

# 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



April 5, 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:

Thank you for your correspondence dated March 21, 2013. In my letter to you, dated March 15, 2013, it was stated that construction of the berm, which is located outside of the Avery Construction Pit, is not regulated by the Division of Reclamation, Mining and Safety (Division). At this time I would like to reaffirm the position that this issue does not fall under the jurisdiction of the Division. The Division's jurisdiction does not extend to land use decisions, visual impacts, noise, traffic, dust or other nuisances. Local government handles these issues.

Again, I appreciate you taking the time to share your concerns with the Division. If I may be of further assistance, or you feel that your concerns were not adequately addressed in this letter, please do not hesitate to contact me.

Sincerely,



***Dustin Czaplá***

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