



**Fwd: New Elk Mine (Permit No. C-1981-012) Technical Revision Application No. 77 (TR-77), Relocate RDA Access Road and Diversion Dam (HC# 71066)**

1 message

**Bowles - DNR, Brock** <brock.bowles@state.co.us>  
To: Nick Mason <nrmason@newelkcoal.com>

Mon, May 15, 2023 at 3:17 PM

Hey there Nick,  
Here are comments from History Colorado  
Brock

----- Forwarded message -----

From: **Marques - HC, Matthew** <matthew.marques@state.co.us>  
Date: Mon, May 15, 2023 at 2:38 PM  
Subject: RE: New Elk Mine (Permit No. C-1981-012) Technical Revision Application No. 77 (TR-77), Relocate RDA Access Road and Diversion Dam (HC# 71066)  
To: Brock Bowles - DNR <brock.bowles@state.co.us>

Dear Mr. Bowles,

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,  
—

**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](https://HistoryColorado.org)

*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*

—  
Brock Bowles  
Environmental Protection Specialist



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**71066\_DRMS\_C1981012\_TR77.pdf**  
206K



# History Colorado

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

RE: New Elk Mine (Permit No. C-1981-012) Technical Revision Application No. 77 (TR-77), Relocate RDA Access Road and Diversion Dam (HC# 71066)

Dear Mr. Bowles,

Thank you for your correspondence received by our office on May 12, 2023 requesting 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.

A review of our records shows that 5LA.12859, a cultural resource previously determined as requiring additional data to determine the eligibility of the resource for the National Register of Historic Places, sits near the limits of disturbance for the project. Based on the documentation provided and if 5LA.12859 is avoided, 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 NHPA.

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 findings. Please note that our compliance letter does not end the 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