

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 1, 2011**

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

The New Mexico Mining Commission meeting was convened at 1:02 P.M., November 1, 2011 in Porter Hall 1st floor of the Wendell Chino building (Energy, Minerals and Natural Resources Department) located at 1220 South St. Francis Dr. in Santa Fe, NM. The meeting was tape-recorded and the tapes are in the custody of the commission clerk.

The following members were present:

Doug Bland	Chairman, NM Bureau of Geology and Mineral Resources
Jim Davis	Vice Chair, Environment Department
Mike Johnson	State Engineer's Office
Larry Roybal	State Land Office
Matthew Wunder	Department of Game and Fish
Sally Malavé	Commission Attorney

The following members were absent:

Vacant	Public Representative - Industry
Vacant	Public Representative - Environment
Vacant	Alternate for industry representative
Vacant	Alternate for environment representative
Charlie Sanchez	NM Soil and Water Conservation Comm.
Steve Loring	NM Agricultural Experiment Station

Roll call

John Pfeil, clerk of the commission, called the roll with the results provided above. Mr. Pfeil states that the Governor has not yet appointed the industry and environmental representative, or their alternates.

Mr. Bland asks if there are any objections to changing the order of items on the agenda, specifically switching agenda items #2 and #3, the "approval of the agenda" with the "selection of the officers". Hearing none, the noted items are switched.

Mr. Bland requests that the commissioners say a few words about themselves by way of introduction, where they work and their familiarity with mining issues and the work of the Mining Commission. The commissioners respond to the request.

Approval of the agenda

Mr. Bland asks if there are any changes to the agenda. Dr. Wunder moves to adopt the agenda as amended, with second by Mr. Johnson. Motion passes without objection.

Selection of the officers

Following discussion regarding the need to elect a Chairman and Vice Chairman for the Commission, Mr. Bland asks if there are any nominations for Commission Chair. After a brief discussion Dr. Davis nominates Mr. Bland. Mr. Bland accepts the nomination and asks whether there is any dissent. There is none. There is a brief discussion about the need for a vice chair. Ms Malave states that the commission is not required to elect a vice chair, but that the vice chair serves in the chair's absence and that he has signature authority. Chairman Bland asks for nominations. When there are none, he asks for a volunteer. Dr. Davis volunteers.

Adoption of the minutes of the May 3, 2010 Meeting

Chairman Bland asks if commissioners have had time to review the minutes and if there are any changes. Hearing none, Mr. Johnson moves to adopt the minutes as provided, with second by Dr. Wunder. Motion passes without objection.

Determination of whether and when to set a hearing date on MMD's Petition for Rulemaking (11-01) regarding fees

Fernando Martinez, Director of the Mining and Minerals Division provides a statement to the Commission on the need to set a hearing for MMD's petition 11-01. At the conclusion of the presentation Chairman Bland asks about time frames associated with scheduling a hearing. Ms. Malave states a rulemaking petition requires that public notice be placed 60 days before the hearing date. Chairman Bland asks Mr. Pfeil if he has any thoughts about the hearing date. Mr. Pfeil states that Porter Hall is available on January 12 and 13 and several days the following week. After a short discussion about commissioner availability Chairman Bland asks if there is a motion. Dr. Davis moves to set the hearing date for Petition 11-01 for January 12, 2011 at 9am in Porter Hall, with second by Dr. Wunder. Motion passes without objection.

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

Ms. Malave states that the commission adopts the resolution annually, and that there have been no significant revisions over the last several years. After a short discussion there is a motion by Mr. Johnson to adopt the draft resolution with second by Mr. Roybal. Motion passes without objection.

Other business:

Mr. Pfeil encourages the commissioners to utilize the Mining Commission link on MMD's website. He mentions that every commission action to date is provided on the website in a link called "NMMC actions" including adjudicatory and regulatory petitions. At the prompting of Chairman Bland he identifies other information on the website including upcoming commission meetings/hearings, minutes, agendas, petitions and the Open meetings Resolution, among other items.

Chairman Bland asks Ms. Malave about the status of the ReeCo appeal and Ms. Malave provides a synopsis. A brief discussion ensues.

Adjourn

Chairman Bland adjourns the meeting at approximately 1:37 P.M.

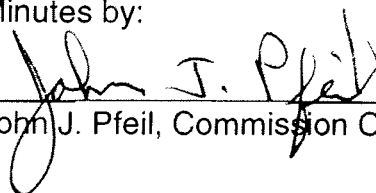
Approved:



Doug Bland, Chairman

Date 3/13/12

Minutes by:



John J. Pfeil, Commission Clerk