

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

Dear Ms. Stanton:

I began to study the impacts of uranium mining on the environment January 2007 when a friend of mine received notification from Powertech of their interest in uranium mining near Nunn. I am concerned as to the long term impact uranium mining will have on our water sources, especially mining within an aquifer.

While I have listened to ISL uranium-mining companies claim they mine only within *confined* aquifers, I know predicting ground water movement is impossible and no portion of an aquifer is truly confined. A computer model cannot create an accurate image of what lies beneath the earth's surface because we can't see the entire picture, we can only guess. Test drilling can be accurate as to what was within a specific borehole; inches away may be an undetected crack or fissure. In the case of Powertech, there is some idea of which aquifers exist in the area Powertech wants to mine. That information, as well as aquifer depths, is not definite. My interpretation from the Colorado Geological Survey's 2003 Ground Water Atlas of Colorado is there are four known important ground water resources within or in very close proximity to Powertech's proposed ISL uranium mining site: the Denver Basin which includes the Laramie-Fox Hills; the Dakota-Cheyenne Aquifer; the South Platte River Basin alluvial aquifer; and the High Plains Aquifer which is better known as the Ogallala Aquifer. Test drilling cannot predict where and how these aquifers are connected by seepage from natural or manmade cracks, holes, or porous layers. Colorado is in a unique situation with regards to *our* water: our state supplies the water for every downhill state to the east, west, north and south, as well as Mexico. Therefore, we have a responsibility to future generations as well as our neighboring states to make sure all of our water supplies are protected and conserved.

"Coincidences" of heavy metal and uranium contamination appearing in aquifers years after the start up of ISL mining operations appear everywhere ISL uranium mining has taken place. Surprisingly, because no one can prove mining was the cause of the contamination, uranium mining continues with what the industry calls a benign method of mining: In situ leaching. Powertech's June 2009 technical report, reads: "*In the early 1980's, Wyoming Mineral Corp.*

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MAR 01 2010

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Division of Reclamation,  
Mining and Safety

*constructed a pilot plant to mine uranium within the Cheyenne Basin using ISR method. . .this plant was located on its Grover Project. The report goes on to say: The Grover test facility operated for only a short period of time and there is no record available of how much uranium was produced. The site was successfully restored to State of Colorado standards."*

We should be concerned Grover is being used as an example of an ISL site successfully restored!

The Grover ISL test mine was in a tributary of the South Platte River west of Sterling, Colorado. The restoration was completed in February of 1979 (not the early 1980's as Powertech's report states). Four months after restoration, Kenneth Wade conducted follow-up testing for his CSU thesis on Solution Mining and Groundwater Quality at the Grover site. Wade's groundwater tests in the Grover ISL wells showed a definite increase in alpha and beta activity as well as higher levels of radio-nuclide, molybdenum, ammonia, nitrate, and selenium in the restored groundwater. Wade's findings were similar to later studies from other sites. Gavin Mudd, an expert on the environmental impacts and management of ISL uranium mining, has written:

*"Even where large quantities of water are available to flush parts of the aquifer, chemical processes that took place during ISL may have caused clays, once a protective layer for the aquifer, to have soaked up some of the metals and radio-nuclide and held them during the flushing process, only to release the metals into the aquifer months or years after restoration is completed. Mudd continues: Despite nearly 25 years of commercial ISL uranium mines in the United States (all using alkaline leaching solutions), regulators are yet to review or approve a report on the full scale restoration of groundwater at these sites."*

Grover's ISL well fields were drilled in a five spot well pattern, the same pattern currently touted by the mining industry to be state of the art. During Grover's ISL operations no excursions were detected. However, Wade points out excursions would not have been detected since even the closest monitor well down gradient to the ISL field would not intercept the natural groundwater flow from the field for 2.7 to 7.5 years!

The National Research Council recognized that "Once in the aquifer, a contaminant will move with the groundwater at a rate varying between a fraction of an inch to a few feet per day" and that "the tangible effects of groundwater contamination usually come to light long after the incident causing the contamination has occurred."

Sterling Colorado is dealing with a drinking water crisis due to high levels of uranium in their drinking water. Colorado's Department of Natural Resources has said "*Uranium concentrations in the ground water of the lower South Platte River basin alluvium tend to be higher than in the mountains indicating a secondary source of dissolved uranium.*" Their study then lists possible sources for the appearance of uranium in the South Platte River, but the Grover ISL test-mining site is not listed. Based on the studies I've given, I wonder why no one has questioned if there is a connection between the Grover ISL uranium test mining and the uranium appearing in Sterling's drinking water.

Colorado House Bill 08-1161 and Senate Bill 08-228 were written and passed to protect Colorado citizens and our nation's groundwater from irresponsible mining. Please, do not allow these bills to be weakened in favor of profitable mining. Water should not be jeopardized for the short-term financial gain of uranium mining. Protect our water and environment from ILS mining as these bills intended. I don't want my children to be paying for problems created by this mining industry, either with their health or their tax money. Make the mining industry answer to higher standards. We will all benefit from keeping our water and environment clean.

Thank you for the opportunity to state my concerns and support for Colorado House Bill 08-11610 and Colorado Senate Bill 08-228 as they were written and intended.

Sincerely,

A handwritten signature in black ink that reads "Linda Turner". The signature is written in a cursive, flowing style.

Linda Turner



# Board of County Commissioners Fremont County

615 Macon Ave., Room 105 - Canon City, Colorado 81212  
Phone (719) 276-7300 - Fax (719) 276-7304

Michael J. Stiehl

Larry Lasha  
District One

Ed H. Norden  
District Two

District Three

February 28, 2010

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

Re: Rulemaking comments, Uranium prospecting and mining (HB 08-1261 and SB 08-228)

Fremont County is the site of a recent NOI to prospect for Uranium by Black Range Minerals (BRM). As such, we have firsthand experience with the varied issues associated with Uranium prospecting. We are also the site of the Cotter Mill, a Uranium mill that is also a Superfund site with many groundwater issues.

1. As a general concept, we are concerned about water quality. We do not know if BRM will find sufficient Uranium ore to justify mining, nor do we know if they will want to utilize in-situ leaching.

A. Groundwater characterization requirements should be standardized for all exploration, regardless of methods proposed or utilized for future extraction.

2. In the event that the operator is successful in finding a Uranium ore body, radionuclides will be brought to the surface into the drilling pits during exploration. There is the possibility of overflow, seepage, or breaching in heavy rain conditions or because of a drilling problem. Current MLRB rules consider exploration and site reclamation to be low risk and the rules do not require adequate containment or testing. However, groundwater contamination is a real risk for any DMO.

A. Any drilling pit used in any exploration for Uranium should be controlled, and reclamation should address residual radionuclides and heavy metals brought to the surface before reclamation is complete. Removal may be necessary.

B. The Colorado Oil and Gas Conservation Commission has rules and regs for management of drilling pits and well pads to protect surface water. Request that they be adopted in total during this Rulemaking.

3. In Fremont County, many household wells are in the vicinity of BRM exploration, and all surface water is tributary to the Arkansas. Many municipalities rely on the Arkansas for their drinking water supplies.

A. The definition of "Affected Surface and Groundwater" must extend offsite.

4. Our County is unique in that we require a Permit before prospecting begins. However, there was no requirement for DRMS to research our Regulations prior allowing BRM to proceed with their exploration. There was no notification to the County and BRM drilled 70 – 80 exploration holes before we ordered a Cease and Desist, at which time they began our permitting process.

A. Notification must be made to local government entities of a pending NOI for any prospecting / exploration. Those entities should be given an opportunity to comment. Although the proposed rules primarily address DMOs, similar notice should be given for all NOIs. It's time for State agencies to coordinate with local entities during permitting. This would relieve the DRMS from researching all local regulations before proceeding, and from entering into countless MOUs with those entities.

Thank you for this opportunity to comment on these important topics.

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Ed Norden  
Chairman

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Mike Stiehl

<s>

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Larry Lasha

To: Mined Land Reclamation Board

I am writing to express my deep concern about the proposed Centennial Project. My family moved to Fort Collins to take advantage of the healthy environment of this beautiful place. I am concerned that the proposed mine could negatively affect the health and welfare of our community. What kind of economic impact could this mine have on our community? Are people going to want to move to a place where their groundwater could be contaminated and the frequent high winds could be blanketing their community in radioactive dust? As a resident of the local community, I feel that the public should be actively involved in all steps of this process- after all, it is our community that will be affected by any decisions made. I urge all lawmakers involved to make sure that Powertech USA strictly follows all environmental standards (such as the groundwater standards set forth in HB 08-1161). If we allow Powertech to set its own standards, it is our community that will ultimately pay the price. Strict standards for groundwater restoration need to be set BEFORE any mining begins, and Powertech needs to be held to those standards. The industry's attempts to allow changes to groundwater standards after mining has begun should be rejected.

I also urge the MLRB to ratify Colorado Senate Bill 08-228, because local government and public involvement is crucial. It is important for the public and local government to be involved in order to keep everything as transparent as possible. The public and government should also have the opportunity to seek administrative review of prospecting approvals as well as in-situ baseline characterization plan approvals.

The health and welfare of our community (both presently and in the future) should be the first priority in every decision. Thank you for your careful consideration of this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Georgia Gould". The signature is fluid and cursive, with the first name "Georgia" written in a larger, more prominent script than the last name "Gould".

Georgia Gould

**RECEIVED**

MAR 01 2010

Division of Reclamation,  
Mining and Safety

Dear Ms. Irene Stanton:

There are several elements of concern in the draft rules for Hard Rock, Metal and Designating Mining Operations. As written, the draft Rules will unduly stifle utilization of our valuable minerals without a corresponding environmental benefit. Luckily, some common sense changes can fix the problems.

First, there is no basis or authority for the DRMS to include the word "potentially" in the affected groundwater provisions. And, there is no workable definition of "potentially" that can bring clarity to the provision. This term needs to be removed.

Second, baseline should not need to be finalized prior to granting a permit. Currently, the Rules require an operator to drill *all* of its wells prior to production. That requirement lacks common sense. The end result is the same whether baseline is determined before or after receipt of the permit, so there are no environmental gains.

Lastly, the public does not necessarily have a guaranteed right to participate in all activities of businesses in Colorado. Land developers are not required by law to disclose potential locations where land will be purchased. Other businesses are not required to make all of their business decisions part of the public record. Prospecting and exploration must be kept confidential.

We cannot afford to outlaw mining in this country through over-regulation. According to the USGS mineral commodity summaries, we are 100% reliant on foreign sources of rare earth minerals which are vital to the manufacture of "green" technologies such as hybrid cars, wind turbines, and solar panels. Currently, there is no domestic production of indium, which is essential to the production of solar cells.

According to the DOE, we are currently importing 85% of the uranium which produces 20% of the electricity in this country. At a time when we are facing 10% unemployment, it does not make sense to legislate American minerals producers out of existence.

Sincerely,



Erik Hunter  
Graduate Student  
Colorado School of Mines

February, 2010

To: Mined Land Reclamation Board

I am writing to express my deep concern about the proposed Centennial Project. My family moved to Fort Collins to take advantage of the healthy environment of this beautiful place. I am concerned that the proposed mine could negatively affect the health and welfare of our community. What kind of economic impact could this mine have on our community? Are people going to want to move to a place where their groundwater could be contaminated and the frequent high winds could be blanketing their community in radioactive dust? As a resident of the local community, I feel that the public should be actively involved in all steps of this process- after all, it is our community that will be affected by any decisions made. I urge all lawmakers involved to make sure that Powertech USA strictly follows all environmental standards (such as the groundwater standards set forth in HB 08-1161). If we allow Powertech to set its own standards, it is our community that will ultimately pay the price. Strict standards for groundwater restoration need to be set BEFORE any mining begins, and Powertech needs to be held to those standards. The industry's attempts to allow changes to groundwater standards after mining has begun should be rejected.

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The health and welfare of our community (both presently and in the future) should be the first priority in every decision. Thank you for your careful consideration of this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'David LaBarr', with a long horizontal flourish extending to the right.

David LaBarr

**RECEIVED**

MAR 01 2010

Division of Reclamation,  
Mining and Safety

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: [REDACTED] On Behalf Of Lynn Mattson  
Sent: Monday, March 01, 2010 11:26 AM  
To: Stanton, Irene  
Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Ms. Lynn Mattson

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Gillian Deck

Sent: Monday, March 01, 2010 11:26 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

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I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Miss Gillian Deck

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Debra Kuhar

Sent: Monday, March 01, 2010 11:57 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

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I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Ms. Debra Kuhar

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Suzi Huette

Sent: Monday, March 01, 2010 12:27 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

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The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Ms. Suzi Huette

James B. Woodward  
P.O. Box 599  
Wellington, CO 80549

March 1, 2010

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

Dear Chairperson Peterson and Members of the Board:

Thank you for the opportunity to comment on the proposed amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations.

I am a landowner and resident of northwestern Weld County. I live approximately two miles west of Powertech Uranium Corp.'s proposed Centennial uranium project. I operate the website [powertechexposed.com](http://powertechexposed.com).

The new rules and amendments must conform to the strict ground water protection standards of House Bill 08-1161. Of particular importance is the requirement that a baseline characterization plan must include a determination of baseline water quality for all wellfields envisioned in a permitted mining area prior to obtaining a reclamation permit.

Industry representatives, led by Powertech, are pushing for "sequential determination" of baseline water quality, to be conducted over a period of several years after a permit has been issued. According to their argument, a mining company should be granted a permit to mine even though it has sampled and tested water quality in only a small fraction of the proposed mining area. They argue that a mine operator should have the flexibility to test individual wellfields for "baseline" years after mining has begun.

In comments submitted to the DRMS, Powertech lawyers argue that "industry practice" regarding baseline water quality testing should prevail. An operator should only be required to determine some vague "site baseline" if there is "uncertainty of obtaining a reclamation permit." More thorough "wellfield baseline" testing in new mine units should be allowed after ISL mining has been underway in nearby wellfields, argues Powertech. As Powertech correctly notes, each wellfield will have its own unique baseline.

Mining companies prefer this approach because it reduces the time, expense, and uncertainty involved in obtaining a mining permit. Costs for drilling baseline wells, sampling and testing water quality, and obtaining wellfield specific approvals can be deferred for years. In Wyoming, regulators allow sequential determination of baseline

water quality. Operators move from one wellfield (or mine unit) to another, and must apply for approval to mine each unit.

A typical ISL uranium mining project is divided into multiple wellfields and mine/production units. The Smith Ranch ISL uranium mine in Wyoming consists of approximately 20 mine units; each mine unit is 20-60 acres. Only two to three mine units are in production at any one time.

The problem with sequential baseline determination is that contaminated ground water from a producing mine unit can migrate into an adjacent mine unit where baseline has not yet been determined. These uncontrolled releases of leaching fluids, known as excursions, are not uncommon at ISL mines. They can result from thinning or discontinuous confining layers, improperly abandoned wells, well casing failure, and improper balancing of wellfield injection and production pumping rates.

The U.S. Nuclear Regulatory Commission's "Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities" discusses excursions at a typical ISL mine in Wyoming:

From 1988 through 1995, 22 monitoring wells (11 vertical and 11 horizontal) were placed on excursion status for the Highland Uranium Project located in Converse County in the Wyoming East Uranium Milling Region (NRC, 1995). Most of the excursions were recovered within less than 1 year, but four horizontal excursions lasted up to at least five years.

The figure below shows a portion of the Irigaray ISL mine in Wyoming, including the different production units and wells on excursion status:

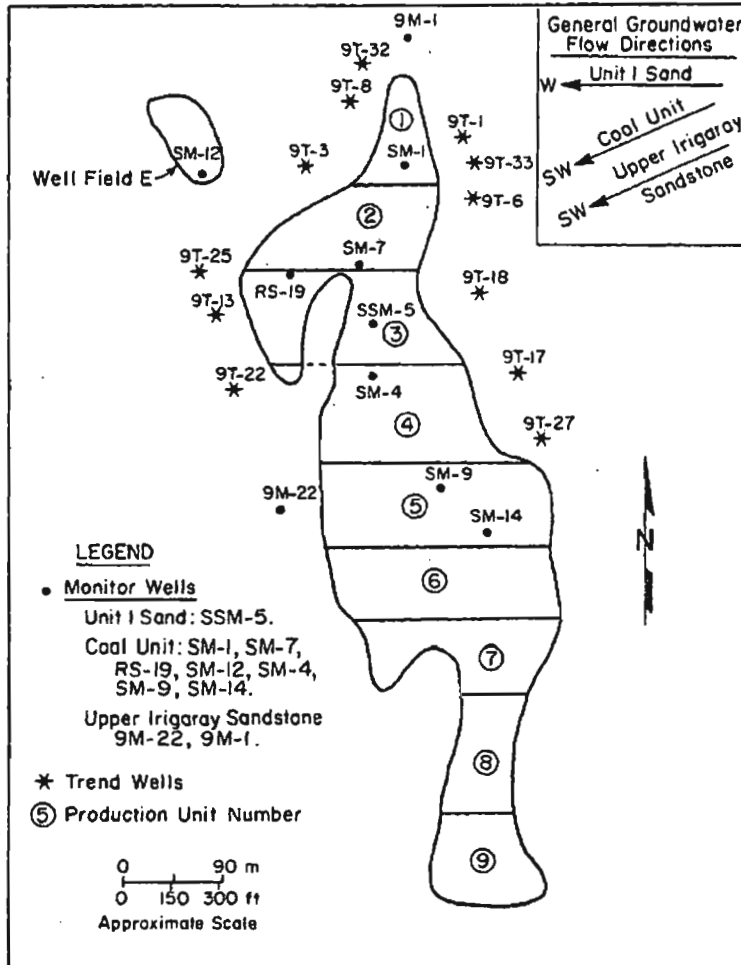


Fig. A.9. Location of trend wells and monitoring wells reported on excursion status at the Irigaray mine.

Since an operator of an ISL uranium mine is required to restore a mined aquifer to baseline (specific requirements vary by state), it can be advantageous for an operator to wait to test for baseline water quality until after the ground water may have been altered by previous mining in an adjacent mine unit.

To avoid this possibility, Colorado House Bill 08-1161 requires baseline characterization for an entire site proposed to be mined:

**34-32-112.5. Designated mining operation - rules. (5) (b) PRIOR TO SUBMITTING AN APPLICATION, A PROSPECTIVE APPLICANT FOR IN SITU LEACH MINING SHALL DESIGN AND CONDUCT A SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND ENVIRONMENTAL BASELINE CHARACTERIZATION AND MONITORING PLAN FOR THE PROPOSED MINING OPERATION. THIS PLAN SHALL BE DESIGNED IN SUCH A MANNER AS TO:**  
**(I) THOROUGHLY CHARACTERIZE PREMINING SITE CONDITIONS;**

The authors of HB 08-1161 recognized the importance of determining baseline water quality for an entire project area before ISL uranium mining begins. Once injection of leaching solution in a mine unit has started, there can be no assurance that water quality in an adjacent unit will not be altered.

DRMS staff has taken the position that post-permit, sequential determination of baseline water quality is inconsistent with HB 08-1161. Please support this position in your deliberations on the proposed amendments.

Sincerely,

Jim Woodward

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Pat Hoelter

Sent: Monday, March 01, 2010 6:56 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

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Sincerely,

Ms. Pat Hoelter

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of John Lemmon

Sent: Monday, March 01, 2010 9:26 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

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Sincerely,

Dr. John Lemmon

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Elaine Komrs

Sent: Monday, March 01, 2010 9:56 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

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I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Ms. Elaine Komrs

**Stanton, Irene**

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

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**From:** DuVivier, KK  
**Sent:** Monday, March 01, 2010 10:18 AM  
**To:** Stanton, Irene  
**Cc:** DuVivier, KK  
**Subject:** DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

I am writing to comment on proposed rules the Division of Reclamation, Mining, and Safety (DRMS) has drafted to implement the following three '08 Colorado Statutes:

1. SB 08-169, concerning fees and bonding for hardrock mining;
2. SB 08-228, concerning notice and public commenting related to prospecting operations; and
3. HB 08-1161, concerning reclamation standards for in situ uranium mining.

Let me start with a short introduction about my background and qualifications to comment. I am a tenured Associate Professor at the University of Denver Sturm College of Law. I teach Energy Law and Mining Law. Before I started teaching in 1990, I worked as an attorney in the areas of natural resources, environmental, and land use law for Sherman & Howard (with Ken Salazar & Martha Rudolph), Arnold & Porter (with Harris Sherman & David Neslin), and the Denver City Attorney's Office (under Mayor Pena & City Attorney Steve Kaplan). My undergraduate degree is in geology, and from 1976 to 1979, I worked as a field geologist in Colorado, Texas, and New Mexico doing uranium exploration. My husband and I live in super energy efficient house (85% more efficient than the average home with no need for a furnace) that we built following the German Passiv Haus standards. I am in the process of writing what I hope will be the first textbook on renewable energy law.

I am concerned about how the proposed rules are duplicative and conflicting with existing rules, but also on their potential to negatively impact legitimate mining interests in the state and to perhaps completely eliminate the possibility of in situ mining.

1. A broad provision in the proposed rules that would bar citizens from joining the workforce for minor technical and administrative violations should be narrowed to only exclude actors that have been shown to inflict actual harm by way of previous mining activities.
2. The proposed rules institute a public comment and disclosure period for prospecting activities. Prospecting and exploration is a risky business, and confidentiality is critical at this stage. The proposed rules should limit disclosure to what is needed by public officials to address specific abuses.
3. Bonds for current prospecting activities performed under a prospecting permit should not be increased to also require bonding to restore any future mining activities. Many prospecting

activities do not result in an application for a mining permit, and if they do, those mining activities should be bonded and performed under that separate mining permit.

4. The proposed rules that require an in situ operator to dig all its wells before receiving its Permit provides no additional benefit to the agencies, but simply front loads costs that will drive operators out of the market. The exact same data will be compiled to determine the baseline as the wells are drilled, so there is no additional environmental protection. Furthermore, these provisions may be in direct conflict with Nuclear Regulatory Commission and EPA rules.
5. The statute uses the rule “affected water” but the proposed rules expand the language of the statute by adding the term “potentially affected” water to the affected water provision. The term “potentially affected” should be removed from the proposed rules because it is not defined and efforts to glean some meaning for what appears to be an expansion of the statutory language will most likely result in costly, unnecessary litigation. Furthermore, the statute does not grant to the DRMS the authority to implement such a broad expansion.

I am especially concerned about proposed rules that have an inordinate impact on in situ mining. As I mentioned above, I have experience in the area of uranium exploration and development. Colorado has long been a source of uranium, and most of our uranium has been from underground mines in the Four Corners area.

As you may know from the Colorado Geologic Survey, many of those mines are slated to reopen, and we may even have a new uranium mill licensed in Colorado. Developing uranium in the traditional way—through underground or open pit mining—is much more destructive of our state's resources than the in situ method. Not only do you have the mine hazards and pits, but this method of mining produces radioactive tailings. I also imagine you know the problem with such tailings as illustrated by the massive clean up near Moab that may take 20 years to complete. Consequently, Colorado should be embracing in situ leaching as a positive alternative.

I am not urging you to ignore water quality standards, but I am urging you to make this process fair to encourage a mining operation in the state that is trying to do things in a progressive and more environmentally sensitive way.

Thank you for providing me with this opportunity to give you my input. Please let me know if you have any questions or if I can be of any further assistance.

Associate Professor K.K. DuVivier  
Director, Environmental and Natural Resources Law Program  
University of Denver Sturm College of Law  
2255 East Evans Avenue, Room 455D  
Denver, CO 80208-0640  
Office phone:303-871-6281  
Fax: 303-871-6711  
email: [kkduvivier@law.du.edu](mailto:kkduvivier@law.du.edu)  
Access some of my articles at SSRN: <http://ssrn.com/author=725005>

**Stanton, Irene**

---

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

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

From: Curtis Moore

Sent: Monday, March 01, 2010 10:19 AM

To: Stanton, Irene

Subject: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

Ms. Stanton:

Please accept the following points as my comments to the above-referenced rule-making:

1) As a general statement, I am very concerned with the direction of regulations in the State of Colorado. I am all for protecting the environment, the public, and workers. Often however, there is no nexus between a particular regulation and the desired result. In many cases, an expensive regulation does nothing to improve the quality of our environment. In addition, regulations often go way too far. Everything in life has costs and benefits. For instance, what is the cost of squashing all natural resource development out of Colorado? We end up with a pristine environment and a destitute population. This is not worth it in my opinion. Therefore, please do not let "environmental absolutists", like Jeff Parsons, dictate mineral policy in Colorado. Their suggested revisions often seem reasonable. But, in practice, they have an anti-mining, anti-energy agenda. They will use these seemingly harmless changes to advance this agenda.

2) To this end, I have a few specific concerns about the new rules. First, it appears that you are seeking to expand public comments. While I appreciate the sentiment and theory, in practice, allowing endless comment periods does nothing but delay good projects. Paid environmentalists use comment periods to game the system. Allowing them more comment periods and opportunities to participate only gives them more chances to stop the projects. It also creates more points in the process susceptible to their inevitable lawsuits. This puts a real burden on ordinary citizens. I believe most people are in favor of good projects. Environmentalists have gone so far in recent decades and stopped so many good projects and killed tens (or even hundreds) of thousands of jobs, that regular folks feel the need to turn-out and defend these good projects. This letter is a good example. Supporters are not paid activists - these are people with jobs, families, and lives. Allowing more comment periods won't get you any more information for your decisions - it will only put more money in the pockets of paid environmentalists and increase the burden on ordinary citizens.

3) The proposed rules appear overly vague and broad in a couple of areas. Because of this, they will likely be open to legal challenges due to vagueness. In addition, this kind of vagueness only creates regulatory uncertainty - that impedes investment, job creation and tax revenue growth. The more risk a project has, the higher the returns a company must earn to pursue a project. These high

return requirements makes some projects non-feasible. Some risk is inevitable. However, regulatory risk should never be an issue. We should have clear rules that offer reasonable protections to the environment, workers and the public. Unfortunately, right now, regulatory risk is one of the biggest risk factors facing natural resource development companies - rules are vague, overly broad, politicians constantly threaten to pass more laws, and rules are becoming increasingly expensive for no discernible benefits. For instance, the proposed rule expanding DRMS jurisdiction to "potentially affected" water is entirely unworkable. What is "potentially affected" water? This term could be used to mean all water in the World. These seemingly innocuous changes to the rules will later be used by the professional environmentalists as hammers to kill off all investment and natural resource production in Colorado and America.

In closing, I ask you to listen to all citizens - not just the environmentalists. I realize the Ritter Administration is very much in favor of environmental protection. However, achieving imperceptible (or nonexistent) improvements in environmental protection at the expense of jobs, tax revenues and economic growth is not worth it. Listen also to the companies concerned about the rules. They are the ones looking to invest money in these projects, and they have perspectives that government regulators, ordinary citizens, and environmental activists do not have.

Thank you for your time and consideration.

Curtis Moore

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of steve greene

Sent: Monday, March 01, 2010 10:26 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mr. steve greene

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of bridgette greene

Sent: Monday, March 01, 2010 10:26 AM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

Colorado Mined Land Reclamation Board members

1313 Sherman Street, Room 215

Denver, CO 80203

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mrs. bridgette greene

WELLINGTON OPERATING COMPANY

Bradley A. Pomeroy, President

6065 S. Quebec St. #201

Centennial, Colorado 80111

pomoco@msn.com

303-220-5399

March 1, 2010

Colorado Mined Land Reclamation Board

Attn: Irene Stanton

1313 Sherman Street, Room 215

Denver, CO 80203

Re: Proposed Rules and Amendments 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:

Pursuant to the Notice of Public Rulemaking Hearing Before the Colorado Mined Land Reclamation Board published February 2, 2010, on the website of the Department of Regulatory Agencies, I submit the following written comments regarding the proposed rules and amendments described above.

I am a certified petroleum geologist (AAPG CPG #4194, Wyoming Professional Geologist #360) and have spent a great deal of my 40 year career working the Denver Julesburg Basin. I have been the operator of the Wellington Muddy Sandstone Unit (WMSSU) since June, 1992, an oilfield a few miles west of the proposed Centennial Project, in Larimer County, CO. As an 18 year operator of good standing with the COGCC (operator # 95233), I am intimately familiar with drilling and completion of oil and gas wells to insure not only that these wells are capable of production from the target zone(s), but also are completed in a manner that protects aquifers penetrated by the well bore. I strongly believe that the technology and expertise exists, and has for decades, to insure isolation of the proposed "mining zone" from non target zones.

Wellington Operating Company is the first oil and gas company in Colorado to have all of its producing wells dually permitted by the State Engineer's Office and the COGCC. The Muddy, Dakota and Entrada formations have been designated non tributary aquifers and the water produced there from can be used beneficially and is consumable to extinction, as determined by District 1, Colorado Water Court. The process to achieve the ability to use the waste water from the field beneficially in a state with water issues was not only time consuming but expensive as well. As I look back on years this project took, I realize why other companies have not followed our lead. Finding a way to positively utilize a waste by product of oil production and identify the first new source of water in fifty years in a state that is drying up farms to provide water for individuals and industry should not have been that difficult. It was a win win as everyone benefits.

Legislatively discouraging projects like Powertech's in situ mining in Weld County is ill conceived. This proven technique (in situ) is a far better option than all others, and, as a mineral interest owner (the Wellington Field), the thought of being excluded from my rights to legally and responsibly exploit that which I own seems Orwellian. Powertech's plans are reasonable and sound.

Some of the rules being considered by the DRMS concern me:

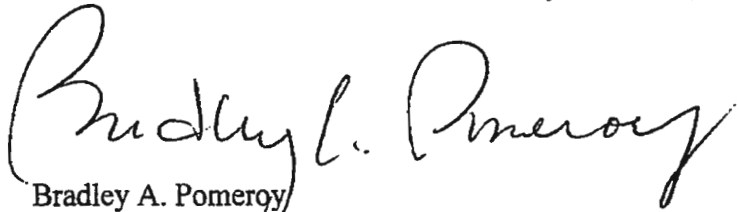
- \* Construct a complete baseline under a *prospecting* permit - is this even possible given existing NRC and EPA rules? Baseline should be completed after receiving a *production* permit.

- \* Prospecting permits have historically been granted without public comments because time is of the essence for these activities. Public comments will only create delays sought by anti-mining special interests, without a public benefit.

- \* Requiring bonding for the reclamation necessary after prospecting makes sense. Requiring bonding for production activities as part of the prospecting permit makes no sense whatsoever.

In this time of economic challenges for everyone, why discourage job creation by chasing those who choose to invest locally (and legally)?

Please contact me if I can be of any assistance,



Bradley A. Pomeroy  
President, Wellington Operating Company

**Stanton, Irene**

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**Subject:** FW: Uranium Mining

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**From:** Jcheever

**Sent:** Monday, March 01, 2010 2:45 PM

**To:** Stanton, Irene

**Subject:** Uranium Mining

Uranium mining companies need to held accountable to restore the ground water to the original condition and groundwater restoration standards should not be lowered once mining has begun. These restoration standards need to be established prior to the start of mining activities (based on baseline test results) and must be strictly adhered to. Groundwater standards should not be lowered based on the uranium mine's inability to meet the original standards.

Jenell Cheever

February 28, 2010

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

RE: Comment on Proposed DRMS Rules

Dear Irene,

I am very concerned about the proposed public hearing process. So often, I see environmental groups and other individuals abuse the public process by demanding more and more opportunities to comment. And so often, I see these groups use their same talking points, offering no new information or information that has no fact or merit to it. The fact is that these groups have no other objective than to delay, delay, and delay, hoping to bleed companies of their resources and make good mineral extraction project uneconomic..

I see the same thing occurring in the new rules. DRMS is apparently considering adding even more opportunities to comment. Why give these groups multiple "bites at the apple"? The comments are redundant and not fact worthy. By all means, there should be technical reviews of applications. In addition, the concerns of neighbors to projects should be heard, so that appropriate mitigations can be considered but those concerns should be based on fact and not emotions.

In most cases people and groups decry corporate greed, worry about imagined water and air contamination, and offer ideas of transforming our country and economy to their fanciful visions. This cannot help your decision-making process. In fact, I believe it prevents you from doing your job efficiently and competently. Therefore, please resist all the calls for more public comment.

The Board seems to have widely expanded the Rules by including "potentially" affected water. That is a grand expansion, and, wholly unnecessary. We could also say there is a potential that oil and gas exploration could potentially affect the water. Should rules be based on potential, because if that is the case, we will not be able to do any exploration at all, because potential is not FACT driven. There also seems a broad "blackball" provision in the Rules. It does not comport with the public policy of Colorado. Please remove these provisions from the new rules.

Sincerely,

Tori McMechan

**Stanton, Irene**

---

**Subject:** FW: Public comments regarding In-Situ leach mining for uranium

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**From:** Robin Davis  
**Sent:** Monday, March 01, 2010 2:17 PM  
**To:** Stanton, Irene  
**Cc:** Jay at home  
**Subject:** Public comments regarding In-Situ leach mining for uranium

Attention Irene Stanton  
Colorado Mined Land Reclamation Board  
1313 Sherman St., Room 213  
Denver, CO 80203

Regarding the rules and regulations for HB08-1161 and SB 08-228

Please maintain the integrity of these two laws while writing the rules and regulations needed to support them.

I am a home owner who lives within the Powertech Uranium Corporation's proposed Centennial Project which proposes to extract uranium using the in-situ leach mining process. Every time Powertech representatives have met with us and have appeared in public forums and have been interviewed by the press, they have promised that they could readily meet the standards of reclamation to which HB1161 holds them.

I don't mean to be mistrusting..... but that is why we followed through with this legislation. Colorado state requirements were not already in place when Powertech began proclaiming that they would restore the groundwater within their proposed mining area. As we noticed this we felt it necessary to have a resource to hold uranium mining companies accountable for their promises.

As property owners we are absorbing the costs, both financially and emotionally, for these promises and the lack of transparency needed to uphold them. It is my ultimate wish that Colorado supports the health of it's population and it's environment by holding uranium mining companies accountable to doing exactly what they are already saying they can do.

During our testimony needed for the passage of HB1161, Powertech and other uranium mining companies agreed that they could meet the standards upheld in this legislation. Please continue to believe them and to require that they fulfill these verbal agreements through strong written regulations that uphold the integrity of HB1161 and SB228.

Thank you for your thorough attention to this matter.

Respectfully submitted by:

**Stanton, Irene**

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

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

From: Volker, Luke

Sent: Monday, March 01, 2010 2:17 PM

To: Stanton, Irene

Cc: Volker, Luke

Subject: DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

Ms. Stanton

I am writing to express my concerns regarding the language of the proposed rules to govern DRMS Hardrock Mining. The premise of my argument is driven in economics. Colorado should recognize its interest in incentivizing uranium mining and production. Given that the United States of America imports 86% of the uranium it uses to power its 66 nuclear power plants, a strong economic incentive exists for Colorado to develop the 4th largest domestic uranium reserves. This is not to suggest that Colorado should engage in a regulatory "race to the bottom." Extraction and development of the minerals should be done in manner consistent with health, safety, and welfare of Colorado citizens. However, Colorado should be careful not to over regulate the uranium industry as it did with the natural gas industry a year ago. Currently, there is no active natural gas drilling operations in Colorado. As it stands, the proposed rules governing the Colorado Mined Reclamation Act would have a similar chilling impact on mining operators and investors. The probable negative impact on taxes, employment, and state welfare should cause the language of the proposed rules to be rewritten in a more definitive manner that is less restrictive on the uranium mining industry.

My concerns will point to several specific rules and will be followed by an elucidation of my concerns.

Rule 1.4.3(1)(A): In a nutshell, this rule would require all prospective in situ leach mining operators to first meet with Office of Mined Land Reclamation and present plans on how the company will meet the application's exhibit requirements.

Concern- this is the definition of over regulation. The state of Colorado shouldn't require that all these plans be made. Rather the state should simply enforce the statutory requirement that all applications have the finished exhibits. These inefficiencies create disincentives for operators to conduct mining activities in Colorado.

Rule 1.4.10(1): This rule permits the board to deny permit applications based on scientific or technical uncertainty about the feasibility of reclamation. the company must therefore show to a scientific or technical certainty that the proposed mining operation procedures are reasonably designed to minimize as the

disruption from the mining operation and to provide for the establishment of plant cover on such affected lands (Rule 1.1(48)).

Concern- "scientific and technical certainty" is an ambiguous clause. Unless the parameters for judging whether reclamation is feasible are more succinctly described, the rule will permit the Board to deny permits arbitrarily. The impact of such ambiguous terminology is a loss of certainty in the findings of the Board. This lack of certainty will likely push mining operators away from Colorado.

Rule 1.1(4.5)- This rule expands the required coverage of the "baseline site characterization" to include all surface and groundwater affected or reasonably potentially affected by the mining"

Concern- the ambiguous term of "reasonably potentially affected" will have to be litigated extensively before any company can know the extent of its meaning under the law. Furthermore, by enlarging the possible area of impacted lands, the impact studies done by the mining company during the permit application process must increase as well. The ambiguity present in the term "reasonably potentially affected" will caused increase legal costs on mining operators. Additionally, the increase in costs associated with enlarging the area of the baseline site characterization will also have a chilling affect on mining activities.

The disincentives that exist in the proposed rules would have a chilling effect on uranium companies currently operating in Colorado. Similarly, companies would be incentivized to not begin operations in Colorado under the proposed rules. For these reasons, the language of the proposed rules should be rewritten in a more definitive manner that is less restrictive on the uranium and mining industry as a whole.

Sincerely,  
Luke Volker

**Stanton, Irene**

---

**Subject:** FW: SB08-228 rulemaking

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**From:** Johnna Bernholtz  
**Sent:** Monday, March 01, 2010 1:21 PM  
**To:** Stanton, Irene  
**Subject:** SB08-228 rulemaking

Dear Members of the Mined Land Reclamation Board:

I am writing to you today to ask for your support on 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,

*Johnna Bernholtz*

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Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Shelly Belleau

Sent: Monday, March 01, 2010 4:28 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,  
Mrs. Shelly Belleau

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Sarah Delaloye

Sent: Monday, March 01, 2010 2:59 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Miss Sarah Delaloye

**Stanton, Irene**

---

**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

**From:**  
**Sent:** Monday, March 01, 2010 7:51 PM  
**To:** Stanton, Irene  
**Subject:** Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Bryan Dean

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:  
Sent: Monday, March 01, 2010 8:11 PM  
To: Stanton, Irene  
Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

lee dana

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:  
Sent: Monday, March 01, 2010 8:21 PM  
To: Stanton, Irene  
Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Christal Davis

**March 1, 2010**

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

**Email: [Irene.Stanton@state.co.us](mailto:Irene.Stanton@state.co.us)**

**Dear Members of the Colorado Mined Land Reclamation Board:**

**I am writing to you about the Draft Mined Land Reclamation Board (MLRB) Rules.**

**I am very concerned about possible contamination of ground water by in situ leach mining for uranium. I live in Fort Collins, a city that will be uncomfortably close to a possible in situ leach mining operation. I believe the risks of permanently contaminating the water supply make it urgent that mining companies are held to the highest possible legal standards and accountability for protecting the quality of the groundwater. I have fears that a mining company can come, make its profits, and then go, leaving nearby residents to cope with the possible negative and permanent aftereffects of their mining. After what has been going on in recent times with Wall Street and the banking crisis, I have little trust or faith that a mining company “will do the right thing out of the goodness of its heart.”**

**It sounds like the mining industry is already trying to change the playing field:**

**“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.”**

**No fair changing horses in midstream, so to speak. Restoration standards should be set and adhered to. Colorado House Bill 08-1161 was passed to establish the groundwater restoration standards that uranium mining companies must meet before proceeding with in situ leach mining in Colorado. The dangers are too great that water, which is a scarce resource, could become permanently contaminated.**

**Also, please abide by Colorado Senate Bill 08-228. There should be transparency in the prospecting process. The public and local governments should be able to be aware of and able to comment on prospecting activities, especially as these prospecting activities could have long term if not permanent effects on the environment.**

**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.**

**Sincerely,  
Carole Hossan**

**Stanton, Irene**

---

**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:  
Sent: Monday, March 01, 2010 9:41 PM  
To: Stanton, Irene  
Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Bethany Cobb

**Stanton, Irene**

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

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**From:** Ian Bezek  
**Sent:** Monday, March 01, 2010 5:41 PM  
**To:** Stanton, Irene  
**Cc:**  
**Subject:** DRMS Hardrock Mining, Prospecting, and Bonding Rulemaking

Dear Ms. Stanton:

I am writing to voice my opposition to the new rules and regulations impacting mining in Colorado. These new rules are overly-restrictive, driven by special interests and in some cases even non-sensical. For instance, the idea that a mining company must pay bonding in advance on production from a site it hasn't even yet explored makes no logical sense. How can a company be expected to be able to accurately judge what resources it has and be able to finance the bonding when it has no idea what resources its exploration will discover? This is just one example of the sorts of rules that would hurt mining in Colorado and place us a distinct disadvantage compared with neighboring states.

In these hard economic times, it doesn't make sense for us to unfairly burden companies who bring much-needed jobs and tax revenues to Colorado. Let's not let a small group of reactionary environmentalists harm our economy. Here at Colorado State, where I am a student, I know almost no one who opposes the proposed uranium mine near Fort Collins -- it seems almost all the opposition is being bankrolled by out of state interests while local residents here would benefit from the jobs and taxes. Let's not harm Colorado's future by placing the concerns of fringe environmentalists ahead of the needs of our state and nation. Below, I've included an editorial I wrote for today's issue (March 1) in our student newspaper, *The Rocky Mountain Collegian*, on the importance of utilizing the natural resources we have here in Colorado.

Sincerely,  
Ian Bezek  
Senior Economics Major at Colorado State University--Fort Collins  
Editorials Editor, *Rocky Mountain Collegian*

### **Colorado must develop natural resources**

**By Ian Bezek**  
**Rocky Mountain Collegian**

Over the years, Fort Collins has developed a very dynamic economy. Originally just a hub for agriculture with an emphasis in sugar beets, Fort Collins has prospered in recent decades by moving toward high technology.

Ever since Hewlett-Packard began moving into Northern Colorado, fostering a whole new wave of technology jobs, Fort Collins has started to focus its emphasis away from agriculture and resources and more toward jobs that require the educated workforce that CSU creates.

That said, the Northern Colorado economy still does rely on agriculture and natural resources to create many jobs, and I fear we may be threatening those jobs with our unrelenting push toward clean and green industries.

Over the past few years, Northern Colorado has, in particular, focused its energy on creating a burgeoning alternative energy industry. We have created a so-called “cluster” of companies here in Northern Colorado that all focus on alternative energy.

These companies, led by the foreign wind turbine maker Vestas, have begun to transform the face of the Northern Colorado economy, leading to sweeping changes in priorities for our local leaders.

But perhaps they’ve swept too far.

In addition to the green jobs, the Northern Colorado area has a generous endowment of natural gas, timber, arable land and oil. Just in the past month, drilling in neighboring Weld County has discovered a gushing geyser of newfound oil.

This is good timing for us, as the tide appears to be turning against alternative energy and green jobs to a large degree. The Democrats, backers of alternative energy are rapidly losing power in Washington.

In addition, President Obama has made headlines with his efforts to bring nuclear energy back to respectability, and his efforts to spearhead the growth of the nuclear industry could cause repercussions for alternative energy. Since nuclear energy is safe, clean, efficient and dirt cheap, it is a viable energy source that can easily make alternative energy irrelevant for the near future.

The cost of alternative energy is also not falling sufficiently quickly. It still costs far more to use alternative energy than the more traditional alternatives, and it will be many years before wind and solar can compete with coal, oil and nuclear fuel on cost.

The other incentive to go green, the environment, is also fading. The Climategate scandal and the plummeting credibility of the international bodies investigating climate change are causing the public to become increasingly skeptical of the need to fight global warming reducing the allure of alternative energy.

We risk putting all our economic eggs in one basket, alternative energy, and it isn’t a safe basket to commit fully to. The mainstay of the town, CSU, is seeing its funding come increasingly under fire, and if Fort Collins’ and Northern Colorado’s bet on clean energy doesn’t pan out as well, the Northern Colorado region will be in deep trouble.

What we need to do is use the resources we do have to ensure that we keep our economy balanced and able to react to change. To do that, we must continue to encourage the development of resource-based industries despite their negative externalities.

For instance, the proposed uranium mine near Nunn, about 10 miles east of here, should be allowed to proceed. Uranium is increasingly vital to the functioning of our economy and America is heavily reliant on foreigners for its supply. We need American uranium mining for our national security and to further our economic interests. Building the mine here in Northern Colorado would create roughly 100 jobs and produce millions of dollars of much needed taxes for Northern Colorado.

A similar case can be made for the local oil supply. America needs more and more oil, we have less and less, and so our supply here is increasingly valuable. We must not let environmentalists block us from creating hundreds of needed jobs and a wealth of tax receipts from these oil fields we are fortunate to have here in

Northern Colorado.

I'm glad we've made a bet on alternative energy; it will probably reward us one day. But in the meantime, let's take advantage of all our resources to ensure our economy remains strong and jobs plentiful regardless of what the future holds.

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**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:

Sent: Monday, March 01, 2010 6:21 PM

To: Stanton, Irene

Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Ted Schultz

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Alex Schultz

Sent: Monday, March 01, 2010 6:58 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mr. Alex Schultz

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

From: On Behalf Of Thomas Willard  
Sent: Monday, March 01, 2010 7:28 PM  
To: Stanton, Irene  
Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010  
Colorado Mined Land Reclamation Board members  
1313 Sherman Street, Room 215  
Denver, CO 80203

Dear Mined Land Reclamation Board members,

As a Colorado resident I feel very strongly about protecting the little remaining water that we still have. Although mining is important to both Colorado and the United States, I believe it should be done so responsibly without endangering the cleanliness of our waters.

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,  
Mr. Thomas Willard



**Tallahassee Area Community, Inc.**  
**Fremont County, Colorado**

March 1, 2010

Jim Hawkle, Vice President  
1739 Fremont Cnty Rd 21A  
Cañon City, Colorado 81212  
Ph: (719) 275-2881  
[www.taccolorado.com](http://www.taccolorado.com)  
[jhawkle@taccolorado.com](mailto:jhawkle@taccolorado.com)

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

RE: Tallahassee Area Community, Inc., Comments on the Draft Mined Land Reclamation Board (MLRB) Rules

Members of the Mined Land Reclamation Board:

Comments on Senate Bill 228:

Senate Bill 228 lifted the veil of secrecy when the mining company is prospecting to do mining. We in the Tallahassee Area are very grateful for this change in process. However, the new MLRB Rules should officially ratify current staff practice of accepting public and local government comments on prospecting activities.

We have a vested interest and specific reasons as to why public comment on prospecting activities is absolutely necessary. In our area, there are domestic water wells within 500 feet of uranium prospecting. It is appropriate for land and homeowners to be able to speak to possible impacts to our water quality **before** any such activity takes place. These pre-mining activities often have the potential to result in serious negative impacts to our burgeoning community. We should be allowed to be involved in the decision-making process. We ask that you reject the industry's attempts to eliminate all public involvement for any pre-mining approvals.

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. This is necessary because in our area Black Range Minerals (BRM) drilled approximately 70 test bore holes without obtaining a County permit **before** the County authorities knew they were conducting such activity. This was facilitated by the fact that, although DRMS requires Notices of Intent to Prospect, the department does not require that prospecting operators also show proof that they've contacted the County in which they will be operating; until the mining permit phase as follows:

**1.6.2 General Applicant Procedures**

*(1) The Applicant shall:*

*(a) Prior to submitting the application to the Office, send a notice, on a*

*form approved by the Board, to the local Board of County Commissioners and, if the mining operation is within the boundaries of a soil conservation district, to the Board of Supervisors of the soil conservation district.*

This language should be added to the Prospecting Rules. However, because of this lack of requirement for the prospecting phase, there was an unpermitted artesian well drilled “immediately adjacent to permanently flowing tributary of Squaw Creek and on water saturated ground” that was not properly abandoned for approximately one (1) year.

**DRMS Requirement: 5.7 FINAL REPORT**

- *113(5.5)(d) (1) No later than sixty (60) days after the completion of the abandonment of any drillhole which has artesian flow at the surface,*
- *BRM letter: “Prior to recommencement of our Taylor Ranch uranium project in 2008, Black Range Minerals became aware that an exploration hole drilled in November of 2007 had an artesian flow. The flow of TRMR-041 was never measured but is estimated at less than a quarter of a gallon per minute. The hole was immediately adjacent to [a] permanently flowing tributary of Squaw Creek and on water saturated ground; I believe the water flow was of near surface nature and not from a deeper confined aquifer.*

No “Drill Hole Completion Form” was provided to Fremont County for well TRMR-041. The above was written by BRM to DRMS on September 9, 2009. One can assume that -- from November 2007 through September 2009 -- the artesian well was flowing; probably contaminating Squaw Creek. (Sept. 9, 2008, BRM letter to DRMS, Re: Cement Abandonment of Drill Hole with Artesian Flow NOI-DMG File #P-2007-0053.)

Because the County was not required to be informed by Black Range Minerals that they’d received an NOI to prospect from DRMS, this situation—an artesian well, not abandoned properly—in what would be called a “Surface Water Supply Area”—was allowed. This act would not have been allowed by the Colorado Oil and Gas Commission because the hole was drilled within the 0 – 300 feet of a surface water supply area and inside the “internal buffer zone.” DRMS should also place the same buffer zone on drilling uranium prospecting test bore holes near surface water.

Comments requesting protection of ground and surface water protection during prospecting:

We believe the door has been opened to allow for an update of the prospecting regulations by this Bill language:

- **34-32-116. Duties of operators - reclamation plans.**
- (9) OPERATORS OF IN SITU LEACH MINING OPERATIONS SHALL TAKE ALL NECESSARY STEPS TO PREVENT AND REMEDIATE ANY DEGRADATION OF PREEXISTING GROUND WATER USES DURING THE **PROSPECTING**, DEVELOPMENT, EXTRACTION, AND RECLAMATION PHASES OF THE OPERATION.

Our issue is simple: **All types** of uranium operations begin with prospecting. In fact, that is how a company can make a determination of whether the ore body is appropriate for ISL mining or conventional. However, the rules for prospecting for uranium are archaic and need to be updated. It is our position that this is called for in the above-mentioned language of HB 1161, The Land and Water Stewardship Act.

Uranium companies do not even know, at first, whether the ore body will be conducive to ISL or conventional mining until a great deal of prospecting has been performed, and a “highly qualified exploration geologist” has made a determination that the ore body is suited for one or another type of mining. Indeed, ISL exploration has 3 distinct phases.

- Special factors must be taken into account while exploring for and delineating uranium deposits for ISL extraction because of the specific information required for planning leaching, as underground fluid flow is governed by the laws of hydrodynamics.
- The major task of the preliminary exploration is the selection of minable ore bodies that are recommended for detailed evaluation. The deposit reserves estimated more precisely, geotechnological section type and ores defined and a final decision is taken on the feasibility of the main ore zones to be extracted by ISL.
- Detailed exploration is undertaken at the deposits following positive conclusions of the preliminary evaluation results and further development is recommended.

The detailed survey should provide all the necessary data on the ISL parameters of the deposit required for designing the mining project.

- “One of the main tasks of the prospect-evaluation is to reject mineralized zones that have no potential for production. The determining factor at this stage is deposit size. Many uranium occurrences with minor resources and favourable geotechnological conditions have no commercial significance.”
- “Uncased drill holes are used in exploration and delineation of an orebody to define its shape and to evaluate ore reserves.”
- “A suite of geophysical well logging surveys are conducted in each pilot hole before the casing is installed: natural gamma, ...”
- “Core samples of the ore-bearing horizon are recovered from the pilot holes of all wells.”

What happens if there is a decision *not to ISL mine*?

- A negative decision is made in the following cases: 1) the permeability of the aquifer is too low to sustain adequate flow rates; 2) the aquifer is not completely saturated or has insufficient hydrostatic head to prevent excessive drawdown or dewatering during pumping; 3) the pumping flow rates appeared too low (less than 0.3–0.5l/s with the level lowered by 15–20m).
- **Land can be sold to Developer**
- **Homes built on top of former mud pit sites**
- **No Institutional Controls to stop this from occurring.**
- If it is decided that the hydrological properties of the deposit make it suitable for ISL, the deposit is then subjected to further detailed exploration.

Where do radioactive drill cuttings and core samples go?

- Quote from BRM's application:
- "Applicant's best practices management in stormwater management call for drill cutting samples to be placed on a plastic sheet while geologists are analyzing the hole, and subsequently collected up and placed within the mud pit (where drill cuttings also reside). The mud pit is then backfilled with soil, compacted, and reseeded as part of reclamation of the site."
- When the evaluation is complete, drill cuttings are normally returned to their source of natural origin - in or near drill holes, mud pits, exploration pits, or other exploration areas they derived from. (Note: not returned hundreds of feet underground)

Question: Why place the drill cuttings on a plastic sheet? What does that practice imply? That contact between the ground and a uranium core sample would be dangerous.

Spacing of Uranium Prospecting test bores means there is a high amount of uranium brought to the surface:

- At the preliminary stage of exploration of roll type deposits, the bore hole profiles are at a spacing of 400–800 m and the holes along the profile are spaced at up to 100–200 m, or as little as 50 m.
- Versus Oil & Gas wells drilled at no less than 10-acre spacing.

See below, the volumetric calculations submitted during the BRM CUP hearing as to the quantity of uranium buried in the earthen pits taken from information presented on the Black Range Mineral website:

AVERAGE PER HOLE	15.9 (m)	49.2248 (ft)	10.8695 (cft)	0.002891 (cft)	1.498400 (lbs)	679.5467 (g)	1.270617 (lbs)	1.261519 (lbs)	0.009034 (lbs)	0.000074 (lbs)
Est'd. TTLS FOR 800 HOLES	12,702.22 (m)	39,379.80 (ft)	8,695.58 (cft)	2.31 (cft)	1,198.72 (lbs)	543,637.33 (g)	1,016.49 (lbs)	1,009.22 (lbs)	7.22727 (lbs)	0.058957 (lbs)

Comparing Uranium Prospecting to Oil and Gas Prospecting

The DRMS prospecting rules are archaic if compared to the new Oil and Gas exploration rules that have been updated to protect groundwater quality. Uranium prospecting rules lag far behind. The Oil and Gas Conservation Commission recently (March 30, 2009) promulgated Rules that address proven leaching of contaminating materials into the groundwater through unlined pits (pits that contain only bentonite) (Beal, William A., Murphy, Edward C., Kehew, Alan E.--Migration of Contaminants from Buried Oil-and-Gas Drilling Fluids Within the Glacial Sediments of North- Central North Dakota—North Dakota Geological Survey R.I. No. 86, 1987.)

Shouldn't the Uranium exploration industry be held to the same standard given the radioactivity, heavy metal toxicity, and half-life of the material?

Yet, there is no such requirement for "pitless" drilling procedures, or proper disposal of uranium test bore waste--uranium drill cuttings and core samples. We believe this is an area that must be addressed given the amount of prospecting for uranium that is currently being conducted, and proposed, in Colorado. (See Exhibit A: Excerpts from COGCC Rules.)

Maintain the Intent of HB 1161 -- The Land and Water Stewardship Act

Finally, we would like to express our wish that the standards in the Act not be weakened in any way. 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.

Thank you for your time and service to the State of Colorado.

Sincerely,

A handwritten signature in black ink that reads "Jim Hawkle". The signature is written in a cursive, flowing style.

---

Jim Hawkle, Vice President

**Exhibit A:**  
**Recent Colorado Oil and Gas Conservation Commission Rules:**

<b>TABLE 1. Buffer Zones Associated with DCPS Operations. Zone</b>	<b>Classified Water Supply Segments (ft)</b>
Internal Buffer	0 - 300
Intermediate Buffer	301 - 500
External Buffer	501 - 2,640

**317B. PUBLIC WATER SYSTEM PROTECTION**

**c. Requirements for DCPS Operations Conducted at New Oil and Gas Locations in the Internal Buffer Zone.**

DCPS Operations conducted and Non-Exempt Linear Features located at New Oil and Gas Locations within a Surface Water Supply Area may not occur in whole or in part within the Internal Buffer Zone identified in Table 1 unless a variance is granted pursuant to Rule 502.b and consultation with the Colorado Department of Public Health and Environment occurs pursuant to Rule 306.d and a Form 2A or Form 2 with appropriate conditions of approval has been approved, or the Director has approved a Comprehensive Drilling Plan pursuant to Rule 216 that covers the operation. In determining appropriate conditions of approval for such operations, the Director shall consider the extent to which the conditions of approval are required to prevent impacts to the Public Water System.

Also, item d.: **Requirements for DCPS Operations at New Oil and Gas Locations in the Intermediate Buffer Zone** requires the following:

*The following shall be required for all DCPS Operations at New Oil and Gas Locations within a Surface Water Supply Area and in the Intermediate Buffer Zone as defined in Table 1.*

- (1) Pitless drilling systems;*

Item e.: **Requirements for DCPS Operations at New Oil and Gas Locations within the External Buffer Zone:**

*The following shall be required when DCPS Operations are conducted at New Oil and Gas Locations within a Surface Water Supply Area and in the External Buffer Zone as defined in Table 1.*

- (1) Pitless drilling systems or containment of all drilling flowback and stimulation fluids pursuant to Rule 904; and*

- (2) When sufficient water exists in the Classified Water Supply Segment, collection of baseline surface water data consisting of a pre-drilling surface water sample collected immediately*

*downgradient of the oil and gas location and follow-up surface water data consisting of a sample collected at the same location three (3) months after the conclusion of any drilling activities and operations or completion.*

Also, item f. **Requirements for DCPS Operations at Existing Oil and Gas Locations:** requires the following:

*(3) Where the provisions of Rule 317B.f.(2) apply, the following zone requirements shall apply:*

*B. For External and Intermediate Buffer Zones: pitless drilling systems or containment of drilling, flowback, and stimulation fluids with impervious liners, as provided in Rule 904.*

*C. For Internal Buffer Zones:*

*i. Pitless drilling systems;*

*ii. Flowback and stimulation fluids contained within tanks and placed on a well pad or in an area with downgradient perimeter berming;*



**Unlined Uranium Mud Circulation  
Pits in this day and age?**

## INFORMATION SOURCES

### ***Manual of acid in situ leach uranium mining technology***

- [http://www-pub.iaea.org/MTCD/publications/PDF/te\\_1239\\_prn.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/te_1239_prn.pdf)

**Jim Hawlee's paper on amount of uranium left in mud pits at Taylor Ranch Project**

### **Oil & Gas Rules**

- Colorado and New Mexico
- DRMS Rules on Prospecting
- "New Innovative Process Allows Drilling Without Pits in New Mexico" by Dorsey Rogers, Cimarex, Gary Fout, M-I SWACO, William A. Piper, Piper Consulting
  - [http://ipec.utulsa.edu/Conf2006/Papers/Piper\\_5.pdf](http://ipec.utulsa.edu/Conf2006/Papers/Piper_5.pdf)
- Closed-loop circulation systems:
  - [http://www.adeq.state.ar.us/water/branch\\_permits/pdfs/00000-WGP.pdf](http://www.adeq.state.ar.us/water/branch_permits/pdfs/00000-WGP.pdf)

Jay Davis

March 1, 2010

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

Dear Members of the Board:

I am a property owner and resident in Northwestern Weld County living immediately adjacent to the proposed Centennial Uranium Mine project.

My request to the Board is to abide by the groundwater standards previously established by House Bill-1161. The wording in the bill was carefully generated to ensure the protection of groundwater. Attempts to modify this wording should be rejected.

Numerous documents all relating to previous and existing Insitu Leach Mining operations in other states were reviewed for a better understanding of the process. One thing that stood out for this particular process were the number of violations cited for virtually all operational Insitu Leach Mines. These are violations reported by the Nuclear Regulatory Commission. The Wyoming Department of Environmental Quality referred to the numbers as being "inordinate". The information and data used in determining these violations would have been based on "sound science". This information and data would have been obtained from the mining company and reviewed in making that determination. The term "sound science" has been used to justify the alteration of the current wording of the groundwater standards. It appears to me that "sound science" would dictate that the strictest possible protections be put in place for the protection of the groundwater.

One item of extreme importance where no alteration of wording should take place is the determination of baseline characteristics prior to mining. Taken from Merriam-Webster, baseline is defined as "a usually initial set of critical observations or data used for comparison or a control". By allowing baseline sampling to occur after mining has started virtually eliminates obtaining any data to establish pre mining controls. For this particular issue "sound science" should be based on the initial critical data for pre mining control. Once again, this is an area where absolutely no change should take place in wording.

Another item of importance up for your review are the rules in support of Senate Bill-228 relating to public comment on prospecting activities. Industry is trying to eliminate public comment on this activity and even labeled it "Illegal" recently. Public and local government comment on these activities when there are impacts to the communities they live in are most certainly warranted. I would request that this participation be included with the MLRB rules.

Sincerely,

Jay Davis

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Mary Robb

Sent: Monday, March 01, 2010 5:29 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Ms. Mary Robb

**Stanton, Irene**

---

**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

From: On Behalf Of Elizabeth Middleton  
Sent: Monday, March 01, 2010 4:59 PM  
To: Stanton, Irene  
Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mrs. Elizabeth Middleton

**Stanton, Irene**

---

**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:

Sent: Monday, March 01, 2010 5:16 PM

To: Stanton, Irene

Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

David Polich

**Stanton, Irene**

---

**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:

Sent: Monday, March 01, 2010 5:21 PM

To: Stanton, Irene

Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Justin Morgan

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

**From:**  
**Sent:** Monday, March 01, 2010 4:56 PM  
**To:** Stanton, Irene  
**Subject:** Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

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\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

John Gromala

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Elizabeth Middleton

Sent: Monday, March 01, 2010 4:59 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mrs. Elizabeth Middleton

**Stanton, Irene**

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**Subject:** FW: Public opinion letter

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**From:**

**Sent:** Monday, March 01, 2010 3:55 PM

**To:** Stanton, Irene

**Subject:** Public opinion letter

I am a geology student at University of Northern Colorado and a Colorado native; with that said, I fully support the development of in-situ uranium operations. I am familiar with the concerns regarding such operations however, I am confident that the rules as currently drafted by the Department of Reclamation and Mine Safety will provide more than adequate oversight for these operations.

Jeremiah Wagener

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

**From:**  
**Sent:** Monday, March 01, 2010 10:36 PM  
**To:** Stanton, Irene  
**Subject:** Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Patricia Miller

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:  
Sent: Monday, March 01, 2010 10:26 PM  
To: Stanton, Irene  
Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Michael Webster

**Stanton, Irene**

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**Subject:** FW: HB08-1161 & SB08-228 rulemaking

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

From:  
Sent: Monday, March 01, 2010 9:51 PM  
To: Stanton, Irene  
Subject: Re: HB08-1161 & SB08-228 rulemaking

Dear members of the Mined Land Reclamation Board:

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

The final rules for House Bill 08-1161 and Senate Bill 08-228 should adhere to the following principles:

\*Uranium companies should be held accountable for cleaning up their mess and returning groundwater quality to its original state that existed before any mining or mine prospecting took place.

\*All uranium companies should play by the rules as a "designated mining operation" and submit environmental plans to minimize the impacts of toxic uranium pollution on our land, water and communities.

\*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 stakeholders should have the ability to appeal mine prospecting permit decisions to ensure that the environment and public health are protected in those decisions.

Very sincerely,

Olin & Diane Bray

**Stanton, Irene**

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**Subject:** FW: Adopt strong uranium mining rules to protect Colorado's water

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

From: On Behalf Of Jon Anderson

Sent: Monday, March 01, 2010 10:58 PM

To: Stanton, Irene

Subject: Adopt strong uranium mining rules to protect Colorado's water

Mar 1, 2010

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

Dear Mined Land Reclamation Board members,

I urge the board to adopt rules that ensure the strongest environmental and public health protection of groundwater quality from uranium mining operations and to ensure full public involvement and transparency at all stages of mining development.

Protecting our water quality is critical for Colorado's environmental and economic health. Taking the lead among states, in 2008 Colorado established strong groundwater restoration standards for uranium mining; these standards are set according to the baseline groundwater characterization of an aquifer affected by mining.

The Mined Land Reclamation Board rules should accurately reflect the spirit and letter of these requirements, and ensure that the baseline and the resulting groundwater restoration standards are clearly defined prior to any mine exploration, prospecting or development. Further, once the pre-mining baseline site characterization is established, the rules should preclude changes to that baseline once exploration or mineral development activity begins. Lastly, the rules should confirm the requirement in the law that all uranium mining operations abide by the protective "designated mining operation" standards enacted after the Summitville Mine disaster for operations with potential to threaten local water quality.

I also urge the board to adopt rules that expressly provide the affected public and local governments the opportunity both to submit comments and to seek administrative review of prospecting approvals.

Sincerely,

Mr. Jon Anderson