

To whom it may concern,

After many years of complaints to county officials, I am writing a formal, documented complaint to state and federal officials for aid in saving my farmland, which has been my entire life's work. I am 80 years old and I don't want all the hard work done by myself and many workers to all be in vain. My property has a total of 16 acres and includes primarily peach trees and also an array of newly planted crops that my grandson is dedicating a great amount of time and effort to. I want to protect what I have earned from any further damage done by the gravel pit owned and operated by Parkerson Construction and Gravel.

My farm and Ron Crist Orchards is located at 3236 C Road Grand Junction, Colorado and the Parkerson Construction and Gravel pit is located due north of my orchard at 3219 C 1/2 Road in Grand Junction, Colorado, with their mailing address and retail shop located at 710 S 15th Street in Grand Junction, Colorado. See picture of the area: (Exhibit A)

My orchard has continually been damaged year after year since 1992 when the gravel pit first started conducting business near my property. Solid particulate matter known as fugitive dust coming from Parkerson Gravel pit has never ceased to put a dent in my wallet since its inception. I understand that whether this dust is intentional or unintentional, the law protects me. See pictures of fruit and trees: (Exhibit B)

If Parkerson Construction and Gravel would have the proper topsoil berms surrounding its gravel mining operation with trees and vegetation growing on them as state and federal laws require and as its local permit through Mesa County requires, then there would not be constant dust damage year after year.

Mesa County and the State of Colorado do have regulations regarding dust from land operations. See C.R.S. 35-72-103 and C.R.S. 25-7-103. Why is it my responsibility to report Parkerson Construction and Gravel on a daily or weekly basis to Mesa County or call the Mesa County Health Department every time the wind is blowing dust from their land onto my property?

Where is the reclamation plan according to C.R.S. 34-32-116? After each area is mined, it is supposed to be reclaimed. Where are the engineer reports proving that Parkerson Construction and Gravel has complied with their permit and has not sold or gotten rid of the topsoil that needs to be reclaimed?

Where is the overburden stockpile that is to be used for the reclamation of protected, prime farmland as required by the U.S. Soil Conservation Service under 30 C.F.R. 823.12 & 823.14?

Did Parkerson Construction and Gravel abandon their water rights when they destroyed the two dams on their property? Where is their permit for the old dam backing up water on my property? Is Parkerson Construction and Gravel in compliance with the Clean Water Act? Did Parkerson Construction and Gravel file the proper permit to destroy or remove the dams? Did Parkerson Construction and Gravel re-file for the water rights permit? See aerial pictures: (Exhibit C)

The following pictures show that there once were major wetlands in the Parkerson Construction and Gravel pit area: (Exhibit D)

Deer damage has continually been problematic since Parkerson Construction and Gravel destroyed the wetlands on their property and when they backed up water into my orchard. Where is the permit that should be filed under 30 C.F.R. 783.19 See aerial pictures: (Exhibit E) A large area of habitat for deer in the area was directly destroyed by the gravel pit's activities, and part of the deer's habitat was moved onto my land by the reconstruction of their old dam. I have had to file a claim every year with the Colorado Parks & Wildlife due to the damage. I believe that a real solution to the inadvertent problem with the deer would be that the deer could be tranquilized and transferred out of the area or to allow hunters in my area to wipe out the deer herd. See letter of deer damage: (Exhibit F)

Every year that my trees are damaged means one more year lost. Tree maturity and development are very important. With constant damage, I can't ever achieve maximum production and profitability due to the trees' efforts to heal themselves instead of producing fruit and reaching maximum potential height and width.

Please take the time to investigate these serious accusations. I can't stress enough how important this is to my family and myself. Where is the berm that is supposed to be surrounding Parkerson Construction and Gravel pit? What federal or state law does Parkerson Construction and Gravel rely on to remove the wetlands? Where is the permit to reconstruct their dam near my property and to back water up on my property? Where is the Environmental Impact Statement regarding the wetlands? Where is the federal approval for destroying wetlands in the Parkerson Construction and Gravel pit? Where is the water system that is to be in place to control fugitive dust?

Sincerely

 2-25-13
Ronald R. Crist

Exhibit A



Exhibit B Pictures





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0905671 IMG_1534_050 50/56

<50> 08/23/04



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<47> 08/23/04



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7 10 07

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<17> C0 H0 Y0 D+1 7/10/2007

Exhibit C, D & E

2012 GIS map of Parkerson Gravel pit

http://arcgis-fs.ci.grandjct.co.us/gis_map_external/index.html?map=developmentmap





2008 GIS map of Parkerson Gravel pit

http://arcgis-fs.ci.grandjct.co.us/gis_map_external/index.html?map=developmentmap





2002 GIS map of Parkerson Gravel pit

http://arcgis-fs.ci.grandjct.co.us/gis_map_external/index.html?map=developmentmap





1997 GIS map of Parkerson Gravel pit

http://arcgis-fs.ci.grandjct.co.us/gis_map_external/index.html?map=developmentmap





1986 GIS map of Parkerson Gravel pit

http://arcgis-fs.ci.grandjct.co.us/gis_map_external/index.html?map=developmentmap







COLORADO PARKS & WILDLIFE

Northwest Region Office
 711 Independent Ave. • Grand Junction • Colorado • 81505
 Phone (970)255-6100 • FAX (970)255-6111
 wildlife.state.co.us • parks.state.co.us

June 12, 2012

Ron Crist
3236 C Road
Grand Junction, CO 81503

Dear Mr. Crist:

The Division of Parks & Wildlife has approved your claim for the damage of your **fruit trees by Mule Deer** in the amount of **\$6,439**.

This is the Division of Parks & Wildlife Claim Recommendation. It either reflects the full amount you originally requested or a mutually negotiated amount. I have requested that the State Accounting office send you a State warrant (check) in your name. It will take approximately 30 days to process the warrant. The warrant will come directly to you at the above address.

- If you cash the warrant, you acknowledge receipt of payment in full satisfaction of all damages claimed and thereby waive any and all further claim against the State for the particular claim.
- If you do not want to accept this offer, you may file an action for damages in the District or County Court of the judicial district where the damage occurred. Such court action must be taken within 60 days of receipt of the notice, or it shall be forever barred.

This claim has been assigned the number: **07-Y12-19**. If you should need to contact us in the future concerning this claim, please contact me at my office at 970-255-6100. I will need your claim number. All Game Damage claims are subject to *Wildlife Commission Regulation #1710 - Duty to Mitigate Damage* which states:

"The doctrine of avoidable consequences applies to wildlife damage claims, and claimants have a duty to mitigate damages. A claim shall be denied or limited, as is appropriate under the doctrine, where the claimant fails to exercise reasonable care and diligence to avoid the loss or to minimize or lessen resulting damage. The burden of proving a failure to mitigate damages shall be on the Division."

Briefly, this regulation requires you to exercise reasonable care to avoid and prevent similar damages in the future. When evaluating future claims, we will be considering what protective measures you have taken to prevent these types of damages from re-occurring.

Sincerely,

Ron D. Velarde

Ron D. Velarde, NW Regional Manager
 711 Independent Ave.
 Grand Junction, CO 81505

Date signed: June 22, 2012

cc to: Area file, District Wildlife Manager - Frank McGee, Area Wildlife Manager - J.T Romatzke, Game Damage Manager - Mark Caddy

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
 Rick D. Cables, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: David R. Brougham • Gary Butterworth, Vice-Chair • Chris Castilian
 Dorothea Farris • Tim Glenn, Chair • Allan Jones • Bill Kane • Gaspar Perricone • Jim Pribyl • John Singletary
 Mark Smith, Secretary • Robert Streeter • Lenna Watson • Dean Wingfield
 Ex Officio Members: Mike King and John Salazar