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                John J. Pféil, Commission Clerk

Date