



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

November 17, 2022

William Schenderlein  
Blue Earth Solutions, LLC  
PO Box 2427  
Fort Collins, CO 80522

**RE: Timnath Connell Pit (Permit No. M-1999-050)**  
**Technical Revision 7 (TR7)**  
**Adequacy Review #1**

Dear Mr. Schenderlein:

On November 8, 2022, the Division of Reclamation, Mining and Safety (Division) received your Technical Revision No. 7 (TR7) Application package for the Timnath Connell Pit, File No. M-1999-050. The application was deemed complete on November 16, 2022. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

1. The new location of the Box Elder Ditch is within the permit boundary and within 200 feet of the Phase 2 mining area described in TR2 in 2007. A structure agreement or engineering evaluation demonstrating that the Box Elder Ditch shall not be damaged by mining activities needs to be included with the TR7 application (Rule 6.4.19).
2. The Box Elder Ditch has been relocated within the 100 Year Floodway according to Exhibit F in the TR7 application. During the September 16, 2022 inspection, it was noted that the new ditch structure is 18"-24" inches above the current ground level. Please explain how the new ditch location will affect the 100 Year Floodway? Has the local flood plain authority been notified of the changes?

The decision date for this application is December 16, 2022. 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 this application.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,

Brock Bowles  
Environmental Protection Specialist

CC: Jared Ebert, DRMS

