

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 2, 2008**

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

The New Mexico Mining Commission meeting was convened at 10:02 A.M., December 2, 2008 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:

Marcy Leavitt	Acting Chair, Environment Department
Andy Core	State Engineer's Office
John Bemis	State Land Office
Peter Scholle	NM Bureau of Geology and Mineral Resources
Matthew Wunder	Department of Game and Fish
Sally Malavé	Commission Attorney

The following members were absent:

Leroy Apodaca	Public Representative - Industry
Leroy Dugger	Alternate
Larry Winn	NM Soil and Water Conservation Comm.
Steve Loring	NM Agricultural Experiment Station

Roll call

The Commissioners announce their own names. Chairwoman Leavitt announces there is a quorum for the purpose on conducting the meeting.

Approval of the agenda

Chairwoman Leavitt asks if there are any changes to the agenda. Mr. Scholle moves to adopt the agenda as provided, with second by Mr. Bemis. Motion passes unanimously on a voice vote

Adoption of the minutes of the December 12, 2006 meeting

Chairwoman Leavitt asks if commissioners have had time to review the minutes and if there are any changes. Hearing none, Mr. Core moves to adopt the minutes as provided, with second by Mr. Wunder. Motion passes unanimously on a voice vote.

Discussion and setting of a hearing date on MMD's Petition for Rulemaking (08-02) regarding fees and exploration

Bill Brancard, Director of the Mining and Minerals Division provides a statement to the Commission on the need to set a hearing for MMD's petition 08-02. At the conclusion of the

presentation Chairwoman Leavitt asks about time frames associated with scheduling a hearing. At Director Brancard's prompting the clerk sets forth some dates for the Commission's consideration. After some discussion on a variety of topics including commissioner availability, holiday challenges, a reminder that the proposed date would occur during the legislative session, and a comment from Director Brancard that the petition had been reviewed by the Director's Advisory Committee and his expectation that there would not be a great deal of controversy at the hearing.

At the conclusion of the discussion, Chairwoman Leavitt asks for a motion on a hearing date on MMD petition 08-02. Mr. Bemis moves to set a hearing date on February 17, 2009 at 9 A.M. in Porter Hall, with second by Mr. Scholle. Motion passes unanimously on a voice vote.

Discussion and adoption of the Open Meetings Resolution

Ms. Malave suggests a revision to the existing resolution regarding the special meetings provision. After a short discussion there is a motion by Mr. Core to adopt the draft resolution with the suggested change with second by Mr. Wunder. Motion passes unanimously on a voice vote.

Other business:

Director Brancard updates the commission on the status of public commission members appointed by the governor; states that the Indian Affairs Committee has submitted a letter to the Governor requesting a Native American representative on the Commission; and introduces Charles Thomas, MMD's new Bureau Chief and Mark Smith in the Office of General Counsel who will be acting as MMD's attorney.

Adjourn

Mr. Wunder moves to adjourn, with second by Mr. Bemis. Motion passes unanimously on a voice vote. Meeting recesses at approximately 10:37 A.M.

Approved:

_____ Date _____
Marcy Leavitt, Chairman

Minutes by:

_____ _____
John J. Pfeil, Commission Clerk