



Daniel Cunningham  
Colorado Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, CO 80203

RE: Nestor Pit (M-2021-033) (HC # 79843)

Dear Mr. Cunningham,

This letter is provided in response to your correspondence dated and received on May 21, 2021 requesting consultation with our office for the above mentioned subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1.

Based on the documentation provided, we find that the subject action will not adversely affect properties listed on or nominated for the State Register of Historic Properties.

Please note that our comments should not be interpreted as concurrence under the National Historic Preservation Act or any other environmental law or regulation. If human remains are discovered during ground disturbing activities, the requirements under CRS 24-80 part 13 apply and must be followed. Should the current subject action change, please contact our office for continued consultation under CRS 24-80.1.

In the event that there is federal agency involvement, please note that 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 Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678 or [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us).

Sincerely,

**Dr. Holly Kathryn Norton**

Digitally signed by Dr. Holly Kathryn Norton  
Date: 2021.05.27 22:44:56 -06'00'

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>.