The New Mexico Mining Commission meeting was convened at 10:02 A.M., December 2, 2008 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:

- Marcy Leavitt     Acting Chair, Environment Department
- Andy Core    State Engineer’s Office
- John Bemis    State Land Office
- Peter Scholle NM Bureau of Geology and Mineral Resources
- Matthew Wunder Department of Game and Fish
- Sally Malavé Commission Attorney

The following members were absent:

- Leroy Apodaca   Public Representative - Industry
- Leroy Dugger Alternate
- Larry Winn    NM Soil and Water Conservation Comm.
- Steve Loring   NM Agricultural Experiment Station

**Roll call**
The Commissioners announce their own names. Chairwoman Leavitt announces there is a quorum for the purpose on conducting the meeting.

**Approval of the agenda**
Chairwoman Leavitt asks if there are any changes to the agenda. Mr. Scholle moves to adopt the agenda as provided, with second by Mr. Bemis. Motion passes unanimously on a voice vote.

**Adoption of the minutes of the December 12, 2006 meeting**
Chairwoman Leavitt asks if commissioners have had time to review the minutes and if there are any changes. Hearing none, Mr. Core moves to adopt the minutes as provided, with second by Mr. Wunder. Motion passes unanimously on a voice vote.

**Discussion and setting of a hearing date on MMD’s Petition for Rulemaking (08-02) regarding fees and exploration**
Bill Brancard, Director of the Mining and Minerals Division provides a statement to the Commission on the need to set a hearing for MMD’s petition 08-02. At the conclusion of the
Chairwoman Leavitt asks about time frames associated with scheduling a hearing. At Director Brancard’s prompting the clerk sets forth some dates for the Commission’s consideration. After some discussion on a variety of topics including commissioner availability, holiday challenges, a reminder that the proposed date would occur during the legislative session, and a comment from Director Brancard that the petition had been reviewed by the Director’s Advisory Committee and his expectation that there would not be a great deal of controversy at the hearing.

At the conclusion of the discussion, Chairwoman Leavitt asks for a motion on a hearing date on MMD petition 08-02. Mr. Bemis moves to set a hearing date on February 17, 2009 at 9 A.M. in Porter Hall, with second by Mr. Scholle. Motion passes unanimously on a voice vote.

**Discussion and adoption of the Open Meetings Resolution**
Ms. Malave suggests a revision to the existing resolution regarding the special meetings provision. After a short discussion there is a motion by Mr. Core to adopt the draft resolution with the suggested change with second by Mr. Wunder. Motion passes unanimously on a voice vote.

**Other business:**
Director Brancard updates the commission on the status of public commission members appointed by the governor; states that the Indian Affairs Committee has submitted a letter to the Governor requesting a Native American representative on the Commission; and introduces Charles Thomas, MMD’s new Bureau Chief and Mark Smith in the Office of General Counsel who will be acting as MMD’s attorney.

**Adjourn**
Mr. Wunder moves to adjourn, with second by Mr. Bemis. Motion passes unanimously on a voice vote. Meeting recesses at approximately 10:37 A.M.

Approved: ____________________________ Date ____________
Marcy Leavitt, Chairman

Minutes by: _____________________________
John J. Pfeil, Commission Clerk