

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 10 NON-COAL MINING
PART 8 PERMIT TRANSFER

19.10.8.1 ISSUING AGENCY: New Mexico Mining Commission.
[19.10.8.1 NMAC - N, 05-15-2001]

19.10.8.2 SCOPE: All persons subject to the New Mexico Mining Act NMSA 1978, Section 69-36-1 et. seq.
[19.10.8.2 NMAC - N, 05-15-2001]

19.10.8.3 STATUTORY AUTHORITY: NMSA 1978, Section 69-36-1 et. seq.
[19.10.8.3 NMAC - N, 05-15-2001]

19.10.8.4 DURATION: Permanent.
[19.10.8.4 NMAC - N, 05-15-2001]

19.10.8.5 EFFECTIVE DATE: February 15, 1996, unless a later date is cited at the end of a section.
A. All references to the Mining Act Parts 1-13 in any other rule shall be understood as a reference to 19.10 NMAC.
B. The amendment and replacement of The Mining Act Parts 1-13 shall not affect any administrative or judicial enforcement action pending on the effective date of this amendment nor the validity of any permit issued pursuant to the Mining Act Parts 1-13.
[19.10.8.5 NMAC - N, 05-15-2001]

19.10.8.6 OBJECTIVE: The objective of Parts 1-14 of 19.10 NMAC is to establish regulations to implement the New Mexico Mining Act as directed in NMSA 69-36-7A. These regulations are designed to ensure proper reclamation through permitting for operations subject to the Mining Act, in accordance with provisions and standards outlined in the Mining Act.
[19.10.8.6 NMAC - N, 05-15-2001]

19.10.8.7 DEFINITIONS: [RESERVED]
[19.10.8.7 NMAC - N, 05-15-2001]
[Definitions for this Part can be found in 19.10.1.7 NMAC.]

19.10.8.8 - 19.10.8.800 [RESERVED]
[19.10.8.8 - 19.10.8.800 NMAC - N, 05-15-2001]

19.10.8.801 GENERAL REQUIREMENTS: No transfer of any permit issued pursuant to the Act shall be made without the prior written approval of the Director. The transferor will not be released from obligations under the permit until the transferee has assumed such obligations.
[7-12-94, 2-15-96; 19.10.8.801 NMAC – Rn, 19 NMAC 10.2.8.801, 05-15-2001]

19.10.8.802 TRANSFER OF PERMIT:

A. To obtain a permit transfer, an applicant, i.e., the person proposing to succeed by such transfer, shall prior to the date of such transfer:

- (1) obtain financial assurance coverage as required by 19.10.12 NMAC for the permit area;
- (2) provide proof to the Director that the transfer complies with the terms of the mineral lease, if any;
- (3) apply to the Director for approval of such proposed transfer including the following:
 - (a) the name and address of the current permittee;
 - (b) the name and address of the applicant and the name and street address of the applicant's resident agent; and
 - (c) the information required by Section 69-36-7(I)(1)&(2) of the Act; and
- (4) pay the permit transfer fee pursuant 19.10.2 NMAC.

B. Except for applications for permit transfer for minimal impact operations, the applicant shall advertise the filing of the application in a newspaper of general circulation in the county of the mining, exploration

or reclamation operation, indicating the name and address of the applicant, the permittee, the permit number and particular geographic location of the permit area, and the Director's address to which written comments may be sent.

C. Any person whose interests are or may be adversely affected, may submit written comments on the application to the Director within 30 days of the public notice. Notice also shall be provided by the Director to the Environment Department, the Office of the State Engineer, the Department of Game and Fish, the Forestry Division, the State Historic Preservation Division, other agencies he deems appropriate, and, if the operation is on state or federal land, to the appropriate state or federal management agency.

D. The Director shall, upon the basis of the applicant's compliance with the requirements of Subsection A of 19.10.8.802 NMAC, grant written approval for the transfer of a permit, if the Director first finds, in writing, that:

(1) the applicant has, in accordance with Subsections A and B of 19.10.8.802 NMAC, submitted financial assurance as required by 19.10.12 NMAC;

(2) the applicant agrees to continue to conduct the operations involved in full compliance with the Act, 19.10 NMAC and the terms and conditions of the original permit, unless and until the applicant has obtained a new, revised or modified permit;

(3) for existing or new mining operations, the applicant would be eligible to receive a permit for new mines in accordance with Section 69-36-12(B)(5); for exploration operations the applicant would be eligible to receive a permit in accordance with Section 69-36-13(B) of the Act; and

(4) the applicant has paid the permit transfer fee.

E. The Director shall notify the current permittee, the applicant, and the owner of the mineral estate of his findings.

F. The applicant shall immediately provide notice to the Director of the consummation of the transfer of the permit. Upon the Director's written approval, the applicant becomes the permittee and may continue mining, exploration or reclamation operations according to the permit.

[7-12-94, 2-15-96; 19.10.8.802 NMAC – Rn, 19 NMAC 10.2.8.802, 05-15-2001]

History of 19.10.8 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

Rule 8, Permit Transfer, filed 07-12-94.

History of Repealed Material: [Reserved]

Other History:

Rule 8, Permit Transfer, filed 07-12-94, renumbered and reformatted as Subpart 8 of 19 NMAC 10.2, New Mexico Mining Act Implementation, filed 01-31-96.

19 NMAC 10.2, Subpart 8, Permit Transfer, filed 01-31-96 was renumbered and reformatted to 19.10.8 NMAC, effective 05-15-2001.