

**DRAFT MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING AND HEARING
TUESDAY, FEBRUARY 17, 2009**

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

The New Mexico Mining Commission meeting was convened at 9:05 A.M., February 17, 2009 in Porter Hall 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 audio recorded and the CDs are in the custody of the commission clerk.

The following members were present:

Jon Goldstein	Chair, Environment Department
Andy Core	State Engineer's Office
John Bemis	State Land Office
Peter Scholle/Doug Bland (Dr. Scholle 9:05-12:15)	NM Bureau of Geology and Mineral Resources
Matthew Wunder	Department of Game and Fish
Leroy Dugger	Industry Alternate
Sally Malavé	Commission Attorney

The following members were absent:

Leroy Apodaca	Public Representative - Industry
Steve Loring	NM Agricultural Experiment Station

Roll call

The Clerk takes the roll call. Attendance is as shown above.

Approval of the agenda

Commissioner Goldstein asks if there are any changes to the agenda. Dr. Scholle moves to adopt the agenda as provided, with second by Mr. Core. Motion passes unanimously on a voice vote.

Election of chairman and other officers

There is a statement by Jon Goldstein, Deputy Secretary of the Environment Department stating that NMED is willing to Chair the commission meetings. There is a motion by Dr. Scholle to nominate Mr. Goldstein/NMED to Chair the commission meetings with second by Mr. Dugger. Motion passes unanimously on a roll call vote.

Adoption of the minutes of the December 02, 2008 meeting

Chairman Goldstein asks if commissioners have had time to review the minutes and if there are any changes. Hearing none, Mr. Scholle moves to adopt the minutes as provided, with second by Dr. Wunder. Motion passes unanimously on a voice vote.

Hearing, deliberation and action on MMD’s Petition for Rulemaking (08-02) regarding fees and exploration

There is a discussion about the Acoma, Amigos Bravos, and Gila Resources Information Project’s (GRIP) notice of intent (NOI). There is a motion by Mr. Core to strike those portions of the NOI that were not noticed properly, with a second by Mr. Dugger. After some discussion there is a modified motion by Mr. Core with a second by Dr. Scholle to strike those portions of the GRIP’s motion to consider section 19.10.3.302L NMAC and all of Part 12. The motion passes unanimously on a roll call vote.

Bill Brancard testifies as to the merits of the MMD Petition. He asks that the MMD petition be considered in two parts: the fees portion (Part 2) because the fees sunset at the end of March; and secondly, the proposed changes to the minimal impact (Part 3), exploration (Part 4) and financial assurance (Part 12).

Mr. Brancard’s testimony is followed by some questions from the Commissioners.

Mr. Brancard is then cross-examined by Mr. Eric Jantz with the Environmental Law Center, Ms. Tracy Hughes with the New Mexico Environment, and by Mr. Stuart Butzier with the Modrall Sperling Law Firm.

This is followed by statements from the audience including John Clemmar (private consultant), Terry Fletcher (President – New Mexico Mining Association), Michael Neumann (Neutron Energy), Dan Lorimer (Sierra Club), Brian Shields (Amigos Bravos) and Susan Robinson (concerned citizen).

Following a discussion on Part 2 – Fees there is a motion by Mr. Bemis to adopt changes to MMD language to some of the fee provisions, with a second by Mr. Dugger. Motion fails on a 3-3 tie after a roll call vote (Goldstein - no, Bland - no, Wunder – no, Core – yes, Bemis – yes, Dugger – yes). Motion by Mr. Bland to accept the language as provided by MMD, with a second by Mr. Wunder. Motion passes 4-2 on a roll call vote (Goldstein - yes, Bland - yes, Wunder – yes, Core – yes, Bemis – no, Dugger – no).

Mr. Jantz asks whether the Environmental Law Center and their witness Dr. Abaitz can testify telephonically since they are next. After a discussion it was thought he should be able to do so.

The hearing record is left open but the hearing was adjourned at 3:02 PM. to be continued on March 23, 2009 at 9 A.M. All other business on this agenda was delayed until the March 23, 2009 meeting and hearing.

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

Adjourn

The meeting is adjourned at 3:02P.M.

Approved:

Minutes by:

_____ Date _____
Jon Goldstein, Chair

_____ _____
John J. Pfeil, Commission Clerk