

7(R) NMSA 1978. The Mining Act also provides that the Mining Commission establish a fee schedule to cover the costs of implementing the Act. Each financial assurance release requires a written modification of the permit. The current fee for modification of a regular permit is \$1000 and for modification of a minimal impact operation permit, the fee is \$250. The agency will use these fees and existing resources to process the number of increased applications. The agency cannot anticipate the exact number of increased applications. Last year, the Mining and Minerals Division received 7 applications to release financial assurance.

SIGNIFICANT ISSUES

EMNRD continues that the bill would remove the limitation of requesting only one release of financial assurance per year per mining operation. For large, existing mines, the release of financial assurance is linked to ongoing reclamation activities; these mines may or may not take advantage of the removal of the limitation. “Minimal impact” mines, however, are limited in size, and therefore, when an operator completes reclamation, and the agency releases the financial assurance, the operator can expand its operations. Therefore, an increase in financial assurance release applications from minimal impact operations is expected if enacted.

Allowing more than one financial assurance release per year will promote increased mined land reclamation and returning mined lands to other beneficial uses.

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