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Virginia Brannon
Division Director
Division of Reclamation Mining and Safety
Department of Natural Resources
State of Colorado

Dear Ms Brannon:

I am writing to comment on the application for a Construction Materials Limited Impact (110) Reclamation Permit filed by Luke the Duke, LLC.

I have lived at 1124 County Road 120, Hesperus CO 81326 (Section 26, Township 35 N, Range 11 W, NM Prime Meridian) since 1998.

Any past or future agricultural use for this land is largely imaginary. Prior to the operations begun by Luke the Duke, LLC (John Avery), the land may have had marginal utility for limited grazing. Now, all the topsoil has been removed from the property. Mr. Avery has no access to water, so his assertion that he is creating ponds is totally chimerical. Even if they were created, what agricultural utility would they have on a property devoid of topsoil and surrounded by other 35+ acre properties that Mr. Avery and a local developer created expressly to sell for home sites?

Furthermore, there is no local demand for the material he is creating. He does not own any of the roads or subdivisions that he claims to be maintaining.

County Road 120 is already heavily impacted by the mining activities at the King Coal Mine: 100-120 semi loads of coal are transported down this road to State Highway 140 every day. Mr. Avery proposes to mine 60,000-70,000 tons of material or 4500-5000 dump truck loads over a period of 3 years. This amount of additional truck traffic on County Road 120 will create a safety hazard for both the truck drivers and the neighbors who use the road in an increasingly residential area.

Finally, I doubt that Mr. Avery has the financial resources to make good on any of his plans. In fact, what he is doing is more about vindictiveness over his bankruptcy than it is about a viable mining operation.

Gary D. Grantham