Appendix B

Public and Agency Involvement

- **Project Announcements and Media**
- **BLM Interested Party Letter**
- **County and BLM Website Screenshots**
- **FHWA and BLM Public Open House Materials**
- **Public Open House Meeting Boards**
- **Public Open House Presentation**
- **Public Open House Comment Sheet**
- **Tribal Coordination Letters**
- **New Mexico SHPO Correspondence**

Project Announcements and Media

Doña Ana County

ROAD IMPROVEMENTS FOCUS OF PUBLIC MEETING

2014-09-29 13:54

Doña Ana County District 3 Commissioner Benjamin Rawson, along with several Doña Ana County staff members, will host a public meeting to discuss proposed roadway improvements along Baylor Canyon Road and Dripping Springs Road.

Representatives with the Bureau of Land Management will also be at the meeting to provide preliminary information on the project, and to answer questions from the public.

The meeting will take place Tuesday, Oct. 14, 2014 from 6 to 7 p.m. at the Organ Fire Station, 5816 Third Street in Organ.

With sufficient notice, a translator will be provided for non-English speaking residents. Anyone requiring translation, auxiliary aids or services for this meeting can contact Angie Guerrero at (575) 525-6180 or via email to angieg@donaanacounty.org.

Anyone unable to attend the meeting can submit written comments to the email address above, or via regular mail to the Doña Ana County Government Center, attention Angie Guerrero, 845 N. Motel Boulevard, Las Cruces, NM 88007.

****

Road meeting to focus on upgrades to Baylor Canyon, Dripping Springs

— Sun-News report

POSTED: 09/29/2014 02:05:33 PM MDT

LAS CRUCES >> Doña Ana County District 3 Commissioner Benjamin Rawson, along with several Do Ana County staff members, will host a public meeting to discuss proposed roadway improvements along Baylor Canyon Road and Dripping Springs Road.

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BLM seeks input for proposed rights-of-way

Filed Under: **second front**

Published November 21, 2014 | by mngiadmin |

BLM Seeks Public Input on Proposed Rights-of-Way Applications for Improvements to Dripping Springs and Baylor Canyon Roads

Las Cruces, NM – The Bureau of Land Management (BLM) is seeking comments on a proposed environmental assessment (EA) for Doña Ana County's rights-of-way application to upgrade and realign portions of Dripping Springs Road and Baylor Canyon Road. The roads are located east of Las Cruces, New Mexico near the Organ Mountains and would involve 4.9 miles of roadway improvements.

In order to comply with the National Environmental Policy Act (NEPA), the BLM will analyze environmental impacts of the proposed road improvements in an EA. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.

Improvements proposed include roadway paving, drainage improvements, and where possible, straightening curves. Also proposed is realignment of curves at a windmill location along Baylor Canyon Road and at the intersection of Dripping Springs and Baylor Canyon Roads. The new roads would be constructed for all-weather/year-round use, and would have two 12-foot driving lanes with 4-foot shoulders. The proposed project is tentatively scheduled to begin in January 2016.

Two Federal agencies are participating in the NEPA process. While the BLM is considering a proposal to authorize the road improvements, and the Federal Highway Administration (FHWA) would authorize the expenditure of the funding for the road improvements. The funding is provided from FHWA's Federal Lands Access Program, which funds work on public roadways located on, or provide access to, Federal lands.

Public comment will be accepted until December 4, 2015. Comments can be mailed to the BLM Las Cruces District Office, Attention: Frances Martinez, 1800 Marquess Street, Las Cruces, NM

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In Fiscal Year 2013, the BLM generated $4.7 billion in receipts from public lands.

Release Date: 11/05/14
Contacts: Frances Martinez, 575-525-4385

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Public comment will be accepted until December 4, 2015. Comments can be mailed to the BLM Las Cruces District Office, Attention: Frances Martinez, 1800 Marquess Street, Las Cruces, NM 88005 or emailed to blm_nm_lcdo_comments@blm.gov. Project information is available on the Las Cruces District website at www.blm.gov/nm/lascruces.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In Fiscal Year 2013, the BLM generated $4.7 billion in receipts from public lands.

--BLM--

BLM Interested Party Letter

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
www.blm.gov/nm

TAKE PRIDE IN AMERICA

In Reply Refer To:

NMNM 066392
NMNM 131088
2800 (L0310)

OCT 1 0 2014

Dear Interested Party:

The Bureau of Land Management (BLM) has received two separate applications from Doña Ana County to amend their rights-of-way for improvements to Dripping Springs Road (BLM Serial Number NMNM 066392) and Baylor Canyon Road (BLM Serial Number NMNM 131088) located east of Las Cruces, New Mexico in Doña Ana County. The Federal Highway Administration (FHWA), Central Federal Lands Highway Division, in cooperation with Doña Ana County, is proposing improvements to the roads funded by the Federal Lands Access Program.

Approximately 4.9 miles of combined roadway improvements are proposed, including paving, drainage improvements, and where possible, straightening curves. Also proposed is realignment of curves at a windmill location along Baylor Canyon Road and at the intersection of Dripping Springs and Baylor Canyon Roads. The new roads would be constructed for all-weather/year-round use, and would have two 12-foot driving lanes with 4-foot shoulders. The project is currently scheduled for construction from January 2016 through August 2016.

The proposed project is located on land administered by the BLM as follows (see enclosed map):

New Mexico Principal Meridian, New Mexico
T. 22 S., R. 3 E.,
sec. 27, SE1/4SE1/4SE1/4;
sec. 34, E1/2NE1/4NE1/4, E1/2SE1/4NE1/4, E1/2NE1/4SE1/4, E1/2SE1/4SE1/4.
T. 23 S., R. 3 E.,
sec. 3, lot 1, E1/2SW1/4NE1/4, N1/2SE1/4NE1/4, E1/2SE1/4SW1/4, SW1/4SE1/4SW1/4, E1/2NW1/4SE1/4, N1/2SW1/4SE1/4;
sec. 9, S1/2SE1/4SW1/4, NE1/4SE1/4, SE1/4NW1/4SE1/4, N1/2SW1/4SE1/4, SW1/4SW1/4SE1/4;
sec. 10, W1/2NE1/4NW1/4, SE1/4NE1/4NW1/4, E1/2SW1/4NW1/4, SW1/4SW1/4NW1/4, NW1/4SE1/4NW1/4, NW1/4NW1/4SW1/4;
sec. 16, NW1/4NE1/4NW1/4, NW1/4NW1/4.

Doña Ana County has organized the following two public input meetings regarding the proposed improvements to Dripping Springs and Baylor Canyon Roads:

Tuesday, October 14, 2014

A public meeting on this project will be held at 6 p.m. at the Organ Fire Station, 5816 Third St., Organ, New Mexico. Doña Ana County and BLM staff will be available at this meeting to gather questions and comments from the public. Any general questions will be answered by available staff, but more specific engineering/design questions will be addressed by FHWA and HDR, the Engineering consultants hired to design the project, at the Public Open House and Presentation.

Tuesday, October 21, 2014

A Public Open House and Presentation on this project will be held from 6 p.m. to 8 p.m. at the New Mexico Farm & Ranch Heritage Museum Theatre, 4100 Dripping Springs Road. Staff from FHWA, BLM, Doña Ana County and HDR will be available. The presentation will begin at 6:30 p.m., followed by a question and answer session.

Please provide the BLM with any comments or recommendations on the proposed project no later than November 20, 2014.

Comments should be addressed to:

Bureau of Land Management
Las Cruces District
Attention: Frances Martinez
1800 Marquess St.
Las Cruces, NM 88005

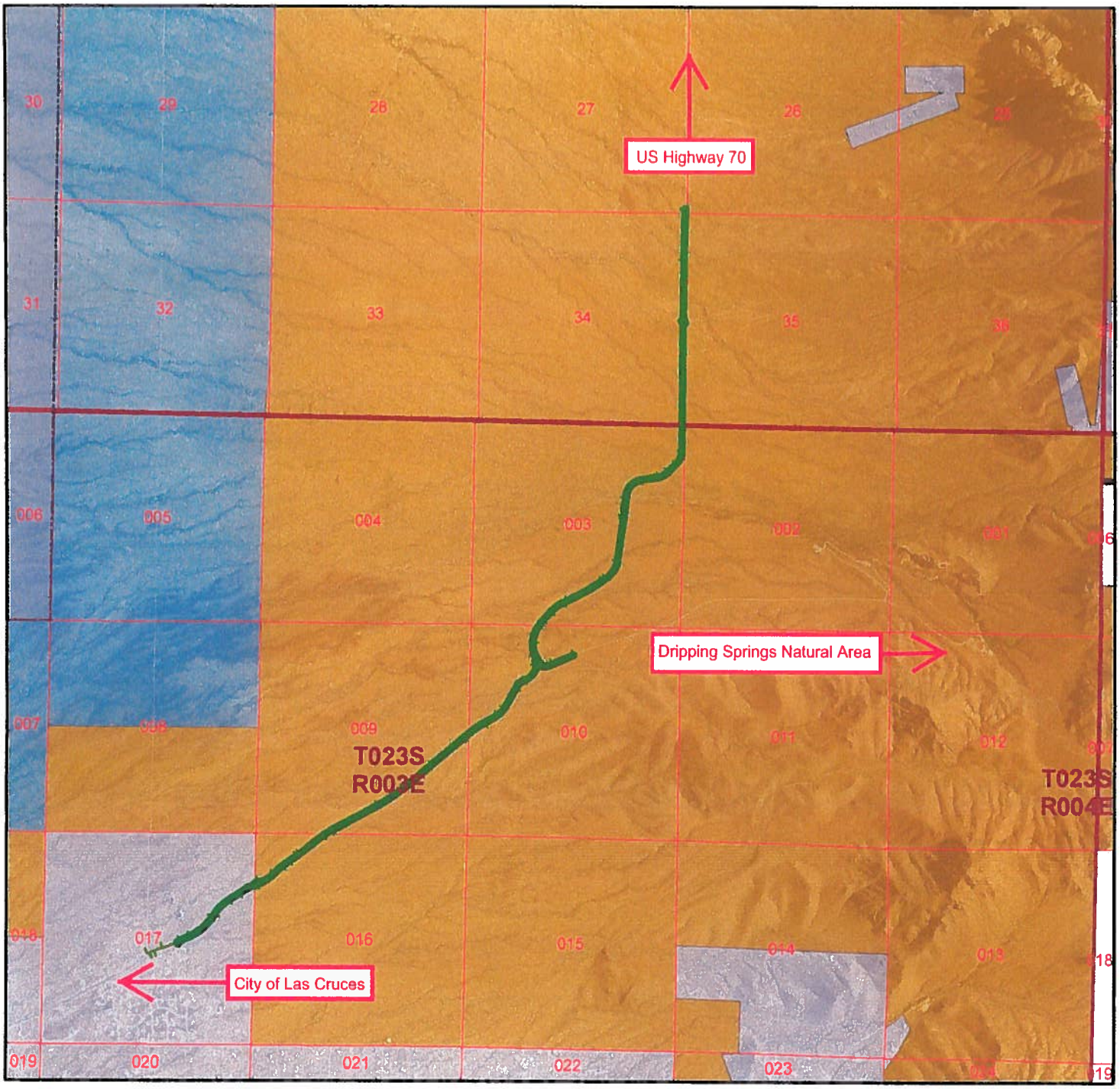
Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you have any questions or require further information, please contact Frances Martinez, Realty Specialist, at (575) 525-4385.

Sincerely,

for: Douglas N. Haywood
Acting Supervisory Lands and Minerals
Division of Multi-Resources

1 Enclosure



NMNM 066392
NMNM 131088
OCTOBER 2014

0 0.25 0.5 1 Miles

N

Legend

Alignment

Surface Ownership

Surface Ownership

Bureau of Land Management

Private

State

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information is subject to change without notification.

County and BLM Website Screenshots

Doña Ana County

Baylor Canyon/Dripping Springs construction project

Engineering thanks you for visiting the website, and for your interest in the proposed Baylor Canyon and Dripping Springs Road Improvement project. Attached are **the New Mexico Federal Land Access Program** application, scoping report and presentation documents for review. If you wish to make a comment please print and fill out a copy of the comment form provided. The deadline for additional comments is November 20, 2014 at 5:00pm.

1. Comment Form
2. Baylor Canyon & Dripping Springs Road Open House
3. BAYLOR CANYON AND RIPPING SPRINGS ROADWAY IMPROVEMENT PROJECT (PowerPoint Presentation)
4. CENTRAL FEDERAL LANDS HIGHWAY DIVISION INITIAL SCOPING SUMMARY
5. Federal Lands Access Program Scoping Report
6. Dona Ana County FLAP Application Cover Letter
7. Dona Ana County FLAP New Mexico Access Program Project Application
8. Organ Mountains Wilderness Study Area
9. Organ Needles Wilderness Study Area
10. Dripping Springs/Baylor Canyon Road Imrovements Match/Funding Need Analysisf
11. Letter of Support From Friends of the Organ Mountains- Desert Peaks
12. SFC Substitute for SB60 and HB337
13. Combined Project Estimate for Dripping Springs Road Phase
14. 2013 Federal Land Access Program Project Map
15. Benefit Cost Analysis
16. BLM Endorsement Letter

Return via email or to the following address:

FOR ADDITIONAL INFORMATION, CONTACT:

Frances Martinez, Realty Specialist

BLM Las Cruces District Office

1800 Marquess Street

Las Cruces, NM 88005

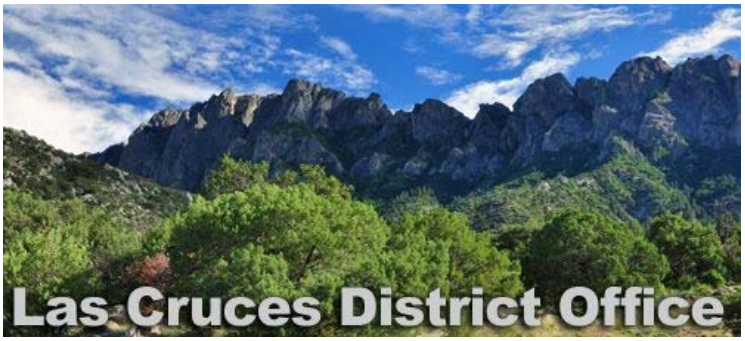
575-525-4300

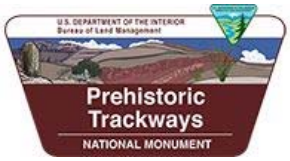
Email: fmartine@blm.gov

Search

New Mexico

- What We Do
- Visit Us
- Information Center
- Get Involved
- Field Offices
- Contact Us





In the Spotlight

Right-of-Way Application for Dripping Springs Road and Baylor Canyon Road Improvements

- Dear Interested Party Letter
- Map

Environmental Assessment: City of Las Cruces East Mesa Public Safety Complex and Recreation Area

- EA: DOI-BLM-NM-L000-2014-0019-EA
- Appendices
- Site Development Map

Temporary Closure of Public Land to Recreational Target Shooting Near the Prehistoric Trackways National Monument in Dona Ana County

- Federal Register Notice
- Map

Interim Management Policies and Procedures with Regard to the Management of Those Caves Having Significant Bat Roosts through the Issuance of Special Recreation Permits

President Obama Designates the Organ Mountains-Desert Peaks National Monument

- Organ Mountains-Desert Peaks National Monument
- White House Press Release

Truth or Consequences Landfill Transfer - Recreation and Public Purposes Act

- Dear Interested Public Letter
- Environmental Assessment
  - Appendices

Prehistoric Trackways National Monument Resource Management Plan

Planning / NEPA

- Las Cruces District Office Planning
- Las Cruces District Office NEPA

Oil and Gas

- 30- Day Notice of Staking and Application for Permit to Drill (APD) Filed on Federal Leases
  - Mixen 17 Federal #1
  - Bennett Ranch Unit #3
- Environmental Assessment for an Application for Permit to Drill (APD) on Bennett Ranch Unit No. 6

Recreation Sites

Organ Mountains-Desert Peaks National Monument

- Aguirre Spring Campground
- Dripping Springs
- Kilbourne Hole Volcanic Crater
- Picacho Peak Recreation Area
- Sierra Vista Trail
- Soledad Canyon
- La Cueva

Aden Hills OHV Area

Gila Lower Box Canyon

Lake Valley Backcountry Byway

Lake Valley Historic Townsite

McGregor Range

Prehistoric Trackways National Monument

Red Sands OHV Area

Robledo Mountains OHV Trail System

Three Rivers Petroglyphs

Tortugas Mountain Recreation Area

Contact

Las Cruces District Office
Bureau of Land Management
1800 Marquess Street
Las Cruces, NM 88005-3370

(575) 525-4300
(575) 525-4412 FAX

FHWA and BLM Public Open House Materials

- **Meeting Boards**
- **Presentation**
- **Comment Sheet**
- **Sign-in Sheets**

Public Open House Meeting Boards

Baylor Canyon & Dripping Springs Road Open House

Welcome!

October 21st, 2014
New Mexico Farm and Ranch Heritage Museum
4100 Dripping Spring Road, Las Cruces, NM

This project is a collaborative effort between the Federal Highway Administration, Doña Ana County, and Bureau of Land Management

New Mexico Federal Land Access Program Overview & Project Schedule

- The goal of the program is to improve transportation facilities that access federal lands
- FHWA and local communities collaborate throughout project development
- Federal and Local Match
  - Federal Government: ~85%
  - Doña Ana County: ~15%
- Project Schedule
  - FLAP application - May 2013
  - Initial scoping trip - Sept 2014
  - Environmental process - complete early 2015
  - Design - 2015
  - Construction - 2016

Purpose and Need

The purpose of the project is to enhance motorist safety and federal lands access by improving the roadway surface and existing drainage crossings, removing substandard curves, and adding striping, signage, and shoulders on approximately 2.5 miles of Baylor Canyon Road and approximately 2.4 miles of Dripping Springs Road.

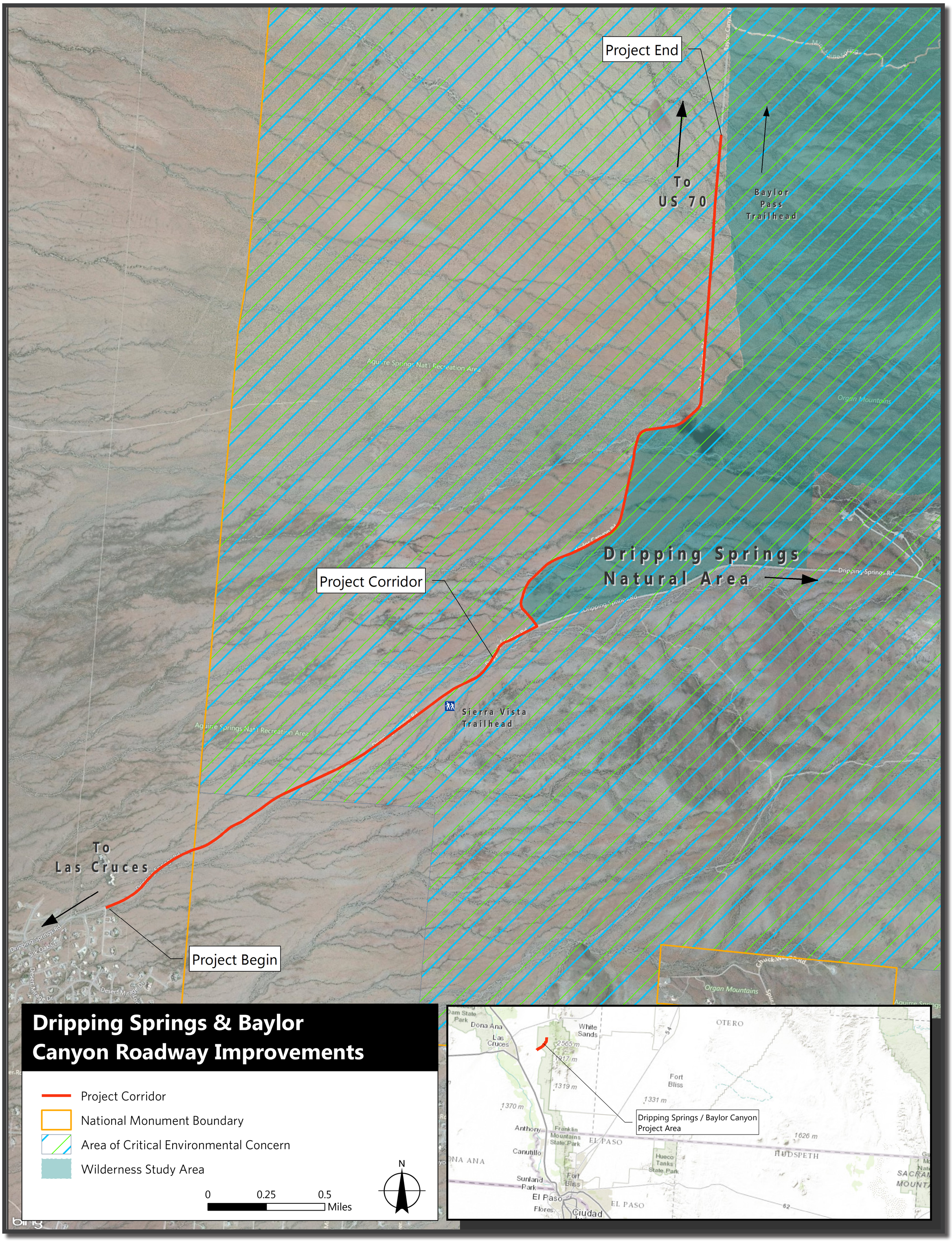
The proposed project addresses the following needs:

- The existing soft surface road and substandard curves have resulted in crashes as vehicles leave the roadway.
- Grading activities have resulted in gravel and soil berms lining the roadway, forcing water to drain along the roadway. This increases erosion, sedimentation into ephemeral drainages, and annual maintenance costs. The berms are up to three feet high in areas and block historic drainage patterns, which results in braided drainages as water leaves the roadway.
- Cyclists are discouraged from using the route because of its uneven and rough surface and lack of shoulders.
- Visitation to BLM-managed lands and recreation amenities, including Dripping Springs Natural Area, the Baylor Canyon Trailhead, and the Sierra Vista Trailhead, is currently discouraged because of the poor condition of the existing roadway.

Project Location

Baylor Canyon and Dripping Springs

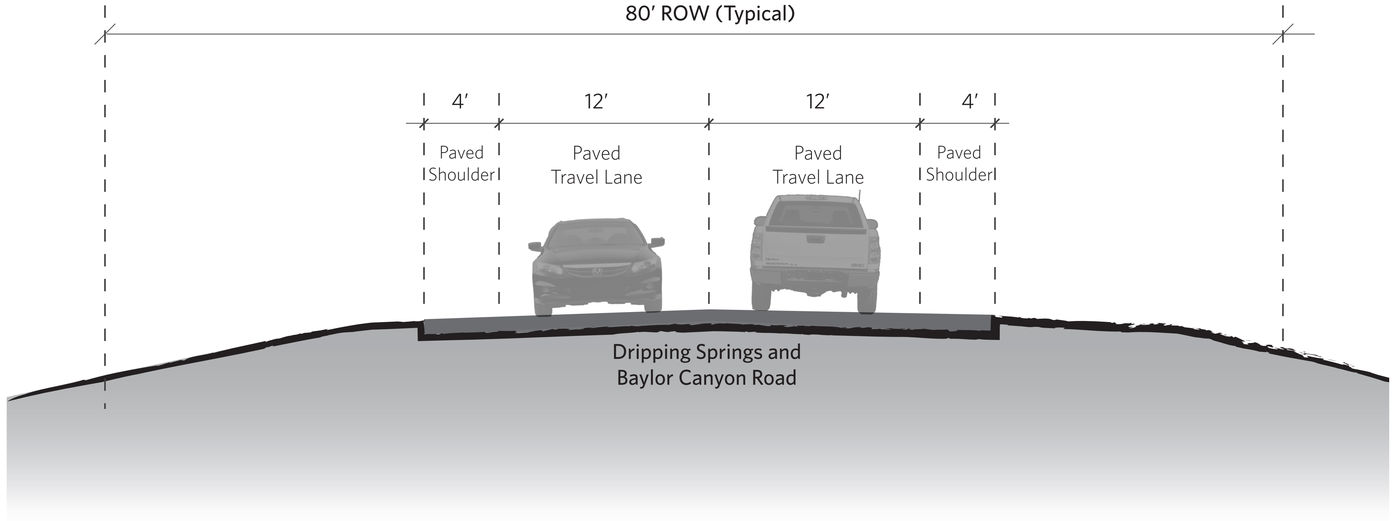
Roadway Improvement Project



Roadway Improvements

Baylor Canyon and Dripping Springs

Roadway Improvement Project



Total roadway width: 32′

- 12′ lanes and 4′ shoulders

Safety Improvements

- Curves
- Shoulders
- Low water crossings

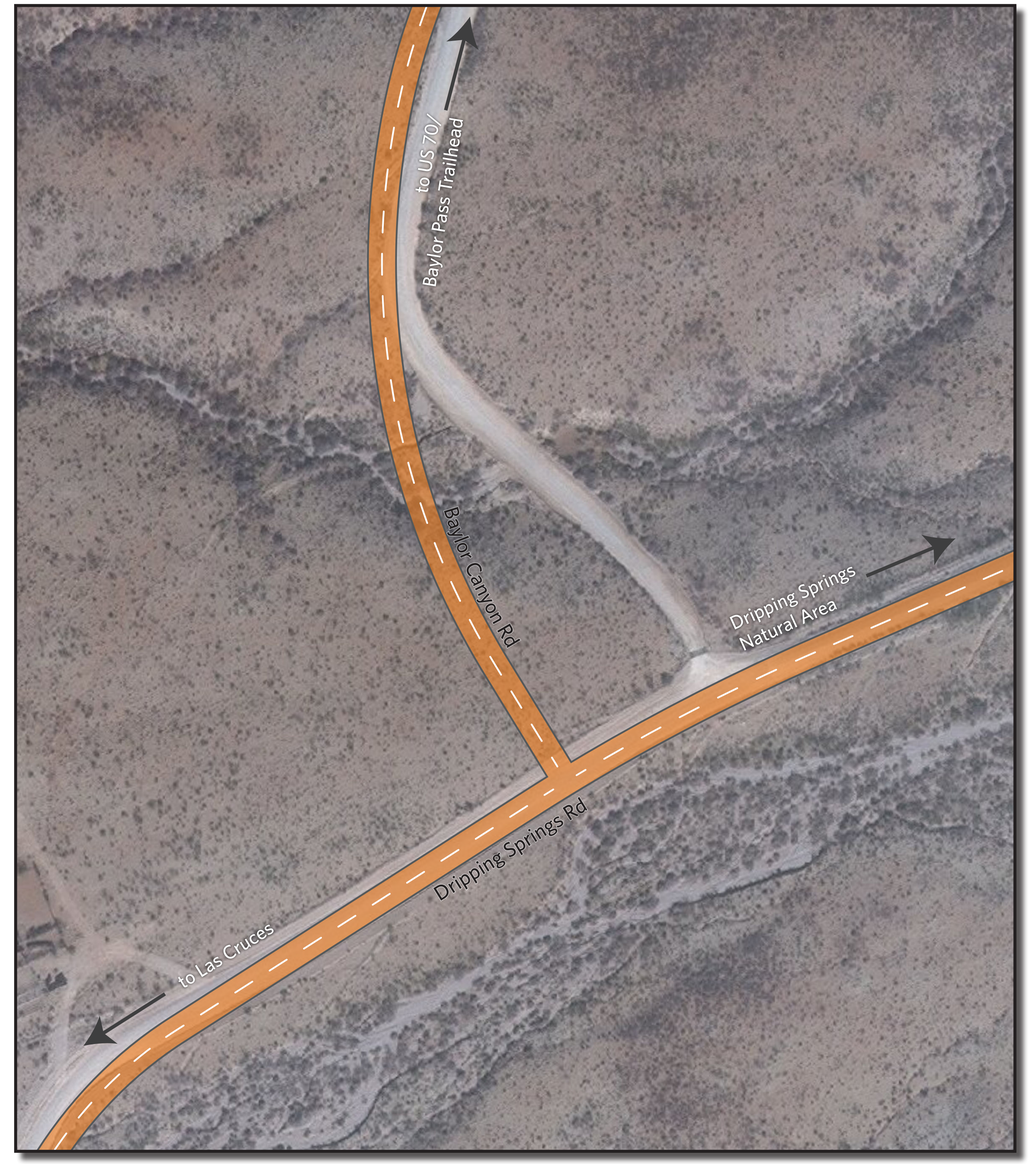
4.9 miles of roadway improvements

- Paving
- Curve straightening
- Low water crossings
- 4′ shoulders
- Roadside ditches
- Striping and signing
- Potential intersection realignment

Roadway Improvements (cont.)

Intersection Alternative A

Intersection Alternative B



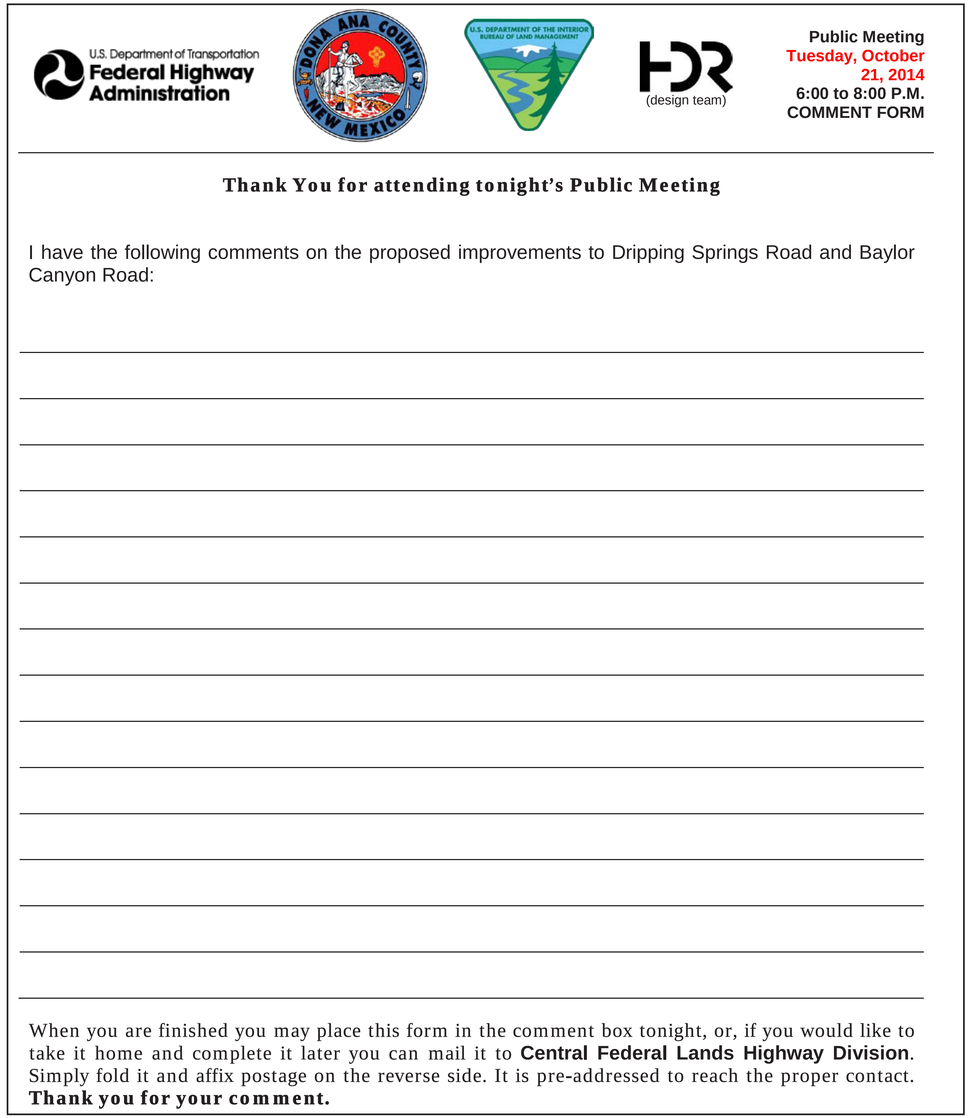
Environmental Impacts

Recreation Resources	▪ No impacts to the Wilderness Study Areas ▪ Temporary impacts to access during construction ▪ Improved multi-modal access and safety
Air Quality	▪ Short term impacts during construction ▪ Long term reduction of particulate pollution (dust)
Waters of the US and Water Quality	▪ Section 404 permit required from the Corps of Engineers because of impacts to existing drainages ▪ Erosion reduced
Visual Character	▪ Paved roadway would be more visible to recreationists
Grazing/Livestock	▪ 17 acres of active range would be converted to a transportation facility
Right-of-Way	▪ Right-of-way will be obtained from the BLM

How to Stay Involved

- Fill out a comment sheet
- Talk to a project team member
- Contact the following individuals:
  - FHWA: Tom Puto, Project Manager *(720) 963-3728, tom.puto@dot.gov*
  - Doña Ana County: Angie Guerrero
  - (575) 525-6180, angieg@ donaanacounty.org
  - BLM: Frances Martinez

    (575) 525-4385, fmartine@blm.gov



U.S. Department of Transportation Federal Highway Administration

(design team)

Public Meeting
Tuesday, October 21, 2014
6:00 to 8:00 P.M.
COMMENT FORM

Thank You for attending tonight's Public Meeting

I have the following comments on the proposed improvements to Dripping Springs Road and Baylor Canyon Road:

When you are finished you may place this form in the comment box tonight, or, if you would like to take it home and complete it later you can mail it to **Central Federal Lands Highway Division**. Simply fold it and affix postage on the reverse side. It is pre-addressed to reach the proper contact. **Thank you for your comment.**

Public Open House Presentation

HOW TO MAKE A COMMENT

- If you wish to provide a comment
  - Complete an index card with your name and contact information
  - You will be called upon for comment at the end of the presentation
  - Summarize your input on a comment form to be included in the project record

- If you prefer not to speak
  - Complete a written comment form and leave it with a project team member, or;
  - Send to the Bureau of Land Management via U.S. Postal Service

U.S. Department of Transportation
Federal Highway Administration

NATIONAL SYSTEM OF PUBLIC LANDS
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DONA ANA COUNTY
NEW MEXICO

BAYLOR CANYON
AND DRIPPING SPRINGS
ROADWAY IMPROVEMENT PROJECT

FDR

AGENDA

- Federal Lands Access Program (FLAP) Overview
- Project Partners
- Project Purpose and Need
- Proposed Roadway Improvements
- Environmental Impacts
- Proposed Schedule
- Comments

NEW MEXICO FEDERAL LANDS ACCESS PROGRAM

- Goal of the program is to improve transportation facilities that access federal lands
- Federal and local match
  - Federal government: ~85%
  - Doña Ana County: ~15%

PROJECT PARTNERS

- Federal Highway Administration
- Bureau of Land Management (BLM)
- Doña Ana County

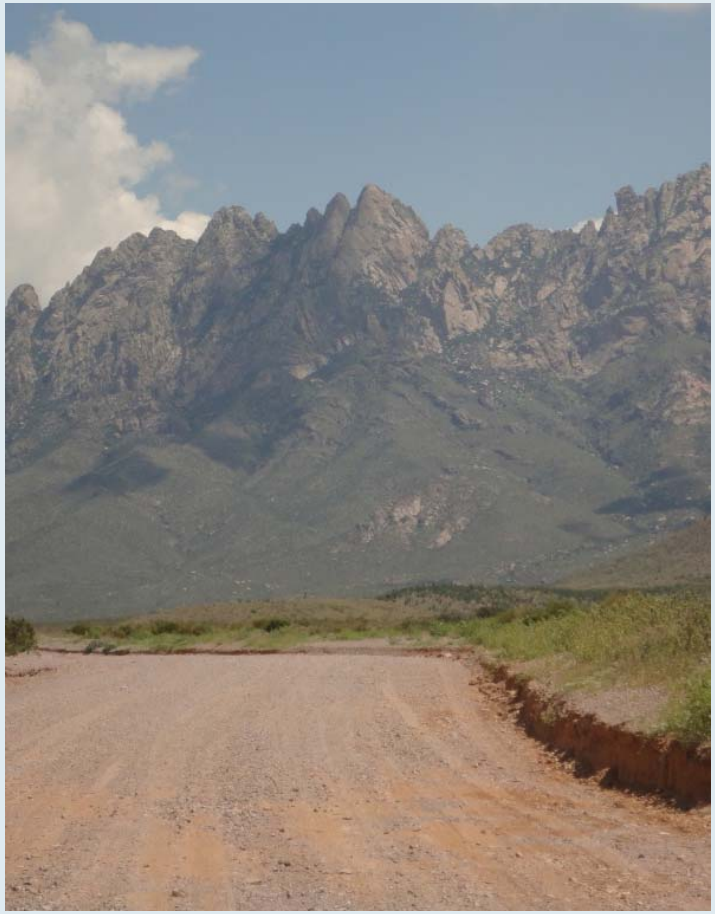
PURPOSE OF THE PROJECT

- The purpose of the project is to enhance roadway safety and federal lands access. Improvements include:
  - Paved roadway surface
  - Improved drainage crossings
  - Alteration of some curves
  - Adding striping and shoulders

NEED FOR THE PROJECT

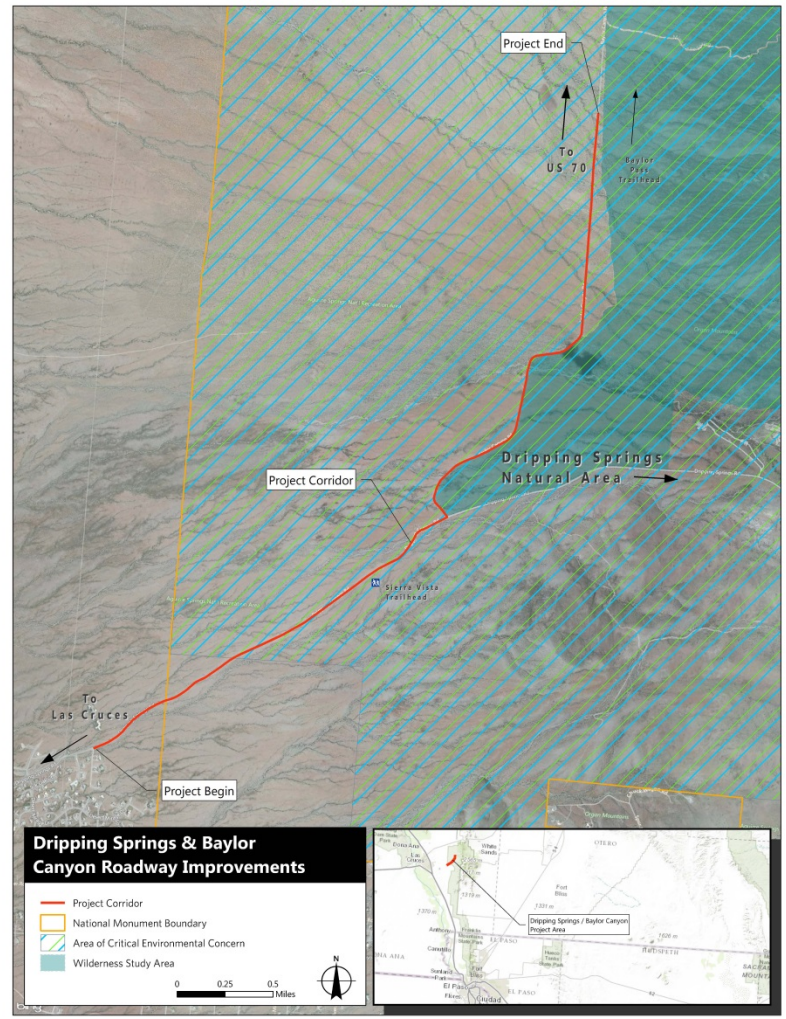
The proposed project addresses the following needs:

- Poor roadway condition and substandard curves:
  - Increased crashes
  - Discourages multi-modal use
- Improper drainage
  - Increased erosion and sedimentation
- Increased annual maintenance costs



PROJECT AREA

- Follows unpaved portions of Baylor Canyon Road and Dripping Springs Road
- Located on BLM land and within the Organ Mountains-Desert Peaks National Monument
- Provides access to:
  - Dripping Springs Natural Area
  - Baylor Pass Trailhead
  - Sierra Vista Trailhead

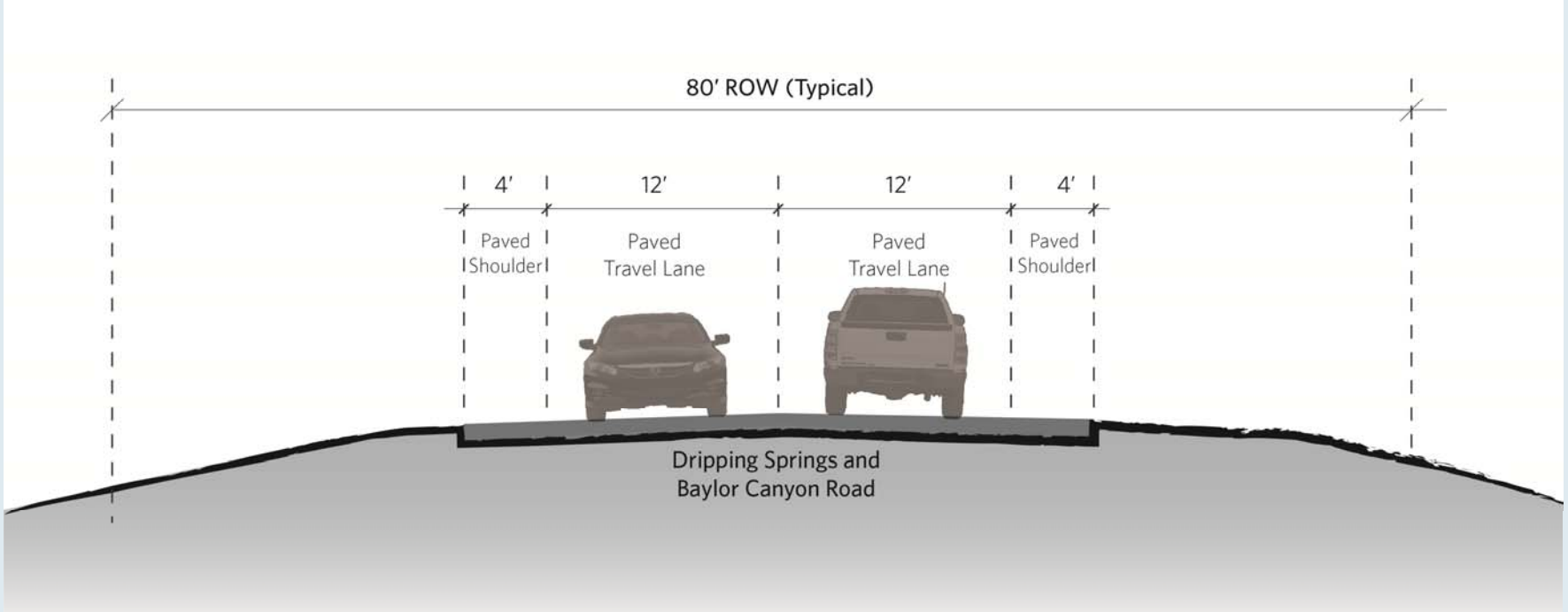


PROPOSED ROADWAY IMPROVEMENTS

- 4.9 miles of proposed roadway improvements:
  - Paving
  - Curve straightening
  - Low water crossings
  - 4’ shoulders
  - Roadside ditches
  - Striping and signing
  - Potential intersection realignment

PROPOSED TYPICAL SECTION

- Total width: 32’
  - 12’ lanes and 4’ shoulders



INTERSECTION ALTERNATIVES

Alternative A

Alternative B

ENVIRONMENTAL IMPACTS

- Recreational Resources
  - Temporary access impacts during construction
  - Long-term safety improvements and improved multi-modal access
  - No encroachment into Wilderness Study Areas

- Air Quality
  - Increased dust during construction
  - Reduction of particulate pollution resulting from paved roadway

ENVIRONMENTAL IMPACTS

- Waters of the U.S.
  - Impacts to ephemeral drainages will require a Section 404 Permit
  - Erosion reduced
- Water Quality
  - Increase in impervious surface area
  - Erosion and sediment controls will be used during construction
  - Erosion reduced

ENVIRONMENTAL IMPACTS

- Visual Character:
  - The Organ Mountains are the dominant visual feature
  - The paved roadway would be more visible to recreationists

ENVIRONMENTAL IMPACTS

- Grazing/Livestock
  - Roadway widening would convert 17 acres of active range land to a transportation facility

PROPOSED SCHEDULE

- Proposed Schedule
  - FHWA Environmental Process, Winter 2015
  - BLM Environmental Process, Spring 2015
  - Design, 2015
  - Construction, 2016

COMMENTS

U.S. Department of Transportation
Federal Highway Administration

NATIONAL SYSTEM OF PUBLIC LANDS
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DONA ANA COUNTY
NEW MEXICO

Public Open House Comment Sheet

U.S. Department of Transportation
Federal Highway Administration

(design team)

Public Meeting
October 21, 2014
6:00 to 8:00 P.M.
Comment Form

Dripping Springs/Baylor Canyon Road Project

COMMENT FORM

Name

Address

City State Zip

Organization (if applicable)

PLEASE PRINT

PLEASE READ CAREFULLY

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

FOR ADDITIONAL INFORMATION, CONTACT:
Frances Martinez, Realty Specialist
BLM Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005
575-525-4300
Email: fmartine@blm.gov

Tribal Coordination Letters

The following eleven tribes received letters regarding the Dripping Springs Road and Baylor Canyon Road Improvement Project:

- Acoma Pueblo
- Comanche Indian Tribe
- Fort Sill Apache Tribe
- Hopi Tribe
- Isleta Pueblo
- Kiowa Tribe
- Mescalero Apache Tribe
- Navajo Nation
- Tesuque Pueblo
- White Mountain Apache Tribe
- Ysleta del Sur Pueblo

Two letters were sent, one dated January 25, 2015 and the other dated April 22, 2015. Samples of these letters follow.

U.S. Department of Transportation
Federal Highway Administration

Central Federal Lands Highway Division

12300 West Dakota Avenue
Suite 380
Lakewood, CO 80228
(720) 963-3728
Fax: (720) 963-3596
tom.puto@dot.gov

January 30, 2015

In Reply Refer To:
HFPM-16

Dr. Alan S. Downer,
THPO and Department Manager Historic Preservation
PO Box 4950
Window Rock, AZ 86515

Subject: Dripping Springs Road and Baylor Canyon Road Improvement Project, Doña Ana County, New Mexico

Dear Mr. Downer:

This letter is to inform you about an upcoming transportation project, and request any information or issues relating to cultural resources you believe should be considered during project planning. Central Federal Lands Highway Division (CFLHD) of the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM) have initiated an environmental study for a proposed roadway improvement along Dripping Springs Road and Baylor Canyon Road in Doña Ana County, New Mexico. The project follows the existing roadway and consists of a cumulative 4.9 miles of improvements. The project proposes to increase the Right-of-Way (ROW) to 100 feet in width—and wider in select locations—depending on construction needs.

Project Description

The purpose of the Project is to enhance motorist safety and federal lands access by improving the roadway surface and existing drainage crossings; removing substandard curves; and adding striping, signage, and shoulders on approximately 2.5 miles of Baylor Canyon Road and approximately 2.4 miles of Dripping Springs Road. The proposed action includes the following improvements: paving of existing soft surface roadway with 3-inch hot asphalt concrete to a width of 32 ft. Paving will occur along 2.5 miles of Baylor Canyon Road and 2.4 miles of Dripping Springs Road. Improvements include the following:

- Installation of 13 low water crossings, with 11 on Baylor Canyon Road and 2 on Dripping Springs Road.
- Minor straightening of one curve along Baylor Canyon Road.
- Realignment of the intersection at Baylor Canyon Road and Dripping Springs Road.
- This realignment will improve safety at one curve and improve drainage at one arroyo

where water currently pools behind the roadway.

- Replacement of eight culverts along Baylor Canyon Road and two culverts along Dripping Springs Road.
- Construction of roadside ditches throughout the project corridor.
- Construction of three pullouts, with two located along Baylor Canyon Road and one located on Dripping Springs Road.
- Signage to enhance safety for bicyclists and wildlife – this includes "share the road" signs and "open range" signs.
- An approximately 100-foot wide right-of-way, which would vary based on construction needs.
- Painting stripes that consist of two yellow, reflective center line stripes and two white, reflective edge marker stripes throughout the project corridor.
- Replacement of three cattle guards and any barbed wire fence and gates affected by the project.
- A posted speed limit of 35 miles per hour throughout the project corridor and advisory signage noting the presence of low water crossings.
- Replacement of approximately 1.6 miles of barbed wire fence located on the north side of Dripping Springs Road.
- Placement of a conduit for a livestock pipeline to cross under the road near the intersection of Dripping Springs Rd. and Baylor Canyon Rd. Installation of the pipeline will be through the conduit to the watering facilities at the livestock pens.
- Slide slopes will be graded adjacent to the road for a gentle, safer operating environment for both motorists and cyclists.

Summary

A record search and literature review was conducted via the New Mexico Cultural Resources Information System and the Las Cruces BLM Office to identify extant archaeological sites, National Register Eligible Properties/Districts, and cemeteries within a one-mile radius of the above parcel. The search identified 13 recorded cultural resource sites within the radius. Additionally, the search identified 20 previous surveys in the one-mile radius of the project area. Furthermore, a field reconnaissance was completed on May 30, 2014, to verify the location of previously-recorded sites. A Class III cultural resource survey was conducted by HDR archaeologists Judy Berryman and James Hill on November 25, 2014, and on January 14, 2015. The survey was compliant with BLM survey requirements for Class III cultural resource surveys. The survey covered the western side of the existing Baylor Canyon Road with the cultural survey focused on an area up to 30 m from the existing road edge. Previously-surveyed areas were resurveyed to guarantee 100 percent coverage and to establish the extent of known historical resources that were not previously recorded. The eastern side of Baylor Canyon road was not examined. Two archaeological sites were identified in the Project area—both are historic in construction and are associated with water control. LA 35563 is a windmill, whereas LA 35564 is a complex of water control features likely built by the CCC. The recorded features are part of a larger complex of water control features extending west toward Las Cruces, and the site has not

been fully recorded. The windmill is not unique in construction, form, or use and is recommended not eligible for NRHP. LA 35564 contains a series of stacked rock water control features built after the last major flood in Las Cruces, circa 1935. In total, 54 check dams/water control features were recorded during the HDR study. These were concentrated in six loci individually, the rock features are not considered unique in form, construction, or use. There are no associated structures, artifacts, or other evidence of who may have constructed the features. A review of the CCC camp records failed to specify the date and construction of these features. The entire site was not recorded; individual check dams/water control features continue for approximately 3.5 miles west of Baylor Canyon Road. The research potential for the windmill and each of the water control features has been exhausted with site recording and documentation. No additional research conducted at each location is recommended. Monitoring during construction or additional recording within the project area is not recommended.

Based these preliminary findings, a determination of No Historic Properties Affected in accordance with 36 *Code of Federal Regulations* (CFR) Part 800 has been proposed for the proposed activities in the project area and submitted to the New Mexico State Historic Preservation Officer (SHPO). However, should in situ cultural deposits be encountered during the construction, construction should cease and the New Mexico SHPO notified.

As part of this study, we would appreciate your guidance during project planning. Your knowledge of the area is of great value and your feedback is important. We would welcome any information or concerns you may wish to share; in particular, if there are any resources or places of traditional cultural or religious importance to members of your tribe that might be affected by the proposed project.

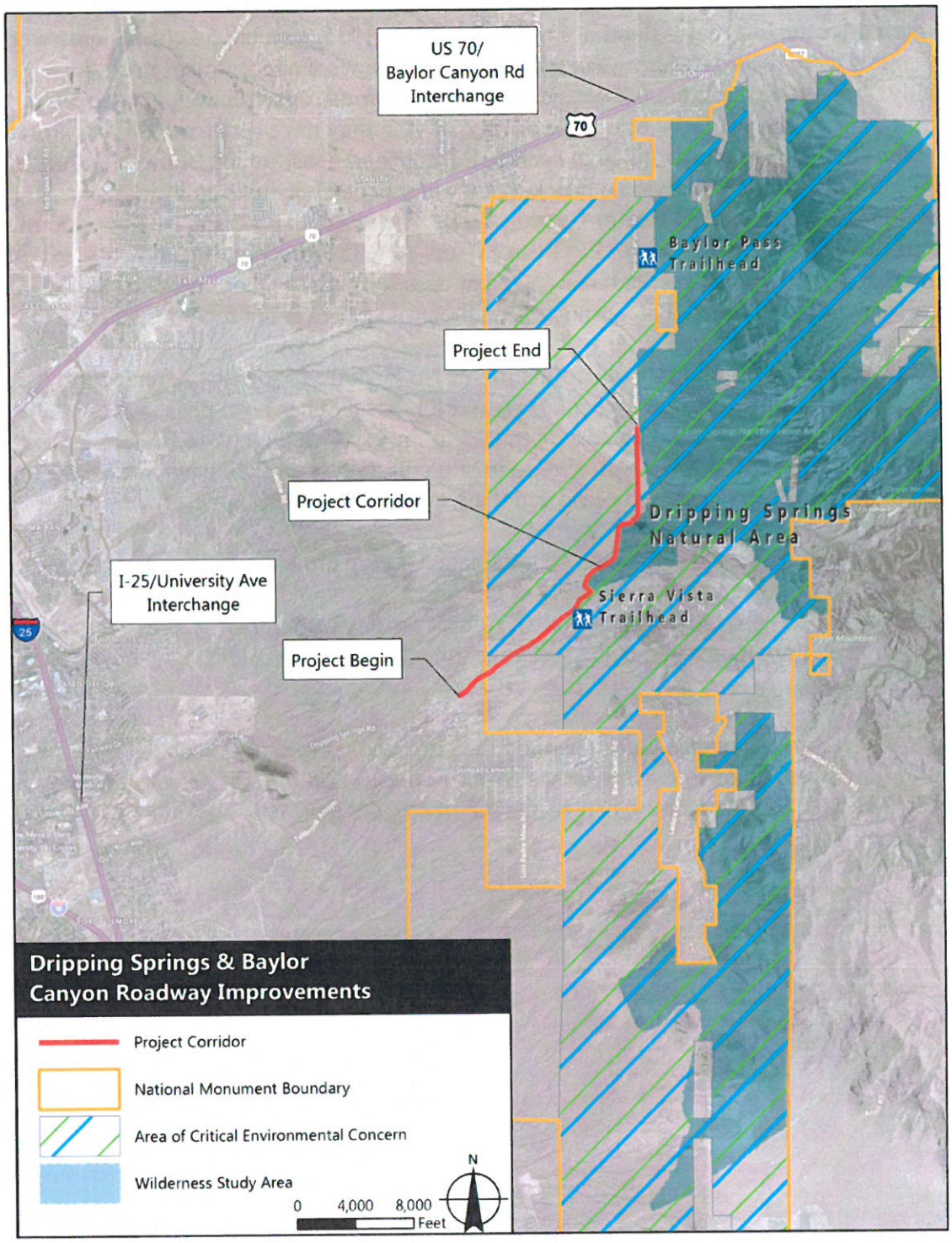
If you have any comments or questions regarding the proposed project, please send them within 30 days of receipt of this letter to Ms. Opal Forbes, 12300 West Dakota Avenue, Suite 280, Lakewood, CO 80228; or by email to Opal.Forbes@dot.gov; or by telephone at 720-963-3431.

Sincerely,

Thomas Puto

Thomas Puto
FHWA Project Manager

Figure 1. Aerial Photographic Map of the Project Area.



Ysleta del Sur Pueblo

Tribal Council – Javier Loera (War Captain/Tribal Historic and Preservation Officer) E-mail jloera@ydsp-nsn.gov

117 South Old Pueblo Road * P.O. Box 17579 * El Paso, Texas 79917 * (915) 859-8053 * Cell (915) 497-3876

February 12, 2015

Mr. Thomas Puto
FHWA Project Manager
U.S Department of Transportation
Federal Highway Administration
1670 Broadway, Suite 3400
Denver, CO 80202

Dear Mr. Thomas:

This letter is in response to the correspondence received in our office in which you provide Ysleta del Sur Pueblo the opportunity to comment on the Dripping Springs Road and Baylor Canyon Road Improvement Project, Dona Ana County, New Mexico.

While we do not have any comments on the proposed undertaking and believe that this project will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it; we would like to request consultation should any human remains or artifacts unearthed during this project be determined to fall under the Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. Copies of our Pueblos Cultural Affiliation Position Paper and Consultation Policy are available upon request.

Thank you for allowing us the opportunity to comment on the proposed project.

Sincerely,

Javier Loera

Javier Loera
War Captain/ THPO

THE
NAVAJO
NATION

Historic Preservation Department, POB 4950, Window Rock, AZ 86515 • PH: 928.871-7198 • FAX: 928.871.7886

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT

March 2, 2015

Thomas Puto
U.S. Department of Transportation
12300 West Dakota Avenue
Suite 380
Lakewood, CO 80228

Subject: **DRIPPING SPRINGS ROAD AND BAYLOR CANYON ROAD IMPROVEMENT PROJECT, DONA ANA COUNTY, NEW MEXICO**

Dear: Mr. Puto,

The Historic Preservation Department-Traditional Culture Program, hereafter (HPD-TCP) is in receipt of your letter dated January 30, 2015 for a proposed roadway improvement along Dripping Springs Road and Baylor Canyon Road in Dona Ana County, New Mexico.

After reviewing the information documents provided, HPD-TCP has determined the proposed efforts to removing substandard curves; and adding striping, signage, and shoulders on approximately 2.5 miles of Baylor Canyon Road **will have no** adverse effects to Navajo Traditional Cultural Properties. HPD-TCP on behalf of the Navajo Nation has no concerns at this time.

If the proposed application inadvertently discovers habitation sites, plant gathering areas, human remains and objects of cultural patrimony, HPD-TCP request that we be notified respectively in accordance with the Native American Graves Protection and Repatriation act (NAGPRA) (***The Navajo Nation claims cultural affiliation to all Anaasazi people (periods from Archaic to Pueblo IV of the southwest). The Navajo Nation makes this claim through Navajo oral history and ceremonial history, which has been documented as early as 1880 and taught from generation to generation).***

HPD-TCP appreciates the U.S. Department of Transportation's consultation efforts regarding this document. Should you have any additional concerns and/or questions do not hesitate to contact me electronically at tony@navajohistoricpreservation.org or telephone at 928-871-7750.

Sincerely,

Tony H. Joe, Jr., Supervisory Anthropologist
Section 106 Consultation
Traditional Culture Program
Historic Preservation Department

TCP File: 15-083

U.S. Department of Transportation
Federal Highway Administration

Central Federal Lands Highway Division

12300 West Dakota Avenue
Suite 380
Lakewood, CO 80228
(720) 963-3728
Fax: (720) 963-3596
tom.puto@dot.gov

January 30, 2015

In Reply Refer To:
HFPM-16

Leigh Kuwanwisiwma
Director
Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Subject: Dripping Springs Road and Baylor Canyon Road Improvement Project, Doña Ana County, New Mexico

Dear Ms. Kuwanwisiwma:

This letter is to inform you about an upcoming transportation project, and request any information or issues relating to cultural resources you believe should be considered during project planning. Central Federal Lands Highway Division (CFLHD) of the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM) have initiated an environmental study for a proposed roadway improvement along Dripping Springs Road and Baylor Canyon Road in Doña Ana County, New Mexico. The project follows the existing roadway and consists of a cumulative 4.9 miles of improvements. The project proposes to increase the Right-of-Way (ROW) to 100 feet in width—and wider in select locations—depending on construction needs.

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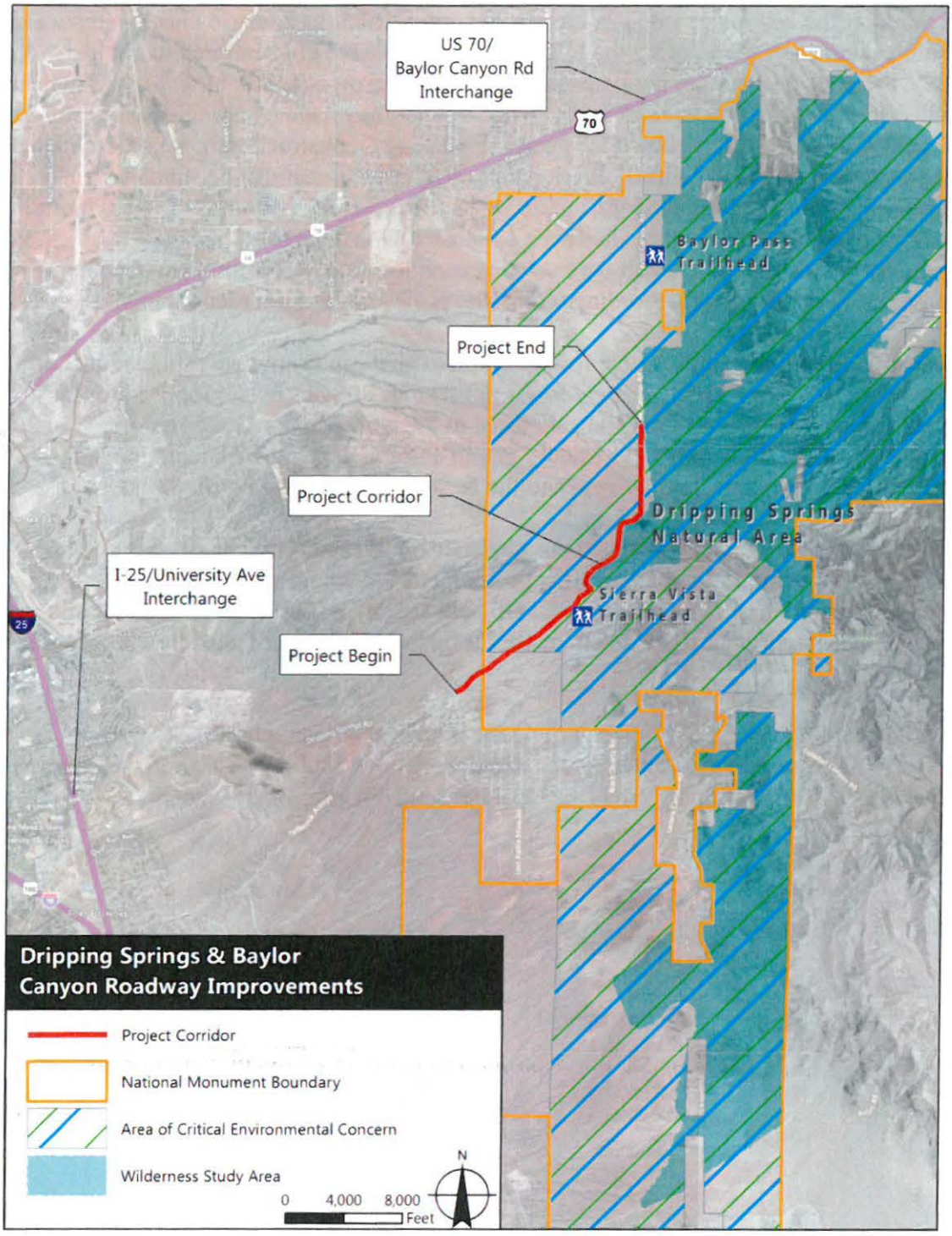

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As part of this study, we would appreciate your guidance during project planning. Your knowledge of the area is of great value and your feedback is important. We would welcome any information or concerns you may wish to share; in particular, if there are any resources or places of traditional cultural or religious importance to members of your tribe that might be affected by the proposed project.

If you have any comments or questions regarding the proposed project, please send them within 30 days of receipt of this letter to Ms. Opal Forbes, 12300 West Dakota Avenue, Suite 280, Lakewood, CO 80228; or by email to Opal.Forbes@dot.gov; or by telephone at 720-963-3431.

Concur
Margaret
for
Kwaenaiotaewa
2-8-15

Sincerely,

Thomas Puto

Thomas Puto
FHWA Project Manager

SHPO and ACHP Correspondence

Department of Cultural Affairs 1/26/15
Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501
Att'n.: Dr. Jeff Pappas

Dr. Pappas:

The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with Doña Ana County and the Bureau of Land Management (BLM), is proposing improvements to Dripping Springs Road and Baylor Canyon Road. The Federal Lands Access Program, along with a local match, provides funding for the proposed Dripping Springs and Baylor Canyon Road Improvements Project (Project). The existing roadways are an unimproved soft surface with multiple substandard curves, failing drainage ways, and frequent maintenance needs. Approximately 4.9 miles of combined roadway improvements are proposed.

HDR EOC (HDR) performed a Class III survey of the Project area of potential effect (APE) on November 25, 2014 and January 14, 2015 (NMCRIS # 132297). The survey identified two new historic sites. LA 36653 is a windmill and water tank with associated fencing and is not recommended eligible for National Register of Historic Places (NRHP). LA 36654 is a series of water control features likely constructed by the Civilian Conservation Corps (CCC) in the late 1930s. Because the site continues well outside the project, only a portion of the complex was recorded. Individually, the water features/check dams are not unique in age, construction or material and are not considered eligible for the NRHP (Criterion D); however, taken as a larger water control pattern the entire complex and its association with the CCC, is considered eligible under Criterion A.

Based on the current project design, portions of 27 check dams or rock features will be impacted by the widening of the road. The impacts to less than 5 percent of the recorded features are not considered significant and do not impact the importance of the entire site. The Windmill is outside the Project APE and will not be adversely affected. Based on the survey results, the BLM recommends a finding of no adverse effect for the Project.

FHWA CFLHD intends to make a *de minimis* impact finding pending Section 106 concurrence.

If you have any questions or concerns, please contact Las Cruces District Archaeologist, James Renn at (575) 525-4395 or by e-mail at jrenn@blm.gov.

Thank you for your time in consideration of this report.

Bill Childress
District Manager
Las Cruces District Office
Bureau of Land Management

From: Wakefield, Andy, DCA
Sent: Monday, February 09, 2015 1:00 PM
To: 'jrenn@blm.gov'
Subject: A Class II Cultural Resource Inventory for the Dripping Springs Road and Baylor Canyon Road Improvement Project (Log 100769; NMCRIS 132297)

Hi Jim,

Thank you for taking the time to discussing the Dripping Springs and Baylor Canyon Roads project with me today. I am writing this email as follow up to that telephone conversation so that you have a written copy of my comments and our conversation.

1) Throughout the report, the identified cultural resources/historic properties are identified as LA numbers; however, both sites were documented as HCPI numbers. Please have the contractor either make changes throughout the report, replacing HCPI for everywhere where LA appears. The contractor may also produce an errata sheet indicating that HCPI 36653 and HCPI 36654 should replace LA 36653 and LA 36654 throughout the report. The latter will be an easier alternative for the contractor.

2) Please request that the contractor place all information on the LA forms for LA 36653 and LA 36654 onto an HCPI base form; please use extension sheets as appropriate. The HCPI base form with extension sheets for narrative will be more appropriate than utilizing the HCPI detail form, which is primarily designed for buildings.

3) Please have the contractor provide a project map that clearly illustrates the APE. Also please provide a map that shows how the APE intersects with HCPI 36654.

4) Please have the contractor digitize both the project area and the cultural resources (HCPI 36653 and HCPI 36654) within the NMCRIS GIS database.

5) As we discussed, SHPO does not concur with BLM Las Cruces' opinion that the project will result in no adverse effect to historic properties. Per the State Protocol Between the BLM and New Mexico SHPO, it is SHPO's opinion that the undertaking will adversely affect HCPI 36654. For guidance within the Protocol on defining an adverse effect, please see section VI.C.i. For Guidance on resolving an adverse effect that does not require an agreement document, please refer to section VIII.A.ii. I would be happy to further discuss these sections of the Protocol and their application with you if you would like.

6) Although SHPO does not concur with BLM Las Cruces that the undertaking will result in no adverse effect to historic properties, SHPO does believe that an appropriate and practical mitigation can be developed with further discussion between BLM Las Cruces and SHPO. We discussed this over the telephone and we seem to be in agreement that an appropriate mitigation treatment may include additional archival research, context

development, and public interpretation. SHPO understands that mitigation should be commensurate with the scale of the project and the project's impact to historic properties. I recommend that we keep appropriate mitigation ideas in mind as we discuss this project and how to most efficiently move this project forward while also meeting Section 106 obligations.

Thank you again for taking the time to discuss this project and consider my comments. I appreciate your willingness to consider options for an appropriate mitigation for this project with our office, and I look forward to working with you further on this project.

S. Andrew Wakefield, RPA
Archaeologist
New Mexico Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501
505.827.6162

From: **Wakefield, Andy, DCA** <Andy.Wakefield@state.nm.us>
Date: Tue, Feb 10, 2015 at 9:17 AM
Subject: A Class II Cultural Resource Inventory for the Dripping Springs Road and Baylor Canyon Road Improvement Project (Log 100769; NMCRIS 132297)
To: "jrenn@blm.gov" <jrenn@blm.gov>

Hi Jim,

I am writing to inform you of some general considerations/guidelines for consideration to move forward with an adverse effect for Dripping Springs and Baylor Canyon Road project.

The first thing that needs clarification is whether any other Indian tribes or consulting parties wish to participate in the resolution of adverse effects. I imagine tribes will have no interest given the type of resource we are dealing with, but this project involves the county and FHWA and they may want to be involved. If so, we will need an MOA. If not and if BLM is the designated lead agency as I am assuming is the case because you submitted the report, we can make a two-party agreement. An MOA is some extra work, but really very little extra work. I have attached an example of a relatively simple MOA to this email for you to look at. Even if an MOA is not completed, BLM will need to develop internally or through contract a treatment plan (see the Protocol, VIII.a.ii). This treatment plan will outline how BLM intends to mitigate the adverse effect. The Protocol has a list of treatments. As we have discussed additional research, preparation of a professional technical report on this research, and some form of public interpretation (whether roadside signage or a pamphlet or booklet that could be distributed at the BLM office) is the most logic treatment. The treatment, of course, will need to meet professional standards for History or Historic Archaeology per Secretary of Interior Standards. The treatment plan, in this case, should be a very simple scope of work including the research focus, perhaps the sources that will be utilized, how public interpretation will be accomplished, and commitment to a timeframe for completing the work. If an MOA is necessary, it will simply formalize the treatment plan with standardized MOA language which explicitly states responsible parties, timelines, etc. (see MOA example). So the MOA really is not much additional work to the treatment plan if it is necessary, and as an aside, MOAs are really the best practice (but now not required under the Protocol) in terms of resolving adverse effects.

The overall idea for this project would be to place CCC erosional control features within context of the larger CCC program, with as much focus on your area as possible. This could include additional information that you have on similar CCC landscape features within BLM Las Cruces (e.g., previously recorded sites, extant information regarding where these occur, aerial imagery, archival records that the BLM may have, etc.) I could put you in touch with Wendy Sutton, Forest Archaeologist for the Gila NF, who documented many similar features and who has CCC records of the features. These documents would be informative in how these projects were planned and implemented. There is a fair amount of information regarding the larger CCC program, including a Statewide context. I have attached the context to this email. Ultimately a small research document placing the erosion control features within the CCC context, with as much regional focus as possible, would inform the public interpretation component of the project, whether it were a pamphlet or roadside sign; that is, the research component would be simplified into a much smaller, more public-friendly medium.

For the public interpretation portion of any potential mitigation, I have attached a booklet and a brochure that were documented through other resolutions of adverse effects or grants. The rock art pamphlet is very simple and was generated from Microsoft Word, but a technical report also accompanies the brochure. That is, the brochure is just the public interpretation component of the grant. The Coe Ranch pamphlet is a bit more substantial. Anyway, these are some things to consider. I still like the idea of a pull out and signage at the site location, but, of course, this would be more costly than a pamphlet.

Once we have agreed to the treatment plan or signed an MOA, the project is good to proceed.

I am providing this information only for your consideration regarding how you might want to handle any potential mitigation for this project. As we discussed, I believe it could be relatively simple. It will be additional time and cost, but not without a compensatory benefit. And mitigation certainly does not have to slow down the project since all mitigation can occur after the project is implemented so long as we have a commitment through a treatment plan or MOA with a specified timeframe in which the mitigation will occur.

I am logging this project out and will hold onto it pending receipt of the information requested in my earlier email (below) and until I hear from you on how you wish to proceed. If you would like to discuss anything further, please contact me.

S. Andrew Wakefield, RPA
Archaeologist
New Mexico Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501
505.827.6162

101256

U.S. Department of Transportation
Federal Highway Administration

Central Federal Lands Highway Division

12300 West Dakota Avenue
Suite 380
Lakewood, CO 80228
(720) 963-3411
Fax: (720) 963-3437

April 14, 2015

In Reply Refer To:
HFCO-16

RECEIVED
APR 15 2015
HISTORIC PRESERVATION DIVISION

Department of Cultural Affairs
Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Mr. Pappas:

This updated report addresses the comments received by the State Historic Preservation Office (SHPO) on February 9, 2015 for Log 100769, NMCRIS 132297.

The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with Doña Ana County and the Bureau of Land Management (BLM), is proposing improvements to Dripping Springs Road and Baylor Canyon Road. The Federal Lands Access Program, along with a local match, provides funding for the proposed Dripping Springs and Baylor Canyon Road Improvements Project (Project). The existing roadways are an unimproved soft surface with multiple substandard curves, failing drainage ways, and require frequent maintenance needs. Approximately 4.9 miles of combined roadway improvements are proposed.

HDR EOC (HDR) performed a Class III survey of the Project area of potential effect (APE) on November 25, 2014 and January 14, 2015 (NMCRIS # 132297). The survey identified two new historic sites. HCPI 36653 is a windmill and water tank with associated fencing and is not recommended eligible for National Register of Historic Places (NRHP). HCPI 36654 is a series of water control features likely constructed by the Civilian Conservation Corps (CCC) in the late 1930s. Because the site continues well outside the Project, only a portion of the complex was recorded. Individually, the water features/check dams are not unique in age, construction or material. Individual features are not considered eligible for the NRHP; however the entire complex is recommended eligible under Criterion A for its association with the CCC and contribution to the agricultural history and settlement of the area and Criterion D, potential for additional information.

In the original report, twenty-eight (28) of the recorded check dam features on the western side of Baylor Canyon Road were to be impacted; none of the features on the eastern side will be directly or indirectly impacted. The number of check dam features impacted has been reduced to 21 features with additional horizontal alignment changes and steepening of roadway side slopes during the design process. Individual check dams consist of a vertical stack of rock oriented either in a north/east or south/west direction. Additional documentation of the features on the east side of the existing roadway was conducted in March of 2015 by HDR staff. The recorded features cover approximately 25,519.3 square feet (ft), of which 1,824 square ft will be impacted, resulting in an overall impact of 7.14 percent. Five individual features will be 80–100 percent impacted (8, 9, 28, 51 and 52). The loss or impacts to the individual features does

not lessen the overall importance of the site. Considering the overall size of the site, impacts to the entire boundary for HCPI 36654 accounts for less than 0.6 percent. The recorded features are not considered unique in construction, purpose, or time period. The remaining recorded and unrecorded features provide physical and visual documentation of the site configuration, purpose, and construction. The existing road is not part of HCPI 36654, grading and improvement to the roadbed does not represent an impact to a cultural resource.

After further coordination between FHWA-CFLHD and BLM, it is decided that FHWA-CFLHD will serve as the lead federal agency for this undertaking. As such, FHWA-CFLHD is making a finding that the undertaking will result in an Adverse Effect due to the impacts to HCPI 36654. However, it should be noted that the impacts are not considered significant and do not damage the overall understanding and setting of the site such that the site remains eligible for the National Register. HDR consulted with the Las Cruces BLM office in developing mitigation measures for the rock alignments/check dams. FHWA has also consulted with BLM and the SHPO regarding mitigation measures to be included in a Memorandum of Agreement (MOA), which include interpretative panels at road pull-outs that describe the site and its history.

FHWA-CFLHD held a teleconference with Jan Biella, Andy Wakefield, and Bob Estes at NM SHPO on March 19, 2015 to discuss the adverse effect finding and the Section 4(f) requirements that result from this finding.

FHWA-CFLHD Section 4(f) considerations:
Because HCPI 36654 is eligible for the National Register, FHWA-CFLHD must also consider this resource under Section 4(f) of the U.S. Department of Transportation Act of 1966 (Section 4(f)). FHWA-CFLHD intends to make a determination of Net Benefit to a Section 4(f) property, pending SHPO concurrence in the Section 106 finding and agreement that the project results in a Net Benefit to HCPI 36654. In the contexts of Section 4(f), FHWA-CFLHD has determined that a 'net benefit' is achieved because the project, including measures to minimize harm and mitigation incorporated into the project results in an overall enhancement to HCPI 36654 when compared to the future do-nothing alternative and the project impacts do not result in a substantial diminishment of the value that made the property eligible for the National Register.

Measures to minimize harm to HCPI 36654 include:

- Steepened the side slopes of the roadway to reduce the footprint of the proposed roadway.
- Made changes to the horizontal alignment at the Baylor Canyon Road / Dripping Springs Road intersection to avoid two previously undisturbed features by weaving the road between the features.

Measures to mitigate impacts to HCPI 36654 such that a Net Benefit is realized include:

- The proposed project will better define the limits of disturbance with the installation of roadside ditches to channelize water away from the roadway to minimize damage during rain events. Since there are no ditches on the existing road, roadway maintenance activities have pushed soil and gravel to the edges of the roadway and have previously impacted the 4(f) property.
- The proposed project will install and improve low-water crossings on the roadway, thus carrying waters into historic drainage paths and reducing the risk of out of channel flood damage to the 4(f) property.
- Two pullouts with interpretive signage will be constructed with information about the 4(f) property and history of the area.
- There are two alternatives being considered in the Environmental Assessment (EA)
    - Alternative A - The funding application requested installation of asphalt paving on both Baylor Canyon Road and Dripping Springs Road. The paved surface will further reduce

the risk of damage to the 4(f) property because less maintenance will be required to maintain the roadway surface.

- Alternative B – Due to public outreach, a second alternative has been analyzed where Dripping Springs Road would be paved, but Baylor Canyon Road would be improved for safety, but will not be paved.
- Either alternative will provide a benefit to the resource by formalizing the disturbance limits and reducing roadway maintenance.

In summary, FHWA-CFLHD is requesting SHPO concurrence with the following:

- Section 106 eligibility determinations,
- finding of Adverse Effect to HCPI 36654, and
- determination that the project includes all possible planning to minimize harm, appropriate mitigation measures, and will result in a Net Benefit to HCPI 36654.

We look forward to further discussing the development of a Memorandum of Agreement to resolve the adverse effects and finalizing the stipulations to ensure appropriate commitments are included in the contract documents. If you have any questions or concerns, please contact FHWA Environmental Protection Specialist, Opal Forbes at (720) 963-3431 or by e-mail at Opal.Forbes@dot.gov.

Thank you for your time in consideration of this report.

Sincerely,

Kelly Mwde

for Thomas Puto, P.E.
Project Manager

Concur with recommendations as proposed.

S. M. Wakefield 4/20/2015

for NM State Historic Preservation Officer

– We look forward to discussing the MOA

U.S. Department of Transportation
Federal Highway Administration

Central Federal Lands Highway Division

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April 21, 2015

In Reply Refer To:
HFPM-16

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW. Suite 308
Washington, DC 20001

Subject: Documentation for Finding of Adverse Effect, New Mexico Dripping Springs and Baylor Canyon Road Project, NM FLAP 11299(1)

Dear Mr. Nelson:

This letter is submitted pursuant to Section 106 of the National Historic Preservation Act (NHPA) and 36 CFR 800.6(a)(1) to notify the Council of a Finding of Adverse Effect for the above-referenced project. The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with Doña Ana County, New Mexico and the Bureau of Land Management (BLM), is proposing improvements to Dripping Springs Road and Baylor Canyon Road. The Federal Lands Access Program, along with a local match, provides funding for the proposed Dripping Springs and Baylor Canyon Road Improvements Project (Project). The existing roadways are an unimproved soft surface with multiple substandard curves, failing drainage ways, and require frequent maintenance needs. Approximately 4.9 miles of combined roadway improvements are proposed including a standard width of 32 feet allowing for 11 foot driving lanes and a 5 foot shoulder to accommodate other modes of travel including cyclists, equestrians, and pedestrians use. Horizontal and vertical curves will meet design criteria for very low volume roads and design speed of 35 mph except at the low water crossings that will have advisory speed of 25 mph due to the vertical alignment needed.

The original research did not identify any cultural resources within the Project area of potential effect (APE). However, at a subsequent site visit, it was determined that there were potential historic sites that had not been previously recorded.

HDR EOC (HDR) performed a Class III survey of the Project APE in November 2014 and January 2015. Per instructions by the BLM, the pedestrian survey covered a 30-meter-wide area along the west side of the proposed road grading. The east side of the roadway was not originally surveyed since it is in a Wilderness Study Area that restricts encroachments such as roadways. The survey identified two new historic sites. HCPI 36653 is a windmill and water tank with associated fencing and is not recommended eligible for National Register of Historic Places (NRHP). HCPI 36654 is a series of water control features likely constructed by the Civilian

Conservation Corps (CCC) in the late 1930s. Because the site continues well outside the Project, only a portion of the complex was recorded. Individually, the water features/check dams are not unique in age, construction or material. Individual features are not considered eligible for the NRHP; however the entire complex is recommended eligible under Criterion A for its association with the CCC and contribution to the agricultural history and settlement of the area and Criterion D, potential for additional information.

A copy of the cultural report is enclosed with this letter that includes maps and photos, and the last section includes a copy of the draft project plans showing the locations of the sites in context with the project.

Consultation with the New Mexico State Historical Preservation Office (SHPO) was initiated by the Las Cruces office of the Bureau of Land Management (BLM) on January 26, 2015. BLM sought SHPO concurrence of its finding of *no adverse effect* for the undertaking. The SHPO did not concur and asked for additional information and revision to some of the forms. Subsequently, CFLHD in coordination with BLM assumed lead agency status for the purpose of Section 106 consultation for the undertaking. Following discussions with the SHPO, additional survey to the east was done for the purpose of understanding the greater context of the resource to be used for the anticipated mitigation, which will include intensive site interpretation. CFLHD revised the forms and provided additional information and resubmitted the package to the SHPO on April 14, 2014with a finding of adverse effect for the undertaking.

The SHPO concurred that the windmill feature (HCPI 36653) is not eligible. The SHPO also concurred with the eligibility and *adverse effect* to the water features (HCPI 36654) in a letter dated April 20, 2015. Copies of the correspondence between BLM and SHPO as well as CFLHD and SHPO are included in the attached report.

HCPI 36654 Water Control Features

HCPI 36654 is a series of water control features likely constructed by the Civilian Conservation Corps (CCC) in the late 1930s. Because the site continues well outside the Project, only a portion of the complex was recorded. Individually, the water features/check dams are not unique in age, construction, or material. Individual features are not considered eligible for the NRHP; however the entire complex is recommended eligible under Criterion A for its association with the CCC and contribution to the agricultural history and settlement of the area and Criterion D, potential for additional information.

Originally, twenty-eight (28) of the recorded check dam features on the western side of Baylor Canyon Road were slated to be impacted. The number of check dam features impacted has been reduced to 20 features with additional horizontal alignment changes and steepening of roadway side slopes during the design process. Individual check dams consist of a vertical stack of rock oriented either in a north/east or south/west direction. The recorded features cover approximately 25,519.3 square feet (sf), of which 1,824 sf will be impacted, resulting in an overall impact of 7.14 percent. Five individual features will be 80–100 percent impacted (8, 9, 28, 51 and 52). The loss or impacts to the individual features does not lessen the overall importance of the site. Considering the overall size of the site, impacts to the entire boundary for HCPI 36654 accounts for less than 0.6 percent. The recorded features are not considered unique in construction,

purpose, or time period. The remaining recorded and unrecorded features provide physical and visual documentation of the site configuration, purpose, and construction. The existing road is not part of HCPI 36654, grading and improvement to the roadbed does not represent an impact to a cultural resource.

Conclusion

FHWA is therefore submitting this Documentation for Finding of Adverse Effect pursuant to the Advisory Council regulations, 36 CFR 800.6(a)(1). In accordance with the process set forth in the regulations, mitigation is being developed by FHWA in partnership with BLM, Dona Ana County NM, and coordinated with the NM SHPO and will involve such activities as site documentation, site interpretation, and some interpretive signs to be installed at new pullouts.

FHWA has consulted with federally recognized tribes with an established interest in the area early in the project development process during the eligibility and effects assessment stage. FHWA has transmitted consultation letters regarding the project to the Indian tribes that have interest in Dona Ana County, according to the SHPO website, or are considered to possibly have interest. They are: Comanche Indian Tribe, Fort Sill Apache Tribe, Hopi Tribe, Isleta Pueblo, Kiowa Tribe, Mescalero Apache Tribe, Navajo Nation, Tesuque Pueblo, White Mountain Apache, and Ysleta del Sur Pueblo. FHWA is not aware of any properties of religious, cultural, or sacred significance to any of the tribes within the APE. Three tribes responded to the initial letter (Navajo, Hopi Tribe, and Ysleta del Sur Pueblo) and those responses were that they concurred with the findings. The Navajo and Ysleta del Sur Pueblo requested that they be consulted if any human remains or artifacts unearthed during the project were determined to fall under the Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. An additional letter to inform them of the finding of an *adverse effect* to the water control features is being sent this week to the tribes to ask if they wish to participate in the Memorandum of Agreement process.

Please respond if the Council would like to participate in the resolution of adverse effects. If the Council does not respond within 15 calendar days, CFLHD, in accordance with 36 CFR 800.6(a)(1)(iv), may proceed with consultation to resolve adverse effects without Council participation. If you have questions regarding this project or would like an electronic version of the documents, please contact Opal Forbes, Environmental Protection Specialist, at (720) 963-3431 or by email at opal.forbes@dot.gov.

Sincerely yours,

Tom Puto

Tom Puto
Project Manager

Enclosures:

- Correspondence from SHPO to FHWA dated 4/20/2015
- Correspondence from FHWA to SHPO dated 04/14/2015
- Email correspondence between BLM, HDR, CFLHD and SHPO, February and March
- Correspondence from BLM to SHPO dated 1/26/2015
- Correspondence from FHWA to Navajo Nation dated January 30, 2015 (Same Letter Also Sent to the Comanche Indian Tribe, Fort Sill Apache Tribe, Hopi Tribe, Isleta Pueblo, Kiowa Tribe, Mescalero Apache Tribe, Tesuque Pueblo, White Mountain Apache, and Ysleta del Sur Pueblo)
- Correspondence from Navajo Nation, Hopi Tribe, and Ysleta del Sur Pueblo to CFLHD-FHWA
- *A Class III Cultural Resource Inventory for the Dripping Springs Road and Baylor Canyon Road Improvement Project*, NMCRIS No. 132297, Dona Ana County, New Mexico, April 2015.
- Draft Working Plan Set Baylor Canyon Road showing locations of feature in HCPI 36654.