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            Environment Department
for Ron Curry                     
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.