



Tabetha Lynch  
Environmental Protection Specialist  
Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

RE: Foidel Creek Mine (Permit No. C-1982-056) (HC# 67400)

Dear Ms. Lynch,

Thank you for the additional documentation provided through email on December 15, 2020 and your correspondence received by our office on October 27, 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. We appreciate the additional documentation provided including the results of a class III cultural resource inventory.

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. The provided documentation notes that the technical revision would result in additional surface disturbance outside of the area currently approved for disturbance. The provided documentation notes that the proposed undertaking would result in the installation of two waterlines.

The recently completed inventory identified a cultural resource (5RT.3640) in the area of potential effects (APE) and previous inventories identified five cultural resources (5RT.2017, 5RT.2167, 5RT.2442, 5RT.2449, and 5RT.2820) in or adjacent to the APE. We concur that 5RT.3640 is eligible for the National Register of Historic Places (NRHP) under Criterion D. 5RT.2017, 5RT.2167, 5RT.2442, 5RT.2449, and 5RT.2820 were previously determined not eligible for the NRHP. The provided documentation notes that the proposed undertaking will avoid 5RT.3640 and recommends that an archaeologist will monitor ground disturbing activities. 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 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. If you have any questions, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678, or [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us).

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer

We are now accepting electronic consultation through our secure file transfer system, MoveIT. Directions for digital submission and registration for MoveIT are available at <https://www.historycolorado.org/submitting-your-data-preservation-programs>.