

CHAPTER 363

NATURAL RESOURCES

SENATE BILL 08-228

BY SENATOR(S) Schwartz, Bacon, Isgar, Shaffer, Tupa, and Johnson;
also REPRESENTATIVE(S) Curry, Scanlan, Buescher, Fischer, Gagliardi, Green, Kefalas, Looper, McFadyen, Pommer, Solano,
and Stafford.

AN ACT

**CONCERNING INCREASED PUBLIC DISCLOSURE OF THE CONTENTS OF A NOTICE OF INTENT TO
CONDUCT MINING OPERATIONS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 34-32-113 (3), (5.5) (d), (5.5) (e), and (5.5) (f), Colorado Revised Statutes, are amended, and the said 34-32-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

34-32-113. Prospecting notice - reclamation requirements - rules. (3) All information provided TO the board in a notice of intent to conduct prospecting OR A MODIFICATION OF SUCH A NOTICE IS A MATTER OF PUBLIC RECORD SUBJECT TO THE OPEN RECORDS ACT, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., INCLUDING, IN THE CASE OF A MODIFICATION, THE ORIGINAL NOTICE OF INTENT; EXCEPT THAT INFORMATION RELATING TO THE MINERAL DEPOSIT LOCATION, SIZE, OR NATURE AND, AS DETERMINED BY THE BOARD, OTHER INFORMATION DESIGNATED BY THE OPERATOR AS PROPRIETARY OR TRADE SECRETS OR THAT WOULD CAUSE SUBSTANTIAL HARM TO THE COMPETITIVE POSITION OF THE OPERATOR shall be protected as confidential information by the board and SHALL not be a matter of public record in the absence of a written release from the operator or until a finding by the board that reclamation is satisfactory. SUCH INFORMATION DESIGNATED AS EXEMPT SHALL REMAIN CONFIDENTIAL UNTIL A FINAL DETERMINATION BY THE BOARD. THE BOARD SHALL PROMULGATE RULES IMPLEMENTING THIS SUBSECTION (3) AND SHALL CONSIDER INFORMATION INCLUDING THE TIMING OF THE DISCLOSURE OF THE OPERATOR'S IDENTITY.

(5.5) (d) No later than sixty days after the completion of the abandonment pursuant to paragraph (b) of this subsection (5.5) of any drill hole ~~which~~ THAT has

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

artesian flow at the surface, the person conducting the prospecting shall submit to the head of the office a report containing the location of such hole to within two hundred feet of its actual location, the estimated rate of flow of such artesian flow, if such is known, and the facts of the technique used to plug such hole. ~~Such report and all information contained therein shall be confidential in nature and shall not be a matter of public record.~~

(e) No later than twelve months after the completion of the abandonment of any drill hole pursuant to paragraph (b) of this subsection (5.5), there shall be filed by the person conducting the prospecting with the head of the office a report containing the location of the hole to the nearest forty-acre legal subdivision and the facts of the technique used to plug, seal, or cap the hole. ~~Such report and all information contained therein shall be confidential in nature and shall not be a matter of public record.~~

(f) The head of the office may NOT waive any of the administrative provisions of this subsection (5.5). ~~which pertain to aquifers upon written application filed with the director.~~

(9) UPON THE SUBMITTAL OF A NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS OR A MODIFICATION OF SUCH A NOTICE, THE PERSON SUBMITTING SUCH NOTICE OR MODIFICATION SHALL GIVE AN ELECTRONIC VERSION OF THE NOTICE OR MODIFICATION, EXCEPT FOR THAT INFORMATION EXEMPTED FROM PUBLIC DISCLOSURE UNDER SUBSECTION (3) OF THIS SECTION AND THAT INFORMATION DESIGNATED BY THE PERSON AS EXEMPT FROM DISCLOSURE UNDER SUBSECTION (3) OF THIS SECTION, TO THE BOARD IN A FORMAT DETERMINED BY THE BOARD. THE DIVISION SHALL POST SUCH VERSION OF THE NOTICE OR MODIFICATION ON ITS WEB SITE.

SECTION 2. Applicability. This act shall apply to notices of intent to conduct prospecting activities or modifications thereto submitted or approved on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2008