

MINUTES OF THE  
NEW MEXICO MINING COMMISSION MEETING  
February 27, 1996

The New Mexico Mining Commission meeting was convened at 9:10 a.m., February 27, 1996 in Morgan Hall of the State Land Office Building, 310 Old Santa Fe Trail, Santa Fe. The following members were present:

Art Montana	Chairman and Public Representative
Ed Kelley	Environment Department
David Vackar	State Land Office
H.M. Conger	Public Representative
Jim Bailey	Department of Game and Fish
Charles Chapin	NM Bureau of Mines and Mineral Resources
Jeanie Cragin	Alternate
Terry Fletcher	Alternate

Absent:

Bob Rogers	State Engineer Office
Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station
Alex Gonzales	Ex-Officio, NM Soil and Water Conservation Commission

**1. Roll Call**

Each Commission Member announced his name for roll call.

**2. Approval of the agenda**

The Commission discussed having a Commission meeting in Silver City which will include a tour of the Tyrone mine and another smaller mine on April 24, 1996. All Commissioners agreed.

Motion was made by Mr. Conger to approve the agenda with the addition of the discussion of the Silver City meeting. Second by Mr. Vackar. Motion passed unanimously.

**3. Review of the minutes of the November 29, 1995 meeting**

Motion was made by Mr. Vackar with second by Mr. Conger to approve the minutes of the November 29, 1995 meeting. Motion passed unanimously.

**4. Report on HB 466 and other legislative issues**

Chairman Montana discussed the main provisions contained in HB 466, and criticized certain aspects of the bill. Discussion ensued regarding the bill and how to best address the issues it addressed. The Commission discussed evaluating those issues through public meetings and possible regulation amendments. It was suggested that certain legislators and the Commission be involved in the process. Mining and Minerals Division Director Garland discussed a proposal for addressing the same issues.

Motion was made by Ms. Cragin to establish a task force under the auspices of the Commission to hold public hearings and conduct problem solving and to report to the Commission by July 1. Second by Mr. Vackar. Motion passed

unanimously.

**5. Procedural issues regarding pending adjudicatory matters**

Bill Brancard passed out to Commissioners a draft of regulations for Adjudicatory Procedures for the Mining Commission for informal review. He also passed out and explained a draft Order delegating authority to the Chair.

Motion was made by Mr. Vackar to adopt the Order with the provision that it be temporary until other provisions were in place to address such procedures. Second by Dr. Kelley. Motion passed unanimously.

**6. Public Hearing on the Petition for Review of Copar Mining Company, Inc.**

Art Montana as Hearing Officer conducted the public hearing for the petition by Copar Mining Company, Inc.

**7. Deliberation and possible action on the Copar Petition**

The Commission discussed whether to make a ruling at this time on the Copar petition. Motion was made by Mr. Chapin to deny the petition with second by Mr. Bailey. Bill Brancard discussed with the Commission the ramifications of deciding now vs. allowing post-hearing submittals and having a more detailed discussion and decision at the next meeting, which would allow for a more in-depth decision addressing all Copar's issues. Mr. Chapin withdrew his motion.

The Hearing Officer set March 25, 1996 as the deadline for post-hearing submittals, not to exceed 30 pages, which may include proposed findings of fact and conclusions of law.

**8. Other business**

There being no further business, motion was made to adjourn by Mr. Vackar with second by Mr. Conger. Motion passed unanimously. Meeting was adjourned at 5:15 p.m.

Approved:

Minutes by:

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Montana, Chairman

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Douglas Bland, Commission Clerk

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