

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 14, 2004**

The New Mexico Mining Commission meeting was convened at 10:02 A.M., January 14, 2004 in Porter Hall (Oil Conservation Division conference room) 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:

Gary King	Chairman and Public Representative
Bob Rogers	State Engineer's Office
Derrith Watchman-Moore for Ron Curry	Environment Department
John Bemis	State Land Office
Lisa Kirkpatrick	Department of Game and Fish
Leroy Apodaca	Public Representative
Hank Saxe	Alternate
Sally Malavé	Commission Attorney

The following members were absent:

Peter Scholle	NM Bureau of Geology and Mineral Resources
Steve Loring	Ex-Officio, NM Agricultural Experiment Station
J. R. Roybal	Designee, NM Soil and Water Conservation Comm.
Leroy Dugger	Alternate

Roll call

The Commissioners announce their own names.

Approval of the agenda

Chairman King asks if there are any changes to the agenda; hearing none and with no opposition the agenda is approved.

Adoption of the minutes of the September 18/19 and November 17, 2003 (continuation) meeting/hearing

Chairman King asks if there are any changes to the minutes; hearing none and with no opposition the minutes are approved.

Discussion and adoption of the NMMC's Draft Open Meetings Resolution

After a short discussion on changes from the previous version, and on draft agenda timeframes, there is a motion by Mr. Rogers to adopt the draft resolution, second by Mr. Apodaca. Motion passes unanimously on a voice vote.

Determination of whether and when to set a hearing date on the Sierra Club’s petition for rulemaking (03-02) regarding financial assurance

Dal Moellenberg comments on Phelps Dodge objections to petition 03-02.

The petitioner, Cliff Larsen of the Sierra Club, provides a presentation on petition 03-02.

After discussion, there is a motion by Mr. Apodaca to not hold a hearing on petition 03-02, second by Mr. Rogers. Ms. Watchman-Moore comments on the good working relationship of the parties who provided input on petition 03-01. Motion passes unanimously on a voice vote.

Other business: MMD Division Director Bill Brancard provides a short presentation on: the Mining Act Reclamation Program annual report; EMNRD’s annual natural resources report; the status of Phelps Dodge permits; legislative news relating to mining issues; and the status of the Molycorp rockpile situation.

Adjourn

Mr. Apodaca moves to adjourn, with second by Mr. Rogers. Motion passes unanimously on a voice vote. Meeting recesses at approximately 11:08 A.M.

Approved:

Minutes by:

Gary King, Chairman

Date

John J. Pfeil, Commission Clerk