

**STATE OF
COLORADO**

Girardi - DNR, Chris <chris.girardi@state.co.us>

Gutttersen Mining Resource M2025002- Preliminary Adequacy Review and Cost Estimate

1 message

Girardi - DNR, Chris <chris.girardi@state.co.us>
To: Sydney Connor <Sydney@lewicki.biz>
Cc: Jared Ebert - DNR <jared.ebert@state.co.us>

Mon, Apr 14, 2025 at 2:52 PM

Good afternoon,

Attached to this email is the Division's Adequacy Review Letter regarding the Gutttersen Mining Resource 112c application. Also attached to this email is a pdf of the Division's Reclamation Cost Estimate.

Hard copies will not be mailed unless requested.

Please feel free to contact me if you have any questions.

Thanks,

Chris Girardi

Environmental Protection Specialist Intern



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

P: (720) 793-3041

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

chris.girardi@state.us.co | <https://drms.colorado.gov/>

2 attachments



GutttersenMiningResource_M2025002_PreliminaryAdequacyReview.pdf
292K



GutttersenMiningResource_M2025002_CostEstimate.pdf
192K



April 14, 2025

Art Gutteresen
Fortress Development Solutions, LLC
4407 W. 29th St
Greeley, CO 80634

Re: Gutteresen Mining Resource, File No. M-2025-002
Receipt of 112c Construction Materials
Preliminary Adequacy Review

Dear Art Gutteresen:

On January 13, 2025, the Division of Reclamation, Mining and Safety (“Division” or “Office”) received your 112c Construction Materials Reclamation Permit Application Package for the Gutteresen Mining Resource, File No. M-2025-002. The Application was deemed complete on February 12, 2025. Based on review of the material submitted, the Division has identified the following items must be addressed before the application can be approved. Please submit a cover letter responding to each of the items listed below. Please submit revised Exhibits as necessary.

Rule 6.4.3- Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Lands

1. In the Legend at the bottom-right corner, please correct the DRMS permit number, County, Nearest Town, Township, and Range for Figures C-1 and C-2.
2. For the Figure C-1, please clarify if the Affected Area Boundary and Mining Disturbance Boundary are intended to be the same. If not, then please revise the map to make the Mining Disturbance Boundary clear, as it is currently unobservable in the figure.
3. Please clarify if the “Light duty road, gravel” roads are considered to be the haul roads. In addition, the haul roads are indistinguishable on the Figures C-1 and C-2. Please revise accordingly.
4. Parcel number 070922400014, under the ownership of Deck C Reichert, located to the northeast of the permit area, and parcel number 070934200035 under the ownership of Harper Feedlot LLC, located to the south of the permit area, were omitted from Figure C-1. Please revise accordingly.



5. Please revise Figure C-2 to indicate a general direction of mining for the Phases 1 through 4 areas.
6. Please revise Figure C-2 to include the locations of the stormwater berms.

Rule 6.4.4- Exhibit D- Mining Plan:

7. Please clarify if there are any mining setbacks relative to Owl Creek and Lone Tree Creek.
8. Please clarify the locations of mined windrows of topsoil and how they will be stabilized from water and wind erosion.
9. Please clarify if the internal haul roads will need to be modified in any way.
10. The Applicant states that all mining will be at final slope, therefore please clarify what the intended final slope is.
11. Exhibit E references that berms will be flattened. Please clarify the purpose and locations of these berms within the mining plan narrative.
12. The Applicant states that some additional overburden material will require additional leveling. Please clarify the thickness of overburden present and how such material will be stored during mining and addressed during reclamation.

Rule 6.4.5- Exhibit E- Reclamation Plan:

13. The Applicant states in the first paragraph of Exhibit E that the total affected will be 203.9 acres. However, Exhibit A, Exhibit C, the application pages, and Table E-1 indicate the total affected area will be 206.2 acres. Please clarify these contrasting statements.
14. The Applicant states that the Phase 1 area is the only phase that will develop slopes along the eastern edge, and that these slopes have been modified to improve irrigation in the field. Please clarify these statements. How would the Phase 1 area slope be different relative to Phases 2 through 4?
15. The Applicant states that revegetation will be completed using the existing alfalfa seeding plan. However, the Applicant later indicates the reclamation seed mix will

be Winter Wheat. Please clarify the seeding plan for reclamation.

16. The application includes a section designated for weed prevention but the Applicant states that Weld County and the Division will be consulted if a weed infestation occurs. If noxious weeds are identified at the permit area, please commit to submitting a weed control plan as a Technical Revision to the permit.

Rule 6.4.6- Exhibit F – Reclamation Plan Map:

17. In the Legend at the bottom-right corner, please correct the DRMS permit number, County, Nearest Town, Township, and Range for Figure F-1.
18. Figure F-1 indicates that post-mine contours will closely align with the pre-existing topography. However, the post-mine contour elevations are identical to the pre-existing. The application indicates that approximately one (1) foot of topsoil is to be mined at the permit. Therefore, wouldn't the post-mine contour elevations be at lower elevations relative to the pre-existing elevations? Please clarify and revise Figure F-1 accordingly.

Rule 6.4.7- Exhibit G- Water Information

19. Please note the Division may provide comments regarding Exhibit G, which will be provided in the future.

Rule 6.4.8- Exhibit H - Wildlife Information

20. Please see the enclosed comment letter from Colorado Parks and Wildlife (CPW). Please incorporate the wildlife protective measures outlined in the CPW letter into the operations plan for the site and explain how they will be implemented in a revised Exhibit H.

Rule 6.4.12- Exhibit L- Reclamation Costs:

21. Enclosed is the Division's reclamation cost estimate for the proposed operation. Please review the estimate and provide any feedback.

Rule 6.4.18- Exhibit R- Proof of Filing with County Clerk and Recorder:

22. In accordance with Rule 1.6.2(1)(c), any changes to the application must be reflected in the public review copy which was placed with the Weld County Clerk and Recorder. In accordance with Rule 6.4.18, please provide our office with an

affidavit or receipt indicating the date the revised application pages were placed with the Weld County Clerk and Recorder.

Rule 6.4.19- Exhibit S- Permanent Man-made Structures:

23. Please revise Table S-1 to include Weld County Road 78, Weld County Road 43, and Overhead Powerlines as noted in Figure C-1.
24. The Division notes that Weld County Road 76 is located within 200 feet of the permit boundary to the south but was not listed as a structure. Please provide the following:
 - a. A notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - b. Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - c. Where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that mining and reclamation activities, as proposed, will have “no negative effect” on their utility.

Publication and Notice

25. The public comment period for the application closed on **April 11, 2025**. No comments were received. In accordance with Rule 1.6.2(1)(d), please provide proof of publication. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the newspaper.

This concludes the Division’s preliminary adequacy review of the permit application package. This letter shall not be construed to mean that there are no other adequacy deficiencies in the application package. Please note the Division is required to issue a decision regarding the application on **May 13, 2025**. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of the application. Please provide a cover letter that addresses each adequacy item noted above as well as revised exhibits and maps if necessary. Please provide a response at least two weeks prior to the decision date noted above. Please be aware that the Division will deny the application if outstanding adequacy issues remain when the decision

date arrives and/or inadequate time is provided for the Division to review the response to the adequacy issues.

If you have any questions, please contact me by telephone at (720) 793-3041, or by email at chris.girardi@state.co.us.

Sincerely,



Chris M. Girardi
Environmental Protection Specialist Intern

CC: Jared Ebert, DRMS
Sydney Conner, Lewicki & Associates