

STATE OF  
COLORADO

Reilley - DNR, Robin &lt;robin.reilley@state.co.us&gt;

**Re: (TRAPPER)Additional information on Trapper PR-11 federal approval**

1 message

**Marques - HC, Matthew** <matthew.marques@state.co.us>

Wed, Mar 15, 2023 at 12:48 PM

To: "Graham C. Roberts" &lt;graham.roberts@trappermine.com&gt;, Robin Reilley - DNR &lt;robin.reilley@state.co.us&gt;

Hi Robin,

We appreciate the additional information and documentation regarding the Trapper Mine (Permit No. C-1981-010) Permit Revision No. 11 (PR-11) (HC# 67393) provided by Graham Roberts in the following email. The documentation provided is in response to our November 4, 2022 and February 3, 2023 letters regarding the subject undertaking recommending that a cultural resource specialist that meets the Secretary of the Interior's Standards complete a class III cultural resource inventory in the area of potential of effect (APE).

The provided documentation argues that an Environmental Assessment (EA) completed under the National Environmental Policy Act (NEPA) in 2016 previously considered the expansion of mining activities outlined in PR-11. Further, the documentation indicates that the completion of this EA "appears to fulfill the necessary Section 106 consultation." We disagree with this position.

While the Agency official may coordinate compliance between NEPA and the National Historic Preservation Act (NHPA), this was not done in this case and we received no notification of the intent to coordinate these processes as required under 36 CFR 800.8(c). Consultation with our office on the proposed revisions to the permit discussed in PR-11 was only initiated on October 28, 2022. We have not previously consulted upon these proposed revisions that include expansion of the L and J Pits; and, as a result, the Section 106 of the NHPA consultation process for the proposed undertaking has not been completed as suggested. One additional note: the EA discusses the need for cultural resource inventories by stating that the Colorado Division of Reclamation, Mining, and Safety commits the applicant to "perform pre-disturbance field surveys" and "complete required mitigation for cultural and historic resources."

As the proposed mining expansion will extend beyond the current areas of permitted disturbance, we again respectively recommend that historic property identification within the APE be completed in order to meet the agency's reasonable and good faith identification mandate. This survey must be completed by an archaeologist who meets the Secretary of the Interior's Standards prior to construction activities to determine the presence of previously unidentified cultural resources within the proposed expansion locations of the L and J pits as noted in our November 2022 and February 2023 letters. Please refer to our previous correspondences for additional information. The cultural resource specialist should also assess the eligibility of the resources for the National Register of Historic Places and assess the undertaking's potential effects to these resources. This level of effort is recommended in accordance with 36 CFR 800.4(b) (1).

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 look forward to continuing consultation for the subject undertaking under 36 CFR 800.3-.6.

Please let me know if you have any questions or would like to discuss this over the phone.

Thank you,

On Thu, Feb 16, 2023 at 9:31 AM Graham C. Roberts <[graham.roberts@trappermine.com](mailto:graham.roberts@trappermine.com)> wrote:

Matthew,

Please see the attached letter and supporting documents concerning the proposed stripping areas in L-Pit at Trapper mine.

I appreciate your review of these materials, thanks,

*Graham Roberts*  
*Environmental Supervisor*  
*Trapper Mining Inc.*  
*PO Box 187*  
*Craig, CO 81626*  
*Office-970-826-6143*  
*Cell-970-756-8950*



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**Matthew Marques**

**Section 106 Compliance Manager**

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