



# United States Department of the Interior



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

March 7, 2023

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

CERTIFIED MAIL – 7021 1970 0001 3799 5292  
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 for the resubmittal of your Plan of Operations Modification 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”). 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.

BLM received your proposal on January 6, 2023. A number of items that BLM specified in our November 9, 2022 correspondence have been addressed. However, due to the rockslide that occurred on January 18, 2023, conditions have changed and there are additional items that need to be addressed. Accordingly, RMI must provide the additional information described below within 30 days of receipt of this letter.

## **Completeness Review:**

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. Pages 4-7 through 4-12. Description of Operations. RMI must adequately update the Description of Operations Exhibit to include the recent changes of the day-to-day operations and operational procedures, including the short- and long-term acreage for the operational area as well as an updated project map with areas of existing and proposed disturbances. This also includes most of the subsections such as the Blasting

Plan, Rock Removal from Highwall Benches, Road System, Schedule of Operations, Stormwater Management, Rock Characteristics, and Bench Configuration. Due to the rockslide, most of these operations have changed. RMI will need to include the short-term recovery plans and any long-term plans in the updated Description of Operations.

2. Page 4-12. Bench Configuration. This information was based on a geotechnical report from 2018. BLM will require a new geotechnical analysis to be completed due to recent events.
3. Pages 5-1 through 5-6. Reclamation Plan. This plan will need to be reassessed due to recent events and the operational changes. 43 CFR §3809.401(b)(3)(i) – (x).
4. Pages 6-1 through 6-3. Interim Management Plan. The interim management plan for the project area will need to be updated due to the changed conditions to prevent unnecessary or undue degradation during periods of temporary closures. 43 CFR §3809.401(b)(5).
5. Pages 7-4 through 7-5. Monitoring Plans. The plans for monitoring the effect of your operations will need to be reevaluated due to the changed conditions and operations. 43 CFR §3809.401(b)(4)

Additionally, the BLM's regulations at 43 CFR § 3809.415(a) require operators to remain in compliance with all Federal and State laws related to environmental protection and protection of cultural resources. The BLM is aware that the U.S. Mine Safety and Health Administration (MSHA) has issued a section 103(k) Control Order to RMI, and that RMI has been working with MSHA to resolve that order. The BLM is also aware that the Colorado Division of Reclamation, Mining, and Safety (DRMS) has issued a Notice of Board Hearing for the Reason to Believe a Violation Exists under Rule 3.1.5(3), C.R.S. 34-32.5-116(4)(i), and C.R.S. 34-32.5-124 to RMI. RMI will need to notify BLM of their plans of how they will address the MSHA order and the potential DRMS violation.

Please provide a response to the above information requests in the form of a revised submittal within 30 days from receipt of this letter. As outlined in BLM's March 6 Amended Noncompliance letter, the BLM may take further action pursuant to 43 CFR § 3809.601(b) and issue a Suspension Order for all or part of the Mid-Continent Quarry operation." If BLM does not receive your complete submission within 30 days, it will consider you to have failed to timely comply with the August 30, 2022 Noncompliance Order, which is a significant violation.

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).

If you have any questions about the information requests, please contact Brittany Cocina, Geologist, at (970) 876-9053 or bcocina@blm.gov.

Sincerely,



*for* Larry W. Sandoval, Jr.  
Field Manager

CC: Amy Stillings, Colorado State Office, BLM  
Nicolas Sandoval, Colorado State Office, BLM  
Greg Larson, Upper Colorado River District, BLM  
Gary Polson, U.S. Mine Safety and Health Administration  
Russ Means, Colorado Division of Reclamation, Mining and Safety  
Amy Yeldell, Colorado Division of Reclamation, Mining and Safety