



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

November 1, 2017

Sally Buckland  
P.O. Box 56  
Empire, CO 80401

Glenda Guanella  
P.O. Box 128  
Empire, CO 80438

RE: Empire Pit; DRMS File No. M-1977-534; Notice of Administrative Appeal Process (AR01)

Dear Mrs. Buckland and Mrs. Guanella,

On October 31, 2017, the Division received your Letter of Objection to the Acreage Reduction request for the Empire Pit, File No. M-1977-534. Pursuant to Rule 4.18(1) (copy enclosed), written objections on the request for reclamation responsibility release must be received within 15 days of notice by the Office to the County and all owners of record to the affected land. The public comment period for the Acreage Reduction request ended on October 21, 2017. Therefore, the Division does not consider your Letter of Objection to be timely filed.

The Division approved the Acreage Reduction request on October 31, 2017, a copy of the Acreage Reduction Approval letter has been enclosed for your reference. Pursuant to Rule 4.19 (copy enclosed), any person directly and adversely affected or aggrieved by an Office decision to approve or deny the request for reclamation responsibility release and whose interest is entitled to protection under the Act may appeal the decision to the Board by submitting a request for Administrative Appeal to the Office according to the provisions of Rule 1.4.11. In accordance, with Rule 1.4.11 (copy enclosed), if you wish to appeal this decision you must petition a hearing before the Mined Land Reclamation Board (Board) within thirty (30) days of the date of the Office decision. Such a petition for a hearing must state how you are directly and adversely affected or aggrieved by the Office's decision, and how your interests are entitled to protection under the Act. The petition must list and explain any issues you believe should be considered by the Board at the Hearing on the matter. The petition for a hearing must state the application or file number assigned by the Office (M-1977-534).

If you have any questions, please contact me at (303)866-3567 x8116.

Sincerely,

Michael A. Cunningham  
Environmental Protection Specialist

Enclosures (3)





**COLORADO**  
Division of Reclamation,  
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1313 Sherman Street, Room 215  
Denver, CO 80203

October 31, 2017

Dan Hartman  
City of Golden  
Director of Public Works  
911 Tenth St.  
Golden, CO 80401

Re: Empire Pit, Acreage Reduction Approval, Permit No. M-1977-534, Revision No. AR-1

Dear Mr. Hartman:

On October 31, 2017, the Colorado Division of Reclamation, Mining and Safety approved your request for release of a portion of the permit area from further reclamation responsibility.

The permit area was reduced to 28.50 acres, through the release of 110.08 acres in this permit action. Because the permit is not totally released, you are still liable for filing annual reports and fees.

If you have any questions, please contact me at (303)866-3567 x8116.

Sincerely,

Michael A. Cunningham  
Environmental Protection Specialist

CC: Wally Erickson, DRMS  
Anne Beierle, City of Golden



- (4) The decision rendered by the Board shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.

**1.4.10 RESERVED**

**1.4.11 Administrative Appeal of an Office Decision**

24-4-104(9)

- (1) Any person who can demonstrate that he/she/it is directly and adversely affected or aggrieved by an action of the Office, including a decision to grant or deny a permit application, other than an application considered under the provisions of Paragraph 1.4.9, and whose interests are entitled to legal protection under the Act may petition for a hearing before the Board on such action within:
  - (a) sixty (60) days of the date of the Office decision if the Office decision was a denial, without a hearing, of an application for a permit or a Notice of Intent; or
  - (b) thirty(30) day for an appeal of any other Office decision.
  - (c) Such hearings before the Board shall comply with this Rule and Section 24-4-105, C.R.S.
  - (d) Such petitions for a hearing shall state how the petitioner is directly and adversely affected or aggrieved by the Office's decision, and how the petitioners interests are entitled to protection under the Act. The petitioners shall list and explain any issue the petitioner believes should be considered by the Board at the hearing on the matter. The petition for a hearing shall specify the application or file number assigned by the Office.
- (2) If no petition decision is made by the Board within sixty (60) days of the date the petition is submitted, the petition will be deemed denied. Such denial shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.

performance and financial warranties. Release (pending an appeal) shall be in writing and mailed within thirty (30) calendar days to the Permittee after the date of such findings. However, an appeal to the release of the financial and performance warranties shall stay the release on the thirtieth (30) day pending a Formal Board Hearing.

**4.18 PUBLIC NOTICE AND FILING OF WRITTEN OBJECTIONS REGARDING A REQUEST FOR RELEASE OF FINANCIAL WARRANTY**

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- (1) Any person directly and adversely affected or aggrieved may submit written objections on the request for reclamation responsibility release so long as such comments are received by the Office within fifteen (15) days of notice by the Office to the county(s) and all owners of record to the affected land.
- (2) Notice of the Office's decision to release the Permittee from further reclamation responsibility shall be published in the next monthly agenda of the Board.

**4.19 GENERAL PROVISIONS - APPEALS TO DECISION - RELEASE OF FINANCIAL WARRANTY**

- (1) Any person directly and adversely affected or aggrieved by an Office decision to approve or deny the request for reclamation responsibility release and whose interest is entitled to protection under the Act may appeal the decision to the Board by submitting a request for Administrative Appeal to the Office according to the provisions of Section 1.4.11. The request for Administrative Appeal must specify the basis for being directly and adversely affected or aggrieved, a statement of why the person's interest is protected by the Act, the permit number assigned by the Office and include a statement of the factual and legal issues presented by the appeal.
- (2) If the Office decision to release a Permittee from reclamation liability is reversed by the Board on appeal, all outstanding obligations under the permit, the financial warranty, and the performance warranty shall remain in effect.

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**4.20 FORFEITURE OF FINANCIAL WARRANTY**