

August 23, 2022 Minutes of the North Carolina Mining Commission

1:00 p.m. Call to Order- Chair Morehead

The meeting was called to order by Chairman Travis Morehead.

Approval of Meeting Minutes - Full Commission

Chair Morehead asked commissioners to review the meeting minutes from last meeting. He asked for approval of minutes and looked for a motion. Commissioner Bratton made a motion to approve. Commissioner Conner seconded. Motion was approved by full Commission.

Conflict of Interest Statement – Chair Morehead lead by Commission Counsel

Commission Counsel reminded the Commissioners that they need to avoid conflicts of interest or potential conflicts of interest. Request that if any member of the Commission has a conflict of interest or a potential conflict of interest regarding the matters coming before today. Commission Counsel stated that it is unlikely there would be a conflict since the only item for Commission action is the approval of the Minutes. Chair Morehead read the conflict of interest statement.

Review Mining Commission SharePoint – DEMLR Staff Bylaws Discussion – Phillip Reynolds/Toby Vinson

The next item on the agenda is a review of Mining Commission SharePoint by DENR staff. The Chair turned the meeting over to Mr. David Miller. David Miller and Toby Vinson discussed access of the Commission SharePoint site with links and accesses. All commissioners are to use their NC DENR e-mail accounts. Staff told Commissioners that when staff sends emails to the Commissioners, it is to let them know there are updates in the folder. There are links in those emails. Commissioners need only to click on the update, and they will be taken straight to Commission website.

Rulemaking 101 – Procedure in Adopting Permanent Rules, Jennifer Everett, DEQ Rulemaking Coordinator

The Chair moved on the next item on the agenda -- Rulemaking 101. The Chair recognized Jennifer Everette who is the rulemaking coordinator for the Department of Environmental Quality.

Ms Everette proceeded with a two-part presentation. The first part covers primary rulemaking steps and the second part of the presentation covered the process known as Periodic Review of existing rules and the expiration of rules (see Commission Meeting Presentation). This Commission's rules are currently codified in the administrative code, entitled 15 NCAC 5A. Ms Everette outlined the process for revising rules. The next step will be this Commission approving the final package that will need to go out to public notice and finally review and approval by the Rules Review Commission.

Summary of the Rules and Main Discussion Points - Adam Parr

Mr. Parr talked about the rules that are the responsibility of the Commission to review and revise if needed. The Mining staff have gone through these rules and will soon have a draft of proposed changes for Commission review. Mr. Parr did inform the members to feel free to provide and suggested changes or edits directly to staff at any time. He showed the major changes that staff has initially proposed.

Mr. Parr highlighted other areas of the Administrative Code that included fees, fiscal notes and bonding.

Establish a Rulemaking Committee - Chair Morehead

Chair Morehead lead the discussion for the need of a rule making and re-adoption committee. Commissioner Viers motioned to name Mr. Bratton, Chair of the Rule Making Committee with other members to include Mr. North and Dr. Taylor. It was seconded by Commissioner Conner. Motion carried unanimously

Public Comments

Dr. Jean Spooner inquired public meetings of the Commission's committees being open to the public. Chair Morehead and Counsel Reynolds confirmed.

Closing Comments

Director Wrenn provide information on the permitting transformation process that the Department will be taking the Mining Program thru to modernize permitting and compliance.

Commissioner Bratton motioned to adjourn the meeting and Commissioner North seconded.

Commission voted unanimously to adjourn.