

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING AND HEARING
THURSDAY, JANUARY 12, 2012**

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

The New Mexico Mining Commission meeting was convened at 9:00 AM, Thursday, January 12, 2012, in Porter Hall (1st floor of the Wendell Chino Building), Energy, Minerals and Natural Resources Department, located at 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.

The following members were present:

Doug Bland	Chairman, NM Bureau of Geology and Mineral Resources
Jim Davis	Vice Chair, Environment Department
Mike Johnson	Office of the State Engineer
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 Commission
Steve Loring	NM Agricultural Experiment Station

Roll call

John Pfeil, commission clerk, called the roll with the results provided above.

Approval of the agenda

Chairman Bland asked if there were any changes to the agenda; there were none. Mr. Roybal moved to adopt the agenda, with a second by Dr. Wunder. Motion passed unanimously.

Adoption of the minutes of the November 1, 2011, Meeting

Chairman Bland asked for a correction on Page 2 to change "Mr. Davis" to "Dr. Davis" for document consistency. Mr. Johnson moved to adopt the minutes as corrected, with a second by Dr. Davis. Motion passed unanimously.

Hearing, deliberation and possible action on MMD's Petition for Rulemaking (11-01) regarding fees

Fernando Martinez, Director of the Mining and Minerals Division, presented the petition to update the annual fee sunset provision from March 31, 2012, to December 31, 2013, so that fees may be collected up to December 31, 2013. The petition also adds language in a new section, 19.10.2.205 (and renumbering of the following portion related to Game and Fish to 19.10.2.206), to allow MMD to collect a late fee when a mine's annual facility-related fees are not paid by the annual due date of on or before April 30. Mr. Martinez said that no opposition to this proposed late fee has been received.

Mike Bowen, Executive Director of the New Mexico Mining Association, stood in support of the petition on behalf of the Mining Association.

Dr. Davis moved to approve the petition (with a numbering correction), with a second by Mr. Johnson. The roll call vote was unanimous in favor of approving the petition. This concluded the hearing portion of the meeting. The Commission's attorney shall prepare an order for the Chair's signature containing the Commission's statement of reasons for approving the petition and final order.

MMD's Mining Act Reclamation Program (MARP) annual report

Holland Shepherd, MARP program manager, led the presentation to the commissioners of the 2010 Mining Act Reclamation Program Annual Report that provides information on the mining industry in New Mexico from 2009 through 2010. He introduced other members of the program staff and was assisted in the presentation by David Ennis, David Otori and Chris Eustice. The report in its entirety is available on MMD's website: <http://www.emnrd.state.nm.us/MMD/MARP/Documents/AnnualMARP2010.pdf>.

Other business:

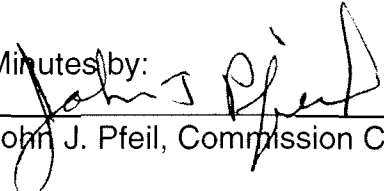
Mr. Martinez clarified that the number of mine sites to which he referred in his earlier presentation was higher than those Mr. Shepherd used in his presentation because Mr. Martinez's number included 2011 information while Mr. Shepherd's report included information for 2009 to 2010.

Adjourn

Chairman Bland adjourned the meeting at 10:45 AM.

Approved: 
Doug Bland, Chairman

Date 6/26/12

Minutes by: 
John J. Pfeil, Commission Clerk