



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

El Centro Field Office
1661 South 4th Street
El Centro, CA 92243-4561
www.blm.gov/ca/elcentro



November 3, 2010

In Reply Refer To:
CACA 49292
3610
(CA610.39)

CERTIFIED MAIL- RETURN RECEIPT REQUESTED
7010 1870 0002 4941 8158

Jim Good
Gresham, Savage, Nolan, and Tilden
550 East Hospitality Lane, Suite 300
San Bernardino, California 92408-4205

Dear Mr. Good:

I am writing to you regarding the Bureau of Land Management's (BLM) sale of 500,000 tons of rock material to Pyramid Construction. This is the Padre-Madre mine site formerly owned and operated by your clients, M.K. Resources Company (MK) and its affiliate American Girl Mining Joint Venture (AGMJV).

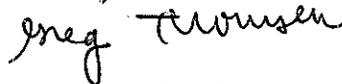
Enclosed is the Supplemental Report amending the November 2008 report that we prepared in response to your earlier comments on the Pyramid Construction project. This Supplemental Report addresses salient issues you and your clients had regarding mining operations under mineral material contract CACA 49292. Your earlier comments and arguments in your statement of reasons supporting your clients' appeal (179 IBLA 299 decided July 14, 2010), indicated that the rock material included in the Pyramid contract used as fill, rip-rap or ballast could have adverse consequences and that environmental exposure would occur if used for these end uses. You had indicated if the rock material were used for rip-rap and or ballast, MK [and AGMJV] may face potential Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability(ies).

BLM's additional testing of the rock samples does not show characteristics of toxicity necessary to manage the rock as a Resource Conservation and Recovery Act (RCRA) hazardous material, or a material under the CERCLA that would adversely affect human health or the environment.

It is important that BLM obtain from your clients any information that they may have collected from their extensive work on the Padre-Madre site, and more specifically as it relates to the toxic or hazardous characteristics of rock material under the subject contract, that supports your contention that extraction and use would constitute a potential CERCLA liability. Having this information will assist the BLM in mitigating and/or avoiding areas containing materials that may adversely affect the human and natural environments.

Please provide any of the above listed information by December 3, 2010, so that it can be incorporated into our environmental review process. I appreciate your cooperation in this matter. If you have any further questions, please contact Efe Erukanure at (760) 337-4412, or email at Efe_Erukanure@blm.gov

Sincerely



Margaret L. Goodro

Acting Field Manager
El Centro Field Office

Enclosed:

Supplemental Report

CC:

Daryl Dickerson
Pyramid Construction Company
839 Dogwood Road
Heber, California 92249