

APPENDIX A

CULTURAL RESOURCES CONSULTATION CORRESPONDENCE



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

September 24, 2020

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

Mr. Timothy Menchego
Tribal Historic Preservation Officer
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004

Dear Mr. Menchego:

Pursuant to 36 CFR Part 800, the U.S. Army Corps of Engineers (Corps), Albuquerque District, Operations Division is planning to return certain excess easement lands at Jemez Canyon Dam (JCD) to the underlying owner, the Pueblo of Santa Ana, thereby closing the Jemez Canyon Dam Recreation Area to public recreation. The recreation area is located at the Corps' Jemez Canyon Dam Project on Pueblo of Santa Ana Reservation lands (Figure 1). The recreation area has been under a temporary closure since November 2015 and the Corps seeks to close the area permanently due to declining visitation and disproportionately increased operation and maintenance costs. The Corps' Jemez Canyon Dam is located on Corps' easement lands within the Pueblo of Santa Ana Reservation, Sandoval County, New Mexico. The dam is located at the north end of the Jemez Canyon Dam Road six miles north of the New Mexico State Highway 528 intersection with U.S. Highway 550 northwest of Bernalillo (Enclosures 1 and 2).

Construction of the Jemez Canyon Dam was authorized by the Flood Control Acts of 1948 (Public Law 80-858) and 1950 (Public Law 81-516) for flood damage reduction and sediment retention. Project construction began in May 1950, and the dam was completed and placed in operation in October 1953. The Jemez Canyon Dam recreation area was first established in 1961 and currently consists of six covered picnic shelters, each containing a concrete picnic table and grill; a vault toilet; an overlook facility; and an associated paved access road and parking area. Over the years visitation to the overlook area has declined, particularly since the draining of the reservoir in 2001. Declining visitation, coupled with the cost of maintaining the aging structures and monitoring the area for vandalism, has led the Corps to believe it is no longer viable or sustainable to maintain a recreation area at the Project.

The transfer of ownership or control of land by the federal government is considered an adverse effect to historic properties if it is conducted without adequate conditions or restrictions regarding the preservation, maintenance or use of historic

properties. Since the recreation area has not been surveyed for cultural resources in the past, it was necessary to inventory the area of potential effect (APE) to determine whether any cultural resources or historic properties could be adversely affected by the relinquishment of the recreation easement. A cultural resource survey report was prepared and is attached for your review (Enclosure 1).

The surveyed APE consists of approximately 18 acres and includes the recreation area itself and the road leading to it from the point of the turnoff to the dam project office. The APE is located entirely within the boundaries of Corps easement land on land owned by the Pueblo of Santa Ana at the Jemez Canyon Dam Project, north of the town of Bernalillo, on the Santa Ana Pueblo USGS 7.5' Quadrangle (See attached report, Figure 1). The APE is in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 5, Township 13 North, Range 4 East. The APE for this project differs from the actual footprint of the land easement (See attached report, Figure 2). The APE was defined based on the location of Corps-constructed roads and recreation facilities. Since land ownership is not changing hands, there will be no effect to any other potential cultural resources within the land easement footprint. The recreation area portion of the APE was buffered slightly to include the whole mesa top in order to ensure that the potential demolition of any picnic area facilities would not affect other cultural resources in the area, and to ensure that no portion of known sites below the mesa extended to the mesa top.

A pre-field online records check of the New Mexico Office of Cultural Affairs, Historic Preservation Division, New Mexico Cultural Resources Information System (NMCRIS) was conducted by Corps archaeologist Christina Sinkovec on June 8, 2020 and identified several surveys and four sites within ½ mile of the APE. None of these surveys or sites occur within the APE, and all four sites are sufficiently distant from the APE that none of them will be affected by the easement relinquishment (see attached report, Tables 1 and 2, and Appendix A for a map of known site locations).

Pursuant to 36 CFR 800.2, consulting parties in the Section 106 process for the Jemez Canyon Dam Recreation Area Easement Relinquishment Project include the Corps and your office. Since the project is located entirely within Pueblo lands, scoping letters were not sent to other entities or tribes. Please note that a NMCRIS Investigation Abstract Form (NIAF) was completed and is included at the beginning of the report to serve as a summary, but this undertaking has not been registered in NMCRIS. If you would like the Corps to enter this survey and findings into NMCRIS, please let us know. Nineteen isolated occurrences and eight recreation-related structures were recorded during the course of the 18-acre APE survey. No other artifacts, sites, or cultural resources were found during survey. The Corps is of the opinion that none of the structures or isolated occurrences at the Jemez Canyon Dam Recreation Area are eligible to the National Register of Historic Places, and the transfer of property easement back to the Pueblo of Santa Ana by the Corps will therefore have **no adverse effect to historic properties**. The Corps seeks your concurrence with this determination of effect.

Should previously undiscovered artifacts or features be unearthed at any time during the implementation of the undertaking - specifically during any demolition of the day-use recreation structures if this work is deemed necessary - work will be stopped in the immediate vicinity of the find, a determination of significance made, and further consultation conducted in coordination with the Pueblo of Santa Ana THPO to determine the best course of action

If you have any questions or require additional information regarding the proposed Jemez Canyon Dam Recreation Area easement relinquishment project, please contact Christina Sinkovec, archaeologist at (505) 342-3168, or at christina.b.sinkovec@usace.army.mil or me at (505) 342-3281 or george.h.macdonell@usace.army.mil . You may also provide comments to the above address.

Sincerely,

George H. MacDonell
Chief, Environmental Resources Section

<hr/> <p>Date</p>	<p>I CONCUR <hr/></p> <p>PUEBLO OF SANTA ANA, TRIBAL HISTORIC PRESERVATION OFFICER</p>
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Cc w/Enclosures:

Honorable Lawrence Montoya
Governor, Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004

From: [Van Hoose, Jonathan E CIV USARMY CESPA \(USA\)](#)
To: [Monica Murrell](#)
Cc: [MacDonell, George H CIV USARMY CESPA \(USA\)](#)
Subject: Jemez Recreation Area Closure Consultation: effects determination
Date: Tuesday, November 9, 2021 12:08:00 PM

Dear Ms. Murrell,

Upon review of our previously submitted consultation letter for the planned closure of the USACE recreation area at Jemez Canyon Dam dated 24 September 2020, the Corps has determined that our earlier determination of "no adverse effect" should be revised. Given that the Corps has not identified any historic properties within the APE, we determine that the appropriate effect determination for the undertaking is "no historic properties affected." We seek your concurrence with this determination.

Thank you,

Jonathan E. Van Hoose, Ph.D.
Archaeologist, Environmental Resources Section

U.S. Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109
(505) 342-3687
(505) 342-3668 Fax
jonathan.e.vanhoose@usace.army.mil

PUEBLO OF SANTA ANA

Tribal Historic Preservation Office

November 10, 2021

Jonathan E. Van Hoose

Archaeologist, Environmental Resources Section

U.S. Army Corps of Engineers, Albuquerque District

4101 Jefferson Plaza NE

Albuquerque, NM 87109

Re: Jemez Canyon Dam Recreation Area Class III Cultural Resources Survey Results

Dr. Van Hoose:

The Pueblo of Santa Ana Tribal Historic Preservation Office (THPO) has reviewed the cultural resources investigation report pertaining to a Class III survey conducted by U.S. Army Corps of Engineers' (Corps) of the Jemez Canyon Dam Recreation Area. The Corps conducted this survey pursuant to 36 CFR Part 800 in advance of the planned return of excess Corps easement lands associated with the Jemez Canyon Dam to the Pueblo of Santa Ana. Because this area has not been subject to any previous cultural resources survey, it was necessary to conduct an inventory to determine whether any cultural resources or historic properties could be adversely affected by the transfer of control of land resulting from the proposed relinquishment of the recreation easement.

The area of potential effect was defined as 18 acres where Corps-constructed roads and recreation facilities are located. Because the remaining portion of the Corps easement proposed for transfer back to the Pueblo of Santa Ana does not constitute a change in land ownership, it was determined there would be no effect to any potential cultural resources within the recreation area footprint. The results of the cultural resources investigation did not document the presence of any resources determined to be eligible for listing in the National Register of Historic Places. Therefore, the Santa Ana THPO concurs with the Corps determination of No Historic Properties Affected for the proposed land transfer.

Please don't hesitate to contact me at monica.murrell@santaana-nsn.gov or 505.220.8073 with any questions.

Thank you,



Monica L. Murrell, M.A., RPA

Tribal Historic Preservation Officer

Director, Santa Ana Historic Preservation Office

From: [Monica Murrell](#)
To: [Van Hoose, Jonathan E CIV USARMY CESPA \(USA\)](#)
Cc: [governor](#); [Alan Hatch](#); [Decker, Jeremy T CIV USARMY CESPA \(USA\)](#); [Price, Dana M CIV USARMY CESPA \(USA\)](#); [Galloway, Danielle A CIV USARMY CESPA \(USA\)](#)
Subject: [Non-DoD Source] RE: Section 106 consultation: Jemez Canyon Dam recreation area closure
Date: Tuesday, April 19, 2022 12:39:13 PM

Afternoon Jonathan,

The Santa Ana THPO concurs with the Corps' finding of "no historic properties affected" pursuant to Section 106 associated with the revised undertaking description.

Thank you,

Monica L. Murrell, M.A., RPA

Tribal Historic Preservation Officer &

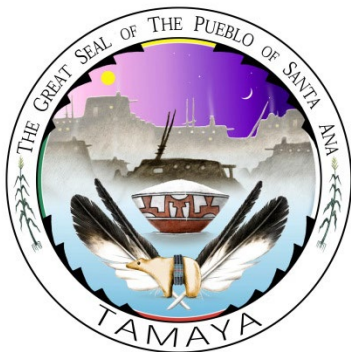
Director, Santa Ana Historic Preservation Department

02 Dove Road

Santa Ana Pueblo, NM 87004

Cell: (505) 220-8073

Email: monica.murrell@santaana-nsn.gov



From: Van Hoose, Jonathan E CIV USARMY CESPA (USA) <Jonathan.E.VanHoose@usace.army.mil>
Sent: Tuesday, April 12, 2022 2:58 PM
To: Monica Murrell <Monica.Murrell@santaana-nsn.gov>
Cc: [governor](mailto:governor@santaana-nsn.gov) <governor@santaana-nsn.gov>; [Alan Hatch](mailto:Alan.Hatch@santaana-nsn.gov) <Alan.Hatch@santaana-nsn.gov>; [Decker, Jeremy T CIV USARMY CESPA \(USA\)](mailto:Decker,Jeremy.T.CIV.USARMY.CESPA@usace.army.mil) <Decker,Jeremy.T.CIV.USARMY.CESPA@usace.army.mil>; [Price, Dana M CIV USARMY CESPA \(USA\)](mailto:Price,Dana.M.CIV.USARMY.CESPA@usace.army.mil) <[Price, Dana M CIV USARMY CESPA \(USA\)](mailto:Price,Dana.M.CIV.USARMY.CESPA@usace.army.mil)>; [Galloway, Danielle A CIV USARMY CESPA \(USA\)](mailto:Galloway,Danielle.A.CIV.USARMY.CESPA@usace.army.mil) <[Galloway, Danielle A CIV USARMY CESPA \(USA\)](mailto:Galloway,Danielle.A.CIV.USARMY.CESPA@usace.army.mil)>
Subject: Section 106 consultation: Jemez Canyon Dam recreation area closure

Dear Ms. Murrell,

In reference to our Section 106 consultation for the planned closure of the recreation area at Jemez Canyon Dam, we have discovered that the description of our proposed undertaking in our original consultation letter dated 24 September 2020 was incorrect. The purpose of this email is to correct the description of the proposed undertaking, and to reiterate our determination of "no historic

properties affected.”

In our original letter to your office, we characterized the proposed undertaking as a plan to “return certain excess easement lands at Jemez Canyon Dam (JCD) to the underlying owner, the Pueblo of Santa Ana, thereby closing the Jemez Canyon Dam Recreation Area to public recreation.” This is incorrect. The Corps’ proposed action does not involve relinquishing its easement. Instead, the Corps proposes to transfer management of the recreation area and facilities at Jemez Canyon Dam to the Pueblo, and to donate the existing facilities to the Pueblo in an “as-is” condition. The Corps would retain its easement for operation and maintenance of Jemez Canyon Dam. We regret this error.

While the description of the undertaking was incorrect in our Section 106 correspondence, the planned action was described accurately in the associated environmental assessment (EA) and in other communications between the Corps and the Pueblo.

The Corps determines that the difference in the description of the undertaking would not change our definition of the area of potential effect (APE) or our determination of “no historic properties affected” by the proposed undertaking. We seek your concurrence on these points.

Please feel free to contact me with any questions, concerns, or if you wish to discuss any further.

Thank you,

Jonathan E. Van Hoose, Ph.D.
Archaeologist, Environmental Resources Section

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