

Appendix 4(6)

King II



HISTORY *Colorado*

Janet H. Binns
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: King Coal Mine (Permit No. C-1981-035) Technical Revision No. 29 (TR-29) Additional Portals and Access Roads (HC# 68206)

Dear Ms. Binns:

Thank you for your correspondence dated March 5, 2020 received by our office on March 12, 2020 regarding the subject undertaking as part of your Section 106 consultation requirements.

After review of the additional information received by our office on March 30, 2020, we understand that the technical revision (TR-29) being proposed will not include additional lands incorporated into the permit area. We also understand that the additional surface disturbance outside the area currently approved for disturbance was previously surveyed, at which time no historic properties were identified. As such, we concur that there will be no historic properties affected [36 CFR 800.4(d)(1)] as a result of the proposed undertaking.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR 60.4) in consultation with our office pursuant to 36 CFR 800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment and we look forward to continuing consultation. If we may be of further assistance, please contact Holly McKee-Huth, Section 106 Compliance Tech, at (303) 866-4670 or holly.mckee@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer



HISTORYColorado

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Re: King Coal Mine (Permit No. C-1981-035) Technical Revision No. 29 (TRS-29) Additional Portals and Access Roads (HC# 68206)

Dear Ms. Binns:

Thank you for your correspondence dated March 5, 2020 received by our office on March 12, 2020 regarding the subject undertaking as part of your Section 106 consultation requirements.

A review of the Colorado Cultural Resource Inventory Database indicates that while portions of the permit area have been inventoried for cultural resources, the majority of the area has not yet been surveyed. As you know, activities involving surface-disturbing actions do have the potential to affect historic properties that may be eligible for the National Register of Historic Places, which can include any prehistoric (archaeological) or historic district, site, building, structure or object.

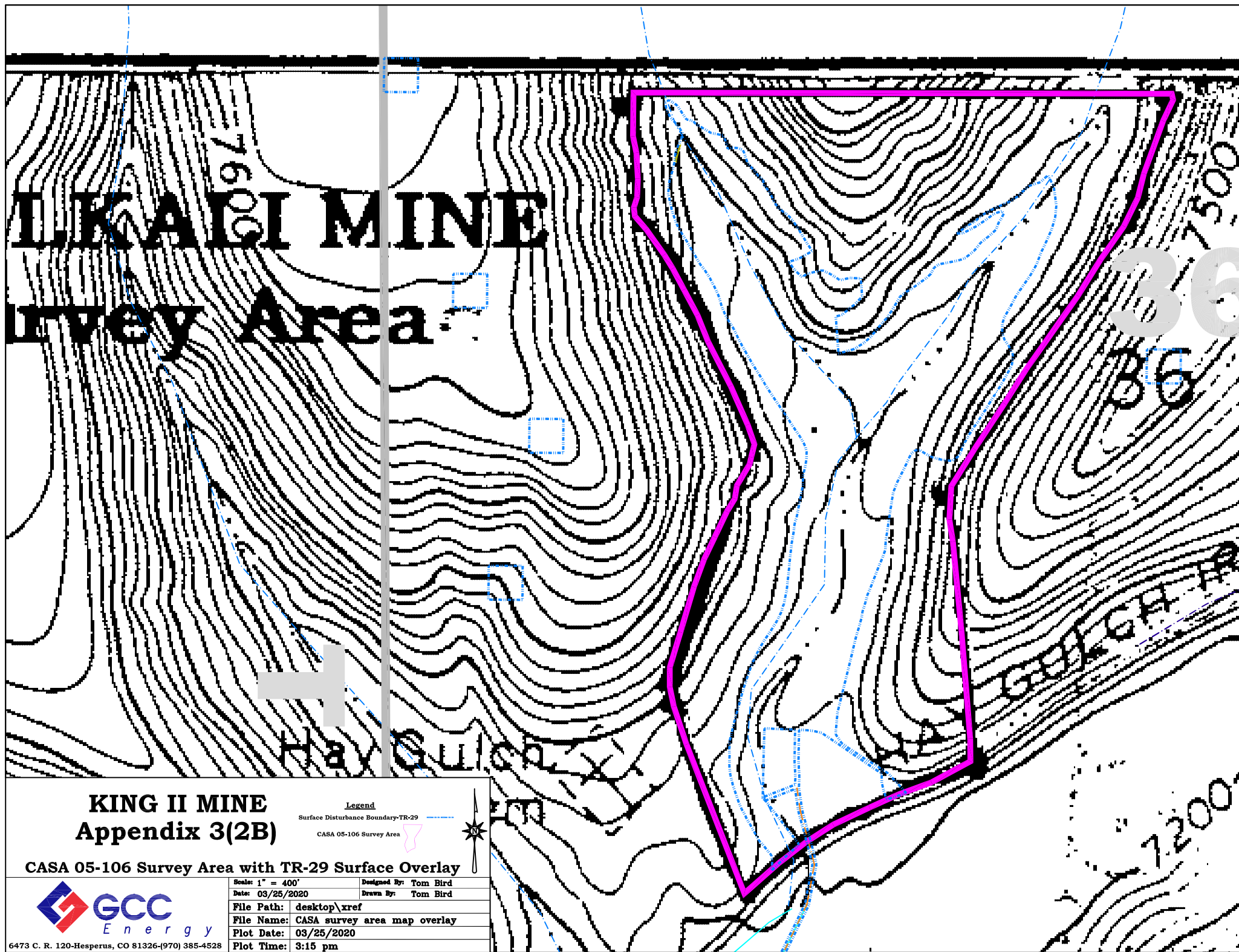
We understand that the technical revision being proposed not only includes additional surface disturbance outside the area currently approved for disturbance, but additional lands may be incorporated into the permit area. It is important to determine the presence of historic properties within the project area and the potential effects to these resources as a result of the proposed undertaking revision. As such, it is our recommendation that a cultural resources survey be completed in these new areas prior to the activities being proposed.

Under the process established for the protection of cultural resources, as required by Section 106 of the National Historic Preservation Act (Section 106) and implemented through 36 CFR Part 800, it is the statutory obligation of the Federal agency to fulfill the requirements of Section 106. This includes the identification of any historic properties within the area of potential effects and determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for Federal permits, licenses or other approval are entitled to consultative roles in this process.

Thank you for the opportunity to comment and we look forward to continuing consultation. If we may be of further assistance, please contact Holly McKee-Huth, Section 106 Compliance Tech, at (303) 866-4670 or holly.mckee@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer



KING II MINE **Appendix 3(2B)**

Legend
Surface Disturbance Boundary-TR-29
CASH 05-106 Survey Area

CASH 05-106 Survey Area with TR-29 Surface Overlay



Scale: 1" = 400'	Designed By: Tom Bird
Date: 03/25/2020	Drawn By: Tom Bird
File Path: desktop\xref	
File Name: CASH survey area map overlay	
Plot Date: 03/25/2020	
Plot Time: 3:15 pm	