



HISTORY Colorado

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

RE: King Coal Mine (Permit No. C-1981-035) (HC# 68206)

Dear Ms. Binns,

Thank you for your correspondence dated June 30, 2020 and received by our office on July 7, 2020 regarding the review of the above referenced undertaking under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR Part 800.

After review of the documentation provided, we note that in accordance with the 1991 Memorandum of Understanding (MOU) between our agencies, because the technical revision may incorporate additional lands into the permit area or might otherwise alter previously approved permit conditions or mitigation measures, concurrence between our agencies is required due to the potential for impacts to cultural and/or historic resources. After review of the MOU, we note that not only was it signed 29 years ago, but the only amendment (containing categorical exclusions) was made 17 years ago. We suggest that our offices collaborate in the near future to assess the continuing usefulness of the MOU and the possibility of terminating the MOU and creating a Programmatic Agreement or several Programmatic Agreements tailored to the specific needs of the various resource types managed by your office.

As far as the current undertaking, the technical revision proposes expanding the permit area to include 397.5 additional acres of private and federal surface land. In order to complete our review of the above referenced undertaking, we require additional information regarding the undertaking and the area of potential effects (APE). The correspondence provides a paucity of information on the land and the proposed use of the land. We also note that the correspondence provides a link to documents on a website. The documents also do not provide a high frequency of detail on the proposed undertaking or provide a map or description of the parcels. Please provide maps, additional documents, and photographs, as necessary, to provide an understanding of the proposed undertaking and the APE. In addition, please provide documentation associated with an undertaking as attachments to correspondences in future consultations.

An initial review of the general location shows that a paucity of cultural resource inventories have been conducted in the area. Considering the paucity of previous inventories in the area, we recommend the completion of a cultural resource inventory by a cultural resource specialist who meets the Secretary of the Interior's Standards prior to construction activities to determine the presence of historic properties within the APE and the potential effects to these resources as a result of the proposed undertaking. This level of effort is recommended in accordance with 36 CFR Part 800.4(b)(1).

A list of qualified contractors that may provide the above services is available on our website: <https://www.historycolorado.org/sites/default/files/media/document/2017/1502.pdf>. Upon completion of the appropriate identification efforts, our office should be provided with the results of the cultural resource inventory for review of professional adequacy and compliance with regulations, as well as to evaluate the appropriateness of the recommended effect finding.

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. If you have any questions, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678, or matthew.marques@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer