

02-12-2010

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

Re: Public Comments on Draft Rules

Dear Ms. Irene Stanton:

There are a couple of concerns I wish to express about the draft rules. Thank you in advance for including my concerns in your decision making process. My hope is that reason and science guide your determination. Too often, we see regulators succumb to political concerns advocated by small special interests that diminish the ability of our economy to function effectively.

These special interest groups would have us believe that our economy and way of life can be sustained without mining, manufacturing, agriculture, or domestic production of energy. Their crutch is the "environment." What they fail to realize is that they do not own the "environment." In this case, the water and minerals are private property owned by others. Their arguments must be rejected.

To date, ISL opponents have failed to show any harm to another's property. They claim that they must be involved at every step of the process in order to protect their tenuous concern for the "environment." Their concern does not grant them rights.

The agency should be careful in this regard. You do not have the authority to grant opponents any interest in the property belonging to others. The draft rules, as written, must be revised to eliminate third party rights to private property. Confidentiality is a key component to mineral development. Third parties have no right to interfere during prospecting, exploration or after a permit has been granted. If such a right were to exist, it would have to come from express language in the statute. No right was granted by the legislature.

There is nothing nefarious about the sequential determination of baseline that is used by every other state. Initial data is gathered, the permit is granted, and additional data is added to the original baseline to ensure each production unit is precisely defined. It is this process that is required because of the specific delineation between prospecting and mining in the Mined Land Reclamation Act. To make determination of baseline otherwise would thwart the express provisions of that Act.

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Division of Reclamation,
Mining and Safety

The agency should be very careful when determining "bad actors" that would be excluded from seeking gainful employment in Colorado. As written, whole hosts of good operators may be precluded from working in Colorado. That broad provision will only be enforceable if narrowed by the agency. An appropriate provision would only preclude operators that are directly linked to harm. Without a showing of actual harm, political favoritism will rule the day. We can no longer such outcomes.

I trust you will ensure objective reason, practicality and scientific data guide your revisions to the Rules.

Thank you,

A handwritten signature in blue ink, appearing to read "David W. ...". The signature is fluid and cursive, with a long horizontal stroke at the end.