



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

1313 Sherman Street, Room 215
Denver, CO 80203

April 2, 2018

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

RE: Empire Pit; DRMS File No. M-1977-534; Request for Information (TR03)

Dear Mrs. Buckland,

The Division of Reclamation, Mining and Safety (Division) received Technical Revision No. 3 (TR03) for the Empire Pit on January 23, 2018 and filed the Application for review on February 1, 2018. The current decision date for TR03 is April 5, 2018. The Division is in receipt of your comment letters dated February 28, 2018 and March 23, 2018. The following are responses to the comments submitted in those letters.


1. The sodic soils will be removed to a depth of approximately 30" to allow for an adequate root depth of the planted grass species. Excavation of material below 30" will not be required.
2. The Operator has committed to importing soil which is free of noxious weeds. If noxious weeds are present within the reclaimed area, they must be controlled through appropriate weed control methods as required by Rule 3.1.10(6).
3. Tackifier will be applied to the reseeded areas to prevent the loss of soil, until such time as adequate vegetation is established.
4. TR03 addresses the areas which exhibited no vegetative growth and were identified during the inspection conducted on September 1, 2017. The areas in which soil will be excavated and replaced are delineated on Figure 1 of the Technical Revision application.
5. The Reclamation Performance Standards of the Construction Materials Rules do not provide a standard for root depth. Pursuant to Rule 3.1.10(1), revegetation shall be done in such a way as to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments, or fertilizer, and is at least equal in extent of cover to the natural vegetation of the surrounding area. The Division will utilize the standard outlined in Rule 3.1.10(1) to determine if vegetation has been successfully established on reclaimed areas. The standard is not tied to a specific timeline following seeding of the site, but must be achieved before the operation is released from further reclamation responsibility.



6. Pursuant to Rule 1.1(2), inert fill means non-water soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt, paving fragments, and other inert solids.
7. The Division will require appropriate testing of all imported soil. All soil samples will be analyzed for macronutrients, pH, electrical conductivity, and organic matter. The Division will not require the soil to be tested for bacteria, fungi, earthworms or insects.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike C.", is positioned above the printed name.

Michael A. Cunningham
Environmental Protection Specialist

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