



United States
Department of
Agriculture

Forest
Service

Aspen-Sopris Ranger District

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

File Code: 2810
Date: 9/25/20

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

RECEIVED

SEP 30 2020

CERTIFIED RETURN RECEIPT: 7017 2620 0000 6745 3215

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Dear Mr. Congdon,

This letter responds to recent correspondence, dated September 2, 2020, from your attorney, Richard M. Stephens, requesting that the Forest Service "reconsider" or "reserve taking action" as identified in Forest Service correspondence dated October 19, 2019 regarding the White Bank Quarry (BLM Lead File CMC #255401) located in Section 28, T. 9 S., R. 88 W on the Aspen/Sopris Ranger District.

The use and occupancy of National Forest System Lands without authorization is prohibited by federal regulations at 36 CFR 261.10(k) and 16 U.S.C. §551. Without an approved plan of operations, which you do not have, you do not have authorization to conduct mining operations on National Forest System Lands that are causing or are likely to cause significant disturbance of surface resources. The Forest Service had determined that your personal property located at the White Banks Mine constitutes a significant disturbance of surface resources and therefore requires authorization by an approved plan of operations. 36 CFR §§ 228.4, 228.5. In addition to being in violation of the above regulations, such personal property may be subject to removal and impoundment by the Forest Service under 36 CFR §§ 262.12, 262.13. The request to reconsider the October 22, 2019 correspondence from Acting Ranger Keetch is denied.

To date, our office has not received a proposal for the removal of your private property and efforts to reclaim disturbed areas at the White Banks mine as previously requested. As stated above, in the October 22, 2019 letter, and in the November 21, 2019 e-mail from Acting Ranger Keetch, you have been placed on notice that your property may be removed and impounded by the Forest Service.

If you need assistance or have questions, please contact Olivia Garcia at (970) 945-3220.

Sincerely,

**KEVIN
WARNER**

Digitally signed by KEVIN
WARNER
Date: 2020.09.25
19:16:58 -06'00'

KEVIN WARNER
District Ranger

Enclosure

cc: Stephanie Mitchell, Richard M. Stephens, Snowmass Mining Company, Christopher Mandrick, Olivia Garcia



Caring for the Land and Serving People

Printed on Recycled Paper





File Code: 2810
Date: October 22, 2019

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

CERTIFIED RETURN RECEIPT NO. 7017 2620 0000 6745 4366

Dear Robert,

This letter concerns your personal property, equipment, structures, and miscellaneous items at the White Bank Quarry (BLM Lead File CMC #255401) located in Section 28, T. 9 S., R. 88 W on the Aspen/Sopris Ranger District.

In May 2019, the Snowmass Mining Company provided my office with documentation from the Pitkin County District Court and the Colorado Court of Appeals indicating that the Snowmass Mining Company, LLC, not Mystic Eagle Quarry, LLC, holds the valid and senior rights to certain mining claims at this location.

Based on this determination, the personal property owned by you on the mine site on National Forest lands is not reasonably incident to operations being conducted under the Mining Laws, and therefore is no longer authorized by the modified plan of operations and must be removed from National Forest System lands. It is my understanding that Greg Schiffrin, on behalf of Snowmass Mining Company, has corresponded with you requesting your cooperation in removing personal property and equipment from the White Banks Mine site.

Past correspondence from this office has addressed the need for removal of your property and reclamation of the site; please see the attached document for your immediate reference – U.S. Forest Service letter to R. Kirk Mueller; Davis, Graham, & Stubbs dated April 26, 2019. However, your personal property remains on the mine site to date.

This is to notify you that using, storing property or occupying National Forest System lands without authorization is prohibited by federal regulations at 36 CFR 261.10(k), and 16 U.S.C. 551. Please make arrangements for the removal of all personal property, mining equipment, structures, and miscellaneous items located at the White Banks Mine by Wednesday, **November 20, 2019.**

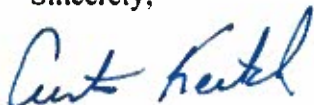
As a reminder, the Avalanche Creek Road (NSFR 310) will be closed for the winter season on or about November 21, 2019. Please send me a proposal for removal of the personal property you may have at the White Bank Quarry and reclamation of lands west of the Avalanche Creek Road (NSFR #310) that are not expected to be included in a Plan of Operations to be submitted by Snowmass Mining Company, LLC by **November 1, 2019.**



Your failure to act in accordance with the matters above will result in appropriate legal action. Additionally, you may be found liable for all injury, and loss of damage suffered by the United States as a result of your unauthorized activities, including but not limited to the costs of reclamation and restoration of National Forest System lands damaged by your occupancy.

I appreciate your cooperation in this matter. If you have questions, please contact Olivia Garcia, (970) 945-3220, for assistance.

Sincerely,



CURTIS KEETCH
Acting District Ranger

Enclosure: U.S. Forest Service letter to R. Kirk Mueller; Davis, Graham, & Stubbs April 26, 2019 (3pgs.)

Stephanie Mitchell
State of Colorado Division of Reclamation, Mining, and Safety
101 South 3rd Street, Room 301
Grand Junction, Colorado 81501

Lee Hughes, MSHA, Rocky Mountain District Office
P.O. Box 25367, DFC
Denver, CO 80225

Snowmass Mining Company
270 Rapid Lightning Road
Sandpoint, Idaho 83864

Davis Graham & Stubbs
Attn: R. Kirk Mueller
1550 17th Street, Suite 500
Denver, CO 80202

FS – Law Enforcement Officer Mandrick, Chad Hood, Paul Semmer, Michael Braudis