

COAL SURFACE MINING COMMISSION

R. Q. ROGERS, CHAIRMAN

PUBLIC MEETING

June 3, 2005

11:00 A.M.

Porter Hall

Hearing Room of the Energy, Minerals and Natural Resources

Department

1220 South St. Francis Drive, in Santa Fe, New Mexico

AGENDA

- 1. Roll Call**
- 2. Approval of the Agenda**
- 3. Adoption of Minutes of December 15, 2004, Coal Surface Mining Commission Meeting**
- 4. Selection of new Chairperson**
- 5. Other business - Non-Action Items**
 - Summary of 2005 Legislature**
 - Update on the preparation of regulatory amendments**
- 6. Adjourn**

**NEW MEXICO COAL SURFACE MINING COMMISSION
MEETING**

June 3, 2005

A New Mexico Coal Surface Mining Commission Public Meeting was held on June 3, 2005, beginning at 11:02 A.M., in Porter Hall Hearing Room of the Energy, Minerals, and Natural Resources Department, at 1220 South St. Francis Drive, Santa Fe, New Mexico.

The following members were present:

Mr. Robert Q. Rogers, Jr.,	Chairman, State Engineer's Office
Ms. Jami Bailey	State Land Office
Mr. Craig Walling	Public Member
Dr. Steven Loring	NMSU – Agricultural Experiment Station
Mr. Larry Winn	Soil and Water Conservation Commission
Mr. Andy Core	State Engineer's Office
Ms. Derrith Watchman-Moore	NM Environment Department
Ms. Lisa Kirkpatrick	State Game and Fish Department

The following members were absent:

Mr. Hank Dittmar	Public Member
Ms. Gretchen Hoffman	NM Bureau of Geology and Mineral Resources

Also present:

Mr. James O'Hara	MMD (Clerk)
Mr. Bill Brancard	MMD
Mr. Ted Apodaca	MMD
Ms. Karen W. Garcia	MMD
Mr. John Pfeil	MMD
Ms. Susan A. Lucas Kamat	MMD

Chairman Rogers calls the meeting to order at 11:02 A.M.

1. Roll call

Chairman Rogers called the roll. The Commission has two new members, Mr. Andy Core representing the Office of State Engineer, replacing Chairman Rogers, and Mr. Larry Winn representing the Soil and Water Conservation Commission.

2. Approval of the agenda

Chairman Rogers asked if there were any comments/changes to the agenda. No changes were recommended. A motion to approve agenda was introduced by Commissioner Walling, with a second by Commissioner Loring. The motion to approve the agenda passed unanimously on a voice vote.

3. Adoption of minutes of December 15, 2004 New Mexico Coal Surface Mining Commission Meeting

Chairman Rogers asked if there were any changes to the minutes. Commissioner Walling noted one correction. A Motion to approve the minutes as amended was proposed by Commissioner Loring, seconded by Commissioner Kirkpatrick. The motion passed unanimously on a voice vote. Corrections were made to the minutes.

4. Selection of a New Commission Chairman

Chairman Rogers opened discussion of a new chairman by asking who would like to take on the responsibility. After a few moments of reflection, Commissioner Bailey said she was interested. Chairman Rogers stated that Commissioner Bailey would make a fine Chairman and moved her nomination. Commissioner Walling seconded the motion. There were no other nominations. Commissioner Bailey was elected Chairman unanimously on a voice vote.

5. Other Business

Before beginning his summary of the 2005 legislative session, Mr. Brancard presented Chairman Rogers with a plaque commemorating his years of service on the commission.

Two bills concerning the CSMC were introduced in the 2005 session. HB 306 included an extension of the Commission for another 8 years. In addition, it removed the sunset provision on the Surface Mining Act. HB 311 included provisions to eliminate a waiver for the Director and the Commission to pay attorney's fees in the event an appeal or decision is overturned. It also streamlined, from three to two hearings, the administrative appeals process by eliminating the Commission's hearing. Both bills were passed unanimously and were signed into law by the Governor. HB 311 is effective on June 17, 2005.

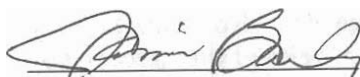
Mr. Brancard discussed the need to amend the regulations to track the new statutory changes. The amendments had been written and were submitted to the Ad Hoc Committee for review. They would then be sent to OSM for informal review and then submitted to the Commission sometime in the fourth quarter of the calendar year. Chairman Bailey stated her preference for the rule making hearing to be held before the holidays. Mr. Brancard asked the Commission if MMD could work directly with the Chairman to schedule a hearing and not convene the entire Commission. The Chair agreed and will work with MMD and the Commissioners to schedule a hearing date.

Mr. O'Hara then provided an update on the status of the El Segundo and Carrizozo permit and various bond release applications. Commissioners Winn and Core had several questions on issues concerning the MMD presentations.

6. Adjourn


Chairman Rogers asks if there is any other business before the Commission. After hearing none, the Chairman adjourned the meeting at approximately 11:45. A.M.

Approved:


Jami Bailey, Chairman

11/18/05
Date

Minutes by:


James O'Hara
Commission Clerk