



United States Department of the Interior



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

In Reply Refer To:
COC-074205 (COG02000)

January 25, 2024

CERTIFIED MAIL: 7019 0140 0000 8980 6290
RETURN RECEIPT REQUESTED

Robert Wagner
RMI Aggregates, Inc.
Rocky Mountain Industrials
6200 S. Syracuse Way, Ste. 450
Greenwood Village, CO 80111

Dear Mr. Wagner,

On January 12, 2024, I provided management acknowledgment of the Bureau of Land Management's (BLM) report documenting the Determination of Common Variety (DCV) conducted as described in my March 21, 2019 letter to RMR Aggregates, Inc. The purpose of the DCV was to determine the extent to which the 44 mining claims at issue in that determination contain minerals subject to disposal under the Mining Law of 1872 (Mining Law). The results of the DCV informs whether and to what extent the BLM may authorize use of the surface of public lands for mining operations under 43 CFR subpart 3809 and whether any portion of the minerals produced are mineral materials for which payment to the United States is required.

Through the DCV, the BLM concludes that, where the minerals in the mining claims are used as specialty aggregate that commands a higher price in the market, such as for the construction of Federal Aviation Administration (FAA) runways, the minerals are subject to disposal under the Mining Law. However, use of the minerals in these mining claims for asphalt shingles, rock dust, aggregate, and other specialty aggregate does not meet the requirements for disposal under the Mining Law. Consequently, minerals used for these purposes are instead subject to disposal under the Materials Act of 1947 (Materials Act) and the Department's regulations at 43 CFR Part 3600.

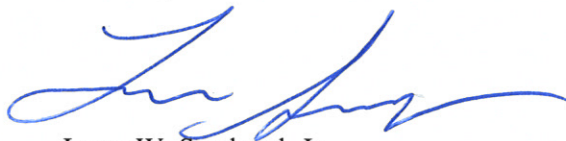
The BLM's March 21, 2019 letter addressed the possibility that the DCV might establish that some or all of the minerals on the 44 mining claims are subject to disposal under the Materials Act. With that in mind, as described in the BLM's letter, the BLM and RMR (now RMI) entered into the escrow agreement dated September 25, 2019 to ensure that adequate funds would be available to compensate the United States, if appropriate. As a result, RMI made regular payments to an escrow account for the appraised value of possible common variety minerals, to be paid to the BLM for the purchase of any materials determined to be subject to disposal under the Materials Act.

Now that the DCV process has concluded, the BLM requests that RMI provide a detailed accounting of all escrowed funds for sales of product marketed for the construction of FAA runways, which do meet the requirements for disposal under the Mining Law, and sales of product marketed for end uses for asphalt shingles, rock dust, aggregate, and other specialty aggregate, which do not meet the requirements for disposal under the Mining Law. Please include this accounting along with your monthly report due under the escrow agreement on February 20th, along with information about any additional sales processed since the last approved scale tickets.

In addition, as required under the Paragraph 7 of the Agreement, within 30 business days of the receipt of this notice, BLM requests that RMI direct the escrow holder to disburse the escrowed funds, accrued through January 31, 2024 (and accounted for in the report due on February 20, 2024), as follows: 1) all escrowed funds attributable to product marketed for the construction of FAA runways, plus interest associated with those funds, to RMI and 2) the remaining funds, plus interest associated with those funds, to DOI-BLM.

If you have any questions or concerns regarding this matter, please contact Brittany Cocina, Geologist, at (970) 876-9053 or bcocina@blm.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry W. Sandoval, Jr.", with a long, sweeping horizontal stroke at the end.

Larry W. Sandoval, Jr.
Field Manager

cc: Stephanie Carter, Colorado State Office, BLM
Nicolas Sandoval, Colorado State Office, BLM
Philip Cooley, Upper Colorado River District, BLM