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EXECUTIVE ORDER

Establishment of the Advisory Commission on the Henderson Underground Science and Engineering Project

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order establishing the Advisory Commission on the Henderson Underground Science and Engineering Project (“Commission”).

1. Background and Need

The National Science Foundation’s Directorate for Mathematical and Physical Sciences has invited proposals in response to solicitation for a Deep Underground Science and Engineering Laboratory (DUSEL) Site and Conceptual Design. To prepare and submit a proposal in response to the solicitation, the Henderson Underground Science and Engineering Project (HUSEP) collaboration was formed to promote location of the DUSEL at the Climax Molybdenum Company’s Henderson Mine near Empire, Colorado. The Henderson Mine offers many advantages as a laboratory site, including depth, existing infrastructure, geology, cost, accessibility, sound environmental and safety record, and proximity to transportation. It also offers close proximity to major academic institutions and a skilled labor pool to handle construction and operation of the facility. Based on objective criteria, the Henderson Mine site is clearly the best location for the proposed project, offering the greatest benefit to the scientific and education communities, the people of Colorado, and the citizens of the United States.

The HUSEP collaboration is comprised of members from industry, academic institutions from Colorado and several other states, and representatives from Colorado communities. It is governed by an Executive Committee, which is advised by an International Advisory Board. Members of the Executive Committee include the Principal Investigator and Spokesman from the State University of New York at Stony Brook; representatives from The University of Colorado, The Colorado School of Mines and Colorado State University; two members from the Henderson Mine; and the Executive Director of the Arapaho Project, a non-profit community organization acting as a liaison to regional government and other stakeholders. The International Advisory Board consists of scientists from academic institutions in the United States, Canada, France, Italy, Spain, and Japan.

HUSEP Executive Committee members have been meeting as an informal working group with Lieutenant Governor Jane Norton, other members of Governor Owens' administration, State Legislative leaders, and representatives of federal elected officials during the formulation of initial responses to the National Science Foundation (NSF). NSF is now poised to narrow the field of candidate sites, and will require additional analysis and information from each candidate regarding state support, and management structure.

Construction of the DUSEL project at the Henderson Mine site would provide immediate and long-term benefits to the people of the State of Colorado through direct job creation, investment and indirect economic development and educational multipliers. The proposal enjoys bipartisan support, as evidenced by the members of the informal working group and the unanimous approval in the State House and State Senate, as evidenced by SJR 14, "Concerning The Support of the Colorado General Assembly for the Designation of the Henderson Mine as the Preferred Site for the Proposed National Deep Underground Science and Engineering Laboratory." It is therefore warranted to form an advisory commission to research avenues in which the State of Colorado shall assist in promoting the proposal.

2. Status of Application

On July 21, 2005, the Henderson DUSEL conceptual design proposal by the HUSEP collaboration was selected as one of only two sites to advance to the next phase of the NSF site selection process.

3. Mission and Scope

The Commission shall:

- A. Independently observe and assist activities related to the HUSEP application to the National Science Foundation requesting award of the DUSEL project at the Henderson Mine site.
- B. Develop a quarterly report that shall be delivered to the Governor, affected state agencies, the Leadership of the General Assembly, that outlines the benefits and impacts the project would have on the State of Colorado. Additionally, the report shall be made available to the general public. On an annual basis, the Commission may make a presentation on its activities and findings to the State, Veterans and Military Affairs committees of the General Assembly.
- C. Provide advice to the Governor, affected state agencies, and the General Assembly on appropriate roles for the State and its political subdivisions in providing assistance to HUSEP. The Commission will seek out opportunities to support the application, as well as develop sources of financial and other assistance for the construction and operation of the project once awarded.
- D. Seek out opportunities to collaborate with federal governmental agencies.

- E. Meet monthly, or as needed, at the call of the chair, to conduct a review of qualitative and quantitative information submitted or requested in advance by the Commission or the HUSEP partners and other entities as appropriate. This information shall include but not be limited to project status updates, proposed sources of funding, and review of contracts and management plans.
- F. Consider liability and indemnification issues, and make recommendations for the state role.

4. Resources

The Commission shall have the power to accept money and in-kind contributions from private entities only to the extent that such donations are necessary to cover its expenses, and to further the goals of the Commission. Any money contributed to the Commission shall be directed to the Office of Governor and deposited with the Treasurer of the State of Colorado. Members of the Commission shall serve without compensation.

5. Membership

- A. The Commission shall be composed of not more than fourteen (14) members. As follows:
 - (i) Five (5) ex officio members:
 - a. The Executive Director of the Office of Economic Development or his designee;
 - b. The Executive Director of the Office of Local Affairs or his designee;
 - c. The Secretary of the Office of Science and Technology or his designee;
 - d. The Executive Director of the Department of Natural Resources or his designee;
 - e. The Executive Director of the Colorado Commission on Higher Education or his designee.
 - (ii) Seven (7) members appointed by the Governor:
 - a. A representative from the County Commission of Clear Creek County;
 - b. A representative from the County Commission of Grand County;
 - c. A representative of the Henderson Mine;
 - d. A representative of the Arapaho Project;
 - e. A representative from the HUSEP Collaboration;
 - f. Two representatives from the General Assembly, one from the district that includes the Henderson Mine or Mill, the other from the other Chamber of the legislature, neither from the same political party.
 - (iii) Non-voting member
 - a. An appointee from the Office of Economic Development as appointed by the Executive Director of that Office.

- B. The Lieutenant Governor shall serve as Chair of the Commission and shall adopt such policies and procedural rules as necessary to conduct Commission meetings and other business.
- C. A quorum shall consist of nine (9) Commission members, and recommendations of the Commission shall be approved by at least seven (7) voting members.
- D. The Commission shall invite participation by representatives from the offices of Colorado's United States Senators, and the Congressional Representative from the Second Congressional District.

6. Directive

The Advisory Commission on the Henderson Underground Science and Engineering Project is hereby established.

7. Duration

This Executive Order shall remain in effect until August 31, 2007, unless further modified or rescinded by the Governor

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this 5th day of
October, 2005.

Bill Owens
Governor