



# 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 Application No. 151 (TR-151) Extend Longwall Panel LWE12 (HC# 68249)

Dear Ms. Simmons,

Thank you for your correspondence received by our office on November 16, 2022 initiating consultation for the above referenced undertaking under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR 800.

We note that 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 resources. The provided documentation notes that the proposed undertaking would result in additional surface disturbance outside of the area currently approved for disturbance.

The provided documentation notes that the permit revision would result in the expansion of underground mining activities by 26 acres. 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 low frequency of the general area. A review of previous studies in the region and aerial images shows the potential for previously unidentified cultural remains including archaeological remains. Expansion of mining in this area has the potential to affect these types of cultural resources.

Due to the paucity 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/media/1088>. 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](mailto:matthew.marques@state.co.us).

Sincerely,

Dawn DiPrince  
State Historic Preservation Officer