

COAL SURFACE MINING COMMISSION

R. Q. ROGERS, CHAIRMAN

PUBLIC MEETING AND HEARING

JULY 14, 2000

9:30 A.M.

**ENERGY MINIERAL AND NATURAL RESOURCES
DEPATMENT
OIL CONSERVATION DIVISION CONFERENCE ROOM
SANTA FE, NEW MEXICO**

- 1. Roll call**
- 2. Approval of the agenda**
- 3. Adoption of minutes of March 15, 2000 Coal Surface Mining Commission Meeting and Hearing**
- 4. Consider changes to Coal Surface Mining Regulations (19 NMAC 8.2)**
 - A. Recodification of 19 NMAC 8.2 to satisfy changes in State Records rules for NMAC formatting.**
 - B. Amendments to regulations 19 NMAC 8.2.1.107.M (1), 19 NMAC 8.2.1.107.0 (2), 19 NMAC 8.2.9.18, 19 NMAC 8.2.20.2071, and 19 NMAC 8.2.20.2072.**
- 5. Other business**
- 6. Adjourn**

NEW MEXICO COAL SURFACE MINING COMMISSION
MEETING and HEARING
July 14, 2000

A New Mexico Coal Surface Mining Commission Public Meeting was held on July 14, 2000 at 9:30 a.m., in the Oil Conservation Division conference room on 2040 South Pacheco Street, Santa Fe, New Mexico.

The following members were present:

Mr. Robert Q. Rogers, Jr.,	Chairman, State Engineer's Office
Ms. Gretchen Hoffman	Bureau of Mines and Mineral Resources
Ms. Jami Bailey	State Land Office
Mr. Greg Lewis	Environment Department
Mr. Tod W. Stevenson	Department of Game and Fish
Mr. Dushan P. Milovich	Public Member
Dr. Dinus Briggs	Agricultural Experiment Station

The following members were absent:

Mr. John Bokich	Public Member
Mr. J.R. Roybal	Soil & Water Conservation Districts

Also present:

Ms. Mary H. Smith	Assistant Attorney General
Mr. Doug Bland	Director, MMD
Ms. Kerri Neet	Bureau Chief, MMD
Mr. Monte Anderson	MMD
Ms. Bruce Rogoff	Attorney, Mining and Minerals Division

Chairman Rogers calls the meeting to order at 9:35 a.m.

1. Roll call

Chairman Rogers performs the roll call.

2. Approval of the agenda

Chairman Rogers asks if there are any changes to the agenda. Motion by Mr. Milovich to approve the agenda; second by Mr. Lewis. The motion passes unanimously on a voice vote.

3. Adoption of minutes of March 15, 2000 Coal Surface Mining Commission Meeting and Hearing

Chairman Rogers asks if there is a motion to accept the minutes of March 15, 2000. Two amendments are to made to the minutes: John Bokich is to be listed as absent; a correction to page 2 of 3 on number 5 should indicate that Mr. Milovich made the motion. With these changes a motion by Mr. Stevenson to accept the minutes; second by Ms Hoffman. The motion passes unanimously on a voice vote.

4. Consider changes to Coal Surface Mining Regulations (19 NMAC 8.2)

A. Recodification of 19 NMAC 8.2 to satisfy changes in State Records rules for NMAC formatting.

Doug Bland presented the Recodification of 19 NMAC 8.2. In 1998 State Records Center asked all the agencies that held regulations to recodify / reformat them in order to comply with regulations that they had at that time. Doug mentioned that there's a strong movement in the world at large to try and have regulations and government accesses in general and be user friendly. In addition the goal is to have them available electronically, over the Internet, and have one private company which the State Records Center has contracted with, the Mickey company be responsible for not only providing those regulations. But also they have been charged with the task of doing the reformatting if the agency doesn't want to do that themselves. After a lengthy discussion among the Chairman, Commissioners, and all present, a motion was made by Mr. Milovich for Publication; second by Ms. Bailey. The motion passes unanimously on a voice vote.

B. Amendments to regulations 19 NMAC 8.2.1.107.M (1), 19 NMAC 8.2.1.107.0 (2), 19 NMAC 8.2.9.18, 19 NMAC 8.2.20.2071, and 19 NMAC 8.2.20.2072.

Kerrie Neet, Bureau Chief of Mining Regulatory Bureau introduced the Amendments to regulations. These proposed changes are definitions of material damage and occupied residential dwelling and associated structures. The change that has been added to those two definition is to reference Section 2067, and 2067 covers adoption of measures to prevent or limit subsidence. This is tying material damage and occupied residential dwelling and associated structure definition back to that section. The next four changes are in Subpart 20, Performance Standards; and the proposed changes in Subpart 20 is Section 2071A; and 2071A are subsidence issues and buffer zones from underground mining which could have potential impact of subsidence and protection of streams and impoundment's. Another addition to 2071A has to do with providing authority to the Director to suspend mining pending modification of a subsidence plan. The second, proposed change is Subpart 20 is to 2071B, and 2071B deals with protection of aquifers from underground mining activities and related subsidence. This section has been expanded to include perennial streams or water bodies, and these are those water supplies that may be used in public water systems. In addition to this section is the requirement that the director will prohibit mining if it is affecting the water supply. The third proposed change its in 2071C, and this deals with the impact of subsidence from underground mining on public buildings, and also includes the consideration of whether the subsidence will reduce a reasonably foreseeable use. The last part of the Subpart 20; is the proposed change to 2071D, a grammatical or a change to replace the word "permanent" streams with "perennial" streams. And the last proposed change to the

Coal Surface Mining Regulations is in Subpart 9, which includes the permit application requirements for operational and reclamation plans. This is in addition to 918D, which now requires a permit to include a detailed plan of underground activities. After a lengthy discussion of questions and answers a motion was made by Mr. Tod Stevenson to accept the proposed changes to the Amendments as presented second by Mr. Dinus Briggs. The motion passes unanimously on a voice

4. Other business

Memorandum from Tannis Fox to commission about the appeal that she responded to. Copies were distributed.

6. Adjourn

Chairman Rogers asks if there is any other business before the Commission. After hearing none he asks if there is a motion to adjourn. Motion to adjourn by Mr. Gregg Lewis, second by Mr. Dinus Briggs. The motion passes unanimously on a voice vote. The meeting adjourns at 10:25 a.m.

Approved:	Minutes by:
 <hr/> R. Q. Rogers, Chairman	 <hr/> Date
	 <hr/> Veronica G. Aragon Commission Clerk