

Appendix B

From: [Sage, Christine](#)
To: [Sinkovec, Christina B CIV USARMY CESPA \(USA\)](#)
Cc: [Briggs, Garrett](#); [Velasquez, Amanda L CIV USARMY CESPA \(USA\)](#)
Subject: [Non-DoD Source] RE: [EXTERNAL] Turley-Manzanares Acequia Tribal Consultation Letter
Date: Wednesday, April 22, 2020 1:57:27 PM

Thank you Ms. Sinkovec. As for the situation that we are a part of these days, receiving this information via email is fine. I appreciate the updates and any other information pertaining to Southern Ute Indian tribe.

Thank you and be safe,
Chairman Sage

-----Original Message-----

From: Sinkovec, Christina B CIV USARMY CESPA (USA) <Christina.B.Sinkovec@usace.army.mil>
Sent: Wednesday, April 22, 2020 1:14 PM
To: Sage, Christine <csage@southernute-nsn.gov>
Cc: Briggs, Garrett <gbriggs@southernute-nsn.gov>; Velasquez, Amanda L CIV USARMY CESPA (USA) <Amanda.L.Velasquez@usace.army.mil>
Subject: [EXTERNAL] Turley-Manzanares Acequia Tribal Consultation Letter

Dear Chairwoman Sage,

The US Army Corps of Engineers' Albuquerque District office is currently closed in response to the COVID-19 coronavirus outbreak. In order to maintain the safety of our employees and members of the community, all non-essential personnel are currently teleworking. Therefore, we are temporarily sending our Tribal consultation letters via e-mail.

If you would like to receive a hard copy for your records, we would be happy to send one to you as soon as we return to our offices. In the meantime, if you have any questions regarding our consultation letter or the project described, please feel free to contact me on my cell phone: 505-414-5057, or contact any of the people listed in the attached letter.

If I have contacted you in error, please let me know so I can forward this correspondence to the correct party.

Thank you,

Christina B. Sinkovec, M.A.
Archaeologist, Environmental Resources Section

U.S. Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
Tel: 505-342-3168

Christina B. Sinkovec, M.A.
Archaeologist, Environmental Resources Section

U.S. Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
Tel: 505-342-3168
Fax: 505-342-3668
christina.b.sinkovec@usace.army.mil

From: [Macdonell, George H CIV USARMY CESPA \(USA\)](#)
To: [Sinkovec, Christina B CIV USARMY CESPA \(USA\)](#)
Subject: FW: REABILITATION OF ACEQUIA SYSTEM IN TURLEY N.M. (UNCLASSIFIED)
Date: Tuesday, May 26, 2020 4:02:21 PM

CLASSIFICATION: UNCLASSIFIED

FYI

-----Original Message-----

From: Timothy Begay [<mailto:tbegay@navajo-nsn.gov>]
Sent: Tuesday, May 26, 2020 2:38 PM
To: Macdonell, George H CIV USARMY CESPA (USA) <George.H.Macdonell@usace.army.mil>
Subject: [Non-DoD Source] REABILITATION OF ACEQUIA SYSTEM IN TURLEY N.M.

Dear Mr. Macdonell:

The Navajo Nation Heritage and Historic Preservation Department's (NNHPD) Traditional Culture Program is (TCP) in receipt of your letter regarding the U.S. Army Corps of Engineers, New Mexico State Engineer and the Turley-Manzanares Acequia Association is planning to rehabilitate the acequia system at the village of Turley, in San Juan County, New Mexico.

After reviewing your letter and cross referencing our Traditional Cultural Properties (TCP's) database, NNHPD-TCP has determined that there are No Navajo TCP's within the project area and you may proceed without further consultation for this project.

If you have any additional questions, concerns or would like to discuss these issues further, please don't hesitate to contact our office at (928) 871-7198 or (928) 871-7152. Thank you for your cooperation and understanding.

Sincerely,

Timothy C. Begay, Navajo Cultural Specialist
Navajo Nation Heritage and Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515
tbegay@navajo-nsn.gov <<mailto:tbegay@navajo-nsn.gov>>

CLASSIFICATION: UNCLASSIFIED



June 15, 2020

George MacDonell
Environmental Section Chief
U.S. Army Corps of Engineers

Ref: *Proposed Turley-Manzanares Acequia Phase II Improvement Project*
San Juan County, New Mexico

Dear Mr. MacDonell:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the New Mexico State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Mr. Christopher Daniel at 202-517-0223 or via e-mail at cdaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER, THE NEW MEXICO
INTERSTATE STREAM COMMISSION, AND THE TURLEY-MANZANARES ACEQUIA
ASSOCIATION**

SUBJECT: Resolution of Adverse Effects to the Turley-Manzanares Acequia, San Juan County, New Mexico

1. WHEREAS, the U.S. Army Corps of Engineers (Corps), Albuquerque District, at the request of the project sponsors and concurring parties, the New Mexico Office of the State Engineer/Interstate Stream Commission (NMISC) and the Turley-Manzanares Acequia Association (Association), is planning a project that would rehabilitate a combined distance of 3,975 feet of the 2.7-mile long Turley-Manzanares Acequia (Acequia, i.e., a historic irrigation canal or ditch). This activity is referred to herein as the "Project"; and
2. WHEREAS, construction of the Project includes the installation of approximately 2,750 linear feet of piping, and approximately 1,225 linear feet of concrete ditch lining; and
3. WHEREAS, Federal/Corps assistance is authorized under Section 1113 of the Water Resources Development Act of 1986 (Public Law 99-662), as amended; where the Federal cost-share is 75 percent and the Corps is responsible for NEPA compliance, project design, and construction inspection; and
4. WHEREAS, the Corps' funding of this Project is subject to review as an undertaking under the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800); and
5. WHEREAS, the Corps has established the Project's Area of Potential Effects (APE) as defined at 36 CFR § 800.16(d), as the construction footprint within the Association's right-of-way (ROW) as well as a staging area totaling 5.0 acres, for a total of 10.5 acres as shown in Attachment 1 (attached hereto and incorporated by reference); and
6. WHEREAS, the Corps has identified and recorded cultural resources within the APE, pursuant to 36 CFR § 800.4, and those findings have been documented in the report titled "A Class III Cultural Resource Inventory of the Turley-Manzanares Acequia, Staging Areas and Access Roads, San Juan County, New Mexico", submitted by Nathan Pierantoni and Amie Gray of Blue Earth Consultants and dated April 28, 2006; and
7. WHEREAS, the Corps has evaluated the National Register of Historic Places (NRHP) eligibility of the only known site in or near the Project APE, the Turley-Manzanares Acequia (HCPI 31706), which has been previously determined eligible to the NRHP; and
8. WHEREAS, the Corps has evaluated effects associated with the Project and, following pre-consultation with the New Mexico State Historic Preservation Officer (SHPO) via teleconference dated January 23, 2020, has determined that construction of the Project does constitute an adverse effect to the Acequia (HCPI 31706), and SHPO concurred with a formal determination of adverse effect on April 20, 2020 (Attachment 2 (attached hereto and incorporated by reference); and

9. WHEREAS, the Corps has notified the Advisory Council on Historic Preservation (ACHP), electronically via the e106 system, in a letter dated June 7, 2020, and the ACHP responded on June 15, 2020 (Attachment 3, attached hereto and incorporated by reference), and indicated that they will not participate in this process; and

10. WHEREAS, the Corps has afforded the Navajo Nation, Ohkay Owingeh, the Pueblo of Laguna, the Southern Ute Tribe, the Ute Mountain Ute Tribe, the Hopi Tribe, and the Kiowa Tribe the opportunity to participate in this process pursuant to 36 CFR § 800.2 and 36 CFR § 800.4, in a letter dated April 21, 2020, and none of these tribes have indicated any tribal concerns related to the Project or asked to participate as a consulting party in the Project; and

11. WHEREAS, the Corps has consulted with SHPO in accordance with Section 106 of the NHPA, and its implementing regulations (36 CFR § 800.6(b)(1)) to resolve the adverse effects of the Project on the Acequia; and

12. WHEREAS, the Corps and the SHPO agree that this Memorandum of Agreement (Agreement) will be used to resolve adverse effects to the Acequia for future undertakings; and

NOW, THEREFORE, the Corps and SHPO agree that upon the Corps' decision to fund the Project, the Corps shall ensure that the following stipulations are implemented in order to mitigate the effects of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this Agreement expires or is terminated.

Stipulations

The Corps shall ensure that the following stipulations are implemented to document Turley-Manzanares Acequia, Phase IV:

1. Prepare a mitigation report, which will include:

- a. An aerial image/topographic map (1:24k) documenting the extent of the current alignment of the Acequia, presenting both the current alignment and any known past alignment(s) if possible. Sources of information will include oral interviews with Association members and an archival records search at the Office of the State Engineer, Middle Rio Grande Conservancy District (MRGCD), and the Natural Resources Conservation Service. Current engineering drawings will be included in hardcopy as an appendix to the Report.
- b. Archival photographic documentation (DIGITAL Field Photography stored on DISC and printed on 5" x 7" archival stock paper) of the Turley-Manzanares Acequia along its entire length. The photographer will use a 10.0 megapixel (2300 x 3000 pixel image @300 dots per inch resolution or greater) digital camera, set to the maximum resolution or largest pixel dimensions the camera allows. The photographs will be recorded on color digital TIFF (the preferred format) or JPEG FINE image files, recorded at a minimum of 8-Bit Color, in RGG color format.
- c. Oral history interviews with Association members. Documentation collected during the interviews shall include, but not be limited to: information on engineering and construction of the entire Acequia; a general historical overview of the construction and use of the Acequia; and information on how the Acequia has changed over time in terms

of crops planted, total acreage irrigated, association members, and the members' involvement in maintaining and using the Acequia.

- e. The field work outlined in section (b) must be completed prior to beginning construction work on the acequia. Work outlined in sections (a) and (c) above may be completed concurrently with construction work.

2. Reporting and Disbursement

- a. The results of documentation gathered as part of this Agreement for the current Project shall be compiled into a summary report (Report). The Report shall include all information gathered in accordance with Stipulations 1.a-c above. The Corps shall adhere to Section 304 of the NHPA to protect any information in the report regarding confidential archaeological site locations.
- b. A copy of a draft Report will be submitted to the SHPO for a 30-day review. The Corps will consider any comments provided by the SHPO and revise the Report as appropriate.
- c. Following the review of the draft Report, the Corps will prepare a final Report. The final Report will be submitted to the SHPO in the format outlined below.
- d. The documentation will be stored and printed in the following formats/media. With the exception of historic photos, scanning photographic prints to produce digital files is not acceptable due to the loss in image quality.
 - i. High-resolution photographs will be stored on Gold Archival Grade CD-Rs 4.7 gigabyte recordable disc (DVD-R) with a guaranteed lifespan of 100 years and will include, at least, the unaltered original files. SHPO will also accept JPEGS on DVD-R provided they are unaltered original camera files at 300 ppi or highest available resolution.
 - ii. Images will be printed on paper, printer, and ink combinations that meet or exceed 75-year archival standards. Printed images will be a minimum size of 8" x 10". The images shall be printed on 24# or heavier smooth-finish paper with brightness in the 88 to 96 range. The paper will meet ANSI or ISO Standards for archival paper.
 - iii. One acid-free paper copy in addition to the electronic copy in PDF format shall be provided to the SHPO.
- e. Hard copies of the Report with any appendices will be provided to consulting parties. The Corps will retain two hard copies of the Report for archival purposes, as well as a digital copy of the Report in PDF format. A copy of the archival photographs will also be retained and curated by the Corps as part of its permanent collection.
- f. Reporting will be completed no later than two (2) years following the commencement of recording activities.

- 3. Professional Qualifications. All work carried out pursuant to this Agreement will be carried out under the direct supervision of qualified individuals meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology and Historic Preservation (36 CFR Part 61).

5. Discoveries

- a. In the event that unrecorded or unanticipated historic properties that may be eligible for nomination to the NRHP are located during construction activities, or it is recognized that such actions may affect a known historic property in an unanticipated manner, the Corps will terminate construction activities within 100 feet of the property and will take all reasonable measures to avoid or minimize harm to the property until consultation between the Corps, the SHPO, and any other interested party, regarding significance and effect can be concluded. The Corps will notify the SHPO within 72 hours and consult to develop actions that will take the effects of the undertaking into account. The Corps and SHPO will mutually agree upon time frames for the consultation.
- b. In the event that any human remains are discovered during construction activities, the Corps shall notify the local law enforcement agency having jurisdiction in the area. In the event that the human remains are determined by law enforcement and the State Medical Investigator to have no medicolegal significance, the Corps shall follow Section 18-6-11.2 of the Cultural Properties Act (NMSA § 18-6-11.2) and implementing rule 4.10.11 NMAC.

6. Administrative Stipulations

- a. **Dispute Resolution.** Should any signatory or concurring party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the Corps shall consult with such party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:
 - (1) Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the ACHP. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.
 - (2) If the ACHP does not respond within thirty (30) days of receipt of adequate documentation of the dispute, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to this Agreement, and provide them and the ACHP with a copy of such written response.
 - (3) The Corps will be responsible for carrying out all other actions subject to the terms of this Agreement that are not the subject of the dispute.
- b. **Objections by the Public.** At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public regarding historic preservation, the Corps shall take the objection into account and consult as needed with the SHPO, or the ACHP, to determine how best to address the objection.

- c. Duration. If the terms of this Agreement have not been implemented within five (5) years from the last date shown below, this Agreement shall be considered null and void, unless the signatories agree in writing to an extension for carrying out its terms. This extension will be limited to an additional five (5) years. If this Agreement is considered null and void, the Corps shall so notify the ACHP and parties to this Agreement, and if the Corps chooses to continue with the undertaking, shall re-initiate review of the undertaking in accordance with 36 CFR Part 800.
- d. Amendments. Any signatory to this Agreement may propose to the Corps that the Agreement be amended, whereupon the Corps shall consult with the other parties to this Agreement to consider such an amendment. This Agreement will be amended when such an amendment is agreed to in writing by all signatories. The amendment will be filed with the ACHP and go into effect on the date of the last signature.
- e. Termination. If the Corps determines that it cannot implement the terms of this Agreement, or if the SHPO determines that the Agreement is not being properly implemented, such party may propose to the other parties to this Agreement that it be terminated.

The party proposing to terminate this Agreement shall so notify all parties to this Agreement, explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination. The parties shall then consult.

Should such consultation fail, the Corps or other signatory party may terminate the Agreement by so notifying all parties.

Should this Agreement be terminated, the Corps shall either:

1. Consult in accordance with 36 CFR § 800.6 to develop a new Agreement; or
 2. Request the comments of the ACHP pursuant to 36 CFR § 800.7.
- f. Funding. All obligations and responsibilities of the Parties under this Agreement are subject to the availability of funding. Nothing herein obligates either party to the expenditure of funds.
 - g. Miscellaneous
 1. Other Relationships or Obligations: This Agreement shall not affect any pre-existing or independent relationships or obligations.
 2. Severability: If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
 - h. Execution. The Corps has submitted to the ACHP for its review the following: a letter notifying the ACHP of the adverse effect to the Turley-Manzanaras Acequia resulting from the intended project, and inviting the ACHP to participate in the resolution of that adverse effect. Based upon the materials submitted by the Corps, the ACHP has determined that the project does not meet the criteria for ACHP review (See Attachment B hereto). The ACHP nonetheless remains available for consultation in the event of new

information, changes in the project or other matters that may arise. Execution of this Agreement by the Corps and the SHPO, and its submission to the ACHP, and implementation of its terms, shall be sufficient evidence that the Corps has afforded the ACHP an opportunity to comment on the undertaking and its effects on historic properties, and that Corps has taken into account the effects of the undertaking on historic properties.

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

SUBJECT: Resolution of Adverse Effects to the Turley-Manzanares Acequia, San Juan County,
New Mexico

SIGNATORY PARTY:

US ARMY CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT



Patrick M. Stevens V
Lieutenant Colonel, U.S. Army
District Commander

11 Aug 2020
Date

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

SUBJECT: Resolution of Adverse Effects to the Turley-Manzanaras Acequia, San Juan County,
New Mexico

SIGNATORY PARTY:

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER



Dr. Jeff Rappas
State Historic Preservation Officer

6/29/2020
Date .

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

SUBJECT: Resolution of Adverse Effects to the Turley-Manzanares Acequia, San Juan County,
New Mexico

CONCURRING PARTY:

TURLEY-MANZANARES ACEQUIA ASSOCIATION

Commissioner
Turley-Manzanares Acequia Association

Date

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

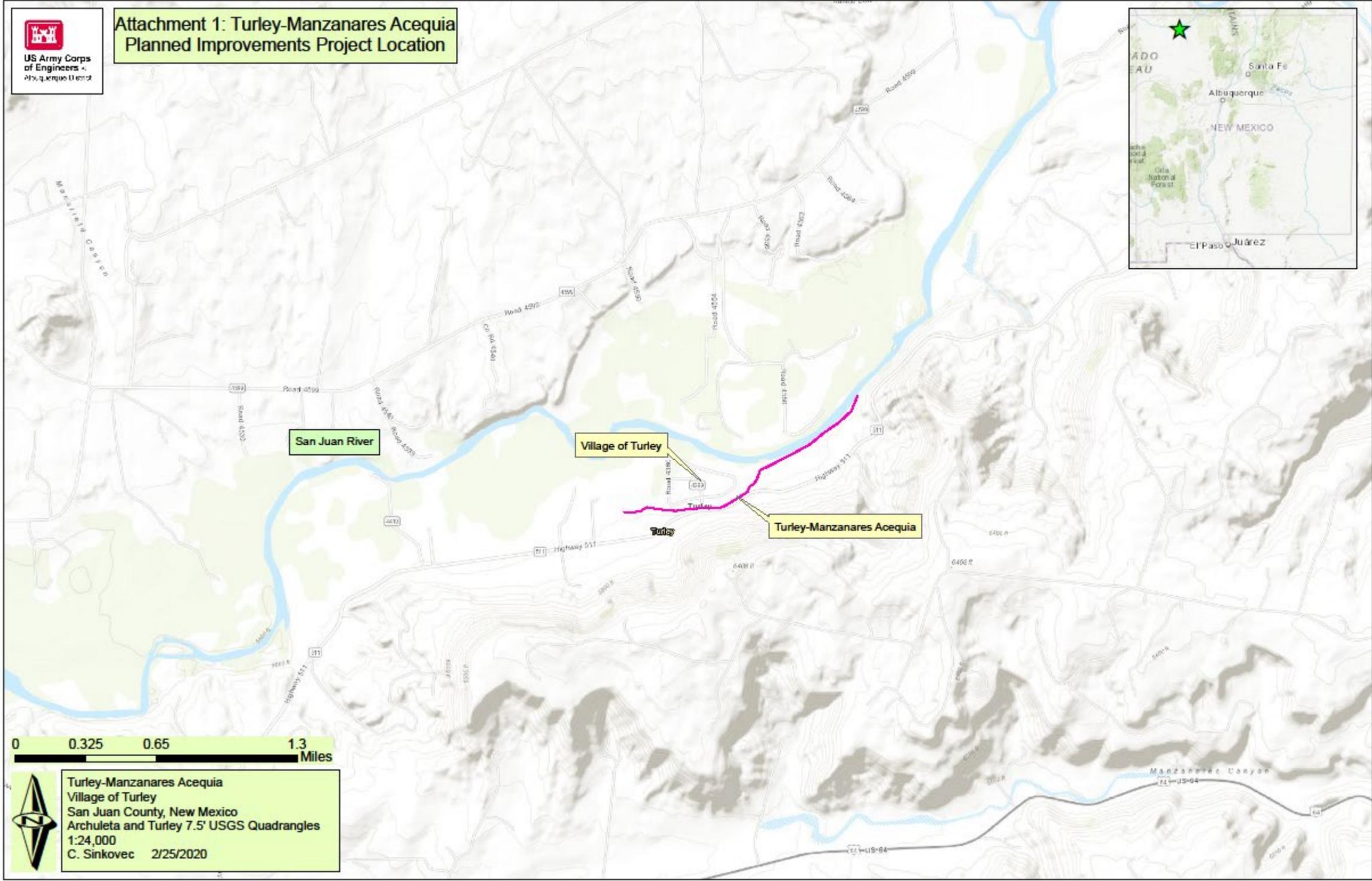
SUBJECT: Resolution of Adverse Effects to the Turley-Manzanares Acequia, San Juan County,
New Mexico

CONCURRING PARTY:

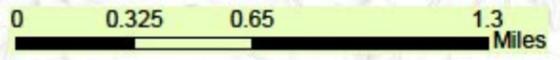
NEW MEXICO INTERSTATE STREAM COMMISSION

New Mexico Interstate Stream Commission
Acequia Program

Date



**Attachment 1: Turley-Manzanares Acequia
Planned Improvements Project Location**




Turley-Manzanares Acequia
 Village of Turley
 San Juan County, New Mexico
 Archuleta and Turley 7.5' USGS Quadrangles
 1:24,000
 C. Sinkovec 2/25/2020

ATTACHMENT 2: SHPO CONCURRENCE WITH NOTIFICATION OF ADVERSE EFFECT



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

April 17, 2020

Planning, Project and Program Management Division
Planning Branch
Environmental Resources Section

Dr. Jeff Pappas
State Historic Preservation Officer Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Dr. Pappas:

The U.S. Army Corps of Engineers, Albuquerque District, in cooperation with the New Mexico State Engineer and the Turley-Manzanares Acequia Association, is planning a project that would rehabilitate the acequia system's structural components. Rehabilitation work would be conducted under the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C. 2201 *et. seq.*), as amended. The Secretary of the Army has been authorized and directed to undertake, without regard to economic analysis, such measures as are necessary to protect and restore New Mexico's acequias. The State Engineer and the Turley-Manzanares Acequia Association are the project sponsors, and the Corps is responsible for the design and implementation of the project. The project area is located near the village of Turley, San Juan County, New Mexico, approximately 27 miles east of Farmington, New Mexico. The Turley-Manzanares Acequia measures approximately 2.8 miles in length, was constructed and adjudicated in 1876, and holds the oldest priority date on the San Juan River.

The Corps has completed one phase of acequia improvement to date along the 2.8-mile long Turley-Manzanares Acequia. These improvements affected the easternmost reach of the ditch and consisted of the installation of approximately 1600 feet of piping and riprap. The current project (Phase II) involves piping of 2,750 feet of the remainder of the acequia with 36" irrigation pipe and burying the pipe under earth (Figure 2). The western portion of the acequia channel (an additional 1,225 feet) will remain open, but will be lined with concrete (Figure 2).

The Area of Potential Effects (APE) for the current project includes the 60-foot easement centered on the Turley-Manzanares acequia centerline for a combined distance of 3,975 feet, and one 5-acre staging area, located on private land on the southeast side of the acequia near the eastern end of the proposed rehabilitation project (Figure 2). Due to travel constraints imposed in response to the current COVID-19 coronavirus outbreak, the staging area will be surveyed for cultural resources at a later

date, but prior to project implementation, and consultation with SHPO and tribes will be conducted separately for that area after survey.

The entire length of the Turley-Manzanares acequia has been surveyed for cultural resources to a width of 60 feet (30 feet either side of center line) by Pierantoni and Gray (2006). Pierantoni and Gray surveyed the acequia, two potential staging areas near the east end of the acequia near the headgate, and access routes to the ditch and staging areas. No archaeological sites or other historic properties were discovered during Pierantoni and Gray's survey, with the exception of the acequia itself (NM HCPI No. 31706). The 2006 documentation included a completed Historic Water Delivery Form as required by the New Mexico State Historic Preservation Office (SHPO). The resulting report was submitted to your office on July 31, 2006, with a determination of "no adverse effect to historic properties" for the work at the eastern end of the project area (Figure 1). Your office concurred with this determination on August 30, 2006 (HPD #078709), with the following comment: "Please provide copies of oral histories, photodocumentation and archival research to ARMS for curation." However, our office has no record that oral histories were ever completed, nor is there record of photodocumentation or archival research beyond what is described in the Pierantoni and Gray report.

The current state of the Turley-Manzanares acequia is an open earthen ditch along its entire length, with the exception of a short section which has already been piped near the diversion structure at the east end. The undertaking involves the removal and replacement of several of the Turley-Manzanares acequia's associated features, and the conversion of an additional 3,975 feet of the acequia from an earthen ditch to a concrete-lined and partially piped ditch (Figure 2). In addition to the acequia itself, Pierantoni and Gray (2006) described several features along the acequia length that are directly related to the ditch and its workings. Six of these features fall within the APE of the proposed project, and five of them will be adversely affected by planned project activities (Table 1).

Table 1: Effect of Project Activities on Features within the APE (Figure 2)

Feature No	Feature Type	Project Effect
4	20-foot-long, 42" corrugated steel culvert under road	Feature will be removed and not replaced
5	Steel and concrete drain with hay-rake wheel	Feature will be removed and replaced with a new drain and gate system
6	Steel and concrete drain with hay-rake wheel	Feature will be removed and replaced with a new drain and gate system
7	7-foot-long, 36" corrugated steel culvert	Feature will be removed and replaced with a new culvert
8	20-foot-long, 36" corrugated steel culvert	Feature will be removed and replaced with a new culvert
9	Steel and concrete drain with hay-rake wheel	Feature will be left in place and will not be affected by project activities

The Turley-Manzanares Acequia (NM HCPI No. 31706) has been previously determined eligible for inclusion to the National Register of Historic Places under criteria a and c. Constructed in 1876, it is considered the oldest ditch constructed on the San Juan River and is directly associated with the settlement and development of the San Juan River Valley and the village of Turley (a). The resource is functionally intact and retains historical integrity consistent with its original function making it a classic example of irrigation ditch engineering and construction (c).

The proposed undertaking will not affect the acequia's location or setting, or the association of the acequia with its community. In many ways, the proposed undertaking is beneficial in that it allows the Turley and surrounding communities to continue their way of life while lowering acequia maintenance costs. That being said, the original materials, design, and workmanship will be compromised by the use of concrete and piping to line the ditch and to build concrete turnout gates. The feeling of water running openly through an earthen ditch system in the rural countryside will also be compromised by the partial piping of the ditch. The concrete lining will look modern.

For all of these reasons, it has been determined by the Corps that the proposed rehabilitation project will have an adverse effect to the Turley-Manzanares Acequia. The Corps seeks your written concurrence with the adverse effect determination. A teleconference meeting was held with your office on January 23, 2020, in which your office agreed that the proposed project constitutes an adverse effect to the acequia, and during which we discussed options for mitigation for the adverse effects. Since the Turley-Manzanares acequia has already been surveyed for cultural resources and has a completed HCPI form and good archival research, it was agreed during our teleconference that oral history interviews and photodocumentation will suffice to complete mitigation prior to implementation of the piping and lining project. An MOA with this stipulation is currently being drafted for review by your office.

If you have any questions or require additional information concerning the Turley-Manzanares Acequia Rehabilitation Project, please contact Christina Sinkovec, archaeologist at (505) 342-3168 or Christina.B.Sinkovec@usace.army.mil, or myself at (505) 342-3281, or at George.H.MacDonell@usace.army.mil. You may also provide comments to the above address.

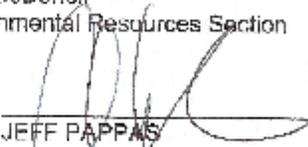
Sincerely,

George MacDonell

George H. MacDonell
Chief, Environmental Resources Section

4/20/2020
Date

I CONCUR


JEFF PAPPAS
NEW MEXICO STATE HISTORIC
PRESERVATION OFFICER

Enclosures

REFERENCES:

Pierantoni, Nathan and Amie Gray

2006 A Class III Cultural Resource Inventory of the Turley-Manzanares Acequia, Staging Areas, and Access Roads, San Juan County, New Mexico (Report No. WCRM (F)324, NMCRIS No. 93927). Report on file with the US Army Corps of Engineers Albuquerque District, Albuquerque, New Mexico.

ATTACHMENT 3: ACHP RESPONSE TO REQUEST FOR PARTICIPATION



June 15, 2020

George MacDonell
Environmental Section Chief
U.S. Army Corps of Engineers

Ref: *Proposed Turley-Manzanaras Acequia Phase II Improvement Project
San Juan County, New Mexico*

Dear Mr. MacDonell:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the New Mexico State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Mr. Christopher Daniel at 202-517-0223 or via e-mail at cdaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
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