

**Minutes of the
New Mexico Mining Commission
Regular Meeting and Hearing
October 2, 2013**

The New Mexico Mining Commission meeting convened at 9:00 AM, Wednesday, October 2, 2013, in Porter Hall (1st floor of the Wendell Chino Building), Energy, Minerals and Natural Resources Department, located at 1220 South St. Francis Drive in Santa Fe, NM. The meeting was recorded and the digital audio files are in the custody of the commission clerk.

The following members were present:

Matthew Wunder	Acting Chair, Department of Game and Fish
Mary Rose	Environment Department
Mike Johnson	Office of the State Engineer
Larry Roybal	State Land Office
Roderick Ventura	Public Representative – Environment
Patrick Freeman	Public Representative – Industry
John Brack	Alternate for Public Representative – Industry
Sally Malavé	Commission Attorney

The following members were absent:

Doug Bland	Chair, NM Bureau of Geology and Mineral Resources
Charlie Sanchez	NM Soil and Water Conservation Commission
Steve Loring	NM Agricultural Experiment Station
Vacant	Alternate for Public Representative - Environment

Roll call

John Pfeil, commission clerk, called the roll with the results provided above.

Approval of the agenda

Chairman Wunder asked if there were any changes to the agenda; there were none. Mr. Roybal moved to adopt the agenda, with a second by Ms. Rose. The motion passed unanimously.

Adoption of the minutes of the August 26-27, September 17, 2013, regular meeting

Chairman Wunder asked if there were any changes to the minutes; there were none. Mr. Johnson moved to adopt the minutes, with a second by Ms. Rose. The motion passed unanimously.

Hearing, deliberation and action on Mining and Minerals Division's Petition for Rulemaking (13-02) regarding amending 19.10.2.202 NMAC (Fees)

Mr. Fernando Martinez, Director of the Mining and Minerals Division, presented the basis for MMD's petition that the Mining Commission delete 19.10.2.202(E) NMAC in its entirety, thereby eliminating the annual fees sunset provision in Part 2 of the Mining Act regulations.

A public comment was made by Mr. Mike Bowen, New Mexico Mining Association, in support of the petition. There were no other public comments.

Following questions from the commissioners, Mr. Freeman made a motion to adopt the petition, seconded by Ms. Rose. The vote was unanimous to approve and adopt the petition.

The Mining Act Reclamation Program's 2011 and 2012 Annual Report to the Commission

Mr. Holland Shepherd introduced the MARP staff and presented a two-year review of mining operations in the state including total number of operations since 1994, permit application status, new mining projects, exploration projects, disturbed and reclaimed acreage, financial assurance, Excellence in Reclamation Award winners, and rule amendment petitions and disposition. Mr. John Pfeil presented the mineral production, production value, employment, payroll and revenues information for the same time period.

At 10:00 AM, Ms. Rose moved to adjourn to executive session, seconded by Mr. Roybal and passed unanimously that the hearing be suspended and the Commission enter executive session:

Executive session to be held in accordance with NMSA 1978, Section 10-15-1(H)(7), regarding status of pending litigation: Multicultural Alliance for a Safe Environment and Amigos Bravos v. New Mexico Mining Commission, No. D-101-CV-2012-02318.

The meeting reconvened at 10:20 AM. Chairman Wunder stated that the only item discussed during the executive session was the matter identified in the motion to go into executive session and no action was taken.

Other business

No other business was discussed.

Adjourn

A motion to adjourn was made by Ms. Rose and seconded by Mr. Johnson. With unanimous approval, the Mining Commission adjourned at 10:21 AM.


Approved:



Matthew Wunder, Commissioner

Date 12 Feb 14

Minutes by:



John J. Pfeil, Commission Clerk