



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

April 19, 2024

CERTIFIED MAIL: 7022 3330 0000 2940 5800
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:

As explained further below, the Bureau of Land Management (BLM) requires additional information necessary to continue evaluating Rocky Mountain Industrials' (RMI) April 14, 2023, Plan Modification to conduct mining activities at the Mid-Continent Quarry. In addition, RMI has not provided information regarding how it intends to comply with the regulatory requirements of the Mine Safety and Health Administration (MSHA) and Colorado's Division of Reclamation and Mine Safety (DRMS). BLM requests that RMI revise the April 14, 2023, Plan Modification to address the below deficiencies within 30 days of receipt of this letter.

In August 2022, BLM sent RMI a noncompliance order related to the 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. BLM requested that RMI submit a proposed modification to its existing plan of operations (COC-074205) to address the noncompliance. 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 incomplete and requested that RMI provide additional information. RMI responded and provided additional information on January 6, 2023.

Due to changed conditions resulting from a large rockslide incident on January 18, 2023, the BLM issued, on March 6, 2023, an amended noncompliance order, and, on March 7, 2023, the BLM sent RMI a completeness review of the additional information that RMI had submitted on January 6, 2023, identifying additional items necessary for BLM review, including a new geotechnical report.

On April 14, 2023, RMI submitted an updated Plan of Operations Modification. RMI subsequently submitted the geotechnical report, Part 1 and Part 2, on June 28, 2023, and August 30, 2023, respectively. However, RMI has yet to apply the information in the geotechnical report to the Plan Modification. For example, there are numerous sections within the proposed Plan Modification stating that components of the plan “will be finalized upon final geotechnical information.”

By this letter, BLM requests that RMI incorporate the geotechnical information into the Plan Modification and submit a revised Plan Modification. As you incorporate key information from the geotechnical report, please also describe the specific actions that RMI is proposing to take (i.e., application of stability measures, intent to anchor, and final designs) to address the slope stabilization work that needs to occur to meet the regulatory requirements of MSHA and DRMS. RMI should explicitly identify any changes to the Plan Modification since the version last submitted to BLM on April 14, 2023. As applicable, RMI should also note which changes have been requested by which agency (e.g., MSHA or DRMS) and provide copies of any new authorizations or requirements received from MSHA or DRMS. 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. RMI must provide detailed information regarding the location and extent of new ground disturbance proposed to meet MSHA’s and DRMS’ requirements. Absent this information, the BLM cannot process the Plan Modification, which will require the preparation of an analysis under the National Environmental Policy Act.

Please revise the Plan of Operations Modification, submitted on April 14, 2023, to address the deficiencies noted in this letter within 30 days from receipt of this letter.

If you have any questions about the information requests, please contact Valerie Baxter, Assistant Field Manager, at (970) 319-5495 or vbaxter@blm.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry W. Sandoval, Jr.", with a long horizontal flourish extending to the right.

Larry W. Sandoval, Jr.
Field Manager