

COAL SURFACE MINING COMMISSION MEETING

January 22, 1993

AGENDA

1. Roll Call.
2. Approval of the agenda.
3. Review of the minutes of the April 24, 1992, Coal Surface Mining Commission Meeting.
4. Discussion of provision of summary of meetings for interested persons.
5. Discussion of regulatory changes reviewed and approved by OSM for promulgation by the Commission:
 - a. NM 021
 - b. Corrections to Amendment 7 and 15, typographic errors, omissions, and duplications.
6. Public Meeting (to replace PPC meeting) to discuss proposed regulation changes for formal submittal to OSM:
 - a. Proposed rule change to Phase I bond release timetable to allow sufficient time for MMD review after close of comment period, Section 14-40.
 - b. Proposed rule change - Chapter 0, Sections 34-1 through 10.
7. Status of retyping of Rule 80-1 to upgrade to modern software and allow easier incorporation of changes.
8. Need for commissioners to fill out conflict of interest forms for CY 1993.
9. Other Business.
10. Adoption of opening meeting policy.

The commission is not confined to the items listed on the Agenda. Other items may be considered that are not listed on the Agenda.

NEW MEXICO COAL SURFACE MINING COMMISSION MEETING

JANUARY 22, 1993

MINUTES

The New Mexico Coal Surface Mining Commission Meeting was held on January 22, 1993 at 9:00a.m. in Santa Fe, New Mexico at the Energy, Minerals and Natural Resources Department Conference Room on Pacheco Street with the following members present:

Mr. Robert Q. Rogers, Jr.	Chairperson, State Engineer's Dept.
Dr. Charles Chapin	Bureau of Mines and Mineral Resources
Mr. Jon Klingel	Department of Game & Fish
Mr. David Vacker	Environment Department
Mr. Walter Hisenberg	Soil and Water Conservation Comm.
Mr. Geoff Webb	Public Lands Commissioner
Mr. Frank Murray	NM Attorney General's Office

Also present were:

Lisa Danner-Suggs/Court Rpt.	Cumbre Court Reporting
Carol Leach	EMNRD
Lyn Hebert	EMNRD
Rhea Graham	EMNRD/MMD
Bill Sanderford	EMNRD/MMD
Barry Bailey	EMNRD/MMD
Robert Russell	EMNRD/MMD
Rade Orell	OSM/Albuq. Office
Vernon Maldonado	OSM/Albuq. Office
Dan Shenck	San Juan Mine

Chairman Robert Rogers called the meeting to order at 9:10 a.m.

- Item 1: Roll Call
Roll call was taken by Robert Rogers.
- Item 2: Approval of the agenda.
Motion to accept the agenda by: Mr. Vacker
Seconded by: Mr. Klingel
(MOTION PASSED)

Item 3: Review of the minutes of the April 24, 1992 Coal Surface Mining Commission Meeting.

Motion to accept by: Mr. Hisenberg
Seconded by: Mr. Klingel
(MOTION PASSED)

Item 4: Discussion of provision of summary of meetings for interested persons.

Robert Russell didn't think they had any interested parties.

Item 5: Discussion of regulatory changes reviewed and approved by OSM for promulgation by the Commission.

5a. OSM Designation NM Sec. 20-42 (wording coal mine operation) being changed.

The wording, "coal mining operations" is being deleted and replaced by mining activities "surface mining activities and underground mining activities."

Motion to accept by: Mr. Vacker
Seconded by: Mr. Hisenberg

5b. Corrections to Amendments 7 and 15 of CSMC Rule 80-1

Moved for adoption of the complete set by: Mr. Webb
Seconded by: Mr. Hisenberg
(MOTION PASSED)

Item 6: Public Meeting (to replace PPC meeting) to discuss proposed regulation changes for formal submittal to OSM:

6a. Proposed rule change to Phase I bond release timetable to allow sufficient time for MMD review after close of comment period, Section 14-40.

(Proposed Rule Change) proposing to move from 60 to 90 days.

Motion to accept by: Mr. Klingel
Seconded by: Mr. Chapin
(MOTION PASSED)

6b. Proposed rule change - Addition of Chapter 0, Sections 34-1 through 10.

Motion to be forwarded by: Mr. Webb
Seconded by: Mr. Vacker

Item 7: Status of retyping of Rule 80-1 to upgrade to modern software and allow easier incorporation of changes.

Item 8: Need for commissioners to fill out conflict of interest forms for CY 1993.

Item 9: Other Business:
Request M&M Division to prepare a certification of appreciation to be presented to Don Wolberg who served on the Commission for nearly 13 years.
Moved by: Mr. Vacker
Seconded by: Mr. Klingel
(MOTION PASSED)

Item 10: Adoption of opening meeting policy.

Mr. Webb moved to adjourn.

Mr. Klingel second.

Motion passed.

The New Mexico Coal Surface Mining Commission meeting adjourned at 9:50 a.m.

OPEN MEETING NOTICE RESOLUTION

WHEREAS, N.M. Stat. Ann. Section 10-15-1(c)-(1987 Repl.Pamp.) requires the New Mexico Coal Surface Mining Commission to determine annually what notice shall be reasonable for a public meeting of the commission held for the purpose of considering rules and regulations or taking any action within the delegated authority of the Commission.

NOW THEREFORE, BE IT RESOLVED this 22nd day of January, 1993,
by the Coal Surface Mining Commission that:

1. Notice of rulemaking hearing shall be published at least thirty (30) days prior to the hearing date in a newspaper of general circulation in the State and in the New Mexico Register.
2. Notice of rulemaking hearing shall be mailed at least thirty (30) days prior to the hearing date to all persons who have made written request for advance notice of hearings and whose names and addresses are on a mailing list maintained by the Mining and Minerals Division.
3. Notice of hearing upon appeal of a decision of the Director of the Mining and Minerals Division shall be given to the appealing party by mail at least twenty (20) days prior to the hearing. Public notice of hearing shall be published in a newspaper of general circulation within the State at least ten (10) days prior to the hearing.
4. Notice of other meetings of the Commission not covered by paragraphs 1,2 and 3 above shall be given by publishing notice in a newspaper of general circulation at least three (3) days prior to the meeting.

NEW MEXICO COAL SURFACE
MINING COMMISSION

Robert Rogers, CHAIRMAN