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# STATE OF COLORADO

## EXECUTIVE CHAMBERS

136 State Capitol  
Denver, Colorado 80203-1792  
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Richard D. Lamm  
Governor

## EXECUTIVE ORDER

AUTHORITY TO PURSUE ALL NECESSARY ACTIONS TO PRESERVE  
AND PROTECT THE RIGHTS AND INTERESTS OF THE STATE OF  
COLORADO CONCERNING THE DISPOSITION OF CERTAIN OIL SHALE  
LANDS BY THE FEDERAL GOVERNMENT

WHEREAS, there are four different actions or consolidated groups of cases which, in the aggregate, seek review of the U.S. Interior Department's determination not to issue patents for 525 claims for oil shale made pursuant to the Mining Act of 1872; and

WHEREAS, three of these cases are before the U.S. Court of Appeals for the Tenth Circuit on appeal by the United States from adverse U.S. District Court rulings (Tosco v. Hodel, cases 85-1968, 85-2205, 86-1082, 86-1083, 86-1090, 86-1092 to 86-1097); and

WHEREAS, the fourth case is in the U.S. District Court upon complaint filed on or about April 18, 1986, to which no responsive pleadings have been filed (Ertl v. Hodel, case 86-11-764); and

WHEREAS, the United States has decided to enter into a settlement agreement with the claimants that will result in the issuance of patents for all 525 claims; and

WHEREAS, these patents will encompass approximately 82,000 acres of land within Colorado; and

WHEREAS, if these lands are patented pursuant to the settlement agreement, Colorado's rights and interests in these properties will not be adequately preserved and protected; and

WHEREAS, Colorado's rights and interests in the subject land include, but are not limited to, obtaining 50 percent of future mineral bonuses, rents and royalties from oil shale developed under federal leases, and protecting critical wildlife habitat; and

WHEREAS, Colorado has further rights and interests in assuring that federal action with respect to these lands is taken in compliance with all applicable laws, including, but not

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Page Two

limited to, the Mining Act of 1872, the Federal Land Policy  
Management Act (FLPMA) and the National Environmental  
Policy Act (NEPA); and

WHEREAS, Colorado's rights and interests are no longer being  
represented by the United States and Colorado's ability to  
protect its rights and interests will be impaired or  
impeded by the execution of the settlement agreement; and

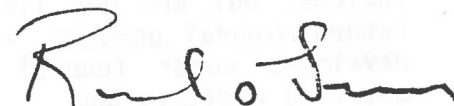
WHEREAS, section 24-31-101(1)(a), C.R.S., provides that the Attorney  
General shall prosecute and defend all actions and  
proceedings, civil and criminal, in which the State is a  
party or is interested when requested to do so by the  
Governor;

NOW, THEREFORE, I, Richard D. Lamm, Governor of the State of  
Colorado, by the power vested in me the Constitution and laws of the  
State of Colorado, do hereby ORDER:

1. The Attorney General of the State of Colorado shall take any  
and all action deemed by him to be necessary and appropriate to  
protect and preserve the rights and interests of the State of  
Colorado in the oil shale lands that are the subject of the cases  
referenced above.

2. The action taken by the Attorney General may include, but  
shall not be limited to, intervening in the above-referenced cases  
and instituting a separate action if necessary for injunctive and  
declaratory relief concerning the claimants' compliance with  
applicable laws such as, but not by way of limitation, the Mining  
Act of 1872, FLPMA and NEPA.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this eighteenth day of  
September, A.D. 1986.



Richard D. Lamm  
Governor



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