



March 30, 2023

Tony Tennyson
Elk Ridge Mining and
Reclamation, LLC
P.O. Box 628
27646 West 5th Avenue
Nucla, CO 81424

RE: New Horizon 2 Mine, Permit No. C-1981-008
Technical Revision No. 106 Preliminary Adequacy Review

Dear Mr. Tennyson,

The Colorado Division of Reclamation, Mining and Safety (the Division) received the New Horizon 2 Mine's submittal of required items for a Technical Revision on February 22, 2023. The information provided allowed the revision to be called complete on March 3, 2023. The Division has completed reviewing the application submittal for TR-106 and has no adequacy comments at this time. The public notice for TR-106 was published on March 8, 2023. The deadline for comments is 11:59:59 on April 7, 2023. Thus far the Division has received comments from History Colorado, dated March 17, 2023. A copy of the comment letter is attached to the end of this adequacy review for your records.

This concludes the Division's preliminary adequacy review for the New Horizon 2 Mine's Technical Revision No. 106 application. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Clayton Wein
Environmental Protection Specialist
clayton.wein@state.co.us

cc: Travis Marshal, Senior Environmental Protection Specialist





History Colorado

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

RE: New Horizon Mine (Permit No. C-1981-008), Technical Revision No. 106 (TR-106), TR-106
Incidental Permit Boundary Revision (HC# 67409)

Dear Mr. Wein,

Thank you for your correspondence received by our office on March 8, 2023 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.

After review of the documentation provided, 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 and/or historic resources.

The provided documentation notes that the proposed technical revision would result in the removal of areas from the permit and that no additional surface disturbance is proposed outside of the currently approved disturbance areas. Based on the documentation provided, we find that a finding of no historic properties affected [36 CFR 800.4(d)(1)] is appropriate for the subject undertaking.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR 60.4) in consultation with our office pursuant to 36 CFR 800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

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.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer