

January 27, 2025

Colorado Division of Reclamation Mining and Safety
1313 Sherman Street Room 215
Denver CO 80203


**RE: Guttersen Mining Resource – M-2025-025 112c Construction Materials Application
Completeness Response**

Mr. Girardi:

Please accept this response on behalf of Fortress Development Solutions, LLC for your completeness letter dated 1/22/25. Items from the letter are addressed below.

Application Form (Items 1-6)

'Fortress Development Solutions, LLC' is a valid business entity based on a search on the Colorado Secretary of State website. Please redo the search and let us know if there is still an issue to be resolved regarding the applicant's business status. Here is a screenshot of what we see when we perform the search.



Colorado
Secretary of State
Jena Griswold

Business Search Results

[Click on the ID Number to select your record.](#)

Found 3 matching record(s). Viewing page 1 of 1.

#	ID Number	Document Number	Name	Event	Status	Form	Formation Date
1	20201340440	20201434977	Fortress Development Solutions, LLC	Statement of Conversion	Name Changed	FLLC	04/17/2020
2	20201340440	20201340440	Fortress Development Solutions, LLC	Articles of Organization	Name Changed	FLLC	04/17/2020
3	20201340440	20201435004	Fortress Development Solutions, LLC	Statement of Foreign Entity Authority	Good Standing	FLLC	04/17/2020

[Back](#)

The updated application pages are attached with the changes requested in items 2-6.

Exhibit Q

A copy of the BOCC and Conservation notices are attached.

Exhibit S

The structure notices were provided as shown on page 137 and 138 out of 145 on the DRMS Laserfiche site. However, a cover page for this exhibit was not provided. Please see the attached Exhibit S cover page.

Exhibit R

Proof of filing this response with the Weld County Clerk and Recorder is attached.

Regards,

Sydney Connor
Lewicki & Associates, PLLC
(719)323-9867
sydney@lewicki.biz

Attachments

- **Application Forms**
- **BOCC and Conservation Certified Mail Notices**
- **Exhibit S**
- **Proof of Filing with Weld County Clerk and Recorder**

6. **Name of owner of subsurface rights of affected land:** _____
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** _____

8. **Type of mining operation:** _____ Surface _____ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: _____

PRINCIPAL MERIDIAN (check one): _____ 6th (Colorado) _____ 10th (New Mexico) _____ Ute

SECTION (write number): _____ S _____

TOWNSHIP (write number and check direction): T _____ North _____ South

RANGE (write number and check direction): R _____ East _____ West

QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

QUARTER/QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) _____ Zone _____

Easting _____

Northing _____

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

INSPECTION CONTACT

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|---|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | <input type="checkbox"/> Solid Waste Disposal(WD) | |

13. **Primary present land use (check one):**

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): _____

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.);
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 20th day of November, 2024.

Art Gutteresen
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: [Signature]

Signed: No Seal

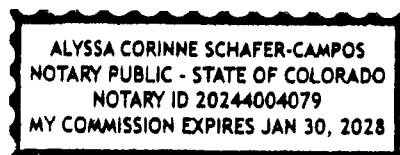
Title: Manager

Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado)
County of Weld) ss.

The foregoing instrument was acknowledged before me this 9th day of December, 2024, by Art Gutteresen as Manager of Fortress Development Solutions



Alyssa Schaffer-Campos
Notary Public

My Commission expires: 1/30/28

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9956 1580 4198 88

RETURN RECEIPT TRACKING NUMBER
9490 9118 9956 1580 4198 37

FEES

Postage per piece	\$0.970
Certified Fee	\$4.850
Return Receipt Fee	\$4.100
Total Postage & Fees:	\$9.920

ARTICLE ADDRESS TO:

West Greeley Conservation District
4302 W 9th St
Greeley CO 80634



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9956 1580 1063 75

RETURN RECEIPT TRACKING NUMBER
9490 9118 9956 1580 1060 10

FEES

Postage per piece	\$0.970
Certified Fee	\$4.850
Return Receipt Fee	\$4.100
Total Postage & Fees:	\$9.920

ARTICLE ADDRESS TO:

Weld County BOCC
1150 O St
Greeley CO 80631-9596



EXHIBIT S

PERMANENT MAN-MADE STRUCTURES

The following is a list of man-made structures within 200 feet of the affected area. All of these structures are shown on Map C-1. Landowner boundaries can also be found on Map C-1. Proof of delivery of structure agreements is attached to this exhibit. In the event that a structure agreement is unobtainable, defer to the Geotechnical Stability Exhibit which indicates that all structures will be protected.

Table S-1. Permanent Structures within 200' of the Affected Area

Owner	Owner Address	Structures	General Location
Kim Eberhart & Jamie Westyn	38050 CR 43 Eaton, CO 80615	Domestic well, fences, residences, related buildings	Directly northwest of permit area – neighboring property
Eugene & Margaret Clark	37914 W.C.R. 43 Eaton, CO 80615	Domestic well	West of northwestern permit area – neighboring property
Louie S & Gina D Frabrizius	PO Box 429 Eaton, CO 80615	Fences, Residence(s), Driveway, Well(s), Related Structures	West of northwestern permit area – neighboring property
Carey Lee & Joseph Quaratino	37914 County Road 43 Eaton, CO 80615	Fences, Residence(s), Related Structures	West of northwestern permit area
Donald A Hjar	1441 41 st Avenue Ct Greeley, CO 80634	Fences	West of permit area – neighboring property
Jacob Charles & Lindsey Marie Nelson	37548 County Rd 43 Eaton, CO 80615	Fences, Driveway, Residence(s), Sheds, Related Structures	West of central western permit area – neighboring property
Alfred Miller	Rt. 2, Box 176-A Eaton, CO 80615	Domestic well	Northwestern corner of southwestern field
Rebecca Christine & Nathan Perry Wiedeman	209494 County Rd 76 Eaton, CO 80615	Residence, Fences	West of southwestern permit area – neighboring property
Mike Harper	21150 WCR 76 Eaton, CO 80615	Irrigation wells	South of permit area – neighboring property
Harper Feedlot LLC	PO Box 36 Eaton, CO 80615	Fences, driveways, roads, feedlot structures, ponds, ditches, silo, other related structures	South and east of permit area – neighboring property
Stephanie L & Scott D Gibson		Domestic Stock Well	



Lewicki & Associates

ENGINEERING | GEOLOGY | ENVIRONMENTAL

January 27, 2025

Weld County Clerk and Recorder
1250 H St
Greeley 80631

**Guttersen Mining Resource
112 Construction Materials Reclamation Permit Application - Completeness Response**

Dear Weld County Clerk:

Please certify that a copy of the completeness response for the Guttersen Mining Resource 112c Construction Materials application is currently available for public viewing.

The applicant is Fortress Development Solutions, LLC. The Colorado Division of Reclamation, Mining, and Safety requires evidence that a public copy of the updated application has been provided to your office. This copy is to be available for viewing by members of the public upon request; recording is not requested.

Please sign and date below certifying that the application has been filed. Return this page to the email address provided below.

The application update was received on the following date:

Date: 1/31/25

Recipient: Carly Kropp

Regards,

Sydney Connor
Lewicki & Associates, PLLC
sydney@lewicki.biz
(719)323-9867

