



United States
Department of
Agriculture

Forest
Service

Aspen-Sopris Ranger District

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P.O. Box 309
Carbondale, CO 81623-0309
970-963-2266
Fax: 970-963-2266

File Code: 2720
Date: December 22, 2017

Robert Congdon
Mystic Eagle Quarry LLC
PO Box 932
Carbondale Co 81623

COPY

RECEIVED

JAN 16 2018

CERTIFIED RETURN RECEIPT: 7015 3430 0000 1714 6448

Dear Robert,

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Thank you for meeting with Jason Gross and me, on December 13, 2017 at the Sopris Ranger Station in Carbondale.

This letter serves to summarize and document the topics and issues addressed in this meeting. During the meeting you communicated to us that you are currently named in a lawsuit that will determine the ultimate ownership of unpatented federal mining claims at the White Banks project site, and that you are appealing the original decision. Until the lawsuit is cleared up you told us you will be suspending operations with the exception of site maintenance and monitoring. You told us you expect the decision on the appeal will likely be in the fall of 2018.

We also discussed that the development phase under your current Modified Plan of Operation (MPO) will expire on May 31, 2019. If the lawsuit is resolved in your favor, I would encourage you to complete the work necessary to support the mineral classification before your MPO expires as it relates to the development. If you are unable to complete the necessary work, additional review of the project may be required. Until then, I want to remind you that you continue to be the responsible operator and you must follow all aspects of the White Banks MPO dated May 1, 2015 as well as design features outlined in the DN/FONSI.

During the meeting you were provided with a copy of the mining inspection form documenting the White Banks Mine inspection performed on August 11, 2017.

The site inspection form documented the following issues that must be addressed immediately:

1. As seen in the inspection photos, several piles of garbage/debris were found around the project area. Garbage and debris must be removed from the site. If you are keeping anything for future use, please store it behind your office building, out of site from the road.
2. The garbage dumpster was not locked/latched to prevent bears and other wildlife from getting into garbage. Please either lock or remove the dumpster.



3. Petroleum stained soil from leaking equipment was discovered. Please either repair the leaks or remove the equipment.

Again, these issues must be addressed immediately. Please contact Jason and/or me when you have resolved the issues. We will do a follow-up inspection, if conditions allow.

The address to which this letter is being sent is not the same as the one listed on your MPO. We will consider this address (PO Box 932, Carbondale, CO 81623) as the official address for future correspondence with you. If you would like to use another address, provide a written and signed notice to this office specifying an address to be used.

Sincerely,



KAREN SCHROYER
District Ranger

cc: Dustin Czapla, State of Colorado, Division of Reclamation, Mining, and Safety, Shane Julien, MSHA – Rocky Mountain District Office, Jason Gross, Chad Hood, Olivia Garcia, Greg Rosenmerkel

MINING INSPECTION FORM

Name of Operator:	<u>Elbram Stone, LLC under lease from Mystic Eagle Quarry</u>	Claim Name	<u>White Banks</u>
Address:	<u>801 Colorado Ave</u> <u>Glenwood Springs</u> <u>Colorado 81601</u>	MC #	<u>255401, 255402, 255403, 255404, 255405, 255406, 255407, 255408, 255409, 255410</u>
Photos:	<u>attached</u>	Legals:	<u>6 PM</u>
Drainage:	<u>Avalanche Creek</u>	Meridian:	<u>9 S</u>
National Forest:	<u>White River</u>	Township:	<u>88 W</u>
		Range:	<u>28</u>
		Section:	
		Longitude:	<u>39°15'10.48"N</u>
		Latitude:	<u>107°13'43.96"W</u>
		District:	<u>Aspen Sopris</u>

Description of operations or activity:

Occupancy: (Structures, equipment, other improvements).

Structures: One 2-story log combination office/dry storage/processing shop with attached shed containing tools and stone splitter. Occupancy is allowed for miners to access the mine with the exception of camping in the winter, however, no occupancy is occurring at this time.

One portable toilet

One external bulkhead including ventilation system and locking steel doors

Equipment: mucker/endloader, genset, read header miner, ventilation system, 2 water storage tanks (1x300 gal. and 1x1000 gal. underground), stone splitter in lean-to, forklift.

Other Improvements: loading yard, fence, landscaping, access road to portal

Surface Disturbance: (Trenches, pits, adits, dredging, removal of vegetation, road or trail construction, etc.)

Parking area and loading/staging area, access road to portal, power supply

Access: (Indicate if route is maintained and open to the public, a closed non-system road, or a user built and maintained road or trail. If a gate is used, does the operator maintain it? In addition, indicate if there are any fords or stream crossings).

The site is accessed by traveling south on HWY 133 to the Avalanche Creek turnoff. Cross the stream through a small subdivision to the Forest boundary (1/4 mile). Continue on FSR310 approx. 300 yd. FSR310 passes through the site. No gates.

Is Plan of Operations on file? Yes 1/13/2015 Is Notice of Intent on file? _____ Bond? yes _____

Was the Operator present during the inspection? no Date of Inspection: 8/11/17

Is the operation in compliance with the regulations and/or the approved Plan of Operations? yes
If not, describe the non-compliance conditions/activities on back.

Inspector: Jason Gross

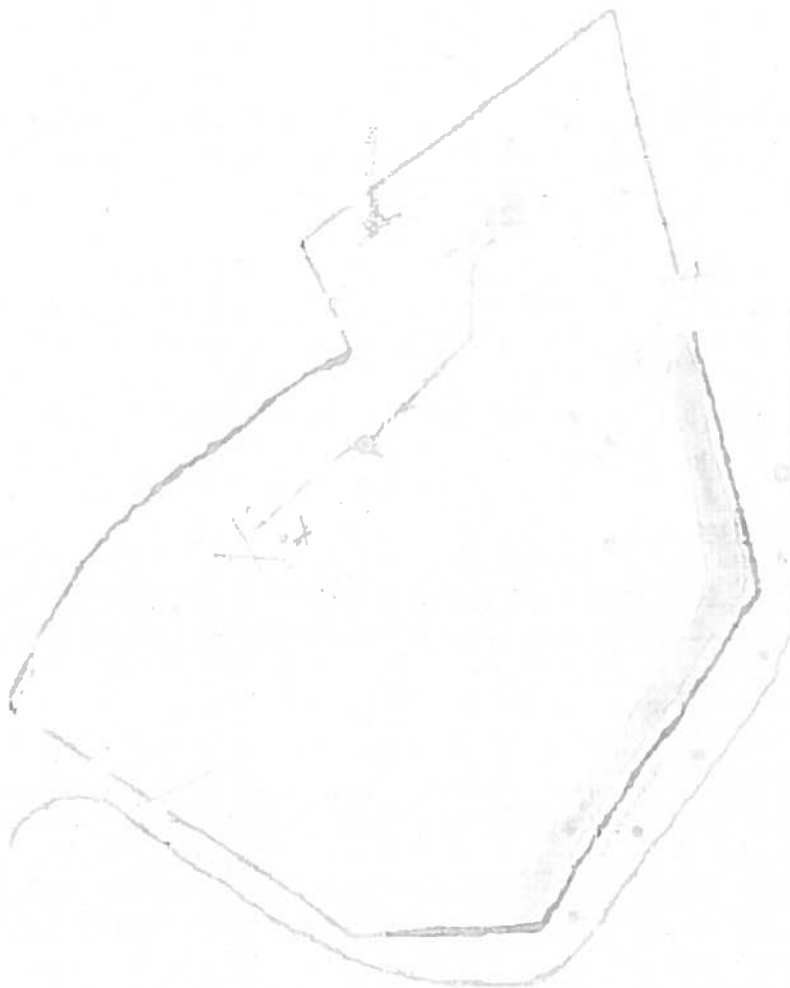
Operator Elbram Stone, LLC

Name of Operator: Elbram Stone, LLC

Claim Name: White Banks

Site Sketch Map

JUN24 2011



Additional Comments:

Karen Schroyer, Aspen-Sopris District Ranger, and I visited the site on 8/11/17. MSHA inspected the site previously this year and found some issues e.g., office is too close to adit. Until the office is moved or painted with fire resistant paint, no mining activities will be allowed. Robert Congdon contacted the Forest Service for paint color recommendations, and they were provided on 6/5/17 (Federal Standard 595C Color # 20059). Other issues identified by MSHA were predominately located inside the mine, but also must be corrected before mining activities resume.

Mr. Congdon informed the Forest Service of his intent to start construction on the bypass road. We are still awaiting the designs for approval.

A secondary escape-way is also planned. A modified POO must be submitted before that can be approved (per current POO).

No erosion or weeds were noticed during the inspection. Interim reclamation is successful. Fencing is functional and wildlife friendly. Mr. Congdon has reported problems with vandalism, but nothing was observed during the inspection.

Signing is adequate for public safety. Several piles of garbage/debris were found around the permit area and the garbage dumpster was not locked/latched to prevent bears and other wildlife from getting into garbage. Soil is stained from leaking equipment. These violations must be addressed immediately by removing the garbage/debris from the permit area and repairing the latch on the dumpster to comply with the wildlife design criteria.

Photos are attached.

Inspector: Jason Gross

Inspection Date: 8/11/17

