



File Code: 2810
Date: October 28, 2021

Robert Congdon
Elbram Stone LLC
0367 Avalanche Creek Road
Carbondale, CO 81623

RECEIVED

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**DIVISION OF RECLAMATION
MINING AND SAFETY**

Certified Letter: 7021 0950 0002 2746 1330

Mr. Congdon,

This letter addresses your proposed new MEQ Plan of Operations (POO), which you submitted, and which I am evaluating, pursuant to the Forest Service (FS) locatable minerals regulations at 36 CFR 228 subpart A. Your POO is dated August 30, 2021 and the Aspen-Sopris Ranger District, White River National Forest (WRNF) received the document on August 30, 2021.

The WRNF staff conducted a preliminary review of the POO to ensure all necessary information has been provided in accordance with 36 CFR 228.4(c). Following this preliminary review, I have determined that the following information is required for your proposed POO to meet the requirements of 228.4(c):

Page 1, A. Please update the full name of your project name if MEQ is an abbreviation.

Page 1, D. Confirm you are proposing approximately 20 years of new operations. If so, please update all applicable date references to reflect 20 years of new operations. Alternatively, if you choose to reduce the duration of this proposal to what was included in the earlier White Banks POO and 2013 White Banks Decision Notice, please update all applicable date references to reflect those earlier documents.

Page 2, G. Please update your current mailing address. Recent mail correspondence from the Forest Service to the provided address was returned to sender. Additionally, the mailing address you provided differs from the address in your recent notice of intent submission.

Page 2, H. Please clarify the relationship between Elbram Stone LLC, Mystic Eagle Quarry LLC, and Avalanche Creek Marble and Alabaster LLC. Specifically, please state who the principal operator is that would be liable for all aspects of this proposed POO. Records show that Thomas Swint, manager of Avalanche Creek Marble and Alabaster LLC, is the individual/entity posting the reclamation bond but there is no reference to either in your proposal.

Page 8, Figure 2. Please update the existing site map with a higher quality copy. The map provided is not legible.

Page 9, Table 1, Infrastructure. On the line item "Existing Mobile Bath House or Replacement (mobile office)" it is unclear what you mean by mobile office in context of a bath house. Please clarify and update in other sections below where this applies.



Page 9, Table 1, Infrastructure. You propose up to 500 pallets at the storage yard. The analysis supporting the earlier White Banks POO addressed up to 50 pallets during the development phase. Please explain the need for this increase.

Page 10, Table 2, Mining. Please update the September 2018 date at the bottom of this section.

Page 12, Waste material. You propose to crush alabaster and sell it as soil conditioner. Please provide additional details on all aspects of this activity including equipment and any anticipated surface disturbance.

Page 15, Table 3, Infrastructure. You refer to a 24' x 40' overhead crane. This is not referenced in your equipment list and was not referenced in the earlier White Banks POO. Please clarify.

Page 17, Please update dates in the first paragraph.

Page 24, Terrestrial Wildlife. Please provide justification on why dogs are now needed on site when they were specifically excluded in the earlier White Banks POO.

All, Please include all attachments that are referenced in your proposal.

In addition to the information requested above, I would also like to address the following points raised in your proposed POO:

At the beginning of the proposed POO you state the entire document is confidential. Please be aware that, pursuant to 36 CFR 228.6, this document is subject to public examination and only certain "[s]pecifically identified information and data submitted by the operator as confidential concerning trade secrets or privileged commercial or financial information will not be available for public examination." Please see 36 CFR 228.6 for additional guidance.

On several occasions you stated no environmental analysis will be required. The need for additional environmental review will be based on your proposed activities and whether those proposed activities fall within the scope of the previous environmental analysis. There are several changes or additions in this proposal that differ from the earlier White Banks POO. For example, you propose to crush alabaster and sell it as soil conditioner. This was specifically excluded and not analyzed in the previous environmental review. Please understand that you may propose anything that you feel is reasonably incident to your operation, but the closer your proposal is to the earlier White Banks POO and 2013 White Banks Decision Notice, the less likely there will be a need for additional environmental analysis and delays associated with that analysis. Uses that are not reasonably incident to your operations may not be approved.

Once I receive the additional information detailed above and the WRNF determines your POO meets the requirements of 36 CFR 228.4(c), your proposed POO can receive further evaluation to determine whether it meets the requirements of 36 CFR 228 subpart A, including whether any additional environmental analysis may be required. Please note, however, that any future approval will require an adequate reclamation bond. Because you already have a bond in place with Colorado Division of Reclamation Mining and Safety from the White Banks POO, a review and update to this financial warranty may be acceptable.

Finally, as a reminder, it is your responsibility to obtain and/or update all other required federal, state, and local permits associated with your project.

If you have any questions or need clarification regarding the above information, please contact me directly at the Aspen-Sopris office, by phone at 970-404-3157, and/or by email at kevin.warner@usda.gov.

Sincerely,



KEVIN WARNER
District Ranger

Cc:

Travis Marshall
State of Colorado Division of Reclamation, Mining, and Safety
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Grand Junction, CO 81501