

COAL SURFACE MINING COMMISSION MEETING

R. Q. ROGERS, CHAIR

AGENDA

10:00 A.M. - JULY 29, 1994

MINING & MINERALS CONFERENCE ROOM
2040 SOUTH PACHECO
SANTA FE

1. Roll Call
2. Approval of the agenda.
3. Adoption of minutes of the January 22, 1993, Coal Surface Mining Commission Meeting.
4. Adoption of open meetings policy.
5. 1994 "Statement of Employment and Financial Interest" form submittal.

Discussion of and action related to amendments and changes to coal mining regulations.

A. John Lingo - Presentation to Commissioners and Public

- a. Statements, Questions by Commissioners
- b. Statements, Questions by Public

7. Other Business.
8. Next meeting date.

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505



July 11, 1994



BRUCE KING
GOVERNOR

ANITA LOCKWOOD
CABINET SECRETARY

Mr. Robert Q. Rogers, Jr.
Chairman
P. O. Box 844
Deming, New Mexico 88031

SUBJECT: Public Meeting

Dear Mr. Rogers:

The Coal Surface Mining Commission is scheduled to meet at 10:00 A.M., July 29, 1994 in the 2nd Floor Conference Room at 2040 South Pacheco in Santa Fe. The purpose of this meeting is to discuss whether to continue to amend CSMC Rule 80-1 or adopt appropriate portions of the Code of Federal Regulations (CFR's).

Enclosed with this letter are a copy of the Notice of Public Meeting; an agenda; Appendix A which lists the CFR's which will need to be adopted in part or whole, if that option is chosen; a "Statement of Employment and Financial Interests," which should be completed and returned at the Public Hearing; and amendments to CSMC 80-1 that will be on the agenda for your consideration at the next public hearing. A Public Hearing will be held at a later day to formally adopt which ever of the selections the Commission makes at this meeting.

We will consider the adoption of an open meeting notice resolution for 1994.

Please remember that if you can not personally attend we need a letter from you naming your designee. I would also appreciate it if you could notify me if you or your designee will be attending so that we are sure to have a quorum.

If you have any questions, please contact me or Bill Sanderford of my staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Lingo".

John Lingo, Acting Director
Mining and Minerals Division

JL:BS:gs
Enclosures

VILLAGRA BUILDING - 408 Galisteo
Forestry and Resources Conservation Division
P.O. Box 1948 87504-1948
827-5830
Park and Recreation Division
P.O. Box 1147 87504-1147
827-7485

2040 South Pacheco
Office of the Secretary
827-5950
Administrative Services
827-5925
Energy Conservation & Management
827-5900
Mining and Minerals
827-5970

LAND OFFICE BUILDING - 310 Old Santa Fe Trail
Oil Conservation Division
P.O. Box 2088 87504-2088
827-5800

NEW MEXICO COAL SURFACE MINING COMMISSION MEETING

JULY 29, 1994

MINUTES

The New Mexico Coal Surface Mining Commission Meeting was held on Jul 29, 1994 at 10:00a.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 & Mineral Resources
Mr. David Coss	Environment Department
Mr. Kelly Mora	Public Member
Ms. Jamie Bailey	State Land Office
Mr. Dinus Biggs	Agricultural Experiment Station
Mr. George Gilliland	Public Member
Mr. Jim Bailey	Department of Game and Fish
Mr. Richard Reed	Soil and Water Conservation Comm.

Chairman Rogers called the meeting to order at 10:05a.m.

Item 1: Roll Call

Item 2: Approval of the agenda.
Motion to accept the agenda by: Mr. Biggs
Second by: Mr. Coss
(Motion Passed)

Item 3: Review of the minutes of the January 22, 1994 Coal Surface Mining Commission Meeting.

Motion to accept by: Mr. Biggs
Second by: Jamie Bailey
(Motion Passed)

Item 4: Discussion of the Open Meetings Act.
Motion to accept by: Mr. Biggs
Second by: Mr. Gilliland
(Motion Passed)

Item 5: 1994 "Statement of Employment and Financial Interest" form submittal.

All members agreed to submit a form.

Item 6: Discussion of and action related to amendments and changes to coal mining regulations.

A. Presentation to Commissioners and Public given by Bill Sanderford.

John Lingo said that they cannot adopt the amendments on today's meeting. A public hearing has to be held first.

a. Statements and Questions taken by Commissioners.

b. Statements and Questions taken by Public.

John Lingo

COAL SURFACE MINING COMMISSION

OPEN MEETINGS RESOLUTION

WHEREAS, the Coal Surface Mining Commission (the "Commission") met in regular session on July 29, 1994, as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE BE IT RESOLVED by the Commission that:

1. Regular Meetings.

a. Regular meetings of the Commission may be called by the Chairman or by a majority of members upon ten (10) days notice.

b. The notice requirements are met if notice of the date, time, place and general subject matter to be discussed is placed in newspapers of general circulation in the State. The Commission Secretary shall also mail copies of the written notice to those broadcast stations, newspapers and other persons who have made a written request for notice of Commission meetings.

c. The notice shall indicate where the public may obtain a copy of the proposed agenda. A proposed agenda will be available during the week before the meeting from the Commission Secretary at the offices of the Energy, Minerals and Natural Resources Department in Santa Fe, New Mexico. Items requiring Commission action may be added to the agenda up to 24 hours prior to the meeting.

2. Special and Emergency Meetings.

a. Special meetings of the Commission may be called by the Chairman or a majority of the members upon three (3) days notice.

b. Emergency meetings will be called only under unforeseen circumstances which demand immediate action by the Commission to protect the health, safety and property of citizens or to protect the Commission from substantial financial loss. The Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman upon twenty-four (24) hours notice unless threat of personal injury or property damage require less notice.

c. Notice requirements for special and emergency meetings shall be met by posting notices in the main offices of the agencies represented on the Commission and by delivering copies of the notice to the press boxes located at the Governor's office. The Commission Secretary shall provide telephonic notice to those broadcast stations and newspapers of general circulation that have made a written request for notice of Commission meetings. Special and emergency meeting notices shall list the date, time, place and agenda for the meeting.

3. Contact Person. All notices of meetings shall provide the name of a contact person and a phone number for use by an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, and any other form of auxiliary aid or service to attend or participate in the meeting or who needs public documents, including the agenda and minutes, to be provided in an accessible format.

4. Closed Meetings.

a. The Commission may close a meeting to the public if the subject matter of such discussion or action is exempt from the open meetings requirement under Section 10-15-1(H) of the Open Meetings Act. If the Commission intends to close a meeting, such closure:

(1) if made in an open meeting, shall be approved by a majority vote of a quorum of the Commission taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

(2) if called for when the Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subject to be discussed is given to the members and to the general public.

b. Except as provided in Section 10-15-1(H), any action taken as a result of discussions in a closed meeting shall be made by vote of the Commission in an open public meeting.

c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

COAL SURFACE MINING COMMISSION

Chairman