14 many of you will be speaking on behalf of Freeport
15 McMoRan Tyrone this evening?

16 MR. SHELLEY: Madam hearing officer, let
17 me count up. We have a number of presenters intended to
18 present, and then a few that I can introduce that were
19 on in case there were questions on topics, various
20 topics. So, I will be presenting on behalf of Tyrone,
21 and Mandy Lilla and Lee Nix and John Ayarbe.

22 COURT REPORTER: How do you spell that?

23 MR. SHELLEY: J-O-H-N A-Y-A-R-B-E.

24 HEARING OFFICER ORTH: All right.

25 MR. SHELLEY: Those are the main

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1 presenters. And then there are a few that are on
2 standby if there were questions for them.

3 Would you like me to give you their names?

4 HEARING OFFICER ORTH: Yes, please.

5 MR. SHELLEY: Tom Meuzelaar,
6 M-E-U-Z-E-L-A-A-R, and Morgan Warren, W-A-R-R-E-N. I
7 think that covers it.

8 HEARING OFFICER ORTH: All right. Thank
9 you. So, let me ask if your intention is to take
10 questions one at a time or as a panel?

11 MR. SHELLEY: As a panel.

12 HEARING OFFICER ORTH: All right. Thank
13 you.

14 And if all six of you are on, Mr. Shelley,
15 Ms. Lilla, Mr. Nix, Mr. Ayarbe, Mr. Meuzelaar and
16 Mr. Warren, I can swear you all in in mass. Are you all

17 on?

18 Let's see. I see Mr. Shelley. I see

19 Ms. Lilla. I see Mr. Ayarbe. Let's -- let's see, is

20 Mr. Nix on? Oh, I see Mr. Meuzelaar.

21 MR. NIX: I am on, I'm just not on

22 independently. I'm in a conference room.

23 HEARING OFFICER ORTH: All right. Is that

24 you, Mr. Nix?

25 MR. NIX: Yes.

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1 HEARING OFFICER ORTH: All right. Thank

2 you.

3 So -- and do we have Mr. Warren with us?

4 MR. MEUZELAAR: This is Mr. Meuzelaar.

5 And Mr. Warren will be on in about 13 minutes.

6 HEARING OFFICER ORTH: All right. So, the

7 other five of you, if you would please raise your right

8 hand.

9 (Tom Shelly, John Ayarbe,

10 Lee Nix, Mandy Lilla and

11 Tom Meuzelaar sworn in.)

12 HEARING OFFICER ORTH: All right. Thank

13 you, that was the five of you. And we'll swear in

14 Mr. Warren when he joins us.

15 So, Mr. Shelley, are you going first?

16 MR. SHELLEY: Yes.

17 HEARING OFFICER ORTH: All right. If

18 you -- the rest of you I thank you for muting yourselves

19 when you're not speaking.

20 Whenever you're ready, Mr. Shelley.

21 MR. SHELLEY: Okay. If we could -- we
22 have a PowerPoint presentation, and Mandy Lilla has it,
23 if we could share that.

24 Okay. Thank you.

25 Are you able to see our PowerPoint?

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1 HEARING OFFICER ORTH: I can see the
2 PowerPoint.

3 MR. SHELLEY: Okay. Thank you.

4 HEARING OFFICER ORTH: Yes.

5 MR. SHELLEY: Thank you madam hearing
6 officer. And thank you MMD for setting this hearing
7 date, and all who have taken time to participate and
8 attend. And I'm -- I'm amazed that I'm still here
9 participating in the 2021 Little Rock Mine permit
10 hearing. I was here for the hearings back in '98 and
11 2000 and many others. And I'm glad to be here, by the
12 way.

13 Little Rock is an existing mine, as
14 Mr. Ohori mentioned. It had been mined by a small
15 mining company in the 1970s for a few years. After a
16 long permit period and acquiring patented claims Tyrone
17 reinitiated mining in 2010 and has continued since that
18 time.

19 Today we're here to talk about the permit
20 revision, as Mr. Ohori and madam hearing officer
21 mentioned. Really, the expansion is a modest expansion.
22 We'll go over that here in just a minute. It

23 facilitates the last phases of mining at the Little Rock
24 Mine, and the revision also updates the reclamation
25 plan.

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1 Little Rock is critical to Tyrone's
2 overall mine plan. So, we ask community and agencies to
3 support, to complete this successful project. It's
4 greatly benefited not only Tyrone employees and their
5 families, but the community, the county and the state.
6 And we're proud of what we've accomplished there.

7 We are very interested in the input of our
8 community and neighbors. Freeport's a dedicated
9 founding member of the International Council on Mining
10 and Minerals -- Mining and Metals, referred to as ICMM.
11 We engage directly with our neighbors and appreciate
12 their feedback. We have presented information to
13 respond to that feedback quite a number of times over
14 the past few years, and we appreciate that opportunity.
15 And we have a number of ways that community members can
16 provide concerns, and we guarantee follow-up.

17 So, this project has been scrutinized over
18 the years in every way to ensure that public health and
19 safety are ensured, water supplies are not impacted,
20 environmental and cultural aspects are all assessed.

21 I'm going to introduce the panel who are
22 participating on behalf of Tyrone to either present or
23 answer questions.

24 First, Mandy Lilla. She's a senior
25 environmental engineer with many years of experience in

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1 mine planning and reclamation planning and permitting.
2 She's going to present on the mine plan and the closeout
3 plan.

4 Then Lee Nix is a chief environmental
5 engineer with Tyrone, and he's here to support on water
6 quantity and quality-related permitting matters.

7 And then our -- one of our consultants,
8 John Ayarbe of Daniel B. Stephens & Associates -- who
9 also grew up here in Silver City -- will be presenting
10 on hydrology and pit lake aspects of the closeout plan.

11 And on standby if there are questions
12 related to geochemistry, we have consultants with the
13 company Life Cycle Geo, Mr. Tom Meuzelaar and Morgan
14 Warren.

15 And as he's already been introduced, Dal
16 Moellenberg with the Gallagher & Kennedy Law Firm is
17 also on hand with us and supporting us. So thank you.

18 With that introduction, I'm going to turn
19 the time over to Mandy Lilla. I'll mute myself and you
20 need to unmute.

21 (Discussion off the record.)

22 MS. LILLA: Okay. So, I'm going to talk a
23 little bit about the expansion first. This -- this
24 slide is to show where Little Rock Mine is. We're
25 located in New Mexico, Grant County, southwest of Silver

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1 City area and approximately a mile from -- or a mile
2 west of Tyrone Mine.

3 This is a figure showing the Little Rock
4 configuration. We're here today to talk about the 2021
5 expansion request. So, this slide is to talk about what
6 we're requesting compared to what we are currently
7 approved to do at Little Rock.

8 We're requesting a minor expansion to
9 complete the mining phases at Little Rock prior to
10 starting reclamation. This includes minor changes in
11 the configuration of the open pit along with the removal
12 of the copper leach stockpile which is an environmental
13 improvement to this site; the construction of the CLW
14 waste stockpile within the footprint of the copper leach
15 stockpile; a change in location to our access haul road;
16 and the construction of the NRW waste stockpile.

17 This figure shows the life of mine
18 configuration, which is estimated at ten years out. It
19 shows the open pit area along with in-pit stockpiles.
20 The CLW stockpile, which is placed on the exist --
21 within the footprint of the copper stockpile, that gets
22 removed.

23 (Discussion off the record.)

24 HEARING OFFICER ORTH: Sorry, for the
25 interruption, Ms. Lilla. But the echo has come back,
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1 there's reverberation. Ms. Soto, what was the last
2 thing you heard clearly?

3 (Discussion off the record.)

4 HEARING OFFICER ORTH: Ms. Lilla, would
5 you mute yourself, please? Thank you very much,

6 Ms. Lilla.

7 (Discussion off the record.)

8 HEARING OFFICER ORTH: All right. Thank
9 you very much. Ms. Lilla, did you hear what Ms. Soto
10 just had to say? You'll need to unmute yourself.

11 MS. LILLA: Okay. Can you hear me?

12 HEARING OFFICER ORTH: I can hear you.
13 Did you hear what the court reporter had to say about
14 the last little bit that she was able to hear?

15 MS. LILLA: Not all of it, no.

16 HEARING OFFICER ORTH: All right. You
17 were talking about the CLW waste pile and where it fit,
18 basically, within the footprint of the mine, I believe.
19 So, if you would back up just a little bit in your
20 remarks and pick up in that area of your remarks.

21 MS. LILLA: Okay. So, I need to start at
22 CLW stockpile?

23 HEARING OFFICER ORTH: Yes, please.

24 MS. LILLA: All right. So, the CLW
25 stockpile is constructed over the area that was

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1 previously -- that previously contained the copper leach
2 stockpile that gets removed.

3 And then the other stockpile was NRW
4 stockpile north of the pit. These stockpiles will
5 contain -- all the stockpiles will contain waste
6 material that is non-discharging or inert material that
7 won't negatively -- will not negatively impact the
8 environment. Tyrone follows an approved handling plan

9 for these stockpiles and will continue to do so. We
10 also continuously monitor the waste material placed
11 within these stockpiles.

12 In addition to the configuration change,
13 we're also requesting a change in our permit boundary
14 and our design limit boundary to this red line out
15 here (indicating). This is to accommodate the reclaimed
16 footprints of the stockpiles and to allow -- and
17 10 acres of additional minor disturbance. It's for
18 miscellaneous things, for example, installation of new
19 monitoring wells.

20 And, again, the configuration on the
21 screen is that life of mine configuration which is
22 approximately ten years.

23 This table shows the difference between
24 what we are currently approved to disturb at Little Rock
25 compared to what we're requesting. There is an
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1 approximately 200-acre increase of disturbance that
2 Tyrone is requesting which includes the open pit and
3 stockpiles and other facilities, for example, power
4 lines, pipelines and 10 acres of other minor
5 disturbance, that I just talked about the last slide.

6 Next I'll talk about the closeout plan,
7 also known as the reclamation plan, and financial
8 assurance. So, when we start a reclamation plan or
9 closeout plan, first we take a five-year mine plan and
10 we determine what year is -- has the highest reclamation
11 cost year, which we determined was year five for the

12 five-year mine plan.

13 Once we determine the highest reclamation
14 cost year, we take that mine configuration and we design
15 a reclamation plan for it, and we calculate the cost to
16 reclaim the facilities at the site at the end of that
17 five-year period.

18 This is a routine update to our closure
19 plan. This is completed every five years. The
20 reclamation activities that we are proposing have --
21 have been previously approved, including in 2014. And
22 we also use standard approved ~~proclamation-reclamation~~ practices.

23 This figure shows what the mine would look
24 like if Little Rock were to close at the end of year
25 five. The reclamation plan includes the regrading of
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1 stockpiles; the partial removal of the haul room that
2 was constructed or the change location; the
3 reestablishment of Deadman Canyon. Once the earthwork
4 is completed we'll go back in and reseed areas. These
5 areas are shown in green. And we also will have a pit
6 lake which is shown in the blue. Through these
7 activities we will create a self-sustaining ecosystem
8 and wildlife habitat.

9 Next I'll talk a little bit about
10 financial assurance and the cost estimate. The cost
11 estimate was developed based on the fifth year, which
12 again, is the highest reclamation cost year. And the
13 estimated cost was 8 million, approximately \$8 million.
14 This is an increase of approximately \$6 million over

15 what we currently have in financial assurance for Little
16 Rock. Once MMD and other agencies approve the cost
17 estimate, we will be proposing instruments to be -- for
18 that \$8 million.

19 And now I'll turn it over to Lee Nix.

20 MR. NIX: Yes, and can I be heard okay?

21 I'll assume I can.

22 So, recognizing a high potential for
23 neighbor concerns over groundwater quality and drawdown
24 of the water aquifer, Tyrone engaged early in a number
25 of activities related to those potential impacts.

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1 Activities included predictive modeling at several
2 stages, as well as monitoring of groundwater quality and
3 elevations in a network of monitoring wells, and then
4 calibrating the model to those monitoring results.
5 After the initial stage of mining and several monitoring
6 wells have been mined out, we went in and installed a
7 new set of wells, a new network, in 2016.

8 In terms of neighbor engagement, we did
9 engage early with the Burro Mountain Homestead
10 management about a decade ago as mining of Little Rock
11 was about to get underway. Now, Burro Mountain
12 Homestead is our nearest community neighbors, about one
13 and three-quarters miles to our south -- to the
14 southwest of Little Rock Mine.

15 (Court reporter clarification.)

16 HEARING OFFICER ORTH: Hold on. Mr. Nix?

17 MR. NIX: Yes.

18 HEARING OFFICER ORTH: Hold on one second.

19 MR. NIX: Okay. Yes, Burro Mountain

20 Homestead is the name of a nearby community of -- an RV
21 park community.

22 HEARING OFFICER ORTH: And Mr. Nix, do you
23 have slides? We're looking at a single slide that just
24 says water.

25 MR. NIX: No, we'll have some more in a
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1 minute, this is just an introduction really of the
2 status. And then I'm going to turn it over to our
3 hydrogeology consultant, and he'll have a number of
4 slides.

5 HEARING OFFICER ORTH: Thank you so much.

6 MR. NIX: So just a little bit more on our
7 early engagement with Burro Mountain Homestead. And one
8 of the things we did as a result of that early
9 engagement was to install a monitoring well in between
10 the Little Rock Mine and their location. And we
11 installed that in late 2011.

12 We've met with them periodically, with
13 their management, especially up there at the Burro
14 Mountain Homestead. It included an open house, that was
15 probably close to a decade ago. But, also, we've had
16 periodic meetings with them about once every two or
17 three years just to kind of check in with them, discuss
18 our monitoring results, as well as check in on any
19 concerns that they have.

20 And then more recently we've engaged with

21 the Oak Grove community located in a little different
22 direction. They're a little further away from the mine,
23 at around three to four miles away. And we engaged with
24 them as they became concerned really at the outset of
25 this CCP update. I believe they saw public notice and
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1 they've started inquiring about things, so we had a
2 series of engagements with them as well, showing the
3 results of our monitoring and groundwater conditions
4 relevant to their location with respect to the Little
5 Rock Mine.

6 And with that introduction, now what I
7 really want to do is turn it over to John Ayarbe of
8 Daniel B. Stephens & Associates, and he will have a
9 number of slides to show to go along with his
10 discussion.

11 MR. AYARBE: Thank you. I'm John, John
12 Ayarbe, a hydrogeologist at Daniel Stephens &
13 Associates. We're an environmental firm headquartered
14 in Albuquerque, New Mexico. We've been working for the
15 Tyrone Mine for a number years on various matters.

16 So, are you going to share your
17 presentation, Lee, or did you want me to take it from my
18 desktop? Either is fine.

19 So, I'm going to begin with a graphic that
20 we presented to members of the Oak Grove Subdivision,
21 gosh, it's maybe been about six months ago, to
22 demonstrate that mining at Little Rock is not impacting
23 their wells. And when I say "impacting their wells,"

24 I'm talking about the de-watering at Little Rock causing
25 drawdown at their wells.

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1 So, on the graphic -- and I'll talk slow,
2 just interrupt me if I get going too fast -- on the
3 graphic you can see the Oak Grove Subdivision. The
4 light blue dots are domestic wells at the subdivision.
5 The posted values are water levels. Those water levels
6 are -- they were calculated from depth to water
7 measurements that were taken at the time the wells were
8 installed. And all this information came from the OSE
9 waters database.

10 Off on the right-hand corner of the screen
11 is the Tyrone and Little Rock Mine areas. The darker
12 blue dots are Tyrone monitor wells, and then the lines
13 are groundwater elevation contours. On the map I've
14 also shown -- I also have a few arrows drawn in that
15 give general directions of groundwater flow. And then I
16 have a hydrograph, which I'll discuss here in a moment,
17 off on the left bottom corner of the graphic.

18 A series of monitor wells -- like Lee was
19 talking about, back in 2016 we installed a series of
20 monitor wells around the perimeter of the Little Rock
21 Mine to monitor both groundwater level and quality.
22 Water levels are collected at these wells, currently
23 it's semi annually, it had been quarterly. And those
24 data are reported to the NMED. So, we have continued
25 observation of groundwater conditions at the Little Rock

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1 mine.

2 The hydrograph -- and so then this
3 hydrograph I prepared to basically demonstrate that
4 dewatering at the Little Rock Mine, and that dewatering
5 occurred at this dewatering sump, is not causing
6 drawdown that propagates beyond the area of the mine.

7 So, the black line is dewatering at the
8 sump. And you can see that that's caused the water
9 level decline of about 300 feet. And then the water
10 levels at two nearby monitor wells -- and those are
11 shown as red diamond and a green triangle -- have been
12 relatively steady.

13 Now, on the next few slides I'm going to
14 discuss closure conditions. And those closure
15 conditions being the formation of a pit lake and then
16 the expected water quality associated with that lake.

17 As we've been talking as we've gone
18 through FMI's presentation, mining has advanced below
19 the regional groundwater table. As a consequence,
20 groundwater is flowing into the area of the Little Rock
21 Mine. Currently there's no pit lake and no large
22 accumulation of water because the mine dewateres at an
23 operational sump and so they can provide safe access to
24 the ore. At closure dewatering is going to stop, and as
25 a consequence a pit lake will form.

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1 Daniel B. Stevens & Associates conducted
2 groundwater flow and geochemical modeling to predict pit
3 lake conditions at closure. And I'll briefly go over

4 those with a focus more on the quality aspects of the
5 modeling.

6 So, I'm going to begin by going over
7 current conditions so that everybody can get an idea of
8 what things are like currently. So, little bit similar
9 to the previous graphic I showed only now we're kind of
10 zooming in to the Little Rock area. So, here -- so
11 we've got a little depression. We've got an enclosed
12 groundwater elevation contour, if you will, and you got
13 Little Rock pit. And this is the operational sump. So,
14 this is generally where pit dewatering would occur.

15 Also shown on the graphic are monitor
16 wells, and these are those monitor wells that were
17 installed in 2016. You can see that in their well
18 designations. And then we've got posted water level
19 elevation. And I believe most of these water level
20 elevations were taken in the third or fourth quarter
21 of 2020.

22 We got our groundwater elevation contours,
23 they're based on the data that are collected at these
24 monitor wells. We've got a series of faults that are
25 drawn in, and these are shown in magenta. Got the
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1 Austin Amazon Fault, for instance, Southern Star Fault.
2 And then in this yellow we've got some -- we've got a
3 series of monzonite dikes, intrusive dikes. Both the
4 faults and the dikes act as barriers to groundwater
5 flow, and so groundwater tends to flow parallel to these
6 features rather than across them.

7 So, it influences groundwater flow
8 patterns in the Little Rock area. For instance,
9 groundwater to the south of the Little Rock Mine tends
10 to flow to the east northeast rather than into the
11 Little Rock Mine area. This will change as mining
12 advances and starts to breach or -- and removing large
13 portions of this dike material then more groundwater
14 from the south would be expected to flow into the area
15 of Little Rock. And this becomes important when we
16 start looking at closure, because this is going to be a
17 source of water, this groundwater to the south, to the
18 pit lake.

19 When I talk about removal, I've drawn in
20 the portion of the dikes that's -- portion of the dike
21 that has been removed below the pre-mining groundwater
22 table, if you will. So we've been tracking it.

23 So, this graphic shows simulated
24 conditions. When I say "simulated conditions," the
25 groundwater contours and flow arrows -- the flow arrows
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1 are shown in red and the groundwater contours are shown
2 in blue -- are generated from a groundwater flow model.
3 It was MODFLOW. It's a pretty standard model that's
4 used in our industry to simulate groundwater conditions
5 and to make predictive forecast-type evaluations. The
6 pit lake itself is shown in this blue.

7 And yes, everything looks very rectangular
8 and very square. And that's because, again, it's a
9 computer groundwater flow model. So, we take a real

10 world environment and we put it into a mesh or into a
11 grid so that we can make those numerical calculations.

12 Also shown in the graphic -- and I talked
13 about this on the previous slide -- are these barriers
14 to groundwater flow, being the dikes or the faults, and
15 those are illustrated here with black lines. So, the
16 dikes are -- is this jagged black line to the south that
17 runs southwest to northeast. And then this is probably
18 one of the faults up there to the north, maybe the
19 Austin Amazon Fault.

20 And you can see in our model that we've
21 excavated out a portion of the dikes which is allowing
22 groundwater to flow from the south to the north and into
23 the pit lake. Other sources of water to the pit lake --
24 it's not just groundwater -- other sources of water to
25 the pit lake will include stormwater runoff from within

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1 the area of the open pit and stormwater runoff from
2 California Gulch.

3 Also worth noting on this graphic is
4 groundwater doesn't just flow into the pit lake, but a
5 portion of the groundwater also flows out of the pit
6 lake. And you can see this on the east side of the pit
7 lake where the flow arrows tend to flow away from the
8 pit lake. So, yes, it's going to receive some inflow of
9 water on the left side of lake, and then some of that
10 water is going to discharge again back to the
11 groundwater system and exit on the east side.

12 So, when groundwater exits on the east

13 side, where does that groundwater go? It's flowing
14 towards the Tyrone Mine. So, that's what we try to
15 capture here with the yellow lines. So, if you follow
16 my cursor, this is water that's flowing into the lake
17 and then you can see that water's exiting. In addition
18 to groundwater that discharges from the east side of the
19 pit lake, another source of outflow from the lake would
20 be evaporation.

21 So, what we did is we took this
22 groundwater flow model, we used it, and we used it to
23 come up with predictions of the pit lake extent and
24 final water level. And so the pit lake extent is going
25 to be roughly 40 acres when it reaches a steady-state
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1 water level elevation. And that steady-state water
2 elevation is at an elevation of 5,700 feet. Then we
3 took the groundwater flow model, those results, the
4 various inflows that I just described, their associated
5 water qualities, and then we moved into geochemical
6 modeling to come up with a prediction of what the water
7 quality would be for the pit lake at closure.

8 And in addition to the inflows you've also
9 got to consider the outflows from the pit lake,
10 especially because you are evaporating water. So, the
11 geochemical model does include evapoconcentration, which
12 is very important.

13 I got a table after this so we can look at
14 it. It supports these conclusions. But the pit lake is
15 expected to meet water quality standards at closure.

16 This is based both on the geochemical modeling that
17 we've done as well existing water quality monitoring at
18 the dewatering sump at Little Rock.

19 There are some constituents, copper and
20 selenium, that we are keeping our eyes on because those
21 concentrations are near standard. For copper, that
22 concentration is a simulated concentration. For
23 selenium our simulated concentration is well below the
24 standard, but we still -- we see elevated concentrations
25 in the operational sump. So, these are two constituents

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1 that we are keeping our eyes on as we move forward.

2 And we have been working with NMED in
3 their evaluation of geochemical model. And what I mean
4 by that is, obviously been doing the models, preparing
5 their reports, submitting them to NMED, but we also have
6 meetings with NMED and we've provided them our modeling
7 files.

8 So, this is a subset of the results.

9 It's -- I did it for simplicity. We simulated the
10 concentration of approximately 25 constituents. Those
11 constituents are going to be your major cations, your
12 major anions and metals.

13 (Court reporter clarification.)

14 MR. AYARBE: Yeah, I'll spell it for you.
15 C-A-T-I-O-N, and the other one is A-N-I-O-N. Yeah, you
16 don't do chemistry all the time, yep, they're going to
17 be new terms.

18 So, like I was mentioning, the two

19 constituents that we're keeping our eye on are copper
20 and selenium. You can see that the copper concentration
21 that we're simulating -- and this is 100 years after
22 closure, so this is after it's gone through some level
23 of evapoconcentration -- is 0.37, and the standard is
24 0.41. I should back up a little bit.

25 We have been working with NMED on what are
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1 the applicable standards and what they've landed on are
2 the acute aquatic life criteria. And these are defined
3 in 20.6.4.

4 Selenium, what we're simulating is almost
5 an order of magnitude less than the standard, but we do
6 see it elevated in the operational sump. So, it's
7 something we're keeping our eye on and we're trying to
8 be -- we're aiming to be transparent about.

9 And then you can see that the sulfate and
10 TDS concentrations are relatively low. And to give you
11 a benchmark for comparison, the groundwater standards
12 for these two constituent, sulfate being
13 6,000 milligrams per liter and TDS being
14 1,000 milligrams per liter. These concentrations are
15 well below those.

16 And that's all I have. I threw this slide
17 in in case anyone asks about cones of depression and
18 drawdown and what to expect to look like. But I didn't
19 intend to go over it unless somebody asks a question and
20 then we can circle back to it. And that concludes my
21 presentation.

22 HEARING OFFICER ORTH: All right. Thank
23 you. Do I understand, then, that before presenters
24 who've spoken, Mr. Shelley, Ms. Lilla, Mr. Nix and
25 Mr. Ayarbe will stand for questions along with
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1 Mr. Meuzelaar and Mr. Warren? Do we have Mr. Warren
2 among us?

3 Okay. Mr. Myers is telling me, our
4 technical host, is telling me that we do have him with
5 us.

6 Mr. Warren, if you can hear me, my name is
7 Felicia Orth. I'm the hearing officer and I'd like to
8 swear you in.

9 Mr. Warren, can you hear me?

10 Mr. Myers, do we need to unmute?

11 MR. WARREN: Hello, I was able to unmute,
12 I apologize. I'm here. Morgan Warren.

13 HEARING OFFICER ORTH: Please raise your
14 right hand.

15 (Morgan Warren Sworn in.)

16 HEARING OFFICER ORTH: Do you swear or
17 affirm that the testimony you're about to give will be
18 the truth, the whole truth and nothing but the truth?

19 MR. MORGAN WARREN: Yes, ma'am.

20 HEARING OFFICER ORTH: Thank you.

21 So, Mr. David, do you have any questions
22 of the Freeport McMoRan?

23 MR. SHELLEY: Madam hearing officer --

24 HEARING OFFICER ORTH: Yes.

25 MR. SHELLEY: -- this is Tom Shelley,

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1 excuse me, we had just a little bit -- and I'll cut it

2 short -- of remaining presentation.

3 HEARING OFFICER ORTH: Oh, I'm sorry. I

4 didn't understand that there was going to be more. I'll

5 connect with Mr. David, then, when you're done.

6 MR. SHELLEY: Thank you.

7 HEARING OFFICER ORTH: Go ahead. Please

8 go ahead.

9 MR. SHELLEY: Can I share my screen,

10 please?

11 Okay. Thank you madam hearing officer.

12 I'm going to cut these slides way short because I know

13 we're late on time here.

14 And the question was -- a comment was

15 provided and raised by a couple entities on mine

16 operation site assessments at Little Rock over time, and

17 in -- particularly focused on the area of permit area

18 expansion, as I've understood it. And so I wanted to

19 just, briefly, indicate that yes, absolutely yes, the

20 site assessments are managed under another -- a number

21 of programs.

22 As you've just witnessed, for example, the

23 original environmental impact statement did in detail

24 assess all media and impacts to the environment,

25 communities, et cetera. And since that time, looking at

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1 this in the -- as a whole, there have been a number of

2 updates, especially focused on water resources at
3 various updates, both to groundwater monitoring as
4 Mr. Ayarbe presented, as well as wildlife. There have
5 been multiple assessments of that usually lined with BLM
6 and forest service permitting.

7 And there have also been a number of
8 assessments through the New Mexico Environment
9 Department, updates to pit lake modeling. And as we do
10 this we don't just rely on pit lake modeling in the
11 original 1997 era, as we planned for mining of this
12 site, we had to rely on models.

13 Now, we have the benefit, as Mr. Ayarbe
14 explained, to also rely on actual groundwater inflows
15 into the pit, which are much less than originally
16 predicted which explains also why the impacts or assumed
17 impacts or modeled impacts to neighboring wells have
18 been much less, and undetectable in most cases. So, we
19 have those kind of assessments.

20 I would also point out that -- without
21 going back and forth between these slides -- that the
22 modest expansion that we're talking about, if you look
23 at it closely, the pit is within primarily the area
24 that's already been approved for open pit mining. We
25 haven't requested -- the reason there was that expansion

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1 to the open pit was mainly to provide a buffer for
2 pit-related minor activities around it. But -- and
3 that -- but that area was thoroughly assessed for
4 blasting, et cetera. It's not changing significantly.

5 So, those types of assessments are not needed to be
6 updated at this time.

7 And then the one -- any resource that is
8 changing due to the impact is being assessed right now
9 also. For example, we have updated the wildlife
10 assessments and cultural resource assessments,
11 et cetera.

12 With that, I'll just cut this short and
13 thank you. Keep in mind that at Little Rock we are
14 committed to creating a self-sustaining ecosystem.
15 Tyrone's very proud of our award winning reclamation.
16 We're very good at it, and we'll do a good job on that
17 when we are completed with mining. So, with that, I'll
18 stop. And that's the end of our presentation.

19 HEARING OFFICER ORTH: All right. Thank
20 you, Mr. Shelley. I see -- I think and a collared
21 lizard.

22 MR. SHELLEY: Yes.

23 HEARING OFFICER ORTH: All right. We will
24 turn, then, to questions of the ~~Freeport~~ Freeport-McMoRan Tyrone
25 panel. For the transcript the panel consists of

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1 Mr. Shelley, Ms. Lilla, Mr. Nix, Mr. Ayarbe,
2 Mr. Meuzelaar and Mr. Warren. All of you have been
3 sworn.

4 In this part of the hearing it will be
5 especially important -- insofar as any of you can speak
6 up to answer whatever question is within your expertise,
7 it will be especially important to identify yourself

8 before you begin speaking, if you would please.

9 So, Mr. David, do you have any questions
10 of the Freeport panel based on their presentation?

11 MR. DAVID: Madam hearing officer, no, I
12 do not. Thank you very much.

13 HEARING OFFICER ORTH: Okay. Thank you.

14 Ms. Siwik, do you have any questions of
15 the Freeport panel --

16 MS. SIWIK: Yes.

17 HEARING OFFICER ORTH: -- based on their
18 presentation?

19 MS. SIWIK: Madam hearing officer, I don't
20 have any questions. But I would like to just ask if Jim
21 Kuipers, our technical consultant, has any questions for
22 Freeport.

23 HEARING OFFICER ORTH: Certainly.
24 Mr. Kuipers?

25 MR. KUIPERS: Yes, thank you, Allyson.

0051

1 Madam hearing officer, this is Jim
2 Kuipers. The question I have is really more a
3 clarification for Mr. Ayarbe. And that is, the
4 information you presented, if I'm correct, that's for
5 the end of the 2024 CCP or mine plan period and not for
6 the ultimate pit that would be at the end of ten years
7 of mining; is that correct?

8 MR. AYARBE: No. I think what -- can you
9 ask that question again? I'm sorry.

10 MR. KUIPERS: Yeah, no, I'm sorry.

11 MR. AYARBE: Yeah.

12 MR. KUIPERS: I'll try to be more clear.

13 The information you presented I believe is
14 from the closure closeout plan and the hydrology report
15 that is attached to that, and it addresses the mine pit
16 at the end of the next five years, in other words, to
17 the 5500-foot level; is that correct?

18 MR. AYARBE: Right. And our -- our -- at
19 least the geochemical piece goes beyond. It would be
20 the final extent, is what that aimed to simulate. That
21 said, I don't think there's going to be much difference
22 in water quality between the two different
23 configurations because the rocks are not that much
24 different, and the sources of inflow are very
25 comparable, as well as their associated quality. So, I
0052

1 think we'd get a similar result.

2 MR. KUIPERS: Right. But the actual
3 information is for the 2024 period?

4 MR. AYARBE: It's for the larger pit,
5 yeah.

6 MR. KUIPERS: Yeah. Thank you.

7 MR. AYARBE: Yeah, you're welcome.

8 HEARING OFFICER ORTH: All right. Thank
9 you.

10 And Mr. Kuipers, for the record, would you
11 spell your name, please?

12 MR. KUIPERS: Yes, madam hearing officer.

13 It Kuipers, K-U-I-P-E-R-S.

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

16 We'll turn now to anyone else who might
17 have a question of the Freeport panel. Please find the
18 button that allows you to raise your hand if you're on
19 your computer. If you are on a telephone, I believe
20 hitting star 3 will raise your hand.

21 Mr. Myers or Mr. Daws, do we have any
22 hands raised?

23 Let's see. Ronald Parry has a question,
24 and yes -- and Johannes. All right. Let's start with
25 Ronald Parry, and then we'll move to Johannes.

0053

1 If you would please, unmute, Mr. Parry.

2 MR. PARRY: Can you hear me?

3 HEARING OFFICER ORTH: I can hear you now.

4 If you would please spell your name, your last name, for
5 the transcript before you pose your question.

6 MR. PARRY: My last name is P-A-R-R-Y.

7 HEARING OFFICER ORTH: Thank you. Please
8 go ahead.

9 MR. PARRY: So, I have a question about
10 the revegetation process. So, in the presentation that
11 Ms. Lilla gave she talked about there being an approved
12 seed mix which is used for revegetation. So, I'm
13 curious about how that approval process works. I live
14 in the Oak Grove community, and one of my neighbors is
15 Carol Martin who's done work on revegetation.

16 So, she looked at the list of plants that

17 are used for revegetation for the Tyrone Mine, and she
18 gave it to Bill Norris who's an expert botanist at the
19 Western New Mexico University. And what they found was
20 that quite a number of the plants on the list of plants
21 that are used for revegetation are non-native species.
22 And Bill Norris and she felt that that was
23 inappropriate, that non-native species should not be
24 being used for revegetation.

25 Now, I don't know what the rules are, but
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1 I'm curious as to who approves the vegetation mix, who
2 looks at what's in there and decides that it's a proper
3 mix to use for revegetation?

4 MR. SHELLEY: I will try to answer that
5 question, if that's directed to the Freeport group.

6 MR. PARRY: Yes, it is.

7 HEARING OFFICER ORTH: Mr. Shelley, you're
8 speaking?

9 MR. SHELLEY: Yes, thanks.

10 So, the list of species are native. They
11 may not be native, all of them, to -- exactly to Grant
12 County, but regionally they are native species. And
13 that list of plants are -- typically the way they're
14 developed is to present -- our consultants examine the
15 area and propose a list of species. Those are presented
16 within like, for example, the closure plan, the
17 reclamation plan, that has just been submitted, is
18 then -- it's out for public comment right now.

19 And it's also in the agency's hands. We

20 get input on it from a number of agencies, as well. In
21 fact, typically, we will consult with them prior to our
22 final proposal of what goes into our plan. And then
23 after all of this process we'll either get an approval
24 or a recommendation for changes, usually from Mr. Ohori
25 and -- who also has a lot of experience in this area.

0055

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

3 Kevin or John, if you would please unmute
4 the person who's name you indicated was Johannes. And
5 I'm sorry, I don't know if that's a first or last name.

6 MR. LENCER: All right. That's the first
7 name. My full name is Johannes Lencer.

8 HEARING OFFICER ORTH: Would you spell
9 that, please?

10 MR. LENCER: That is L-E-N-C-E-R.

11 HEARING OFFICER ORTH: Thank you. What is
12 your question, please?

13 (Court reporter clarification.)

14 MR. LENCER: It's J-O-H-A-N-N-E-S.

15 I'm also a resident of the Oak Grove North
16 Subdivision, and my question goes a similar direction as
17 the previous speaker. And I'd actually be generally
18 more curious about who exactly is designing the -- those
19 ecological restoration plans? Like who's the one
20 responsible for designing them and then also who's
21 carrying them out and then, finally, what is the time
22 plan on that, if there's a timeline.

23 I know there's probably documents, and I'm
24 sorry, I'm not aware of where to find them. So, where
25 the reclamation plan is, if you could point that out,
0056

1 that would also be sweet.

2 But yeah, so, exactly who's going to be
3 working on this, like a firm you're hiring or which
4 department within your organization, that would be
5 really helpful. Thank you.

6 MR. SHELLEY: This is Tom Shelley again,
7 and I will respond to that question. And thank you --
8 is it Johannes?

9 MR. LENCER: Yes.

10 MR. SHELLEY: Okay, Johan (phonetic).
11 Thank you.

12 So, the designer, we do hire consultants
13 who have experience, a lot of experience, in mine
14 reclamation. And they provide the design in
15 consultation with us, and even a -- a conceptual design
16 is approved through this process. And then the --
17 and -- but as far as the revegetation goes, it's very
18 close to what we would implement depending on seed
19 availability and things like that at implementation.
20 So, we have the conceptual plan and financial assurance
21 to support it.

22 When the mine is complete and mining is
23 finished, then we are required to begin reclamation
24 within 180 days of cessation. And so final designs will
25 be completed at that time. And then the reclamation

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1 that we've completed so far has been largely
2 self-performed. We have a team of folks, earth movers
3 and so forth, who have become very accomplished at
4 reclamation. And you can see the results of their work
5 right across the valley from your subdivision.

6 We are supported occasionally by other
7 contractors to help us, for example, to make riprap
8 armoring for channels and things like that. So, it's
9 a -- it's a big team effort. And, typically, when we're
10 performing reclamation, we also have very regular visits
11 from the agencies overseeing this part of the work of
12 mining, so . . .

13 MR. LENCER: Thank you, Mr. Shelley. Is
14 there a list publicly available who the consultants are?
15 Or is the team of earth movers, are those hired by
16 Freeport or are these a subcontractor or how -- how does
17 that work?

18 MR. SHELLEY: Yes, they're -- the folks
19 that -- like I said, we self-performed most of the
20 reclamation that we have completed. And the designing
21 firm is a -- has been a combination of folks with
22 expertise, Golder Associates and Telesto are included in
23 the list of companies that have assisted us. Also,
24 AECOM, the engineer -- M3 Engineering. And let's see,
25 other contractors that have helped us in design and

0058

1 construction oversight include MWH, who now is part of
2 the Stantec, I believe.

3 So, there's -- there's a lot of folks
4 involved in that. They include soil scientists, plant
5 biologists and many others, civil engineers, so -- and
6 anyway, those are the ones that we've used. And I hope
7 I haven't forgotten anybody because they're all very
8 good and very helpful to us.

9 HEARING OFFICER ORTH: Thank you.

10 Is there anyone else who has a question of
11 the Freeport panel or --

12 Kevin or John, do we have anyone else
13 raising their hand?

14 No?

15 All right. So, we do need to take a
16 break. Let me thank all of the presenters on the
17 Freeport panel and those who were willing to stand for
18 questions. Thank you all very much.

19 Let's take 15 minutes and return at 7:05.
20 When we return we will hear from Gila Resources
21 Information Project, Ms. Siwik and Mr. Kuipers. And the
22 immediately following GRIP's presentation, I will invite
23 any public comment there is to be given.

24 Thank you all, 15 minutes.

25 (Off the record 6:49 p.m.

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1 (Off the record 7:05 ~~ap~~.m.

2 HEARING OFFICER ORTH: We are back after a
3 short break. And as I mentioned before we broke, we're
4 going to go to the GRIP presentation, Gila Resources
5 Information Project. We've already heard from Mining &

6 Minerals Division staff and Freeport-McMoRan Tyrone. We
7 have on the screen Ms. Siwik and Mr. Kuipers.

8 Ms. Siwik, whenever you're ready. And if
9 you would, please spell your name for the court reporter
10 before I begin.

11 MS. SIWIK: Sure. It's Allyson Siwik,
12 A-L-L-Y-S-O-N, and the last name is S-I-W-I-K.

13 Okay, great. Good evening. I'm Allyson
14 Siwik, Executive Director of the Gila Resources
15 Information Project, also referred to as GRIP. And
16 thank you so much for the opportunity to provide public
17 comment today on the proposed expansion of the Little
18 Rock Mine and the associated reclamation plan and
19 financial assurance.

20 For those of you who aren't familiar with
21 our organization, GRIP was founded in 1998, and our
22 mission is to promote community health by protecting our
23 environment and natural resources in southwestern
24 New Mexico. And our role has been to facilitate
25 informed public participation in natural resource use
0060

1 decisions that will have profound and long-lasting
2 impacts on the region's environmental and economic
3 health.

4 And for more than 20 years we've worked to
5 ensure that copper mining is done responsibly in Grant
6 County. And we understand the economic importance of
7 Freeport-McMoRan to local families and businesses, to
8 Grant County and the state, as well as the significance

9 of copper production to renewable energy development.

10 However, we believe that company profits should in no
11 way come at the expense of healthy communities and
12 environmental quality.

13 So, based on this core value, last year

14 GRIP joined the Initiative for Responsible [Mining](#) Assurance or

15 IRMA, I-R-M-A is the acronym for short. IRMA's standard

16 for responsible mining defines good practices for what

17 socially and environmentally responsible mining should

18 look like at the industrial scale. And it provides a

19 checklist of expectations that independent auditors use

20 as the benchmark for responsible mines. And relative to

21 other assurance frameworks, IRMA represents the

22 strongest set of standards for verifying socially and

23 environmentally responsible minerals development. And

24 this is why mines like Anglo American and companies that

25 purchase metals like Ford Motor Company, Daimler, BMW

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1 and Microsoft and have all joined IRMA.

2 So, GRIP's public comments tonight offer

3 our recommendation for how the Little Rock MMD permit

4 and the reclamation plan can be improved to be

5 consistent with IRMA's socially and environmentally

6 responsible mining standards within the context of the

7 Mining Act Rules. And GRIP has been assisting local

8 residents in the burros who have significant concerns

9 about Freeport's expansion plans and the potential

10 impacts of expanded operations at Little Rock and

11 Tyrone.

12 And we strongly encourage the mining and
13 minerals division to put in place permit conditions that
14 will require a full assessment of Little Rock's impacts
15 to surrounding community members and provide meaningful
16 remedy of those impacts in order to protect public
17 health, residential water supplies and the environment.

18 So with that introduction, I'd like to
19 hand over the virtual floor to GRIP's technical
20 consultant, Jim Kuipers of Kuipers & Associates. And
21 Jim is going to provide a short presentation summarizing
22 our detailed comments on the Little Rock expansion and
23 reclamation plan.

24 HEARING OFFICER ORTH: Thank you,
25 Ms. Siwik.

0062

1 Mr. Kuipers, will you raise right hand,
2 please?

3 (Jim Kuipers Sworn in.)

4 HEARING OFFICER ORTH: Do you swear or
5 affirm that the testimony you are about to give will be
6 the truth, the whole truth and nothing but the truth.

7 MR. KUIPERS: I do.

8 HEARING OFFICER ORTH: Please go ahead.

9 MR. KUIPERS: Thank you madam hearing
10 officer. I'm going to go ahead and share my screen and
11 you can see the presentation.

12 Okay. We'll keep our comments relatively
13 brief tonight. I realize it's getting late in the
14 evening for folks. At the same time, appreciate that

15 people have taken the time to attend the hearing and
16 listen to what folks have to say. And we appreciate
17 your staying on board this late.

18 Should mention, we're not going to spend a
19 lot of time tonight, or any time really, talking about
20 water quality issues. We have comments on the DP permit
21 that relate to the pit lakes and the water quality
22 aspects that were talked about previously. But we're
23 actually going to -- we submitted those comments, but we
24 don't plan on presenting comments that talk about the DP
25 tonight.

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1 What we are going to talk about a bit is
2 the time frame. We have some concerns with respect to
3 the information provided and the amount of time that
4 ultimately is being requested through the revision, a
5 need for a site assessment, and appreciate the
6 information that Tom Shelley provided, and his
7 perspective on that.

8 We in particular want to talk more about
9 impacts to groundwater and further discuss ways that we
10 can deal with community perceptions or concerns that go
11 steps beyond what Freeport has done thus far. But we
12 certainly appreciate what they have done.

13 And then, you know, a lot of our emphasis
14 tonight and comments, as Allyson mentioned, really is
15 with respect to surrounding landowners and residences.
16 And, again, really focusing on groundwater impacts, but
17 we also want to talk about noise and blasting, lights

18 and visual impacts, as well as dust mitigation and
19 monitoring.

20 And should mention that those last three
21 are things that we haven't typically seen addressed in
22 the NMED permitting process, at least to the extent that
23 we'd really like to see the department address these
24 things. And we really are here to provide some of the
25 rationale for why we think that's part of the duties
0064

1 they have under the Mining Act.

2 So, most of the people on the call know
3 me. For those that don't, I'm a -- grew up in a mining
4 family. I'm a mineral process engineer. Spent some
5 time in industry. Beginning in 1996 started my own
6 firm, and since that time my clientele have primarily
7 been nongovernmental organizations, tribes, first
8 nations, state, federal, government. Basically
9 everybody except industry. But during that time I've
10 also spent a lot of time working with industry and
11 particularly working with industry consultants. My
12 primary areas of expertise are tailing storage
13 facilities, reclamation enclosure, water management,
14 treatment and financial assurance.

15 And for those of you -- some of you I
16 think I've known now for almost 25 years. I've been
17 involved in New Mexico in these type of hearings since
18 1998. So, I -- the company folks did a good job of
19 describing the Little Rock mine expansion. I think, you
20 know, it's very important to recognize that while in

21 their view, I think, the expansion is relatively modest
22 or minor as might have been suggested.

23 To the public, to people looking at this
24 from the outside, it's a fairly significant expansion.
25 And they have a lot of concerns about the degree to
0065

1 which it will increase impacts they have already
2 experienced. And so therefore, you know, again, I think
3 it's we have to respect and realize that the public has
4 a perception of expansions that go beyond just the idea
5 of what are the physical limits of what we're doing and
6 is it all fitting within the same area or not.

7 So, one of the key issues that we have --
8 and I think the company folks explained this a bit
9 better -- is that this is part of a ten-year plan. The
10 mine revision application itself is part of a ten-year
11 plan, has two different phases of mining, Little Rock 6
12 and Little Rock 9. I don't think that was really
13 discussed, necessarily, but that's the two different
14 phases. One from 2024 -- 2020 to 2024, the other from
15 2025 to 2029, say.

16 The permit application is for the expanded
17 mine limit for the ten-year plan. And why that's
18 important is -- goes to really the last bullet on this
19 page, which is the supporting information for the
20 expansion is the 2020 closure closeout plan, which only
21 addresses years 1 through 5 or 2020 to 2024, also what
22 the company has described as Little Rock 6. It doesn't
23 describe supporting information and provide,

24 essentially, what we would look at as support, you know,
25 further site assessment information for the entire area
0066

1 or period of the expansion. And so that's really one of
2 our primary recommendations, is to address that and fix
3 that.

4 This shows the mine as it exists today,
5 before the Little Rock facilities are expanded and
6 everything else.

7 And then this shows the expanded pit at
8 the end of the ten-year mine plan. You got to keep in
9 mind this is not the end of the five-year closure
10 closeout plan, but really this is the end of the
11 ten-year mine plan as is being requested in the revision
12 application.

13 So, it is a significant addition.
14 There's, you know, it's -- the footprint itself may not
15 expand significantly or tremendously. But, typically,
16 when we look at any revision that expands by more than
17 10 percent the surface disturbance, that's considered to
18 be a significant or major expansion.

19 And so, for example, from the BLM
20 guidance, from forest service guidance, things of that
21 nature, a 10 percent increase in the actual disturbed
22 area can be looked upon as requiring additional
23 analysis. So, that's one of the comparisons we think is
24 important to make.

25 So, we're really, you know, talking about
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1 here again, and just makes the same point, is the
2 stockpiles and other features would end up being removed
3 at the end. And they would expand the open pit
4 ultimately between the 2024 plan and the ultimate
5 ten-year plan. And in doing that, they would increase
6 the depth from about 5,500 feet to a depth of
7 5,050 feet, or 450 feet deeper, would be the additional
8 mining in the pit.

9 And that's -- that's fairly significant.
10 It's going to create quite a bit of more waste drop.
11 But most importantly, it's how the pit lake recovers
12 and, ultimately, reaches equilibrium and the water
13 quality comes out I think is very important.

14 And I think CCP really should provide
15 information not just going for the five-year mine plan,
16 but we really need information for, ultimately, how the
17 pit lake would result if the ten-year mine plan that's
18 being asked for or requested under the revision
19 application were to occur.

20 And really what we're, you know, citing is
21 the New Mexico Mining Act, and this section of the act
22 where it says: (Reading)

23 That a site assessment should be required
24 if there's updated information or
25 deviations from the original application.

0068

1 Tom mentioned the 1997 environmental
2 impact statement that was conducted for the mine. And I
3 think it would be important for the department, NMED, to

4 take a close look at that EIS. And it's not -- the
5 EIS -- I don't know, and I think it was a good point Tom
6 makes, but it's the area of disturbance that was
7 anticipated at that time versus today that we need to
8 understand, whether or not that was, in fact, adequately
9 evaluated.

10 But I'd also point out that 1997 to 2021,
11 that's almost a 25-year period. The methodologies, the
12 approaches we use, the overall concerns would be
13 different, I think, today than they were 25 years ago,
14 or almost 25 years ago.

15 So, we are citing this part of the app
16 that also suggests what the assessment should include.
17 And I want to just focus on Items 5 and 6. Item 5 is an
18 analysis of mining operations impact on local
19 communities. Now, Tom mentioned that in 1997 there was
20 a, if you will, prediction of the mining operations
21 impact on local communities. Well, a very good exercise
22 to do would be a analysis of, well, what occurred in
23 that 1997 EIS in terms of predicted impacts to the local
24 communities. If they were, in fact, altogether
25 analyzed, with what's occurred 25 years later, today,
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1 after the period of mining so far.

2 That actually presents a rare opportunity
3 to do what we call a comparative analysis of a
4 prediction versus what's actually happened. And that
5 information could be used to calibrate a new site
6 assessment going forward. So, it's a good example of

7 why doing something over after 25 years I think is
8 something worth considering.

9 In addition, it also has requirement for
10 description of wildlife and wildlife habitat, as well as
11 an analysis of the mining operation's impact on that
12 wildlife and wildlife habitat. And that also is
13 something that GRIP has been concerned about, other
14 folks, and we'd like to see that done.

15 This also would be important when we
16 talked about the appropriate water quality standard for
17 the site. If we have wildlife that's going to occupy
18 the site seasonally for long periods of time, things of
19 that nature, a chronic standard would be more
20 appropriate than an acute standard that was suggested.
21 And chronic standards are significantly lower than acute
22 standards. So, I think that's also something that
23 should be part of the site assessment.

24 So, really to wrap all that up, our
25 recommendation is that the company should go ahead and
0070

1 expand the information. There should be a site
2 assessment done for the entire ten-year application or
3 period that's contemplated in mining in the revision
4 application.

5 Now, the company could take another
6 alternative, and that's just simply limit the revision
7 application to be the same as the five-year CCP that
8 they're providing as a supporting information.
9 Although, I'd still suggest, you know, that would not

10 answer the full question as the needs for a site
11 assessment.

12 Also, would just mention that I would
13 expect the BLM and forest service under the National
14 Environmental Policy Act will have to look very hard at
15 whether they would do a -- need to do an environmental
16 assessment or possibly even a new environmental impact
17 statement. Until that's been determined, I think it's a
18 little bit premature for ~~MMDNME~~ to proceed without the
19 site assessment, given that that information would
20 actually provide much of what we're talking about here.

21 So, just a few things with respect
22 specifically to impacts to groundwater. And, again,
23 appreciated the information provided by FMI and their
24 consultant, and, you know, some of this pertains to
25 that.

0071

1 But kind of stepping back a bit, you know,
2 we're not really disagreeing, I certainly am not
3 disagreeing, with the information that was presented.
4 But that's based upon a certain amount of assumptions.
5 It's based upon modeling. And part of our job, I think,
6 is to assure the public -- and this really goes,
7 perhaps, more to the companies' responsibilities than
8 MMD's -- but is really to assure the public that our
9 models and all these other assumptions that we have that
10 make sense to us, in fact, are right.

11 So, you know, it's important regardless of
12 what we think's going to happen that we identify all the

13 different residential wells, other private wells,
14 within -- we're suggesting a two-mile perimeter of
15 predicted area of influence. And I think FMI has
16 largely done that. I don't know that that map they
17 showed actually was a two-mile perimeter, but they --
18 you can see in the map they identified quite a number of
19 those.

20 But we're also just suggesting that the
21 modeling work, the information presented, be based upon
22 the end of mine life scenario. In other words, a pit
23 drawn down to 5,050 feet versus a pit drawn down to
24 5500 feet as is contained in the information supporting
25 the closure closeout plan.

0072

1 We would like to see the company provide
2 more cross-sections so that people can better understand
3 for themselves what's happening in terms of the actual
4 wells and well levels and the different things like the
5 monzonite barrier he'd discussed as far as the faults
6 and fractures. That would certainly influence
7 groundwater flow.

8 Again, we think it's very important,
9 though, that we portray the end of mine conditions.
10 Portraying the mine conditions after five years doesn't
11 satisfy fully what's being suggested in the revision
12 application.

13 And, again, I think it's very important we
14 have more comments on this in our discharge plan
15 comments -- or discharge permit comments. But when we

16 talk about equilibrium, we need to go beyond 100 years.
17 And it's fairly certain that if we take those same
18 models, go out 200, 300 years, we're going to see more
19 constituents due to evapoconcentration end up exceeding
20 standards. So, to the extent that that's something MMD
21 needs to address, you know, we are making that
22 recommendation, certainly to ED as well.

23 One of the things that I think is good to
24 have in place, even if you don't think you're going to
25 have impacts, is a voluntary well monitoring and

0073

1 mitigation program. Something that citizens, community
2 members, other private landowners with wells can sign up
3 for. And in that agreement, really, the company would
4 volunteer to address any impacts if they were to occur,
5 and it can be, you know, pointed to as mining being a
6 potential impact.

7 So, again, I think some of these
8 recommendations are consistent to a degree with what the
9 company is doing. What we're really trying to suggest
10 is to, you know, some extent raise the bar, make sure
11 we're doing this right, make sure we're using the best
12 standards we can to do this.

13 Which really brings us to the next part
14 which is that under the Mining Act another requirement
15 that I think is oftentimes overlooked is the requirement
16 in NMAC 19.10.5.508A that most appropriate technology
17 and best management practices be used. And that section
18 requires that the mining operation and the reclamation

19 plan shall be designed and operated using the most
20 appropriate technology and best management practices.

21 There are several really good examples of
22 best management practices. One of those is the
23 International Council on Mining and Metals that Tom
24 Shelley mentioned. The company is a founding member of
25 ICMM, and ICMM is constantly producing more good
0074

1 guidance. They really represent to a great degree the
2 current and best industry standards in the areas that
3 they've chosen to put together guidance.

4 The other, which is the one Allyson
5 mentioned, which is the Initiative for Responsible
6 Mining Assurance or IRMA. They have a standard that's
7 really working to assure that metals all the way from
8 the beginning of the supply chain to the end of the
9 supply chain all meet a common standard of best
10 management practice.

11 And IRMA's standard is taken from places
12 like ICMM, also taken from the New Mexico Mining Act, by
13 the way. Some of IRMA's language for reclamation, as
14 well as financial assurance, actually comes from
15 New Mexico Mining Act.

16 So, you know, we're really recommending
17 that those are two good examples that we would suggest
18 the company look at and work to be consistent with as
19 best management practices.

20 The ICMM has a water stewardship
21 framework. And I'm not going to go through these, each

22 bullet in detail. But what's important is the goal in
23 all of these approaches is that you take larger holistic
24 view, and you recognize that the mining needs to exist
25 with all the other needs in the surrounding communities
0075

1 and the surrounding -- in the county, if you will. And
2 that it needs to look at things not only, you know,
3 during a ten-year life cycle, but really needs to look
4 at things in a much bigger picture.

5 The community really needs to know more
6 about what FMI has for water rights, what they're doing
7 with those water rights. And ideally what we'd like to
8 see is the company, the county, the communities, other
9 water users all collaborating together to make sure that
10 drawing from one part of the straw and another straw and
11 another straw doesn't create an issue, ultimately,
12 long-term for all the water users in the basin in the
13 region. And so that's really the kind of thing that
14 ICM and their larger picture water stewardship
15 framework is suggesting needs to be done.

16 And then the IRMA standard actually
17 provides more specific requirements that can be audited.
18 And the whole idea behind the IRMA standard as it was
19 written, was that you can go ahead and hire an
20 independent auditor and they'd come in and actually look
21 at these things to see if a company's done it.

22 So, for example, they want to make sure
23 that the company has identified all the different water
24 users, water rights holders and other stakeholders that

25 could be affected by its practices. They want to make
0076

1 sure the company conducts a lot of its own research and
2 collaborates with the stakeholders to look at not only
3 current, but future potential uses of water. And,
4 again, with climate impacts, all the other things that
5 are happening, just more and more people trying to use
6 the same limited, really, supply of water, that becomes
7 more and more important as something to do.

8 And then the other is really to recognize
9 that we all need to work together again in the
10 collaborative way to essentially work to address the
11 challenges, also opportunities that may occur. For
12 example, when the mine does close, and that's -- that's
13 likely to be many, many decades from now overall at
14 Tyrone -- what is the best way to use that water from
15 treatment. There's going to be a lot of water from the
16 treatment processes that can be discharged in a variety
17 of ways. And that's something that a lot of different
18 entities should have an interest in.

19 Just a couple of other comments. Noise
20 and vibration, again, there are best management
21 practices out there to address noise and vibration.
22 We'd like to see the company take on those practices.
23 To the extent it's appropriate for MMD, we think MMD
24 should require the company to do some of these things.

25 The IRMA standard actually has sections,
0077

1 three sections, that address noise and vibration and the

2 various types of mitigation and reporting that should be
3 done. I haven't included those here in detail, but the
4 key is that you really would -- what we recommend is
5 that a blasting impact analysis be done for the local
6 community and residences. And it really provides a
7 baseline of information, if you will. And that way if
8 there are any concerns about blasting impacts, you've
9 got an assessment that occurred prior to those concerns.
10 And then a blasting plan can be developed from doing
11 that analysis, as well as talking with the public.

12 Interestingly enough, one of the questions
13 that we've been asked is, how will we know when they're
14 going to blast? Now, my experience is companies can
15 typically blast at a certain time of day or at least
16 within a window of time, things like that. But
17 providing that kind of information as to when you expect
18 to blast, that would be helpful, and is the kind of
19 information that ultimately, surprising enough,
20 addresses a lot of the public concerns. They can say,
21 oh, that was just the mine. They always do it at this
22 time of day. A little different than just all of a
23 sudden it happening and people wondering what happened.

24 Lights and visual impacts. And I think
25 this is something that if I were living in the

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1 surrounding area around the mine, I'd want the mine to
2 do the best job they could to address this. But then,
3 again, I live in a very dark place on the other hand, so
4 I value dark. But anyway, the sighting measures, there

5 are a number of things they can do in terms of visual
6 mitigations.

7 One of the things you have to do is
8 literally go stand in the yard or on the properties of
9 the people who are being impacted to get a real measure
10 of the visual impacts that are occurring, and get some
11 idea also of how you might go about that visual
12 mitigation.

13 There are various design measures that
14 have been developed in order to deal with visual
15 mitigation. A lot of that has to do with sculpting and
16 blending things. Providing less visual contrast for
17 color. And then there are various special circumstances
18 where things can be done to offset visual impacts.

19 Where I'd really start with is some kind
20 of analysis of the light and other visual impacts on the
21 local community. People are seeing that. And, you
22 know, a good example is by doing that you develop
23 mitigation plan that recognizes that, well, we've been
24 shining these lights from our haul trucks dumping off
25 the waste drop piles in a certain direction that heads

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1 right towards residential folks. Can we turn those
2 lights? Can we adjust them in a different way? Can we
3 use even potentially a different type of light that
4 won't have that same type of visual impact? And it's
5 doing, in some cases, I think small things like, just
6 recognizing that you can turn a light set in a different
7 direction, that can make a big difference.

8 And then finally dust mitigation and
9 monitoring. There's a lot of information out there on
10 fugitive dust. Should mention that we've discussed with
11 the agencies and others -- and there really isn't a lot
12 of -- well, really is -- are no regulations in
13 New Mexico dealing with fugitive dust other than where a
14 few counties have enacted some regulations. So, it's
15 really something that typically has been looked at as
16 more of a local issue.

17 But, again, I think it's something that's
18 a very significant issue to the community. It's the
19 type of thing that MMD in addressing communities'
20 concerns should be including, in our opinion. And
21 we'd like to see them put together a program that
22 identifies fugitive dust.

23 I should mention one of the key things in
24 all these mitigations I've talked about would be for a
25 the company to have a way for community members to

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1 contact them and contact the right person who can
2 actually take action when they observe any of these
3 types of impacts. If they observe dust, noise, lights,
4 things like that, that they'd like to see the company
5 try to address. So, that's one of the kind of programs
6 that they need to make sure is there so that they can
7 react quickly and responsibly to issues that the
8 community identifies.

9 I believe that's everything I've got.

10 Thank you very much.

11 HEARING OFFICER ORTH: Thank you,
12 Mr. Kuipers.

13 Ms. Siwik, anything further?

14 MS. SIWIK: Jim, did you have that last
15 slide on reclamation cost estimates?

16 MR. KUIPERS: Thank you Allyson. I am
17 sorry everybody, I -- we actually added this last slide
18 on -- just at the end of today, so I forgot about it.
19 I -- and I kind of just rushed through the end there.
20 Sorry about that.

21 So, we did just have a couple of brief
22 comments. You know, they mentioned the financial
23 assurance cost estimate. I actually believe the
24 discussion was more than what I have here, maybe I heard
25 8 million instead of 7 million. But the information
0081

1 that I've reviewed today indicated that the financial
2 assurance would be 7 million, 5.4-million of that is in
3 direct costs. And for folks that aren't familiar with
4 things, the company mentions that it's consistent with
5 the methodologies that have been used at the other mine
6 sites.

7 And GRIP, myself involved, as well as the
8 agencies and Freeport spent about a year, year and a
9 half of working through the methodologies for the
10 financial assurance calculation for those three mines.
11 And I do agree that the methodology they're using meets
12 the accepted standard of practice for financial
13 assurance calculations. So, we're not going to have a

14 lot of comments on the direct costs.

15 Similarly, the 1.6 million in indirect
16 costs is estimated at 30 percent of the direct costs.
17 And that's essentially established on a previous
18 precedent that also is based upon on Tyrone, Chino and
19 Continental. Now, I would suggest that at some point in
20 the future MMD does need to go back to and look at and
21 follow its guidance that it has for indirect costs.
22 But, certainly, at this time without a further hard look
23 and more discussion on that, I think it makes sense for
24 the company to use that 30 percent direct cost factor
25 that was used elsewhere.

0082

1 One place we have, or I have, you know,
2 and really we have the most concerns is with respect to
3 post reclamation. And when I looked at the financial
4 assurance estimate, it appears that in terms of
5 revegetation and post mining land use, the company is
6 doing monitoring maintenance for 12 years. But after
7 12 years they're done.

8 And then in terms of water quality,
9 they're looking at doing some additional maintenance
10 for, I believe, it's up to 15 years, continuing water
11 quality monitoring for 30 years. But then they're done
12 there.

13 Now, we just heard the pit lake, in a
14 prediction, is not going to equal or reach equilibrium
15 for 100 years. In fact, it -- approximately 70 or a
16 hundred years I think is the prediction to meet that.

17 At that time -- and I should say geochemical
18 equilibrium -- at that time the water quality may or may
19 not meet the predicted water quality. And I think if
20 you carry it out, it -- and apply other standards, for
21 example chronic aquatic standards, it will not.

22 And so we're thinking that the groundwater
23 quality or surface water quality, whatever applies to
24 that lake, will still require monitoring to assure it
25 meets standards and/or mitigation if it doesn't for at
0083

1 least 100 years if not far longer into the future. Just
2 simply because of the uncertainty associated with any
3 estimate for that long-term water quality.

4 So, the one last comment I would mention
5 is, you know, the estimate, I would consider it to be
6 preliminary. And once the CCP is finalized, the
7 conditions to the discharge permit and other things are
8 finalized, then a final financial assurance estimate
9 will most likely need to be calculated with some
10 revisions to what they presented.

11 Now, I think I'm done. Thank you.

12 MS. SIWIK: Thank you.

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

15 Ms. Siwik, anything else?

16 MS. SIWIK: Madam hearing officer, that
17 concludes our remarks. And thank you to everybody for
18 sticking with us through our presentation. We
19 appreciate it.

20 HEARING OFFICER ORTH: Thank you.

21 While I'm thinking about it, please

22 Mr. Kuipers's and also the Freeport panel, if you would
23 send your PowerPoints as presented to Mr. Ohori, we can
24 actually get those posted to give people the full amount
25 of information about this proceeding on their web page.

0084

1 Let's turn to questions then of

2 Mr. Kuipers's.

3 Mr. David, do you have questions of

4 Mr. Kuipers?

5 MR. DAVID: Madam hearing officer, I have
6 no questions. Thank you very much.

7 HEARING OFFICER ORTH: All right. Thank
8 you.

9 Mr. Moellenberg, do you have questions of
10 Mr. Kuipers?

11 MR. MOELLENBERG: Madam Hearing Officer,
12 also I have no questions. Thank you.

13 HEARING OFFICER ORTH: All right. Thank
14 you.

15 If there's anyone participating on this
16 platform this evening who has a question of Mr. Kuipers,
17 please find the button that allows you to raise your
18 hand and the technical host will let me know who that
19 is. If you're on a phone rather than a computer, I
20 believe if you press star 3 you will be able to raise
21 your hand.

22 Let's see. Johannes Mencer, I believe as

23 how to pronounce your last name. Mr. Mencer, I believe
24 you have a question.

25 MR. LENCER: It's actually Lencer, it

0085

1 starts with an L like in lamb. L-E-N-C-E-R.

2 HEARING OFFICER ORTH: Oh, Lencer? I'm

3 very sorry. So, Mr. Lencer --

4 MR. LENCER: Yes.

5 HEARING OFFICER ORTH: -- please ask your

6 question of Mr. Kuipers.

7 MR. LENCER: Yes, just a -- well, it's a

8 clarification. You mentioned that there was a chance to

9 do a re-evaluation after the 25 years that had past,

10 that's currently -- I was just wondering what area that

11 was in response to or concerning? Like what would that

12 be looking at exactly? Thank you.

13 MR. KUIPERS: Sure. This is Jim Kuipers,

14 and thanks for the question.

15 This would be addressing the site

16 assessment that had been done in 1997, and doing a new

17 site assessment today that would include the actual

18 impacts versus the predicted impacts.

19 MR. LENCER: And that is for the Little

20 Rock Mine, the same area we're talking about?

21 MR. KUIPERS: Yes, that's correct.

22 HEARING OFFICER ORTH: Thank you.

23 Are there any other questions of

24 Mr. Kuipers by anyone participating? Please raise your

25 hand virtually. Mr. Ayarbe, I believe your hand is

0086

1 raised.

2 MR. AYARBE: Yeah, I have a question. I

3 didn't know how to raise my hand virtually.

4 HEARING OFFICER ORTH: All right. Please

5 go ahead.

6 MR. AYARBE: All right. Mr. Kuipers, I

7 just have a clarifying question, maybe comment. You

8 talk about equilibrium of the lake. I want to make sure

9 you and I are on the same page. Because when you're

10 talking about 70 or 80 years, you're talking about the

11 lake itself, right? Not the geochemistry of the lake,

12 but you're talking about the final water level elevation

13 and extent?

14 MR. KUIPERS: Oh, that -- no, that's

15 what -- and I need to ask you maybe. Okay. So, I --

16 without -- you know, again, I was trying to respond to

17 your comment? But so I -- I think, as I recall, and you

18 correct me if you can't because I'm just trying to

19 recall your study unfortunately, okay?

20 MR. AYARBE: Yeah, yeah.

21 MR. KUIPERS: As I recall, the lake

22 reached equilibrium in terms of level, I want to say in

23 70 years. And then the actual chemistry I don't think

24 it had entirely reached equilibrium by the hundred

25 years, or had it?

0087

1 MR. AYARBE: Like a hundred years --

2 MR. KUIPERS: Because the level has to

3 reach equilibrium before the chemistry.

4 MR. AYARBE: Correct. Correct. So, the
5 way the models working, 60 to 80 years it reaches that
6 water level equilibrium. And then from that, at a
7 hundred years -- so I'm going beyond, 30 years beyond
8 that point -- okay. I'm not muted -- 30 years beyond
9 that point and then I'm doing my mixing calculation and
10 my evapoconcentration calculation.

11 (Court reporter clarification.)

12 HEARING OFFICER ORTH: Ms. Soto, that's
13 Mr. Ayarbe, A-Y-A-R-B-E.

14 MR. AYARBE: Mixing calculation. Yeah,
15 geochemical mixing calculation, sorry. I know Jim knows
16 what I'm talking about.

17 Yeah, so at that point, yeah, I think it
18 is getting to that equilibrium geochemistry.

19 MR. KUIPERS: Okay.

20 MR. AYARBE: But we can talk more, but
21 yeah.

22 MR. KUIPERS: Yeah, that's what I
23 recalled, it was very close at a hundred years. And
24 then I -- looks -- so my 70 years splits your 60 to 80.

25 MR. AYARBE: Okay.

0088

1 MR. KUIPERS: Okay.

2 MR. AYARBE: I just wanted to make sure.

3 Yeah, yeah, yeah.

4 MR. KUIPERS: Thanks for the
5 clarification, yeah.

6 MR. AYARBE: All right. Thank you.

7 HEARING OFFICER ORTH: All right. Thank
8 you Mr. Ayarbe and Mr. Kuipers.

9 Is there anyone else who has questions of
10 Mr. Kuipers? Anyone else at all?

11 No, I don't think we see any hands. So,
12 thank you very much -- hold on here. Okay. No more
13 hands according to the technical host. So, thank you
14 very much Mr. Siwik and Mr. Kuipers.

15 MR. KUIPERS: Thank you.

16 HEARING OFFICER ORTH: All right. Let's
17 turn to public comment. And I understand we have a few
18 more callers. So, Mr. Technical Host, let's get them
19 identified. Do I understand that we have a caller on
20 Line 14? Who is on Line 14?

21 Please identify yourself. My name is
22 Felicia Orth, what is your name?

23 No? Okay. What about Caller 16,
24 caller 16, please identify yourself.

25 No, I'm not hearing anything there either.

0089

1 All right. They are unmuted Callers 14 and 16. If you
2 can hear me, please speak up.

3 I'm just hearing some noises rather than a
4 human voice. It's just feedback.

5 All right. Is there anyone on the line to
6 identify themselves.

7 MS. SHAWL: Hello?

8 HEARING OFFICER ORTH: Hello. Who is

9 this?

10 MS. SHAWL: This is Wendy Shawl again.

11 HEARING OFFICER ORTH: All right.

12 MS. SHAWL: I called earlier and then was
13 able to connect online. But then was having some
14 technical difficulties so called back.

15 (Court reporter clarification.)

16 HEARING OFFICER ORTH: Thank you. I can
17 hear that. Ms. Shawl, you're reverberating. So, I have
18 to ask you to choose one audio source or the other,
19 either your phone or your computer.

20 MS. SHAWL: Hi. Can you hear me now?

21 HEARING OFFICER ORTH: That's much better.
22 Thank you very much. And this is Wendy Shawl?

23 MS. SHAWL: This is Wendy. I called
24 earlier before I was able to connect online.

25 HEARING OFFICER ORTH: Yes.

0090

1 MS. SHAWL: And then called back when I
2 lost the audio online, so was listening on both.

3 HEARING OFFICER ORTH: All right. Thank
4 you. Let me ask you while we have you unmuted, do you
5 have any public comment to offer?

6 MS. SHAWL: I do have a question. The
7 assessments that were done were -- so mining has been
8 done subsequent to those first assessments; is that
9 correct? And --

10 HEARING OFFICER ORTH: So, I'm sorry.
11 Questions at this point would have to be directed to

12 either MMD staff or Freeport staff offline. At this
13 point they've made their presentations and the
14 questioning is done.

15 MS. SHAWL: Okay.

16 HEARING OFFICER ORTH: Do you have a
17 comment to offer?

18 MS. SHAWL: I do. I still have some
19 concern as a resident nearby about the water table. And
20 so I believe that the suggestions that -- I believe it
21 was Mr. Kuipers made -- are a good idea, for further
22 assessment.

23 HEARING OFFICER ORTH: All right. Well,
24 thank you very much for that.

25 And the rules require that I put under

0091

1 oath everyone who makes a comment. So, let me ask you
2 if you swear or affirm that the comment you just made
3 was the truth, the whole truth and nothing but the
4 truth?

5 MS. SHAWL: Yes.

6 HEARING OFFICER ORTH: Thank you very
7 much. We're going to go back to muting you. But, of
8 course, please continue to listen if you'd like.

9 All right. What other hands do we have
10 raised in order to offer public comment?

11 No hands?

12 No hands? Let me pause for a moment in
13 the event anyone changes their mind.

14 About public comment?

15 Have we -- Mr. Technical Host, have we
16 unmuted everyone on the call-in lines? Is there anyone
17 calling in who would like to offer public comments? I
18 understand all of the call-in users have been unmuted.

19 Yes, please unmute the callers.

20 Is there anyone who'd like to off public
21 comment?

22 (Court reporter clarification.)

23 HEARING OFFICER ORTH: Please remute the
24 callers. I'm not hearing a human voice.

25 Thank you. Going once. Going twice. Any
0092

1 public comment?

2 All right. Let's talk about the --

3 (Court reporter clarification.)

4 HEARING OFFICER ORTH: If you would
5 Kevin -- let's mute the callers please, Kevin or John.

6 Thank you.

7 So, let's talk about the post hearing
8 process. We can expect a transcript from Ms. Soto
9 sometime in the next two weeks. I've asked the Freeport
10 folks and GRIP to submit their PowerPoints so that they
11 can be posted online. The deadline for written public
12 comment is June 17th at 5:00 p.m. We have not
13 contemplated any other post hearing submittals, by the
14 way. I think it's probably premature to request any
15 post hearing submittal from anyone given where we are in
16 the permit application process.

17 And I am seeing a raised hand from Ronald

18 Parry.

19 If you would please, unmute Mr. Parry.

20 Mr. Parry?

21 MR. PARRY: Yes, can you hear me?

22 HEARING OFFICER ORTH: Yes, I can. If you

23 would please raise your right hand.

24 Do you swear or affirm to tell the truth,

25 the whole truth and nothing but the truth?

0093

1 MR. PARRY: Yes, I do.

2 HEARING OFFICER ORTH: All right. If you

3 would please make your comment.

4 MR. PARRY: Okay. So, I am a resident, as

5 I said before, of the Oak Grove community which is close

6 to the proposed mine expansion. So, first of all, I

7 would like to say that I support everything that GRIP

8 has outlined in terms of their concerns about the

9 expansion. And then I would like to add that I talked

10 to a number of my neighbors who have various concerns,

11 and our concerns include those outlined by Jim Kuipers

12 including blasting, dust, noise, and interference with

13 our wells or depletion of the water table.

14 The other thing I'd like to say is

15 something about lighting since that came up. My -- some

16 of our neighbors are quite disturbed by the lighting

17 because they're quite close to the mine. They're closer

18 than I am. So, they have talked to the mine about this,

19 and the mine has given them some promises that something

20 will be done, and I presume it will.

21 But my other concern is that we live in a
22 very dark area and that the lighting from the mine is
23 undoubtedly interfering with the ecosystem. It's
24 undoubtedly interfering with bird navigation, with
25 insect navigation. It also -- there are studies that
0094

1 slow bright lights in dark areas interfere with
2 predator/prey interactions. So the mine needs to make a
3 real effort to somehow ameliorate or minimize the lights
4 that they're generating in the area.

5 This is not rocket technology. You can
6 put shades on lights that direct the light toward the
7 ground and so forth. So, all of us who live in that
8 community would be grateful if the mine would do
9 something about the excessive lighting that impacts our
10 community at the moment. Thank you.

11 HEARING OFFICER ORTH: Thank you very
12 much, Mr. Parry.

13 Anyone else, at all, who would like to
14 offer public comment this evening?

15 I certainly thank you all for hanging in
16 with us. I do have one bit of written public comment
17 from two state representatives that they asked be read
18 on to the record.

19 I'll read it and Ms. Soto, I will forward
20 it to you also via email. It's to the director of MMD,
21 Jerry Schoeppner, from state representative Rebecca Dow
22 and state representative Luis Terrazas. (Reading)

23 Dear Director Schoeppner. Thank you for

24 the opportunity to comment on the Little
25 Rock Mine expansion and closeout plan
0095

1 update. We have been informed that Tyrone
2 is requesting a relatively modest
3 expansion and a routine five-year update
4 to the closeout plan.

5 We are also aware that while the Little
6 Rock Mine is relatively a small part of
7 the Tyrone Mine, it is very important for
8 Tyrone's continued successful mining
9 operation for the long-term.

10 We further understand the Little Rock Mine
11 has been operating since 2010 and that the
12 mining operations will be very similar to
13 what the local community has been
14 accustomed to for many years.

15 It should be noted that continued copper
16 mining in New Mexico is important to
17 helping meet our renewable energy goals.

18 Because copper is a highly efficient
19 conduit it is used in renewable energy
20 systems to generate power from solar,
21 hydro, thermal and wind energy across the
22 world. Copper helps reduce CO2 emissions
23 and lowers the amount of energy needed to
24 produce electricity. In many renewable
25 energy systems there are 12 times more

0096

1 copper being used than in traditional
2 systems to ensure efficiency.
3 Given Tyrone's ongoing efforts to preserve
4 mining jobs and protect the health and
5 safety of the people in surrounding
6 communities, as well as their excellent
7 environmental stewardship by fulfilling
8 the rigorous requirements of our state's
9 environmental regulations, we request that
10 this application be approved quickly so
11 that the families and community that rely
12 on this important industry continue to
13 prosper in Grant County.

14 Sincerely State Representative Rebecca Dow
15 talk and State Representative Luis
16 Terrazas.

17 Having done that, I'm not aware of any
18 other comment that was requested to be read into the
19 record this evening. Again, we can expect a transcript
20 in a couple of weeks. More information, all information
21 really, can be found on the Mining & Minerals Division
22 web page. And most importantly, from here out the
23 deadline for written public comment is 5:00 p.m.
24 June 17th. It can be sent snail mail or the via email
25 to the addresses you find on the notice of public

0097

1 hearing this evening.

2 Is there anything else, at all, before we

3 adjourn?

4 I'm hearing nothing. So, thank you all
5 very, very much. And we'll see you again later. We're
6 adjourned.

7 (Concluded at 8:00 p.m.)

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1 STATE OF NEW MEXICO)

) ss

2 COUNTY OF DONA ANA)

3

4 I, BELEN SOTO, Official Court Reporter in and for

5 the State of New Mexico, hereby certify that I

6 reported, to the best of my ability, the LITTLE ROCK
7 MINE PUBLIC HEARING ON June 2, 2021, that the
8 pages numbered 1 through 97, inclusive, are a true
9 and correct transcript of my stenographic notes, and
10 were reduced to typewritten transcript through
11 Computer-Aided Transcription; that on the date I
12 reported these proceedings, I was a New Mexico
13 Certified Court Reporter.

14 Dated at Las Cruces, New Mexico, this 14th day of
15 June, 2021.

16

17

18

BELEN SOTO

19 New Mexico CSR No. 106

Expires: December 31, 2021

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