

February 18, 2010

Sharla Brenning

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

*RE: Proposed Rulemaking and Baseline Site Characterization*

Dear Ms. Stanton,

I'm impressed that you are willing to alter some provisions of the draft Rules based upon public input. Several provisions are troubling and warrant serious consideration for revision.

The Mined Land Reclamation Act takes great pains to separate prospecting activities from mining operations. These draft Rules must do the same. Mining opponents may claim to not understand the difference between these two activities, but that is not enough to confuse the two within the Rules. There must be an initial determination of baseline. That initial determination must later be augmented with all data gathered prior to the commencement of mining activities. If the data is not augmented, it will allow unscrupulous operators to hide data that may feel is unfavorable to their later restoration efforts. In this instance, the vocal mining opponents have it backwards. By restricting baseline to initial efforts, it opens the door for abuse, not enhanced protection of the groundwater.

The draft Rules must implement the language of the statute. The statute does not include a provision that includes all "potentially" affected water. That expansion in the Rules is unauthorized and should be fixed.

Warranty bonds should be required for only those activities allowed by the bond. Attempts to bond for speculative future activities does not make sense or promote fairness. This is likened to making operators cross-insure their competitor's projects. It just doesn't make any sense. I recommend you re-draft that provision.

I encourage you to revise the "blackball" provision of the draft Rules. A citizen should only be precluded from working after a showing of actual harm to other's or a serious violation of another state's rules. In today's corporate environment, minor administrative violations should not follow an individual around and inhibit his ability to earn a living.

Lastly, I'm very concerned about the broad expansion of the public's access to confidential prospecting and exploration activities of private businesses.

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Division of Reclamation,  
Mining and Safety

activities are private for longstanding good reasons. None of those reasons has changed because of the technological advances of in situ recovery. You should not attempt to alter them here.

Thank you,

A handwritten signature in black ink, reading "Shonda Brumby". The signature is written in a cursive, flowing style with a large initial 'S' and a long, sweeping underline.