

**MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING AND HEARING**
June 14, 1999

The New Mexico Mining Commission meeting and hearing was convened at 9:15 A.M., June 14, 1999 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, Santa Fe, New Mexico. The following members were present:

Terry Fletcher	Chairman and Public Representative
Richard Mertz for Pete Maggiore	Vice Chairman, Environment Department
Amy Fisher	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
J. R. Roybal	Designee, NM Soil and Water Conservation Commission
Robert Light	Alternate
Pat Freeman	Alternate
Pat Simpson	Commission Attorney

The following members were absent:

Charles Chapin	NM Bureau of Mines and Mineral Resources
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Announcements Chairman Fletcher states that there is a quorum.

1. Roll Call

The Commissioners announce their own names.

2. Approval of agenda

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

3. Approval of the minutes of April 7, 1999

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

4. Discussion of litigation and pending litigation

After Mr. Simpson cites the statutory provision, Mr. Rogers moves to adjourn to executive session, second by Mr. Bartlit. Motion passes unanimously on a roll call vote.

The Commission adjourns to Executive Session at approximately 9:20 A.M.

After reconvening at approximately 10:40 A.M., there is a motion by Mr. Rogers, with second by Mr. Kehoe, to return to regular session. The motion passes unanimously on a roll call vote. Chairman Fletcher states that the only items discussed in closed sessions are those pursuant to Section 1015.1.H 7 relating to pending litigation.

5. Setting of a hearing date on the Joint Petition for Rulemaking 99-04 regarding extension of closeout plan approval deadlines

Mr. Andrew Murphy of the NM Mining Association, Mr. Douglas Bland of the Mining and Minerals Division, Dale Doremus of the NM Environment Department, and Mr. Doug Wolf of the Western Environmental Law Center make statements in support of the Joint Petition and request that the Commission set a hearing date. There is some discussion on various aspects of the Joint Petition, after which a hearing date of August 25, 1999 is decided by a unanimous voice vote.

6. Setting of a hearing date for Agronics' Appeal (99-03)

Mr. Taylor states that setting the hearing date for August 25, 1999 would be acceptable to him, and that he expects his testimony to last about 2 hours. Mr. Chris Schatzman, Office of General Council for the Energy, Minerals and Natural Resources Department states that the violation which is the subject of the appeal is for failure to pay fees, which is an issue that had been previously decided by the Commission and appealed to the district court. Mr. Schatzman states that the issue at the hearing should be confined to annual fees and that the EMNRD presentation should take about 30-45 minutes. There is some discussion about the status of the appeal in the district court and whether there are any legal mechanisms for consolidating this case with previous cases. Motion by Mr. Kehoe to set the hearing date for August 25, 1999 and make it the first agenda item. Second by Mr. Rogers. The motion passes unanimously on a voice vote.

7. Action on the Revised Petition for Rulemaking 98-04 regarding adjudicatory review

After a short discussion there is a motion by Mr. Rogers to approve the revised petition, as presented. Second by Mr. Light. The motion passes unanimously on a voice vote.

8. Action on the Joint Petition for Rulemaking 99-01 regarding fees

Chairman Fletcher states that Quivira has withdrawn their Notice of Intent to present Testimony. Mr. Andrew Murphy of the NM Mining Association and Mr. Douglas Bland of the Mining and Minerals Division provide statements on the joint petition. A discussion ensues regarding a wide variety of topics including the Mining and Minerals Division's budget, support for the petition by the environmental community, imposition of fees on parties utilizing the appeals process, activities of the Mining Act Regulatory Program over the next couple years, and fee reduction on land that has been substantially reclaimed. Chairman Fletcher states that the Commission will hear testimony on Revised Petition 99-02 and then discuss and deliberate on both Petitions 99-01 and 99-02. After the testimony on Petition 99-02 and a short discussion there is a motion by Mr. Rogers to approve Petition 99-01. Second by Mr. Kehoe. The motion passes unanimously on a voice vote.

9. Action on the Game and Fish Department Revised Petition for Rulemaking 99-02 regarding mining and exploration application and annual fees

Mr. Mark Watson of the Game and Fish Department presents testimony in support of the revised petition. A discussion ensues about a variety of topics including specifics of the Department's budget and the status of certain mining operations. There is a motion by Mr. Light to approve revised Petition 99-02. Second by Mr. Rogers. The motion passes unanimously on a voice vote.

10. Other business

Mr. Simpson asks the Commission whether they would adopt language of a joint motion by Mr. Schatzman and Mr. Taylor imposing an order on the briefing schedule for the Agronics appeal. After a short discussion there is a motion by Mr. Rogers to approve the language. Second by Mr. Light. The motion passes unanimously on a voice vote.

11. Adjourn

Meeting is order adjourned by Chairman Fletcher at 12:31 P.M.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk