APPENDIX H
INITIAL SITE ASSESSMENT MAP
APPENDIX I
STAKEHOLDER AND PUBLIC INVOLVEMENT MEETING SUMMARIES
PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Project Introduction Meetings with San Ildefonso Pueblo and Santa Clara Pueblo – July 2006

Project introduction meetings were held with representatives of San Ildefonso Pueblo and Santa Clara Pueblo in July 2006. The purpose of the meetings was to introduce the proposed project to the Pueblos; to obtain initial input from the Pueblos on major project issues; to discuss the study process; to inform the Pueblos on how they will be able to provide input; to discuss project schedule; and to formally request permission to access Pueblo lands for the required engineering and environmental surveys.

The Pueblos of San Ildefonso and Santa Clara are key stakeholders in this project. Most of the lands that are crossed by NM 30 belong to and are under the jurisdiction of these two tribal entities.

The project will include significant involvement of both Pueblos in all phases of the development of this project.

The following issues and concerns were identified at the project introduction meetings:

- Puye Cliffs Intersection – Work at the Puye Cliffs turnoff is nearing completion. This work, funded by the Santa Clara Development Corporation, includes signalization of the intersection, and capacity improvements (four-lane section with transitions, left-turn lanes, and accel/decel lanes) to prevent queuing was done to satisfy NMDOT Access Permit requirements for the construction of a convenience store at the intersection.

- Kee Street – Santa Clara Pueblo conducted an intersection signal warrant study at Kee Street, which included the scenario of combining access points. The Pueblo has decided to wait on the results of the NM 30 Alignment Study prior to taking any further action.

- Lighting – San Ildefonso Pueblo is concerned about the lack of lighting at the entrance to the Pajarito Village/Battleship community

- Safety Corridor – The Governor of San Ildefonso Pueblo believes that the Safety Corridor designation and signing has had a significant impact in reducing speeding and improving safety on NM 502 and would like to see the same thing done on NM 30.

- Turning Lanes – San Ildefonso Pueblo expressed a need for turning lanes at existing intersections along NM 30.

- Sacred Lands – There is a potential for the existence of sacred lands located on both sides of the roadway, especially on the southern end of the corridor. San Ildefonso Pueblo has a Cultural Resource team in place.

- Signal Timing – Need to assess Signal timing at traffic signals coming out of Española.

- Park and Ride – There may be Park and Ride stops in the main village area of Santa Clara Pueblo. The Pueblo is working with the Northern Pueblos Regional Planning Organization staff on this issue.

- School Bus Traffic – San Ildefonso Pueblo has safety concerns with regular and day school bus traffic. Day school traffic runs four times per day.

- Children Crossing Roadway – Children cross NM 30 at the Pajarito Residential areas.
• Law Enforcement – Jurisdictional/Law Enforcement issues need to be considered.
• Drainage – San Ildefonso Pueblo has experienced flooding problems in the past. Drainage issues need to be considered.
• Consolidating Access – Will look into consolidating intersecting streets where possible, to include lining up intersections on opposite sides of the road.
• Project Funding – Funding for improvements to NM 30 are currently included in the NMDOT’s Statewide Transportation Improvement Program (STIP) for Fiscal Year 2012. Based on current construction cost trends, the programmed funding is likely insufficient to construct improvements associated with several of the alternatives that will be considered. The Alignment study will assess project costs for the different alternatives. A project implementation plan will be developed as a part of the study.
• Hazardous Materials – There is an existing “Superfund” site, along with monitoring wells located north of the project. This site is not anticipated to impact the project.
• Proposed development on Santa Clara Pueblo – The Pueblo has plans for additional housing units in the future; specific location information will be provided.
• Resource Management Plan – Santa Clara Pueblo is working with the Forestry Division on the development of an Integrated Resource Management Plan that will make an assessment of the tribe’s forest, plant, cultural, and other resources on Pueblo lands.
• Drainage – Access to Santa Clara Pueblo’s ball fields is made difficult by the existing arroyo crossing, which is compounded by overhead drainage and flooding. There is also a need to consider drainage problems and potential impacts to the Santa Clara housing areas, which the Pueblo claims was made worse with the Cerro Grande fire. The Santa Clara Pueblo Transportation Plan has documented discussions held on this issue and identifies drainage concerns in the area west of NM 30.
• Drainage – San Ildefonso Pueblo also identified drainage concerns.
• Pedestrian Crossing – Santa Clara Pueblo claims that there is a need for a grade separated pedestrian crossing across NM 30 within the developed area of the Pueblo. This issue has been discussed with the NMDOT in the past. Overpass and underpass type structures should be investigated.
• Access Management – Access management through Santa Clara Pueblo should be assessed, to include the combining of access points.
• Property Ownership – Property ownership in the northern part of the corridor is “checkerboard”, with a mix of Pueblo/Private lands. There may be some usage of Santa Clara Pueblo roads by non-Pueblo members in the Guachupange area.
• Transit – Santa Clara Pueblo has been working with the Regional Transit Authority (RTA). They stated that they have told the RTA that the Pueblo is concerned with pedestrian traffic on NM 30 and in and around the village area, as well as the most southerly housing area, referred to as the Desert Storm Housing Area. The Pueblo indicated that the City of Española and Rio Arriba County have asked the RTA to take over the Park and Ride transit program and discussions about another possible location for passenger parking. Santa Clara Pueblo owns the existing Park and Ride site in Española. The Pueblo’s Development Corporation wants to use the current Park and Ride location for commercial development.
• Access – Santa Clara Pueblo requested that any proposed widening of NM 30 should consider impacts to ingress and egress to their roads.
• Traffic Speed – Santa Clara Pueblo requested that speed limits along the corridor be reassessed as a part of the Alignment Study.
• Utilities – Santa Clara Pueblo operates its own Water and Sewer systems. Other utilities in the area include PNM Gas, Jemez Coop Power, as well as Telephone, and Cable. The project will include utility designating and locating activities.
• Right-of-way – Santa Clara Pueblo stated that there are spot locations within the existing highway fence lines that may have not been acquired by the NMDOT during the development of prior projects; these areas could still be under Pueblo ownership. This issue will need to be researched further during the project development process.
• High Priority Project – The NM 30 project is a high priority project for the NMDOT.

Project Management Team Kick-Off Meeting – August 29, 2006

A project kick-off meeting was held for the NM 30 project on August 29, 2006 at the NMDOT’s District 5 Conference Room. The purpose of the session was to initiate a dialogue with Project Management Team members and obtain comments, issues, and concerns on the project. Agencies that attended the stakeholder kick-off meeting included representatives from the NMDOT and the FHWA. At this meeting the NMDOT and Gannett Fleming West, Inc. presented the project goals and objectives. The agencies had the opportunity to ask questions, describe how their agency’s activities related to the NM 30 Project, and identify issues that should be addressed in the project design.

Stakeholders Group Kick-Off Meeting – October 12, 2006

The Stakeholders Group kick-off meeting for the NM 30 project was held on October 12, 2006 at San Ildefonso Pueblo. This meeting provided the means to engage the Stakeholder Group participants by providing: an understanding of the proposed project; an understanding of the Alignment Study process; an opportunity to discuss the goals and objectives of the project; and a means of establishing protocols for working together and making decisions.

Information was exchanged regarding the following:

• Working hours at LANL
• Transit including Park and Ride
• Concerns regarding emergency response and enforcement. Responders in the area include the Pojoaque Fire Department, Española Fire Department, State Police, Santa Clara Tribal Police, and the Bureau of Indian Affairs.
• Future development including housing for both San Ildefonso and Santa Clara Pueblos.
• Pedestrian, bicyclist, and equestrian use, as well as cattle activity.
• The existing traffic signal at the Puye Cliffs intersection and the need for additional signing in the corridor.
• Other ongoing and future area studies and construction
• Drainage

Project Team Meeting – October 30, 2006

A Project Management Team (PMT) meeting was held on October 30, 2006 at the NMDOT’s General Office. The purpose of the meeting was to discuss the existing typical sections, existing right-of-way and potential typical roadway section alternatives to include in the “Initial Evaluation of Alternatives” of the Alignment Study.

Meeting with Santa Clara Pueblo – December 18, 2006

At the request of Santa Clara Pueblo, a meeting was held with representatives of the Pueblo on December 18, 2006. The purpose of the meeting was to update the Pueblo on the progress of the alignment study and to obtain additional input on major project issues.

The project team provided an overview of the project needs, Alignment Study process, and summary of the alternatives identified for evaluation in the Initial Evaluation of Alternatives phase. A schedule for the completion of the Alignment Study, Design, and Construction was discussed. Budgetary considerations were also discussed.

Comments received at the meeting included the following:

• Traffic Signal - The Pueblo officials voiced their desire to see a traffic signal installed within the developed area of the Pueblo (i.e. Kee Street). The possible need to consolidate driveways was also discussed.
• Safety Corridor - The issue of designating NM 30 as a Safety Corridor was discussed. The NMDOT explained the process required to evaluate and designate a safety corridor.
• Pedestrian Safety - Governor Chavarria voiced concerns regarding pedestrian safety when crossing a potentially wider roadway cross-section.
• Air Quality - There are concerns with the amount of carbon monoxide being generated as a result of traffic congestion.
• Traffic Speed - There are concerns dealing with speeding on NM 30. Need to assess ways to slow down traffic. There is a need for additional enforcement.
• Joint Powers Agreement (JPA) and/or Pueblo Resolution – It was recommended that a JPA and/or Pueblo Resolution for outlining/documenting project support for a particular alternative be followed.
• The Pueblo is concerned about the limited funding available for this project and how that will impact what is actually implemented. They do not want to see recommended improvements downscaled.
Public Involvement Meeting – February 13, 2007

A public involvement meeting was held on Tuesday, February 13, 2007 at 6:30 p.m. at the Pablo Roybal Elementary School in Jacona, New Mexico. Display notices for the public meeting were advertised in the local newspapers, including the Los Alamos Monitor, the Rio Grande Sun, and the Santa Fe New Mexican. A meeting notice was also included in the Los Alamos National Laboratory employee newsletter. Meeting flyers were posted at gas stations, convenience stores, post offices, community centers, and grocery stores in Pojoaque, Jacona, Española, and Los Alamos.

Approximately 18 people attended the meeting excluding study team members. An open-house format was used for the meeting with a study team presentation at 6:45 p.m. Participants of the meeting were given the opportunity to voice their comments, concerns, and questions in a question-and-answer session. In general the public comments, concerns, and questions included the following:

- Concerns regarding driver habits, the need for driver education, and the lack of law enforcement on NM 30.
- Drainage concerns.
- Concerns for residential safety and the need for overpasses or underpasses to move cross-traffic and animals.
- Concerns for the safety of children and with school busses turning and crossing NM 30.
- Concerns regarding speed and the potential for accidents in the corridor.
- Requests for bicycle lanes.
- Concerns regarding the accuracy of the engineering data.
- Support for the project alternatives.

Public Involvement Meeting – February 15, 2007

A public involvement meeting was held on Thursday, February 15, 2007 at 6:30 p.m. at the Santa Clara Senior Center. Display notices for the public meeting were advertised in the local papers, including the Los Alamos Monitor, the Rio Grande Sun, and the Santa Fe New Mexican. A meeting notice was also included in the Los Alamos National Laboratory employee newsletter. Meeting flyers were posted at gas stations, convenience stores, post offices, community centers, and grocery stores in Pojoaque, Jacona, Española, and Los Alamos. Additionally, a “Special Bulletin” was issued through each Pueblo’s Governor’s office in the native language of Tewa announcing the Public/Community Meeting.

Approximately 55 people attended the meeting excluding study team members. An open-house format was used for the meeting, with a study team presentation at 6:45 p.m.

Participants of the meeting were given the opportunity to voice their comments, concerns, and questions in a question-and-answer session. In general, the public comments, concerns, and questions included the following:
• Requests for a bypass through La Mesilla across the Rio Grande to reduce traffic/congestion on NM 30.
• Comments that NM 30 passes through a residential area and is an intrusion on the way of life of the Pueblo.
• Concerns regarding driver habits, the need for driver education, and the lack of law enforcement on NM 30.
• Difficulties entering into traffic and crossing NM 30.
• Concerns regarding congestion, speed, and the potential for accidents in the corridor.
• Requests for lighting at the entrances to the subdivisions.
• Comments regarding the need to maintain and protect the integrity of the pueblo, cultural properties and activities.
• Concerns regarding noise and air quality.
• Requests for a pedestrian overpass or underpass.
• Desires to reduce traffic speed and the number of cars on NM 30.
• Concerns for the safety of tribal members and children.
• A number of residents indicated support for the No-Build Alternative with safety improvements (lowered speed limit, widening of cattle guards, crosswalks, signal timing, turnouts, consolidation of driveways, signing, appropriate roadway paint/striping, etc.).
• Concerns regarding trucks carrying hazardous materials on NM 30.
• Requests for turn lanes and acceleration/deceleration lanes.
• Requests for bicycle lanes.
• Suggestions that NM 30 be designated a High Occupancy Vehicle Road with mandated carpooling or a toll road with usage fees.
• Concerns regarding the need for right-of-way and land for the project.
• Suggestions to increasing the hours of the Park and Ride system.
• Support for the project alternatives.

Presentation to San Ildefonso Pueblo Tribal Council – February 26, 2007

A project presentation was made to the San Ildefonso Pueblo Tribal Council on February 26, 2007. The presentation included an overview of the project needs, Alignment Study process, and summary of the alternatives identified for evaluation in the Initial Evaluation of Alternatives phase. The project schedule was also discussed. Comments and requests from the tribal council included the following:

• Governor Mountain requested that NM 30 be designated as a safety corridor, which would help slow down traffic.
• Request by the tribal council to come back and do a presentation to the San Ildefonso Pueblo community after further development of the alternatives.
• Request for lighting at the community turnoffs.
• Governor Mountain stated that Alternative 5 and 7 looked best from his point of view.
• Request to consider future housing/rural development, which will increase traffic and safety issues.
Meeting With San Ildefonso Pueblo Governor James Mountain – March, 19, 2007

A meeting was held with Governor James Mountain on March 19, 2007 to clarify the purpose and need for the proposed improvements for the NM 30 corridor and to clarify the Pueblos' expectations based on prior requests made to the NMDOT to address safety improvements on this corridor. This meeting came about as a result of the preliminary findings of the Alignment Study, which indicates that 4-lane improvements would best address the traffic operations and safety needs of the corridor; however, there does not appear full community support for 4-lane improvements, based on the input received at the recent public information meetings.

Governor Mountain suggested that more education and outreach activities are needed for both the Pueblo community and the Tribal Council. He suggested that the presentations be kept as simple as possible to assure that individuals fully understand what is being proposed.

Governor Mountain suggested that statistical comparisons be provided for other area projects (i.e. NM 502), which involved safety and/or 2-lane to 4-lane improvements, reflecting the before and after crash rates.

Governor Mountain also discussed specific areas of concern with respect to vehicular and bus access, specifically in the area of Battleship/Pajarito villages.

David Martinez, NMDOT, suggested that the use of computer simulated modeling (i.e. SYNCHRO) be incorporated into future presentations. An example of this would be to simulate traffic operations at the Battleship/Pajarito intersection under current conditions as well as with the 4-lanes alternatives.

The need for additional enforcement on the corridor was also discussed.

Meeting with Santa Clara Pueblo Joseph Chavarria – April 17, 2007

A meeting was held with Governor Joseph Chavarria on April 17, 2007 to clarify the purpose and need for the proposed improvements to the NM 30 corridor, and to clarify the Pueblos' expectations based on prior requests made to the NMDOT to address safety improvements on this corridor. This meeting also came about as a result of the preliminary findings of the Alignment Study, which indicates that 4-lane improvements would best address the traffic operations and safety needs of the corridor. At this time, there does not appear full community support for 4 lane improvements, based on the input received at the recent public involvement meetings.

Governor Chavarria handed out a list of General Concerns and Issues for NM 30 (see Attachment) that the Pueblo wants the NMDOT to consider. The major issues were discussed in detail, as follows:

- Safety is their No. 1 concern. The NMDOT concurs with this.
- The Pueblo still believes that an alternate route (bypass) around Santa Clara Pueblo is the best solution to address the long term needs on NM 30. The NMDOT reiterated that the study of a bypass was never a part of the scope of work for the NM 30 Alignment Study, and that such a study would have to be a stand alone project. The Pueblo asked that language be included in the Alignment Study Report regarding the need to consider a study in the future to assess the
feasibility of an alternate route around Santa Clara Pueblo; the NMDOT agreed to add such language.

- The need for additional carpooling on NM 30 was discussed.
- The need to contain any proposed improvements within the existing right-of-way or to significantly limit the need for additional right-of-way was discussed.
- The need to avoid cultural resource sites was reiterated.
- The need for a traffic signal within the developed area of the Pueblo was discussed. Pueblo officials stated that they have been requesting this since the 1990's. A Signal Warrant Study was conducted by Transcore, Inc. in 2003, which showed that a signal would be warranted at Kee Street, if driveways were consolidated in the vicinity of Kee Street. Pueblo officials were informed that the proposed improvements to NM 30 will likely include a new traffic signal along with driveway consolidation. Pueblo officials were also reminded that the Transcore study recommended that additional lanes be provided on NM 30 to provide for a satisfactory Level of Service.

- Mr. Calvin Tafoya, with Santa Clara Development Corporation, suggested that an alternate location for the signalized intersection (Thamu Street) be assessed, and that the west frontage road be extended south and lined up with Thamu Street. Pueblo officials asked that regardless of which location is chosen, that the adequacy of the intersecting streets be assessed to determine the need for additional improvements. This alternative will be considered.

- Mr. Calvin Tafoya also suggested that an east frontage road be considered between the Convenience Store (Puye Cliffs intersection) up to the Santa Clara Housing area. Santa Clara Pueblo would own and maintain. If this were to be considered, cultural resource impacts through this area would have to be studied further; a determination of who would be responsible for the cultural resource studies would need to be made.

- An improved at-grade pedestrian crossing would be constructed as a part of intersection improvements. Discussions on the need for grade separated pedestrian crossings will be continued.

- Mr. Edwin Tafoya, Santa Clara Pueblo Director of Self-Government Programs, feels that lane striping is confusing in the vicinity of the Santa Clara Housing and Santa Clara Clinic, where the road has been re-striped to provide for left-turn lanes. Mr. Tafoya was informed that the re-striping was meant to be a short-term solution.

- Pueblo officials expressed concerns about NM 30 being used as a Hazardous Materials route when NM 502 is shut down. NMDOT representatives informed the Pueblo that NM 30 is not a designated Hazardous Materials route and is not supposed to be used for that purpose.

- Pueblo officials informed the group that they are planning new improvements along NM 30, including a new judicial complex. The Pueblo agreed to provide the NMDOT with information regarding information on the locations and anticipated traffic volumes.

- Mr. Mel Tafoya, Santa Clara Pueblo Special Projects Coordinator, provided the group with a summary of traffic citations issued by the Pueblo in 2006 and the 1st quarter of 2007. A total of 2,365 citations were issued in 2006. Approximately 81% of the total involved speeding violations.

- The posted speeds will be re-assessed through Santa Clara Pueblo.

- Mr. Calvin Tafoya stated that 4-lane options through SC Pueblo may not be possible.
Ms. Annette Martinez, Santa Clara Pueblo Education Coordinator, stated that she feels “Safety Corridor” designation on NM 502 has helped lower speeds. Mr. Armendariz explained how the Safety Corridors were established and how they will be evaluated.

The Pueblo will provide the NMDOT copies of letters sent to State and DOE officials regarding safety concerns on NM 30.

Concerns regarding safety for pedestrians and children crossing NM 30 have been expressed by both San Ildefonso and Santa Clara Pueblo tribal members and tribal administrators. The need for underpasses to allow horse/cattle crossings and for grade-separated pedestrian cross-overs will be evaluated. Discussions regarding these issues will continue with both San Ildefonso Pueblo and Santa Clara Pueblo.

Santa Clara Working Group Meetings

At the conclusion of Phase 1B of the NM 30 Alignment Study, the Pueblo of Santa Clara voiced concerns about the “Preferred Alternative” recommended through the Santa Clara Pueblo village area. The Pueblo voiced opposition to this alternative.

In order to address the Pueblo’s concerns, a Working Group, consisting of Santa Clara Pueblo representatives, NMDOT staff, and Consultant representatives was formed to reassess alternatives through the Santa Clara Pueblo village area. A total of five (5) Working Group meetings were held between August, 2007 and March, 2009. In addition, the NMDOT made two separate presentations to the Santa Clara Tribal Council. In addition to this, Santa Clara Working Group representatives held their own internal meetings with tribal members to obtain additional input on this issue.

Public Involvement Meeting – November 17, 2010

The third public involvement meeting for the NM 30 Improvement Project was held on Wednesday, November 17, 2010 at 5:30 p.m. The meeting took place at the Tewa Center. Display notices for the public meeting were advertised on November 3rd and November 14th in the Santa Fe New Mexican and November 3rd and November 10th in the Rio Grande Sun. A meeting notice was also included in the Los Alamos National Laboratory employee newsletter.

Meeting flyers were posted at gas stations, convenience stores, post offices, community centers, and grocery stores in Pojoaque, Jacona, Española, and Los Alamos.

Approximately 15 people attended the meeting, excluding study team members. An open-house format was used for the meeting, with a study team presentation at 5:45 p.m.

Participants of the meeting were given the opportunity to voice their comments, concerns, and questions in a question-and-answer session. In general, the public comments, concerns, and questions included the following:

- Questions regarding the need for additional right-of-way
- Concerns regarding maintenance
- Requests for a pedestrian crosswalk for the Pajarito/Battleship area
• Suggestions to install a speed camera
• Questions regarding street lighting
• Requests for NM 30 to be designated as a safety corridor
• Concerns regarding speeders
• Questions regarding the construction schedule
• Questions regarding project phasing

Public Involvement Meeting – December 7, 2010

The fourth public involvement meeting for the NM 30 Improvement Project was held on Tuesday, December 7, 2010 at 5:30 p.m. The meeting took place at the Santa Clara Pueblo Senior Center. Display notices for the public meeting were advertised on November 22nd and December 5th in the Santa Fe New Mexican and November 24th and December 1st in the Rio Grande Sun. A meeting notice was also included in the Los Alamos National Laboratory employee newsletter.

Meeting flyers were posted at gas stations, convenience stores, post offices, community centers, and grocery stores in Pojoaque, Jacona, Española, and Los Alamos.

Approximately 43 people attended the meeting, excluding study team members. An open-house format was used for the meeting, with a study team presentation at 6:00 p.m. Participants of the meeting were given the opportunity to voice their comments, concerns, and questions in a question-and-answer session. In general, the public comments, concerns, and questions included the following:

• Requests for a grade separated pedestrian crossing
• Questions regarding project cost
• Questions regarding access
• Questions regarding making NM 30 a toll road
• Questions regarding the proposed speed limit
• Concerns regarding right-of-way acquisition
• Requests for a bypass through La Mesilla
• Requests for renegotiations between the tribe and the NMDOT for the use of NM 30 and compensation to the tribe
• Concerns regarding air quality
APPENDIX J
PROGRAMMATIC AGREEMENT
Programmatic Agreement
Among
Federal Highway Administration,
Bureau of Indian Affairs,
Pueblo of Santa Clara,
Pueblo of San Ildefonso,
New Mexico State Historic Preservation Officer,
and
New Mexico Department of Transportation,
Regarding implementation of
The NM 30 Improvements Across Santa Clara Pueblo and San Ildefonso Pueblo Lands,
New Mexico

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the New Mexico Department of Transportation (NMDOT), is proposing improvements on New Mexico State Highway 30 (NM 30), between mileposts 0 and 8.48 located on Pueblo of Santa Clara lands and Pueblo of San Ildefonso lands (the Project); and

WHEREAS, to comply with the applicable requirements of the National Environmental Policy Act, the FHWA/NMDOT has prepared the Environmental Assessment: NM 30 Improvement Project, NM 502 to US 84/285, Santa Fe and Rio Arriba Counties, New Mexico, NMDOT Project Number TPM-TPO-TPA-030-1(1) (the “EA”); and

WHEREAS, the preferred alternatives selected by the Pueblo of Santa Clara Pueblo and the Pueblo of San Ildefonso are illustrated in Appendix A and meet the purpose and need described in Appendix B; and

WHEREAS, in accordance with 36 CFR Part 800.8, the FHWA, as lead federal agency for the project, is coordinating compliance with Section 106 and the procedures in 36 CFR Part 800 with the requirements of the National Environmental Policy Act (NEPA); and

WHEREAS, the FHWA has consulted with the Bureau of Indian Affairs (BIA) and they are a signatory to this PA; and,

WHEREAS, FHWA may fund this Project, thereby making it an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S. C §470f, and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800); and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(1)(ii), execution of a Programmatic Agreement (PA) is appropriate because construction will be phased, with Phase I including the construction of the Kee Street intersection on Santa Clara Pueblo and the Battleship Rock intersection on San Ildefonso Pueblo, Phase II construction the completion of work across Santa Clara Pueblo lands, and Phase III construction the completion of work across San Ildefonso Pueblo lands, and effects to historic properties cannot be fully determined prior to the start of Project construction; and
WHEREAS, FHWA has determined that the area of potential effects (APE) for this undertaking includes all areas within the existing NM 30 right-of-way between mileposts 0 and 8.48, a 100 foot area on either side of the right-of-way and specific project related footprints [such as the approaches to the signalized intersections] (see Appendix B for an APE map); and

WHEREAS, the APE, which consists entirely of lands located within the exterior boundary of the Pueblo of Santa Clara and the Pueblo of San Ildefonso is considered tribal lands in accordance with 36 CFR Part 800.16(y); and

WHEREAS, the Pueblo of Santa Clara has participated in the development of this PA and is a signatory; and

WHEREAS, the Pueblo of San Ildefonso has participated in the development of this PA and is a signatory; and

WHEREAS, the FHWA has consulted with the New Mexico State Historic Preservation Officer (SHPO) and they are a signatory to this PA; and

WHEREAS, the NMDOT has participated in the consultation and has been invited to be a signatory to this PA; and

WHEREAS, the FHWA has invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of the Agreement for this Undertaking, and the ACHP has declined to participate on June 13, 2011; and

WHEREAS, the FHWA has notified all tribal entities with interests in Rio Arriba County, and the Hopi Tribe has expressed interest in this project and has requested continued review of archaeological resources in a letter on April 25, 2011; and

WHEREAS, the FHWA, in accordance with 36 CFR 800.2(d)(3), used the agency’s procedures for public involvement under the National Environmental Policy Act (NEPA) to inform the public about the Project and solicit their views on historic properties; and,

WHEREAS, the FHWA and the NMDOT, in consultation with the SHPO, have conducted a Class III cultural resource survey of the entire APE as described in the report titled A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8348 in Santa Fe and Rio Arriba Counties, New Mexico; and

WHEREAS, the FHWA, in consultation with the SHPO, has identified and determined that the following properties are eligible for the National Register of Historic Places (NRHP): the acequia systems of the Vigiles Ditch (LA 109296/114355), the Indios Acequia (LA 132129), the Guachupangue Ditch and five archaeological sites (LA 157689, LA 157690, LA 157691, LA 157692 and LA 157693); and,
WHEREAS, the FHWA in consultation with the Pueblo of Santa Clara, the Pueblo of San Ildefonso, the BIA and the SHPO has determined that construction of the Project may have an adverse effect on historic properties; and

NOW, THEREFORE, the Pueblo Santa Clara, the Pueblo of San Ildefonso, the BIA, the SHPO, the FHWA, and the NMDOT, agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The FHWA/NMDOT shall ensure that following measures are carried out:

I. PROFESSIONAL STANDARDS
   A. Any archaeological or historic preservation studies performed to implement the terms of this PA shall be conducted under the direct supervision of a person or persons meeting the Secretary of Interior’s Professional Qualification Standards (48 FR 44716, September 29, 1983), pursuant to 36 CFR Part 800.2(a)(1) in the appropriate field.
   B. For properties of traditional religious and cultural importance, an individual will be selected by the Pueblo because of their knowledge of traditional practices and the history of the area including the reservation. That person shall be involved in any studies related to historic properties located on that person’s Pueblo land, and shall be involved in all consultations with that Pueblo.

II. CONDITIONS
   A. The FHWA delegates initial consultation with the signatories to this PA to the NMDOT.
   B. The FHWA is responsible for all findings and determinations and retains responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Native American tribes.
   C. Although many decisions about the NM 30 Corridor Project were made during the EA process, substantial opportunities will be available for consulting parties to provide input concerning final design and construction options and variances.
   D. Any projects carried out by the NMDOT within the NM 30 Corridor during the term of this PA that were not analyzed in the EA will be subject to separate consultations and compliance actions as specified in 36 CFR Part 800.

III. REVIEW PROCEDURES
   A. The FHWA/NMDOT shall consult with the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO for all improvements within the NM 30 corridor that may affect historic properties. Consultation will begin early in the scoping process for each individual improvement. The BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO shall each have 30 days to either provide comment on the specific improvement that is proposed or decline to participate in the consultation for that specific improvement.
B. The FHWA/NMDOT shall initiate consultation with Native American tribes that claim traditional use of the area early in the scoping process for each individual improvement or when requested by the tribe.

C. Other parties with a demonstrated interest in the Project or a concern about effects of a specific improvement on historic properties may submit a written request to become a consulting party to the FHWA/NMDOT at any time during the term of this PA.

D. At FHWA/NMDOT’s discretion, Native American tribes or other interested parties may be invited to concur with the terms of this PA and participate as consulting parties for subsequent improvements.

IV. IDENTIFICATION AND EVALUATION

A. The FHWA/NMDOT, the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO agree that the following properties identified in the survey report, A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8348 in Santa Fe and Rio Arriba Counties, New Mexico are eligible for the NRHP: the acequia systems of the Vigiles Ditch (LA 109296/114355), the Indios Acequia, the Guachupangue Ditch and five archaeological sites (LA 157689, LA 157690, LA 157691, LA 157692 and LA 157693). The FHWA/NMDOT, the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO agree that nine buildings are not eligible for listing in the NRHP and five buildings are undetermined for listing.

B. For each improvement, the FHWA/NMDOT shall, in consultation with the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO, confirm the project APE, review the existing information about historic properties within the project APE, and determine if additional efforts to identify historic properties are needed to adequately evaluate the effects of the improvement on historic properties.

C. If additional historic properties are identified they will be recorded using the New Mexico Historic Cultural Properties Inventory Form or the Laboratory of Anthropology Site Record Form, as appropriate, and the identification will be documented in a supplemental report. The report shall include recommendations regarding the eligibility of identified cultural resources for listing in the NRHP.

D. The FHWA/NMDOT will submit the supplemental report and associated records to the BIA, the Pueblo of Santa Clara and the Pueblo of San Ildefonso for review and comment. They shall have thirty (30) days from the receipt of the documentation to provide their comments to the FHWA/NMDOT.

E. The FHWA/NMDOT will submit the supplemental report and associated records to the SHPO for review. The SHPO will have 30 days from receipt of documentation to provide comment on the report and determinations of eligibility.

F. If the consulting parties do not provide comment to the FHWA within 30 days, the FHWA/NMDOT will assume concurrence with the determinations of eligibility.

G. If the FHWA/NMDOT, BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso or the SHPO are unable to reach a consensus about the eligibility of a property that will be directly affected by an improvement, the FHWA will seek a determination of eligibility from the Keeper of the National Register of Historic Places (Keeper), as provided in 36 CFR 800.4(c)(2).
V. ASSESSMENT OF EFFECTS
A. For each improvement, if historic properties are identified pursuant to Stipulation III, FHWA/NMDOT shall apply the criteria of adverse effect in accordance with 36 CFR Part 800.5(a) and provide the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO with the documentation specified in 36 CFR 800.11(d) or (e).
B. The consulting parties shall have 30 days from receipt of the documentation to provide comment. If the FHWA/NMDOT does not receive comment within 30 days, the FHWA/NMDOT will assume concurrence.
C. If FHWA/NMDOT finds that the criteria of adverse effect are not applicable, and the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso, and the SHPO agree, Section 106 review for that improvement is concluded.
D. If any party to this PA objects to FHWA/NMDOT’s findings, the FHWA/NMDOT shall resolve the dispute in accordance with Stipulation XII.
E. If FHWA/NMDOT finds that the criteria of adverse effect are applicable, and the Pueblo of Santa Clara, the Pueblo of San Ildefonso, the BIA and the SHPO agree, the FHWA/NMDOT, in consultation with the signatories, will evaluate Project design alternatives to determine how the adverse effect can be avoided or minimized.
F. Avoidance of adverse effect is the preferred treatment for all historic properties. To the extent practicable, FHWA/NMDOT will implement design changes and other measures to avoid adverse effects to historic properties.

VI. RESOLUTION OF ADVERSE EFFECTS
A. When FHWA/NMDOT determines that adverse effects to historic properties, including traditional cultural properties (TCPs) cannot be avoided or minimized, FHWA/NMDOT shall notify the ACHP following procedures specified in 36 CFR 800.6 and consult with the Pueblo of Santa Clara, the Pueblo of San Ildefonso, the BIA, and SHPO to identify and seek agreement on mitigation measures.
B. FHWA/NMDOT shall prepare an appropriate treatment plan in consultation with the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO that identifies the nature of the effects to historic properties, analyzes treatment options and describes the agreed upon mitigation measures and the manner in which they will be implemented. The treatment plan may include the following measures:
   a) Archaeological sites that cannot be protected in place will be subject to data recovery consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and Standards and Guidelines for Archeology and Historic Preservation and the ACHP’s Section 106 Archaeology Guidance and Treatment of Archeological Properties: A Handbook.
   b) Monitoring of vibration-causing activities may be required in areas where historic buildings and structures are at risk.
C. The FHWA/NMDOT will submit the treatment plan to the BIA, the Pueblo of Santa Clara and the Pueblo of San Ildefonso for review and comment, who shall have thirty (30) days to review and provide written comments on the plan. The FHWA/NMDOT will revise the plan to address any comments received.
D. The FHWA/NMDOT will submit the final treatment plan to the SHPO for review and comment. The SHPO will have thirty (30) days to review and comment on the plan.
The FHWA/NMDOT shall revise the plan to incorporate any comments provided by the SHPO.

E. If any party to this PA objects to the findings of Adverse Effect, to the proposed treatment plan, or to the implementation of the treatment plan, the FHWA/NMDOT shall resolve the dispute in accordance with Stipulation XII.

F. If the signatories to the PA find themselves unable to reach a satisfactory resolution of adverse effects for an improvement and one or more signatories terminates consultation, FHWA/NMDOT shall comply with the procedures in 36 CFR 800.7.

G. Upon completion of the treatment plan, FHWA/NMDOT shall submit a preliminary report to the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO. The preliminary report shall describe the results of the treatment plan and the outcome of any discoveries treated in accordance with Stipulations X and XI. The parties shall have thirty (30) days to provide comments on the preliminary report.

H. FHWA/NMDOT shall revise the preliminary report or address any comments received on the implementation of the treatment plan prior to the commencement of construction for that improvement.

I. If FHWA/NMDOT does not receive comment on the preliminary report within 30 days, the FHWA/NMDOT will assume concurrence with the findings and construction of the proposed improvement may proceed.

VII. PUBLIC PARTICIPATION
A. Early in the planning process for all phases of the Project, the FHWA/NMDOT shall inform the general public of the project and of opportunities for participation in the compliance process for Section 106 of the National Historic Preservation Act as part of the NEPA procedures.

B. The FHWA/NMDOT shall seek and consider the opinions of the public in a manner that reflects the nature and complexity of each phase of the Project, its potential to affect historic properties, and the likely interest of the public in that phase.

VIII. CURATION
All artifacts and archeological materials retrieved from tribal lands and documents recording such retrieval will be curated by the Pueblo of Santa Clara or the Pueblo of San Ildefonso in accordance with 36 CFR 79.

IX. CONFIDENTIALITY
FWHA/NMDOT and the SHPO will keep confidential Sensitive Pueblo Information in accordance with Section 304 of the NHPA [16 U.S.C. 470w3], 36 CFR 800.11(c).

“Sensitive Pueblo Information” means information about historic properties (including location, character, and ownership), or knowledge or information acquired in any manner from the Pueblo or its agents, employees, or consultants, or collected from or observed on Pueblo lands, that is religious, historical, cultural, ceremonial, proprietary, financial, technical, commercial, or relates to the natural resources, cultural resources, or resource management practices of the Pueblo, and includes knowledge or information that is recorded in any form or medium, without limitation.
X. UNANTICIPATED DISCOVERIES
A. If previously undocumented historic properties are discovered during construction, all surface-disturbing activities within 100 feet of the discovery shall immediately cease and measures shall be taken to protect the cultural resources. The FHWA/NMDOT shall notify the BIA, the SHPO, the Pueblo of Santa Clara and the Pueblo of San Ildefonso within 24 hours.
B. If the FHWA/NMDOT determines that the post-review discovery is a historic property, the terms of this PA shall apply and the procedures described in Stipulation IV shall be followed.
C. Any necessary treatment of the discovered historic property shall follow Stipulation V. When the FHWA/NMDOT determines that the approved treatment has been completed, the construction may resume upon receiving authorization from the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO. The FHWA/NMDOT shall ensure that the results of such treatment efforts are reported to the other parties.

XI. INADVERENT DISCOVERY OF HUMAN REMAINS
A. If human remains and/or funerary objects are discovered, all surface-disturbing activities within 100 feet of the discovery shall immediately cease, and measures shall be taken to protect the remains or NAGPRA cultural items.
B. FHWA/NMDOT will notify the BIA, the Pueblo of Santa Clara and the Pueblo of San Ildefonso.
C. The BIA, the Pueblo of Santa Clara and the Pueblo of San Ildefonso will consult with FHWA/NMDOT to identify appropriate measures to treat the remains, the site area, and any NAGPRA cultural items.
D. FHWA/NMDOT may not begin construction in the area of discovery until the treatment measures agreed upon by the BIA, the Pueblo of Santa Clara and the Pueblo of San Ildefonso have been implemented.

XII. DISPUTE RESOLUTION
A. Should any party to this Agreement object in writing to the FHWA or the NMDOT regarding any action carried out or proposed with respect to the Undertaking or to the implementation of this Agreement, the agency shall consult with the objecting party to resolve the objection.
B. If after initiating such consultation the FHWA/NMDOT determines that the objection cannot be resolved through consultation, the FHWA/NMDOT shall forward all documentation relevant to the objection to the ACHP, including the agency’s proposed response to the objection.
C. Within 30 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
   1. Advise the FHWA/NMDOT that the ACHP concurs in the FHWA/NMDOT’s proposed response to the objection, whereupon the FHWA will respond to the objection accordingly;
   2. Provide the FHWA/NMDOT with recommendations, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
3. Notify the FHWA/NMDOT that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. The FHWA/NMDOT shall take the resulting comment into account in accordance with 36 CFR 800.7(c)(4).

XIII. AMENDMENT
A. Any signatory to this PA may request that it be amended, whereupon the parties shall consult to consider such amendment. The amendment will be effective on the date it is executed by all of the signatories and filed with ACHP.

XIV. TERMINATION
A. If any signatory to this PA determines that its terms will not, or cannot, be carried out that party shall immediately consult with the other signatories to develop an amendment in accordance with Stipulation XIII. If, within thirty (30) days, an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.
B. Once the PA is terminated, and prior to work continuing on the Project, RUS must either (a) execute another agreement pursuant to 36 CFR § 800.6 or 36 CFR § 800.14, or (b) request, take into account, and respond to the comments of ACHP under 36 CFR § 800.7. FHWA/NMDOT shall notify the other signatories as to the course of action it will pursue.

XV. ANTI-DEFICIENCY PROVISION
All obligations on the part of FHWA/NMDOT shall be subject to the availability and allocations of appropriated funds for such purposes. Should FHWA/NMDOT be unable to fulfill the terms of this PA, it will immediately notify and consult with the BIA, the Pueblo of Santa Clara, the Pueblo of San Ildefonso and the SHPO to determine whether to amend or terminate this PA in accordance with Stipulations XIII and XIV.

XVI. SUNSET CLAUSE
The terms of this Agreement are valid through 2016 or completion of all phases of the project, whichever comes first. If all projects are not complete by 2016, the parties to this Agreement will consult on whether it would be appropriate to extend the Agreement.
PROGRAMMATIC AGREEMENT
IMPROVEMENTS TO NM 30 ACROSS SANTA CLARA PUEBLO and SAN
ILDEFONSO PUEBLO, MILEPOST 0 TO MILEPOST 8.48
SANTA FE and RIO ARIBBA COUNTIES, NEW MEXICO

Execution and implementation of this Agreement and of all supplements to this agreement
evidence that FHWA has taken into account the effects of the NM 30 undertakings on historic
properties and afforded the Advisory Council on Historic Preservation an opportunity to
comment on those effects.

Signatories:

SANTA CLARA PUEBLO- Please see attached Santa Clara Pueblo Resolution from December 2011
By: [Signature]
   Governor Walter Dasheno
   Date: [Signature]

SAN ILDEFONSO PUEBLO
By: [Signature]
   Governor Terry Aguilar
   Date: [Signature]

DOI BUREAU OF INDIAN AFFAIRS, SOUTHWEST FIELD OFFICE
By: [Signature]
   BIA Albuquerque Area Director
   Date: [Signature]

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER
By: [Signature]
   Jan V. Biella
   Interim New Mexico State Historic Preservation Officer
   Date: [Signature]

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION
By: [Signature]
   Gregory L. Heitmann
   for: J. Don Martinez, FHWA NM Division Administrator
   Date: [Signature]

NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
By: [Signature]
   R. Blake Rowlau
   for: Alvin C. Dominguez, P.E., NMDOT Cabinet Secretary
   Date: [Signature]
APPENDIX A: Illustrations of Alternatives selected by Santa Clara Pueblo and San Ildefonso work groups (from Phase A/B report)
Alternative 5
4-Lanes with Separated Paved Median
BOP (MP 0) to the Santa Clara Pueblo Boundary (MP 5.1)

Alternative 10
4-Lane Urban Section
North of the Santa Clara Pueblo Boundary (MP 5.1) to the Santa Clara Clinic (MP 6.6)

Santa Clara Pueblo Working Group Option 4A
Santa Clara Clinic (MP 6.6) to the EOP (MP 8.5)
APPENDIX B: NM 30 Project Purpose and Need and Area map
The NM 30 Improvements project Purpose and Need:

The NM 30 Improvements project was developed to provide physical, operational, and safety improvements to the travelling public on NM 30. **Physical deficiencies** include existing pavement distress, silting and scouring at drainage structures, and areas with insufficient shoulder widths. **Operational deficiencies** include travel demand and congestion issues, especially during high traffic volume periods in the morning and early evening hours. **Safety deficiencies** include inadequate traffic flow and passing opportunities, crashes, lack of protected left-turn lanes, and inadequate pedestrian/non-motorized facilities.

The project begins (BOP) at MP 0 on NM 30, and ends (EOP) at MP 8.48:
APPENDIX C: Section 106 consultation letters
SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
District 5, Cultural Resource Investigations

Governor Perry Martinez
Pueblo of San Ildefonso
Route 5, Box 315-A
02 Tuntso Po
Santa Fe, NM 87506
Attention: Byron P. Montoya, Department of Environment and Cultural Preservation

Dear Governor Martinez:

The New Mexico Department of Transportation (NMDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing improvements to NM 30 between mileposts 0 and 8.48, Santa Fe and Río Arriba Counties, New Mexico. The proposed construction will be phased out through several years, with the first construction phase planned for early Fall 2012 in two locations: 1) between mileposts 1.5 and 2.5 at the Battleship Subdivision intersection on San Ildefonso Pueblo lands, with added acceleration and deceleration lanes added and roadway lighting; and 2) between mileposts 7.0 and 8.0 at the intersection of Kee Street and NM 30 on Santa Clara Pueblo lands, with the addition of a signalized intersection with left turn lanes, pedestrian sidewalks, and curb and gutter construction. The entire corridor of NM 30, between mileposts 0 and 8.48, has been studied for several years, with preliminary design efforts assigned NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980, funded with federal monies through the Federal Highway Administration. The construction phases will also be funded through the Federal Highway Administration.

Due to the proposed construction phases extending over several years, the NMDOT and FHWA will develop a Programmatic Agreement that will outline a cultural resources consultation strategy for the project corridor, including participation with all landowners in the project area, and the New Mexico Historic Preservation Division. Individual construction projects within the corridor will be developed in phases. The NMDOT/FHWA will continue consultation as project designs advance to a point sufficient for consultation on issues such as effect determinations and treatment options.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with land managing agencies in order to meet requirements of Section 106 of the National Historic Preservation Act of 1966, as amended through 1992, and in accordance with 36 CFR 800.7 (August 5, 2004). NMDOT Project TPM-TPO-TPA-030-(1), CN 3980 is located on Santa Clara Pueblo lands, San Ildefonso Pueblo lands, and NMDOT lands acquired from private sources.

A cultural resource inventory for the entire corridor was completed in 2007, and is attached for your review (A
Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marron and Associates, Inc., Report Number 234. The survey inventory identified and recorded five archaeological sites, three acequias, one historic marker, fourteen historic buildings, and eighteen isolated occurrences. The eighteen isolated occurrences have been recorded, are not likely to yield additional information, and are therefore recommended not eligible to the National Register of Historic Places. Please see the attached report for further details.

LA 157689 is a historic refuse dump dating between 1900 and 1945, located mainly to the west of the west NM 30 right-of-way between mileposts 7.79 and 7.82, on Santa Clara Pueblo lands. Within the NM 30 right-of-way, the site has been fully recorded, and no sub-surface remains are present. There is the potential for sub-surface remains for the portion of LA 157689 that lies on private property west of the NM 30 right-of-way fence line. LA 157689 is therefore recommended eligible to state and national registers, under Criterion D, for these potential sub-surface remains. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157690 consists of a terrace, rock alignment, and low density historic refuse located west of the west NM 30 right-of-way, between mileposts 7.06 and 7.12, on Santa Clara Pueblo lands. LA 157690 dates between 1880 and 1912, and is recommended eligible to state and national registers under Criterion D. LA 157690 lies entirely outside of the NM 30 right-of-way, and any proposed undertaking will have no effect to this resource.

LA 157691 is a prehistoric gravel mulch garden plot dating between 1300 and 1600 AD, located in the east NM 30 right-of-way, between mileposts 6.64 and 6.67, on Santa Clara Pueblo lands. Due to recent earth-moving disturbances within the NM 30 right-of-way and in the agricultural fields just beyond the right-of-way fence line, the only remains of this prehistoric garden plot are found in a 1 meter wide strip adjacent to the NM 30 east right-of-way fence. LA 157691 is recommended eligible to state and national registers under Criterion D, for the potential to yield information on Classic Period agriculture in the Santa Clara Pueblo area. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157692 is a prehistoric artifact scatter dating between 1175 and 1300 AD, located in the east NM 30 right-of-way, between mileposts 6.53 and 6.59, on Santa Clara Pueblo lands. Most of LA 157692 has been impacted by modern road construction within the NM 30 right-of-way, and by recent agricultural work east of the NM 30 right-of-way on private land. It is estimated that approximately 20 percent of the original site remains in a 10 to 12 meter wide strip within the NM 30 right-of-way. LA 157692 is recommended eligible to state and national registers under Criterion D. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157693 is a low-density prehistoric artifact scatter located along the west right-of-way fence line, in the west NM 30 right-of-way, between mileposts 4.43 and 4.48, on San Ildefonso Pueblo lands. LA 157693 has no indicated temporal affiliation, and is heavily disturbed in the area located within highway right-of-way. In the areas further west of the NM 30 right-of-way, LA 157693 has good potential for buried deposits and is recommended eligible to state and national registers under Criterion D. The proposed first phase of construction along NM 30 will have no impact to this resource.

The three acequias include two previously recorded features and one newly recorded feature, all located on Santa Clara Pueblo lands. The Vigiles Ditch (LA 109296/114355) crosses the project area at the intersection of NM 30 and US 84/285 (at mp 8.48 on NM 30). The Indios Acequia (LA 132129) crosses NM 30 in three places between mileposts 6.6 and 7.2 on NM 30 within the project area. The Guachupangue Ditch, newly recorded in this survey, crosses NM 30 in five places within the project area between mileposts 7.4 and 8.1. All of these acequias have been or are currently recommended eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C. The proposed first phase of construction along NM 30 includes work between mileposts 7.0 and 8.0, which includes portions of the Indios Acequia and Guachupangue Ditch. All proposed construction will work carefully with Santa Clara Pueblo and any users of these acequias to ensure that the road construction will have no impact to these resources. The Programmatic Agreement for the total NM 30 corridor will address any future proposed construction within the NM 30 right-of-way.
The historic marker, with text on the history of Santa Clara Pueblo, is located on NM 30 in the west right-of-way, across from the intersection of NM 30 and Gutierrez Drive. Historic markers are protected by state law (NMAC 4.10.6L), in recognition of the historic program begun by the New Mexico Highway Department in 1925.

Of the fourteen buildings recorded, none of the structures are recommended eligible to state and national registers. All of these structures lie outside of the NM 30 right-of-way, and will not be impacted by any proposed road construction.

We have determined that five prehistoric sites (LA 157689, LA 157690, LA 157691, LA 157692, and LA 157693), are eligible to the National Register of Historic Places under Criterion D. The proposed first construction phase between mileposts 2.5 to 3.5 and 7.0 to 8.0 will have no effect on these resources.

In addition, we have determined that three historic acequias (Vigilées Ditch, Indios Acequia, and the Guachupangue Ditch) are eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C. The proposed first construction phase is along NM 30 at mileposts 2.5 to 3.5 and 7.0 to 8.0, and the Indios Acequia and the Guachupangue Ditch cross NM 30 in numerous locations between mileposts 7.0 and 8.0. The proposed road construction in this location will have no adverse effect to these resources. The NMDOT will be working closely with Santa Clara Pueblo to ensure that road construction will not impact these resources.

Since projects in the corridor will be developed in several phases, it will not be possible to assess all potential effects until additional project development occurs. As such, a Programmatic Agreement will be prepared for your review and signature. The Programmatic Agreement will allow for continued consultation as project designs are advanced. Consultation will include effect determinations as well as the development and implementation of any required mitigation measures. Execution of the Programmatic Agreement will complete our agency responsibilities under 36 CFR 800 (December 12, 2000) and Section 106 of the National Historic Preservation act of 1966, as amended.

Sincerely,

Gregory T. Heitmann
FHWA Environmental Specialist
For: J.Don Martinez, FHWA Division Administrator

R. Blake Roxlau
NM DOT Cultural Resources Bureau Manager
For: Alvin Domínguez, P.E., NM DOT Cabinet Secretary

COMMENTS: The Pueblo de San Ildefonso request that further consultation continue and that we be fully informed and participate on the development of the Programmatic Agreement that will outline cultural resources consultation strategies for the State Road 30 corridor.

The Pueblo de San Ildefonso would also like to monitor all construction that takes place on or near all cultural sites.

Should you have any questions or concerns, please call or e-mail.

Bryan P. Montoya
Pueblo de San Ildefonso
1st Lt. Governor

Department of Environmental
& Cultural Preservation
Cultural Resource Advisor
bmontoya@sanildefonso.org
505-455-2273 office
505-699-1052 cell
SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
District 5, Cultural Resource Investigations

January 20, 2011

Governor Perry Martinez
Pueblo of San Ildefonso
Route 5, Box 315-A
02 Tunyo Po
Santa Fe, NM 87506
Attention: Bryan P. Montoya, Department of Environment and Cultural Preservation

Dear Governor Martinez:

The New Mexico Department of Transportation (NMDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing improvements to NM 30, between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, New Mexico. This is NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980. We are enclosing for your review and comments documents describing a cultural resource inventory pertaining to this project. Funds provided by the Federal Highway Administration will be used for this project.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with land managing agencies in order to meet requirements of Section 106 of the National Historic Preservation Act of 1966, as amended through 1992, and in accordance with 36 CFR 800.7 (December 12, 2000). This proposed project to improve NM 30 is located on Santa Clara Pueblo lands, San Ildefonso lands, and NMDOT land acquired from private sources.

A cultural resource inventory has been completed, and is entitled: A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marron and Associates, Inc., Report Number 234. Please see the enclosed report for further details.

As part of the Section 106 process, we would like to consult with the Pueblo of San Ildefonso to help identify any areas of traditional religious or cultural importance that may be within the project’s Area of Potential Effect (APE). If religious locations are identified within the proposed area, we will work with the Pueblo of San Ildefonso to avoid and protect those identified locations without disclosing any specific information on the site location or religious activity.

Please indicate by checking one of the boxes below whether or not the Pueblo of San Ildefonso has concerns regarding any traditional religious or cultural areas within the proposed project areas. If we do not hear from the Pueblo of San Ildefonso within 30 days of the receipt of this letter, it may indicate you have no
concerns or comments, and we can move forward with the Section 106 process. Please let us know if you need additional time beyond the 30 days to respond, so we can adjust our schedule.

Please address any questions to Blake Roxlau, NMDOT Cultural Resources Coordinator, at (505) 827-5224, or to Gregory Heitmann, Federal Highway Administration Environmental/Realty Specialist, at (505) 820-2027.

Thank you.

Sincerely,

Gregory L. Heitmann
FHWA Environmental/Realty Specialist
For: J. Don Martinez, FHWA Division Administrator

R. Blake Roxlau
NMDOT Cultural Resources Program Manager
For: Alvin Dominguez, P.E., NMDOT Cabinet Secretary

/thew

The Pueblo of San Ildefonso has determined that the proposed undertaking (CN 3980) to improve NM 30 between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, New Mexico, will not affect any objects, sites, or locations of traditional religious or cultural importance to the Pueblo.

The Pueblo of San Ildefonso has determined that the proposed undertaking (CN 3980) to improve NM 30 between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, will affect objects, sites, or locations of traditional religious or cultural importance to the Pueblo. Your agency should undertake further consultation with the Pueblo of San Ildefonso in order to evaluate, consider, or avoid such locations.

CONCUR: ___________________________________ DATE: 02/09/2011

Pueblo of San Ildefonso
SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
District 5, Cultural Resource Investigations

January 20, 2011

Governor Walter Dasheno
Pueblo of Santa Clara
PO Box 580
One Kee Street
Espanola, NM 87532
Attention: Ben Chavarria, Land and Cultural Resources, Rights Protection

Dear Governor Dasheno:

The New Mexico Department of Transportation (NMDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing improvements to NM 30, between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, New Mexico. This is NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980. We are enclosing for your review and comments documents describing a cultural resource inventory pertaining to this project. Funds provided by the Federal Highway Administration will be used for this project.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with land managing agencies in order to meet requirements of Section 106 of the National Historic Preservation Act of 1966, as amended through 1992, and in accordance with 36 CFR 800.7 (December 12, 2000). This proposed project to improve NM 30 is located on Santa Clara Pueblo lands, San Ildefonso lands, and NMDOT land acquired from private sources.

A cultural resource inventory has been completed, and is entitled: A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marron and Associates, Inc., Report Number 234. Please see the enclosed report for further details.

As part of the Section 106 process, we would like to consult with the Pueblo of Santa Clara to help identify any areas of traditional religious or cultural importance that may be within the project’s Area of Potential Effect (APE). If religious locations are identified within the proposed area, we will work with the Pueblo of Santa Clara to avoid and protect those identified locations without disclosing any specific information on the site location or religious activity.

Please indicate by checking one of the boxes below whether or not the Pueblo of Santa Clara has concerns regarding any traditional religious or cultural areas within the proposed project areas. If we do not hear from the Pueblo of Santa Clara within 30 days of the receipt of this letter, it may indicate you have no
concerns or comments, and we can move forward with the Section 106 process. Please let us know if you need additional time beyond the 30 days to respond, so we can adjust our schedule.

Please address any questions to Blake Roxlau, NMDOT Cultural Resources Coordinator, at (505) 827-5224, or to Gregory Heitmann, Federal Highway Administration Environmental/Realty Specialist, at (505) 820-2027.

Thank you.

Sincerely,

[Signature]

Gregory L. Heitmann
FHWA Environmental/Realty Specialist
For: J. Don Martínez, FHWA Division Administrator

[Signature]

N. Blake Roxlau
NMDOT Cultural Resources Program Manager
For: Alvin Domíquez, P.E., NMDOT Cabinet Secretary

The Pueblo of Santa Clara has determined that the proposed undertaking (CN 3980) to improve NM 30 between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, New Mexico, will not affect any objects, sites, or locations of traditional religious or cultural importance to the Pueblo.

[Signature]

The Pueblo of Santa Clara has determined that the proposed undertaking (CN 3980) to improve NM 30 between mileposts 0 and 8.48, Rio Arriba and Santa Fe Counties, will affect objects, sites, or locations of traditional religious or cultural importance to the Pueblo. Your agency should undertake further consultation with the Pueblo of Santa Clara in order to evaluate, consider, or avoid such locations.

CONCUR: [Signature]

DATE: 03/5/11

Pueblo of Santa Clara
February 28, 2011

SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
Diirier 5, Cultural Resource Investigations

Governor Walter Dashaoo
Pueblo of Santa Clara
PO Box 380
One Kee Street
Españo/a, NM 87532
Attention: Ben Chuvarría, Land and Cultural Resources, Rights Protection

Dear Governor Dashesho:

The New Mexico Department of Transportation (NMDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing improvements to NM 39 between mileposts 0 and 8.48, Santa Fe and Rio Arriba Counties, New Mexico. The proposed construction will be phased out through several years, with the first construction phase planned for early Fall 2012 in two locations: 1) between mileposts 7.0 and 8.0 at the intersection of Kee Street and NM 39 on Santa Clara Pueblo lands, with the addition of a signalized intersection with left turn lanes, pedestrian sidewalks, and curb and gutter construction; and 2) between mileposts 1.5 and 2.5 at the Battleship Subdivision intersection on San Ildefonso Pueblo lands, with added acceleration and deceleration lanes added and roadway lighting. The entire corridor of NM 39, between mileposts 0 and 8.48, has been studied for several years, with preliminary design efforts assigned NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980, funded with federal monies through the Federal Highway Administration. The construction phases will also be funded through the Federal Highway Administration.

Due to the proposed construction phases extending over several years, the NMDOT and FHWA will develop a Programmatic Agreement that will outline a cultural resources consultation strategy for the project corridor, including participation with all landowners in the project area, and the New Mexico Historic Preservation Division. Individual construction projects within the corridor will be developed in phases. The NMDOT/FHWA will continue consultation as project designs advance to a point sufficient for consultation on issues such as effect determinations and treatment options.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with land managing agencies in order to meet requirements of Section 106 of the National Historic Preservation Act of 1966, as amended through 1992, and in accordance with 36 CFR 800.7 (August 5, 2004). NMDOT Project TPM-TPO-TPA-030-(1), CN 3980 is located on Santa Clara Pueblo lands, San Ildefonso Pueblo lands, and NMDOT lands acquired from private sources.

A cultural resource inventory for the entire corridor was completed in 2007, and is attached for your review (A
Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marren and Associates, Inc., Report Number 234. The survey inventory identified and recorded five archaeological sites, three acequias, one historic marker, fourteen historic buildings, and eighteen isolated occurrences. The eighteen isolated occurrences have been recorded, are not likely to yield additional information, and are therefore recommended not eligible to the National Register of Historic Places. Please see the attached report for further details.

LA 157689 is a historic refuse dump dating between 1900 and 1945, located mainly to the west of the west NM 30 right-of-way, between mileposts 7.79 and 7.82, on Santa Clara Pueblo lands. Within the NM 30 right-of-way, the site has been fully recorded, and no sub-surface remains are present. There is the potential for sub-surface remains for the portion of LA 157689 that lies on private property west of the NM 30 right-of-way fence line. LA 157689 is therefore recommended eligible to state and national registers under Criterion D, for these potential sub-surface remains. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157690 consists of a terrace, rock alignment, and low density historic refuse located west of the west NM 30 right-of-way, between mileposts 7.06 and 7.12, on Santa Clara Pueblo lands. LA 157690 dates between 1880 and 1912, and is recommended eligible to state and national registers under Criterion D. LA 157690 lies entirely outside of the NM 30 right-of-way, and any proposed undertaking will have no effect to this resource.

LA 157691 is a prehistoric gravel malach garden plot dating between 1300 and 1600 AD, located in the east NM 30 right-of-way, between mileposts 6.64 and 6.67, on Santa Clara Pueblo lands. Due to recent earth-moving disturbances within the NM 30 right-of-way and in the agricultural fields just beyond the right-of-way fence line, the only remains of this prehistoric garden plot are found in a 1 meter wide strip adjacent to the NM 30 east right-of-way fence. LA 157691 is recommended eligible to state and national registers under Criterion D, for the potential to yield information on Classic Period agriculture in the Santa Clara Pueblo area. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157692 is a prehistoric artifact scatter dating between 1175 and 1300 AD, located in the east NM 30 right-of-way, between mileposts 6.53 and 6.59, on Santa Clara Pueblo lands. Most of LA 157692 has been impacted by modern road construction within the NM 30 right-of-way, and by recent agricultural work east of the NM 30 right-of-way on private land. It is estimated that approximately 20 percent of the original site remains in a 10 to 12 meter wide strip within the NM 30 right-of-way. LA 157692 is recommended eligible to state and national registers under Criterion D. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157693 is a low-density prehistoric artifact scatter located along the west right-of-way fence line, in the west NM 30 right-of-way, between mileposts 4.43 and 4.48, on San Ildefonso Pueblo lands. LA 157693 has no indicated temporal affiliation, and is heavily disturbed in the areas located within highway right-of-way. In the areas further west of the NM 30 right-of-way, LA 157693 has good potential for buried deposits and is recommended eligible to state and national registers under Criterion D. The proposed first phase of construction along NM 30 will have no impact to this resource.

The three acequias include two previously recorded features and one newly recorded feature; all located on Santa Clara Pueblo lands. The Vigilis Ditch (LA 109296/114335) crosses the project area at the intersection of NM 30 and US 84/285 (at mp 8.48 on NM 30). The Indios Acequia (LA 132129) crosses NM 30 in three places between mileposts 6.6 and 7.2 on NM 30 within the project area. The Guachupangue Ditch, newly recorded in this survey, crosses NM 30 in five places within the project area between mileposts 7.4 and 8.1. All of these acequias have been or are currently recommended eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C. The proposed first phase of construction along NM 30 includes work between mileposts 7.0 and 8.0, which includes portions of the Indios Acequia and Guachupangue Ditch. All proposed construction will work carefully with Santa Clara Pueblo and any users of these acequias to ensure that the road construction will have no impact to these resources. The Programmatic Agreement for the total NM 30 corridor will address any future proposed construction within the NM 30 right-of-way.
The historic marker, with text on the history of Santa Clara Pueblo, is located on NM 30 in the west right-of-way, across from the intersection of NM 30 and Gutierrez Drive. Historic markers are protected by state law (NMAC 4.10.6.D.), in recognition of the historic program begun by the New Mexico Highway Department in 1935.

Of the fourteen buildings recorded, none of the structures are recommended eligible to state and national registers. All of these structures lie outside of the NM 30 right-of-way, and will not be impacted by any proposed road construction.

We have determined that five prehistoric sites (LA 157689, LA 157690, LA 157691, LA 157692, and LA 157693), are eligible to the National Register of Historic Places under Criterion D. The proposed first construction phase between mileposts 2.5 to 3.5 and 7.0 to 8.0 will have no effect on these resources.

In addition, we have determined that three historic acequias (Vigilles Ditch, Indios Acequia, and the Guachupangue Ditch) are eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C. The proposed first construction phase is along NM 30 at mileposts 2.5 to 3.5 and 7.0 to 8.0, and the Indios Acequia and the Guachupangue Ditch cross NM 30 in numerous locations between mileposts 7.0 and 8.0. The proposed road construction in this location will have no adverse effect to these resources. The NMDOT will be working closely with Santa Clara Pueblo to ensure that road construction will not impact these resources.

Since projects in the corridor will be developed in several phases, it will not be possible to assess all potential effects until additional project development occurs. As such, a Programmatic Agreement will be prepared for your review and signature. The Programmatic Agreement will allow for continued consultation as project designs are advanced. Consultation will include effect determinations as well as the development and implementation of any required mitigation measures. Execution of the Programmatic Agreement will complete our agency responsibilities under 36 CFR 800 (December 12, 2000) and Section 106 of the National Historic Preservation act of 1966, as amended.

Sincerely,

[Signatures]
Gregory D. Herissm
FHWA Environmental Specialist
For: Jon Martinez, FHWA Division Administrator

R. Blake Roxtain
NMDOT Cultural Resources Bureau Manager
For: Alvin Dominguez, P.E., NMDOT Cabinet Secretary

COMMENTS:
Santa Clara Pueblo
April 12, 2011

SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
District 5, Cultural Resource Investigations

Jan V. Biella
Interim State Historic Preservation Officer
Office of Cultural Affairs
Historic Preservation Division
407 Galisteo, Suite 236
Santa Fe, New Mexico 87501

Dear Ms. Biella:

The New Mexico Department of Transportation (NMDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing improvements to NM 30 between mileposts 0 and 8.48, Santa Fe and Rio Arriba Counties, New Mexico. The proposed construction will be phased out through several years, with the first construction phase planned for early Fall 2012 in two locations: 1) between mileposts 7.0 and 8.0 at the intersection of Kee Street and NM 30 on Santa Clara Pueblo lands, with the addition of a signalized intersection with left turn lanes, pedestrian sidewalks, and curb and gutter construction; and 2) between mileposts 1.5 and 2.5 at the Battleship Subdivision intersection on San Ildefonso Pueblo lands, with added acceleration and deceleration lanes added and roadway lighting. The entire corridor of NM 30, between mileposts 0 and 8.48, has been studied for several years, with preliminary design efforts assigned NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980, funded with federal monies through the Federal Highway Administration. The construction phases will also be funded through the Federal Highway Administration.

Due to the proposed construction phases extending over several years, the NMDOT and FHWA will develop a Programmatic Agreement that will outline a cultural resources consultation strategy for the project corridor, including participation with all landowners in the project area, and the New Mexico Historic Preservation Division. Individual construction projects within the corridor will be developed in phases. The NMDOT/FHWA will continue consultation as project designs advance to a point sufficient for consultation on issues such as effect determinations and treatment options.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with land managing agencies in order to meet requirements of Section 106 of the National Historic Preservation Act of 1966, as amended through 1992, and in accordance with 36 CFR 800.7
(August 5, 2004). NMDOT Project TPM-TPO-TPA-030-(1), CN 3980 is located on Santa Clara Pueblo lands, San Ildefonso Pueblo lands, and NMDOT lands acquired from private sources.

Comment has been received from San Ildefonso Pueblo and from Santa Clara Pueblo. In a written response from San Ildefonso Pueblo dating from February 25, 2011, 1st Lt. Governor Bryan P. Montoya commented that San Ildefonso requests further consultation as the project develops, that they be involved in monitoring construction near cultural sites, and that they be fully informed and participate in the development of the Programmatic Agreement for the NM 30 corridor construction. As per Santa Clara Pueblo request from Mr. Ben Chavarria, Land and Cultural Resources/Right of Way Protection, a personal meeting between the NMDOT and Mr. Chavarria on March 31, 2011 resulted in a comment that Santa Clara Pueblo is concerned about when mowing of the NM 30 right-of-way occurs, since they gather herbs prior to their first day in early fall, and elders wish the NM 30 area near the Pueblo to not be mowed at that time. A general concern with the potential for data recovery at LA 157692 was expressed, although it was discussed that the development of the Programmatic Agreement for the NM 30 corridor will resolve these concerns.

A cultural resource inventory for the entire corridor was completed in 2007, and was sent for your review, with comment received on August 24, 2010. HPD Log # 89770. Attached please find your agency response and a copy of the inventory report (A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marron and Associates, Inc., Report Number 234). The survey inventory identified and recorded five archaeological sites, three aqueducts, one historic marker, fourteen historic buildings, and eighteen isolated occurrences. The eighteen isolated occurrences have been recorded, are not likely to yield additional information, and are therefore recommended not eligible to the National Register of Historic Places. Please see the attached report for further details.

LA 157689 is a historic refuse dump dating between 1900 and 1945, located mainly to the west of the west NM 30 right-of-way between mileposts 7.79 and 7.82, on Santa Clara Pueblo lands. Within the NM 30 right-of-way, the site has been fully recorded, and no sub-surface remains are present. There is the potential for sub-surface remains for the portion of LA 157689 that lies on private property west of the NM 30 right-of-way fence line. LA 157689 was recommended as eligible to state and national registers, under Criterion D, for these potential sub-surface remains, but no determination was made in August 2010 with your office (HPD Log # 89770). The NMDOT, again, recommends LA 157689 as eligible to state and national registers. The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157690 consists of a terrace, rock alignment, and low density historic refuse dump located west of the west NM 30 right-of-way, between mileposts 7.06 and 7.12, on Santa Clara Pueblo lands. LA 157690 dates between 1880 and 1912, and was determined eligible to state and national registers under Criterion D (HPD Log # 89770). LA 157690 lies entirely outside of the NM 30 right-of-way, and any proposed undertaking will have no effect to this resource.

LA 157691 is a prehistoric gravel mulch garden plot dating between 1300 and 1600 AD, located in the east NM 30 right-of-way, between mileposts 6.64 and 6.67, on Santa Clara Pueblo lands. Due to recent earth-moving disturbances within the NM 30 right-of-way and in the agricultural fields just beyond the right-of-way fence line, the only remains of this prehistoric garden plot are found in a 1 meter wide strip adjacent to the NM 30 east right-of-way fence. LA 157691 was determined eligible to state and national registers under Criterion D, for the potential to yield information on Classic Period agriculture in the
Santa Clara Pueblo area (HPD Log# 89770). The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157692 is a prehistoric artifact scatter dating between 1175 and 1300 AD, located in the east NM 30 right-of-way, between mileposts 6.53 and 6.59, on Santa Clara Pueblo lands. Most of LA 157692 has been impacted by modern road construction within the NM 30 right-of-way, and by recent agricultural work east of the NM 30 right-of-way on private land. It is estimated that approximately 20 percent of the original site remains in a 10 to 12 meter wide strip within the NM 30 right-of-way. LA 157692 was determined eligible to state and national registers under Criterion D (HPD Log# 89770). The proposed first phase of construction along NM 30 will have no impact to this resource.

LA 157693 is a low-density prehistoric artifact scatter located along the west right-of-way fence line, in the west NM 30 right-of-way, between mileposts 4.43 and 4.48, on Santa Clara Pueblo lands. LA 157693 has no indicated temporal affiliation, and is heavily disturbed in the areas located within highway right-of-way. In the areas further west of the NM 30 right-of-way, LA 157693 has good potential for buried deposits and is recommended eligible to state and national registers under Criterion D (HPD Log# 89770). The proposed first phase of construction along NM 30 will have no impact to this resource.

The three acequias include two previously recorded features and one newly recorded feature, all located on Santa Clara Pueblo lands. The Vigilus Ditch (LA 109296/114355) crosses the project area at the intersection of NM 30 and US 84/285 (at mile 8.48 on NM 30). The Indios Acequia (LA 132129) crosses NM 30 in three places between mileposts 6.6 and 7.2 on NM 30 within the project area. The Guachupangue Ditch, newly recorded in this survey, crosses NM 30 in five places within the project area between mileposts 7.4 and 8.1. All of these acequias were determined eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C (HPD Log# 89770). The proposed first phase of construction along NM 30 includes work between mileposts 7.0 and 8.0, which includes portions of the Indios Acequia and Guachupangue Ditch. All proposed construction will be coordinated with Santa Clara Pueblo and any users of these acequias to ensure that the road construction will have no impact to these resources. The Programmatic Agreement for the NM 30 corridor will address any future proposed construction within the NM 30 right-of-way.

The historic marker, with text on the history of Santa Clara Pueblo, is located on NM 30 in the west right-of-way, across from the intersection of NM 30 and Gutierrez Drive. Historic markers are protected by state law (NMAC 4.10.6.1.), in recognition of the historic program begun by the New Mexico Highway Department in 1935.

Of the fourteen buildings recorded, none of the structures are recommended eligible to state and national registers. HPD comment included determinations that buildings 2, 3, 5, 6, 7, 8, 12, and 13 were not eligible, and that buildings 1, 4, 9, 11, and 14 were undetermined for eligibility (HPD Log# 89770). All of these structures lie well outside of the NM 30 right-of-way, and will not be impacted by any proposed road construction.

Subject to your concurrence, we have determined that five prehistoric sites (LA 157689, LA 157690, LA 157691, LA 157692, and LA 157693), are eligible to the National Register of Historic Places under Criterion D. The proposed first construction phase between mileposts 2.5 to 3.5 and 7.0 to 8.0 will have no effect on these resources.

In addition, subject to your concurrence, we have determined that three historic acequias (Vigilus Ditch,
Indios Acquia, and the Guachupangle Ditch) are eligible to the National Register of Historic Places under Criterion A, and possibly under Criterion C. The proposed first construction phase is along NM 30 at mileposts 2.5 to 3.5 and 7.0 to 8.0, and the Indios Acquia and the Guachupangle Ditch cross NM 30 in numerous locations between mileposts 7.0 and 8.0. The proposed road construction in this location will have no adverse effect to these resources. The NMDOT will be working closely with Santa Clara Pueblo to ensure that road construction will not impact these resources.

Since projects in the corridor will be developed in several phases, it will not be possible to assess all potential effects until additional project development occurs. As such, a Programmatic Agreement will be prepared for your review and signature. The Programmatic Agreement will allow for continued consultation as project designs are advanced. Consultation will include effect determinations as well as the development and implementation of any required mitigation measures. Execution of the Programmatic Agreement will complete our agency responsibilities under 36 CFR 800 (December 12, 2000) and Section 106 of the National Historic Preservation act of 1966, as amended.

Sincerely,

[Signatures]

Gregory L. Heitmann
FHWA Environmental Specialist
For: J. Don Martinez, FHWA Division Administrator

R. Blake Roxelau
NMDOT Cultural Resources Bureau Manager
For: Alvin C. Dominguez, P.E., NMDOT Cabinet Secretary

CONCURRENCE: [Signature]
New Mexico Historic Preservation Division

COMMENTS: Concern that an EA needs to be developed.
April 25, 2011

Gregory L. Heitmann, Environmental Specialist
Federal Highway Administration, New Mexico Division
4001 Office Court Dr, Ste 801
Santa Fe, New Mexico 87507

Re: NM 30, Mileposts 0-8.48

Dear Mr. Heitmann,

This letter is in response to your correspondence dated April 12, 2011, with an enclosed cultural resources survey report, regarding the Federal Highway Administration (FHWA) and New Mexico Department of Transportation (NMDOT) proposing improvements to NM 30 between mileposts 0 and 8.48. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in New Mexico. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate the FHWA and NMDOT’s continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office has reviewed the enclosed cultural resources survey report that identifies two National Register eligible sites including LA 157692, described as a prehistoric artifact scatter that may be adversely affected by this proposal. The Hopi Tewas of First Mesa occupied a village east of Santa Clara prior to their move to Hopi during the Spanish re-conquest. Therefore, we have determined that this proposal may adversely affect cultural resources significant to the Hopi Tribe and we request continuing consultation on this proposal. If sites LA 157692 and LA 157693 cannot be avoided by project activities, please provide us with a copy of the treatment plan for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at 928-734-3619 or tmorgart@hopi.nvo.us. Thank you for your consideration.

Respectfully,

Leight Kwaaniwistewa, Director
Hopi Cultural Preservation Office

cc: New Mexico State Historic Preservation Office
R. Blake Roxlau, New Mexico Department of Transportation
May 24, 2011

SUBJECT: NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980
        District 5, Cultural Resource Investigations

Dr. Bruce Harrill
Area Archaeologist
Bureau of Indian Affairs
PO Box 26567
Albuquerque, NM 87125-6567

Dear Dr. Harrill:

The New Mexico Department of Transportation, in cooperation with the Federal Highway Administration, is proposing to reconstruct NM 30 between mileposts 0 and 8.48, Santa Fe and Rio Arriba Counties, New Mexico (NMDOT Project Numbers NMDOT Project Number TPM-TPO-TPA-030-(1), CN 3980). Following extensive consultation with San Ildefonso Pueblo and Santa Clara Pueblo over several years, the preferred alternative includes distinct requests by both tribes.

1) For San Ildefonso Pueblo lands (mileposts 0 to 4 on NM 30): construction will create a four lane facility from an existing two lane facility, to match to an existing four lane intersection at a convenience store.

2) For Santa Clara Pueblo lands (mileposts 4 to 8.48 on NM 30): construction will include a signalized intersection at Kee Street and maintenance of the existing two lane facility (mill and inlay of two 12 ft. lanes with 4 to 8 ft. shoulders in Santa Clara Pueblo.

The Federal Highway Administration (FHWA) will take the administrative lead in completing the coordination with cultural resource inventory assessing the historic bridges and surveying proposed construction detour areas in the project (Cultural Resources Report: A Class I and Class III Survey for Proposed Safety Improvements along NM 30 between Mile Posts 0.0 and 8.48 in Santa Fe and Rio Arriba Counties, New Mexico, by Marcon and Associates, Inc., Marcon Report Number 0234).

In accordance with 36 CFR § 800.6 (1), the FHWA is inviting the Bureau of Indian Affairs to participate in a Programmatic Agreement that will be developed for treatment of cultural resources through several construction
phases, for the improvements to NM 30 between mileposts 0 and 8.48, Santa Fe and Rio Arriba Counties, New Mexico.

Thank you.

Sincerely,

[Signature]

Gregory V. Holtmann
FHWA Environmental Specialist
For: J. Don Martinez, FHWA Division Administrator

[Signature]

R. Blake Roehl
NMDOT Cultural Resources Bureau Manager
For: Alvin C. Dominguez, P.E., NMDOT Cabinet Secretary

COMMENTS: ———— Bureau of Indian Affairs, Albuquerque Office

[Signature]
June 13, 2011

Gregory L. Heitmann
FHWA - New Mexico Division
4601 Office Court Drive, Suite 801
Santa Fe, NM 87507

Ref: Proposed Reconstruction of NM 30 between Mileposts 0 & 8.48
NMDOT Project # TPR-TPA-TPA-034-(1), CN 3890
Santa Fe and Rio Arriba Counties, New Mexico

Dear Mr. Heitmann:

On June 1, 2011, the Advisory Council on Historic Preservation (ACHP) 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 you 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, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine 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 Programmatic Agreement (PA), 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 PA 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 your notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Ngaahi Duval-Gabriel at 202-606-8585 or at ngabriel@achp.gov.

Sincerely,

LaShario Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 903 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achip@achp.gov • www.achp.gov