

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 7      MINING GENERAL PROVISIONS**  
**PART 1         NEW MEXICO MINE REGISTRATION AND REPORTING**

**19.7.1.1        ISSUING AGENCY:** Energy, Minerals and Natural Resources Department  
[10-14-95; 19.7.1.1 NMAC - Rn, 19 NMAC 7.1.1, 5/30/2003]

**19.7.1.2        SCOPE:** These rules and regulations shall apply to all mining operations.  
[10-14-95; 19.7.1.2 NMAC - Rn, 19 NMAC 7.1.2, 5/30/2003]

**19.7.1.3        STATUTORY AUTHORITY:** The secretary of the department is generally authorized to make and adopt rules and regulations necessary to carry out the duties of the department at Section 9-1-5E NMSA 1978. The general duties and purposes of the mining and minerals division are set out at Section 9-5A-4D NMSA 1978 as amended 1987. The secretary is specially authorized to promulgate and enforce rules and regulations concerning operator compliance, Section 69-5-16; penalties for violations by operator, Section 69-6-1; registration of coal mines, Section 69-11-1; annual coal mine information to be furnished, Section 69-11-2; furnishing of requested coal mine data, Section 69-11-3; non-coal mine registration, notice of suspension and reactivation, Section 69-26-1; non-coal mine production information and confidentiality, Section 69-26-2; and non-coal mine request for information, Section 69-26-3 NMSA 1978, as amended 1989.  
[8-21-89, 10-14-95; 19.7.1.3 NMAC - Rn, 19 NMAC 7.1.3, 5/30/2003]

**19.7.1.4        DURATION:** Permanent.  
[10-14-95; 19.7.1.4 NMAC - Rn, 19 NMAC 7.1.4, 5/30/2003]

**19.7.1.5        EFFECTIVE DATE:** October 14, 1995. [unless a later date is cited at the end of a section.]  
[8-21-89, 10-14-95; 19.7.1.5 NMAC - Rn, 19 NMAC 7.1.5, 5/30/2003]

**19.7.1.6        OBJECTIVE:** The following rules have been adopted by the secretary of the New Mexico energy, minerals and natural resources department to provide for the registration, annual reporting and change in registration of mines, mills and smelters.  
[8-21-29, 10-14-95; 19.7.1.6 NMAC - Rn, 19 NMAC 7.1.6, 5/30/2003]

**19.7.1.7        DEFINITIONS:**

**A.        "Construction"** means any on-site activity directly related to the development of a new mine site not yet registered, including shaft sinking, tunneling, excavation, building of surface facilities and road building.

**B.        "Department"** means the energy, minerals and natural resources department.

**C.        "Director"** means the director of the mining and minerals division.

**D.        "Division"** means the mining and minerals division of the New Mexico energy, minerals and natural resources department.

**E.        "Mine"** means and includes all surface and underground operations to win coal, metals and other mineral substances from their deposits (exclusive of natural gas or petroleum), all tunnel operations, all caisson operations, all mills, ore houses and treatment plants, all quarries, pits, open-cut workings, strippings, placer mines, sand, gravel and similar banks.

**F.        "Mineral"** means coal, metallic or non-metallic ores or any naturally occurring rock substances that are mined or recovered on or under the surface of the earth.

**G.        "Operations"** means any construction or excavation activities, including smelting and leaching activities, for the purpose of winning minerals from their deposits, as well as for mine reclamation and dismantling of surface facilities.

**H.        "Operator"** means and includes owner, operator, lessee, manager, superintendent or agent, receiver or trustee and political subdivisions and instrumentalities of the state of New Mexico operating any mine.

**I.        "Permanent suspension"** means the cessation for an indefinite period of mining operations which are not expected to resume at a future time. Mines where suspension is permanent do not have to report annually once the closed mine is effectively safeguarded.

**J.        "Secretary"** means the secretary of the energy, minerals and natural resources department.

**K. "Suspension"** means the cessation of mine operations and may be either permanent or temporary in nature.

**L. "Temporary suspension"** means the cessation for a limited time of mining operations which are expected to resume at a future time. Mines under temporary suspension are considered active for registration and reporting purposes.

[8-21-89, 10-14-95; 19.7.1.7 NMAC - Rn, 19 NMAC 7.1.7, 5/30/2003]

**19.7.1.8 REGISTRATION OF MINES REQUIRED:** Before the start of any operations an operator shall register such mine with the division on a mine registration form (form 1). The registration shall be accompanied by an accurate plat or standard USGS topographic map sheet showing the location of the proposed mine with reference to the nearest lines of a governmental section if the mine has been surveyed. The registration must include a precise written description of the mine location with specific directions describing how to reach the mine site, including road names and numbers, obvious landmarks and mileage distances. Location of mines on surveyed lands shall be indicated by county, township, range and quarter-quarter section. Information to be included with such registration shall be the name of the mine, post office address, name of the operator or person in charge, the character of operation such as the mineral produced or sought and the method of access including shaft, adit, leach field, surface mine or other method, the name of the appropriate USGS topographic sheet and the name of the mineral and surface estate owners.

[8-21-89, 10-14-95; 19.7.1.8 NMAC - Rn, 19 NMAC 7.1.8, 5/30/2003]

**19.7.1.9 REPORTING REQUIREMENTS:** Before April 30 of every year, each mining, milling or smelting operation shall furnish to the division a report, on the appropriate form designated for that type of operation and commodity (forms 3-11) provided by the division, information including the following: name, address and phone number of operator, parent company, contractor, subcontractor and owner of property; name, location, and type of operation; type of commodity mined; method of extraction; production and sales quantities and values; unit value; production by mineral estate ownership classification; MSHA I.D. number; stockpiles; physical plant improvements and value; employment and payroll statistics; explosives information; quality and analysis statistics; ownership changes during year; mineral recovery statistics; net mine water production; mill capacity rates; and mill and refinery shipments. Submittal of the annual operator report on forms 3-11 satisfies the annual registration requirements under Section 69-26-1 NMSA 1978.

[8-21-89, 10-14-95; 19.7.1.9 NMAC - Rn, 19 NMAC 7.1.9, 5/30/2003]

**19.7.1.10 CHANGE OF REGISTRATION:** The operator shall fill out a change of registration form (form 2) at least 10 days prior to any change in ownership, operator name, mine name, address or operational status, or at least 10 days prior to a reactivation of operations that have been in suspension. change of registration forms are available from the director.

[8-21-89, 10-14-95; 19.7.1.10 NMAC - Rn, 19 NMAC 7.1. 10, 5/30/2003]

**19.7.1.11 SUSPENSION OF OPERATIONS:** The operator shall fill out a notice of intention to suspend operations form (form 12) prior to any temporary or permanent suspension of operations. Notice of intention to suspend operations forms are available from the director.

[10-14-95; 19.7.1. 11 NMAC - Rn, 19 NMAC 7.1.11, 5/30/2003]

**19.7.1.12 ENFORCEMENT:** Written notice of non-compliance may be issued by the director and sent by certified mail to the operator. The operator shall submit a written response to the director within ten (10) days of certified mail receipt of the notice of non-compliance. Failure to respond in writing to the director within the ten (10) day limit may result in referral by the director to the appropriate district attorney for prosecution. Each individual failure to comply with a rule or regulation, or failure to respond to a written notice will constitute a separate and unlawful act that may be prosecuted. Each unlawful act is subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment or both.

[8-21-89; 19.7.1.12 NMAC - Rn, 19 NMAC 7.1.12, 5/30/2003]

#### **HISTORY OF 19.7.1 NMAC:**

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:

EMNRD MMD 89-1, Mine Registration, Reporting and Safeguarding, filed 8-21-89.

History of Repealed Material: [RESERVED]

**Other History:**

That portion of EMNRD MMD 89-1, Mine Registration, Reporting and Safeguarding, filed 8-21-89 was **renumbered, reformatted, amended and replaced** into first version of the New Mexico Administrative Code as 19 NMAC 7.1, New Mexico Mine Registration and Reporting, filed 09/28/95.

19 NMAC 7.1, New Mexico Mine Registration and Reporting, filed 09/28/95, was **renumbered, reformatted and replaced** by 19.7.1 NMAC, New Mexico Mine Registration and Reporting , effective 05/30/2003.