

## Guest Column by Allyson Siwik

# Put people before profits in mine plan

As residents of Grant County, we all want a healthy and prosperous future for our kids and grand-kids. Clean water and a safe environment are just as necessary as good jobs to achieving that vision.

We have an opportunity to come together in support of healthy communities by attending the public hearing this week on the Chino Mine Closure/Closeout Plan, Mining Act permit, and financial assurance that are being revised by the state Mining and Minerals Division. This hearing is not to determine whether the mine should close, but to determine how the mine prepares for eventual closure, whenever that happens.

More than a decade out of date, the Chino Closure/Closeout Plan outlines how Freeport-McMoRan proposes to clean up and reclaim the Chino Mine once it's no longer in operation. Mandated by the state Mining Act, the plan and the associated state permit are critical to ensuring that surface and groundwater quality, air quality, land and wildlife are protected when the mine closes.

Also up for review is an estimate of the cost of reclamation that determines how much financial assurance Freeport will be required to post to guarantee that there are sufficient financial resources available for reclamation when the mine closes or if the company goes bankrupt and the state is left with the responsibility to clean it up.

Compliance with the state Mining Act, Water Quality Act and other state and federal environmental protections is required of all mine operators in New Mexico. In order to safeguard the health of our communities and the environment, cleanup and reclamation once a mine has played out and shuts down is not only industry best practice, it's also part of doing business in New Mexico: You make a mess; you clean it up.

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

However, with net income estimated at over \$270 million from its Grant County mines in 2018 alone based on its federal SEC reporting, Freeport-McMoRan should not be allowed to profit at the expense of our groundwater quality, our environment, our community health and the New Mexico taxpayer.

How can we achieve a Chino Closure/Closeout Plan that protects communities and our environment? Here are some suggestions to improve the draft plan.

The plan should take climate change into account in design of water conveyances and channels. Rather than use design criteria for the 100-year precipita-

tion event, more conservative design criteria should be used given our area is already experiencing 500-year and 1,000-year storm events. For example, Freeport's El Abra mine in Chile experienced a severe rain event earlier this year that stopped work for 35 days to clean up the mud that had inundated some of the mine's operations.

The Chino Mine Closure/Closeout Plan and associated permits are currently more than a decade out of date. According to the New Mexico Mining Act and New Mexico Water Quality Act, the Closure/Closeout Plans, permits and financial assurance should be reviewed every five years to ensure that the public and the environment are fully protected. Freeport and state agencies need to commit to doing a better job renewing these critical plans.

Given that water treatment is predicted to continue for an indefinite period, beyond 100 years after closure of the Chino Mine, Freeport should establish a trust fund to cover reclamation costs in perpetuity to ensure our water quality is protected well into the future.

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

Third-party guarantees are not industry best practice, according to the Initiative for Responsible Mining Assurance. Similarly, the U.S. Forest Service and Bureau of Land Management prohibit the use of parent company guarantees. Freeport and state agencies should follow responsible mining best practice and provide less risky forms of financial assurance, such as a cash trust or bank letter of credit.

Let's ensure that Grant County's future is secure by putting in place a Chino Closure/Closeout Plan that protects communities, our water and environment, and the taxpayer.

*Allyson Siwik is the executive director of the nonprofit Gila Resources Information Project, which is based in Silver City.*

## Readers' Forum

### Senior services story enlight

Dear editor,

I very much appreciate your piece on the "den bomb" and the Collaborative Community Plan for seniors. I didn't know about this initiative. Thanks!