

**MINUTES OF THE
NEW MEXICO MINING COMMISSION REGULAR MEETING
June 17, 2002**

The New Mexico Mining Commission meeting was convened at 1:13 P.M., June 17, 2002 in Porter Hall (OCD) conference room on 1st floor of the Energy, Minerals and Natural Resources Department building located at 1220 South Saint Francis Drive in Santa Fe.

The following members were present:

Terry Fletcher	Chairman and Public Representative
Bob Rogers	State Engineer's Office
Larry Kehoe	State Land Office
Dinus Briggs	Ex-Officio, NM Agricultural Experiment Station
Bruce Thomson	Alternate
Sally Malave	Commission Attorney

The following members were absent:

Pete Maggiore	Vice Chairman, Environment Department
Tod Stevenson	Department of Game and Fish
Peter Scholle	NM Bureau of Mines and Mineral Resources
Pat Freeman	Alternate
John Bartlit	Public Representative
J. R. Roybal	Designee, NM Soil and Water Conservation Comm.

Announcements: Chairman Fletcher declares a quorum for purposes of conducting the meeting and introduces Sally Malave to the Commission.

Roll call

The Commissioners announce their own names.

Approval of the agenda

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

Adoption of the minutes of the December 14, 2001 Meeting and Hearing

After the Commission takes a moment to review the minutes, there is a motion by Mr. Kehoe to approve the minutes with second by Mr. Rogers. The motion passes unanimously on a voice vote.

Discussion and possible adoption of the Open Meetings Act Resolution

Motion by Mr. Rogers to approve the resolution, as provided. Second by Mr. Kehoe. Motion passes unanimously on a voice vote.

MMD update on the status of the draft rule on rulemaking

Doug Bland, MMD Director, discusses the status of the draft rule.

Discussion and setting of a hearing date for MMD and other's Petition for Rulemaking (02-01) relating to extending the deadline for certain applicants for closeout plan approval to no later than October 1, 2007.

After a brief introduction Chairman Fletcher requests that other joint petitioners join Director Bland at the table for their comments on the petition. Director Bland, on behalf of MMD, makes a statement and voices support for the petition. Dalva Moellenberg, on behalf of Phelps Dodge Tyrone, Inc., Chino Mines Company, and Cobre Mining Company makes a statement and voices support for the petition. Brian Lematta with the Rodey Law Firm, on behalf of the Citizens for Economic Growth and Environmental Protection, Inc. makes a statement and voices support for the petition. Doug Wolf with the New Mexico Environmental Law Center, on behalf of the Gila Resources Information Project, makes a statement and states that the petition is meritorious. After numerous questions by Commissioners of the petitioners, Ned Kendrick with the Montgomery and Andrews Law Firm, on behalf of LAC Minerals, makes a statement and voices support for the petition. A discussion of program funding for the extension period follows.

Chairman Fletcher asks for comments from the audience. Maxine Goad asks several questions of Director Bland and Chairman Fletcher.

Chairman Fletcher releases petitioners with the exception of Director Bland and asks for motions. Motion by Mr. Thomson to hold a hearing on the petition. Second by Mr. Rogers. Motion passes unanimously on a voice vote.

Selection of a hearing date follows. Director Bland provides the Commission with a table identifying time frames for various scenarios and provides his recommendation. Motion by Mr. Briggs to conduct the hearing on August 29th and 30th. Second by Mr. Kehoe. Mr. Pfeil states that Porter Hall is not available on the 30th but is available on the 28th and 29th. Chairman Fletcher calls for a vote on holding the hearing on August 29th and 30th. All in favor except Mr. Rogers. Ms. Malave informs Commission that the vote fails. Motion by Mr. Rogers to hold the hearing on August 28th and 29th. Second by Mr. Kehoe. Motion passes unanimously on a voice vote.

Motion by Mr. Thomson, amended after discussion, to direct MMD to change 19.10.5.501.E NMAC to extend the deadline for closeout plan approval from October 1, 2002 to November 1, 2002. Second by Mr. Rogers. Motion passes unanimously on a voice vote.

Other business

None.

Adjourn

Meeting adjourns at 2:37 P.M.

Approved:

Minutes by:

Terry Fletcher, Chairman

Date

John J. Pfeil, Commission Clerk