

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
THURSDAY, MAY 23, 2013**

The New Mexico Mining Commission meeting convened at 9:04 AM, Thursday, May 23, 2013, 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
Thomas Skibitski	Environment Department
Mike Johnson	Office of the State Engineer
Larry Roybal	State Land Office
Matthew Wunder	Department of Game and Fish
Patrick Freeman	Public Representative - Industry
Sally Malavé	Commission Attorney

The following members were absent:

Vacant	Public Representative - Environment
Vacant	Alternate for Public Representative - Industry
Vacant	Alternate for Public Representative - Environment
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 asks if there are any changes to the agenda; there were none. Mr. Johnson moves to adopt the agenda, with a second by Mr. Roybal. Motion passes unanimously.

Adoption of the minutes of the June 26, 2012 meeting

Chairman Bland asks if there are any changes to the minutes; there were none. Dr. Wunder moves to adopt the minutes, with a second by Mr. Johnson. Motion passes unanimously.

Adoption of the Open Meetings Resolution

Chairman Bland asks Ms. Malave if there have been any changes to the resolution since the commission last adopted it. Ms. Malave states that changes passed in the legislature this year requires that the agenda must be posted on the agency's website 72 hours prior to the meeting and that the resolution now reflects those changes.

Chairman Bland asks if there are any changes to the resolution; there were none. Mr. Roybal moves to adopt the resolution, with a second by Dr. Wunder. Motion passes unanimously.

Determination of whether and when to set a hearing date on Mineris Vitae, LLC's Petition for Rulemaking (13-01) regarding amending 19.10.3 NMAC (Minimal Impact Operations)

Chairman Bland asks if commissioners have had an opportunity to review the petition and whether there are any questions or comments. Mr. Johnson asks about the flexibility to change the language in the rules and how much change is permitted. After some additional discussion Mr. Roybal moves to adopt the resolution, with a second by Dr. Wunder. Motion passes unanimously.

The Mining Act Reclamation Program's 2011 annual report to the Commission
Holland Shepherd and John Pfeil present the 2010-2011 report to the commission.

Litigation Update.

Held in executive session pursuant to NMSA 1978, section 10-15-1(H)(7), for the limited purpose of discussing pending litigation:

- (a) *Ree-Co Uranium, LP and Oliver Reese v. New Mexico Mining Commission and MMD, Cause No. DC-101-CV-201001206, and*
- (b) *MASE and Amigos Bravos v. New Mexico Mining Commission and MMD and Rio Grande Resources Corp., Cause No. D-101-CV-2012-02318*

Chairman Bland states for the limited purpose of discussing pending litigation that the commission will go into executive session. He asks for a motion. Mr. Johnson moves to go into executive session, with a second by Dr. Wunder. Motion passes unanimously.

The commission goes into executive session for approximately 40 minutes.


The commission comes out of executive session when Chairman Bland asks for a motion. Mr. Skibitski moves to come out of executive session, with a second by Mr. Roybal. Motion passes unanimously.

Other business.

There was no other business.

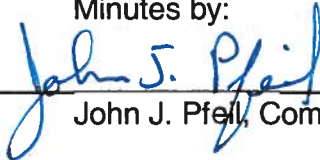
Adjourn

Chairman Bland asks if there are any additional items to be discussed; there were none. Mr. Johnson moves to adjourn, with a second by Mr. Skibitski. Motion passes unanimously. The commission adjourns at approximately 11:30 AM.

Approved:


Doug Bland, Chairman

Date 7-17-13

Minutes by:


John J. Pfeil, Commission Clerk