

**MINUTES OF THE  
NEW MEXICO MINING COMMISSION MEETING**  
August 20, 1996

The New Mexico Mining Commission meeting was convened at 9:10 a.m., August 20, 1996, in room 307 of the State Capitol building in Santa Fe, NM. The following members were present:

Art Montana Chairman and Public Representative  
Mark Weidler Environment Department  
Larry Kehoe State Land Office  
Terry Fletcher Public Representative  
Jim Bailey Department of Game and Fish  
Charles Chapin NM Bureau of Mines and Mineral Resources  
Bob Rogers State Engineer's Office  
Jeanie Cragin Alternate  
Pat Freeman Alternate  
Bob McCaslin Ex-Officio, NM Agricultural Experiment Station

The following member was absent:

Alex Gonzales Ex-Officio, NM Soil and Water Conservation Commission

**1. Roll Call**

Each Commissioner announced his name for roll call.

**2. Approval of Agenda**

Mr. Weidler moved to accept the agenda, with second by Ms. Cragin. Motion passed unanimously.

**3. Review of the Minutes of the July 16, 1996 Meeting**

Chairman Montana and Mr. Weidler had concerns with certain items as reported in the minutes, and requested additional material be added. Mr. Weidler moved to have the Mining Commission review the amendments before approving the minutes. Motion passed unanimously.

**4. Discussion of Mining Commission officers and term lengths**

After discussion, Mr. Weidler moved that Chairman Montana remain chairman of the Mining Commission throughout the remainder of his term, which expires in June 1997. Second by

Ms. Cragin. Motion passed unanimously.

Mr. Weidler moved to nominate Mr. Fletcher as Vice Chair, with Dr. Chapin seconding the motion. Laura Fashing, Commission Attorney, advised against electing a Vice Chair today as this item was not included on the agenda.

Mr. Kehoe suggested a two-year term for all officers. Mr. Fletcher so moved, with second by Dr. Chapin. Motion passed unanimously. Mr. Fletcher asked that the election of the Vice Chair be placed on the agenda for the next meeting.

**5. Discussion of whether to hold a public hearing on the August 9, 1996 Petition for Rulemaking submitted by the Mining and Minerals Division and date for the hearing, if any.**

Chairman Montana recommended that the Commission ask questions and make comments regarding the petition as Kathleen Garland, Director of the Mining and Minerals Division, explained the petition.

Director Garland summarized the proposed language changes to Subparts 1, 3 and 12, which address the definition of Minimal Impact Mining Operation, Minimal Impact Operations, and Financial Assurance, respectively. She gave justifications for the proposed changes. During her explanation, the Commission made comments and discussed the merits of certain proposals. Because of the level of detail of the comments by the Commission, discussion ensued regarding whether this type of exchange may be better left to the public hearing where there are provisions for formal testimony and cross examination. Ms. Fashing recommended that the Commissioners direct their comments and questions toward explanation of the proposal. Mr. Fletcher suggested that the Commission restrict its comments to questions on the meaning and intent of the proposed changes.

Members of the audience made statements regarding the petition and whether to hold a public hearing on the petition.

Due to scheduling problems, the Commission postponed further discussion of Agenda item #5 in order to address item #6.

**6. Other business**

Laura Fashing described a written motion received by the Mining Commission at the beginning of the meeting. The motion requested that the Mining Commission grant United Nuclear Corp. an extension of time to file Notices of Appeal with the District Court. Dal Moellenberg gave further explanation of circumstances leading up to the submittal of the motion. Ms. Fashing recommended that the Commission not take action on the motion. In her opinion, the Commission did not have jurisdiction to grant an extension of time to file a notice of appeal with the district court, and in addition, the item was not on the

agenda, and therefore could not be acted upon.

**5.Resume discussion of Agenda item #5.**

Director Garland finished her explanation of proposals in the petition. Additional statements were taken from the audience, and a few comments were made by Commissioners.

Ms. Cragin moved to set a public hearing on the petition, with second by Mr. Weidler. Motion passed unanimously. Mr. Weidler moved to hold the hearing on November 12, 1996 at 9:10 a.m., with second by Mr. Rogers. Motion passed unanimously.

**7.Adjourn**

There being no further business, Mr. Kehoe moved to adjourn, with second by Mr. Weidler. Motion passed unanimously. The meeting was adjourned at 12:15 p.m.

Approved:Minutes by:

Art Montana, ChairmanDateDouglas Bland, Clerk