

## Appendix B: Cultural Resources Consultation Correspondence and Draft Memorandum of Agreement



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

August 18, 2023

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

Honorable Bobby Komardley  
Chairman, Apache Tribe of Oklahoma  
Post Office Box 1220  
Anadarko, Oklahoma 73005

Dear Chairman Komardley:

Pursuant to 36 CFR 800, the US Army Corps of Engineers, Albuquerque District (Corps), is seeking your concurrence on a determination **adverse effect to historic properties** for planned stabilization, renovation, and partial demolition of the Conchas Lodge complex at the Conchas Lake Project in San Miguel County, New Mexico. The planned project would involve stabilizing portions of the original Lodge structure and demolishing unstable portions. Conchas Lodge is located on Corps fee land, located at the confluence of the Conchas River with the South Canadian River in east-central New Mexico, and is about 25 miles north of Newkirk, and 31 miles northwest of Tucumcari, New Mexico (Enclosure 1).

The Conchas Lodge was built in 1942 by the Civilian Conservation Corps (CCC) and has been managed by NM State Parks and USACE. The Lodge building closed in 2005, following operation by a private concessionaire. Currently unoccupied and boarded up, the building was found to be in marginal condition as has suffered deferred maintenance, acts of vandalism, and biological infestation, in addition to having asbestos containing materials, lead-based paint and lead containing materials.

The Corps has determined that the Lodge is a historic property eligible for listing on the National Register of Historic Places. The Lodge has been closed and disused since the departure of its last concessionaire in 2005 and has experienced ongoing deterioration in the years since. The Corps has considered alternatives for how to improve the Lodge's condition while maintaining a safe and structurally sound resource for the surrounding community and has been considering alternatives for treatment of the Lodge complex. This included initial scoping with several schematic alternatives in 2019. Public response to this scoping effort made it clear that the community's priorities for the Lodge included having the Lodge as a public gathering space and dining venue, but funding availability limited progress in determining a course forward.

In 2022, funding through the Bipartisan Infrastructure Law (BIL) became available to continue the design process to stabilize the existing building. The Corps is now developing a course of action that emphasizes the elements most important to the public, with an overall goal of stabilizing the existing structure of the eastern portion of the Main Lodge, while demolishing other portions to ensure safety and to bring the facility to a scale that would be maintainable in the future (Enclosures 2, 3, and 4). Currently planned for demolition would be the Lodge's **West Wing** and **West Addition**, as well as the **Fisherman's Wharf**. The **West Wing** is part of the original Lodge structure; however, the Corps has determined that the foundation is unstable and that repair and renovation would not be feasible (Enclosure 4).

Depending on availability of funding, the Corps also is also considering plans to repair and renovate the remaining original **Lodge** structure including the lobby and restaurant, as well as the **East Annex**, and possibly renovate additional exterior features such as the porch, walkway, parking lot, and

patio area (formerly swimming pool, but now filled in), and bringing them into ADA compliance (Enclosure 4).

The area around the Lodge has been surveyed for other cultural resources. No archaeological sites or other historic properties except for the Lodge itself are located within the area of potential effect (APE). While the overall goal of the project is to return as much of the original Lodge to a usable condition as possible, the magnitude of the planned demolition leads the Corps to determine that the project would nonetheless have an **adverse effect** to the Lodge as a historic property. We are currently working on a memorandum of agreement (MOA) to resolve these adverse effects to the Lodge.

We seek your comment on the proposed undertaking. In addition to any comments about the cultural aspects of the proposed project, we also welcome comments regarding any concerns you may have regarding the environment such as natural, biological, or cultural resources; wildlife, vegetation, and special status species; air, water, or sound quality; aesthetics; health and safety; Traditional Cultural Properties (TCPs); or Indian Trust Assets that may occur within or adjacent to the proposed project area.

If you have any questions or require additional information concerning the Conchas Lodge, please contact Jonathan Van Hoose at (505) 342-3687 or by email at [jonathan.e.vanhoose@usace.army.mil](mailto:jonathan.e.vanhoose@usace.army.mil); me at (505) 342-3661 or by email at [danielle.a.galloway@usace.army.mil](mailto:danielle.a.galloway@usace.army.mil). You may also provide comments to the above address.

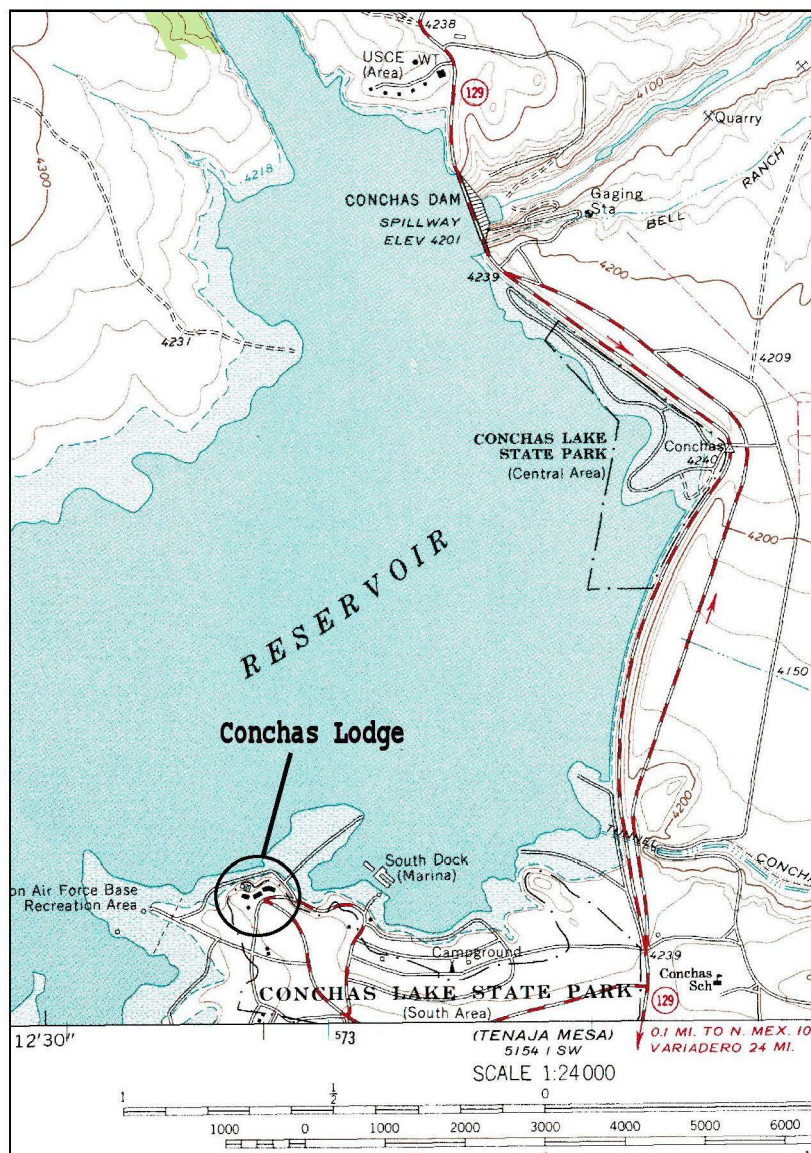
Sincerely,

GISLER.JESSICA.  
LEE.1558225102

Digitally signed by  
GISLER.JESSICA.LEE.15582251  
02  
Date: 2023.08.18 14:43:16  
-06'00'

FOR Danielle Galloway  
Chief, Environmental Resources Section

Enclosures



Enclosure 1. Conchas Lodge location on USGA 7.5-Minute Series Quadrangle map:  
Conchas Dam, NM (No. 35104-d2; 1968).



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



Enclosure 2. Overview of Conchas Lodge complex.





Enclosure 3. Overview showing original construction vs. later additions.



Enclosure 4. Proposed changes, pending availability of funding.

## State Historic Preservation Officer (SHPO) Correspondence.



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

August 17, 2023

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, New Mexico 87501

Dear Dr. Pappas:

Pursuant to 36 CFR 800, the US Army Corps of Engineers, Albuquerque District (Corps), is seeking your concurrence on a determination of **adverse effect to historic properties** for planned stabilization, renovation, and partial demolition of the Conchas Lodge complex at the Conchas Lake Project in San Miguel County, New Mexico. The planned project would involve stabilizing portions of the original Lodge structure and demolishing unstable portions. Conchas Lodge is located on Corps fee land, located at the confluence of the Conchas River with the South Canadian River in east-central New Mexico, and is about 25 miles north of Newkirk, and 31 miles northwest of Tucumcari, New Mexico.

The Conchas Lodge (Lodge) was built in 1942 by the Civilian Conservation Corps (CCC) and has been managed by NM State Parks and the Corps. The Lodge building closed in 2005, following operation by a private concessionaire. Currently unoccupied and boarded up, the building was found to be in marginal condition as has suffered deferred maintenance, acts of vandalism, and biological infestation, in addition to having asbestos containing materials, lead-based paint and lead containing materials.

The Corps has previously consulted on NRHP eligibility status for the Lodge and associated buildings (including e.g. HPD Logs 084466, 102059, 104242, 105107). Our offices have agreed that the original portions of the **Main Lodge** are eligible under criteria A and C. During earlier consultation, the Corps determined that other components including the **West Addition** to the main Lodge, **Fisherman's Wharf**, and the **East Annex**, were not eligible or contributing elements due to their expedient nature, inconsistency with the Main Lodge's design and craftsmanship, and their post-dating of what the Corps considered the Lodge's period of significance (see especially HPD Logs 84466, 105107; see Enclosures 1 and 2 for overviews of the Lodge complex). In 2017 your office did not concur with these determinations, arguing that these other components with the Main Lodge comprise a historic district representative of the development of tourism facilities for the area.

The Lodge has been closed and disused since the departure of its last concessionaire in 2005 and has experienced ongoing deterioration in the years since. The Corps has considered alternatives for how to improve the Lodge's condition while maintaining a safe and structurally sound resource for the surrounding community and has been considering alternatives for treatment of the Lodge complex. This included initial scoping with several schematic alternatives in 2019 (HPD Log # 110863). Public response to this scoping effort made it clear that the community's priorities for the Lodge included having the Lodge as a public gathering space and dining venue, but funding availability limited progress in determining a course forward.



In 2022, funding through the Bipartisan Infrastructure Law (BIL) became available to continue the design process to stabilize the existing building. The Corps is now developing a course of action that emphasizes the elements most important to the public, with an overall goal of stabilizing the existing structure of the eastern portion of the Main Lodge, while demolishing other portions to ensure safety and to bring the facility to a scale that would be maintainable in the future. Currently planned for demolition would be the Lodge's **West Wing** and **West Addition**, as well as the **Fisherman's Wharf**. The **West Wing** is part of the original Lodge structure; however, the Corps has determined that the foundation is unstable and that repair and renovation would not be feasible (Enclosure 3).

Depending on availability of funding, the Corps also would plan to repair and renovate the remaining original **Lodge** structure including the lobby and restaurant, as well as the **East Annex**, and possibly renovate additional exterior features such as the porch, walkway, parking lot, and patio area (formerly swimming pool, but now filled in), and bringing them into ADA compliance (Enclosure 3).

On June 15, 2023, Corps archaeologists Jonathan Van Hoose and Jess Gisler discussed the planned project with Gretchen Brock of your office, presenting the overall approach being considered. During that meeting we agreed that due to the magnitude of the planned demolition, the proposed project would have an **adverse effect** to historic properties. We seek your concurrence in this determination, and seek to begin discussion of a **memorandum of agreement** to resolve these adverse effects. In addition, we are open to considering other components of the Lodge complex as eligible for the purposes of this consultation and for the purposes of developing appropriate mitigation.

If you have any questions or require additional information concerning the Conchas Lodge, please contact Jonathan Van Hoose at (505) 342-3687 or by email at [jonathan.e.vanhooose@usace.army.mil](mailto:jonathan.e.vanhooose@usace.army.mil); me at (505) 342-3661 or by email at [danielle.a.galloway@usace.army.mil](mailto:danielle.a.galloway@usace.army.mil). You may also provide comments to the above address.

Sincerely,

*Danielle A. Galloway*

Danielle Galloway  
Chief, Environmental Resources Section

\_\_\_\_\_  
Date

I CONCUR

\_\_\_\_\_  
JEFF PAPPAS  
NEW MEXICO STATE HISTORIC  
PRESERVATION OFFICER

Enclosures



Michelle Lujan Grisham  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 – [NMSHPO@dca.nm.gov](mailto:NMSHPO@dca.nm.gov)

August 31, 2023

Danielle Galloway  
Chief, Environmental Resources Section  
Department of the Army  
Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

VIA EMAIL ONLY

RE: Determination of Adverse Effect to Historic Properties, Conchas Lake Lodge complex, San Miguel County, New Mexico

Dear Ms. Galloway:

Thank you for submitting correspondence regarding the proposed stabilization and demolition project at the Conchas Lake Lodge complex in San Miguel County. Our office received the letter via email on August 17, 2023. The New Mexico State Historic Preservation Office (NM SHPO) reviewed the proposed project under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

The proposed undertaking is to prepare a design and process for stabilizing the eastern portion of the Main Lodge and demolishing the Lodge's West Wing and West Addition and the Fisherman's Wharf building. The lobby and restaurant rooms of the Main Lodge, the East Annex building, and landscape features, such as the walkway, parking lot, and patio area will be retained and repaired depending on future funding.

As discussed in the August 17, 2023 letter, the USACE and NM SHPO previously consulted on the National Register of Historic Places (NRHP) eligibility of historic properties at the Conchas Lake Lodge complex and concurred that the Main Lodge was NRHP eligible. We appreciate USACE's openness to evaluating additional properties in the complex as NRHP eligible for the purposes of this consultation.

Based on the proposed undertaking, NM SHPO concurs with the USACE determination that the planned demolition will have an adverse effect on historic properties. NM SHPO looks forward to working with USACE on a Memorandum of Agreement to resolve the adverse effect.

If you have any questions, please feel free to contact me at [gretchen.brock@dca.nm.gov](mailto:gretchen.brock@dca.nm.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Brock". The signature is written in a cursive style with a large initial "G" and a stylized "B".

Gretchen Brock  
Historian, Architectural Reviewer

**HPD LOG# 120417**

cc: Jonathan Van Hoose, Archaeologist, Environmental Resources Section, USACE

**From:** [Brock, Gretchen, DCA](#)  
**To:** [Van Hoose, Jonathan E CIV USARMY CESPA \(USA\)](#)  
**Cc:** [Hill, Katie B CIV USARMY CESPA \(USA\)](#); [Galloway, Danielle A CIV USARMY CESPA \(USA\)](#); [Ensey, Michelle, DCA](#)  
**Subject:** [Non-DoD Source] RE: [EXTERNAL] Conchas Lodge followup: change in course of action (re: HPD Log 120417)  
**Date:** Monday, December 2, 2024 2:31:44 PM

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Hi Jonathan,

Thanks so much for the update. I will discuss the past consultation and draft MOA with Michelle Ensey to get her thoughts on mitigation efforts. We look forward to reopening the consultation and continuing to work on MOA consultation.

Regards,

Gretchen Brock  
Historian, Architectural Review  
NM Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501  
505.476.0548  
[gretchen.brock@dca.nm.gov](mailto:gretchen.brock@dca.nm.gov)

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**From:** Van Hoose, Jonathan E CIV USARMY CESPA (USA) <Jonathan.E.VanHoose@usace.army.mil>  
**Sent:** Monday, December 2, 2024 8:41 AM  
**To:** Brock, Gretchen, DCA <Gretchen.Brock@dca.nm.gov>  
**Cc:** Hill, Katie B CIV USARMY CESPA (USA) <Katie.B.Hill@usace.army.mil>; Galloway, Danielle A CIV USARMY CESPA (USA) <Danielle.A.Galloway@usace.army.mil>  
**Subject:** [EXTERNAL] Conchas Lodge followup: change in course of action (re: HPD Log 120417)

**CAUTION:** This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Gretchen,

The Corps has completed its study on possible alternatives for renovating and/or demolishing portions of the Conchas Lodge. Regretfully, we have determined that the advanced deterioration and overall poor condition make renovation structurally and financially not feasible, and that full demolition is the only viable way ahead for the agency.

Needless to say, full demolition of the Lodge would be an adverse effect under Section 106. We would like to reopen consultation with your office about resolving those adverse effects, building off of the draft MOA that we consulted on in 2023 and 2024. The current draft MOA includes HABS documentation and preparation of an oral history of the Lodge; we will be continuing to consult as well with the local community on any other forms of mitigation (including things like educational materials, displays, etc.) that the community would find meaningful in preserving the memory and importance of the Lodge. We would also like to consider any other ideas your office may have regarding possible mitigation measures that we may not have thought of. While we obviously can only do things that are feasible within our practical and budgetary constraints, we want to make sure that we consider an appropriate array of potential and meaningful approaches.

Please feel free to contact me with any questions, and we look forward to further discussion.

Thank you,

Jon

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) 221-0749 (cell)  
(505) 342-3687 (desk)  
[jonathan.e.vanhoose@usace.army.mil](mailto:jonathan.e.vanhoose@usace.army.mil)



## Advisory Council on Historic Preservation (ACHP) Correspondence.



October 6, 2023

Jonathan E. Van Hoose, PhD  
Archaeologist  
Environmental Resources Section  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Ref: *Conchas Lodge Renovation*  
*San Miguel County, New Mexico*  
*ACHP Project Number: 020100*

Dear Mr. Van Hoose:

On September 27, 2023, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential 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 you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the New Mexico State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

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

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Christopher Daniel at (202) 517-0223 or by e-mail at

cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Artisha Thompson". The script is fluid and cursive, with the first name "Artisha" written in a larger, more prominent style than the last name "Thompson".

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs



February 19, 2025

Jonathan E. Van Hoose, PHD  
Archaeologist  
Environmental Resources Section  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Ref: *Conchas Lodge Complex Demolition, San Miguel County*  
*San Miguel County, New Mexico*  
*ACHP Project Number: 022117*

Dear Mr. Van Hoose:

On January 17, 2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Because the ACHP did not respond within 15 days with a decision regarding our nonparticipation, the ACHP assumes that the Corps of Engineers continued the consultation to resolve adverse effects.

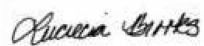
However, if we receive a request for participation from the New Mexico State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian Tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

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

If you have any questions or require our further assistance, please contact Chris Daniel at (202) 517-0223

or by e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov) and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucrecia Brooks".

Lucrecia Brooks  
Historic Preservation Technician  
Office of Federal Agency Programs

**DRAFT**  
**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 Conchas Lodge Complex, Conchas Lake Project, San Miguel County, New Mexico

1. WHEREAS, the U.S. Army Corps of Engineers (Corps), Albuquerque District, is planning a project, located on land owned in fee by the Corps, as shown in Attachment 1 (attached hereto and incorporated by reference). This activity is referred to herein as the “Undertaking”;
2. WHEREAS, the Undertaking would include demolition of all buildings making up the Conchas Lodge Complex, up to and including the Main Lodge, West Addition, Fisherman’s Wharf, East Annex, and associated features;
3. WHEREAS, the Corps has defined the Undertaking’s area of potential effects (APE), as defined at 36 CFR § 800.16(d), as an area of approximately 3.0 acres immediately surrounding the Lodge (HPD Log 084466);
4. WHEREAS, Federal funding is available for the Undertaking through the Bipartisan Infrastructure Law (BIL), and the Corps is responsible for National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance, planning, project design, and construction inspection;
5. WHEREAS, the Corps sent scoping letters to appropriate state and local government agencies, as well as other entities who may have a potential interest in the Undertaking;
6. WHEREAS, the Corps held online public meetings on May 30, 2023, and December 11, 2024, regarding the Undertaking;
7. WHEREAS, the Corps’ funding of this Undertaking is subject to review as an undertaking under the NHPA, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800);
8. WHEREAS, the Corps completed a cultural resources inventory of the APE in 2007 (NMCRI No. 108104) and identified cultural resources within the APE, pursuant to 36 CFR § 800.4, including the Conchas Lodge complex (Historic Cultural Property Inventory (HCPI) Numbers 41387 [Main Lodge], 42254 [Fisherman’s Wharf], and 42255 [East Annex]);
9. WHEREAS, the Corps has evaluated the National Register of Historic Places (NRHP) eligibility of the Conchas Lodge complex and determined that the Main Lodge is eligible to the NRHP; and the Corps has determined that other components, including the West Addition to the Main Lodge, Fisherman’s Wharf, and the East Annex are not eligible or contributing elements;
10. WHEREAS, the New Mexico State Historic Preservation Officer (SHPO) concurred that the



Main Lodge is eligible to the NRHP and did not concur with the determination that the other components are not eligible, arguing that the other components with the Main Lodge comprise a historic district (HPD Logs 084466, 102059, 104242, 105107);

11. WHEREAS, the Corps will treat the entire Conchas Lodge complex as NRHP-eligible for the purposes of determining and resolving adverse effects;

12. WHEREAS, the Corps has evaluated effects associated with the Undertaking and, following pre-consultation with the New Mexico SHPO via teleconference on June 15, 2023, has determined that the Undertaking does constitute an adverse effect to the Conchas Lodge complex, and SHPO concurred with a formal determination of adverse effect on August 31, 2023 (HPD Log 120417) (Attachment 2, attached hereto and incorporated by reference);

13. WHEREAS, the Corps subsequently determined that partial renovation of the Conchas Lodge complex is not practically or economically feasible, and notified SHPO and the Advisory Council on Historic Preservation (ACHP) of the decision to demolish the entire Conchas Lodge complex, and reiterating its determination that the Undertaking would have an adverse effect on the Conchas Lodge complex;

14. WHEREAS, the Corps has notified the ACHP, electronically via the e106 system, in a letter dated September 27, 2023, and the ACHP responded on October 6, 2023 (Attachment 3, attached hereto and incorporated by reference), as well as on February 19, 2025, both times indicating that they will not participate in this process;

15. WHEREAS, the Corps has afforded the Apache Tribe of Oklahoma, Comanche Nation of Oklahoma, Jicarilla Apache Nation, Kewa Pueblo, Kiowa Tribe, Mescalero Apache Tribe, Navajo Nation, Pueblo de Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Tesuque, Pueblo of Zuni, the Hopi Tribe, and Wichita and Affiliated Tribes the opportunity to participate in this process pursuant to 36 CFR § 800.2 and 36 CFR § 800.4, in a letter dated August 18, 2023, and none of these tribes have indicated any tribal concerns related to the Undertaking or asked to participate as a consulting party in the Undertaking;

16. 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 Undertaking on the Conchas Lodge complex; and

17. WHEREAS, the Corps and the SHPO agree that this Memorandum of Agreement (Agreement) will be used to resolve the adverse effects of the Undertaking on the Conchas Lodge complex.

NOW, THEREFORE, the Corps and SHPO agree that upon the Corps' decision to fund the Undertaking, the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties, and that these stipulations shall govern the Undertaking 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 the Conchas Lodge complex:

1. The Corps shall prepare a documentation package for the existing Conchas Lodge complex that meets Historic American Buildings Survey (HABS) Level II standards, in accordance with the "Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS / HAER Standards" (revised 1990), to include:

- HABS Outline Format narrative report;
- copies of select existing drawings;
- copies of historic photographs; and
- photographs with large-format negatives of exterior and interior views of all buildings within the Conchas Lodge complex.

- a. The Corps shall submit a draft of the documentation electronically to SHPO for review and comment. The draft shall include a draft written narrative report, copies of selected existing drawings, copies of historic photographs, and digital (jpegs) photographs of exterior and interior views of all buildings. SHPO shall review and comment within 30 days. The Corps shall take SHPO comments into consideration and revise documentation as needed for final submission. The Corps shall coordinate with the National Park Service (NPS) Regional Office to obtain a HABS survey number. Documentation shall be completed prior to initiation of Undertaking construction.
- b. The Corps shall conduct oral history interviews with members of the community to the extent feasible and assuming public willingness to participate. Documentation collected during the interviews shall include, but not be limited to: information on design and construction of the Conchas Lodge complex; information on how the Lodge was used over time; and information on the Lodge's importance to the community. The Corps shall submit a draft of the documentation electronically to SHPO for review and comment. SHPO shall review and comment within 30 days. The Corps shall take SHPO comments into consideration and revise documentation as needed for final submission.
- c. The Corps shall develop an interpretive display explaining the history of the Conchas Lodge complex. The Corps shall submit a draft of the display text electronically to SHPO for review and comment. SHPO shall review and comment within 30 days. The Corps shall take SHPO comments into consideration and revise text as needed for the final display. The proposed display design and location for installation shall be determined prior to initiation of Undertaking construction.

## 2. Reporting and Disbursement

- a. The HABS documentation package shall meet the requirements of the HABS Transmittal Guidelines and shall be submitted to the NPS Regional Office for review and transmittal to the Library of Congress for permanent curation. A digital copy of the HABS documentation package shall be submitted to SHPO and the Center for Southwest Research at Zimmerman Library, University of New Mexico.
- b. Documentation of the oral history interviews completed for this Undertaking shall be compiled into a written report. Digital copies of the report shall be provided to the New Mexico SHPO and the Center for Southwest Research at the University of New Mexico. The Corps shall retain two (2) hard copies of the oral history report for archival purposes, as well as a digital copy of the report in PDF format.
- c. The interpretive display shall be installed at the Conchas Lodge complex in a location accessible to the public, and/or in other appropriate locations at the Conchas Lake Project with public access.
- d. Reporting shall be completed no later than one (1) year 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 Architectural History and Historic Preservation (36 CFR Part 61).

#### 4. 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, the Corps shall re-initiate review of the Undertaking in accordance with 36 CFR Part 800.

#### 5. Post-Review 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, Tribes, 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 or funerary objects are discovered during construction activities, all activities within 100 feet will cease and the discovery site will be secured. The provisions of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and its rules and regulations will apply.

6. **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:

- a. 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.
- b. 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.
- c. 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.

7. 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.

8. 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:

Consult in accordance with 36 CFR § 800.6 to develop a new Agreement; or  
Request the comments of the ACHP pursuant to 36 CFR § 800.7.

9. 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.

#### 10. Miscellaneous

- a. Other Relationships or Obligations: This Agreement shall not affect any pre-existing or independent relationships or obligations.
- b. 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.

#### 11. Execution.

The Corps has submitted to the ACHP for its review a letter notifying the ACHP of the adverse effect to the Conchas Lodge complex resulting from the intended Undertaking 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 Undertaking does not meet the criteria for ACHP review (See Attachment 3 hereto). The ACHP nonetheless remains available for consultation in the event of new information, changes in the Undertaking, 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 Conchas Lodge Complex, Conchas Lake Project, San Miguel County, New Mexico

SIGNATORY:

US ARMY CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT

---

Matthew T. Miller, P.E.  
Lieutenant Colonel, U.S. Army  
District Commander

---

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 Conchas Lodge Complex, Conchas Lake Project, San Miguel County, New Mexico


SIGNATORY:

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

\_\_\_\_\_  
Michelle Ensey  
New Mexico State Historic Preservation Officer


\_\_\_\_\_  
Date

## ATTACHMENT 1: PROJECT PLAN AS OF MARCH 2025



U.S. ARMY  
US Army Corps  
of Engineers  
Albuquerque District

### CURRENT PLAN



Addition

Fisherman's Wharf

DEMOLISH  
PAVEMENT REMAINS

- Mitigate loss by producing and preserving documentation of historic Lodge and its significance to the community, including elements like HABS documentation, oral history, public interpretation, etc.
- Current Demolition Plan:
  - Phase 1: Remove and dispose all vertical structure elements down to concrete slab and terminate all utility connections.
    - Remove lead-based paints, asbestos containing materials (piping, stucco, etc.) and properly dispose off site, abiding with state and local laws.
  - Phase 2: Remove and dispose all foundations and concrete surfaces from site.
    - Grade and shape land surface to restore native topography on all disturbed area.
    - Seed all disturbed areas with a plant mix native to the region.

## ATTACHMENT 2: SHPO CONCURRENCE WITH NOTIFICATION OF ADVERSE EFFECT



Michelle Lujan Grisham  
Governor

STATE OF NEW MEXICO  
DEPARTMENT OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 – [NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)

August 31, 2023

Danielle Galloway  
Chief, Environmental Resources Section  
Department of the Army  
Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

VIA EMAIL ONLY

RE: Determination of Adverse Effect to Historic Properties, Conchas Lake Lodge complex, San Miguel County, New Mexico

Dear Ms. Galloway:

Thank you for submitting correspondence regarding the proposed stabilization and demolition project at the Conchas Lake Lodge complex in San Miguel County. Our office received the letter via email on August 17, 2023. The New Mexico State Historic Preservation Office (NM SHPO) reviewed the proposed project under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

The proposed undertaking is to prepare a design and process for stabilizing the eastern portion of the Main Lodge and demolishing the Lodge's West Wing and West Addition and the Fisherman's Wharf building. The lobby and restaurant rooms of the Main Lodge, the East Annex building, and landscape features, such as the walkway, parking lot, and patio area will be retained and repaired depending on future funding.

As discussed in the August 17, 2023 letter, the USACE and NM SHPO previously consulted on the National Register of Historic Places (NRHP) eligibility of historic properties at the Conchas Lake Lodge complex and concurred that the Main Lodge was NRHP eligible. We appreciate USACE's openness to evaluating additional properties in the complex as NRHP eligible for the purposes of this consultation.

Based on the proposed undertaking, NM SHPO concurs with the USACE determination that the planned demolition will have an adverse effect on historic properties. NM SHPO looks forward to working with USACE on a Memorandum of Agreement to resolve the adverse effect.

If you have any questions, please feel free to contact me at [gretchen.brock@dca.nm.gov](mailto:gretchen.brock@dca.nm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Brock".

Gretchen Brock  
Historian, Architectural Reviewer

**HPD LOG# 120417**

cc: Jonathan Van Hoose, Archaeologist, Environmental Resources Section, USACE

## ATTACHMENT 3: ACHP RESPONSES TO REQUEST FOR PARTICIPATION



October 6, 2023

Jonathan E. Van Hoose, PhD  
Archaeologist  
Environmental Resources Section  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Ref: *Conchas Lodge Renovation*  
*San Miguel County, New Mexico*  
*ACHP Project Number: 020100*

Dear Mr. Van Hoose:

On September 27, 2023, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential 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 you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the New Mexico State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

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

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Christopher Daniel at (202) 517-0223 or by e-mail at

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Artisha Thompson". The signature is fluid and cursive, with the first name "Artisha" being more prominent than the last name "Thompson".

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs





February 19, 2025

Jonathan E. Van Hoose, PHD  
Archaeologist  
Environmental Resources Section  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Ref: *Conchas Lodge Complex Demolition, San Miguel County*  
*San Miguel County, New Mexico*  
*ACHP Project Number: 022117*

Dear Mr. Van Hoose:

On January 17, 2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Because the ACHP did not respond within 15 days with a decision regarding our nonparticipation, the ACHP assumes that the Corps of Engineers continued the consultation to resolve adverse effects.

However, if we receive a request for participation from the New Mexico State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian Tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

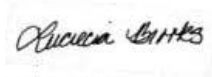
Pursuant to 36 CFR § 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the New Mexico SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the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

If you have any questions or require our further assistance, please contact Chris Daniel at (202) 517-0223

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

or by e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov) and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucrecia Brooks", is written over a light gray rectangular background.

Lucrecia Brooks  
Historic Preservation Technician  
Office of Federal Agency Programs