



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: July 8, 2021

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

RECEIVED

JUL 14 2021

**DIVISION OF RECLAMATION
MINING AND SAFETY**

NOTICE OF NON-COMPLIANCE

CERTIFIED RETURN RECEIPT #7017262000067453352

Dear Mr. Congdon,

CORRECTION: This letter is being resent to correct an error with the date provided in the second paragraph. The original letter listed a date of August 19, 2021, which is incorrect. The current letter has been corrected to reflect a date of June 19, 2021.

This letter addresses your unauthorized use and occupancy of National Forest System (NFS) lands arising of a claimed associate, Mr. Jason Perdue, inhabiting a cabin on the White Banks Quarry (BLM Lead File CMC #255401), which includes the White Banks through White Banks 9 unpatented mining claims located in Section 28, Township 9 South, Range 88 West in the Avalanche Creek drainage on the Aspen/Sopris Ranger District.

On June 19, 2021, while off duty, I observed a privately owned vehicle parked in front of the log structure at the White Banks Mine area and noticed that the door to the cabin was left open. I stopped at the location and called up towards the open cabin door. A man approached the doorway from inside the cabin and identified himself as Jason Perdue. I asked why Mr. Perdue had stopped at the cabin. Mr. Perdue stated that Robert Congdon and Walt Brown had given him permission to live within the cabin and monitor the mine area. Mr. Perdue also claimed that Walt Brown had not provided any paperwork regarding his occupancy, but that Mr. Perdue believed he would have the paperwork by next week.

Federal regulations prohibit occupying or using a residence on National Forest System lands unless such occupancy or use is authorized by a special-use authorization or approved plan of operations. See 36 CFR 261.10(b). To date, the Forest Service has neither issued a special-use authorization for the cabin at the White Banks Quarry nor approved a plan of operations for the associated mining claims. Furthermore, the Forest Service has not received a proposed plan of operations as requested in the letter sent to you on May 14, 2021. Mr. Perdue's use and occupancy of the cabin is therefore in violation of 36 CFR 261.10(b), (k), and (p). Be advised that you, Mr. Perdue, or any other associate **may not** use or occupy the structures at the White Banks Quarry unless and until you submit a proposed plan of operations for mining activities,



and it is approved by the Forest Service.

NOTICE IS HEREBY GIVEN that your use and occupancy of the cabin on the White Banks Quarry is in non-compliance with the requirements § 261.10(b), (k), and (p) (use or occupancy of NFS lands without a special-use authorization or approved plan of operations). Using, storing property or occupying National Forest System lands without authorization is prohibited by federal regulations at 36 CFR 261.10(k). Compliance with these regulations is required by 16 U.S.C. § 551.

Please resolve this non-compliance by vacating the cabin immediately. You may contact me directly at our office at the address shown above with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K Warner', is written over a light blue circular stamp.

KEVIN WARNER
District Ranger

cc:

Richard M. Stephens
STEPHENS & KLINGE LLP
10900 NE 4th Street, Suite 2300
Bellevue, WA 98004

Walt Brown
Mystic Eagle Quarry LLC
801 Colorado Ave
Glenwood Springs, CO 81601

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