

Opinion No. 56-6485

July 5, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John A. Garcia, State Inspector of Mines, 1024 Park Avenue, SW,
Albuquerque, New Mexico

We have considered your letter of June 25, 1956, where you raise the question as to whether or not a United States Corps of Engineers shaft sinking operation for purposes of diverting waters of the Rio Grande and Chamita Rivers would come under your supervision and be governed by State Mining laws.

Aside from the fact that this is a federal project, a check of the State Mine laws, particularly § 63-4-5, N.M.S.A., 1953, listing duties of your office, indicates that such a project would not come under your jurisdiction, such duties and jurisdiction being confined to mines and mine operations, and this, even though involving a sinking or shaft operation, is not a mine or mine operation within the meaning and intent of the statutes, nor is it a mine or mine operation within the general definition of such.

If, however, your office should be consulted as to safety precautions or shaft sinking procedures, there is nothing to prevent you from giving such advice as may be acceptable and beneficial to this Corps of Engineers Project.

We trust this fully answers your inquiry.

By Harry E. Stowers, Jr.

Assistant Attorney General