

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Fwd: New Elk Mine (Permit No. C-1981-012) Permit Revision Application No. 5 (PR-5), Permit Revision 5 (HC# 71066)

Cunningham - DNR, Daniel <daniel.cunningham@state.co.us>

Fri, Aug 6, 2021 at 3:29 PM

To: Jared Ebert - DNR <jared.ebert@state.co.us>

----- Forwarded message -----

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

Date: Fri, Aug 6, 2021 at 3:26 PM

Subject: RE: New Elk Mine (Permit No. C-1981-012) Permit Revision Application No. 5 (PR-5), Permit Revision 5 (HC# 71066)

To: Daniel Cunningham - DNR <daniel.cunningham@state.co.us>

Dear Mr. Cunningham,

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 | State Historic Preservation Office

303.866.4678 | matthew.marques@state.co.us1200 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

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Respectfully,**Daniel Cunningham****Environmental Protection Specialist**

8/18/2021

State.co.us Executive Branch Mail - Fwd: New Elk Mine (Permit No. C-1981-012) Permit Revision Application No. 5 (PR-5), Permit Revisi...

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P 303.866.3567 ext. 8126 | F 303.832.8106 |

[1313 Sherman St., Room 215, Denver, CO 80203](#)

daniel.cunningham@state.co.us | mining.state.co.us



71066_DRMS_C1981012_PR5.pdf

224K



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

RE: New Elk Mine (Permit No. C-1981-012) Permit Revision Application No. 5 (PR-5), Permit Revision 5 (HC# 71066)

Dear Mr. Cunningham,

Thank you for your correspondence dated and received by our office on July 7, 2021 requesting review of the above referenced undertaking under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR Part 800.

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 permit revision would result in the expansion of the New Elk Mine's permit boundary by 2,856 acres for the purposes of expanding subsurface mining operations. This has the potential to affect cultural resources through development of infrastructure, temporary use areas, and reclamation activities as well as through reasonably foreseeable effects such as subsidence and ground vibrations. In order to complete our review, we request additional information on the proposed development of the area for mining, temporary use areas (i.e. access roads and staging areas), and potential extent of effects posed by subsidence and ground vibrations. Please provide additional descriptions, maps, designs, and images as necessary to provide us an understanding of the proposed undertaking and the area of potential effects (APE).

An initial review of our records shows that cultural resource specialists have inventoried a dearth of the expanded permit boundary location and that at least one previously recorded historic property (5LA.5925) sits in the APE. A review of previous studies in the region and aerial images shows the potential for previously unidentified cultural remains in the proposed expansion area including archaeological remains. Further, an initial review of historic topographic maps show that the APE may contain previously unidentified historic structures including structures associated with the town of Vigil. Expansion of mining in this area has the potential to affect these types of cultural resources.

Due to the dearth of previous inventory and the potential for previously unidentified cultural resources in the project location, it is our recommendation that a cultural resource inventory be completed by a cultural resource specialist who meets the Secretary of the Interior's Standards prior to construction activities to determine the presence of cultural resources in the APE and to assess the eligibility of any resources for the NRHP. The cultural resource specialist should also evaluate the undertaking's potential effects to historic properties. This level of effort is recommended in accordance with 36 CFR 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/2021/1502%202.25.21.docx.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 anticipate further discussion regarding the subject undertaking according to 36 CFR 800.3-800.6. 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

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>.