



HISTORY *Colorado*

Amy Yeldell
Environmental Protection Specialist
Minerals Program
Grand Junction Field Office
Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Humming Bird Mine – File No. M-2017-035, Miners Mall, LLC Amendment Application (AM-1) (HC# 72771)

Dear Ms. Yeldell,

Thank you for your correspondence dated September 1, 2020 and received by our office on September 9, 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.

The provided documentation notes that the amendment proposes expanding operations in the existing permit area and that the proposed undertaking would not result in the addition of land to the permit area. The provided documentation notes that the project location was inventoried in 2017. The inventory identified 5ME.7372, a resource previously determined not eligible for the National Register of Historic Places. Based on the documentation provided, we find that a finding of no historic properties affected [36 CFR 800.4(d)(1)] is appropriate for the subject 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 NHPA.

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

STATE OF
COLORADO

Yeldell - DNR, Amy <amy.yeldell@state.co.us>

Re: Humming Bird Mine – File No. M-2017-035, Miners Mall, LLC Amendment Application (AM-1) (HC# 72771)

1 message

Marques - HC, Matthew <matthew.marques@state.co.us>

Wed, Sep 16, 2020 at 3:24 PM

To: "Yeldell - DNR, Amy" <amy.yeldell@state.co.us>

Cc: Travis Marshall <travis.marshall@state.co.us>

Hi Amy,

Thank you for providing the information. The documentation and inventory report discusses the mining claim and the area permitted by the BLM to extend beyond the area proposed for disturbance. The inventory conducted in 2017 included 3.6 acres that covered the area identified in the Hummingbird Claim Notice of Intent. The new disturbance proposed by the permit amendment filed with your agency would include an additional acre, but the areas proposed for disturbance and the proposed undertaking's location appear to be encompassed by the previous inventory. The provided documentation also notes that the extent of the APE for the current undertaking was previously inventoried in 2017. The inventory did not identify historic properties. Based on the provided information, the proposed undertaking should not affect historic properties. Please let me know if I am missing anything or if you would like to discuss this over the phone.

Thank you,

On Wed, Sep 16, 2020 at 1:41 PM Yeldell - DNR, Amy <amy.yeldell@state.co.us> wrote:

Hi Matthew,

An amendment means a change to the permit. So in this instance they are increasing the permit boundary slightly, a total of one acre to be permitted. The majority of the disturbance is going through old previously mined areas.

The modification to the BLM permit has already been submitted. It included the same project boundary, same disturbance area, etc.; all of which was analyzed in the original EA. At this point BLM is just waiting for management to sign off on the DNA decision. Unfortunately due to the Pine Gulch fire that's been delayed. Prior to commencement they also need DRMS approval and a modification to their permit.

You can view the entire application via Laserfiche <https://dnrweblink.state.co.us/drms/search.aspx?dbid=0&cr=1> and enter the permit number M2017035 on the left side menu. Based on the response thus far I will interpret it as no objection to the operation. The comment period closes on October 1. If your agency's position on the matter changes, please let us know ASAP so that we can coordinate with the Operator.

Thanks

--

Amy Yeldell

Environmental Protection Specialist

Minerals Program, Grand Junction Field Office

**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303-866-3567 Ext:8183 | F 303-832-8106

101 S. 3rd St., Suite 301, Grand Junction, CO 81501

amy.yeldell@state.co.us | www.colorado.gov/drms

On Wed, Sep 16, 2020 at 1:00 PM Marques - HC, Matthew <matthew.marques@state.co.us> wrote:

Hi Amy,

If the proposed undertaking sits in the previously inventoried location of the permit area and does not involve additional land, we find that the undertaking should not affect historic properties. This finding is based on the documentation provided. If the undertaking proposes work outside the previously inventoried location, we request additional consultation with our office. If there are unanticipated discoveries of cultural resources, we also request that you consult with our office regarding the discoveries according to 36 CFR 800.13. Work should stop in the discovery location until consultation is completed. Please note that BLM may also have responsibilities under Section 106 of the National Historic Preservation Act due to their approval of the permit amendment.

Please let me know if you have additional questions.

Thank you,

On Wed, Sep 16, 2020 at 8:26 AM Yeldell - DNR, Amy <amy.yeldell@state.co.us> wrote:

Received, thank you. The way I read this your agency has no objection to the amendment application. And the standard stop work if features are discovered applies?

--

Amy Yeldell
Environmental Protection Specialist
Minerals Program, Grand Junction Field Office



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On Tue, Sep 15, 2020 at 3:07 PM Marques - HC, Matthew <matthew.marques@state.co.us> wrote:

Dear Ms. Yeldell,

From: History Colorado, Office of Archaeology and Historic Preservation
Attached is our letter on the subject undertaking in Adobe PDF format.
Please contact me at the below information if you have any questions.

Sincerely,

--

Matthew Marques

Section 106 Compliance Manager

History Colorado | Office of Archaeology and Historic Preservation

303.866.4678 | matthew.marques@state.co.us

1200 Broadway | Denver, Colorado 80203 | HistoryColorado.org

The Office of Archaeology and Historic Preservation is now accepting **electronic submissions** through its secure file transfer system, **MoveIT**. Information and registration for MoveIT is available [here](#). Please continue to contact the

appropriate personnel or refer to our [website](#) for guidance on permit related items, file searches, and curation agreements.

Under the Colorado Open Records Act (CORA), all messages sent by or to me on this state-owned email account may be subject to public disclosure

--

Matthew Marques

Section 106 Compliance Manager

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Matthew Marques

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