



February 7, 2025

Robert Wagner  
RMR Aggregates, Inc.  
6200 S. Syracuse Way, Suite 450  
Greenwood Village, CO 801111

**RE: *Mid-Continent LST, File No. M-1982-121 , Technical Revision (TR-8) Denial***

Dear Mr. Wagner:

The Division of Reclamation, Mining and Safety (Division) has reviewed and considered the Technical Revision request (TR-8) submitted on January 29, 2024, addressing the following:

The proposed revision requests modifications to the permit boundary, mining plan, and reclamation plan.

The Division hereby DENIES TR-8 for the following reasons:

It is the Division's understanding that TR-8 was submitted in response to the Division's November 15, 2024, letter. As discussed in detail in that letter, the Division agreed to defer the financial warranty increase related to rock bolting as it is more appropriately included in the Permit under the TR process. Rock bolting quotes were provided but additional clarifications were needed as noted in the Division's January 13, 2025, letter. The Division allowed for an extension beyond the initial January 15, 2025 deadline to submit the TR in good faith that RMR would be providing the additional information with the TR.

TR-8 requests a modification unrelated to the communications between DRMS and RMR related to rock bolting and the associated financial warranty. While TR-8 asserts that rock bolting may not be necessary long term if additional mining occurs, the Division stands firm that rock bolting is the only feasible option at this time for highwall stabilization. Thus, the permit should be revised via the TR process to reflect this site condition and the bond adjusted accordingly.



Please submit a new Technical Revision (TR-9) which incorporates the use of rock bolting into the Reclamation Plan for long-term highwall stabilization. This TR cannot modify or add affected land acreage to the permit. The TR should also include the required information requested in the Division's January 13, 2025 letter to make quotes comparable. TR-9 shall be submitted within 30 days of this letter.

TR-8 requests an expansion to the affected lands from the current 38 acres to 56.10 acres, adding an additional 18.1 acres. The TR clarifies this expanded area will be within the lands administered by the BLM. Both the Construction Materials Act and Board Rules make it clear that any increase in the acreage of affected lands must be done through the Amendment process. Pursuant to Rule 1.1(6) – 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. Pursuant to Rule 1.1(53) Technical Revision means: a change in the permit or an application, which does not have more than a minor effect upon the approved or proposed Reclamation Plan. Under a plain reading of the Rules, TR-8's proposal to increase the acreage of affected lands by 18.1 acres can only be done through an Amendment process.

Please note, the Division will not consider any Amendment to the Mining or Reclamation Plan until the Plan of Operations with the BLM is approved and RMR can demonstrate Legal Right of Entry for the proposed affected lands as required by Rule 6.4.14.

With regard to TR-8 being marked as confidential, entire revisions cannot be submitted under confidential cover. If RMR believes that specific information should remain confidential they must provide the Division with the proposed redactions for review and consideration. A publicly viewable document must be contained in the file.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, Room 215, 1001 E 62<sup>nd</sup> Ave Denver, CO 80216. Direct contact can be made by phone at 970-210-1272 or via email at amy.yeldell@state.co.us

Sincerely,



**Amy Yeldell**  
Environmental Protection Specialist

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Ec:

Travis Marshall, Senior EPS, DRMS

Russ Means, Minerals Program Supervisor, DRMS

Micheal Cunningham, Acting Division Director

Jeff Fugate, AGO

Brittany Cocina, BLM