

STATE OF
COLORADO

Wein - DNR, Clayton <clayton.wein@state.co.us>

New Horizon Mine, C-1981-008, TR-107 Preliminary Adequacy Review Letter

1 message

Wein - DNR, Clayton <clayton.wein@state.co.us>

Thu, Jul 27, 2023 at 2:32 PM

To: "Tennyson, Tony (Colowyo)" <ttennyson@tristategt.org>

Good afternoon Tony,

Attached is the Division's Preliminary Adequacy Review Letter for the New Horizon Mine's TR-107 Application. Please note the adequacy item outlined in the letter. Also attached is a comment letter from History Colorado regarding TR-107. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Clayton Wein**Environmental Protection Specialist****COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

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2 attachments**New Horizon Mine, C-1981-008, TR-107 Preliminary Adequacy Review Letter.pdf**
242K**History Colorado TR-107 Comment Letter.pdf**
204K



July 27, 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. 107 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 June 26, 2023. The information provided allowed the revision to be deemed complete on June 27, 2023. The Division has completed reviewing the application submittal for TR-107 and has one adequacy comment at this time.

1. The technical revision application requests that the Johnson Access Road along with the Culverts 181 and 182 be retained as a permanent feature. Please update the revised Section 2.05.3(3), page 14, under the Access Road heading to reflect that both Culvert 181 and Culvert 182 are to be retained as a permanent feature.

The public notice for TR-107 was published on July 5, 2023. The deadline for comments is 11:59:59 on August 4, 2023. Thus far the Division has received comments from History Colorado, dated June 28, 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. 107 application. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Clayton Wein
Environmental Protection Specialist



Page 2 of 2
C-1981-008
TR-107

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. 107 (TR-107), TR-107
Johnson Access Road (HC# 67409)

Dear Mr. Wein,

Thank you for your correspondence received by our office on June 27, 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 construction of an access road. A review of orthoimagery shows modern disturbance in the proposed project location. 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,

Dr. Holly Kathryn Norton

Digitally signed by Dr. Holly Kathryn
Norton

Date: 2023.06.28 13:09:07 -06'00'

Dawn DiPrince
State Historic Preservation Officer