

**MEETING OF THE
NORTH CAROLINA MINING AND ENERGY COMMISSION
SEPTEMBER 28, 2012
LEGISLATIVE OFFICE BUILDING
ROOM 643
RALEIGH, NORTH CAROLINA**

DRAFT

PRELIMINARY MATTERS

Mr. Tracy Davis called the meeting of the North Carolina Mining and Energy Commission to order at 10:00 am and welcomed the Commission Members and others attending this meeting.

The following persons were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Dr. Robert Mensah-Biney
Dr. Kenneth B. Taylor, PG
Mr. Jonathan S. Williams
Dr. Ray Covington
Mr. William L. McNeely, III
Mr. Charles E. Holbrook
Mr. George Howard
Mr. James Womack
Mr. Ivan K. Gilmore
Dr. Vikram Rao
Ms. Charlotte A. Mitchell
Ms. Amy E. Pickle
Dr. Marva Price
Ms. Jane Lewis-Raymond

DENR STAFF MEMBERS

Ms. Robin Smith
Mr. Bill Cary
Ms. Diana Kees
Ms. Trina Ozer
Mr. Tracy Davis
Mr. Mell Nevils
Ms. Brenda Harris

THE ATTORNEY GENERAL'S OFFICE

Ms. Jennie Wilhelm Hauser

INTRODUCTION OF COMMISSION AND STAFF MEMBERS

Each Commission Member in attendance introduced him or herself and Mr. Tracy Davis introduced staff members in attendance.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE COMMISSION

Mr. Tracy Davis at this point turned the meeting over to Ms. Jennie Hauser to conduct the business of electing the Chairman and Vice Chairman of the Commission. Ms. Hauser advised that at the last meeting the Commission decided that they would receive self nominations for the position of chairman and vice chairman. Staff would circulate information about the persons interested in being considered for each of these positions. Mr. Womack nominated himself for the position of Chairman and Mr. George Howard nominated himself and Ms. Charlotte Mitchell nominated herself for the position of Vice Chairman. Ms. Hauser advised that the Commission does not have operating procedures or bylaws at this time. Therefore, it would be appropriate for the Commission to consider the procedures set out in Roberts Rules of Order for election of officers. There would need to be a decision by the Commission upon the proper procedures. Roberts Rules normally allows for nominations from someone like a chairman or a nominating committee, but in this case the Commission voted on self nomination which is appropriate. Roberts Rules also allows for nominations from the floor. Ms. Hauser's proposal to the Commission for their consideration was that they accept Mr. Womack's self nomination as the first nomination and then she could call for additional nominations from the floor for the position of chairman. A motion was made by Mr. George Howard and seconded by Dr. Ray Covington to accept Mr. Womack's self nomination as chair and to accept additional nominations from the floor. The motion was carried with no dissenting votes.

The following persons were nominated for chairman:

<i>Mr. James Womack</i>	<i>Self Nominated</i>
<i>Ms. Charlotte Mitchell</i>	<i>Nominated by Dr. Marva Price</i>

There were no further nominations and the procedure set out in Roberts Rules is to vote in the order of nomination. The first person receiving the majority vote will be the chairman.

Dr. Price said that in the last meeting of the Mining and Energy Commission, it was suggested that the members use written votes and she asked whether that would be appropriate. Ms. Hauser stated that if a written ballot was used the ballots would have to be read aloud at the end of the process. Ms. Hauser explained that a written ballot is usually used when it does not have to be made clear for whom each person voted. Mr. Howard moved that there be a voice vote, which was seconded by Mr. Charles Holbrook and others. The motion carried with Dr. Price opposed.

Mr. Holbrook asked that each of the nominees for the chairman position be allowed to speak before the voting process. Mr. Womack stated that it was recommended at the last meeting that all members of the Commission would be allowed to speak on their points of interest regarding all nominations. Dr. Rao made the motion that only the candidates be allowed to speak and it was seconded by Dr. Mensah-Biney. The motion to limit the remarks to only the candidates carried. The motion carried with twelve (12) voting for and two (2) opposed.

After hearing comments from Mr. Womack and Ms. Mitchell, the vote was taken on behalf of Mr. Womack as the first nominee for chairman. As Mr. Womack received the majority of votes, Mr. Womack was elected as the chairman.

The remainder of the meeting was turned over to Mr. Womack as the chairman.

The following persons were the self nominees for vice chairman:

Mr. George Howard
Ms. Charlotte Mitchell

Mr. Jonathan Williams made the motion to close the call for nominations. The motion was seconded by Dr. Rao. After hearing from both of the nominees, the vote was taken and resulted in a tie vote for the position of vice chairman with the vote being 7 to 7 with one member absent.

Chairman Womack asked that the election be deferred to the next meeting for the election of the vice chairman.

A motion made by Mr. Williams to defer the election of the vice chairman to the November 2nd meeting was seconded by Dr. Rao. The motion carried with one opposing vote.

Dr. Price asked if there could be two vice chairmen. Ms. Hauser advised that there is no rule that the commission cannot have two vice chairmen, and it was a decision for the Commission to make. Dr. Price made the motion to have two vice chairmen, which was seconded by Ms. Pickle. The motion did not carry.

Mr. Holbrook stated that his thoughts were to have one vice chairman.

After much discussion from the members of the Commission and Ms. Hauser it was finally decided by the Commission to defer the election of one vice chairman until the November 2nd meeting.

APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN OF THE MINING COMMITTEE

Chairman Womack appointed Mr. Ivan "Tex" Gilmore as chairman of the Mining Committee and Mr. William "Mack" McNeely, III as the vice chairman of the Mining Committee.

Mr. Gilmore and Mr. McNeely both accepted the positions to lead the Mining Committee and both stated that they look forward to serving.

APPROVAL OF MEETING MINUTES FROM SEPTEMBER 6, 2012 MEETING

Chairman Womack asked for approval of the minutes of the September 6th meeting.

Chairman Womack asked that all motions be recorded in future meeting minutes.

Dr. Price moved that the minutes be accepted as written which was seconded by Mr. Holbrook. The motion to accept the minutes as written carried.

PRESENTATION OF RECOMMENDED COMMITTEE STRUCTURE

Mr. Davis gave a presentation outlining staff's recommendations for the Commission's committee structure to the Commission. Mr. Davis described the formation and membership of each Committee and group shown on the draft map and then described how each of the committees and groups would interact with each other in the study and rule development process. (Enclosed with the original minutes is a copy of the draft map of committees and groups as outlined by Mr. Davis)

Standing Committees - The Mining Committee and the Committee on Civil Penalty Remissions are two committees that were specified in Session Law 2012-143. These are mandatory committees to the Commission. The Environmental Standards Committee, Water and Waste Management Committee and Administration of Oil and Gas Operations Committee are the three new committee structures that staff proposed.

Mr. Davis indicated that the committees should not exceed seven (7) Commission members on any given committee to avoid a quorum of the full Commission.

Study Groups – Mr. Davis stated that three study groups are specifically required by Session Law 2012-143.

Stakeholder Group – Mr. Davis stated that Session Law 2012-143 requires that the Department and the Commission consider input from various stakeholders during the rule development process. Those stakeholders listed in the Session Law have been listed as the stakeholder group on the draft map.

PRESENTATION OF DRAFT WORK PLAN

Ms. Trina Ozer stated that the stakeholder group was a resource and the groups that are listed on the map were pulled exclusively from the legislation. It is not meant to be an exhaustive list and there could be other stakeholders added. On the work plan, the stakeholder group is scheduled to meet every other month to set a pattern.

Ms. Ozer presented the work plan (a copy is attached to the original minutes). Ms. Ozer indicated that the Commission has one reporting requirement under Session Law 2012-143:

1. A quarterly report to the Environmental Review Commission (ERC) and the Joint Legislative Commission on Energy Policy on the operation, activities, programs and progress of the MEC that is first due January 1, 2013

The Division of Energy, Mineral and Land Resources has two reporting requirements under Session Law 2012-143:

1. A quarterly report to the ERC and the Joint Legislative Commission on Energy Policy on progress in developing and adopting rules that is first due January 1, 2013.

2. An annual report to the ERC, the Joint Legislative Commission on Energy Policy, the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic Resources, and the Fiscal Research Division that is first due October 1, 2012.

MEETING DATES

Mr. Nevils proposed three sets of dates for future meetings of the Mining and Energy Commission. The first set was for the remainder of 2012, the second set was for 2013, and the last set of dates was for 2014 – 2015. A copy of the proposed dates is attached in the original minutes.

There were also meeting dates for the Environmental Management Commission (EMC) and the Commission for Public Health shown on the handout since the EMC will have to interact with the MEC and some members of the MEC serve on the EMC and the Commission for Public Health.

A motion was made by Mr. Holbrook for the next meeting to be held on November 2, 2012 and the motion was seconded by Mr. Howard. The motion carried. The meeting will be held in the Archdale Ground Floor Hearing Room.

A motion was made by Ms. Pickle to meet on December 18 and 19 and the motion was seconded by Dr. Price. The motion carried.

A motion was made by Mr. Howard and seconded by Dr. Mensah-Biney to meet on the set of dates for Thursdays and Fridays for the year 2013 as outlined with the dates as follows (the motion carried):

January 24-25

March 7-8 (Mining Committee)

May 2-3

June 6-7

July 25-26 (Mining Committee)

September 5-6

October 24-25

December 5-6 (Mining Committee)

ADJOURNMENT

A motion to adjourn was made by Mr. Holbrook and Mr. Williams seconded. The motion carried and the meeting adjourned at 12:52 pm.

Respectfully submitted,

Brenda M. Harris
Mining Program Secretary

Mr. Tracy E. Davis, PE, CPM
Director, Division of Energy, Mineral, and Land Resources