



United States Department of the Interior



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

3809 (COG02000)
COC-074205

February 3, 2023

CERTIFIED MAIL:7020 1810 0000 3304 9655
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:

In August 2022, the Bureau of Land Management (BLM) sent Rocky Mountain Industrials (RMI) a noncompliance order that required RMI to submit a proposed modification to its existing plan of operations (COC-074205) to conduct mining activities in the Mid-Continent Quarry, T6S, R89W, Section 4, T5S, R89W, Sections 25 and 36, T5S, R88W, Sections 30 and 31, 6th P.M., Garfield County, Colorado (August Order). RMI submitted a proposed modification to BLM on October 10, 2022 (Plan Modification). On November 9, 2022, BLM informed RMI that its proposed modification was not complete and ordered RMI to provide additional information. RMI responded and provided additional information on January 6, 2023. Please refer to COC-074205 in future correspondence concerning this operation.

Consistent with the surface management regulations at 43 CFR 3809.411(a), the BLM began review of the Plan Modification to determine if it meets the content requirements at 43 CFR 3809.401(b). However, due to changed conditions resulting from a large rockslide incident that occurred on January 18, 2023, the BLM does not have sufficient information to review or potentially approve RMI's Plan Modification as submitted, and therefore has concluded that the Plan Modification is incomplete.

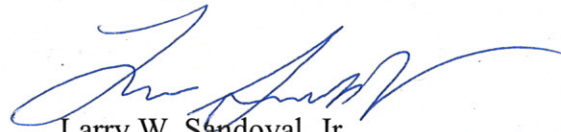
Following the rockslide, the BLM and representatives from the U.S. Mine Safety and Health Administration (MSHA) inspected the mine site. On January 19, 2023, MSHA issued a Control Order (103(k)) to Acting Mine Superintendent Robert Wagner that requires RMI to *"provide MSHA a written plan to recover the benches and face stability in the quarry."* While the details of this plan are as yet unknown, the BLM expects it will significantly change the scope of RMI's Plan Modification that may be necessary to address noncompliance items, particularly related to the

changed condition on the ground (i.e., the now modified highwall), and any modifications to meet MSHA's requirements. The BLM also expects this change will result in an increase in disturbed acres that will need to be addressed in the Plan Modification to ensure your operation's compliance with BLM's regulations at 43 C.F.R. subpart 3809.

BLM requires additional time to consider the implications of the wall collapse for the Plan Modification. After further review, BLM will provide additional direction to RMI. In the interim, BLM understands that one effect of MSHA's order is that mining operations that are not related to immediate actions (like recovering RMI's front-end loader) are shut down until MSHA determines it is safe to resume normal mining operations at the quarry.

By sending this interim response, BLM waives no rights related to enforcement of the violations identified in its August 2022 letter. If you have any questions about this interim response, please contact Brittany Cocina, Geologist, at (970) 876-9053 or bcocina@blm.gov.

Sincerely,



Larry W. Sandoval, Jr.
Field Manager

cc: U.S. Mine Safety and Health Administration, Jack Eberling
Colorado Division of Reclamation, Mining and Safety, Amy Yeldell