

MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING

JULY 11, 1994

The New Mexico Mining Commission meeting was conducted at 10:15 a.m., July 11, 1994 in the EMNRD upstairs conference room. The following members were present:

Judith Espinosa	Chairwoman, Environment Department
Art Montana	Vice-Chair, Public Representative
Dick McCleskey	Game and Fish Department
Jeanie Cragin	Alternate
Val Green	N.M. Institute of Mining and Technology
Hal Whitacre	Public Representative
H.M. Conger	Alternate
Alex Gonzales	Ex-Officio; Soil & Water Conservation Comm.
Bob McCaslin	Agriculture Experiment Station
Andy Core	State Engineers Office
Ed Moreno	State Land Office

1. Roll Call

2. Agenda

Motion was made by Commissioner Conger to approve the agenda and second by Commissioner Montana. Motion passed unanimously.

3. Minutes of the June 13 - June 17, 1994 meeting:

Chairwoman Espinosa asked if the commission members had any changes to the minutes. Being that none of the Commission members had any changes to the minutes she asked if she could have a motion to accept the minutes.

Chairwoman Espinosa thanked MMD for doing an excellent job on the minutes.

Motion was made by Commissioner Whitacre to approve the 7/13 - 7/17 minutes and second by Commissioner McCleskey. Motion passed unanimously.

4. Review of the Mining Act Rules:

Mr. Bill Brancard of the A.G.'s Office said that he noticed a few discrepancies in the final draft of the Rules. At the end of the third line on 6.2D15 K, the word "best" should have been deleted.

Bill Brancard said that on page 9-1 are some typographical errors that need to be corrected.

Mr. Brancard also said that, on page 13.1 in the phrase "at a public meeting opportunity for public hearing", the word "hearing" does not appear in his notes. The minutes state that the Commission added the words "public comment".

Chairwoman Espinosa and other commissioners agreed that it should read "public comment".

Commissioner Montana stated that he is uncomfortable with parent company guarantees and would like the Rules to prohibit parent company guarantees.

Commissioner Whitacre objected to the prohibition.

Chairwoman Espinosa asked Commissioner Montana if he would like to make a motion.

Motion was made by Commissioner Montana to add a sentence to paragraph 12.3B parent company guarantees will not be accepted, second by Commissioner Cragin.

Commissioner Conger said he would like to have ample opportunity to prepare to rebut this and said that today he is just not prepared.

After further discussion, Commissioner Montana withdrew his motion.

Commissioner Cragin discussed the right of access and minimal impact operations. Sections that are being talked about are 3.2D1, 3.3E1 and 3.4D1.

Mr. Brancard said that the argument that MMD made during the hearings is that it would be a waste of time for the agency to go through the process of permitting a facility where they can't even get all the money in, and B, also the agency's concerned about the ability to get access to land when someone has access themselves.

Motion was made by Commissioner Cragin and second by Commissioner Core to insert the first sentence of Section 5.2D3: "A statement of the basis on which the applicant has the right to enter the property to conduct the mining and reclamation" into Sections 3.2D1, 3.3E1, and 3.4D1. Motion passed unanimously.

5. Statement of Reasons

After a discussion by the Commission on the proposed Statement of Reasons, Motion was made by Commissioner McCleskey second by Commissioner Core, to adopt Statement of Reasons as corrected based on today's changes. Motion passed unanimously.

6. Other Business

Holland Shepherd was introduced as the new Bureau Chief.

Mr. Shepherd said that at this point in time 43 site assessments have come in, and those were either post marked or came in on or before June 30, 1994.

Commissioner Conger asked Mr. Sheppard if he has any idea how the 43 sites are going to break down.

Mr. Shepherd responded that based on what they indicated on their site assessments, they think 30 of those will fall into the large mining category and 13 will fall into the minimal impact category.

Mr. John Lingo introduced Rick Martinez who will be taking Doug Bland's place as the Commission Clerk.

Discussion of when the Commission meetings will take place and how often:

Chairwoman Espinosa asked that the MMD staff give the Commission a brief summary report every month of what's going on. Would also like to know what the budget is for Commission operations.

Commissioner Conger said that if they decided as a Commission to change the fees do they need a public hearing to do that.

Mr. Brancard said that the fees are now part of a regulation, and they would need to have a new hearing.

Chairwoman Espinosa said the next Commission meeting will be held on October 25, and 26, 1994 at the upstairs conference room at 10:00a.m.

Motion was made by Commissioner Moreno to adjourn the meeting, second by Commissioner Core. Meeting adjourned at 11:24a.m.