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.

**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 NOVs**

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: [Signature] Minutes by: John J. Pfeil, Commission Clerk