



# United States Department of the Interior



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

November 9, 2022

In Reply Refer To:  
3809 (COG020)  
COC-074205

CERTIFIED MAIL – 7020 1810 0000 3302 3662  
RETURN RECEIPT REQUESTED

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

Dear Mr. Fallin:

Thank you submitting a proposed modification to the Plan of Operations for the Mid-Continent Quarry in response to the notice of noncompliance and the noncompliance order that BLM issued to Rocky Mountain Industrials (RMI) on August 30, 2022 (“enforcement orders”). BLM received your proposal on October 10, 2022. The information provided in your proposal is not sufficient for BLM to complete its review. Accordingly, RMI must provide the additional information described below within 45 days of receipt of this letter. The following public lands are affected by your proposed modification.

Sixth Principal Meridian, Colorado  
T. 5 S., R. 89 W.,  
sec. 36, SE1/4.  
T. 6 S., R. 89 W.,  
sec. 4, lots 2, 3, and NE1/4 SW1/4.

## **Completeness Review:**

The proposed modification cannot be considered a minor modification under 43 CFR §3809.432(b) because the operations identified in the noncompliance order were not within the scope of BLM’s NEPA analysis for the existing plan of operations. As further NEPA analysis is necessary for BLM to consider alternatives through which the operation can achieve compliance, the proposed modification must be reviewed in accordance with 43 CFR §3809.432(a). That provision requires BLM to determine whether the proposed Plan of Operations Modification meets the completeness requirements set out in 43 CFR §3809.401(b).

Consistent with the surface management regulations at 43 CFR §3809.411(a), the BLM has reviewed the submitted modification to determine if it meets the content requirements at 43 CFR §3809.401(b). Based on our review, the following additional information is required for the proposed Plan of Operations Modification to be considered complete:

1. Mailing address, phone number, and taxpayer identification number of the operator, and the BLM serial numbers of any unpatented mining claims where disturbance would occur. The operator must also identify one individual as the point of contact. 43 CFR §3809.401(b)(1)
2. A description of operations that includes, where applicable, maps showing all activity and facility locations; preliminary designs and operating plans; water management plans, rock characterization and handling plans; quality assurance plans; spill contingency plans; schedule of operations from start through closure; and plans for access, power, water, or support services. 43 CFR §3809.401(b)(2)(i) – (viii).
3. A plan for reclamation to meet the standards in 43 CFR §3809.420, with a description of the equipment, devices, and/or practices you propose to utilize. These can include drill-hole plugging; regrading and reshaping; mine reclamation, including information on the feasibility of pit backfilling that details economic, environmental, and safety factors; riparian mitigation; wildlife habitat rehabilitation; topsoil handling; revegetation; isolation and control of acid-forming, toxic, or deleterious materials; removal or stabilization of buildings, structures and support facilities; and any additional post-closure management. 43 CFR §3809.401(b)(3)(i) – (x).
4. A plan for monitoring the effect of your operations. This plan must meet and demonstrate compliance with the approved plan of operations and other Federal or State environmental laws and regulations, provide early detection of potential problems, and supply information that will assist in directing corrective actions should they become necessary. 43 CFR §3809.401(b)(4)

Monitoring plans may incorporate existing State or other Federal monitoring requirements to avoid duplication.

5. An interim management plan for the project area during periods of temporary closure, including periods of seasonal closure, to prevent unnecessary or undue degradation. 43 CFR §3809.401(b)(5).

Please provide a response to the above information requests in the form of a revised submittal within 45 days from receipt of this letter. Upon review of the required information, the BLM will determine whether or not the proposed Plan of Operations Modification is complete.

Once the Plan of Operations Modification is determined complete under 43 CFR § 3809.401(b), the BLM will solicit public comment on the Plan under 43 CFR §3809.411(c), either separate from or as a part of the environmental review process required by the National Environmental Policy Act (NEPA). BLM must solicit public comment prior to making a decision on the proposed Plan of Operations Modification in accordance with 43 CFR § 3809.411(d).

### **Occupancy Concurrence:**

Under 43 CFR § 3715.3, the proposed Plan of Operations Modification must also include the information in the submitted “Occupancy Demonstration” for the Notice of Noncompliance under 43 CFR § 3715.3-2, in order for BLM to review this information concurrently with our review of your proposed Plan of Operations Modification.

If RMI fails to submit the required information to comply with the enforcement orders within 45 days of receipt of this letter, the BLM will take action pursuant to 43 CFR § 3809.601(b) by requiring suspension of all or part of the Mid-Continent Quarry operations. BLM may also enforce the orders pursuant to the regulations at 43 CFR § 3809.604 or § 3809.700, and will require immediate temporary suspension or

temporary or permanent cessation of all or part of your use or occupancy of the mill facility site under 43 CFR § 3715.7-1(a) or (b).

If you have any questions about the information requests, 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.", with a stylized, cursive script.

Larry W. Sandoval, Jr.  
Field Manager

CC: Kemba Anderson, Colorado State Office, BLM  
Nicolas Sandoval, Colorado State Office, BLM  
Danielle DiMauro, Office of the Solicitor, DOI  
Russ Means, Colorado Division of Reclamation, Mining and Safety  
Clayton Wein, Colorado Division of Reclamation, Mining and Safety