



December 17, 2025

Robert Wagner
RMR Aggregates, Inc.
6200 S. Syracuse Way, Suite 450
Greenwood Village, CO 80111

***RE: Mid-Continent LST, Permit No. M-1982-121, 112c Regular Construction Materials
Proposed SI-5, Comment Received/ Response***

Dear Mr. Wagner:

On November 26, 2025, the Division of Reclamation, Mining and Safety (Division) received your comment regarding the proposed Surety Increase (SI-5) for the Mid-Continent LST. The first two items of concern were based on how the Division applied specific indirect costs to the Rock Bolting quotes. The second concern was to confirm the applicability of the additional BLM indirect costs and/or verify their current rates.

Regarding applying indirect costs to the rock bolting quotes the Division disagrees with RMR's opinion that these costs have already been factored into the quotes. These costs are associated with the scenario where the State has to contract the work and there is a high likelihood that any contractor would re-evaluate the work as part of due-diligence. The rock bolting tasks would likely be sub-contracted out and that party would complete their own engineering. The Division is not willing to adjust our engineering or indirect costs. These costs are standard and customary with all financial warranties and complex reclamation sites.

The Division has reached out the BLM to confirm if the indirect costs still apply. The BLM has indicated that these indirect costs apply to any bonded site regardless of the type of operation. Those indirect costs do change from year to year. Per the BLM the current FY26 rate is 19.09%. The Division will update its estimate to reflect this change (previously 21%). Currently the Division is awaiting written concurrence from the BLM on the Divisions most recent estimate.

Moving forward the Division will draft up a stipulated agreement. Once signed by both parties this stipulated agreement will need to be approved by the Board. In that bond installment agreement, the Division will issue SI-5. The Division will accept 50% of the bond within the standard 60 days from issuance. Then the Division will accept 25% more on/ by June 30, 2026, then any remaining amount is to be due on/by September 30, 2026. Failure to post any scheduled payments will constitute failure to post the bond and the matter will be set for a hearing. At that hearing the Division may request revocation of the permit and that all warranties held are subject to forfeiture.



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 62nd 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

Ec: Travis Marshall, Senior EPS, Grand Junction DRMS
Russ Means, Minerals Program Director, DRMS
Jeff Fugate, AGO DRMS
Brittany Concina, BLM