



History Colorado

Nickie C. Gagnon
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Clayton Pit, File No. M-2022-024 (HC#81536)

Dear Ms. Gagnon:

We received your letter on May 31, 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 five properties (5BN.180, 5BN.182, 5BN.255, 5BN.441, and 5BN.442) are located within or adjacent to the permit area. Of the five sites, only one (5BN.182) was assessed as needing additional data to determine the eligibility for listing to the National Register of Historic Places (NRHP). The remaining four sites were determined not eligible for listing to 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 or holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer