



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## RE: West Elk Mine (Permit No. C-1980-007) Technical Revision No. 150 (TR-150), Revision to Layout of E-Seam Panels (HC# 68249)

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

Thu, Jan 13, 2022 at 2:39 PM

To: Leigh Simmons - DNR <leigh.simmons@state.co.us>

Dear Ms. Simmons,

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,

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**Matthew Marques**

**Section 106 Compliance Manager**

History Colorado | State Historic Preservation Office

303.866.4678 | [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us)

1200 Broadway | Denver, Colorado 80203 | [HistoryColorado.org](http://HistoryColorado.org)

Note: On Tuesday, October 19, 2021, Governor Jared Polis appointed Dawn DiPrince as the new Colorado State Historic Preservation Officer. The State Historic Preservation Officer has the delegated authority to represent the State of Colorado in carrying out the responsibilities specified in the National Historic Preservation Act, and in the regulations and administrative requirements established for implementation of the NHPA. Please join us in welcoming Ms. DiPrince to this new capacity.

*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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**68249\_West Elk Mine\_C1980007\_TR150.pdf**

212K



# History Colorado

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

RE: West Elk Mine (Permit No. C-1980-007) Technical Revision No. 150 (TR-150), Revision to Layout of E-Seam Panels (HC# 68249)

Dear Ms. Simmons,

Thank you for your correspondence dated and received by our office on January 10, 2022 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.

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.

We understand that the proposed undertaking involves activities associated with subsurface mining. In order to complete our review, we request additional information on the proposed development of the area for mining including ventilation, surface borings, access roads, and staging areas. We also request additional information on potential reclamation activities. 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 relative low frequency of the project location. A review of orthoimagery shows that the project location remains relatively undisturbed. A review of studies in the region shows that the area contains the potential for previously unidentified cultural remains including archaeological remains that could sit on or below the ground surface. The project location may contain previously unidentified historic and prehistoric cultural remains. The proposed undertaking has the potential to affect these types of cultural resources. This includes through reasonably foreseeable effects such as subsidence and ground vibrations.

As a result, 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 National Register of Historic Places. 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-.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



# History Colorado

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,

Dawn DiPrince  
State Historic Preservation Officer