

**MINUTES OF THE  
NEW MEXICO MINING COMMISSION  
REGULAR MEETING AND HEARING  
TUESDAY, MARCH 25, 2003**

The New Mexico Mining Commission meeting was convened at 9:08 am, March 25, 2003 in Porter Hall (Oil Conservation Division conference room) 1st floor of the Energy, Minerals and Natural Resources Department building located at 1220 South St. Francis Dr. in Santa Fe. The meeting and hearing were tape-recorded and the tapes are in the custody of the commission clerk.

The following members were present:

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|------------------------------|--|
| Gary King                    | Chairman and Public Representative             |
| Bob Rogers                   | State Engineer's Office                        |
| Ron Curry                    | Environment Department                         |
| Jim Barker for Peter Scholle | NM Bureau of Geology and Mineral Resources     |
| Larry Kehoe                  | State Land Office                              |
| Lisa Kirkpatrick             | Department of Game and Fish                    |
| Leroy Apodaca                | Public Representative                          |
| Steve Loring                 | Ex-Officio, NM Agricultural Experiment Station |
| Hank Saxe                    | Alternate                                      |
| Leroy Dugger                 | Alternate                                      |
| <br>                         |  |
| Sally Malavé                 | Commission Attorney                            |

The following members were absent:

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| J. R. Roybal | Designee, NM Soil and Water Conservation Comm. |
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**Roll call**

The Commissioners announce their own names.

**Approval of the agenda**

Mr. Rogers moves to approve the agenda, with second by Mr. Curry. Motion passes unanimously on a voice vote.

**Adoption of the minutes of the December 13/14, 2002 Meeting**

Mr. Rogers moves to adopt the minutes, with second by Mr. Kehoe. Motion passes unanimously on a voice vote.

**Introduction of new Commissioners; election of a new chairman/vice-chairman; plaque presentation to outgoing commissioners**

Mr. King acknowledges that new Commissioners have already introduced themselves and asks for a nomination for chairman. Mr. Rogers nominates Gary King as chairman, with second by

Mr. Curry. Mr. Kehoe moves to close the nomination, with second by Mr. Curry. Motion passes unanimously on a voice vote.

Chairman King nominates Ron Curry as vice-chairman, with second by Mr. Rogers. There is a motion to close the nomination, with second by Mr. Kehoe. Motion passes unanimously on a voice vote.

Plaques of recognition are presented by Chairman King to two of the outgoing commissioners who are present at the meeting, Terry Fletcher, former NMMC chairman and John Bartlit, former public representative. Mr. Fletcher's alternate, Pat Freeman and Mr. Bartlit's alternate, Bruce Thomson are not present but it is noted that plaques were prepared for them and would be forwarded. Mr Bartlit makes some brief comments on his tenure on the Commission.

### **Introduction of the new MMD Director**

Chairman King introduces Bill Brancard who states that he has presented Commission members with his resume.

### **Update on status of United Nuclear litigation**

Ted Apodaca in EMNRD's Office of General Counsel presents to the Commission with a history and an update on the UNC litigation. Mr. Rogers moves to adopt the resolution provided to the Commission accepting the UNC settlement, with second by Mr. Kehoe. Motion passes unanimously on a voice vote.

### **Report on legislative actions**

Bill Brancard states that there are no legislative actions to report.

### **Hearing, deliberation and action on MMD's Petition for Rulemaking (02-05) regarding annual fees**

Bill Brancard provides testimony on MMD's petition 02-05. Mr. Brancard's testimony includes a Powerpoint presentation. Note: Commission takes a 10-minute break from 10:35 A.M. to 10:45 A.M. When hearing resumes, Commissioners question Mr. Brancard.

Mike Bowen of the New Mexico Mining Association provides testimony on MMD's petition 02-05. Commissioners question Mr. Bowen.

Francisco Apodaca of Amigos Bravos reads a statement written by Harry Browne of the Gila Resources Information Project (GRIP).

Mr. Brancard requests that the Commission consider adopting the proposal as presented with one amendment – that the percentage in Section 202.A.5 be changed from 75% to 50%

Chairman King closes the hearing, reconvenes the regular meeting and opens the meeting for discussion by the commissioners.

Mr. Rogers moves to adopt petition 02-05 with amendment, with second by Ms. Kirkpatrick. Motion passes unanimously on a voice vote.

**Other business**

Mr. Brancard makes a statement to the Commission which includes an invite to the Commissioners to an upcoming financial assurance forum.

**Adjourn**

Mr. Rogers moves to adjourn, with second by Mr. Loring. Motion passes unanimously on a voice vote. Meeting adjourns at approximately 11:45 A.M.

Approved:

Minutes by:

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Gary King, Chairman                      Date

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John J. Pfeil, Commission Clerk