

March 28, 2018 Advisory Board Meeting

Meeting Minutes Summary

General Outline of Meeting Minutes

1. Introduction of Rule Package (Pages 1-10)
2. Specific changes made to Coal Chapter 11 (Pages 10-28)
3. Specific changes made to Noncoal Chapter 6 (Pages 28-33)
4. Response to written comments received on proposed rules (Pages 33-47)
 - a. Comments received during development of rules (Pages 33-37)
 - b. Comments received during comment period (Pages 37-47)
5. Advisory Board member questions (Pages 47-53)
6. Public Comments – Cheyenne (Pages 53-59)
7. Public Comments – Gillette (Pages 59-91)
8. Advisory Board rules discussion (Pages 91-106)
9. Advisory Board Motions (Pages 106-124)

Summary of Advisory Board Motion on Proposed Rules

As noted above, pages 106 to 124 contain the Advisory Board's discussion regarding their final motion on the proposed rules presented at the March 28, 2018 meeting. The final motion made was as follows: The proposed rules should be remanded to allow time for the LQD to consider the issues as discussed during the meeting (public and board comments) and then bring back the proposed rules and indicate any changes to the rules as presented which were made in response to our analysis of comments.

An initial motion, that was ultimately withdrawn, provided more clarity as to what issues the LQD should focus on. The initial motion requested the rules to be remanded but with specific focus on several issues. The first was to consider the WMA's and other industry representatives proposed revisions that bring back the financial ratios. Second, the initial motion requested we review the Administrators discretion as it relates to the use of "may" and "shall" throughout the rules. Third, was a request that the LQD reconsider the requirement that mining operations have a ten-year life of mine remaining in order to self-bond or continue to self-bond. The final motion retains those three issues but does not limit the LQD to any other issues that may arise during the review of the rules following the Board meeting.

There were also several other action items identified during the Advisory Board's deliberations. The board also requested that the LQD should provide additional information regarding the use of credit ratings as a measure of a company's ability to self-bond. The Board also requested that the LQD create rules files which indicate what was changed, if anything, in response to comments or discussion during the Board meeting. Those files would also be supplemented by a more formal review and response to comments filed with the LQD.