

Response to Comments on Proposed Revisions to Noncoal Chapter 10 – LMO's

**Eldon Strid**

1. Commented that the renewal provision should only apply to future LMO's because it wasn't right to change the regulations after granting an LMO and then terminating that LMO. Also suggested that this may be a regulatory taking.

*Response: The proposed revisions are not intended to necessarily terminate an LMO at the close of 5 years. If an operator has been complying with the annual reporting and other regulatory requirements all that will be required of the operator to continue an LMO is to indicate on the annual report form that they wish to continue beyond the 5 year window. A revised annual report form will be developed to accommodate this new requirement. It should also be noted that the Chapter 10 rules were initially drafted to include several metrics that could be used to justify an additional 5 year period. Those provisions were struck from the chapter due to lack of statutory authority as noted by the AG.*