

COAL SURFACE MINING COMMISSION MEETING

R. Q. ROGERS, CHAIR

MEETING AND PUBLIC HEARING

OCTOBER 23, 1997
9:00 A.M.

CAPITOL BUILDING, ROOM 321
SANTA FE, NM

AGENDA

1. Roll Call
2. Approval of the Agenda
3. Adoption of Minutes of the August 6, 1997 Coal Surface Mining Commission Meeting and Public Hearing
4. Adjourn to Executive Session, Discussion of the Fence Lake Appeal (Pursuant to NMSA 1978, Section 10-15-1H3)
5. Return to Open Session, Discussion and Action on the Fence Lake Appeal, No Oral Arguments or Testimony ???
6. Public Hearing and Possible Action on Reformatting of CSMC Rule 80-1
7. Other Business
8. Future Meetings

DRAFT

NEW MEXICO COAL SURFACE MINING COMMISSION MEETING

October 23, 1997

A New Mexico Surface Coal Mining Commission Meeting was held on October 23, at 9:00 a.m., in Santa Fe, New Mexico in Room 321 of the State Capital building.

The following members were present:

Mr. Robert Q. Rogers, Jr. , Chairman	State Engineer Office
Ms. Gretchen Hoffman	Bureau of Mines and Mineral Resources
Dr. James Bailey	Department of Game and Fish
Ms. Jami Bailey	State Land Office
Dr. Ed Kelley	Environment Department
Mr. Marshal Conover	Public Member
Dr. Robert McCaslin	Agricultural Experiment Station
Mr. John Bokich	Public Member

Also Present:

Ms. Linda Duran	Clerk
Mr. Patrick Simpson	Office of the Attorney General
Ms. Rosemary Maestas	Office of The Attorney General

Chairman Rogers called the meeting to order at 9:00 a.m.

Item 1- Roll Call

Item 2 - Approval of the Agenda.

Ms. Maestas indicated that due to unforeseen circumstances, items 3, 4 and 5 were to be deleted from the agenda. Ms. Maestas indicated that another meeting will be rescheduled, published and a notice given for the deleted items.

Mr. Rogers indicated that this left item 6, which now becomes item 3. Other business becomes item 4, and future meetings becomes item 5.

Mr. Rogers asks if there is a motion to adopt the agenda as amended.

Mr. Bokich makes the motion.

Dr. Kelly seconded the motion.

Page 2
October 23, 1997

Motion was passed unanimously.

Item 3 - Adoption of Rule 80-1 as Reformatted

Mr. Sanderford indicated that there were no written comments and that yesterday, the State Records Office indicated that the reformatted Rule 80-1 would be accepted.

Ms. Bailey indicated that there was a typo on the cross-reference sheet; that 15-12, Identification of Interests, should be labeled 15-02.

Mr. Sanderford indicated that this was just a cross-reference sheet to help the commissioners see the changes and that the typo would be corrected.

Ms. McCumber clarified that the subject sheet was only a conversion chart for the commissions assistance and not part of the rule that would be filed.

Mr. James O'Hara noted that the terms "chapter, section and part" were no longer relevant and that these terms will be replaced with "part, subpart and paragraph".

Dr. Kelly made a motion to adopt the reformatted regulations.

Dr. McCaslin seconded the motion.

The motion was passed unanimously.

Item 4 - Other Business

Mr. Lematta asked for an explanation, for the record, why the hearing on the appeal of SRP's permit had been delayed.

Mr. Simpson indicated that through some unavoidable circumstances that some documents, reply briefs, did not get to the Commissioners on time and he made the decision to err on the side of giving everybody full process.

Item 5 - Future Meetings

Mr. Rogers clarified that the simultaneous briefs will be filed November 5th, response briefs November 25th and proposed a hearing on all the appeals December 5th which will be advised by public notice.

Meeting adjourned at 9:10 a.m.