

**BEFORE THE MINED LAND RECLAMATION BOARD  
STATE OF COLORADO**

---

IN THE MATTER OF CHANGES TO THE MINERAL RULES AND REGULATIONS OF  
THE COLORADO MINED LAND RECLAMATION BOARD FOR HARDROCK, METAL  
AND DESIGNATED MINING OPERATIONS, 2 CCR 407-1

---

**JOINT PROPOSAL FOR ALTERNATIVE AND ADDITIONAL RULE LANGUAGE**

---

Pursuant to the Mined Land Reclamation Board's Order of July 19, 2010, the parties represented by Travis E. Stills of Energy Minerals Law Center, and Jeffrey C. Parsons of Western Mining Action Project hereby submit the following proposed changes to certain portions of the language submitted by the Division on July 29, 2010 in the above referenced rulemaking proceeding before the Colorado Mined Land Reclamation Board ("Board" or "MLRB").

**3.1 RECLAMATION PERFORMANCE STANDARDS**

*THESE PERFORMANCE STANDARDS SHALL BE APPLICABLE TO ALL MINING OPERATIONS. PROSPECTING OPERATIONS ARE SUBJECT TO THE RELEVANT PERFORMANCE STANDARDS OF THIS RULE. AS DETERMINED BY THE OFFICE.*

\*\*\*\*\*

**3.1.6 Water – General Requirements**

**(1)-(3) \*\*\***

**(4) THE OFFICE shall ~~MAY~~ REQUIRE THE SUBMISSION OF BASELINE SITE CHARACTERIZATION DATA PRIOR TO THE INITIATION OF PROSPECTING OR MINING, INCLUDING BUT NOT LIMITED TO, AMBIENT GROUNDWATER AND SURFACE WATER QUALITY DATA SUFFICIENT TO CHARACTERIZE POTENTIALLY IMPACTED WATERS. The Office may exempt a prospecting operation from the submission of baseline site characterization data upon a determination that the notice demonstrates no potential impacts to the prevailing hydrological balance, or the quantity or quality of surface and ground water systems.**

**(5) DRILLING PITS USED TO SUPPORT PROSPECTING OR MINING SHALL BE CONSTRUCTED AND OPERATED TO ~~PROTECT~~ minimize impacts to PUBLIC HEALTH, SAFETY, WELFARE AND THE ENVIRONMENT, INCLUDING SOIL, WATERS OF THE STATE, INCLUDING GROUNDWATER, AND WILDLIFE, ~~FROM SIGNIFICANT ADVERSE ENVIRONMENTAL, PUBLIC HEALTH, OR WELFARE IMPACTS.~~ IN ITS DISCRETION, THE OFFICE MAY REQUIRE THE USE OF PIT LINERS, FENCING, NETTING OR OTHER MEASURES TO ~~PROTECT~~ minimize impacts to PUBLIC HEALTH, SAFETY, WELFARE AND THE ENVIRONMENT.**

**6.4.19 RESERVED EXHIBIT S – PROOF OF MAILING NOTICES TO AFFECTED OWNERS**

**WITHIN 5 DAYS OF SUBMITTING THE APPLICATION TO THE DIVISION, THE APPLICANT SHALL PROVIDE PROOF THAT NOTICE OF THE PERMIT APPLICATION WAS SENT TO:**

**(1) OWNERS OF RECORD OF THE SURFACE AND MINERAL RIGHTS OF THE AFFECTED LAND;**

**(2) OWNERS OF RECORD OF ALL SURFACE LAND WITHIN TWO HUNDRED (200) FEET OF THE BOUNDARY OF THE AFFECTED LAND; AND**

**(3) IF THE PROPOSED OPERATION IS ANY IN SITU LEACH MINING OPERATION, THE OWNERS OF RECORD OF ALL LAND SURFACE WITHIN THREE (3) MILES OF THE BOUNDARY OF THE AFFECTED LAND, PURSUANT TO RULE 1.6.2(1)(E).**

Respectfully Submitted,

*s/Jeffrey C. Parsons*

---

Jeffrey C. Parsons  
Senior Attorney  
Western Mining Action Project  
P.O. Box 349  
Lyons, CO 80540  
303-823-5738  
Fax 303-823-5732  
[wmap@igc.org](mailto:wmap@igc.org)

For Coloradoans Against Resource Destruction (CARD), Environment Colorado, Information Network for Responsible Mining (INFORM), Clean Water Action, Colorado Environmental Coalition, and Save Our South Park Water08

*s/Travis Stills*

---

Travis Stills  
Managing Attorney  
Energy Minerals Law Center  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
phone:(970)375-9231  
[stills@frontier.net](mailto:stills@frontier.net)

For Sheep Mountain Alliance