



STATE OF NEW MEXICO
BEFORE THE NEW MEXICO MINING COMMISSION

IN THE MATTER OF:
PROPOSED AMENDMENT TO
NMAC 19.10 PART 2 – FEES

Petition 13-02

STATEMENT OF INTENT TO PRESENT TECHNICAL TESTIMONY

The Mining and Minerals Division of the Energy, Minerals and Department (“MMD”) hereby submits its Statement of Intent to Present Technical Testimony at the public hearing of the above referenced matter scheduled to begin on October 2, 2013.

1. Identity of the person or entity for whom the witnesses will testify:

Mining and Minerals Division, Energy Minerals and Natural Resources Department

2. Names and Qualifications and Each Technical Witness:

Fernando Martinez. Mr. Martinez is the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department. His credentials are contained in the attached resume.

MMD reserves the right to call other witnesses as rebuttal witnesses for any other testimony given pursuant to any other persons Statement of Intent to Present Technical Testimony, or otherwise, and to answer questions.

3. Summary of Anticipated Testimony of Each Witness:

Pursuant to 19.10.2.202(E) NMAC, the annual fee provisions in Part 2 of the Mining Act regulations will sunset on December 31, 2013. MMD is requesting that the Mining Commission delete 19.10.2.202(E) NMAC in its entirety.

MMD anticipates that Mr. Martinez will testify about MMD’s authority to charge fees, the role of fees in administering the Mining Act and the reasons that the sunset provision that is 19.10.2.202(E) NMAC should be deleted.

It is anticipated that Mr. Martinez’s direct testimony will take approximately ¼ to ½ hour.

4. MMD Anticipates That It May Offer the Following Exhibits at the Hearing:

Proposed Rule Changes

Fernando Martinez's Resume

Respectfully submitted this 14th day of August, 2013.



Mark A. Smith, on behalf of

Energy, Minerals and Natural Resources Department,
Mining and Minerals Division

Assistant General Counsel

New Mexico Energy, Minerals, and Natural Resources Department

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Fernando Martinez Resume

Employment History:

July 2011—Present

**Acting Director/ Director, Mining and Minerals Division
Energy, Minerals and Natural Resources Department**

Direct and oversee all areas of the division's responsibilities with respect to coal and non-coal mining, and the abandoned mine lands program, including programmatic, technical, administrative and financial activities and supervision of managers and staff. Mining related legislative analysis, testimony, policy development, and program evaluation are important functions of this position.

April 2006—June 2011

**Director, Energy Conservation and Management Division
Energy, Minerals and Natural Resources Department**

Directed and oversaw all areas of ECMD responsibility including programmatic, technical, administrative and financial activities (~\$45 million budget of combined state and federal funds) and supervision of staff. Clean energy legislative analysis, lobbying, policy development, and program evaluation were important functions of this position. Duties also included active participation in the Western Governors' Association, Border Governors Conference Energy Work Table and National Association of State Energy Officials.

August 2003—April 2006

**Bureau Chief, Drinking Water Bureau
New Mexico Environment Department**

Responsible for the Bureau's multi-million dollar budget, federal grants, contracts, policy, program development, and the direct and indirect supervision of nearly 50 staff (including technical, administrative, supervisory and managerial). Worked on legislative issues and served as a lobbyist for the department on drinking water matters. Responsible for overseeing the regulation of approximately 1,280 public water systems throughout the New Mexico to ensure that they complied with State Drinking Water Regulations and the Safe Drinking Water Act by directing training and technical assistance, as well as by taking enforcement action when needed.

December 2002—August 2003

**Drinking Water Bureau Capacity Development Coordinator (Hydrologist)
New Mexico Environment Department**

Responsible for being the State Drinking Water Laboratory Certification Officer (chemical, radiological and biological), NMED Quality Assurance Officer, and the Drinking Water Operator Certification Representative. Duties also included coordinating all State Revolving Loan Fund Federal Grant activities related to building managerial, financial and infrastructure capacity at Public Drinking Water Systems Statewide.

October 1997—December 2002

**Manager, Mining Act Reclamation Program,
Mining and Minerals Division, Energy, Minerals and Natural Resources Department**

Directed and oversaw professional staff, other supervisors and program budget and administration for the Mining Act Reclamation Program. Responsible for managing, coordinating, directing and implementing statewide inspection, permit review and enforcement activities at all non-coal mining operations in the State as required by the New Mexico Mining Act to ensure environmental protection. Duties also included conducting public hearings and outreach, acting as conference/hearing officer in enforcement matters and testifying at hearings. Performed evaluations of non-coal mine permits and reclamation plans for administrative and technical adequacy in the areas of past and current mining methods, hydrology, soils, revegetation, wildlife, wildlife habitat, geology, erosion control, surface configuration, site stability, design limits, permit areas, acid rock drainage, and financial assurance. Responsibilities included rulemaking, policy development, legislative bill analysis and development of Memoranda of Understanding and Joint Powers Agreements.

July 1994—September 1997

**Surface Mining Reclamation Specialist, Mining Act Reclamation Program
Mining and Minerals Division, Energy, Minerals and Natural Resources Department**

Responsible for implementing statewide inspection, permit and reclamation plan review and enforcement activities at all non-coal mining operations in the State as required by the New Mexico Mining Act to ensure environmental protection. Performed evaluations of non-coal mine permits and reclamation plans for administrative and technical adequacy in the areas of past and current mining methods, hydrology, soils, revegetation, wildlife, wildlife habitat, geology, erosion control, surface configuration, site stability, design limits, permit areas, acid rock drainage, and financial assurance. Issued notices of violation and/or cessation orders when needed and assessed penalties. Participated in in penalty conferences, public hearings, public outreach events, and testified on mining program related matters on behalf of the department.

September 1993—July 1994

**Water Resource Specialist, Drinking Water Bureau
New Mexico Environment Department**

Responsible for implementing the Safe Drinking Water Act Sampling Programs for District's I and IV of New Mexico to ensure public health and public safety protection in drinking water supplies. Developed chemical, radiological and microbiological sampling and monitoring schedules for surface and ground water public water systems. Collected chemical and radiological compliance drinking water samples using standardized and approved methods. Ensured that quality control and quality assurance was followed in sample collection and sample preparation. Analyzed and interpreted chemical, radiological and microbiological lab results for possible environmental violations and impacts to public health and safety and to determine sampling frequencies required. Responsible for maintaining water supply program database for District's I and IV.

Summers of 1991 and 1992

**Crew Leader/Intern Questa Mine
Molycorp, Inc.**

Responsible for supervision of tailings lines gauging crew. Duties included mine waste spill prevention, monitoring, and recording wear of mine tailings slurry lines. Compiled data for wear study of mine tailings lines, tailings dam piezometers, and analyzed and interpreted all collected field data. Assisted with the design and constructing pressure surge protection devices. Performed erosion control and mine land reclamation of tailings impoundments and waste piles. Participated in surface and underground surveying projects. Duties also include work in assay and metallurgical labs with operation of spectrophotometers, atomic absorption, and x-ray diffraction laboratory equipment. Measured flow rates to sewage treatment plant and collected and prepared samples for assay lab.

Educational Background:

B.S. in Biology with Environmental Science Option, New Mexico Institute of Mining and Technology, 1993.

Waste-management Education and Research Consortium Environmental Management Certificate, New Mexico Institute of Mining and Technology, 1993.