

Stanton, Irene

Subject: FW: SB08-228 rulemaking

From:
Sent: Wednesday, February 24, 2010 4:53 PM
To: Stanton, Irene
Subject: SB08-228 rulemaking

Dear Members of the Mined Land Reclamation Board:

I am writing to you today in support of protecting our water and land from the impacts of mining and to ensure that the public is heard on issues of mine prospecting.

The final rules for Senate Bill 08-228 should adhere to the following principles:

- The public, local governments, and other stakeholders must be notified about mine prospecting activities and have the right to submit comments on proposed prospecting permits.
- The public and other stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Please ensure that the public's right to know about mine proposals, to comment on their potential impacts and to appeal mine decisions is clarified in the Hardrock Mining rules.

Very sincerely,

Kirsten Dotzler

Stanton, Irene

Subject: FW: SB08-228 rulemaking

-----Original Message-----

From:
Sent: Wednesday, February 24, 2010 10:49 PM
To: Stanton, Irene
Subject: SB08-228 rulemaking

Dear Members of the Mined land Reclamation Board:

I am writing to you this evening in support of protecting our water and land from the impacts of mining and to ensure that the public is heard on issues of mine prospecting.

The final rules for Senate bill 08-228 should adhere to the following principles:

- The public, local governments, and other stake holders must be notified about mine prospecting activities and have the right to submit comments on proposed prospecting permits.

- The public and other stake holders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Please ensure that the public's right to know about mine proposals, to comment on their potential impacts and to appeal mine decisions is clarified in the Hard Rock Mining rules.

Thank you for hearing my concerns.

Very sincerely yours,

Cindy Kaplan

Stanton, Irene

Subject: FW: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

From:
Sent: Wednesday, February 24, 2010 8:30 PM
To: Stanton, Irene
Cc: Patrick Goodman
Subject: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

2-22-2010

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

Division of Reclamation, Mining and Safety Proposed Rules and Regulations

Ms. Stanton:

Please accept my comments on the DRMS rules now under consideration by the Colorado Mined Land Reclamation Board.

Everywhere I turn, it appears government is making it harder and more expensive for companies to mine in Colorado. I am fully in favor of reasonable environmental regulations. But, sometimes they go too far.

For instance, DRMS is considering a rule that drastically expands the bonding requirements for mining companies. The rules will require a company to bond for, not only current prospecting activities, but also any future mining activities.

First, this seems like it would be very difficult to determine. A whole host of factors will determine how much mining will eventually occur in a given project. It seems reasonable to me to require an operator to bond over his prospecting activities. Then, when a future mining permit is obtained, the operator can bond over those planned activities.

Requiring huge bonds before any prospecting has ever occurred makes mining in Colorado more expensive than it has to be. And, these additional bonding requirements won't help the environment one iota. Regulations should have a nexus between the required activity and the desired result. I don't believe this rule passes this basic test.

Another example is the convoluted baseline characterization provision. Baseline should be finalized after a permit is received so that all pre-production data can be included for each well field.

Two more things, public comments are appropriate for prospecting permits and the word "Potentially" should be stricken from the affected water provision. The first is an

**abrogation of private information and the second is an unwarranted expansion of the Rules.
Please make changes accordingly.**

Best regards,

Patrick Goodman

February 24, 2010

To: Colorado Mined Land Reclamation Board
From: Eddie Kochman

Attention: Irene.Stanton@state.co.us

Subject: Comments Uranium rulemaking.

I have reviewed the proposed rules pertaining to establishing the legislative intent of House Bill 08-1161 and other legislation, regarding uranium mining and extraction. It is my understanding that such written comments for non-parties are due by March 1, 2010.

I am a landowner in Park County, which is in close proximity to areas that may be proposed for in situ leach mining of uranium in the future. There are three wells on the property that are used for domestic and agricultural purposes. The wells are in close proximity to the Middle Fork of the South Platte River, which is an excellent trout fishery. The wells are within the underground water aquifer that feeds the Middle Fork, which is a tributary of the South Platte River.

The United States Geological Survey tested one of the three wells in January 2003. The test showed particulate uranium, as well as levels of radon gas. This was an indication of the natural back ground levels of uranium in close proximity (estimated 100 feet) to ground level. I am sure other wells in the area have similar back ground levels.

My point to the Board in describing this situation is that if in situ leach mining, or other forms of uranium mining, are allowed in such circumstances, there is potential to increase existing levels of contamination from uranium, radon gas and other material both in underground and surface waters. Such increase may be harmful to human health, livestock, wildlife, as well as diminished property values. In this case, it is also important to realize that the upper South Platte Basin is one of the Denver Metropolitan areas major sources of domestic water. Antero, Spinney Mountain and 11-Miles Reservoirs are all located within areas of concentrated uranium deposits and all three reservoirs are used for storage of domestic water. What individual, agency, or local government, will be responsible should there be a dangerous deterioration in baseline water quality in the future that is a result of uranium mining?

The establishment, or characterization, of baseline water quality data is of critical importance in the final rules. Rules should not allow flexibility to reinterpret initial baseline data that was accurately established. Such data should apply to both underground, as well as surface waters, which have potential to interconnect. Proposed rules appear to place little emphasis on impacts to surface waters, including reservoirs, which are used for storage of domestic water.

Rules should require *advance* water quality characterization of underground and interconnecting surface water sources that will allow informed decisions regarding the risks associated with uranium mining and in situ leach mining in particular. Such characterization may be warranted throughout *entire water basins*, such as South Park, in order to determine initial risks and to effectively judge post impacts from any permitted uranium mining.

While increases in uranium particulates, radiation and levels of radon gas are all significant risks, rules should also address increased levels of heavy metals such as lead, zinc and cadmium, to both underground and surface waters. In addition to human health and livestock risks, such materials, if introduced into surface waters, can also be highly toxic to aquatic systems, including self-reproducing fisheries.

Public input into the permitting process is very important and should be allowed at the initial and final phases of any permit request. The input of local governments in the permitting process, as well as recognition by the Board of the authority of local governments, should be mandated in the final rules. The proposed rules do not appear clear in defining the authority of local governments, especially counties, to approve or deny permits. It is also not clear what role local governments have in establishing standards, or monitoring, baseline water quality.

My final comment is that rules should require mandatory disclosure of the materials used in conjunction with water, in the underground injection process, associated with in situ leach mining. Without such information, accurate monitoring of base line water quality becomes highly questionable.

Thank you for this opportunity to comment on the proposed rules. Please keep me informed as appropriate and within the established rule making process.

Park County Commissioners
Save Our South Park Water 2008

Stanton, Irene

Subject: FW: please protect our land

From: Bartlett and Reynolds
Sent: Wednesday, February 24, 2010 8:43 PM
To: Stanton, Irene
Subject: please protect our land

Dear Ms Stanton,

We have attended several meetings regarding this, and hope to attend in April. Having heard, as you have, the many concerns about the risks of sample mines, I am hopeful you will stop industry efforts to "soften" the rules that are intended to protect the land and the people who are directly effected. We live in Ft. Collins, and we are directly affected. Safety, a healthy environment, and property values are all at risk from uranium interests. We understand that the voice of mining interests are amplified with deep pockets. Fortunately, the EPA is mandated to protect the land and the people.

Colorado House Bill 08-1161 was passed in 2008 to establish the groundwater restoration standards that uranium mining companies must meet before they are allowed to do in situ leach mining in the state of Colorado. The MLRB Rules should abide by these strict standards to prevent the contamination of groundwater and not allow the mining industry to weaken ground water protection standards for in situ leach uranium mines. The rules need to adhere to the letter and spirit of the law that holds uranium mining companies accountable to restore the ground water to the original condition. The industry's attempt to allow changes to the established baseline characterization after mining activity begins should be rejected. Such a process would allow the groundwater standards to be changed and lowered, even after mining begins. Restoration standards should be clear and established up front, and not allowed to be changed as mining progresses.

Colorado Senate Bill 08-228 lifted the veil of secrecy when the mining company is prospecting to do mining. The MLRB Rules should ratify current staff practice of accepting public and local government comments on prospecting activities, and reject the industry's attempts to eliminate all public involvement for any pre-mining approvals. These pre-mining activities often have the potential to result in concrete impact to communities and water quality, and warrant public involvement. In addition, the MLRB Rules should expressly provide the public and local governments the opportunity to seek administrative review of prospecting approvals as well as in-situ baseline characterization plan approvals.

We will take time away from work to be at some part of the meeting in April.

Respectfully,

Carolyn Bartlett and John Reynolds

Stanton, Irene

Subject: FW: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

From: Kailei%20Higginson
Sent: Thursday, February 25, 2010 10:28 AM
To: Stanton, Irene
Cc: klh23@comcast.net
Subject: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

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

RE: DRMS Rulemaking– Confidentiality Concern

Ms. Stanton,

I am always worried about government action, like rule-making, that may have an unintended consequence of creating an anti-competitive environment. This is the case in the rules your office is now considering on mining.

The rules state that information provided to your office when a company submits a Notice of Intent to Conduct Prospecting is subject to the Open Record Act. The rules ostensibly indicate that “confidential” information can be withheld. But, the confidentiality determination is made by the Colorado Mined Land Reclamation Board. This is very disturbing.

The Board is subject to political pressures. The Board also does not answer have to answer to investors like a mining company. I can very easily see information that most businesses would consider confidential hitting the public domain. This will create uncertainties and inefficiencies in the marketplace. It will deter investment, since why would a company try to operate in Colorado if there was a chance their proprietary information would be made public? In addition, anti-mining groups will have yet another opportunity to attempt to stop mining operations.

I believe the best way to handle this is to keep the contents of the notices confidential. The presumption should be in favor of confidentiality – making the information public should be an exception to the rule.

Thank you,

Kailei Higginson

February 25, 2010

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

KP Project No.: DV102.00279.01
KP Doc. No.: DV-10-0079

Attn: Ms. Irene Stanton

Subject: Comments on New Rules and Amendments Proposed by the Division of Reclamation, Mining and Safety to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations, 2 CCR 407-1

Dear Ms. Stanton:

In accordance with the Notice of Public Rulemaking issued on January 28, 2010, Knight Piésold and Company (Knight Piésold) is providing written comments on the above-referenced rulemaking. The proposed new rules and amendments are primarily to implement Senate Bill (SB) 08-228 concerning prospecting, House Bill (HB) 08-1161 concerning uranium mining, and SB 08-169 concerning fees. Our comments are directed at the proposed rulemaking under HB 08-1161 regarding uranium in-situ leach (ISL) facilities.

Knight Piésold is an engineering and environmental consulting firm that has been providing technical services to the mining industry since 1921. Our staff experience with issues surrounding groundwater quality impacts from uranium operations began in the 1970s and 1980s with the licensing and permitting of conventional uranium mills in New Mexico and Utah and uranium ISL operations in Wyoming. We have recently provided technical services to companies with ISL projects in South Dakota and Colorado and companies with conventional milling projects in New Mexico and Virginia.

As a sustaining member of the Colorado Mining Association and a provider of technical consulting services to mining companies in Colorado, we continue to support the local mining industry in the exploration and extraction of uranium and other mineral resources our nation depends on for economic recovery. We also support alternative energy sources including nuclear power production as a clean, reliable, and long-term solution to meeting current and future energy demands while reducing greenhouse gas emissions. Knight Piésold supports the efforts of the Division of Reclamation, Mining and Safety (DRMS) to develop effective regulations to protect human health and the environment under this rulemaking notice.

Our comments are directed at the proposed rulemaking sections related to baseline groundwater characterization and groundwater reclamation performance standards under Rule 3. Fortunately, the DRMS will not need to start from scratch in the rulemaking because of federal and State of Colorado regulations that are already in place to protect underground sources of drinking water (USDW) during operation and post-closure of ISL mining facilities. These include regulations and guidance documents issued by the Nuclear Regulatory Commission (NRC) and implemented under state primacy by the Colorado Department of Public Health and Environment (CDPHE) and the Underground Injection Control (UIC) Permit Program under the Safe Drinking Water Act as administered by the United States Environmental Protection Agency (EPA), Region 8.

Under NRC/CDPHE regulations, groundwater standards for well field restoration must be established and affected aquifers restored to the established standards. Under EPA regulations implementing the UIC permit program requirements, ISL operations must be designed to prevent contamination of adjacent USDWs. These regulations have effectively protected human health and the environment from potential uranium ISL impacts for decades. The DRMS needs to work closely and in a coordinated manner with the NRC, EPA, and CDPHE in the development of groundwater restoration standards under this rulemaking process.

Ms. Irene Stanton
Colorado Mined Land Reclamation Board

February 25, 2010

In the development of rulemaking and procedures related to the establishment of groundwater restoration standards, we would recommend that the DRMS consider the following points:

- Pre-mining groundwater quality in contact with the ore zone typically is not suitable as a USDW due to the presence of metals, radiological, and other constituents that exceed EPA primary and/or secondary drinking water standards. In addition, the ore zone groundwater will be exempted as a USDW in perpetuity under the Safe Drinking Water Act. Therefore, there will be no exposure pathway and impact to human health from any possible future domestic use of this ore zone groundwater source.
- The groundwater restoration parameter list should be based on the geochemistry of the host rock with indicator parameters proposed on a case-by case basis by the applicant. These parameters will usually include bulk properties, cations/anions, selected trace metals, and radionuclides. This list should be proposed by the applicant, agreed upon, and approved by the DRMS.
- The radiological constituent(s) and any other constituent(s) that would classify the aquifer as being unsuitable as a USDW under the Safe Drinking Water Act should not be subject to the procedural restoration standard setting requirements to be established under this rulemaking.
- The DRMS needs to consult with the applicant to gain operational understanding and knowledge of ISL well field operation and groundwater restoration techniques and then coordinate with the EPA and CDPHE to agree on a statistically based method for establishing attainable groundwater restoration standards.
- Since variability in groundwater quality will exist between ISL well fields, statistical variability must be considered in the development of groundwater restoration standards. There are many approaches for determining whether an aquifer has been impacted from a contaminant source. These include those presented in:

American Society for Testing and Materials, 2001, "Standard Guide for Developing Appropriate Statistical Approaches for Groundwater Detection Monitoring Programs, Designation: D 6312," West Conshohocken, Pennsylvania: American Society for Testing and Materials.
- Using this guide, an owner/operator or a regulatory agency should be able to develop a statistical detection monitoring program that will not falsely detect contamination when it is absent or fail to detect contamination when it is present.
- The DRMS needs to establish a procedure for setting alternate concentration limits (ACL) for constituents that may not meet groundwater restoration standards. A good reference can be found at 10 CFR Part 40, Appendix A, Criterion 5B(6) where several factors are listed to ensure that an ACL will be protective of human health and the environment.

In summary, the DRMS can facilitate this rulemaking process by working closely with the NRC, EPA, and CDPHE to determine the best approach for incorporating relevant sections of existing federal and State of Colorado statutes and implementing regulations already placed on the in-situ uranium mining industry. This approach will help ensure that the best science and technology based on existing regulations has been considered in this rulemaking process.

We appreciate the opportunity to provide comments and are available to respond to any questions you might have.

Sincerely,

Knight Piésold and Co.



James R. Kunkel, Ph.D., P.E.
Senior Associate/Hydrologist



Paul D. Bergstrom, C.E.P.
Senior Associate/ISL Project Manager

FEBRUARY 25,2010

Colorado Mined Land Reclamation Board

Attn; Irene Stanton

1313 Sherman ST. Room 215

Denver Colorado 80203

RE: DRMS Rulemaking Designated Mining Operations

Dear Ms. Stanton

I am a lifelong farmer in Eastern Larimer and Western Weld County. I am very familiar with the property that the Power Tech Uranium mine may be permitted for in Weld County. I can tell you that the farm ground is not very productive, so I would encourage you to help extract a badly needed natural resource from it, in a safe and environmentally friendly way. I have found over the years that the water varies in different fields so I would recommend the groundwater restoration standard to be on a well field by well field basis.

Farmers are the original environmentalists, and over the past 63 years we have made many improvements in farming practices. I know very little about uranium or uranium mining, however I am sure that new and improved ways of mining are available. I have been paying taxes to keep our universities open for years. It is time to listen to the experts, the trained people that have been educated on new and better ways to mine, not the nay sayers that have no scientific facts about what they say. This is 2010, we need clean energy, jobs and to use OUR natural recourses, I would encourage you to follow the science that you and your staff have been trained for.

This project when done properly can be very good for the area and its people. In hard times we need to be open minded and creative.

Richard Seaworth

President Seaworth Farms Inc.

Stanton, Irene

Subject: FW: SB08-228 rulemaking

From: Kristen Matthews
Sent: Thursday, February 25, 2010 6:14 PM
To: Stanton, Irene
Subject: SB08-228 rulemaking

Dear Members of the Mined Land Reclamation Board:

I am writing to you today in support of protecting our water and land from the impacts of mining and to ensure that the public is heard on issues of mine prospecting.

The final rules for Senate Bill 08-228 should adhere to the following principles:

- The public, local governments, and other stakeholders must be notified about mine prospecting activities and have the right to submit comments on proposed prospecting permits.
- The public and other stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Please ensure that the public's right to know about mine proposals, to comment on their potential impacts and to appeal mine decisions is clarified in the Hardrock Mining rules.

Very sincerely,
Kristen Matthews

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

Stanton, Irene

Subject: FW: Comments on the Draft Mined Land Reclamation Board (MLRB) Rules

-----Original Message-----

From: [REDACTED]
Sent: Thursday, February 25, 2010 10:33 PM
To: Stanton, Irene
Subject: Comments on the Draft Mined Land Reclamation Board (MLRB) Rules

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

Colorado House Bill 08-1161 calls for strict groundwater restoration standards to be met before companies are allowed to do in situ uranium mining. The MLRB Rules should be to achieve attainment of these a priori standards.

Mining companies have sought to defeat these standards by advocating that a change in baseline characterization be allowed, in effect, to allow progressive contamination from in situ prospecting, testing and production. In situ prospecting, testing or production involve drilling, injection or removal of fluids and is susceptible to sampling and other errors. Baseline characterization is so critical to compliance that it should be performed by a third party who is selected by MLRB and paid for by prospective miners. Attainment of strict standards requires accurate and reliable baseline characterization.

Colorado Senate Bill 08-228 lifted the veil of secrecy from prospecting. The MLRB Rules should ratify current staff practice of accepting public and local government comments on prospecting activities, and reject attempts to eliminate public involvement for pre-mining approvals. Pre-mining as well as subsequent mining activities can disrupt the local community and economy and have significant adverse impacts on air quality and water quality. Local residents and governments will manage or absorb these impacts and will be even more disadvantaged if they are not timely notified.

Thank you,

Gary W. Carnes

Mike Worrall

February 23, 2010

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

Dear Ms. Stanton:

Thank you for taking the time to read my concerns about the New Rules and Amendments Proposed by the Division of Reclamation for Mining and Safety to the Mineral Rules and Regulations for Hard Rock, Metal and Designated Mining Operations.

In several respects, the rules should be redrafted to promote a more consistent water quality standard that throughout and consistent with the federal Safe Drinking Water Act.

First, any warranty or bond that is required by the DRMS should be limited to the activities that are contemplated by the permit under consideration. To bond for activities that may or not occur in the future is unrealistic and unworkable. How does the Board plan to value those speculative activities? Even the thought of it does not make sense.

Second, special interests that oppose mining in Colorado have frequently stated that as sequential determination of baseline will somehow operate to weaken groundwater protection. I have to assume that those claims are to influence a poorly informed public. In actuality, by adding numerous data points to the initial baseline, groundwater will be further protected. By adding all available data that is obtained prior to production, baseline will become more precise.

Third, in many respects the draft rules muddy the water between prospecting and production. There is no reason for this lack of clarity. For decades, prospecting has been separated from production. The Board has ample historical guidance in the Mined Land Reclamation Act to clear up the confusion created in the draft rules.

Finally, the Board should take great care in drafting it's "blackball" provisions. Currently, the blackball provisions are overly broad. Here, the Board is treading on very thin ice. The Board's authority to restrict who is allowed to become a part of the local workforce is limited. A broad interpretation of what can be allowed under 1161 will not withstand legal challenge. A very narrow restriction

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Division of Reclamation,
Mining and Safety

is the only interpretation that will be upheld. The Board should only attempt to restrict a person's right to work when a showing of actual harm to public health can be shown.

Thank you,

A handwritten signature in black ink, appearing to read "Will Hall". The signature is fluid and cursive, with the first name "Will" and last name "Hall" clearly distinguishable.

Graduate Student
Colorado School of Mines
Nuclear Engineering

NICK ERICSSON

02 23 2010

Colorado Mined Land Reclamation Board

Attn: Irene Stanton

1313 Sherman Street, Room 215

Denver, CO 80203

RE: Rulemaking for Mineral Rules and Regulations

Ms. Stanton:

I have a few serious concerns on the rulemaking to amend the mineral rules and regulations for hard rock mining operations in Colorado. The reason for my concern is the burden imposed by regulations and rules the conflict and overlap. When rules are not clear and workable, we lose jobs. We also place a large burden on staff that must try to implement the rules.

The state budget is maxed out. One outcome would be to make common sense rules that enable operators to investigate and start their projects, thereby, creating jobs and severance revenues. Another outcome is to restrict business development, force it to locate in our neighbor states, and have our state sink further into debt and recession. I hope you don't choose the latter.

To bring practicality and reason to the draft Rules, you should:

1. Delete the word "potentially" from the affected water section;
2. Allow baseline to be finalized with the complete set of data that can be obtained after a permit is granted;
3. Narrow your "backball" provision to only prohibit workers that have been shown to have caused actual harm, not just administrative or minor technical violations;
4. Only require bonding and warrants for activities that are actually allowed by a permit; and
5. Restrict public knowledge of confidential prospecting and exploration activities.

Thank you,



AARON CRAFT

February 21, 2010

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

RE: Rulemaking for Mineral Rules and Regulations

Dear Ms. Stanton,

We are blessed with a vast array of mineral resources. Regulations that place immense burdens on operators but provide no immense gains to environment or health send a strong message to companies that they are not welcome here. That is a poor message to send to those companies and even a worse message to send the citizens of Colorado who wish to live and work here.

I don't believe the statute authorizes the addition of the expansive term "potentially" affected water. The purpose of the Rules is to implement the statute. This provision expands the statute by too great of a degree. The rule should be revised without the expansive term.

There is no gain attained from preventing an operator from completing its baseline determination after receiving its permit. If a rule imposes high costs without a corresponding gain, it should be discarded, as in this case.

It makes no sense to require bonding for non-permitted activities. The rule that requires such a burden will only operate to prevent job growth. These days, that is not good public policy.

Thank you for taking the time to consider my comments.

Sincerely,



Aaron Craft
Ph.D Student of Nuclear Engineering
Colorado School of Mines

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Division of Reclamation,
Mining and Safety

February 20, 2010

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

RE: *Rulemaking to Amend the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations*

Miss Stanton:

Thank you for taking the time to consider revisions to the draft Rules.

As I'm sure you can appreciate, these are hard economic times for us all. Unworkable Rules will only send us deeper into recession. We are nearing the point when the government has created so many rules that they aren't even able to enforce them all. Our state government is out of money. Staff hours will have to be cut. Duplicative and unreasonable Rules must be avoided.

The following are my concerns:

- A blackball provision should be re-written to only catch the people that have been at fault for actual harm to others.
 - An expansive blackball provision is likely unenforceable.
- Bonds should not be required for un-permitted activities.
 - It is unreasonable to require bonding for mining activities pursuant to a prospecting permit.
- Baseline should be a determined sequentially.
 - Requiring complete baseline before granting a permit is not contemplated by modern practices.
 - No added protection is gained by a one-step process.
- There is no authority to expand the Rules to include potentially affected water:
 - The statute does not include "potentially" affected water.
 - The rules should not add such a term.

Thank you for considering these changes,

Brandon Killinger

[Signature]
Masters Student - Nuclear Engineering
B.S. Engineering Physics
Colorado School of Mines

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FEB 25 2010

Division of Reclamation,
Mining and Safety

Colorado Mined Land Reclamation Board,

It is important that those who reside in Colorado have the ability to be involved in pre-mining activities. Past practices involving prospecting, exploration and in-situ baseline characterization has had significant impact on ground water quality. In addition, uranium mining companies need to be held accountable for restoring ground water to its original condition and not after the quality has been compromised. The ground water near Nunn and surrounding communities is currently being used for human consumption as well as for live-stock. The future use should remain the same.

Dan and Rebekah Sheneman

Dan Sheneman
Rebekah Sheneman

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FEB 25 2010

Division of Reclamation,
Mining and Safety

February 15, 2010

Vernon Cecil

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

RE: DRMS Rulemaking Designated Mining Operations

Dear Ms. Irene Stanton:

Normally, I would not take the time to express my concerns during the rulemaking process that implements statutes. But, in this case, so much of the conversation has been ruled by narrow political interests that willfully ignore the operable science of in situ recovery of minerals. That willful ignorance has devastating consequences for our economy and regulatory agencies.

If regulators fall into the trap of ignoring technological advances, they become ineffective, cumbersome and distrusted. Our economy is strangled by that inefficiency. To the extent you are persuaded by narrow political interests, our economy will be constrained by subjective decisions instead of being allowed to grow through utilization of innovation. No good will come from this outcome.

Imagine if every industry was subject to rules similar to those currently proposed. Competing interests would have an incentive to use the public comment process to hinder their competitor's efforts. For example, coal producers would gain a competitive advantage over wind projects by becoming involved in their permitting process to stop permitting of large wind farms, just as wind proponents try to stop coal projects. The only result is that costs of production are artificially raised. Adding a public comment component to prospecting and exploration will only bring added costs without any environment or health benefits. Conversely, it will give rivals access to confidential corporate intentions.

Baseline should be determined by a process that ensures a proper outcome. That process must include a sequential determination as data is gathered. Operators are prohibited by federal regulations and the realities of business costs from gathering a full data set prior to acquisition of the permit. A valid reason has not been offered to prevent a sequential determination of baseline. Any reason that purports to be a valid challenge to sequential determination must overcome the huge costs of predetermination. Otherwise it lacks validity.

The statute does not contain a requirement of "potentially" affected water. This is not an insignificant change by your Board. By strained extrapolation, **all** water is "potentially" affected. And, only the most naïve would not be aware how mining opponents intend to use that

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Division of Reclamation,
Mining and Safety

word to halt projects. In today's political climate, extended litigation of what is "potentially" affected water is a reality. It is disingenuous to later claim that litigation was an "unintended" consequence of adding that term to these rules.

Your blacklist provision is far too broad. Are you seriously considering precluding an individual's participation in the workforce for minor, administrative inconsistencies without a showing of actual harm? No wonder the only sector with full employment is legal services. This broad approach is fraught with peril and will result in numerous legal challenges. Only the narrowest restriction on employment will pass judicial challenge. You might as well fix it now.

It is time our government embrace reasonable regulatory schemes that promote the safe use of our many technological advances. I urge you to revise the rules with this in mind.

Thank you,

A handwritten signature in cursive script, appearing to read "Vernon Lewis". The signature is written in black ink on a white background.

February 20, 2010

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

RE: DRMS Rulemaking Designated Mining Operations

Ms. Irene Stanton:

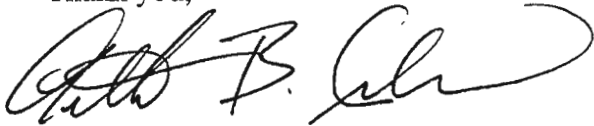
In Colorado, just like the rest of the nation, we are in a budget and economic crisis. It is time we bring a reasoned approach to all new rulemaking efforts. A few of the rules seem to ignore this very real condition of our lives. If a rule does not provide benefits greater than its costs, it should be disregarded.

Here are several examples. First, it does not make any sense to force an operator to dig all its production wells prior to having a permit. The data retrieved when those wells are dug in the normal course of operating can be added to the initial baseline determination with no weakened protections.

The word 'potentially' is not contemplated in the original statute and should be removed. Bonds should not be required for activities that are not authorized by a permit and rules affecting prospecting should be completely and distinctly separated from rules affecting production.

Another rule that should be reconsidered is the addition of public comments for prospecting and exploration permits. There are too many long held reasons for keeping prospecting and exploration activities a private matter. There is not a good enough reason to change that now.

Thank you,



Arthur B. Carlson

You have a opportunity to help
Put Colorado back to work.
Have A Blessed Day

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