

**Minutes of the
NEW MEXICO MINING COMMISSION
Regular Meeting
March 2, 2015**

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

Chairman Heaton convened the New Mexico Mining Commission meeting at 9:00 AM, Monday, March 2, 2015, 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.

Roll call

Jane Tabor, Commission clerk, called the roll with the following results:

The following members were present:

John Heaton, Chair	Public Representative – Environment
Matthew Wunder	Department of Game and Fish
Virginia McLemore	NM Bureau of Geology and Mineral Resources
Mary Rose	Environment Department
Mike Johnson	Office of the State Engineer
Aubrey Dunn	State Land Office
Patrick Freeman	Public Representative – Industry
Roderick Ventura	Alternate for Public Representative - Environment
John Brack	Alternate for Public Representative – Industry
Sally Malavé	Commission Attorney

The following members were absent:

Steve Loring	NM Agricultural Experiment Station
Charlie Sanchez	NM Soil and Water Conservation Commission

Approval of the agenda

Chairman Heaton asked if there were any changes to the agenda; there were none. A motion to approve was made by Commissioner McLemore and seconded by Commissioner Rose. The motion passed unanimously.

Adoption of the minutes of the February 12, 2014, 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 Wunder. All commissioners voted in favor of adoption.

Consideration and Adoption of the Commission's 2015 Open Meetings Act Resolution

Chairman Heaton received confirmation from the Commission's attorney that there were no changes to the Commission's 2015 Open Meetings Resolution, as no changes were made to the Open Meetings Act during the 2014 legislative session. The voice vote to adopt was unanimous.

Action on Mining and Minerals Division's Petition for Rulemaking (15-01) regarding amending 19.10.12.1210(A)(1) NMAC (Release of Financial Assurance)

Chairman Heaton provided a synopsis of the petition to change the rule to allow for multiple financial assurance releases for any permitted mining operation to encourage reclamation, and the hearing

process that follows. MMD Director Fernando Martinez reported to the Commission that two meetings of the Director's Advisory Committee had occurred and all public comments had been considered. Mike Bowen of the New Mexico Mining Association stood in support of the rule change. Chairman Heaton asked for a motion to hold a hearing on the petition. Commissioner Freeman so moved; seconded by Commissioner McLemore. The voice vote was unanimous in favor of holding a hearing. Chairman Heaton asked for a motion to have the hearing before a full meeting of the Commission (rather than appoint a hearing officer). Commissioner McLemore so moved; seconded by Commissioner Dunn. The voice vote to adopt was unanimous. Because of hearing rule requirements, the hearing will not occur before a to-be-determined date in June, at the earliest.

The Mining Act Reclamation Program's 2013 annual report to the Commission

Program Manager Holland Shepherd and Senior Reclamation Specialist David J. Ennis presented the *2013 Annual Report of the Mining Act Reclamation Program* during which the Commission asked Mr. Shepherd and Mr. Ennis several questions regarding items contained in the report. Following the discussion, Chairman Heaton thanked them for their presentation.

Executive session 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

Chairman Heaton asked for a motion to adjourn to executive session for the limited purpose of discussing the status of the pending litigation identified on the agenda. Commissioner McLemore so moved; seconded by Commissioner Johnson. Commissioners Heaton, McLemore, Johnson, Rose, Dunn, Freeman and Wunder voted in favor; none were opposed. At 9:50 AM, the Commissioners entered executive session. Following a unanimous vote by Commissioners Heaton, McLemore, Johnson, Rose, Dunn, Freeman and Wunder, the executive session ended and the regular meeting reconvened at 10:05 AM. Chairman Heaton confirmed that the only matter discussed in executive session was the pending litigation identified in the motion to go into executive session, and that no decisions were made or votes taken.


Other Business

Chairman Heaton asked if there was any other business or old business. There was none.

Adjourn

Chairman Heaton adjourned the meeting at 10:07 AM.

Approved:


John Heaton, Chairman

Date 6/22/15

Minutes by:


Jane Tabor, Commission Clerk