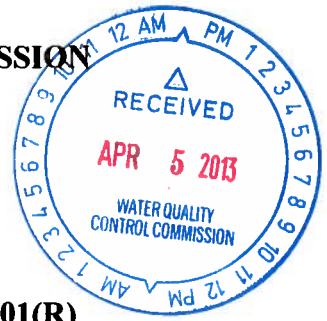


**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**



\_\_\_\_\_)  
**In the Matter of:** )  
 )  
 )  
**PROPOSED AMENDMENT** )  
**TO 20.6.2 NMAC (Copper Rule)** )  
\_\_\_\_\_)

**No. WQCC 12-01(R)**

**NOTICE OF ERRATA REGARDING TESTIMONY OF JOHN D. BRACK**

Freeport-McMoRan Tyrone Inc., Freeport-McMoRan Chino Mines Company, and Freeport-McMoRan Cobre Mining Company (collectively, “Freeport”) hereby submit this Notice of Errata regarding the written direct testimony of John D. Brack.

1. On page 4 of the testimony, a statement refers to the current price for copper in excess of \$3.50 per pound. That statement was correct when the testimony was filed, but as of the date of this hearing, the price has dropped below \$3.50 per pound.

2. On page 5 of the testimony, it refers to a current average cost of \$100 per foot for drilling boreholes. That is a reasonably accurate market rate, but Freeport-McMoRan’s internal average cost is closer to \$80 per foot based on volume discounts.

3. Portions of the text on pages 8-13 of the written testimony regarding copper applications and industry production were taken from an internet article that can be found at <http://en.wikipedia.org/wiki/Copper>. Much of the information in this portion of the testimony is also provided by the video “Copper in our Electrical World,” Brack Exhibit 4.

4. On pages 11-12 of the written testimony are statements that only 56 new copper discoveries have been made during the past three decades, 21 of the 28 largest copper mines in

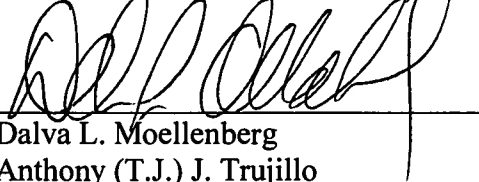
the world are not amenable to expansion and that many large copper mines worldwide could be exhausted by 2015. The written testimony does not reference sources for these statements and no current and verifiable sources have been identified. Consequently, the Commission should give little weight to these statements.

5. On page 12 is a statement that the principal mining states, in order of descending production, are Arizona, Utah, New Mexico, Montana and Nevada and that these states together accounted for 99 percent of production. This statement should be referenced to Brack Exhibit 7 at page 48.

6. On pages 13-14, the discussion of the history of New Mexico copper production should be referenced to a paper entitled "Copper in New Mexico" by Virginia McLemore which can be found in the record as Exhibit Lande-5.

Respectfully Submitted,

**GALLAGHER & KENNEDY, P.A.**



Dalva L. Moellenberg  
Anthony (T.J.) J. Trujillo  
1233 Paseo de Peralta  
Santa Fe, NM 87501  
Phone: (505) 982-9523  
Fax: (505) 983-8160  
DLM@gknet.com  
AJT@gknet.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing pleading was hand-delivered or e-mailed to the following parties on March 28, 2013:

Andrew Knight  
Kathryn Becker  
Assistant General Counsel

Office of General Counsel  
New Mexico Environment Department  
1190 St. Francis Drive


Santa Fe, New Mexico 87502-6110  
Phone: 505-222-9540  
Email: [Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)  
For the New Mexico Environment  
Department

Bruce Frederick, Staff Attorney  
Doug Meiklejohn  
Jon Block  
Eric Jantz  
New Mexico Environmental Law Center  
1405 Luisa Street, #5  
Santa Fe, NM 87505-4074  
Phone: 505-989-9022  
Email: [bfrederick@nmelc.org](mailto:bfrederick@nmelc.org)  
For the Gila Resources Information Project  
and Turner Ranch Properties

Louis W. Rose  
Montgomery & Andrews  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
Phone: 505-986-2506  
Email: [lrose@montand.com](mailto:lrose@montand.com)  
For the New Mexico Mining Association

Tannis L. Fox, Assistant Attorney General  
Water, Environmental and Utilities Division  
Office of the New Mexico Attorney General  
P.O. Box 1508  
Santa Fe, New Mexico 87504  
Phone: 505-827-6695  
Email: [tfox@nmag.gov](mailto:tfox@nmag.gov)  
For the New Mexico Attorney General

Jon Indall  
Comeau, Maldegen, Templeman & Indall  
P.O. Box 669  
Santa Fe, New Mexico 87504-0669  
Phone: 505-982-4611  
Email: [jindall@cmtisantafe.com](mailto:jindall@cmtisantafe.com)  
For the New Mexico Mining Association

  
Dalva L. Moellenberg

Sean Cunniff, Assistant Attorney General  
Civil Division  
Office of the New Mexico Attorney General  
P.O. Box 1508  
Santa Fe, New Mexico 87504  
Phone: 505-827-6469  
Email: [scunniff@nmag.gov](mailto:scunniff@nmag.gov)  
Commission Counsel

William C. Olson  
14 Cosmic Way  
Lamy, New Mexico 87540  
Phone: 505-466-2969

Tracy Hughes  
High Desert Energy + Environment Law  
P.O. Box 8201  
Santa Fe, New Mexico 87504  
Phone: 505-819-1710  
Email: [hughes@energyenvironmentlaw.com](mailto:hughes@energyenvironmentlaw.com)  
For Amigos Bravos  
Email: [billjeanie.olson@gmail.com](mailto:billjeanie.olson@gmail.com)