

Michael Adams

February 10, 2010

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

RE: Rulemaking for Mining Rules and Regulations

Dear Ms. Irene Stanton:

For the most part, the DMRS should be applauded for work on the draft rules. Two items are particularly troubling.

First, you've added the word "potentially" in the affected groundwater portion:

Affected surface water and ground water means for purposes of the baseline site characterization and monitoring plan required for applications for in situ leach mining operations that surface water or ground water affected or reasonably potentially affected by such mining operation.

Nowhere in the rules is "potentially" defined or described. This term is overly broad which renders it meaningless with respect any practical application by the agency or operators and will, therefore, not pass judicial challenge. The Mined Land Reclamation Act provides for regulation of all affected water not potentially affected water. In adding the word potentially you are outside the authority of the DRMS.

Without doubt mining opponents seek this expansion of the language in order to force operators to defend their projects in extended litigation. The DRMS will undoubtedly be brought into these wasteful lawsuits. And for what gain? None, except to mollify the blind ideology of a very small minority of extreme special interests. You must resist the temptation to think this is a minor change. It is not.

Second, public comment periods are routinely abused by special interest groups that are opposed to all mining operations. These groups use the public comments periods to stall valuable projects without proof of any benefit to the environment. As such, they ultimately do not protect water and the environment, but only operate to raise the cost of projects, which in turn

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nothing to help the causes they claim to champion. In most cases, these special interests are no more than rent seekers who claim to care for the environment, but only wish to line their pockets with donations from those uninformed about their true ambitions.

I bring this to your attention not to disparage the members of these special interest groups, but rather to bring clarity to their motives in order to ensure that you are not fooled into believing that all their claims will actually benefit public health or the environment.

For example, opponents of Powertech's operation in Weld County insisted the EPA hold a second public comment period prior to issuance of a permit to gather aquifer data. The basis for the second hearing was not to submit any new evidence of dangers of the pump test, but rather because of hyper-technical deficiency in the first Notice of Public Hearing. In this manner, opponents abused the public hearing process with no benefit to the public. You should use care in drafting these rules to prevent further political opportunism.

There is no reasonable basis in favor of public comment during prospecting or exploration, and after issuance of a reclamation permit. Quite conversely, there are important reasons to keep exploration information confidential and to keep the public out of manufacturing operations after a permit is granted. There are some that believe their subjective aversion to mining is more important than the property rights granted to mineral owners. Those beliefs are false and must be rejected by the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Adams". The signature is written in a cursive, flowing style with some loops and flourishes.