

# Preparation for the NMED Public Hearing & Attorney Q & A

Mark Severance

AltoCEP Chair

The Ranches of Sonterra Property Owners Association

Board of Directors

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# Agenda

1. The Schedule
2. How and Where to Participate
3. Written and Oral Comments
4. How to Indicate You Want to Speak
5. Suggestions for Oral Comments
6. Q & A with Attorney Tom Hnasko
7. Adjourn

# The Schedule

- The Public Hearing will commence on Wednesday, February 9 at 9:00am MST
- 1 hour public comment sessions will be held at Noon and 5:00pm on that day
- In the event the Public Hearing extends into a second or third day, 1 hour public comment sessions will be held at 9:00am, Noon and 5:00pm MST
- We have asked NMED if additional public comments will be allowed in the event of an “open day” (after the conclusion of technical testimony and cross-examination) and are awaiting an answer

# How and Where to Participate

- Folks may participate from their own computer using the WebEx app at the link shown on the NMED event calendar page [Events Calendar \(nm.gov\)](https://www.nmed.nm.gov/events-calendar)
- Look for the Feb 9 calendar entry: “Public Hearing before the Secretary: Roper Constriction” and click on the WebEx link shown
- Two public participation sites have been set up:
  - Ruidoso Convention Center 111 Sierra Blanca Dr, Ruidoso, New Mexico 88345 (through AltoCEP participant donation)
  - Traylor Gymnasium’ 519 Smokey Bear Boulevard, Capitan, NM 88316 (Official NMED site, with NMED personal on site)
- The entire proceedings can be monitored from either of these locations
- Participants can also provide their oral comments from either of these locations

# Written and Oral Comments (1 of 2)

- People who desire to have their opinions become part of the Administrative Record of the Public Hearing should submit those comments in writing to: [Madai.Corral@state.nm.us](mailto:Madai.Corral@state.nm.us)
- Written comments can be submitted before or during the hearing
- There is no limit to the number of written comments that can be submitted per individual
- Per NMED rules Oral comments will be limited to *One Five Minute Session Per Individual* for the duration of the Public Hearing
- The five-minute duration is a firm time limit
- Oral comments can only be made during the designated public comment periods as previously noted

# Written and Oral Comments (2 of 2)

- Due to the anticipated high number of individuals wishing to make oral comments it is *strongly recommended that all individuals submit their comments in writing*
- The duration and number of the public comment periods may preclude the opportunity for everyone to speak
- According to NMED, oral and written comments are “equally weighted” and both become part of the Administrative Record for the Public Hearing
- Given these circumstances it is strongly recommended that individuals submit their comments in writing to ensure their opinions become part of the Administrative Record

# How to Indicate You Want to Speak (1 of 2)

- For individual on-line participants, use the chat feature of WebEx to identify yourself and indicate you want to speak
  - Use of the chat feature will require downloading the WebEx app to your computer (free download with no cost for meeting participation)
- WebEx Chat will be monitored by the Hearing Facilitator who will acknowledge you and cue you to speak
- Your camera must be ON, and you must be visible to be recognized to speak
- When cued by the Hearing Facilitator you may speak for no more than 5 minutes
- Please ensure your computer Mic is muted when not speaking

# How to Indicate You Want to Speak (2 of 2)

- If you are at a Public Participation Site, submit your name to the WebEx Operator(s) and they will provide a list of names to the Hearing Facilitator using WebEx Chat
- Queue up and be ready to go when called upon to make best use of the time allocated for public comment



# Suggestions for Oral Comments (1 of 2)

- Remember you only have 5 minutes
- Speak at a summary level, with the details in your written comments
- Primarily focus comments on air quality and the impact the CBP plant will have on the area
- Speak to your personal impacts, particularly health conditions that could be exacerbated by degraded air quality
- Of course, you make speak to related concerns such as the amount of water needed to mitigate fugitive dust emissions, concerns about runoff of this water or the NMED air quality permit approval processes
  - Keep in mind that the Hearing Officer will likely want to focus on air quality related issues

# Suggestions for Oral Comments (2 of 2)

- *If someone has already covered the points you want to make, simply acknowledge your agreement with those points and allow the next prompted individual to speak*
  - *This will allow a greater number of speakers to be heard*
- We have asked NMED if presentations, video or still imagery will be allowed within the Public Comment period and are awaiting an answer
  - These items should be submitted as written comments and can always be summarized with a reference to your submitted written comments
  - Answers to this and any other questions will be provided via posting and email blast
- Additional suggestions will be provided on [altocep.org](http://altocep.org) and via email blast

# Video of a Previous NMED Public Hearing

- NMED does have a You Tube channel and a video of a previous hearing can be viewed to get a feel for the virtual proceedings
- On You Tube search on New Mexico Environment Department and select “Associated Asphalt Day 1” or use the link below:

<https://www.youtube.com/watch?v=-mD2EtC2M34>

# Q & A with Attorney Tom Hnasko

- You remember Tom from our meeting in September
- Tom has been practicing Environmental & Natural Resource law and litigation since 1982, representing both plaintiffs and defendants
- Tom's notable accolades:
  - Best Lawyers in America, Environmental Law 2003 – 2014
  - Best Lawyers' Lawyer of the Year, Santa Fe, Environmental Law, 2011
  - Best Lawyers' Lawyer of the Year, Santa Fe, Environmental Litigation, 2013, 2019
  - Southwest SuperLawyer, 2007 – 2014
  - Recognized by the New Mexico Board of Legal Specialization: Specialist in Environmental Law
  - Chair of the New Mexico Environmental Specialization Committee
  - Fellow in the American College of Environmental Lawyers.
- Questions for Tom?