

Mid-Continent Quarry Frequently Asked Questions (Updated 7-19-19)

What is the current status of the expansion proposal for the Mid-Continent Quarry?

The BLM Colorado River Valley Field Office received a revised plan of operations modification for the Mid-Continent Quarry from Rocky Mountain Resources Aggregates (RMR) on July 11, 2019. RMR submitted earlier versions of the plan of operations modification in November 2018 and March 2019. The BLM's review found the previous submissions incomplete under the regulations and also found that they did not sufficiently address some of the current noncompliance issues.

What are the next steps?

The BLM will review RMR's revised plan of operations modification and determine within 30 days whether it is complete under its surface management regulations at 43 CFR Part 3809. If RMR's mine plan modification is deemed incomplete, the BLM will identify the deficiencies and return the submission to RMR. If the submission is deemed complete, the BLM will post the plan modification on-line and continue processing the proposal, including conducting any required studies and environmental review.

Before the environmental review will begin, the BLM will need baseline information through a number of studies. These include:

- Hydrologic study
- Cave/karst study
- Ethnographic study
- Standard biological and cultural surveys

Once BLM has sufficient baseline information, it will begin the environmental review through public scoping. The BLM's current estimate for starting the formal environmental review is late spring or summer 2020, although that could change to be earlier or later depending on the status of the studies and as BLM gathers more information.

In the meantime, the BLM will complete a mineral examination (described in greater detail below) to verify the appropriate disposal authority for these minerals. Pending completion of that mineral examination, and consistent with the BLM's regulations, RMR is establishing an escrow account to cover the appraised value of the minerals removed, including past production, should the BLM conclude that the minerals are subject to disposal under the BLM's material sales regulations at 43 CFR Part 3600, rather than the BLM's surface management regulations at 43 CFR Part 3809.

Will there be opportunities for public involvement?

The BLM's environmental review under the National Environmental Policy Act (NEPA) will include multiple opportunities for public involvement, beginning with public scoping to identify issues and concerns before the environmental document is drafted. The draft document will also be released for public review and comment.

The NEPA review process also gives local, state and other federal agencies the opportunity to be

closely involved.

The BLM will determine whether it will do an environmental assessment (EA) or more detailed environmental impact statement (EIS) once it reviews the complete proposal from RMR.

What is the history of these mining claims?

The Mid-Continent Quarry began operating in 1982, providing crushed limestone to the Mid-Continent Coal Mining Complex near Redstone to minimize hazardous coal dust. Mid-Continent and the associated Pitkin Iron continued removing stock-piled limestone from the area. The current mining claims were located in 2001. In early 2009, Cal-X acquired the Mid-Continent Quarry mining claims and resumed operations. RMR purchased the quarry in 2016.

What laws govern the BLM's disposal of limestone?

The BLM's disposal authority for limestone depends on the nature of the mineral deposit and its end use. For example, limestone deposits that have an unusually high concentration of calcium and are used for uncommon purposes, such as coating coal mines, may be disposed of by location under the Mining Law of 1872. Operators do not pay any fees or royalties on the minerals they extract under the Mining Law. Ordinary limestone deposits are disposed of by sale or permit under the Materials Act of 1947 and operators are generally required to pay fair market value to the federal government for the minerals they extract.

How does the BLM determine which disposal authority applies?

The BLM is conducting a mineral examination to determine whether the limestone deposit at Mid-Continent Quarry is subject to the Mining Law or to the Materials Act. In the mineral examination, the BLM mineral examiners will evaluate the chemical composition of the limestone deposit on each mining claim, as well as the planned, current and past uses of the limestone, and make a determination regarding which disposal authority applies. The BLM anticipates that it will take about a year to complete the mineral examination.

As required by BLM regulations, RMR is establishing an escrow account that will cover the appraised value of any minerals removed pending completion of the mineral examination, including past production, should the BLM conclude that the minerals are subject to disposal under the BLM's material sales regulations at 43 CFR Part 3600.

How is BLM addressing the current noncompliance issues?

The BLM is working with RMR to address the noncompliance issues that were existing when the company purchased the mining claims and the quarry in 2016. These noncompliance issues include operating on lands outside of the area in the approved plan of operations (by about 6 acres) and construction of a mill building. The BLM will likely analyze the proposed modification to address the noncompliance through the same environmental analysis as the expansion proposal.

At this time, the BLM does not consider RMR's removal of limestone under the approved plan of operations to be a noncompliance issue. Should the BLM determine through the mineral examination that the appropriate disposal authority for the limestone deposit is the Materials Act, the BLM will require RMR to obtain the appropriate authorization before continuing operations.

Who will ultimately make the decision on the mine plan modification and the expansion proposal?

The Field Manager for the Colorado River Valley Field Office will sign the decisions related to RMR's proposals. Other levels of the Department of the Interior will also be involved in reviewing the decisions, including the BLM Colorado State Office and the BLM Washington Office.