

*Foxtote Gulch Ranch
1048 Cross Creek Road
Hesperus, CO 81326*

VIA Email

August 27, 2014

Ms. Kate A. Pickford
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
State of Colorado
1313 Sherman Street, Room 21
Denver, CO. 80203

Re: Application by Luke the Duke, LLC for the Extraction of Construction Materials

Dear Ms. Pickford:

My husband and I vigorously object to the granting of a permit to Luke the Duke, LLC for the commercial operation of mining rock. We are within one mile of his ongoing mining operation and object to the proposed expansion. Mr. John Avery has admitted that he has no water rights and provides no viable means of reclaiming the gravel pits he has already created. Now, he wants to expand this operation at the expense of the quiet enjoyment of this community. This operation is a danger to persons who live nearby, property and the environment.

This business was conducted without a permit thereby making his operation in default of the laws (34-32.5-120. *Permit refused - operator in default. The board shall not grant a permit for new mining operations to an operator who is found to be in violation of this article at the time of application.* Therefore, he should not be granted a retroactive permit to cover his illegal activity and be rewarded with a permit to expand his operations.

We understand that this state has liberal land use laws but the wholesale and illegal destruction of private property for a commercial gain should be tempered with the interests and rights of the private, non commercial landowners' use which is adjacent to this proposed mining operation.

We urge you to reconsider. This commercial operation will negatively impact the private roads that Luke the Duke, LLC will use to haul product as well as the quiet enjoyment of the Cross Creek community homeowners.

Sincerely,

Chuck Eckenrode and Gail Lovell

Cc: Mr. Damian Peduto, Director

