

**MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING AND HEARING
March 23, 2000**

The New Mexico Mining Commission meeting and hearing was convened at 9:15 a.m., March 23, 2000 in the Oil Conservation Division (OCD) conference room, 2nd floor of the Energy, Minerals and Natural Resources Department building located at 2040 South Pacheco Street in Santa Fe, New Mexico.

The following members were present:

Terry Fletcher	Chairman and Public Representative
Pete Maggiore	Vice Chairman, Environment Department
Peter Scholle	NM Bureau of Mines and Mineral Resources
Tod Stevenson	Department of Game and Fish
Bob Rogers	State Engineer's Office
Larry Kehoe	State Land Office
John Bartlit	Public Representative
Pat Freeman	Alternate
Daniel Rubin	Commission Attorney

The following members were absent:

Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station
J. R. Roybal	Designee, NM Soil and Water Conservation Comm.

Announcements: Chairman Fletcher declares a quorum for purposes of conducting the meeting.

1. Roll call

The Commissioners announce their own names.

2. Approval of agenda

Mr. Rogers moves to adopt the agenda, with second by Mr. Scholle. Motion passes unanimously on a voice vote.

3. Adoption of the minutes of the March 23, 2000 Meeting and Hearing

After the Commission takes a moment to review the minutes, there is a motion by Mr. Stevenson to approve the minutes, as presented; second by Mr. Rogers. The motion passes unanimously on a voice vote.

4. Deliberation and vote on the order in Agronics' appeal (99-09) of the Mining and Minerals Division Director's order not to issue an extension of time for close-out plan completion pursuant to Section 501.D of the Mining Act Rules.

Motion by Mr. Rogers to approve the order for appeal 99-09; second by Mr. Kehoe. The motion passes unanimously on a voice vote.

5. Public hearing, deliberation and action on Agronics' appeal (00-01) of the director's order regarding Notice of Violation NOV N99-10-3 and Cessation Order C-00-11-1 1/21/00, and associated penalty assessment

The motion to dismiss portion of the hearing was conducted first. Mr. Taylor of Agronics testifies on a variety of subjects that focus on the premise that humate is a living organism.

Mining and Minerals Division (MMD) Director Doug Bland testifies, MMD exhibits 7 through 11 are accepted by the Commission and Chris Schatzman provides summation.

Pete Domenici cross examines Mr. Bland.

Short recess from 10:40 to 10:50.

The Hearing on appeal 00-01 commences at 10:50 a.m.

Testimony is provided by Mr. Taylor with questioning and comments from Mr. Domenici. The Commission stipulates that Agronics exhibits 15 and 16 (which are the same as MMD's exhibits 3 and 4) are accepted into evidence.

The Commission recesses for lunch from 11:55 a.m. to 1:01 p.m.

MMD's exhibits 3 through 6, and 12, are accepted by the Commission and entered into evidence; Chris Schatzman reminds the Commission that exhibits 1 and 2 were previously submitted at the February 23, 2000 hearing in Agronics' request for a stay.

Mining and Minerals Division (MMD) Director Doug Bland testifies and Mr. Domenici cross-examines Mr. Bland.

Motion by Mr. Rogers to retire to executive session to discuss legal issues related to Agronics' motion to dismiss and appeal 00-01. Second by Mr. Kehoe. Motion passes unanimously on a roll call vote.

The Commission goes into executive session.

Motion by Mr. Rogers to reconvene to open session at 7:00 p.m. Second by Mr. Kehoe. Motion passes unanimously on a voice vote. Chairman Fletcher comments that the only items discussed in executive session were legal issues associated with the appeal 00-01

Motion by Mr. Freeman to deny Agronics' motion to dismiss; second by Mr. Rogers. Motion passes unanimously on a roll call vote.

Motion by Mr. Freeman to uphold the Director's cessation order, the underlying notice of violation, and associated penalties; second by Mr. Rogers. Motion passes unanimously on a roll call vote.

It is determined that the hearing and deliberation on the final order will occur in the OCD hearing room on April 12, 2000 at 1:00 p.m.

6. Report from Counsel on the status of other Agronics' appeals

No report provided.

7. Other business

None.

8. Adjourn

Motion to adjourn by Mr. Rogers; second by Mr. Stevenson. Meeting adjourns at 7:10 p.m.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk