

March 4, 2013

Mr. Russ Means  
Senior Environmental Protection Specialist  
Western Slope Supervisor  
Grand Junction Field Office  
101 S. 3rd Street, Suite 301  
Grand Junction, Colorado 81501

**RECEIVED**

MAR 06 2013  
GRAND JUNCTION FIELD OFFICE  
DIVISION OF  
RECLAMATION MINING & SAFETY

Dear Mr. Means:

I will appreciate your assistance determining whether ACA Products of Buena Vista is operating within their permit.

I live just north of the ACA gravel pit. An aerial view of the area is attached. My house is identified by the "A" pinpoint. My subdivision is separated from the gravel pit by about 75 acres of property that is zoned R2 and that is owned by the gravel pit or by Mr. Paul Moltz, who owns the gravel pit.

Back in 2010, ACA hauled dirt out of the gravel pit and built a berm with it along the entire western boundary of the R2 parcel and a short portion of the northern boundary, enclosing the northwest corner. You can see aerial evidence of that berm and also the road leading from the gravel pit to the berm in the attachment (aerial view #1).

About 10 weeks ago, ACA began hauling more dirt out of the gravel pit and depositing it along the northern boundary of the R2 parcel. This most recent berm construction extends east from the end of the berm that was built back in 2010. Please see aerial view #2 and the photos in the attachment.

A group of us has been trying to oppose the berm-building activity for the last several weeks by using the Buena Vista Municipal Code. However, I learned today that the Colorado mining regulations might be applicable. It does seem like the berm-building is an extension of a mining operation into a residential area, extending the mine outside of its permitted "affected area".

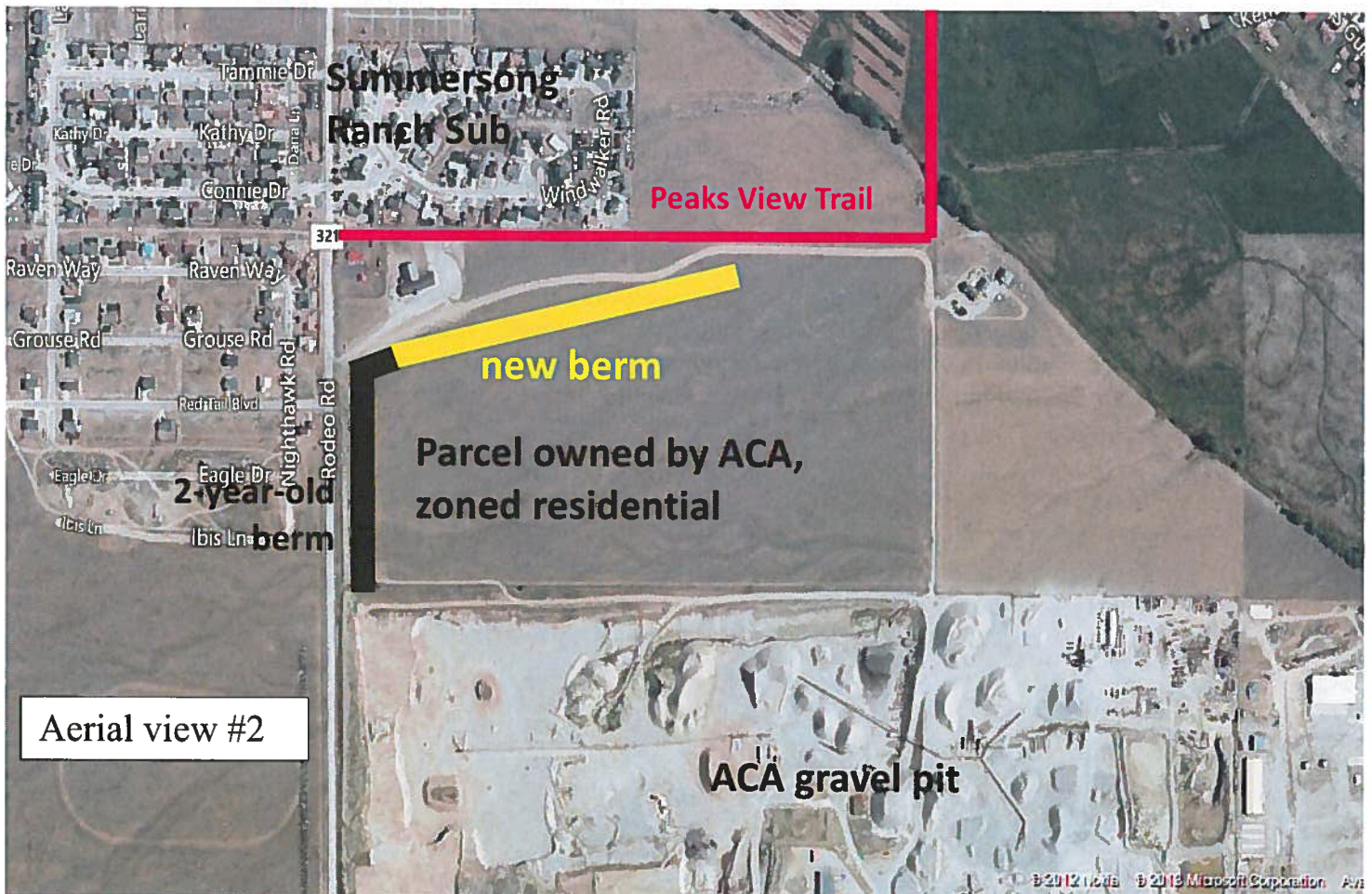
Is the ACA berm-building activity permissible? I will appreciate your investigation and conclusions.

Sincerely,



Doug Constance  
116 Windwalker Road  
Buena Vista, CO 81211  
719-966-9732

Attachment – 2 pages







Looking ESE from Peaks View Trail



Looking SSE from Peaks View Trail



Looking S from Peaks View Trail



Looking WSW from Peaks View Trail

