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§ 931.10 State regulatory program approval.

The New Mexico State Program as submitted on February 28, 1980, and amended and clarified on June 11, 1980, August 7, 1980, and September 10, 1980, was conditionally approved, effective December 31, 1980. Copies of the approved program together with copies of the letter of the New Mexico Energy and Minerals Department, Division of Mining and Minerals, agreeing to the conditions in 30 CFR 931.11 are available at:

(a) Mining and Minerals Division, Energy, Minerals and Natural Resources Department, 2040 South Pacheco Street, Santa Fe, NM 87505.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

[47 FR 47380, Oct. 26, 1982, as amended at 55 FR 17607, Apr. 26, 1990; 59 FR 17933, Apr. 15, 1994]

§ 931.11 Conditions of the State program approval.

The approval of the State program is subject to the following conditions:

(a)–(d) [Reserved]

(e) The approval found in § 931.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary by that date copies of fully implemented regulations containing provisions which are the same or similar to those in 43 CFR 4.1290—4.1296, relating to the award of costs, including attorney's fees, in administrative proceedings, or otherwise amends its program to accomplish the same result.

(f)–(j) [Reserved]

[45 FR 86489, Dec. 31, 1980, as amended at 47 FR 23153, 23155, May 27, 1982; 47 FR 47380, Oct. 26, 1982; 48 FR 28088, June 20, 1983; 49 FR 30691, Aug. 1, 1984]

§ 931.13 Preemption of New Mexico laws and regulations.

Under the authority of sections 505(b) of SMCRA, 30 U.S.C. 1255(b), and in accordance with the position taken by the State of New Mexico, the following provisions of New Mexico law and regulation are hereby preempted and superseded as they may apply to coal exploration and surface coal mining and reclamation operations:

The State Wildlife Conservation Act (17–2–37 to 17–2–46 NMSA 1978) to the extent it is inconsistent with provisions of SMCRA related to the Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

§ 931.15 Approval of New Mexico regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
February 28, 1982	May 27, 1982	Procedures for Posting and Publishing Notices of Show Cause Orders.
July 9, 1982	October 26, 1982	CSMC 80–1–19–15(d), 80–1–20–71(i), 20–102(a); 80–1–29–12(b), definition of ''Unconsolidated Stream-laid Deposits Holding Streams''.
February 8, 1984	August 1, 1984	CSMC 80–1–14–23(a), (b).
June 6, 1984	January 4, 1985	CSMC 80–1–1–5 definition of roads; 80–1–20–150, 151.
June 20, 1984, July 18, 1984.	January 31, 1985	CSMC 80–1–1–11; 80–1–11–30; 80–1–20–103.
August 12, 1987	February 11, 1988	CSMC 80–1–30–12(c) through (l).
September 1, 1988	January 30, 1989	CSMC 80–2–22–29(p).
June 17, 1987	March 9, 1989	CSMC 80–1–5–25, –26; 80–1–8–11; 80–1–9–18; 80–1–11–27, 80–1–20–89, –102, –103, –106, –181; 80–1–29–11; 80–1–33 Training, Examination, and Certification of Blasters.
April 18, 1988, October 20, 1988.	March 17, 1989	CSMC 80–1–20–71(b), –81, –83(b), –85, –92(b).
February 21, 1989, August 17, 1989.	December 26, 1989	CSMC 80–1–20–41(d)(1), –42(a)(1).
March 29, 1989, April 26, 1989.	April 26, 1990	CSMC 80–1–20–83(b), –89(d)(2), –103(a)(1); 80–1–29–11(a); 80–1–33–11, –14, –15(e)(1).
May 25, 1989	November 23, 1990	CSMC 80–1–1–5, definitions of ''affected area,'' ''self-bond''; 80–1–8–20; 80–1–9–16; 80–1–14–23(d)(2),–40(a)(2); 80–1–20–97(b), (c); 80–1–31–21 through –24; July 12, 1990 Policy Statement.

Original amendment submission date	Date of final publication	Citation/description
July 22, 1989	February 26, 1991	CSMC 80–1–1–5, definition of ''other treatment facilities;'' 80–1–20–41(f), –46, (a), –49.
April 24, 1990	June 21, 1991	CSMC 80–1–20–42(a)(8), –133(c).
March 15, 1990	December 31, 1991	CSMC 80–1–1–5, definitions of ''cumulative impact area,'' ''previously mined area,'' ''excess spoil,'' ''impoundment,'' ''coal processing waste,'' ''coal processing waste bank;'' 80–1–2–11(f), –12(b)(2); 80–1–4–15(b); 80–1–6–10, –11(b)(5), –12(b)(7), –13(d); 80–1–8–14(b)(1)(vi), –15(c), –16(b)(3), –24, –27(a); 80–1–9–13(f), –14(c), –21(b) through (d); 80–1–10–13, (a), (c), (e), –17(a)(1)(i), (6); 80–1–11–11(a)(3), –15(a), (b), –19(c), –27(e); 80–1–13–11(a), –12(c), (d), –18(c)(3), (d), (e); 80–1–20–11(f), –41(a), –43(a), –44(a), (c), –52(a), (b), –57(a)(1), (2), –61 through –68, –71(f), (j), (k), –82(a), –91(c), –97(d)(10), –102(a), (f), (g), –111(c), –112(c), (d); 80–1–24–11(c), –12(a)(1), –15(c)(2) through (6); 80–1–26–12(c); 80–1–29–16(a); 80–1–30–13(d); 80–1–31–17(b)(1), 18(b)(1); Policy Statement for Records and Retention.
July 9, 1991	April 13, 1992	CSMC 80–1–20–42(a)(4)(ii), (a)(8).
November 22, 1991	June 23, 1992	CSMC 80–1–20–72(d), –83(b).
January 16, 1991	December 17, 1993	CSMC 80–1–1–5, definition of ''owned or controlled and owns and controls;'' 80–1–4–15(b)(2); 80–1–7–13(a) through (j); –14(a) through (d); 80–1–9–21(c), –25(b), (c), (e), –37(a) through (e), –39(b), –40; 80–1–11–17(c), (2), (3), (d), (e), –19(i), –20(a), (b)(1), (i), (iii), (2), (i), (ii), (3), (c), (1) through (4), –24(a), (b), (c), –29(d); 80–1–19–15(c)(2), (3), (4), –17(a), (b); 80–1–20–91(c), –93(a), (c), (d), (e), –116(a), (b)(1), (3), (6), (7), (d) through (d)(3), –117(a) through (d), (1), (2), (3)(i), –121(a), –124, –150(a)(2)(i), (iii), (b)(9), (c), (e)(1), (g)(5), (6), (7), –151(a), (b)(2), (c)(1), (6); 80–1–30–11(b), (l); NMSA 69–25A–31.
October 26, 1994	February 15, 1995	CSMC 80–1–34–1 through 10.
January 22, 1996	May 29, 1996	CSMC 80–1–1–5 definitions of ''Applicant/violator system'' or ''AVS,'' ''Federal violation notice,'' ''Ownership or control link,'' ''State violation notice,'' and ''Violation notice;'' ''Drinking, domestic, or residential water supply,'' ''Material damage,'' ''Noncommercial building,'' ''Occupied residential dwelling and associated structures,'' ''Replacement of water supply;'' ''OSM,'' ''Qualified Laboratory,'' ''Road,'' ''SMCRA;'' 80–1–4–15(b)(1); 80–1–7–14(c) (1) through (5); 80–1–9–25(a)(2), (3), (c), –39(a) (1) through (6), (b), (c)(1) through (9); 80–1–11–17(c), (d), –19(i), –20(b)(1), (ii), (3), (c)(1), (2), (d), (e), –24(a), –29(d), –31(a) through (d), –32(a) through (c), –33 (a) through (d), –34(a) through (d); 80–1–19–15(c)(2), (3), (iii), (4); 80–1–20–41(e)(3)(i), –49(d), (e)(1) through (11), (f)(2), (g)(4), (5), –82(a)(4), –89(d)(2), –93(a)(1), –97(b), (c), –116(b)(1), (5), (6), –117, (c)(1), (3), (4), (d)(2), (3)(i), –124(a) through (d), –125(a) through (e), –127, –150(c).
January 6, 1998	June 8, 1998	19 NMAC 8.2, Subparts 1 through 34 (recodification).

[62 FR 9947, Mar. 5, 1997, as amended at 63 FR 31113, June 8, 1998]

§931.16 Required program amendments.

Pursuant to 30 CFR 732.17, New Mexico is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a)–(d) [Reserved]

(e) By February 15, 1994, New Mexico shall submit to OSM a proposed revision to CSMC Rule 80–1–9–37(c), or to its definition of ''intermittent stream'' at CSMC Rule 80–1–1–5, or otherwise amend its program to provide protection no less effective than the Federal provisions at 30 CFR 780.37(a)(2), (a)(3), and (a)(5) and 784.24(a)(2), (a)(3), and (a)(5) for streams that drain watersheds 1 square mile or greater in area and that flow only in direct response to surface runoff from precipitation or melting snow or ice.

(f)–(l) [Reserved]

(m) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rule 80–1–20–116(a) to:

(1) Require that revegetation success be based on the general revegetation requirements at CSMC Rules 80–1–20–111 and 112,

(2) Specifically identify the technical guidance procedures published by USDA that may be used, and

(3) Require that all standards for success and measuring techniques be approved by the Director of OSM for inclusion in New Mexico's approved regulatory program.

(n) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rule 80–1–20–116(b)(1), or otherwise amend its program, to require that all revegetation success standards and measuring techniques be approved