

**MINUTES OF THE  
NEW MEXICO MINING COMMISSION MEETING**  
October 8, 1998

The New Mexico Mining Commission meeting was convened at 9:12 a.m., October 8, 1998 in Room 317, State Capitol building, Santa Fe, NM. The following members were present:

Terry Fletcher	Chairman and Public Representative
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
John Bartlit	Public Representative
Bob McCaslin	Ex-Officio, NM Agricultural Experiment Station

The following members were absent:

Bill Brancard	Vice Chairman, State Land Office
J. R. Roybal	Designee, NM Soil and Water Conservation Commission
Robert Light	Alternate

**1. Roll Call**

The Commissioners announced their own names.

**2. Approval of agenda**

Chairman Fletcher requested that two items be added to the agenda: the review of the minutes of the June 22, 1998 and the introduction of the new Commission Clerk. Dr. Kelley moved to accept the agenda as amended, with second by Mr. Rogers. Motion passed unanimously.

**3. Review of the minutes of the June 22, 1998 meeting**

After the Commission took a short time to review the minutes, Mr. Rogers moved to accept the minutes, with second by Dr. Kelley. Motion passed unanimously.

**4. Introduction of the new Commission Clerk**

Doug Bland introduced John Pfeil to the Commission. Chairman Fletcher, on behalf of the Commission, welcomed John and thanked Doug for his many years of excellent service. Dr. Bartlit also added his thanks to Doug for all his hard work.

**5. Discussion on the September 3, 1998 Petition for Rulemaking submitted by Mining and Minerals Division (Mining Commission 98-04)**

Carol Leach made a presentation on the history and status of the Petition and provided the Commission with a revised copy of the proposed revisions to the Rules. There followed an open-ended discussion by the Commissioners on a variety of topics including who had input to the proposed revisions, whether the revisions were now ready for public comment and the efficacy of gaining public input earlier or later in the process.

Chairman Fletcher asked for comments from the audience. Cliff Larsen of the Sierra Club suggested the Petition be remanded to MMD for further work because of insufficient lead-time in reviewing the document. Doug Wolf of the NM Environmental Law Center concurred and stated that a greater degree of consensus is needed.

Mr. Simpson stated that draft regulations can be approved by the Commission in their entirety or conditionally, but substantial change to the Rules would require they go back out for public comment. Dr. Bartlit suggested more work is required prior to issuance for public comment; Dr. Kelley suggested the Petition should go out for public comment as soon as possible.

Motion by Dr. Kelley to put the Petition out for public comment and to set the hearing date. Mr. Rogers seconded the Motion. All Commissioners were in favor of the Motion with the exception of Dr. Bartlit who opposed it.

**6. Setting the hearing date for the Petition (Mining Commission 98-04)**

Mr. Bland stated that the earliest date at which a hearing could be scheduled would be December 15, 1998 because of public notice requirements. Discussions among the Commissioners and Mr. Bland ensued until a December 16, 1998 hearing date was chosen. It was also decided that the hearing could extend into December 17, 1998, if required, and that MMD's conference room would be an acceptable location.

**7. Presentation of the Mining and Minerals Division's annual reports to Commission for 1997 and 1998**

A copy of the Mining Act Reclamation Annual Report dated December 22, 1997 was provided to the Commission. Carol Leach discussed recent personnel changes in the Mining and Minerals Division, the status of the Annual Resources Report and introduced the other presenters. Bill Hatchell provided a general discussion on the status, trends and economics of mineral extraction activities in the State on a commodity by commodity basis for the 1996 calendar year, the most recent year that statistics are available. Mr. Hatchell's discussion was

focused on production highlights. Mr. Bland gave a status update on the processing of permits and closeout plans, and discussed reclamation practices under the New Mexico Mining Act and he provided several site-specific examples of reclamation techniques.

Mr. Freeman engaged Mr. Bland in a discussion of the effects of regulatory programs on the new mine start-ups in recent years. Dr. Bartlit asked Mr. Bland about whether the agency has developed information on costs associated with reclamation techniques, which might be useful in gauging the effect of the regulations on the mining industry. Dr. Kelley suggested that this was very difficult to do because of the great differences between mine sites.

**8. Discussion of the Mining and Minerals Division's General Permit Program**

Sandra Maes and Holland Shepherd described the program and discussed its status. Chairman Fletcher and Mr. Bland discussed whether photo documentation was to be incorporated into the program. Mr. Bland stated he would review the tapes of the Rules adoption deliberations and report back to the Commission.

**9. Other business**

none.

**10. Adjourn**

Chairman Fletcher declared the meeting adjourned at 11:18 am. Dr. Kelley recognized Mark Weidler's contribution to the Mining Commission.

Approved:

Minutes by:

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Terry Fletcher, Chairman

\_\_\_\_\_  
Date

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John J. Pfeil, Commission  
Clerk