

**MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING AND HEARING
January 12, 2000**

The New Mexico Mining Commission meeting and hearing was convened at 8:30 a.m., Wednesday, January 12, 2000 in Morgan hall of the State Land Office Building, 310 Old Santa Fe Trail, Santa Fe, New Mexico. The following members were present:

Terry Fletcher	Chairman and Public Representative
Tod Stevenson	Department of Game and Fish
Bob Rogers	State Engineer's Office
Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station
Larry Kehoe	State Land Office
John Bartlit	Public Representative
Daniel Rubin	Commission Attorney

The following members were absent:

Pete Maggiore	Vice Chairman, Environment Department
Peter Scholle	NM Bureau of Mines and Mineral Resources
J. R. Roybal	Designee, NM Soil and Water Conservation Comm.
Robert Light	Alternate
Pat Freeman	Alternate

1. Roll Call

The Commissioners announce their own names. Chairman Fletcher declares a quorum for purposes of conducting the meeting.

2. Approval of Agenda

Chairman Fletcher adds a new agenda item after item #5 which is a discussion of a petition by MMD regarding appeal 99-09 in which they request a stay; and under "other business" a statement by counsel regarding 99-03. Mr. Rogers moves to adopt the agenda as amended, with second by Mr. Stevenson. Motion passes unanimously on a voice vote.

3. Deliberation and vote on the order on the Challenge Mill appeal (99-06) of the director's order regarding failure to pay annual fees

Mr. Rubin reminds the Commission that he circulated the draft order to all Commissioners for their review and comment, and that the Commission could retire to executive session for discussion if they wish.

Mr. Stevenson moves to adopt the order as provided by Counsel, with second by Mr. Rogers. Motion passes unanimously on a voice vote.

4. Deliberation and vote on the order on the Agronics appeal (99-07) of the director's decision of September 24, 1999 regarding confidentiality of certain documents in MMD's permit file

Mr. Rubin again reminds the Commissioners that he previously circulated the draft order to for their review and comment, and that he did receive some comments from Commissioners. The order was amended based on comments and the amended order is provided to the Commission for their consideration. Mr. Rubin reminds Commissioners they can retire to executive session for discussion if they wish.

There is some discussion between Mr. Rubin and Commissioners regarding the amendment. Mr. Bartlit requests an additional change be made to the order.

Motion by Mr. Bartlit to approve the amendment to #23, as suggested and read by Mr. Rubin. Second by Mr. Kehoe. Motion passes unanimously on a voice vote.

Motion by Mr. Kehoe to approve the order, as amended. Second by Mr. Rogers. Motion passes unanimously on a voice vote.

5. Deliberation and ruling on a motion by Agronics to stay disclosure of the documents at issue in 99-07

Mr. Taylor makes a statement in support of staying disclosure and Mr. Schatzman makes a statement disputing the need to stay disclosure.

Motion by Mr. Kehoe to retire to executive session to discuss stay with legal counsel. Second by Mr. Rogers. Motion passes unanimously on a roll call vote.

The Commission goes into executive session at approximately 9:05 a.m.

Motion by Mr. Kehoe to reconvene to open session at 9:15 a.m. Second by Mr. Bartlit. Motion passes unanimously on a roll call vote. Chairman Fletcher comments that the only items discussed in executive session were legal issues associated with the stay in 99-07.

Motion by Mr. Stevenson to deny stay, effective in 30 days. Second by Mr. Kehoe. Motion passes unanimously on a voice vote.

Motion by Mr. Stevenson to direct legal counsel to develop an order to deny stay. Second by Mr. Bartlit. Motion passes unanimously on a voice vote.

6. Discussion of a petition by MMD regarding appeal 99-09

After some discussion between counsel for MMD, Commission members and Mr. Taylor, it is determined that the Chairman would issue an order ordering Agronics to file a more definitive statement by Tuesday, January 18, 2000 fully briefing the issues it intends to bring before the Commission and that the hearing on this appeal would continue to occur at the February 23, 2000 meeting and hearing.

7. Deliberation and vote on proposed amendment/s to the Open Meetings Act Resolution.

Motion by Mr. Rogers to approve the resolution, as provided. Second by Mr. Bartlit. Motion passes unanimously on a voice vote.

8. Other business (includes a statement by counsel regarding 99-03)

Mr. Rubin asks Mr. Taylor about the status of appeals 97-06 and 97-02. It is decided that either Mr. Taylor, or his Counsel, would apprise Mr. Rubin of the status of these appeals and that Mr. Rubin would report to the Commission at the February 23, 2000 meeting.

9. Adjourn

Motion by Mr. McCaslin to adjourn. Second by Mr. Rogers. Motion passes unanimously on a voice vote. Meeting is adjourned at 9:27 a.m.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk