

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



March 15, 2013

Doug Constance
116 Windwalker Road
Buena Vista, CO
81211

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: Avery Construction Pit, Permit No. M-1979-010, Complaint Follow-Up

Dear Mr. Constance:

On March 15, 2013 the Division of Reclamation, Mining and Safety (Division) received ACA Products' response to your March 6, 2013 letter of complaint. The information provided by ACA shows that the berm is being constructed on property located outside their DRMS permitted area, and that the construction was approved by the Town of Buena Vista. The berm is to be a permanent feature on the property and is not considered part of their mining operation. Based on the information provided by ACA, it was determined that the issue does not fall under our jurisdiction and enforcement actions will not be undertaken by the Division regarding this issue.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



Dustin Czapla

Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
101 South 3rd, Suite 301
Grand Junction, CO 81501
Phone: (970) 243-6299
Fax: (970) 241-1516

Cc: Michael Coleman, ACA Products, Inc.

Attachment: ACA Response Letter dated March 12, 2013