

# **APPENDIX M**

## **ADDITIONAL CULTURAL RESOURCES CONSULTATION**

- **MAY 10, 2004 LETTER FROM THE NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS**
- **MARCH 4, 2004 USIBWC LETTER (TRANSMITTAL OF THE RGCP CULTURAL RESOURCES STUDY)**
- **FEBRUARY 19, 2004 LETTER FROM THE NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS**



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

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BILL RICHARDSON  
 Governor

May 10, 2004

Mr. Douglas Echlin  
 Lead Environmental Protection Specialist  
 USIBWC, Environmental Management Division  
 4171 North Mesa Street, C-100  
 El Paso, TX 79902

RE: Request for comments on the DEIS on River Management Alternatives for the Rio Grande Canalization Project (RGCP)

Dear Mr. Echlin:

I am writing to follow-up my letter dated February 19, 2004 in which we noted that we needed a copy of the *Cultural Resource Class I Survey and Geoarchaeological Study*, prepared by Ecosystem Management, Inc. (edited by Kenneth Brown) in order to complete our review of the DEIS. Thank you for providing a copy of this excellent study. Below we summarize our observations.

A5b-1 According to the DEIS and Class I Survey and Geoarchaeological report, field reconnaissance within the narrow Canalization Project right-of-way determined that of the 19 previously recorded archaeological sites, four are on private land outside of the right-of-way and eight sites are within the right-of-way. Of the eight sites within the right-of-way, seven were not relocated, either because of the absence of landowner permission, could not be field verified because of the absence of property boundary markers, or could not be relocated because of dense vegetation. According to Table 9.1 (Brown:115-116), Ecosystem Management recommended actions to the following sites:

- LA 1646 and LA 1671 need to be rerecorded.
- LA 2410 may be within the work area and needs to be relocated.
- LA 2800 and LA 72703- Need to obtain landowner permission and relocate.
- LA 2931 needs to be relocated.
- LA 106782 - Consult with NM SHPO
- LA 107943 is within USIBWC right-of way and its location was confirmed.
- LA 120257- avoid
- LA 131204- avoid
- LA 131868 - determine canal origin.

It is not clear from the DEIS or the Class I study whether there will be any effects to these sites. The effects, if any, need to be specified.

In addition to the field reconnaissance, a geomorphic study at ten select locations along the Rio Grande from Percha Dam, Sierra County to the American Dam in El Paso County, Texas was conducted. The purpose of the geomorphic study was to provide a model for predicting where buried archaeological sites might occur (Brown:42). Although ten areas were identified as potential meander restoration areas where the clearing of trees or bulldozing of the river embankment may potentially expose buried cultural deposits, no buried deposits were found.

**A5b-2** The geomorphic study documented the presence of buried landforms in the right-of-way project; however few prehistoric sites are recorded within the Rio Grande floodplain and our understanding of the relation between prehistoric occupation surfaces and the landforms within the Rio Grande corridor are presently unknown (Brown:116). Consequently site densities and types are difficult to ascertain given the paucity of research along the Rio Grande channel. Figures 9.1-9.15 (Brown:118-132) show areas within the right-of-way that have the highest potential to have surface cultural remains based on the presence of ground surfaces that are elevated above the floodplain. These areas are identified as having a better chance for visibility during a pedestrian survey and are areas less likely to have been silted over or scoured away by seasonal flooding (Brown:116-117). These areas need to be systematically surveyed to identify any cultural remains that may be present on the surface in order to make a determination of effect for the project.

**A5b-3** In addition, as a result of the geomorphic study, areas were identified that might require deeper testing since these sediments may contain buried sites. In these instances an archaeological monitor and/or discovery protocol as outlined in the DEIS will be implemented in order to mitigate adverse effects.

**A5b-4** In your letter date stamped March 4, 2004, you indicated that did not wish to extend the comment period on the DEIS to encompass consultation with the tribes that I identified in my February 19 letter. It is our opinion that the tribes we identified (Comanche Indian Tribe, Kiowa Tribe, Navajo Nation, and Hopi Tribe) should be contacted. Although the Native American Consultation database is a good starting point, it is based on land claims filed with the National Park Service. The additional tribes we identified may have traditional cultural properties in the area of effect even though they have not filed a land claim. In addition, the Class I study and DEIS state that the Mescalero Apache Tribe, the Pueblo of Isleta, and the White Mountain Apache tribe in Whiteriver, Arizona which to review the EIS or be kept informed about the project.

**A5b-5** In order to complete consultation under Section 106 of the National Historic Preservation Act additional cultural resources identification and tribal consultation needs to be conducted. Since this project requires a programmatic agreement, the record of decision

identification of cultural resources will be occur and that the process will be outlined in the programmatic agreement.

If you have any questions concerning these comments, please do not hesitate to contact me. I can be reached at (505) 827-4064.

Sincerely,



Michelle M. Ensey  
Staff Archaeologist

Log: 70478



INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER  
UNITED STATES SECTION

**MAR 4 - 2004**

Ms. Michelle M. Ensey  
Staff Archaeologist  
Department of Cultural Affairs  
Historic Preservation Division  
228 East Palace Avenue  
Santa Fe, New Mexico 87501

Dear Ms. Ensey:

Thank you for your February 19, 2004 comment letter regarding the Draft Environmental Impact Statement (EIS) for River Management Alternatives for the Rio Grande Canalization Project. You stated that your office did not have a copy of the Ecosystem Management, March 2001 report titled, *Cultural Resource Class I Survey and Geoarchaeological Study, USIBWC Rio Grande Canalization Project, Sierra and Doña Ana Counties, New Mexico and El Paso County, Texas*. Our records show that we failed to provide your office a copy of the report; one is now enclosed for your information.

We appreciate your comments on the Draft EIS, and they will be considered in the preparation of the Final EIS. I do want to respond to one of your comments at this time, however, in an effort to offset the need to extend the comment period. You indicate that additional listed tribes need to be contacted. In Chapter 7 of the March 2001 report, the Native American Consultation Database (NACD) was queried to fully assess possible Tribal concerns for those Tribes who have filed land claims in Sierra or Doña Ana counties, New Mexico and El Paso County, Texas. The Tribes consulted are those listed by the NACD. We believe that this provides a good rationale for not contacting the additional tribes you recommend.

Thank you for taking the time to review and comment on the Draft EIS. Again, we apologize for not providing you a copy of the March 2001 report. If you have questions, please call Environmental Protection Specialist Douglas Echlin at (915) 832-4741.

Sincerely,

Sylvia A. Waggoner  
Division Engineer  
Environmental Management Division

Enclosure: *Cultural Resource Class I Survey and Geoarchaeological Study, USIBWC Rio Grande Canalization Project, Sierra and Doña Ana Counties, New Mexico and El Paso County, Texas*, March 2001

cc w/o Enclosure: Dr. R.C. Wooten, Senior Associate, Parsons Corporation, Austin



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 Governor

February 19, 2004

Mr. Douglas Echlin  
 Lead Environmental Protection Specialist  
 USIBWC, Environmental Management Division  
 4171 North Mesa Street, C-310  
 El Paso, TX 79902

RE: Request for comments on the DEIS on River Management Alternatives for the Rio Grande Canalization Project (RGCP)

Dear Mr. Echlin:

I am writing in response to your invitation for comments on the DEIS for the RCGP. Although we have missed the February 10, 2004 deadline for submission of comments, we hope that the United States Section, International Boundary and Water Commission (USIBWC) will consider our comments. After a thorough review of the DEIS we have several concerns, which are discussed in more detail below.

**A5-1** According to the DEIS, a field reconnaissance, records search and geoarchaeological studies were conducted of the RGCP and the RGCP ROW to note historic structures and archaeological resources. Table 3.10-4 (page 3-63) lists historical and archaeological sites and areas with a higher potential for preservation of cultural resources based on the field reconnaissance and geoarchaeological studies conducted by Ecosystem Management in 2001. Our office does not have a copy of this report and we need a copy for review before determining whether this strategy of identification is appropriate for the project. I have contacted Ecosystem Management directly to see if I can obtain a copy.

**A5-2** Consultation with Native American groups was initiated in December 2000. Letters were sent to Pueblo of Isleta, Mescalero Apache Tribe, White Mountain Apache Tribe, Pueblo of Zuni, Ysleta del Sur Pueblo, and Fort Sill Apache Tribe. According to our consultations with Native American tribes, we have determined that, in addition to the above listed tribes; the following tribes should be contacted:

Comanche Indian Tribe  
 Kiowa Tribe  
 Navajo Nation  
 Hopi Tribe

Since tribal consultation was initiated in 2000, new letters should be sent to the tribes along with a copy of the DEIS to continue the consultation process. I have enclosed a current list of tribal contacts for your use.

**A5-3** The Summary of Potential Effects (Section 4.10.2, page 4-61) lists the potential effects of each alternative on cultural resources. The DEIS states that the Flood Control Improvement Alternative will not effect cultural resources and the integrated USIBWC Land Management Alternative and Targeted River Restoration Alternative have the potential to effect areas with a greater potential for undiscovered sites or would be in the general vicinity of a recorded site. We are unable to make determinations of effect for each alterative until we have the opportunity to review the 2001 Ecosystem Management report discussed above.

**A5-4** The mitigation measures outlined in the DEIS (Table 4.14-4, page 4-84) appear to be a discovery protocol. These mitigation measures are inadequate to resolve adverse effects.

**A5-5** To summarize, although the DEIS provides important information, it does not contain sufficient information for consultation under Section 106 of the National Historic Preservation Act. The level of cultural resource identification, effects of the project, and mitigation measures can be addressed in a programmatic agreement (PA) between the USIBWC, this office, the Texas SHPO, and the Advisory Council.

Please do not hesitate to contact me if you have any questions concerning these comments. We will be happy to provide assistance in developing the PA. I can be reached at (505) 827-4064.

Sincerely,



Michelle M. Ensey  
Staff Archaeologist

Log: 69813

Enc. Tribal Consultation List

# Indian Affairs Department



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