



STATE OF
COLORADO

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

Guttersen Mining Resource- Adequacy Review #2 Letter

1 message

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

Wed, Aug 20, 2025 at 9:00 AM

To: artguttersen@icloud.com

Cc: Jared Ebert - DNR <jared.ebert@state.co.us>, Sydney Connor <Sydney@lewicki.biz>, Kate Graves <kate.graves@fortressds.com>

Good morning,

Attached to this email is a pdf of the Division's Adequacy Review #2 letter for the Guttersen Mining Resource permit application, file no. M-2025-002.

A hard copy will not be delivered unless requested. Please feel free to reach out if you have any questions.

Sincerely,

Chris Girardi

Environmental Protection Specialist



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

P: (720) 793-3041

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

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AdequacyReview2_GuttersenMiningResource_M2025002.pdf
285K



August 20, 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
Adequacy Review #2

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. The Division sent a Preliminary Adequacy Review Letter on April 14, 2025, and received a response on July 31, 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.
 - a. **Applicant Response:** Please see the updated Exhibit C maps.
 - b. **DRMS Response:** The revised maps C-1, C-2, F-1, and G-1 do not reflect all the requested revisions. Please update the County and Nearest Town.
2. Please revise Figure C-2 to include the locations of the stormwater berms.
 - a. **Applicant Response:** Please see the revised map with stormwater berm locations.
 - b. **DRMS Response:** The revised Legends for maps G-1, and C-1 indicate the stormwater berms locations are denoted with dashed red line. However, both maps do not include the stormwater berms. Please revise the maps.



Rule 6.4.4- Exhibit D- Mining Plan:

3. Please provide a rationale for the sizing and design of the stormwater berms.

Rule 6.4.5- Exhibit E- Reclamation Plan:

4. The Applicant states in the first paragraph of Exhibit E that the total affected area 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.
 - a. **Applicant Response:** This typo has been fixed in the updated Exhibit E.
 - b. **DRMS Response:** Table E-1 in Exhibit E states that the total affected area will be 259.3 acres, however that acreage corresponds to the proposed permit area. The proposed total affected area acreage is 206.2 acres. Please revise Table E-1.

Rule 6.4.7- Exhibit G- Water Information

5. Map G-1 and Table G-3 indicate the Mining Phase 1 area Detention Capacity is 3.78, which is only slightly above value calculated for a 5-year, 24-hour stormwater event. Please clarify how the detention capacity is sufficient for a 10-year, 24-hour storm event.
6. The section titled "Water Quality Protection" indicates that surface water discharges will be sampled in accordance with the NDPES discharge permit at the approved Outfall location shown on Map C-3. Map C-3 has not been submitted. Please clarify, or revise Maps C-1 and G-1 to include the NDPES sampling location(s).
7. Please provide a diagram or cross section depicting the stormwater berms and rock check dams.

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

8. 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.

Financial Warranty:

9. Given the Applicant concurs with the Division's proposed Reclamation Cost Estimate, please provide the financial warranty with all the applicable forms.

This concludes the Division's second 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 **September 12, 2025**. If you are unable to provide satisfactory responses to any inadequacies prior to this date, please request an extension of time to allow for continued review of the application. 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

CC: Jared Ebert, DRMS
Sydney Conner, Lewicki & Associates
Kate Graves, Fortress Development Solutions, LLC