

MINUTES OF THE  
NEW MEXICO PRE-HEARING MINING COMMISSION MEETING  
MAY 5, 1994

The New Mexico Pre-Hearing Mining Commission meeting was conducted at 1:30 p.m. May 5, 1994 in Room 322 of the State Capitol Building. The following members were present:

Judith Espinosa	Chairwoman, Environment Department
Alex Gonzales	Ex-Officio; Soil & Water Conservation Comm.
H.M. Conger	Alternate
Val Green	N.M. Institute of Mining and Technology
Donald Lopez	State Engineer's Office
Art Montana	Public Representative
Dick McKleskey	Game and Fish Department
Bob Langenskamp	State Land Office
Jeanie Cragin	Alternate
Gary Cunningham	Ex-Officio; NMSU Agricultural Experiment Station
Hal Whitacre	Public Representative

Chairwoman Espinosa asked each Commission member and members of the audience to introduce themselves. Chairwoman Espinosa asked Commissioners to volunteer to be a hearing officer for the upcoming public hearings. After a discussion the following tentative schedule of hearing officers was reached:

5/12 Espinosa	5/18 Montana
5/13 Whitacre	5/17 Langsenkamp
5/14 Conger	5/18 Espinosa

Mr. Bill Brancard of the Attorney General's Office summarized the hearing schedule. Beginning May 12, 10:00am to 4:00pm, 5:00-7:30, Capitol Building, Room 322, followed by Friday starting at 9:00 also at the Capitol Building, and then Saturday starting at 9:00am at the Land Office.

Chairwoman Espinosa asked if the meeting on the weekdays would go from 9 to 4 and from 5 to 7 or just play it by ear. Doug Bland said that it was very difficult to get the meeting room reserved for one evening, but said he will try.

Mr. Brancard said that everyday there will be a portion of the day set aside for comments by the members of the public.

Mr. Brancard proposed June 3rd as the deadline to submit post-hearing written submittals to give enough time to get the submittals mailed out and delivered to the Commissioners.

Mr. Brancard said that the deliberation is set up, the Commission agreed to start meeting on Monday, June 13th and go all week long if necessary.

After discussion by the Commission, Chairwoman Espinosa said Post Hearing Submittals are to be done by June 3.

Structuring the Testimony: Mr. Brancard proposed to structure the testimony to hopefully create a more coherent record for the Commissioners to either listen to, or to read if necessary.

The proposal places the technical parties in groups led by the largest party. On Thursday the Mining and Minerals Division will present their testimony, extend to Friday, followed by State Agencies led by the Environment Department finishing Friday, if not possibly Saturday. Then Monday the Mining Association, followed by Industry Groups or Concerned Citizens del Norte.

The Commission solicited comments from the audience. The speakers were supportive but a few had witnesses who would need to be taken out of order.

Mr. Brancard said he would like to see more order created in questioning of witnesses. Lyn Hebert of EMNRD proposed that witnesses be cross-examined as a panel.

Ms. Hebert said that the Mining and Minerals Division's presentation would have to be much more disjointed.

Mr. Charles Roybal said he prefers that his witnesses be cross examined individually. Mr. John Robb expressed concerns about availability of witnesses for questioning. Mr. Rip Harwood of the Environment Department supported panel cross-examination.

#### **Tape 1 - Side B**

Chairwoman Espinosa proposed to allow cross-examination of panels if requested, but the Commission can ask questions at any time.

Regarding ex-parte communications to the Commission, Mr. Brancard said the Commission's decision has to be based on the record.

There being no further business, the meeting adjourned at 3:09p.m.

Chairwoman \_\_\_\_\_

Date \_\_\_\_\_

Minutes by:

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Frances Garcia  
Mining and Minerals Division - EMNRD