



History Colorado

Elliott R. Russell
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, Colorado 80203

Re: Wellington Cattle Borrow Pit, File No. M-2021-025

Dear Mr. Russell:

We received your correspondence March 10, 2022 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 et. seq.

A search of our database indicates that four cultural resources are located within or adjacent to the permit area. Two historic sites, the Midland Terminal Railway (STL.79.2) and the Hayden Divide Toll Road/Highway 67 (STL.3407) are officially eligible for listing on the National Register of Historic Places (NRHP). In addition, one historic property and one archaeological property (STL.252 and STL.260) were determined to need additional data in order to assess the properties' eligibility for listing on the NRHP.

As there are no properties of historical significance included or nominated for inclusion in the state register within the proposed permit area, a finding of no adverse effect is appropriate. 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.

Please note that 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 Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670/holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer