

**MINUTES OF THE  
NEW MEXICO MINING COMMISSION MEETING  
August 2, 2000**

The New Mexico Mining Commission meeting was convened at 10:30 A.M., August 2, 2000 in the Oil Conservation Division (OCD) conference room, 2<sup>nd</sup> 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.
Daniel Rubin	Commission Attorney

The following members were absent:

Dinus Briggs	Ex-Officio, NM Agricultural Experiment Station
Bruce Thomson	Alternate

**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. Maggiore. Motion passes unanimously on a voice vote.

**3. Adoption of the minutes of the May 10, 2000 Meeting and Hearing**

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

**4. Summary by Doug Bland, MMD Director, of the Charleston Meeting of the Interstate Mining Compact Commission**

Mr. Bland provides the Commission with a summary of the IMCC meeting he attended and indicates that New Mexico is now an associate member of that body.

**5. Public hearing and final action on Agronics' appeal (99-03) to dismiss NOV N98-10-15 and the related penalty assessment**

Mr. Tom Taylor testifies.

Motion by Mr. Rogers to retire to executive session to discuss legal issues related to Agronics' appeal 99-03. Second by Mr. Stevenson. Motion passes unanimously on a roll call vote.

The Commission goes into executive session at 11:08 a.m.

Motion by Mr. Scholle to reconvene to open session; second by Mr. Kehoe. Motion passes unanimously on a voice vote. The Commission reconvenes to open session at 11:24 a.m. Chairman Fletcher comments that the only items discussed in executive session were legal issues associated with the appeal 99-03.

Motion by Mr. Rogers to affirm NOV N98-10-15 and the related penalty assessment and deny Agronics' motion to dismiss; second by Mr. Scholle. Motion passes unanimously on a voice vote.

Motion by Mr. Rogers to give Chairman Fletcher the power to sign the order on behalf of the Commission; second by Mr. Stevenson. Motion passes unanimously on a voice vote.

**6. Deliberation and vote on the order 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)**

Mr. Rubin states that a draft order on petition 99-08 related to fees on substantially reclaimed lands had been mailed to the Commission and that no comments had been received.

Motion by Mr. Rogers to approve the draft order, as presented; second by Mr. Scholle. Motion passes unanimously on a voice vote.

**7. Hearing 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, financial assurance and other regulatory changes contained in the petition**

Mr. Mike Koranda, consultant to Phelps Dodge and Mr. Mike Bowlin, Executive Director of the NM Mining Association provide comments to the Commission on the petition.

Motion by Mr. Maggiore at 11:45 a.m. to recess for lunch until 12:30 p.m.; second by Mr. Stevenson. Motion passes unanimously on a voice vote.

There is a recess until 12:50 p.m. when Chairman Fletcher reconvenes the meeting.

There is a discussion of ground rules about how the Commission should consider the rather large petition.

Motion by Mr. Maggiore to remand to MMD Rule 505.B, 406.C, and 608.D; second by Mr. Rogers. Motion passes unanimously on a voice vote.

Motion by Mr. Scholle to remand to MMD Rule 503.D, 506.F, and 502.D.9, 602.D.8, 605.B, and 903.F; second by Mr. Stevenson. Motion passes unanimously on a voice vote.

Motion by Mr. Stevenson to amend 1102.b.1 to include at the end "Such an order may be appealed to the Commission pursuant to Section 69-36-15 of the Act."; second by Mr. Scholle. Motion passes unanimously on a voice vote.

Motion by Mr. Bartlit to remand to MMD Rule 1208 (except 1208.D.8); second by Mr. Rogers. Motion passes on a voice vote. Terry Fletcher votes no.

Motion by Mr. Rogers to approve all Rules not remanded to MMD; second by Mr. Scholle. Motion passes unanimously on a voice vote.

Motion by Mr. Rogers to continue the Rulemaking hearing at the next meeting and hearing; second by Mr. Stevenson. Motion passes unanimously on a voice vote.

Motion by Mr. Scholle to make the next meeting date October 5, 2000; second by Mr. Stevenson. Motion passes unanimously on a voice vote.

**8. Other business**

Chairman Fletcher states his appreciation for the work of Dr. Bob McCaslin and notifies the Commission that he has instructed the clerk to provide Dr. McCaslin a Certificate of Appreciation.

**9. Adjourn**

Motion to adjourn by Mr. Rogers; second by Mr. Scholle. Meeting adjourns at 5:25 p.m.

Approved:

Minutes by:

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Terry Fletcher, Chairman                      Date

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John J. Pfeil, Commission Clerk