

**MINUTES OF THE
NEW MEXICO MINING COMMISSION
REGULAR MEETING AND HEARING
WEDNESDAY, NOVEMBER 16, 2005**

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

The New Mexico Mining Commission meeting was convened at 9:08 A.M., November 16, 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
John Bemis	State Land Office
Peter Scholle	NM Bureau of Geology and Mineral Resources
Lisa Kirkpatrick	Department of Game and Fish
Steve Loring	NM Agricultural Experiment Station
Leroy Apodaca	Public Representative
Hank Saxe	Alternate
Sally Malavé	Commission Attorney

The following members were absent:

Derrith Watchman-Moore	Environment Department
Lee Winn	NM Soil and Water Conservation Comm.
Leroy Dugger	Alternate

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 September 28, 2005 meeting

Chairman King asks if there are any changes to the minutes. Hearing none Mr. Apodaca moves to adopt the minutes as provided, with second by Ms. Kirkpatrick. Motion passes unanimously on a voice vote.

Hearing and deliberation on MMD's petition for rulemaking (05-01) regarding annual fees

MMD Division Director Bill Brancard provides testimony on MMD's petition 05-01. Mr. Brancard's testimony includes a PowerPoint presentation. Commissioners ask several questions.

Chairman King asks if anyone in the audience has any comments. Ned Kendrick with Molycorp and Brian McGill with Rio Grande Portland Cement comment on the petition.

Chairman King states that by approving the petition the Commission is finding that the request is reasonable, necessary for the continuation of the Mining Act Reclamation Program (MARP), and that it is consistent with the Mining Act.

Motion by Mr. Scholle to approve Petition 05-01 as presented, second by Mr. Loring. Motion passes unanimously on a voice vote.

Discussion and adoption of the NMMC's Draft Open Meetings Resolution

Chairman King asks the commission clerk whether the resolution is the same as that approved the previous year; the clerk affirms that it is. Motion by Mr. Apodaca to adopt the draft resolution, second by Mr. Core. Motion passes unanimously on a voice vote.

Mining Act Reclamation Program annual report

Bill Brancard states that Karen Garcia, MMD Bureau Chief, will provide the presentation. Ms. Garcia provides the annual report of the Mining Act Reclamation Program with a PowerPoint presentation and a discussion of program activities for calendar year 2005. Commissioners ask several questions. In addition to the presentation Commissioners are provided a hardcopy of the report.

Other business

legislative update: Director Brancard provides a short discussion on legislative news relating to mining issues.

litigation update: Director Brancard states that there is no pending litigation to discuss

Adjourn

Mr. Bemis moves to adjourn, with second by Mr. Apodaca. Motion passes unanimously on a voice vote. Meeting recesses at approximately 10:34 A.M.

Approved:

Minutes by:

Gary King, Chairman

Date

John J. Pfeil, Commission Clerk