

COAL SURFACE MINING COMMISSION MEETING

R.Q. ROGERS, CHAIR

AGENDA

10:00 A.M. - OCTOBER 14, 1994

MINING AND MINERALS CONFERENCE ROOM
2040 SOUTH PACHECO STREET
SANTA FE

1. Roll Call
2. Approval of the agenda.
3. Adoption of minutes of the July 29, 1994, Coal Surface Mining Commission Meeting.
4. Public hearing to consider proposed changes to CSMC Rule 80-1.
5. Other Business.
6. Next meeting date.

NEW MEXICO COAL SURFACE MINING COMMISSION MEETING

OCTOBER 14, 1995

MINUTES

The New Mexico Coal Surface Mining Commission Meeting was held on October 14, 1994, at 10:00 a.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 & Minerals Resource
Mr. Jim Bailey	Department of Game and Fish
Ms. Jami Bailey	State Land Office
Dr. Dinus Briggs	Agricultural Experiment Station
Mr. Bill Brancard	Attorney General's Office
Mr. David Coss	Environment Department

Chairman Rogers called the meeting to order at 10:05 A.M.

Item 1: Roll Call

Item 2: Review of the minutes of the July 29, 1994, Coal Surface Mining Commission Meeting with a correction.

Motion to accept by: Dr. Briggs
Second by: Dr. Chapin
(Motion passed.)

Item 3: Discussion of the revisions to Rule 80-1, Amendment 17.

A. Bill Sanderford gave a synopsis of the amendments submitted for review. Each of the changes was then discussed in detail with the Commission deciding which of the proposed changes needed additional work.

B. Discussion was held by the Commission and the Public concerning the proposed changes.

The Commission accepted the proposed changes in Amendment 17 with certain exceptions.

Motion by: Mr. Bailey
Second by: Mr. Coss
(Motion passed.)

Item 4: Discussion of the new Section 34 (Chapter 0) was held.

The Commission approved the submittal of Chapter 0 to the Feds for formal review, provided that Commissioners would be able to provide additional comments to the Division within the week. The Division was given the responsibility to incorporate minor changes before submission to OSM.

Motion by: Mr. Coss and Mr. Bailey.

Second by: Dr. Briggs
(Motion passed.)

Item 5: Discussion to set up a task force to come up with a more expeditious way of reviewing and promulgating program Amendments changes.

Motion by: Dr. Chapin

Second by: Dr. Briggs

A request that someone from the Division be included on the task force.

Motion by: Dr. Chapin

Second by: Mr. Bailey
(Motion passed.)

Item 6: Mr. Rogers nominated Dr. Chapin as chairman of the task force, Dr. Chapin accepted.

Item 7: A date for the next meeting of the Commission was set for the first Friday in March. The meeting will be held in Conference Room of the Energy, Minerals and Natural Resources Department, 2040 South Pacheco, Santa Fe, New Mexico.

Motion to adjourn by: Mr. Coss

Second by: Dr. Chapin
(Motion passed.)

The meeting was adjourned at 12:25 P.M.

REGULATION AMENDMENT PROCESS FLOWCHART

MMD initiates a change to CSMC Rule 80-1 or receives a 732 letter from OSM-AFO.



Changes are submitted via letter to OSM-AFO for informal review in both Albuquerque and Denver offices.



OSM-AFO responds to informal review with comments and suggested language changes.



Changes to CSMC Rule 80-1 are presented to the commission for their review and approval to submit for formal review.



Authorized changes are submitted to OSM-HQ for formal review.



OSM-HQ publishes its decision on the changes in the Federal Register. Changes not approved return to step 2 or 4.



Changes approved in the Federal Register are presented to the commission for final approval prior to submission to State Records. Changes not approved return to step 2 or 4.

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



BRUCE KING
GOVERNOR



ANITA LOCKWOOD
CABINET SECRETARY

MEMORANDUM

Date: September 8, 1994

To: Robert Q. Rogers, Jr.
Chairman, New Mexico Surface Coal Mining Commission

From: John Lingo 
Acting Director
Mining and Minerals Division

Subject: Proposed Amendments to CSMC Rule 80-1

The changes to CSMC Rule 80-1 proposed in Amendment 17 are separated into two parts: Part I contains general editorial changes and Part II contains amendments requested and approved by the Office of Surface Mining to parallel changes made earlier in the federal regulations.

General Editorial Changes

The first 21 amendments in this package are designed to correct typographic errors, remove wording that had not been previously approved by OSM, or to replace wording that was inadvertently removed from the regulations. These corrections were compiled during a complete review of the first 15 amendments to CSMC Rule 80-1 conducted by MMD personnel in 1993. OSM has reviewed these proposed corrections and agrees that the changes should be implemented.

Amendments Approved by OSM

From time to time the federal regulations that govern the enforcement of the Surface Mining Control and Reclamation Act are modified. When this occurs OSM reviews the federal modifications against the corresponding sections of an approved state program. If OSM determines that the State regulations are "less effective" than the federal regulations, the state is required to submit proposed changes for OSM's review. OSM reviews the proposed

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

Park and Recreation Division
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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

- 17. 14 - Repromulgate Section 20-66(b)(1)(i) and (d)(3)(i) to reflect changes approved by OSM on December 31, 1991.
- 18. 15 - Repromulgate Section 20-97(b) as it was approved by OSM on November 23, 1993, at Federal Register 55 FR 48837.
- 19. 16 - Repromulgate Section 20-102(b)(3) to remove the phrase "have a minimum safety factor of more than 1.3."
- 20. 17 - Repromulgate Section 20-102(g)(4) to correct misspelling.
- 21. 18 - Repromulgate Section 30-12(f) to correct misspellings.

PART II - Amendments approved by OSM as of December 31, 1993, under SPATS NM-017

- 22. 19 - Section 1-5 additional language (definition)
- 23. 20 - Section 4-15 (b)(2) additional language
- 24. 21 - Section 7-13, (a) through (j) additional language and repeal language
- 27. 22 - Section 7-14 (a), (b), (d) additional language, repeal language
- 29. 23 - Section 9-21 (c) additional language
- 30. 24 - Section 9-25 (b), (c), (e) additional language
- 31. 25 - Section 9-37, General (a), (b), (d), (e) additional language and repeal of language
- 32. 26 - Section 9-39 (b), additional language and repeal of language
- 33. 27 - Section 9-40 additional language (new section)
- 34. 28 - Section 11-17 (e) additional language
- 35. 29 - Section 11-20 (a), (b), (b)(1)(i), (b)(1)(iii), (b)(2) and (c) additional language (new Section)
- 36. 30 - Section 11-24 (a), (b) and (c) additional language (new section)
- 37. 31 - Section 19-17 (a) and (b) additional language and repeal language
- 38. 32 - Section 20-93, (a), (c), (d) additional language and repeal language
- 39. 33 - Section 20-116 (b)(3), (b)(4), (b)(5) and (b)(6), additional language, recodification, and repeal of language
- 40. 34 - Section 20-117 (b)(3), (d), (d)(1) additional language and recodification

- 41. 35 - Section 20-150, (a)(2)(i), (a)(2)(iii), (c), (d), (e), (f), (g), (g)(5), (g)(6), (g)(7), additional language, recodification and repeal language
- 44. 36 - Section 20-151, (a), (c)(1) additional language and repeal language
- 45. 37 - Section 30-11, (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), additional language, recodification.
- 47. 38 - Surface Mining Act, 69-25A-31 (B) (Exclusions), repeal of language.

During the 1992 Legislative Session of the State of New Mexico, the Surface Mining Act at 69-25A-31 (B) was repealed. The Act no longer has an exclusion for a surface mining operation affecting less than 2 acres.