

**Minutes of the
New Mexico Mining Commission
Special Meeting
February 12, 2014**

Note: Draft minutes subject to review and approval by the Commission

The New Mexico Mining Commission special meeting convened at 9:00 AM, Wednesday, February 12, 2014, in Porter Hall (1st floor of the Wendell Chino Building), Energy, Minerals and Natural Resources Department, 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	Department of Game and Fish
Mary Rose	Environment Department
Mike Johnson	Office of the State Engineer
Greg Bloom	State Land Office
John Heaton	Public Representative – Environment
Patrick Freeman	Public Representative – Industry
Roderick Ventura	Alternate for Public Representative - Environment
John Brack (via telephone)	Alternate for Public Representative – Industry
Sally Malavé	Commission Attorney

The following members were absent:

Steve Loring	NM Agricultural Experiment Station
Greer Price	NM Bureau of Geology and Mineral Resources
Charlie Sanchez	NM Soil and Water Conservation Commission

Roll call

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

Discussion and selection of chair

Acting Chairman Wunder called for nominations for Mining Commission Chair. Commissioner Freeman nominated Commissioner Wunder. Commissioner Rose nominated Commissioner Heaton. Commissioner Wunder asked that Commissioner Heaton be considered first in the vote. In a roll call vote, all commissioners voted in favor of Commissioner Heaton, with Commissioner Heaton abstaining. Chairman Heaton presided over the rest of the meeting.

Approval of the agenda

Chairman Heaton asked if there were any changes to the agenda. The attorney for Mineris Vitae asked that Items 6 and 7 be considered in reverse order. The attorney for Amigos Bravos opposed the change. Hearing no motions from commissioners to change the agenda, Chairman Heaton called for a motion to approve. A motion was made by Commissioner Bloom and seconded by Commissioner Wunder. The motion passed unanimously.

Adoption of the minutes of the October 2, 2013, meeting

Chairman Heaton asked if there were any changes to the minutes; there were none. Commissioner Johnson made a motion to adopt the minutes, seconded by Commissioner Rose. Chairman Heaton

abstained from voting since he was not a member of the Commission at that meeting. All other commissioners voted in favor of adoption.

Discussion and adoption of the NMMC's Draft Open Meetings Resolution

Chairman Heaton received confirmation from the Commission's attorney that the Open Meetings Resolution includes the changes made in the previous legislative session. Commissioner Freeman suggested that having meetings around the state would enhance the public's ability to attend the open meetings. Commissioner Wunder made a motion to adopt the Open Meetings Resolution, seconded by Commissioner Bloom. The vote to adopt was unanimous.

Discussion and approval of the final order/statement of reasons on Petition 13-01(R) requesting amendments to Minimal Impact Operations, 19.10.3.303(A) and 19.10.3.304(A) NMAC of the Mining Act Rules

Chairman Heaton asked for any discussion from the commissioners regarding the amendments. Clarification was provided that, by adopting the amendments, minimal impact humate mining operations would be increased in acreage from 10 to 20 acres. The Commission's clerk informed the commissioners that, with adoption, the paperwork would be submitted to meet the New Mexico Register's February 17 deadline for publication in the Register on February 28, 2014. Commissioner Bloom made a motion to approve the final order, seconded by Commissioner Wunder. A roll call vote was unanimous in favor of approval.

Discussion and determination of Mineris Vitae's "Petitioner's Motion to Reconsider" received February 5, 2014, and of Amigos Bravos' petition to deny the motion to reconsider.

Commissioner Heaton began discussion by asking the Commission's counsel to address Secretary Martin's request that the Commission delay consideration of Petitioner's motion to give EMNRD the opportunity to develop a position on the amendment originally proposed by Petitioners. Ms. Malavé advised that it would be inappropriate to delay action in order to allow EMNRD to participate in the Commission's deliberations because EMNRD had had the opportunity to participate in the rule-making proceeding and declined to do so.

Chairman Heaton asked for a motion to consider the petitioner's motion. Commissioner Bloom made a motion to consider, seconded by Commissioner Freeman. Chairman Heaton then asked for comments on the petitioner's motion. Mineris Vitae made comments reiterating its request. Amigos Bravos spoke against Petitioner's motion. Counsel for EMNRD-MMD made a statement regarding MMD's comments during the rule-making hearing on Petition 13-01. Mike Bowen of the NM Mining Association spoke in favor of granting the petitioner's motion. Chairman Heaton requested a roll call vote. Commissioner Freeman voted in favor of granting the petitioner's motion. Commissioners Johnson, Bloom, Rose, Wunder and Heaton voted against granting the petitioner's motion.

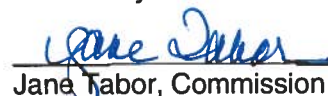
Commissioner Rose asked Fernando Martinez, Mining and Minerals Division Director, to call the Director's Advisory Committee ("DAC") together to deliberate the humate mining operation guidelines and to present a report on the deliberations and any recommendations at a future Commission meeting.

Adjourn

Chairman Heaton adjourned the meeting at 10:15 AM.

Approved: 
John Heaton, Chairman

Date 3-2-2015

Minutes by: 
Jane Tabor, Commission Clerk