

**MEETING OF THE
NORTH CAROLINA MINING COMMISSION
November 18, 2024
512 N. SALISBURY ST
RALEIGH, NORTH CAROLINA**

Chairman Tom Freeman, in the City of Raleigh, NC on November 18,2024, called a meeting of the North Carolina Mining Commission to order at 1:06 P.M. The following persons were in attendance in person or via webinar for all or part of the meeting, with the following Commission members being present for the entire meeting:

COMMISSION MEMBERS PPRESENT

Mr. Tom Freeman (Chair)
Mr. Samuel Bratton (Vice-Chair)
Dr. Kenneth Taylor
Mr. Brian North

REMOTE COMMISSION MEMBERS

Mr. Brandon Jones

ATTORNEY GENERAL'S OFFICE

Ms. Sarah Zambon

DEMLR STAFF MEMBERS

Mr. Toby Vinson, Inter-Director, DEMLR
Mr. Adam Parr, State Mining Engineer, DEMLR
Ms. Kelly Jonas, Assistant State Mining Engineer, DEMLR
Mr. Corey Clayton, Assistant State Mining Engineer, DEMLR
Ms. Brenda Harris, Administrative Assistant, DEMLR
Ms. Kat Russell, Public Information Officer, Office Public Affairs

IN PERSON ATTENDEES

Dr. Jean Spooner
Ms. Natalie Lew
Mr. Jay Stem

REMOTE ATTENDEES

Mr. Tracy Davis
Mr. Jim Joyce
Ms. Ely Young

Chairman Freeman read the conflict-of-interest statement. There was no conflict-of-interest among the Commission Members.

Charman Freeman recognized those attending and the Commission Members stated their names.

APPROVAL OF MINUTES OF August 13, 2024

Motion to approve the minutes was made by *Mr. North and seconded by *Dr. Taylor. The Commission held a roll call vote to approve the minutes. Motion passed

OLD BUSINESS

Review and update on the Periodic Rule Review.

Mr. Parr gave an update on the Rules reoption timeline. He explained that the Mining Rules Stakeholder Group had finished their meetings and provided a version of the rule amendments to the Rules Committee. He explained that the Rules Committee met on November 12, 2024 to start their process on the rules review. The next steps are to meet December 16, 2024 do go over the recommended changes and continue reviewing the rules.

NEW BUSINESS

Rules Committee

Mr. Bratton gave an update on the draft of rules that the Stakeholder Group provided to the Rules Committee for their November 12 meeting.

He mentioned that proposed rules regarding Silviculture needed to be modified from what was originally proposed. The Committees felt that since Silviculture is not a land disturbing activity any mention of land disturbance in the definition should be struck. The opinion is that timbering that follows Forestry best management practices could occur on lands proposed to be mined in the future.

Mr. Bratton said there was discussion on rules regarding Bonds for Mine Reclamation. The Committee recommended updating the base bond factor by bringing them forward to current values accounting for 2 percent inflation from 1994 through today. He then explained that calculations for future bonds would also account for inflation by increasing the cost of the bond by 2 percent per year for the proposed life of the operation.

The rule for use of drones for use of inspection purposes was discussed in detail by the Committee. The Committee was concerned that use of drones would occur without prior notice to the operator. If the Division wants to utilize drones for inspection purposes they should be provided notice prior to inspection. There were concerns that DEMLR would fly over the property without notice and the mine owner would not be able to provide any explanation or statements. Typically, during an on foot inspection, the operator accompanies the inspector and can discuss issues as they are noted. The Committee believes that additional discussion needs to be held on this rule. The Committee recognized that there may be areas that are hard to get to and appreciate the utility of a drone. It was a concern that drones become the primary tool for inspection which would limit interaction between DEMLR and the permittee.

Mr. North added comments that he appreciated the work that the Stakeholder group did in preparing the first draft of proposed changes.

Dr. Taylor stated that he had no comments.

Commissioner Freeman was concerned that it could be a safety issue, which Mr. Bratton recognized is an issue.

Dr. Taylor said it's new technology and something that needs to be watched.

Setting of Mining Commission Schedule

Chair Freeman let the Commission know that there would be 3 meetings planned for 2025. He stated that the Commission would meet the 2nd Tuesday of April, July, and October at 1pm in the Ground floor hearing room of the Archdale Building.

Review of Draft Mining Commission Bylaws

Mr. Freeman opened the floor for discussion on the Draft Bylaws. He pointed out, that currently, there are no bylaws that have been approved by the Mining Commission.

Mr. North stated that the Draft Bylaws are more operating procedures than anything else. He stated that these were brought before the Commission a few years ago and then were tabled. He asked DEMLR staff if this was the same set of bylaws or if they had been modified in any way.

Mr. Parr stated that he was not aware of the past set of bylaws only that there are no currently approved bylaws, so the Commission had full authority to use what they saw in the DRAFT, modify what is in the DRAFT, or start from scratch.

Mr. Freeman asked if the Commission would like to table any vote on the bylaws so that members could review on their own time. Mr. Freeman asked if there was a motion to table any discussion or vote on the bylaws.

Ms. Zambon stated there is no need to vote to table since the current draft was for discussion. No action is required at this meeting. She clarified that if the Commission would like to have this as an agenda item for next meeting the Commission could ask staff to add to a future agenda.

Mr. Freeman asked staff to add the DRAFT Bylaws to the next agenda.

CONCLUSION

Comments of the Commission

Mr. Jones requested that Meeting Minutes of the Stakeholder meetings be forwarded to him for review.

Comments of the Counsel

Ms. Zambon clarified that if there are any questions about the bylaws to reach out to either herself or Ms. Elly Young for discussion.

Comments of the Chair

Mr. Freeman thanked everyone for his first meeting.

PUBLIC COMMENTS

Natalie Lew, Raleigh NC. - Ms. Lew has concerns of conflict of interest from Wake Stone Corporation sitting on the Commission. She stated that the Odd Fellows tract was deeded to public. She questioned why a private company gets to benefit from public funds. She stated that Wake Stoen Corporation's original permit was denied but overturned.

She stated on the recent Modification that the State denied the modification, but again this was overturned. Sh claimed that Wake Stone Corporation lied when they claimed that public does not have access to the Odd Fellows Tract. She stated that Mr. Bratton lied in the Committee meeting during the review of the newly proposed rules. She stated that the Mining Rules are benefitting the mining industry because the industry is on the rules committee.

She stated that Wake Stone Corporation actions are bringing a bad light to the Mining Commission.

No other comments.

With no other comments, Chair Freeman asked if there was a motion to adjourn the meeting.

Motion to adjourn by Mr. North seconded by Mr. Bratton.

The Commission adjourned at 1:30 pm.