

**NEW MEXICO MINING COMMISSION****IN THE MATTER OF AGRONICS, INC.  
Notice of Violation N98-10-15****No. 99-03**received  
OCT 19 1999

New Mexico Mining Commission

**INTERIM ORDER**

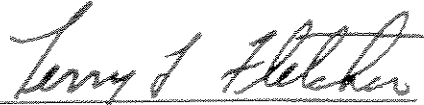
This matter is before the New Mexico Mining Commission (Commission) in case no. 99-03, on motion by Agronics, Inc. (Agronics) to dismiss NOV N98-10-15 and the related penalty assessment, and on motion by the Mining and Minerals Division (MMD) to stay case no. 99-03 pending final resolution of Agronics' appeal to the courts in case nos. 96-07 and 97-02.

Having considered the motion by Agronics, arguments of counsel, and being fully advised of all evidence before the Commission, the Commission finds that Agronics' motion to dismiss lacks merit, and hereby DENIES Agronics' motion to dismiss.

Having considered the motion by MMD, arguments of counsel, and being fully advised of all evidence before the Commission, the Commission finds MMD's motion meritorious, and hereby GRANTS MMD'S motion. All further proceedings in case no. 99-03 are HEREBY STAYED pending judicial review and final resolution of Agronics' appeals in case nos. 96-07 and 97-02, currently before the Thirteenth Judicial District Court.

This order is an interim order, pending a final adjudication of 99-03 by this Commission.

DATED: 10-19-99

  
Terry L. Fletcher, Chair  
New Mexico Mining Commission

NEW MEXICO MINING COMMISSION

Received

AUG 30 2000

New Mexico Mining Commission

In re appeal of

AGRONICS, INC., FROM A DECISION OF THE  
DIRECTOR OF THE MINERALS AND MINING  
DIVISION

No. 99-03

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND FINAL ORDER**

This matter is before the Commission on the petition of Agronics, Inc. (Agronics) for appeal of a notice of violation (NOV) N98-10-15 and related penalty assessment issued by the Director of the Minerals and Mining Division (the Division). The New Mexico Mining Commission held a regular meeting on August 2, 2000, at Santa Fe, New Mexico, to deliberate on this matter. After consideration of all the testimony and other evidence submitted by the parties, statements from interested persons, and argument of counsel, and being otherwise duly advised, the Commission makes the following findings and conclusions:

**I.  
FINDINGS OF FACT SUPPORTED BY A PREPONDERANCE OF THE  
EVIDENCE, AND CONCLUSIONS OF LAW:**

1. The Commission has jurisdiction over this matter.
2. Humate is a mineral.
3. Agronics' Clodbuster site, at issue in this case, mines humate and is thus a mining operation subject to the Mining Act (the Act), and required to pay all annual fees as applicable under 19 NMAC 10.2 Subpart 2 (the Rules).
4. The Rules are reasonable and permissible pursuant to the Act.

5. The Act is constitutional.

6. NOV N98-10-15 and the related penalty assessment are in accordance with all applicable provisions of the Act and Rules.

7. Furthermore, all issues raised by Agronics relating to the Division's fee assessment in this matter have been rejected by the Thirteenth Judicial District Court, and affirmed by all higher New Mexico appellate courts, in appeals from the Commission's decision in Agronics' appeals nos. 96-07 and 97-02.

8. Agronics appeal otherwise lacks merit.

## II. FINAL ORDER

Based on the foregoing findings and conclusions, the Commission votes to **AFFIRM** NOV N98-10-15 and the related penalty assessment.

DATED: 8-7-00

John J. Pful NM Mining  
for Commission  
Clark  
Terry L. Fletcher, Chair  
New Mexico Mining Commission

Telephonic approval to  
Sign corrected Final Order  
provided by Terry Fletcher  
8-23-00