

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 28, 2005**

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

The New Mexico Mining Commission meeting was convened at 10:00 A.M., September 28, 2005 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 tape-recorded and the tapes are in the custody of the commission clerk.

The following members were present:

| | |
|------------------------|------------------------------------|
| Gary King | Chairman and Public Representative |
| Andy Core | State Engineer's Office |
| Derrith Watchman-Moore | Environment Department |
| John Bemis | State Land Office |
| Lisa Kirkpatrick | Department of Game and Fish |
| Leroy Apodaca | Public Representative |

The following members were absent:

| | |
|---------------|--|
| Peter Scholle | NM Bureau of Geology and Mineral Resources |
| Lee Winn | NM Soil and Water Conservation Comm. |
| Steve Loring | NM Agricultural Experiment Station |
| Hank Saxe | Alternate |
| Leroy Dugger | Alternate |
| Sally Malavé | Commission Attorney |

Roll call

The Commissioners announce their own names.

Approval of the agenda

No changes to the agenda are made.

Adoption of the minutes of the December 15, 2004 meeting

Chairman King asks if there are any changes to the minutes. Mr. Apodaca moves to adopt the minutes as provided, with second by Mr. Bemis. Motion passes unanimously on a voice vote.

Discussion and setting of a hearing date on MMD's Petition for Rulemaking (05-01) regarding annual fees

Bill Brancard, Director of the Mining and Minerals Division, provides a presentation to the Commission on MMD's petition 05-01. At the conclusion of the presentation Chairman King asks first the audience, then the commission, whether there are any objections to waiving the commission's guidelines for rulemaking to allow for a 30-day legal notice consistent with the statute rather than the 60-day period under the guidelines. Chairman King explains this will allow for a mid-November hearing date rather than having the hearing occur between the busy Thanksgiving to Christmas holiday season.

Hearing no objection Chairman King asks for a motion. Mr. Bemis moves to waive the notice requirements in the guidelines to allow for a 30-day notice period consistent with the statute, with second by Mr. Apodaca. Motion passes unanimously on a voice vote.

Chairman King suggests a hearing date on MMD petition 05-01 of November 16, 2005. Mr. Core moves to set a hearing date on November 16, 2005 at 9 A.M. in Porter Hall, with second by Ms. Watchman-Moore. Motion passes unanimously on a voice vote.

Other business

None.

Adjourn

Mr. Apodaca moves to adjourn, with second by Mr. Core. Motion passes unanimously on a voice vote. Meeting recesses at approximately 10:33 A.M.

Approved:

Minutes by:

Gary King, Chairman

Date

John J. Pfeil, Commission Clerk