

02.12.2010

Brian Engstrom

Colorado Mined Land Reclamation Board
Irene Stanton
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Rulemaking for In Situ and Prospecting

Dear Mrs. Stanton,

The proponents of a public involvement at the prospecting and exploration phase have shown no proof that their involvement will enhance public health or the environment. Absent such proof, this regulatory body lacks authority to diminish the property rights of those that hold interests in minerals and transfer those rights to unaffected third parties. I encourage you to tread carefully in this area. Although the cry for transparency may sound compelling on its face, it goes against our entire history of protecting the rights of property owners to develop their interests.

The Board should recognize that many aspects of public health and water quality are already governed by existing state and federal regulations. Any duplicate rules open themselves to judicial challenge. The statute does not grant the agency the authority to draft rules to govern every aspect of conceivable harm. The rules should be carefully narrowed to those items specifically stated in the statute. Not included in consideration is "potentially" affected water. Mining opponents hope to insert this overly broad, and indefinable, term in order to later claim that all water is "potentially" affected. Adding this term would invalidate the rule.

Mining opponents seem to think you are naïve enough to not understand the sequential component of determining baseline. With any scientific analysis, more data is better. It lends itself to greater precision. And, in this case, more effective restoration. The opponents' position has one purpose, and it is not to protect groundwater. Their purpose is to implement confusing and costly regulations to thwart operators and the good intentions of the regulators. There is no other explanation for the tenuous argument against supplementing

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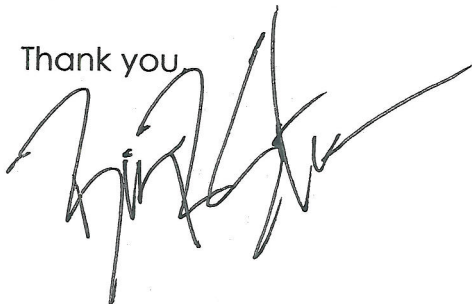
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Division of Reclamation,

baseline data with clean data gathered after the permit is granted. Quite frankly, if the opponents truly wanted to protect groundwater, they would be insisting on the inclusion of more data. As such, their political motives become too transparent to take their position seriously.

I urge you to conclude your review of the rules in an expeditious manner so that Coloradoans can get back to work and our economy can become robust once again.

Thank you

A handwritten signature in black ink, appearing to be "Mike" or similar, written in a cursive style.