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# STATE OF COLORADO

## EXECUTIVE CHAMBERS

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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-rl-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

