

**MINUTES OF THE
NEW MEXICO MINING COMMISSION MEETING
November 28, 2000**

The New Mexico Mining Commission meeting was convened at 10:00 A.M., November 28, 2000 in the Oil Conservation Division (OCD) conference room, 2nd 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
Dinus Briggs	Ex-Officio, NM Agricultural Experiment Station
Bruce Thomson	Alternate
Pat Freeman	Alternate
Daniel Rubin	Commission Attorney

The following members were absent:

J. R. Roybal	Designee, NM Soil and Water Conservation Comm.
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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. Kehoe moves to adopt the agenda, with second by Mr. Rogers. Motion passes unanimously on a voice vote.

3. Adoption of the minutes of the October 5, 2000 Meeting and Hearing

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

4. Consideration of pending litigation: San Pedro Neighborhood Association v. NMMC et al.

Mr. Rubin discusses legal aspects of the Joint Motion to Dismiss Appeal; Mr. Freeman briefly discusses the interactions between St. Cloud Mining Co. and the San Pedro Neighborhood Association. Motion by Mr. Stevenson to approve the Joint Motion as presented; second by Mr. Scholle. The motion passes unanimously on a voice vote.

5. Public hearing on Challenge Mining Company's appeal (00-03) of the Director's Order assessing penalties for Notice of Violations N00-7-1 and N00-7-2 and directing the Company to pay the penalty assessments and annual fees pursuant to the NOV's

Chairman Fletcher asks Challenge Mining Company's representative to step forward. No one steps forward. Chairman Fletcher asks MMD Counsel Mr. Rogoff whether he has anything further to add. Mr. Rogoff states that he has no statements beyond what was provided in his response brief. Mr. Bland responds to several questions from Chairman Fletcher on the Challenge situation. Motion by Mr. Briggs to uphold the Director's order and to deny the Challenge petition. The motion is amended by Mr. Maggiore: to direct Counsel to develop an order indicating same; to give the Chairman the ability to sign the order without the Commission having to reconvene; and to include in the final order language expressing the Commission's frustration and disappointment that Challenge did not appear before them. Motion is seconded Mr. Kehoe. The motion passes unanimously on a voice vote.

6. Other business

Mr. Bland states that a petition for amendment of the fee schedule will occur in the next several months. There is some discussion on the terms of commissioners. Mr. Kehoe states that the State Land Office has drafted a sand and gravel regulation. There is some discussion on the status of attempts to reduce the number of frivolous appeals.

7. Adjourn

Motion to adjourn by Mr. Rogers; second by Mr. Scholle. Meeting adjourns at 10:30 a.m.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk