

February 5, 2010

Marie Rowen

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

Dear Ms. Stanton,

*I'm concerned about the New Rules and Amendments Proposed by the Division of Reclamation, Mining and Safety to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations.*

*Anti-mining groups wish for you to grant them a right to involve themselves in the prospecting phase of mineral development. The statute does not grant you authority to grant them such a right. That right, if given, must come from the legislature. There is an important reason to deny them a right to be involved in the prospecting and exploring phases of development, which goes far beyond their true intent of delaying viable projects.*

*Imagine if all our regulations granted third parties access to private business information at the inception phase of business startup. All business development in our economy would come to a halt. Such a right would grant valuable business information to charlatans and opportunists. The result of such a regulatory scheme would be market confusion and an elimination of the property rights that our society is based upon. I urge you to consider the disastrous effects, including the concomitant litigation, which will ensue if third parties are granted access to the private information embodied in property rights.*

*With regard to water quality, the draft rules go beyond the authority granted in the authorizing legislation. The agency does not have the authority to expand the definition away from "affected" water to a vague parameter of "potentially" affected water. What would such a standard actually mean? There is a reason the legislature did not include "potentially" in the*

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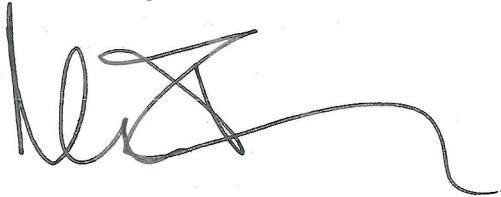
**Division of Reclamation,  
Mining and Safety**

*statute. The most important reason is that it is a term without definition. Also, the rules must be redrafted to include a sensible water quality standard consistent with the Safe Drinking Water Act and other Federal statutes.*

*The draft rules don't seem to fully understand the sequential process involved in determining baseline. Operators must be allowed to prospect, then develop a baseline for use in applying for a reclamation permit, then supplement that baseline with data collected as part of each production unit. Otherwise, you will get one of three inadequate results: (1) either the initial baseline data will not be as robust as it could be; (2) the cost of developing the initial baseline would not be justified because of the risk of a denied permit; or (3) the development of the initial baseline would conflict with EPA density prohibitions.*

*Many operators await your decisions on these rules before they consider further development of their mineral rights. The rules must be sensible, and based upon applicable scientific principles. Rules that are based upon mere political concerns will lead to endless judicial challenges and be overturned. Let's get them right the first time.*

Sincerely,

A handwritten signature in dark ink, appearing to be "K. A. [unclear]", with a long, sweeping horizontal line extending to the right.