



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
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In Reply Refer to:  
3809 - CON040  
COC-074205

April 19, 2019

CERTIFIED MAIL – 7017 0190 0000 4895 4878  
RETURN RECEIPT REQUESTED

RMR Aggregates, Inc.  
Attn: Gregory Dangler, President  
4601 DTC Blvd., Suite 130  
Denver, CO 80237

Dear Mr. Dangler:

Your Plan of Operations Modification to expand mining activities at 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, was received in this office on March 22, 2019.

Thank you for the resubmittal of your Plan of Operations Modification. A number of items that BLM specified in our December 21, 2018 correspondence have been addressed. However, there are additional items that remain as well as several new items that were discovered during this review.

## Completeness Review:

Consistent with the surface management regulations at 43 CFR §3809.411(a), the BLM has reviewed the Plan to determine if it meets the content requirements at 43 CFR §3809.401(b). Based on our review, the following information is required in order for the Plan of Operations Modification to be complete:

1. Pages 1-2 and 1-6, 2.1. RMR must adequately address the addition of Colorado Division of Reclamation, Mining, and Safety Technical Revision 1 (TR-1): describe the proposed diversion of upland flow as approved in TR-1. Explain if it has already been implemented. If it hasn't been fully implemented, detail when it may be constructed during the proposed mine life.
2. Page 1-2, 2.1. RMR did not adequately address the current non-compliance. The existing unauthorized sediment control structures are not discussed or depicted on the maps. Describe if the existing unauthorized stormwater structures will be reclaimed or remain part of the operation. Will a fund be required for post-mining maintenance?
3. Pages 1-14, 5-8, and 17-2, Table 1-1. RMR identifies dimension stone as one of the proposed products. Will the dimension stone be transferred from the production bench by the pipe conveyor or trucked? Section 2.5 Material Transport and Exhibit 17 do not discuss the truck transfer of material from the active bench.

4. Page 5-8, 2.5. Describe the type of haul trucks that RMR will utilize. Will the transportation routes be adequate for the proposed truck size? How will the access routes accommodate a line-up of haul trucks for materials loading?
5. Page 5-8, 2.5. Demonstrate with a map and narrative how the mill bench will adequately accommodate 320-450 trucks per day and other equipment operations.
6. Page 5-8, 2.5.1. Provide specifics, with a conceptual design and narrative, on how the proposed pipe conveyor will safely contain material and ensure material will not fall out.
7. Page 5-9, 2.5.1. What will the 1-2 megawatts of energy be used for? Describe what kind of equipment/facility would be constructed to convert the 1-2 megawatts of power generated from the conveyor to available power to be used at the quarry. Where would this equipment/facility located?
8. Page 5-9, 2.5.1. What size stockpile on the mill bench will provide materials for 320-450 trucks/day?
9. Page 5-9, 2.5.1. RMR describes a conveyor corridor width of 10 feet. Would all construction, operations, and reclamation activities, including vehicles, be within this disturbance footprint?
10. Page 5-13, 2.7. From the information provided, BLM cannot determine if RMR meets the requirements of the performance standard 43 CFR 3809.420(a)(2): "You must avoid unnecessary impacts and facilitate reclamation by following a reasonable and customary mineral exploration, development, mining and reclamation sequence." The proposed exploratory drilling to be performed in advance of each bench suggests that RMR is not following a reasonable and customary mineral exploration, development, mining and reclamation sequence.

Additionally, on page 8-1 of the Interim Management Plan, RMR states that the project may be temporarily closed for reasons which include "inadequate ore reserves resulting in the need to conduct additional exploration activities prior to further quarry development." As discussed in the previous paragraph, this also suggests the lack of a customary sequence of operations. Please describe how RMR will follow a reasonable and customary sequence in the development of this operation if it is unknown if each bench will have adequate ore reserves.

11. Page 5-13, 2.7. Exploratory drilling information must include proposed drill hole depths for reclamation cost estimation.
12. Page 5-14, 3. The Quality Assurance Plan is incomplete. As described in 43 CFR 3809.401(b) and 43 CFR 3809.401(b)(2)(v), Your plan of operations must contain quality assurance plans and describe the proposed operations at a level of detail sufficient for BLM to determine that the plan of operations prevents unnecessary or undue degradation. BLM requires a description of the programs, plans, inspection intervals, maintenance schedules, and procedures for how RMR intends to ensure the quarry facilities are constructed as designed. This includes information about the following items: the constructed facilities listed in Section 4, the proposed conveyor, all proposed permanent and temporary roads, secondary containment liners, and stormwater control structures. RMR must provide adequate detail in this plan for BLM to understand the proposal.
13. Page 5-19, 7.2. RMR states: "Roughly 400,000 CY will be stripped from the starting quarry bench". Why is this volume so high? It is approximately 29% of the estimated quarry total of 1.4 million CY. The initial topsoil removal is ~5%.

14. Page 5-22, 12. Plans for access roads, conveyors, water supply pipelines, and power or utility services or any other such support facility to be built and run by the operator for the project are considered as part of the Plan of Operations and not as a separate right-of-way (ROW) permit where such facilities would be constructed to serve exploration or mining activity on BLM lands under a specific Plan of Operations. Any proposal for a utility ROW or ROW amendment by any third party must be submitted prior to initiating the NEPA analysis. The potential impacts of such support facilities need to be analyzed in the NEPA document prepared for the Plan because the approval of such facilities is connected to the proposed action.
15. Page 5-23, 12. Describe how non-potable water would be transported to the site from the listed offsite sources.
16. Page 5-23, 12. RMR must specify if it will utilize a sewer utility or a containment tank in order to perform reclamation cost estimation.
17. Page 5-25, 15.1.1. RMR states that active production bench sumps will not require regular clean out intervals; however in Section 16, RMR states that bench life will vary due to horizontal extents and production level and that production rates will fluctuate depending on market dynamics. Describe how RMR will regularly monitor and maintain production bench sumps if production rates decrease and the active production bench remains static for longer than anticipated. Also include this information in the Quality Assurance Plan and the Interim Management Plan.
18. Page 5-25, 15.1.1. RMR did not adequately address Item 33 from BLM's December 21, 2018 letter regarding a possible jurisdictional dam. The 25-foot tall visual berm may qualify as a dam. Please provide documentation of compliance with State requirements regarding dam safety.
19. Page 5-30, 15.1.3. and page 16-2, Exhibit 16. BLM recognizes that a groundwater monitoring plan cannot be provided before the baseline study is proposed and conducted. However, RMR must commit to providing a comprehensive monitoring plan once the baseline study is underway.
20. Page 6-7, 2. Due to the level of concern about visual resources, RMR needs to describe how contour furrowing and "short term linear features" will assist RMR in achieving the reclamation plan goal of protection and preservation of visual aesthetics (VRM II).
21. Page 6-9, 3.1. Please describe how it will be determined that soil moisture conditions are suitable for handling of topsoil.
22. Page 6-13, 3.5. Details about reclamation of any Transfer Trail improvements are needed.
23. Page 6-23, 11.4. RMR did not adequately address Item 42 from BLM's December 21, 2018 letter: Include a description of how RMR will maintain long-term sheet flow on 3:1 regraded slopes to prevent rilling, gullying, and headcutting as well as how RMR will armor areas where water may channelize based on the proposed regrading plan. This information must also be depicted on a map.
24. Page 6-32, 13.4. The Revegetation Plan must include a description of the proposed Reclamation Success Criteria (Liability Release Monitoring) as in the November 24, 2018 Plan of Operations Modification submittal. The Reclamation Success Criteria should provide quantitative measurements to demonstrate that the reclaimed area provides adequate cover, forage and habitat for wildlife species present in the area, reduces erosion, and controls noxious weeds.

25. Page 6-54, 16. BLM will not review the provided reclamation cost estimate at this time. Per 43 CFR §3809.401(d): “At a time specified by BLM, you must submit an estimate of the cost to fully reclaim your operations as required by §3809.552. BLM will review your reclamation cost estimate and notify you of any deficiencies or additional information that must be submitted in order to determine a final reclamation cost. BLM will notify you when we have determined the final amount for which you must provide financial assurance.”

The cost estimate cannot be determined until the Plan review and approval process has progressed to the point where the BLM and RMR can anticipate what the approved Plan Modification might look like. BLM will likely notify you and request a reclamation cost estimate after the NEPA process has progressed to a point where a preferred alternative has been identified which includes all mitigating measures that will likely be required as conditions of approval.

26. Page 7-2, Exhibit 7. RMR has not adequately addressed Item 54 from BLM’s December 21, 2018 letter. RMR must depict the location of proposed fencing on a map. In the Completeness Rubric which BLM received on March 22, 2019, RMR states that the maps were revised and a fence is depicted; however, this fencing cannot be found on the specified maps. Per 43 CFR 3715.3-2: “You must give BLM a detailed map that identifies the site and the placement of the items specified in paragraphs (c), (d), and (e) of this section...”
27. Page 8-3, Exhibit 8. Language on page 8-3 of Exhibit 8 states: “RMR will provide notice to the BLM within 30 days of the closure in conformance with 43 CFR §3802.4-7.” Since the Mid-Continent Quarry is not located on lands under wilderness review for inclusion in the wilderness system, 43 CFR 3802.4-7 does not apply to this operation. RMR must comply with the interim management plan content requirements in 43 CFR 3809.401 (b)(5).
28. Page 16-0, Exhibit 16. The Vegetation Interim and Vegetation Final Liability Monitoring Plans do not provide sufficient detail to determine revegetation success or failure. Revegetation objectives must include proposed criteria for determining successful revegetation. These objectives should be specific, measurable, achievable, realistic, and time-bound. The annual Reclamation Monitoring Report should include at least the number of transects, their GPS locations, photos, the monitoring method used, and quantified measurements of bare ground, plant cover, vegetation composition, noxious weeds and other “undesirable” vegetation, and the proportion of soil surface in large intercanopy gaps. The monitoring report should also identify whether the reclamation objectives are being achieved or are likely to be achieved in the near future without additional actions, and if not, identify actions that have been or will be taken to meet the objectives and criteria.
29. Page 16-2, Exhibit 16. The Noxious Weeds Monitoring Plan is inadequate. The summary table presented in this exhibit does not provide the level of detail provided in the Weed Management Plan on pages 6-43 through 6-53. The monitoring plan needs to describe how you will execute the objectives, methods, and practices within the Weed Management Plan (Exhibit 6, Section 15).
30. Page 16-2, Exhibit 16. The Air Quality/Fugitive Dust Monitoring Plan is inadequate. According to 43 CFR §3809.401(b), monitoring plans must include details on type and location of monitoring devices, sampling parameters and frequency, analytical methods, reporting procedures, and procedures to respond to adverse monitoring results. Please provide additional detail about this monitoring plan. Additionally, the air quality section (Exhibit 14) states the primary fugitive emissions from the quarry are PM10, PM2.5 and TSP. Explain why the Air Quality Monitoring Plan only monitors PM10.

31. Page 16-1, Exhibit 16. The Seismic Monitoring Plan is inadequate. According to 43 CFR §3809.401(b), monitoring plans must include details on type and location of monitoring devices, sampling parameters and frequency, analytical methods, reporting procedures, and procedures to respond to adverse monitoring results. Please provide additional detail about this monitoring plan. Additionally, the provided maps do not specify the seismic monitoring locations.
32. Page 16-2, Exhibit 16. The Slope Stability Monitoring Plan is inadequate. According to 43 CFR §3809.401(b), monitoring plans must include details on type and location of monitoring devices, sampling parameters and frequency, analytical methods, reporting procedures, and procedures to respond to adverse monitoring results. Please provide additional detail about this monitoring plan. Stability monitoring must apply to reclaimed slopes as well as exposed rock faces. Also, describe if monitoring will be conducted during and post-reclamation.
33. Page 16-3, Exhibit 16. The Noise Monitoring Plan is inadequate. According to 43 CFR §3809.401(b), monitoring plans must include details on type and location of monitoring devices, sampling parameters and frequency, analytical methods, reporting procedures, and procedures to respond to adverse monitoring results. Please provide additional detail about this monitoring plan. Additionally, the provided maps do not specify the noise monitoring locations.
34. Map C-6. Item 60 from BLM's December 21, 2018 letter has not been sufficiently addressed; the diagram does not depict all facilities and materials that the plan modification proposes to locate on the quarry bench. To help us understand if all quarry operations would have adequate space, please depict all facilities, equipment, and material stockpiles within the production bench.
35. Appendix 2. Provide conceptual designs for the proposed sediment ponds along the proposed upper and lower segments of improved Transfer Trail.

#### **Other Information:**

On page 5-13, RMR states: "Exploration drilling has occurred within most of the proposed quarry expansion area over the past 30-40 years." BLM has no record of authorizing any exploration activities within or around the Mid-Continent Quarry from 1982-2017. Please provide documentation of BLM approvals for these past exploratory drilling operations.

Additionally, in two locations within the reclamation plan (pages 6-28, 6-46) RMR states that BLM will respond to your submittals within specified timeframes or you will proceed without a response. As both the BLM and RMR have a vested interest in successful outcomes, we will review the seed test results and the Pesticide Use Proposal as timely as possible following receipt. However, RMR may not proceed with any seed planting or herbicide application without BLM's approval.

Regarding Appendix 2: culvert installation ten feet beyond an outfall is not adequate. Please use the Federal Highway Administration or CDOT Culvert Outlet Stabilization guidance to size culvert inlets and outlets and show sizing on plans.

Please provide a response to the above information requests in the form of a revised submittal at your earliest convenience. Upon receipt of the required information, the BLM will determine whether or not the Plan of Operations Modification is complete.

Once the Plan of Operations Modification is determined complete under 43 CFR 3809.401(b), the BLM will solicit public comment on the Plan under 43 CFR 3809.411(c), either separate from or as a part of the environmental review process required by the National Environmental Policy Act (NEPA). Soliciting public

comment must occur before making a decision on the Plan of Operations Modification according to 43 CFR 3809.411(d).

If you have any questions about these information requests, please contact Jessica Lopez Pearce, Geologist, at (970) 876-9000 or [jlopezpearce@blm.gov](mailto:jlopezpearce@blm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry W. Sandoval, Jr.", is positioned above the printed name.

Larry W. Sandoval, Jr.  
Field Manager

CC: Amy Yeldell, Colorado Division of Reclamation, Mining and Safety  
Nicolas Sandoval, BLM Colorado State Office