

COAL SURFACE MINING COMMISSION MEETING

R.Q. ROGERS, CHAIR

AGENDA

10:00 A.M. - MARCH 3, 1995

EMNRD CONFERENCE ROOM
2040 SOUTH PACHECO STREET
SANTA FE

Roll Call

Approval of the agenda.

Adoption of minutes of the October 14, 1994, Coal Surface Mining Commission meeting.

Report by Regulation Amendment Task Force.

Public Hearing to discuss proposed changes to CSMC Rule 80-1.

Status of Future Program Amendments.

Other Business.

Next meeting date.

NEW MEXICO COAL SURFACE MINING COMMISSION MEETING

MARCH 3, 1995

MINUTES

The New Mexico Surface Mining Commission Meeting was held on March 3, 1995, 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.	Chairman, State Engineer's Dept.
Dr. Charles Chapin	Bureau of Mines and Mineral Resources
Mr. James Bailey	Department of Game and Fish
Ms. Jami Bailey	State Land Office
Dr. Ed Kelley	Environment Department
Mr. Walter Hisenberg	Soil and Water Conserv. Division
Dr. Robert McCaslin	Ag. Experiment Station

Also present:

Mr. Bill Brancard	Council for the Commission
Mr. Mark Hiles	Lee Ranch Coal Co.
Mr. Larry Fischer	Pittsburg and Midway Coal Co.
Mr. Ron Wise	Pittsburg and Midway Coal Co.
Mr. Charles Roybal	BHP Minerals
Mr. Jeff Young	San Juan Coal Co.
Mr. Bill Skeet	San Juan Coal Co.
Mr. William Sanderford	Mining and Minerals Division (MMD)
Mr. James O'Hara	MMD
Mr. John Guranich	MMD

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

Item 1: Roll Call

Item 2: Approval of the agenda.

Motion to accept and second.
(Motion passed)

Item 3: Review of the minutes of October 14, 1994, Coal Surface Mining Commission Meeting with a correction.

Motion to accept and second.
(Motion passed)

Item 4: Report by Rulemaking Task Force.

A. Bill Sanderford passed out a proposed regulation amendment process flow chart. The proposal requires the creation of an Ad Hoc Committee to work with

MMD, which should streamline the regulation amendment process. The makeup of the Ad Hoc Committee was discussed and it was suggested that a list of technical people that could assist the committee be made available.

- B. Bill Sanderford informed the Commission that OSM regulation amendment review has been streamlined. Now only Denver OSM office reviews regulation changes.
- C. It was suggested that the Coal Surface Mining Commission be combined with the Mining Act Commission. Mr. Roybal suggested that this may have disadvantages.

Item 5: Public hearing to discuss proposed changes to CSMC Rule 80-1.

A total of 32 regulation changes were proposed and all were approved without incident with the following exceptions:

- 1) Section 20-49 - A minor change was suggested by the coal operators and approved as amended by the Commission.
- 2) Section 20-82 - A typo was corrected and was approved as amended.
- 3) Section 9-37 - Jeff Young of SJCC suggested that the new wording, although the same as the federal regulation, may be interpreted to mean that detailed designs would be required for ancillary roads. The regulation was approved as submitted.
- 4) Section 19-15 - A minor change was suggested by the coal operators to allow exploration roads, approved as part of the post mining land use, to not be reclaimed. The regulation was approved as amended.
- 5) Section 20-116(b)(1) - The Commission decided to let the new Ad Hoc Committee work out the details of this regulation regarding reseeding and husbandry practices.
- 6) 20-116(b)(3) - A minor change was suggested by Mr. James Bailey to clarify MMD's authority to require standards. The regulation was approved as amended.

Item 6: Status of future program amendments.

- A. Bill Sanderford discussed a possible outstanding condition (Condition E) to New Mexico's coal program, which requires the State to provide attorney fees for plaintiffs. Dr. Ed Kelly believed that this condition was satisfied in 1980 by certain correspondence pertaining to the States responsibilities. A motion was approved to have Mr. Bill Brancard check into this.
- B. Bill Sanderford suggested that only Mine Plans should be kept at the court house and all other records be made available through MMD. Mr. Bill Brancard will Check into this.
- C. Jim O'Hara suggested removing the four spoil ridge backfilling and grading requirement from the regulations since there is no longer a federal counterpart and this requirement is not applicable to operations in New Mexico.
- D. Jim O'Hara suggested moving the slope stability requirements for roads into the section pertaining to permanent roads per the federal regulations.
- E. Jim O'Hara suggested reducing the re-permitting requirements for mines that are no longer mining and are completely in the reclamation/liability phase. Commission members agreed to this suggestion.

Item 7: Other business.

Chairman Rogers complimented MMD, saying that this is the best condition he has ever seen the regulations in.

Item 8: Next Meeting.

No date set.