

**MEETING OF THE  
NORTH CAROLINA MINING COMMISSION  
July 8,2025  
512 N. SALISBURY ST  
RALEIGH, NORTH CAROLINA**

Chairman Tom Freeman, in the City of Raleigh, NC on July 8, 2025, called a meeting of the North Carolina Mining Commission to order at 1:00 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 PRESENT (IN PERSON)**

Mr. Tom Freeman (Chair)  
Mr. Samuel Bratton (Vice-Chair)  
Mr. Brian North  
Mr. Dwain Veach

**COMMISSION MEMBERS (VIRTUAL)**

Dr. Luis Chia

**ATTORNEY GENERAL'S OFFICE**

Ms. Elizabeth Young

**DEMLR STAFF MEMBERS**

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**

Mr. Tracy Davis  
Ms. Natalie Lew  
Mr. Jay Stern

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

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

**APPROVAL OF MINUTES OF April 8, 2024**

Motion to approve the minutes was made by Mr. North and seconded by Mr. Bratton. Motion passed.

**ACTION ITEMS**

Mr. Parr gave brief update on the process of the periodic readoption process, where he outlined the dates and steps that have occurred and are still yet to occur withing the readoption process. Mr. Parr walked through the timeline that the Commission put together and was approved by the Rules Review Commission. He mentioned that one of the action items of this July 2025 Commission meeting is to approve the rules. The Regulatory Impact Analysis (RIA) and Fiscal Note still need to be completed and will need to be approved by the Commission before

both the rules, and the RIA can be published to the public register. He explained that the purpose of the RIA is to detail the changes to each rule and explain the fiscal impact of the change.

Mr. Parr then shared the version of the rules that had been approved by the Mining Rules Committee and explained the changes in each of the rule.

There was discussion around the definition of “Undisturbed”

Commissioner North took issue with “Undisturbed, means no disturbance including timbering or removal of trees.” His concern was that a future applicant would label their lands as undisturbed buffer and not understand that it would limit activity to not allow timbering. He proposed “Undisturbed means no disturbance shall occur including timbering or the removal of trees, however timber harvesting shall be allowed outside of undisturbed buffers labeled along permit boundaries, water bodies, cemeteries or other protected areas designated by the Department.” This would protect someone who inadvertently labels interior lands as undisturbed from conducting timbering and would allow someone who labels interior lands as undisturbed to conduct timbering without having to go through the modification process.

Mr. Parr stated that the intent is not to limit someone’s ability from using their land or regulate anything that falls under the forest service. The intent is to define “buffer” which could be in any shape not necessarily only along a perimeter. Its possible that an operator label a 200 acre area as buffer, we are trying to categorize what type of buffer.

Mr. North against stated his concern that someone would inadvertently label an area as undisturbed, then get a violation for timbering. He made a motion to add the language the proposed to the definition of undisturbed.

The Commission voted to accept the language.

Mr. Bratton stated he understood the concern if something is labeled as undisturbed, however the activities allowed are different depending where the undisturbed buffer is located. He was concerned that the definition could add confusion.

Mr. North said he would be in favor of “Undisturbed means no activity shall occur period.”

Ms. Young stated that the Commission had already voted on the change based on the prior definition and would need to rescind the previous decision.

The commission voted to rescind the vote to accept the definition “Undisturbed means no disturbance shall occur including timbering or the removal of trees, however timber harvesting shall be allowed outside of undisturbed buffers labeled along permit boundaries, water bodies, cemeteries or other protected areas designated by the Department.”

The Commission voted to approve the language “Undisturbed means no disturbance shall occur.”

There was discussion on 15A NCAC 05B .0103 regarding Bonding Requirements and the number of years to bring forward the 1994 values. The values in the rule are brought forward 25 years. Commissioner North asked if they should be brought forward 32 years to account for when the rules are implemented.

Commissioner North wanted to clarify how the new bonding factors would be implemented, as he was concerned that once implemented small operators would immediately be required to increase their bond to a new amount.

Mr. Parr explained that the increase could only occur if a bond review occurred as a result of a permit action or result of non-compliance.

The Commission voted to approve the additional language in 05B .0103(e) that states “The criteria in subparagraph 1 below does not apply to existing bonds already on file with the Department, until action is required to change the bond including new, transfer, modified mining permits on file with the Department or compliance action taken by the Department.

The Commission voted to approve additional language to 05B .0104 (c)(13) so that it reads “Any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries.”

The Commission voted to approve the removal of “years” in 05B .0104 (c)(17) so that it reads “Intended reclamation for projected phases or segments when reclamation is accomplished concurrently with mining.”

The Commission discussed the requirement of recording the land entry agreement. Mr. North was concerned that this would be burdensome for applicants/permittees where a permit covers multiple parcels. Mr. Bratton saw this as beneficial for the purposes that it runs with the land regardless of ownership and removes the requirement to update the land entry agreement on file with the Department each time a piece of land changes hand. Mr. Parr explained that this is a requirement to the application and would not apply retroactively to all permits unless a new application is submitted.

The Commission voted to approve additional language to 05B .0111 (c) and (e) to clarify that once the public comment period is closed, no other public comments can be considered in the final determination of the application.

The Commission voted to approve the rules as discussed and send to public comment.

### **INFORMATION ITEMS**

#### *Fiscal Analysis – RIA – Status Update*

Mr. Parr provided an update that the RIA is currently in development and that there have been some meetings with OSBM with feedback provided. Ms. Young clarified that even though the Commission approved the rules to go to public comment that the RIA and Rules have to both be approved before they can be published. She mentioned that once drafted, the Commission will need to schedule a Special Commission meeting to approve the RIA so that both the Rules and the RIA can be published to the register for public comment.

#### *Permitting Data Update*

Mr. Parr provided an update on recent permitting actions. He started with the total list of permits by commodity. He then provided a table showing the permit actions that have occurred since the last Commission Meeting. This includes Modifications, New, and Transfers issued. He also provided some averages for review time as well as total permits issued over the last 5 years, as well as the Mining Program Staff.

#### *Proposed Mining Legislation Update*

Mr. Parr provided the Commission an update on some proposed legislative changes to the mining act. These legislative changes include exemptions to the Mining act, changes to notice to adjoining landowners, revocation time on Bond lapse, time when a public hearing may occur, departmental review time, other permit requirements, and denial for failure to pay fees.

#### *Site Visit Planning Discussion*

The Commission discussed the potential of making a mine site visit. Chairman Freeman proposed that the next Commission meeting, scheduled for October, occur in the Asheville Region, potentially in Spruce Pine. He asked Mr. Parr follow up later to plan the location of the meeting and a subsequent field trip.

#### *Mine Reclamation Award Discussion*

The Commission discussed how the Commission used to award a reclamation award to sites that were successful in reclamation above and beyond simple seeding and stabilizing. Chairman Freeman suggested that this stay as an agenda item to discuss at the next meeting to decide criteria.

#### **CONCLUSION**

##### *Comments by DEMLR Director*

No remarks

##### *Comments of the Commission*

Mr. North asked for a copy of the presentation and asked that future presentations be provided in advance.

##### *Comments of the Chair*

No remarks

##### *Public Comments*

Ms. Natalie Lew provided comments stating that there are concerns that members of Wake Stone are sitting on the Mining Commission and developing the rules. She also provided comments about noise and buffers at the Triangle Quarry. She asked that the Commission create rules that protect public lands.

##### *No other comments.*

With no other comments, Chair Freeman made a motion to adjourn which was seconded by Mr. North

The Commission adjourned at 2:52 pm.