

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**



**IN THE MATTER OF THE APPLICATION
OF NEW MEXICO COPPER CORPORATION FOR
A GROUNDWATER DISCHARGE PERMIT FOR
THE COPPER FLAT MINE, DP-1840**

No. GWB-18-06 (P)

SCHEDULING ORDER

Pursuant to Section 20.1.4 NMAC, Counsel for all parties and the Hearing Officer and staff participated in a pre-hearing scheduling conference on June 14, 2018. Agreement was generally reached as to the following procedural matters, and it is so ordered:

1. The hearing on the merits of this matter will begin September 24, 2018 and proceed through September 28, 2018 as necessary to complete the evidentiary record. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary.
2. The hearing will be held in Truth or Consequences, New Mexico, the closest community to the mine in which a venue of size can be reserved. The Ground Water Bureau is responsible for making the necessary facility arrangements, and for preparing and publishing a timely notice of hearing.
3. The hearing will begin at 9 a.m. each morning and generally end by 7 p.m. each evening, with a mid-day lunch break and other breaks as appropriate.
4. Public comment will be invited and accepted throughout the hearing at breaks in the presentation of the technical testimony. Public comment will also be taken beginning at 5 p.m. on September 25, 2018 and continuing as long as there is comment to be given.

5. The hearing will be recorded and transcribed by Kathy Townsend and Associates. The Applicant is responsible for making the necessary court reporting arrangements and has agreed to supply the Hearing Clerk with a complete copy of the transcript. Other parties may purchase a copy of their own. The transcript also eventually becomes a public record which may be viewed by contacting the Hearing Clerk.
6. The order of presentation is as follows: Applicant has the burden of proof that the permit should be issued and will make its presentation first. The Bureau will follow the Applicant. Turner Ranch Properties, Hillsboro Pitchfork Ranch and Elephant Butte Irrigation District will follow the Bureau in the order they choose. Rebuttal testimony will be accepted in the same order.
7. Each party may offer an opening statement not to exceed fifteen minutes either at the beginning of the hearing or at the beginning of their own presentation. Closing statements will not be accepted at the end of the hearing; post-hearing submittals may include written closing statements in the discretion of each party in addition to proposed findings of fact and conclusions of law.
8. Parties may choose to present witnesses in a panel for purposes of cross-examination. No panel shall be larger than 2 witnesses. Others cross-examining a panel may nevertheless direct their questions to one witness in particular. All testimony will be taken under oath.

9. The pre-hearing filings for technical testimony set out in 20.1.4.300.B NMAC are due August 24, 2018. This includes a copy of any exhibit that is not already part of the record, a full summary of each witness' testimony, any opinion to be offered by each witness, an explanation of the basis for each opinion, and a list of all technical materials relied upon in making their statements. Witness technical testimony or exhibits not summarized, identified, or provided will be excluded. Non-technical public comment requires no pre-filing.
10. Pre-hearing motions related to the pre-hearing filings must be filed by September 7, 2018. Counsel and the Hearing Officer will participate in a teleconference on September 14 at 3 p.m. to discuss any motion filed.
11. The Bureau has agreed to file the administrative record in this matter with the Hearing Clerk as soon as it is indexed and number-stamped, no later than June 30, 2018. The Bureau has further agreed to post documents filed in this appeal on its webpage.



Felicia L. Orth, Hearing Officer

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE APPLICATION
OF NEW MEXICO COPPER CORPORATION FOR
A GROUNDWATER DISCHARGE PERMIT FOR
THE COPPER FLAT MINE, DP-1840

No. GWB-18-06 (P)

SERVICE LIST

Andrew Knight
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Ste. 1000
Albuquerque, New Mexico 87502
email: Andrew.knight@state.nm.us
Counsel for the New Mexico Environment Department Ground Water Bureau

Charles de Saillan
Jaimie Park
Douglas Meiklejohn
Eric Jantz
Jonathan Block
New Mexico Environmental Law Center
1405 Luisa St., Suite 5
Santa Fe, NM 87505
cdesaillan@nmelc.org
dmeiklejohn@nmelc.org
Counsel for Turner Ranch Properties and Hillsboro Pitchfork Ranch, LLC.

Barncastle Law Firm, LLC
Samantha R. Barncastle
P.O. Box 1556
Las Cruces, NM 88004
samantha@h2o-legal.com
Counsel for Elephant Butte Irrigation District

Stuart R. Butzier
Christina C. Sheehan
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
P.O. Box 9318
Santa Fe, NM 87504-9318
stuart.butzier@modrall.com
christina.sheehan@modrall.com
Counsel for New Mexico Copper Corporation

Felicia L. Orth, Hearing Officer
20 Barranca Rd.
Los Alamos, NM 87544
Felicia.L.Orth@gmail.com



John Baca
Hearing Clerk
Harold Runnels Bldg., Rm. S-2100
1190 St. Francis Drive
Santa Fe, New Mexico 87505
John.Baca2@state.nm.us
(505) 827-2430
(505) 827-1628 Fax

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Scheduling Order and Service List** was sent via the stated methods below to the following parties on June 15, 2018:

Via hand delivery:

Andrew Knight
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Ste. 1000
Albuquerque, New Mexico 87502
email: Andrew.knight@state.nm.us
Counsel for the New Mexico Environment Department

Via First Class U.S. Mail and email:

Charles de Saillan
New Mexico Environmental Law Center
1405 Luisa St., Suite 5
Santa Fe, NM 87505
cdesaillan@nmelc.org
Counsel for Turner Ranch Properties and Hillsboro Pitchfork Ranch, LLC.

Barncastle Law Firm, LLC
Samantha R. Barncastle
P.O. Box 1556
Las Cruces, NM 88004
samantha@h2o-legal.com
Counsel for Elephant Butte Irrigation District

Stuart R. Butzier
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
P.O. Box 9318
Santa Fe, NM 87504-9318
Stuart.butzier@modrall.com
Counsel for New Mexico Copper Corporation

John Baca

John Baca
Hearing Clerk
Harold Runnels Bldg., Rm. S-2100
1190 St. Francis Drive
Santa Fe, New Mexico 87505
John.Baca2@state.nm.us
(505) 827-2430
(505) 827-1628 Fax