

## **Mid-Continent Quarry Frequently Asked Questions (Updated 7-12-19)**

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

The BLM Colorado River Valley Field Office received a Plan of Operations Modification for the Mid-Continent Quarry from Rocky Mountain Resources Aggregates (RMR) on July 11, 2019. The BLM has 30 days to review the submission and determine whether it is complete under the mining regulations.

RMR submitted Plan of Operation Modifications in November 2018 and March 2019. The BLM's review found them incomplete under the regulations and also found that they did not sufficiently address some of the current non-compliance issues.

### **What are the next steps?**

If the submission is deemed complete, the BLM will post the plan modification on-line. If it is deemed incomplete, the BLM will return the submission to RMR.

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

- A Determination of Common Variety (DCV), also called a mineral exam
- 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.

### **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.

## **Why is BLM considering the expansion proposal?**

The Mid-Continent Quarry is an existing limestone quarry currently operating under valid mining claims for chemical grade (“locatable”) limestone. RMR’s operation is currently considered to fall under locatable mining regulations (1872 Mining Law and associated BLM mining regulations), which allows operators to propose changes in operations, including expansion, by submitting a Plan of Operations Modification. The mining regulations give BLM managers specific direction for how to evaluate locatable mineral proposals.

## **How does the chemical grade and end-use of the limestone affect which regulations apply?**

Limestone is considered to be either common or uncommon variety. Uncommon variety limestone has an unusually high concentration of calcium and is used for uncommon purposes, such as coating coal mines. Uncommon variety, or chemical grade, limestone falls under the 1872 Mining Law and BLM’s mining regulations, which limit how much discretion the BLM has when it considers a mining proposal. Under the 1872 Mining Law, no royalties are paid to the Federal government.

Common variety, also called “saleable” limestone, falls under the basic BLM mineral regulations. The BLM has much more discretion under these regulations. Also, royalties are paid on saleable minerals.

## **What is the history of these mining claims?**

The original mining claims date back to the 1950s. The Mid-Continent Quarry began operating in 1982, providing crushed limestone to the Mid-Continent Coal Mining Complex near Redstone. The coal mines were coated in limestone dust to minimize hazardous coal dust. Following Mid-Continent declaring bankruptcy in the early 1990s, the BLM declared the mining claims invalid. Mid-Continent and Pitkin Iron appealed that decision and were allowed to continue removing stock-piled limestone from the area. They filed new mining claims in 2001, which BLM again challenged. After several years of appeals and District Court decisions, the mining claims were ultimately considered valid in 2008, but no precedence was set on future determinations of the mineral content of the limestone. In early 2009, Cal-X purchased the Mid-Continent Quarry and resumed operations. RMR purchased the quarry in 2016.

## **What is the Determination of Common Variety Determination (DCV)?**

A DCV, also called a validity exam or mineral exam, will evaluate the chemical composition of limestone under each mining claim. The examiners also look at the planned, current and past uses of the limestone. Ultimately through the DCV, the BLM determines whether the limestone is locatable and falls under the 1872 Mining Law, or whether it is a common variety, saleable mineral. The study is conducted by a certified BLM mineral examiner and will take about a year to complete.

As required by BLM regulations, RMR is establishing an escrow account that will cover the potential royalties owed to the Federal government should the limestone be determined to be saleable.

**How is BLM addressing the current non-compliance issues?**

The BLM is working with RMR to address the non-compliance issues that were existing when they purchased the quarry in 2016. These include operating outside of the BLM authorized area (by about 6 acres), construction of an unauthorized mill building, and an outdated and incomplete Plan of Operations. The BLM can analyze the remedies for the non-compliance through the same environmental analysis as the expansion proposal. The NEPA analysis process allows flexibility to analyze a variety of alternatives and flexibility in the final decision, so including the non-compliance remedies in the same NEPA analysis as an expansion proposal does not predispose any particular outcome.

Concerns about whether the materials RMR is selling should fall under the BLM mineral regulations are being addressed through the determination of common variety study.

**Who will ultimately make the decision on the expansion proposal review?**

The Field Manager for the Colorado River Valley Field Office will sign the decision. As is typical with high profile, controversial issues, other levels of the agency such as the BLM Colorado State Office, BLM National Office, and the Department of the Interior will be involved.