

COAL SURFACE MINING COMMISSION

RULEMAKING HEARING AND PUBLIC MEETING
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
2040 SOUTH PACHECO, SANTA FE, NEW MEXICO

APRIL 24, 1992 - 9:00AM

MINUTES

APPEARANCES:

Mr. Robert Q. Rogers
Mr. Frank A. Murray
Mr. Walt Hisenberg
Mr. David Vackar
Mr. Jon Klingel
Dr. Donald L. Wolberg
Dr. Dinus M. Briggs
Ms. Jamie Bailey
Ms. Lyn S. Hebert
Ms. Rhea Graham
Mr. Robert Russell
Mr. Barry Bailey

Mr. Rogers called the Coal Commission meeting to order.

Motion: To consider the open meetings resolution for 1992.
Made by: Mr. Vacker
Seconded by: Mr. Klingel
Action Taken: Open Meeting Resolution is adopted.

Motion: To adopt, Section 1.5 as amended
Made by: Mr. Wolberg
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 1.5 were adopted by the Commission

Motion: To accept Section 2-11 and 2-12
Mr. Klingel: So moved
Seconded by: Mr. Wolberg
Action Taken: Amendments to Section 2-11 and 2-12 were adopted by the Commission

Motion: Motion to accept new language for Section 4-13(b)(c)
Made by: Mr. Rogers
Mr. Wolberg: So moved
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 4-13(b)(c) were adopted by the Commission

Motion: To adopt Sections 6-10, 6-11, 6-12, and 6-13
Made by: Mr. Rogers
Mr. Vackar: Moved to adopt changes
Seconded by: Mr. Hisenberg
Action Taken: Amendments to Sections 6-10, 6-11, 6-12, and 6-13 were adopted by the Commission

Motion: To adopt Sections 14.15, and 16
Made by: Mr. Rogers
Mr. Klingel: So moved
Seconded by: Mr. Vackar
Action Taken: Amendments to Sections 14.15 and 16 were adopted by the Commission

Motion: To accept Section 8-24
Made by: Mr. Rogers
Mr. Vackar: Motion to accept
Seconded By: Mr. Wolberg
Action Taken: Amendments to Section 8-24 were adopted by the Commission

Motion: To accept Section 8-27
Made by: Mr. Rogers
Mr. Wolberg: So moved
Seconded by: Mr. Klingel

Action Taken: Amendments to Section 8-27 were adopted by the Commission

Motion: To amend Section 9-13 and 9-14

Made by: Mr. Rogers

Mr. Vackar: So moved

Seconded by: Mr. Hisenberg

Action Taken: Amendments to Sections 9-13 and 9-14 amended, were adopted by the Commission

Motion: Motion To Adopt Sections 9-21 and 9-21(b)(4)

Made by: Mr. Rogers

Mr. Wolberg: So moved

Seconded by: Mr. Klingel

Action Taken: Amendments to Section 9-21 and 9-21(b)(4) were adopted by the Commission

Motion: To Adopt Section 10-13

Made by: Mr. Rogers

Mr. Wolberg: So moved

Seconded by: Mr. Hisenberg

Action Taken: Amendments to Section 10-13 were adopted by the Commission

Motion: To Adopt Section 10-17

Made by: Mr. Rogers

Mr. Vackar: So moved

Seconded by: Mr. Klingel

Action Taken: Amendments to Section 10-17 were adopted by the Commission

Motion: To Adopt Section 11-11

Made by: Mr. Rogers

Mr. Klingel: So moved

Seconded by: Ms. Bailey

Action Taken: Amendments to Section 11-11 were adopted by the Commission

Motion: To Adopt Section 11-27

Made by: Mr. Rogers

Mr. Wolberg: So moved

Seconded by: Mr. Hisenberg

Action Taken: Amendments to Section 11-27 were adopted by the Commission

Motion: To correct pages 113 and 114, Sections 13-11 and 13-12.

Made by: Mr. Rogers

Mr. Klingel: So moved

Seconded by: Mr. Hisenberg

Action Taken: Carried

Motion: That if there are any typos that they be put in the form of a formal motion.
Made by: Mr. Hisenberg
Seconded by: Mr. Klingel
Action Taken: All in favor

Motion: Adopt Section 13-18
Made by: Mr. Rogers
Seconded by: Mr. Vackar
Action Taken: Amendments to Section 13-18 were adopted by the Commission

Motion: To adopt pages 151 and 152 and this is included in Section 20-11.
Made by: Mr. Rogers
Seconded by: Mr. Wolberg
Action Taken: Carried

Motion: To adopt Section 20-41
Made by: Mr. Rogers
Mr. Klingel: So moved
Seconded by: Mr. Wolberg
Action Taken: Amendments to Section 20-41 were adopted by the Commission

Motion: To adopt Section 20-43
Made by: Mr. Rogers
Mr. Vackar: So moved
Seconded by: Mr. Klingel
Seconded by: Mr. Hisenberg
Action Taken: Amendments to Section 20-43 were adopted by the Commission

Motion: To adopt Section 20-52
Made by: Mr. Hisenberg
Seconded by: Mr. Vackar
Action Taken: Amendments to Section 20-52 were adopted by the Commission

Motion: To adopt Section 20-61
Mr. Vackar: Moved it be adopted
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 20-52 were adopted by the Commission

Motion: To adopt Section 20-71
Made by: Mr. Rogers
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 20-71 were adopted by the Commission

Motion: To adopt Section 20-82
Made by: Mr. Rogers
Mr. Hisenberg: Moved for approval
Seconded by: Mr. Wolberg
Action Taken: Amendments to Sections 20-82 and 20-91 were adopted by the Commission

Motion: To adopt Section 20-91
Made by: Mr. Rogers
Mr. Hisenberg: Moved that Section 20-91 be deleted from changes at this time.
Seconded by: Mr. Klingel
Mr. Hisenberg: Withdrew his motion.

Mr. Vackar Asked him to amend his motion.
Mr. Hisenberg Requested that he amend it for him.
Mr. Murray Amended Mr. Hisenberg's motion.
Mr. Murray - Motion to incorporate the qualifying language and put a rule proposal into the Federal Register.
Mr. Hisenberg: Agreed and approved the amendment for second.
Seconded by: Mr. Klingel
Then it was suggested that Section 20-91 be pulled out to look at rewording it before it's sent in.
Mr. Rogers Tabled the Motion for the moment

Motion: To adopt Section 20-97
Made by: Mr. Rogers
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 20-97 were adopted by the Commission

Motion: To adopt Section 20-102
Made by: Mr. Rogers
Seconded by: Mr. Wolberg
Action Taken: Amendments to Section 20-102 were adopted by the Commission

Motion: To adopt Section 20-111
Made by: Mr. Rogers
Mr. Hisenberg: Moved for approval
Seconded by: Mr. Vackar
Action Taken: Amendments to Section 20-111 were adopted by the Commission

Motion: Motion to adopt Section 20-112
Made by: Mr. Rogers
Mr. Vackar: So moved
Seconded by: Mr. Hisenberg
Action Taken: Amendments to Section 20-112 were adopted by the Commission

Motion: Motion to adopt Section 24-15
Made by: Mr. Rogers
Mr. Hisenberg: Moved for approval
Seconded by: Mr. Wolberg
Action Taken: Amendments to Section 24-15 were adopted by the Commission

Motion: Motion to approved Section 30-13
Mr. Wolberg: Moved for approval
Seconded by: Mr. Klingel
Action Taken: Amendments to Section 30-13 were adopted by the Commission

Motion: Motion to accept Section 31-17
Made by: Mr. Rogers
Mr. Vackar: Moved to accept
Mr. Klingel: Seconded
Action Taken: Amendments to Section 31-17 were adopted by the Commission

Motion: To amend Section 20-41
Made by: Mr. Rogers
Mr. Vackar: So moved
Seconded by: Mr. Hisenberg
Action Taken: Amedments to Section 20-91 were adopted by the Commission

Motion: Proposal by MMD to review OSM Federal Regulation changes on an annual basis, thereby reviewing the proposed changes as a whole instead of piecemeal. The proposal also reduces the amount of time spent on reviewing and approving changes as well as reducing the number of public hearings held for each change.

Mr. Hisenberg: Moved for approval of the Proposal

Mr. Wolberg: Second the Motion

Action: Proposal Approved

Motion: Proposal to acquire permission from the Commission to allow the MMD Director to request information from the State Attorney General Office regarding decisions on highway and other public roads used by mining operations.

Mr. Vacker: Moved for approval

Mr. Hisenberg: Second

Action: Motion Approved

Mr. Rogers then asked if there was any other business to come

before the commission? -NONE- Mr. Rogers thanked all attendees and closed the hearing. Whereupon the hearing was adjourned at 12:25pm.