

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
MONDAY, MARCH 15, 2010**

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

The New Mexico Mining Commission meeting was convened at 1:00 P.M. March 15, 2010 in Porter Hall on the first 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 audio files are in the custody of the commission clerk.

The following members were present:

Marcy Leavitt	Acting Chair, Environment Department
John Bemis	State Land Office
Doug Bland	NM Bureau of Geology and Mineral Resources
Matthew Wunder	Department of Game and Fish
Richard Mohr	Public Representative – Industry
Curtis Francisco	Public Representative – Environment Alternate

Sally Malavé	Commission Attorney
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The following members were absent:

Jeremy Vesbach	Public Representative – Environment
Vacant	State Engineer's Office
Charlie Sanchez	NM Soil and Water Conservation Comm.
Steve Loring	NM Agricultural Experiment Station
John Hughes	Industry Alternate

Further deliberation on Petition 09-01

Commissioner Mohr moves that the Commission go into Executive Session to further deliberate on Petition 09-01. The Motion is seconded by Commissioner Bland. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – Yes, Francisco – yes).

Decision on Petition 09-01

Commissioner Bemis starts to read a statement and moves, as a preliminary matter, that the Commission come out of executive session and that the minutes reflect that the only matter discussed in executive session was the record in the proceeding titled Petition 09-01 – In the Matter of the Petition for Review of the Director's Action General

Permit No. MK001DRY1. The Motion is seconded by Commissioner Bland. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – Yes, Francisco – yes).

Commissioner Bemis continues reading the statement and moves that the Commission vote to affirm conditions 2, 3, 5, and 10 as reasonable and not beyond the requirements of 19.10.3.301. The Motion is seconded by Commissioner Mohr. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – Yes, Francisco – yes).

Commissioner Bemis also moves that the Commission affirm as reasonable and not an abuse of discretion, the Director’s determination that Ree-Co’s proposed deep drilling activity is a “minimal impact mining operation,” and the Director’s determination that Ree-Co’s proposed deep drilling activity should be processed under a minimal impact exploration (302) permit or a regular exploration (402) permit. The Motion is seconded by Commissioner Wunder. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – yes, Francisco – yes).

After reading more of the statement Commissioner Bemis moves that the Commission vote to reject Ree-Co’s claim that the General Mining Law of 1872 preempts the Director from applying the Mining Act and Mining Commission regulations to Ree-Co’s proposed operation. The Motion is seconded by Commissioner Mohr. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – yes, Francisco – yes).

Commissioner Bemis also states that in accordance with NMAC 19.10.14.1441(C), he moves that the Commission direct its counsel in this proceeding to prepare a written order memorializing the Commission’s decision announced today within 45 days from today’s date. He further moved that the Commission schedule a meeting soon thereafter for the purpose of approving the written order. The Motion is seconded by Commissioner Mohr. **Motion passes unanimously on a roll call vote 6-0** (Leavitt - yes, Bemis - yes, Bland – yes, Wunder – yes, Mohr – yes, Francisco – yes).

The Commission set the next meeting for May 3rd, 2010. The meeting was adjourned about 1:45 PM.

Approved:

Minutes by:

Marcy Leavitt, Chair

Date _____

John J. Pfeil, Commission Clerk