

**DRAFT  
MINUTES OF THE  
NEW MEXICO MINING COMMISSION  
REGULAR MEETING  
Wednesday, January 12, 2022**

Temporary Chairman Matthew Wunder convened the WebEx Event meeting of the New Mexico Mining Commission (NMMC) at 9:06 AM, Wednesday, January 12, 2022. The meeting was recorded, and the digital files are in the custody of the Commission administrator.

**Roll call**

Commission administrator Jane Tabor called the roll:

Members present:

Virginia McLemore	Bureau of Geology and Mineral Resources
Ghassan Musharrafieh	Office of the State Engineer
Matthew Wunder	Department of Game and Fish
Jack Yates	State Land Office
Kathleen Sanchez	Alternate for Public Representative – Environment
Erich Bower	Public Representative – Industry
Leslie Edgar	New Mexico Agricultural Experiment Station
Paul Gill	Alternate for Public Representative – Industry

Note: Due to technical difficulties, Commissioner Sanchez did not join the meeting as a panelist until 9:37.

Members absent:

James Kenney	Environment Department
Roderick Ventura	Public Representative – Environment
Dusty Hunt	New Mexico Soil and Water Conservation Commission

Others Present:

Sally Malavé	Commission Attorney
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**Approval of the agenda**

Temporary Chair Wunder asked for any changes to the agenda; there were none. Commissioner McLemore moved to adopt the agenda; seconded by Commissioner Bower. Voting to approve: Commissioners McLemore, Musharrafieh, Yates, Wunder, and Bower.

**Selection of the Chair**

Temporary Chair Wunder opened nominations for Chair. Commissioner McLemore nominated Commissioner Wunder. No other nominations were made and Commissioner McLemore moved to close nominations; seconded by Commissioner Bower. Voting to approve: Commissioners McLemore, Musharrafieh, Yates, Wunder, and Bower.

### **Adoption of the minutes of the July 23, 2018, meeting**

Chair Wunder asked for any changes to the minutes; there were none. Commissioner McLemore moved to adopt the minutes; seconded by Commissioner Gill. Voting to approve: Commissioners McLemore, Yates, Wunder, Bower; Commissioner Musharrafieh abstained.

### **Discussion and adoption of the Open Meetings Resolution**

Sally Malavé, Assistant Attorney General and Counsel to the Mining Commission since 2002, provided the overview of the Open Meetings Act and a brief explanation of commissioners' duties. Commissioner Bower asked for more information about the "imminent threat" reference in the resolution. Ms. Malavé explained that that bar is very high and she could not foresee anything that would rise to that level. Commissioner McLemore moved to adopt the Open Meetings Resolution; seconded by Commissioner Bower. Voting to approve: Commissioners McLemore, Musharrafieh, Wunder, and Bower. Commissioner Yates experienced technical difficulties and was not able to vote.

### **Mining Act Reclamation Program's (MARP) presentation of its annual report**

DJ Ennis, MARP Senior Reclamation Specialist, presented the information from the MARP annual report, and pointed out that it is also available on the website. Commissioner McLemore noted that MARP permit information should be easier to find on the new EMNRD website. The Commission thanked Mr. Ennis for the report.

### **Executive Session (Closed to the Public)**

Pursuant to NMSA 1978, Section 10-15-1(H)(3) – deliberations by a public body in connection with an administrative adjudicatory proceeding (Discussion/Action): In the Matter Of: Petition for Review by Permittee W.W. Mining and Production and Wade White of the Director's Order Issues October 1, 2021 (Docket No. 2021-01)

Charles Lakins, attorney for the operator, briefly explained the petition on behalf of the petitioner and that a settlement had been reached with MARP. Commissioner McLemore moved to adjourn to executive session; seconded by Commissioner Bower. Voting to approve: Commissioners McLemore, Musharrafieh, Wunder, Bower, and Sanchez. Commissioner Yates experienced technical difficulties and was not able to vote. The commissioners adjourned to a separate WebEx Event executive session at 9:56 AM. At 10:43 AM commissioners rejoined the regular meeting. Commissioner McLemore moved to return from executive session; seconded by Commissioner Bower. All commissioners voted to approve: McLemore, Musharrafieh, Yates, Wunder, Bower, and Sanchez. Chair Wunder confirmed that the only matter discussed in executive session was the petition identified in the motion to go into executive session and that commissioners voted to approve the Order of Dismissal Based on Settlement.

### **Other business**

Chair Wunder asked if there was any other business; there was none.

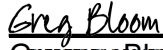
## Adjourn

Chair Wunder asked for a motion to adjourn the meeting. Commissioner McLemore so moved; seconded by Commissioner Bower. All commissioners voted in favor (McLemore, Musharrafiéh, Yates, Wunder, Bower, and Sanchez). The meeting was adjourned at 10:47 AM.

Approved:

Minutes by:

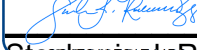
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Gregory Bloom, Chair

Date 1/10/2024

DocuSigned by:



Stephanie J. Rodriguez, Commission  
Administrator