



Patrick Lennberg
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St, Room 215
Denver, CO 80203

Re: Burnham Property Borrow, File No. M-2021-019 (HC #79569)

Dear Mr. Lennberg:

We received your correspondence dated April 2, 2021 on April 5, 2021 requesting comment by April 7, 2021 under the State Register of Historic Places Act (CRS 24-80-1 et seq.) for the proposed action.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Additional notes as it relates to the subject matter:

- (1) CRS 24-80-1-104(2)(a), requires that you provide our office thirty days to review a proposed action;
- (2) If the fill or disposal site location is associated with a Federal undertaking, it is the responsibility of the Federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled "Protection of Historic Properties". This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but 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 are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Intergovernmental Services Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer
ST/mt