

WESTERN MINING ACTION PROJECT

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Via Electronic Mail

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Re: RMR Aggregates proposed Technical Revision for the Glenwood Springs, Mid-Continent Quarry, Permit Number M1982121 (112c).

Dear Director Cunningham and Colorado DRMS Officials:

This letter is submitted by the Glenwood Springs Citizens' Alliance (GSCA), by and through GSCA's undersigned counsel, and regards RMR Aggregates, Inc. (RMR, also known as Rocky Mountain Industrials, RMI) January 29, 2025 submittal of a Technical Revision Application (TR) to its current MLRB/DRMS permit (attached). "This Technical Revision requests the modification of the existing permit boundary, mining plan, and reclamation plan." TR at 4.

GSCA is a non-profit organization that works to protect the human, natural, environmental, and community resources of the Glenwood Springs, Colorado area. GSCA is particularly concerned about the ongoing and proposed activities associated with the Mid-Continent Limestone Mine/Quarry located just above (north) of Glenwood Springs on BLM-managed public lands. Many of GSCA's members live in close proximity to the current operations and haul routes, and

are, and will be, significantly and adversely affected by current operations and by any expansion of the Mine/Quarry and increased use of local streets and community infrastructure by the Mine/Quarry operations. For many years, GSCA has contacted DRMS staff to express its concerns about the ongoing problems at the Glenwood Spring Quarry.

The TR application requests an expansion of the affected lands currently permitted by MLRB/DRMS from 38 acres to 56.10 acres (an 18.1 acre expansion). As the TR acknowledges, all of this expansion will occur on federal public lands administrated by the U.S. Bureau of Land Management (BLM).

Although the TR available online on the DRMS website mentions a map, none has been made publicly available. Also, the TR mentions purported “confidential” information, but no description is provided. However, based on this limited information, it is clear that DRMS cannot approve, nor should it even consider, a TR for this expansion.

First, under the Mined Land Reclamation Act and MLRB/DRMS regulations, a permit Amendment, rather than a technical revision, is required. Under MLRB Construction Material Rules, “‘Amendment’ means a **change in the permit or an application which increases the acreage of the affected land**, or which has a significant effect upon the approved or proposed Mining Plan or Reclamation Plan.” Rule 1.1(6)(emphasis added). Thus, a TR is appropriate only when there is no change in the acreage of the affected lands, and, even then, the “change ... does not have more than a minor effect upon the approved or proposed Reclamation Plan.” Rule 1.1(53).

Here, it is undisputed that RMR proposes to greatly expand “the acreage of the affected land.” As such, a permit Amendment is required, subject to full public review under MLRB Rules.

Second, as it has done in the past, RMR proposes to conduct operations at the site – now proposed to cover 56.1 acres – without the proper approvals from the landowner, the BLM. As you know, BLM’s permitted boundary covers only 15.9 acres. Indeed, DRMS has authorized RMR to conduct operations on 38 acres, the majority of which have no BLM approval.

Any TR or Permit Amendment application must provide evidence that, for all proposed operations and affected lands, the applicant has the authorization and approval of the landowner, in this case BLM.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

Rule 6.4.14 (for 112 operations)(emphasis added).

This new proposed expansion only makes these problems worse. As GSCA has communicated to DRMS on multiple occasions, DRMS’s approvals of current/recent activities at the site have violated this requirement, as all operations above 15.9 acres do not have the necessary BLM

authorization to conduct those operations. The attached two maps/aerial photos show the DRMS current boundary of 38 acres, compared with the BLM-approved 15.9 acres.

Similarly, MLRB rules require that RMR provide the BLM permit authorization for its proposed expansion – which has not occurred.

6.4.13 EXHIBIT M - Other Permits and Licenses

A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, highway access permits, U.S. Forest Service permits, **Bureau of Land Management permits**, county zoning and land use permits, and city zoning and land use permits.

Rule 6.4.14 (112 operations)(emphasis added). This is also true regarding the required Garfield County permit(s).

RMR has not provided this information – and indeed cannot, since BLM’s current mining plan of operations approval (first issued in 1982) only authorizes 15.9 acres of disturbance. For example, BLM recently issued a Decision and Non Compliance Order to RMR noting that the current approval only covers 15.9 acres. *See* August 30, 2022 Non Compliance Order at 1. The 3 recent Non Compliance Orders/Decisions are attached (two August 30, 2022 Orders and one March 6, 2023 Order). To date, it has not been shown that RMR has complied with these Orders.

Further, the Office of the Secretary of the Department of the Interior issued a Decision on January 3, 2025 which prohibits mining of “common variety” minerals at the mine, which forms a large percentage of minerals that RMR has been removing for many years. (Attached).

GSCA requests that DRMS inform RMR that the January 29, 2025 TR application cannot be approved. Instead, any such application must be submitted as a Permit Amendment, subject to full public notice and hearing opportunities.

GSCA also requests that DRMS inform RMR that current operations exceeding the 15.9 acres allowed by BLM cannot continue until the company has received the necessary authorizations from BLM.

Thank you. We look forward to your prompt attention to these matters, and please direct response communications to the undersigned GSCA attorneys.

Sincerely,

/s/ Roger Flynn

Roger Flynn

Jeffrey C. Parsons

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