DRAFT

MEETING MINUTES OF THE

MINING COMMITTEE
OF THE
NORTH CAROLINA MINING AND ENERGY COMMISSION

March 7, 2013

3:00 p.m.

Archdale Building – Ground Floor Hearing Room

Chairman "Tex" I. K. Gilmore called the meeting of the Mining Committee to order at 3:00 pm. Mr. Gilmore read the conflict of interest statement and asked the Commission Members to consider whether or not they have or may have a conflict of interest with respect to any Action Items on the agenda. No conflicts of interest were reported.

Committee Members Present

Dr. Robert Mensah-Biney
Dr. Ray Covington
Mr. George Howard
Ms. Amy Pickle

Absent Member

Dr. Marva Price

DEMLR Staff Members

Mr. Tracy Davis
Mr. Mell Nevils
Ms. Janet Boyer
Ms. Ashley Rodgers
Ms. Judy Wehner
Mr. W. E. "Toby" Vinson
Mr. Walt Haven
Ms. Katherine Marciniak
Ms. Debra Godwin
Ms. Brenda Harris
Dr. Jeff Reid
Mr. Randy Bechtel
Ms.Trina Ozer (DENR Secretary's Office)

The Attorney General's Office

Ms. Jennie Wilhelm Hauser

Action Items

Chairman Gilmore asked for nominations for Committee Vice-Chair. Dr. Ray Covington nominated Dr. Robert Mensah-Biney and it was second by Ms. Amy Pickle. Dr. Mensah Biney was elected Vice Chair with no dissenting votes.

Funding for Earth Science Teacher Awards - Mr. Randy Bechtel

Mr. Bechtel and Mr. Mell Nevils gave background information about the Earth Science Teacher Awards. Mr. Nevils stated that the former Mining Commission received approximately $5,550 a year from the Legislature for educational projects. He explained that the money is normally used to fund the teacher awards of $500.00. Other funds are used to purchase materials such as posters to be distributed to teachers. Mr. Nevils asked the Committee to allow funds that are left over to continue to be used to buy posters as needed and for operating funds.

With no questions by the committee members Dr. Covington made the motion to continue with the North Carolina Outstanding Earth Science Teacher Award and the Outstanding Earth Science Teacher Educator Award with the budget that the DENR staff already have. The motion was seconded by Mr. Howard. Motion carried with no dissenting votes. Dr. Mensah-Biney made a motion to use $2,000 for posters. The motion was seconded by Mr. Howard.

Motion made by Dr. Covington and seconded by Dr. Mensah-Biney to use the remainder of the money for operating funds. All motions were passed with no dissenting votes.

Informational Items

Overview of the Mining Program Ms. Ashley Rodgers

Ms. Rodgers made a presentation giving an overview of the mining program. (See Power Point Presentation)

Mining Statistics Ms. Janet Boyer

Ms. Boyer presented the mining statistics for 2011. (See Power Point Presentation)

Emerging Minerals in NC Dr. Jeff Reid

Dr. Reid presented information about mineral resources in North Carolina. The N.C. Geological Survey (NCGS) in cooperation with the USGS compiles economic mineral information vital to commerce, jobs and national security.

(See Emerging Minerals Presentation)

Enforcement Report Mr. Mell Nevils

Mr. Nevils reviewed the enforcement report from the Attorney General's Office.

See Attached Report.

Update on Stark Appeal Ms. Jennie Hauser

Ms. Hauser gave an update on the Stark vs. DENR case. This is a third party appeal for a permit modification for an existing mine.

After a public hearing, the Division made the decision to issue the permit. Neighbors of the mine, the Starks, appealed and filed a petition at OAH and a contested case hearing was held. The

administrative law judge, ALJ, determined in favor of the Division's decision to issue the permit modification and confirmed it.

The case came to the Mining Commission and at the June 2010 meeting the Commission agreed with the ALJ that the Division had properly issued the permit.

The Starks exercised their appeal rights and carried the case to Superior Court in Clay County. The resident Superior Court judge heard the matter and in September 2010 he issued his order affirming the agencies final decision. The Court of Appeals in September of 2012 issued a unanimous opinion of a three judge panel finding that the agency had done what it needed to do in issuing this permit.

Most recently the Starks have filed a petition for discretionary review at the North Carolina Supreme Court. The case is still pending at the North Carolina Supreme Court.

Land Quality Section Report Mr. Mell Nevils

Mr. Nevils thanked the staff for the work they have continued to do. He explained that two of the five new positions were filled after the mining fee increase. The three vacant positions were lost during cuts last summer. There are five positions in the regional offices to do inspections and three permitting positions in the central office which is the staff for the Mining Committee. There are no vacancies in the Mining Section at this time.

Conclusions

Remarks by Director Mr. Tracy Davis

Mr. Davis thanked the Mining Staff for the work they perform through the field offices and the central office staff.

Mr. Davis also thanked Dr. Taylor and his staff for their presentations and the work they do.

Remarks by Chairman Mr. "Tex" Gilmore

Chairman Gilmore asked if there were any further comments from the Commission members. There were no further comments. Chairman Gilmore thanked the Land Quality staff, the presenters and the AG's Office for the work being done.

Meeting adjourned at 4:30 pm.

Respectfully submitted,

Brenda M. Harris
Mining Program Secretary

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