

**MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING AND HEARING
May 10, 2000**

The New Mexico Mining Commission meeting was convened at 9:15 a.m., May 10, 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
J. R. Roybal	Designee, NM Soil and Water Conservation Comm.
Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station
Pat Freeman	Alternate
Daniel Rubin	Commission Attorney

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

1. Roll call

The Commissioners announce their own names. Mr. Maggiore is absent for roll call but arrives by 9:30 a.m.

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 April 12, 2000 Meeting

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

4. Public hearing, deliberation and action on a petition for rulemaking submitted by MMD, the New Mexico Mining Association, Rio Grande Chapter of the Sierra Club, and Harborlite Corporation on December 3, 1999 regarding a formula for reducing fees on substantially reclaimed acreage (99-08).

Kerrie Neet, Bureau Chief of MMD's Regulatory Programs Bureau, testifies on behalf of the Petition with questions from several of the Commissioners. Mike Koranda speaking

on behalf of the New Mexico Mining Association and Cliff Larsen with the Sierra Club provide comments. All parties commenting support the petition.

Some modifications to the petition are discussed, primarily cross-referencing to clarify the language.

Motion by Mr. Rogers to adopt petition 99-08, as modified; second by Mr. Scholle. The motion passes unanimously on a voice vote.

5. Discussion and possible setting of a hearing date on a petition for rulemaking (00-02) submitted on April 27, 2000 by MMD regarding several issues, including determination of which modifications will be processed as revisions, publication of public notice, 'significant imminent environmental harm', enforcement, and financial assurance

After a discussion of a potential date for the next Commission meeting there is a motion by Mr. Stevenson to hold the meeting on August 2, 2000; second by Mr. Rogers. The motion passes unanimously on a voice vote.

6. Report from counsel on pending litigation

Chairman Fletcher states that he will recuse himself from matters associated with United Nuclear Corporation actions before the Commission

Motion by Mr. Rogers to retire to executive session to discuss pending litigation. Second by Mr. Stevenson. Motion passes unanimously on a roll call vote.

The Commission goes into executive session at 10:55 a.m.

Motion by Mr. McCaslin to reconvene to open session at 11:52 a.m. Second by Mr. Stevenson. Motion passes unanimously on a voice vote. Chairman Fletcher comments that the only items discussed in executive session were pending litigation issues

7. Other business

Motion by Mr. Maggiore to have Doug Bland, MMD Director, provide a summary of the Charleston Meeting of the Interstate Mining Compact Commission to the NM Mining Commission at their next meeting; second by Mr. Kehoe. The motion passes unanimously on a voice vote.

8. Adjourn

Motion to adjourn by Mr. Kehoe; second by Mr. Rogers. Meeting adjourns at 11:55 a.m.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk