

**MINUTES OF THE  
NEW MEXICO MINING COMMISSION MEETING**

June 22, 1998

The New Mexico Mining Commission meeting was convened at 9:10 a.m., June 22, 1998 in Room 322, State Capitol building, Santa Fe, NM. The following members were present:

Terry Fletcher	Chairman and Public Representative
Bill Brancard	State Land Office
Amy Fisher	Department of Game and Fish
Charles Chapin	NM Bureau of Mines and Mineral Resources
Bob Rogers	State Engineer's Office
Pat Freeman	Alternate
Ed Kelley	Environment Department
Ray Roybal	Ex-Officio, NM Soil and Water Conservation Commission
John Bartlit	Public Representative
Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station
Robert Light	Alternate

**1. Roll Call**

Doug Bland, Commission Clerk, performed roll call.

**2. Approval of agenda**

Chairman Fletcher made a motion that agenda item #5 be moved to follow item #7. Second by Mr. Brancard. Mr. Brancard moved to accept the agenda as amended, with second by Dr. Chapin. Motion passed unanimously.

**3. Review of the minutes of the May 20, 1998 meeting**

Motion by Mr. Rogers to accept the minutes, with second by Mr. Fletcher. Motion passed unanimously.

**4. Discussion and possible action on the petition on the petition for review of issuance of the Chino mine permit, hearing held May 20, 1998 (Mining Commission 98-01)**

Bill Brancard as hearing officer for the May 20, 1998 hearing led the discussion.

Motion by Chairman Fletcher to go into executive session, with second by Mr. Kelley. Motion passed unanimously on a roll call vote.

Motion by Chairman Fletcher to return to regular session and hearing, and that the only issues discussed in executive session were on the agenda and were legal issues related to the hearing. Second by Mr. Kelley. Motion passed unanimously, with Mr. Brancard not present.

Motion by Dr. Chapin for the Mining Commission to conduct a factual hearing on the petition, with a strong request that the parties streamline the procedures. Second by Mr. Kelley. Motion passed unanimously. Chairman Fletcher reassigned Mr. Brancard as hearing officer for the factual hearing, and requested that all documents with the proper number of copies be filed with the hearing clerk no less than 10 days prior to the hearing. A faxed copy of the document by itself will not be acceptable to meet time deadlines.

**6. Consolidated public hearing on the May 4, 1998 petitions for review of the issuance of the El Cajete revision to the Las Conchas mining permit by the Jemez Homeowner's Alliance (Mining Commission 98-02) and the Sierra Club (Mining Commission 98-03)**

Chairman Fletcher as hearing officer conducted the hearing.

**7. Discussion and possible action on the petitions for review of the issuance of the El Cajete revision to the Las Conchas mining permit**

Motion by Mr. Light to sustain the decision by MMD to issue the El Cajete revision of the Las Conchas mining permit. Second by Dr. Chapin. Motion passed by a 4:3 vote with Mr. Brancard, Ms. Fisher, and Dr. Bartlit against. Mr. Brancard stated that he voted against because MMD had not explained in writing the reasons for permitting the site the way it did, and that a Mining Commission affirmation of an unjustified permitting decision gives precedent for MMD discretion that is too broad. He further stated that he would prefer to remand the permit issuance decision back to MMD to include an explanation. Dr. Bartlit explained his negative vote by stating he did not think the reclamation requirements in the revision were incorrect, but that he was concerned about the "creeping new unit syndrome", whereby additional new units could be considered in the future based on the approved new unit at El Cajete.

**5. Discussion and possible action on the June 10, 1998 joint motion by the Sierra Club and Jemez Homeowners Alliance for partial reconsideration of stay request**

Due to the Commission's decision to affirm the issuance of the El Cajete revision to the Las Conchas permit, it is implicit that the stay request is denied.

**8. Presentation of the Mining and Minerals Division's annual report to the Mining Commission**

Due to the lack of time, the Commission decided to postpone presentation of the annual report until the next meeting.

**9. Other business**

Mr. Freeman asked that the Chino hearing parties consider holding the evidentiary hearing in Silver City, near the mine site.

**10. Adjourn**

Chairman Fletcher declared the meeting adjourned.

Approved:

Minutes by:

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Terry Fletcher, Chairman

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Date

Douglas Bland,  
Commission Clerk