



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, CO 81652

August 30, 2022

In Reply Refer To:  
3715 (COG020)  
COC-074205

CERTIFIED MAIL – 7020 1810 0000 3302 2849  
RETURN RECEIPT REQUESTED

## DECISION

Rocky Mountain Industrials  
RMR Aggregates, Inc.  
Attention: Mr. Brian Fallin, CEO  
6200 S. Syracuse Way, Suite 450  
Greenwood Village, CO 80111

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Use and Occupancy  
Under the Mining Laws

## NOTICE OF NONCOMPLIANCE

The Rocky Mountain Industrials (RMI) Mid-Continent Quarry mining operation, located north of Glenwood Springs in Garfield County, Colorado, is currently authorized under Plan of Operations COC-074205, which the Bureau of Land Management (BLM) approved in 1982 under the surface management regulations at 43 CFR subpart 3809. BLM approved a modification of the plan in 1989.

While the mill facility was approved under 43 CFR subpart 3809 on June 15, 2009; it currently does not have 43 CFR subpart 3715 - occupancy concurrence. According to § 3715.3: "Before beginning occupancy, you must consult with BLM about the requirements of this subpart." Additionally, under 43 CFR § 3715.3-6: "If you have not received concurrence from BLM, you must not begin occupancy, even though you have submitted, or plan to submit, an amended occupancy proposal or an appeal."

Pursuant to 43 CFR § 3715.3, BLM hereby orders RMI, within 30 days from receipt of this notice, to comply with the applicable requirements of subpart 3715 and provide the requisite information and documents to BLM for review.

If RMI does not comply with the requirements of this notice, BLM may take further action pursuant to 43 CFR § 3715.7-1(a) or (b), requiring immediate temporary suspension or temporary or permanent cessation of all or part of your use or occupancy of the mill facility site.

### Appeal of the Decision

This decision may be appealed directly to the Office of Hearings and Appeals, Interior Board of Land Appeals (IBLA), in accordance with the regulations contained in 43 CFR Part 4, and the information found in the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at 2300 River Frontage Road, Silt, Colorado 81652 within 30 days from receipt of this decision. A copy of the Notice of Appeal and any Statement of Reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. The appellant has the burden of showing that the decision appealed from is in error.

### Request for a Stay

If you wish to file a petition (request), pursuant to regulation 43 CFR § 4.21, for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. This decision will remain in effect while the IBLA reviews the case unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the standards listed below.

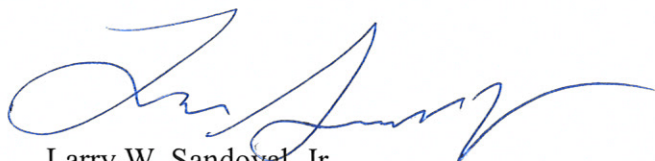
### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you have any questions concerning this letter, please contact Brittany Cocina, Geologist, at (970) 876-9053 or [bcocina@blm.gov](mailto:bcocina@blm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry W. Sandoval, Jr.", is written over a horizontal line.

Larry W. Sandoval, Jr.  
Field Manager

Enclosures:

Map of 1989 Approved Permit Area compared to Current Surface Disturbance  
Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

cc: Benjamin E. Gruber  
Colorado State Office, BLM  
2850 Youngfield Street  
Lakewood, CO 80215

Nicolas Sandoval  
Colorado State Office, BLM  
2850 Youngfield Street  
Lakewood, CO 80215

Danielle DiMauro  
Office of the Solicitor, DOI  
755 Parfet Street, Suite 151  
Lakewood, CO 80215

Clayton Wein  
Colorado Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup> Street, Suite 301  
Grand Junction, CO 81501





**Key**  
1989 approved boundary  
Township & Range  
Sections  
CO BLM Ground Transportation Linear Features

Esri, HERE, Garmin, © OpenStreetMap contributors, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**BLM - Colorado River Valley Field Office**  
**RMR Aggregates, Inc.**  
**Mid-Continent Quarry**

0 0.0425 0.085 0.17 Miles



1:4,000

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This project was developed through digital means and may be updated without notice.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF  
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

Bureau of Land Management  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, CO 81652

NOTICE OF APPEAL.....

WITH COPY TO  
SOLICITOR...

Office of the Regional Solicitor  
Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, CO 80215

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR.....

Office of the Regional Solicitor  
Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, CO 80215

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

#### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)