

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)

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

Fri, Aug 20, 2021 at 9:49 AM

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

Hi Jared,

Thank you for updating us on the point of contact for this undertaking. I will let our other staff know about the changes for contacts for the New Elk Mine in case other reviewers have questions or projects that they are reviewing. Do you know if DJ was the point of contact for any other permits? From what I can remember, I do not believe so.

As far as the current project, we are happy to review any additional information you can provide regarding the potential for subsidence including any quantitative or qualitative data. It, however, seems that some level of subsidence or vibrations would comprise a reasonably foreseeable effect for the undertaking. Similar types of underground operations have resulted in subsidence that posed impacts to cultural resources including archaeological sites, rock art sites, and historic structures.

It should be noted that the Advisory Council on Historic Preservation (ACHP) has previously commented on effects posed by subsidence in Colorado. The ACHP commented on an undertaking associated with King II Coal Mine noting in response to claims regarding the limited potential for impacts to cultural resources from subsidence that any such claims should be substantiated by data. The ACHP noted that subsidence appears reasonably foreseeable and they "believe subsidence, in general, with or without subsidence cracks, should be considered an effect on historic properties as it may include changes in the relationship of a property to its surroundings, including changes in its surface contours, topography, and erosional patterns. Following the same reasoning it appears that the opening and subsequent refilling of subsidence fractures, if they were to occur, should also be considered at least an effect on archaeological sites."

In addition to subsidence, it seems reasonably foreseeable that surface borings, access roads, ventilation, and potentially additional infrastructure would result from the proposed expansion. Similar features are observed within the current boundaries of the mine and appear to be necessary features for the operation of the mine.

We continue to request the completion of a class III cultural resource inventory considering the potential effects of the undertaking on historic properties, the dearth of previous inventory, and the potential for previously unidentified cultural resources. As mentioned previously, we are open to discussion and reviewing any additional data or information that you could provide that could change our recommendation.

Please let me know if you would like to discuss this over the phone or if you have any additional questions.

Thank you,

[Quoted text hidden]