



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

August 30, 2024

Bill Schenderlein
Blue Earth Solutions, LLC
P.O Box 2427
Fort Collins, CO 80522

**Re: Timnath Connell Pit, Permit No. M-1999-050, Amendment Application (AM-1),
Adequacy Review #2**

Dear Mr. Schenderlein:

The Division of Reclamation, Mining and Safety (Division) has completed its review of your Adequacy Review response dated August 12, 2024 for the Timnath Connell Pit in Larimer County. The current decision date for the application is set for September 20, 2024.

The Division has identified the following adequacy items in the application which require clarification or additional information:

Rule 6.4 Specific Exhibit Requirements – 112c Reclamation Operation

Rule 6.4.19 Exhibit S – Permanent Man-made Structures

1. Rule 6.4.19(a) requires a notarized agreement between the applicant and person(s) having an interest in any structure withing 200 feet of the affected area. This requirement may be fulfilled when a structure agreement form has been filled out and notarized on the applicants end and evidence of this agreement being delivered to the structure owner is provided. The Division requires the following structure agreements to be fully filled out and notarized by the applicant and re-sent to the structure owners:
 - a) CWH Properties, LLC
 - b) Terra Resource Corp
 - c) Colorado Youth Outdoors Charitable Trust
 - d) Haralson, Joseph E and Julie J
 - e) Harmony-McMurray, LLC
 - f) Comcast (Xfinity)
 - g) CenturyLink (Lumen)
 - h) TDS Telecom
 - i) Xcel Energy
 - j) Box Elder Ditch Company
 - k) Larimer County Road and Bridge Department



2. For each re-sent structure agreement, please provide a copy of the forms that were sent out to each structure owner.
3. For each re-sent structure agreement, please provide proof of delivery, which may be in the form of return receipts of a Certified Mailing or proof of personal service.
4. Please send copies of any structure agreements that have been executed since the August 12, 2024 Adequacy Response letter.
5. Please note that the Division received executed structure agreements in the previous Adequacy Response, those agreements will not need to be re-sent. Any executed structure agreements obtained since the August 12, 2024 Adequacy Response letter will not need to be re-sent either.

This letter shall not be construed to mean there are no other technical deficiencies in your application. Please be advised that the approved extended decision date is September 20, 2024. If you are unable to satisfactorily address the comments in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application.

If you require additional information, or have questions or concerns, please feel free to contact me by phone at (720) 812-2002, or by email at joel.renfro@state.co.us.

Sincerely,



Joel Renfro
Environmental Protection Specialist

Cc:

Kevin Anderson, Connell Resources
John Warren, Connell Resources
Amy Eschberger, DRMS