

AGENCY LETTERS



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

Bill Richardson
Governor
Joanna Prukop
Cabinet Secretary

Director
Mining and Minerals Division

January 23, 2003

Harry Myers and Sarah Schlanger
El Camino Real de Tierra Adentro National Historic Trail
P.O Box 728
Santa Fe, New Mexico 87504-0728

Dear Mr. Myers and Ms. Schlanger :

I recently got passed the copy of the October 2002 review draft CMP/EIS sent to the Mining and Minerals Division of the New Mexico EMNRD. Though it is a week past the deadline for comment, I am sending comments not related to the major purposes of that document, but rather to the history of the Camino. In general the document deals with a complex history well in the short amount of space available.

I initially was only going to point out one error, but decided to share a few opinions with you as well. On page 72, it states "Meanwhile, the carreta caravan found a flatter route of travel on the east side of the **Organ Mountains**." The northern end of the Organ Mountains is San Augustine Pass just a few miles north of Las Cruces. What you probably meant to have here was "Fray Cristobal Mountains" as that is what you discuss in the previous paragraph. Though Caballo Mts. might be more appropriate.

The following are my comments and opinions. It is unclear when the Fra Cristobal Mountains got that name. Documents give other names as late as the 1690s, but the story you give is somewhat accepted and by far the most attractive to the general public. You do not directly mention or at least do not stress the most significant aspect of the Jornada del Muerto segment of the trail. It was the only long section away from the river and water in New Mexico. It thus functioned as the geographic or natural barrier or border between northern New Mexico and southern New Mexico in Colonial times. It was also the most dangerous and notable part of the trail north of El Paso. When Onate went on ahead of the carts I do not recall if he followed the river or not. It has been many years since I read his journal. I would have assumed he used the Jornada del Muerto route as it was a much better trail (less sand) and much shorter than the Rio Grande route west of the Caballos and San Cristobals. Filipe de Escalante who was with Onate, and possibly one of his guides had traveled that route as I recall when he was on the Rodriguez-Chamuscado Expedition. You indicate elsewhere that several expeditions had earlier found the route Onate followed, yet many pages later you consistently use the date 1598 for the starting date of the Camino in New Mexico.

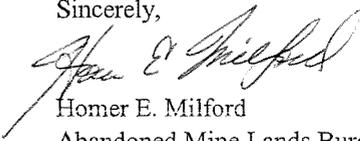
page 2 - letter to Myers & Schlanger
1/22/2003

You seem to ignore the founding of El Paso del Norte in the mid 17th century. It tends to create a problem as to how it could become the home for the entire Hispanic population of New Mexico as well as three Pueblo Tribal groups of refugees in 1680. You say on page 72 that Santa Fe was the only incorporated Spanish town north of Chihuahua.” This may be true, but it gives a false impression. I do not recall when El Paso officially became a Villa. The Santa Fe Cabildo (Villa council) was there from 1681 to 1693, so at least unofficially El Paso was a Villa at that time. I think that El Paso del Norte deserves more discussion. It tends to get ignored by U.S. historians as it is now in Mexico. It is of major importance to New Mexico history as the capitol (1681-1693) and after that vice-capital and residence of the Lieutenant Governor for most of the rest of the colonial period. El Paso was a more important point of divergence from the Camino Real from New Mexico’s point of view than Chihuahua. It was at El Paso that the road or trail to the west left the Camino Real and went to Janos, Casas Grandes, Santa Rita del Cobre and Sonora. It seems to me to warrant more discussion. It is also an international connection as a town founded by New Mexicans and part of New Mexico for the first 170 plus years of its history and yet now be in a different county.

On page 78 you say that the rail road paralleled the route of El Camino Real between Albuquerque and Socorro. It actually paralleled it much further. All the way from La Bajada to El Paso! The rail-road follows the old Camino much more closely than the modern paved roads.

I have digressed into opinion. If you have questions on my comments my e-mail is hmilford@state.nm.us

Sincerely,



Homer E. Milford
Abandoned Mine Lands Bureau
Mining and Minerals Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1406 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2708

JAN 07 2003

Jere Krakow
Acting Superintendent
National Park Service (NPS)
NPS Long Distance Trails Office-Santa Fe
P.O. Box 728
Santa Fe, NM 87504-0728

Dear Mr. Krakow:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the Region 6 Office of the U.S. Environmental Protection Agency (EPA) has completed the review of the Draft Environmental Impact Statement (DEIS) for the El Camino Real de Tierra Adentro National Historic Trail Comprehensive Management Plan. The plan provides alternative visions for managing the trail between El Paso, Texas, and San Juan Pueblo, New Mexico.

EPA classifies your Draft EIS and proposed action as "LO" i.e., EPA has "Lack of Objections to the preferred alternative. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

We appreciate the opportunity to review the Draft EIS. We request that you send our office one (1) copy of the Final EIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

Robert D. Lawrence
Chief, Office of Planning
and Coordination

SUMMARY PARAGRAPH FORM

ERP NUMBER

D-BLM-G65084-00

TITLE: BROOKS CITY BASE PROJECT, BEXAR COUNTY, TEXAS

RATING ASSIGNED TO PROJECT

LO

NAME OF EPA OFFICIAL RESPONSIBLE

Robert D. Lawrence
Chief, Planning and
Coordination

SUMMARY OF COMMENT LETTER

EPA has no objection to the selection of the preferred alternative.

JAN 07 2003

PARAGRAPH APPROVED FOR PUBLICATION

(Initials of
Approving Official)

January 11, 2003

Harry Myers, Project Coordinator
National Park Service
Box 728
Santa Fe, NM 87504-0728

Dear Harry:

On behalf of El Camino Real International Heritage Center and the Museum of New Mexico (MNM)- State Monuments Division, I would like to commend you and your team on the recently published El Camino Real de Tierra Adentro draft comprehensive Management Plan/Environmental Impact Statement. I have summarized my overall comments and would then refer you to more specific details in the enclosed comments.

The planning document appears to be a boiler plate format which normally might be acceptable for a historic trail that is 1) located totally within the United States or 2) isn't a viable, living, or still traveled trail. Given the international mandate, and the fact the trail is still a living trail utilized for the same purposes today as it was historically, I think you have overlooked some key issues and opportunities to work with other federal agencies. These issues are identified in the attached comments.

In addition, while there are numerous references to GIS mapping capabilities, I would urge you not to ignore the technological potential for digital libraries for resource sharing and international research. Essentially, I think there's a need to for two of our government's finest agencies to "push the envelop" in terms of pertinent and germane cultural issues and in terms of technology capabilities.

As a non-federal employee, I found the document difficult to fully decipher in places and follow from written executive summary through the matrix. One acronym (RMP) took me a while to figure out as I didn't find it defined. There are references to federal perspectives and procedures that an ordinary citizen cannot fully comprehend in terms of its ultimate impact.

I realize there have been countless discussions regarding the interaction, significance and relevancy of the international heritage center to the national historic trail act. I believe it is now the position of New Mexico's State Monuments division that El Camino Real International Heritage Center was created as New Mexico's newest state monument for the sole purpose of serving as the official interpretive center for the trail in New Mexico. Furthermore, it is the recommendation of the division that the draft management plan also acknowledge its role and function as the official interpretive center for the national historic trail. This might be accomplished through a cooperative agreement, certification or amendment to the national trails act.

Thank you for the opportunity to comment on the draft. I hope to provide you and your team with the center's draft management and interpretive plan in the near future and would welcome your comments or insights as well.

Sincerely,

Joy Poole, Director
El Camino Real International Heritage Center

CC: Jose Cisneros, MNM – State Monuments
Tom Wilson, MNM
Rubin Smith, Officer of Cultural Affairs
Sarah Schlanger, BLM
Kate Padilla, BLM

TO: Jose Cisneros, Tom Wilson
FROM: Jay Poole
RE: Comments on El Camino Real Gen'l Management Plan

My comments are synchronized with the draft comprehensive Management Plan/
Environmental Impact Statement

Executive Summary

Pg v

The five issues identified are noted. However upon reading further into the Comparisons of Alternatives and Impacts in the Tables of the Executive Summary there appears to be a lack of consistency back to the issues yet the environmental table clearly identifies Impact Topic where it appears to be a matrix between issues, alternatives and impact topics

Also, later on page 8 under issues to be resolved – opportunities for visitor services isn't addressed. Furthermore, historical issues such as migration and commerce are not listed despite people from Mexico still following the trail of their ancestors in search of opportunities and the commercial trade in existence today between the two countries. There should be an acknowledgement of the trail as a living trail today is also omitted here.

GOALS

Suggestion: What appears to be missing is a contemporary goal that addresses economic development, international collaboration and migration. Unlike all other national historic trails, El Camino Real is still a living, vibrant trail. It is still a trail of commerce, of migration and for all intent and purposes a trail of evangelism (or cultural exchange). I would encourage the NPS and BLM to push the envelope and determine whether collaborations with Dept. of Commerce and or INS might be advisable.

Suggest Adding 1) "Internationality" to the second goal and 2) adding a goal of supporting and or promoting economic development and commercial opportunities as related to El Camino Real.

Alternatives –

These are the action areas with administration, resource protection, interpretation and education.

The omissions of 1) commerce are troublesome given the historical importance of trade and commerce and the continuance of international commerce and trade via NAFTA today and 2) the fact that historically El Camino Real was a migration route and that still today I-25 serves as a route of immigration. These are changing and evolving human issues but

they are also viable characteristics of this trail that have perpetuated just as resources of the trail have survived and qualify for government protection.

Page x

Under preferred alternative – The last sentence referencing local history may be too limiting. Suggest engaging in local history research and placing this local history in a national and international historical and contemporary context.

The last sentence could be expanded to include such things as car and computer games, bi-lingual t.v.

Under interpretation on page 14 & 15, **In this age of technology, isn't it short sighted to not include digital library capabilities and or identified them as a mechanism for delivery in Alternative C. Library of Congress, NM state library and archives can collaborate with NPS/BLM as can INAH and other Mexican repositories.** (Our first lady, Laura Bush – a librarian would love this!)

Page xiii - xiv– First column 3rd square Recreation/Visitor Experience/ Interpretation.

The standard of quality enumerated in the certification process may not be achievable for many of the cultural facilities of New Mexico without an additional financial appropriation to the budget such as the NPS program is a cost share process.

Note- El Camino Real IHC exhibits plans should certainly be passed before the Long Distant Trails office prior to construction to identify potential certification shortcomings prior to actual construction especially since they will have to meet ADA standards to qualify. Other OCA, MNM and monument sites desiring certification also have to pass ADA standards as part of the certification process.

Page xv Jobs under socio-economics/social values/environmental justices.

There's a discussion about the creation of new employment in the service sector These are low paying jobs to meet the tourism demand. Given the level of tourism operations on New Mexico's reservations and some of the more rural communities of New Mexico, the Hispanic and North American Indian communities would want better, higher wage earning jobs for their children. What about socioeconomic for middle income residents in the US and Mexico? Given the U.S. portion of the trail is located in New Mexico a state where there are numerous artisans and regional arts and crafts, it seems cottage industries could also be identified and promoted in New Mexico, Texas and Mexico.

Suggest: The Preferred Alternative of entry level tourism jobs currently identified in the draft should be place under Alternative B. Alternative C- Preferred

Alternative should outline higher paying administrative and managerial tourism jobs since tourism is the #2 industry in New Mexico's. Economic development, NAFTA or El Camino Real Trade could provide moderate income producing jobs.

Chapter 1- Purpose / Process / Issue Fourth paragraph
Page 5 – Administration/Management

It is interesting to note that the National Endowment for the Arts is helping to define trails.

Is it not possible to sign MOU's with the Department of Commerce, Economic Development extolling the merits of NAFTA and recognizing the historical commercial importance of El Camino Real and its potential for today?

Chapter 1 –
Page 6

2nd column – 8th bulleted item

Suggest: Be able to obtain scholarly research and interpretive materials (insert in hard copy or digitally) to learn more about.....

I don't understand 11th bulleted point

Experience meeting people who life ways were, and continue to be, influenced by the trail.

Chapter 1
Interpretation and Education
Page 7

1st bullet – Suggest adding something to the effect at the end about "electronic access capabilities."

Reasoning: Kids in the US have computers...do kids in Mexico have computers?

Page 8 – Issues to be Resolved

The first two paragraphs are poorly worded. By stating "Issues are controversial or disputed", it seems negative and pessimistic.

Instead of perceiving them as problems that need to be resolved

Suggest: Issues for consideration (and then strive for a win win situation within the limitations of the federal government in terms of NPS and BLM)

What opportunities are available to provide visitors services, education, and/or recreation? Is absent as one of the planning issues.

The following three aspects should be listed as ISSUES for consideration. They apply historically to the trail and continue today. These sorts of issues may not be typical for NPS and BLM but this is a living trail and warrants some discussion and indication of consideration before discarding. (Furthermore, comments were repeatedly made about economic development and NAFTA was specifically mentioned as a key trail issue for INAH during the last joint meeting between BLM and INAH in the fall of 2002.)

1. Borderland Trail Security
2. Economic Development, Trade and NAFTA
3. Immigration and Migration

Chapter 1 – Relationship To Other Planning Efforts - Unnumbered Page 8

Apparently only Fort Selden and El Camino Real IHC within the MNM-State Monument have provided planning documents to the NPS. Certainly there are a number of OCA and MNM facilities who intend to participate. Farm and Ranch Heritage Museum isn't mentioned but are actively engaged in El Camino Real as is the Hispanic Cultural Center and the Palace of the Governors.

Concern: OCA and MNM isn't prepared to comprehensively discuss their plans adequately. We are, therefore, in the unfortunate position of participating in this endeavor in a reactionary, defense mode. I don't think OCA and MNM should miss this opportunity since El Camino Real impacts so many of our cultural facilities.

Chapter 1 Page 9

Under the two issues

1. How will trail management be integrated with tribal and other....
- and 2. How do we incorporate international interest in the trail.

Certainly, if Mexicans and Spanish are encouraged to tell their historical perspective and views of the trail, the Indian peoples should be granted the same courtesy.

Suggest: Inserting under both of these issues the following phrase:
From what historical perspective do Native American tribes (sovereign governments) view the trail.

Chapter 1 Page 15

Under State Level Partners – This section is too generic too much of a boilerplate statement especially given that El Camino Real NHT tranverses primarily New

Mexico, it seems this paragraph could be rewritten to encompass all aspects of the Office of Cultural Affairs of which the state historic preservation office is part of but there's numerous other sister agencies which could actively participate in for instance the id of research needs.

To specifically ID historic preservation when state libraries, state archives, state monuments and state historian are not identified just seems odd.
Also, under administration I note that tribal governments as partners are omitted.

Chapter 1 page 18

Since there's a desire to serve as an information repository, it seems to not strive to create a digital library on El Camino Real is a tremendous oversight. This would be a great joint project with those countries and numerous libraries and pertinent agencies.

Suggest exploration of a Digital Library with the Library of Congress (who incidentally is already working with Spain) and Institute for Museum and Library Services – UNM library and or New Mexico's State Library.

Map 3C

Auto Tour Route can follow Highway 1 from about Mile Marker 90 northward towards Socorro.

Page 35 1st column 1st full paragraph

This section terminology is a bit confusing. Is certification the criteria?

This paragraph implies a criteria is in place. The site certification process is referenced on Page 17. However is going through the process of certification considered "the criteria" and is a high potential site subject to certification or another criteria or both. The example of certification is noted but is the criteria for a site also listed? Also is the criteria for high potential sites listed? Or is each site situational and a situational criteria has to be determined?

The 2nd example in this same paragraph "Incomplete historic documentation" would seem to warrant original and possibly sponsored research.

Page 36

Can this location in the Jornada be referenced to one of the enclosed maps? Or the appropriate BLM Field Office identified?

Can it be assumed this is the trail north of the Jornada between the future El Camino Real International Heritage Center and Fort Craig or is it some other property actually in the Jornada?

Page 39 – Under interpretive facilities

Although emphasis will be on the southern portion of the trail the whole trail will be interpreted by the center.

Suggest revising the last sentence of this section to say:

The heritage Center is another example of a joint government project and is therefore a separate project from the NHT. It would serve as an officially recognized or designated interpretive center (focal point for trail related interpretation and education) with emphasis on the southern portion of the trail.

Page 40

There should be a section on Digital Libraries or it could be a part of the resource section or web site section.

Under Heritage Tourism

Insert:

It seems to be an oversight not to include **National Heritage Area** as another potential example after heritage tourism programs.

Page 43

Under Inventory and Research

Digital Libraries is a new technology, which could be added here as another example besides traditional oral histories and innovative GIS digital systems.

Page 44

Under Interpretive Media

Digital Library could be added here. Again, it's a very effective new technology which could readily accommodate an international market.

Page 71-77

While the historical resources section is well researched and written – it is the standard history. There are some obvious gaps in biographies and contributors. There is no mention of any of the missionaries, women, and Indians who are affiliated with the trail.

It is disappointing that there isn't any mention of the prehistoric trade.

The importance of salt, and other trade goods, which is available as published archaeological research.



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

228 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87501
(505) 827-6820

HILL RICHARDSON
Governor

Harry Myers and Sarah Schlanger, Team Leaders
El Camino Real de Tierra Adentro National Historic Trail
PO Box 728
Santa Fe, NM 87504-0728

11 February 2003

Re: *Comments to Draft Comprehensive Management Plan/Environmental
Impact Statement*

Dear Mr. Myers and Ms. Schlanger:

We are writing to confirm receipt and review of the "El Camino Real de Tierra Adentro" CMP/EIS by the Historic Preservation Division of New Mexico.

The document is obviously the product of long, hard labor on the part of many people. It is a pleasure to see the many plans and ideas associated with this initiative coming to fruition, and it is exciting to contemplate the many positive benefits that this project will have for New Mexico, both now and in the future. Not the least of these will be an enhanced appreciation, for citizens of both the US and Mexico, of the many *avances* of our shared cultural heritage. This is an exciting project, for many reasons.

This office supports the preferred alternative; that is, that the El Camino Real de Tierra Adentro be implemented with a comprehensive program of resource protection and visitor use, as described in the draft EIS. During the course of our review, as we discussed in our meeting with you on 11 December 2002, we identified a number of sections in the draft EIS in which the language referencing cultural resources preservation laws and procedures should be strengthened and clarified. We have specified these below, and include some suggested wording changes.

In addition to the wording changes that we have detailed below, we strongly recommend that you consider creating a plan and/or programmatic document that will serve to coordinate all of the necessary procedures for cultural resources management planning, including (but not limited to) compliance with Section 106 of the National Historic Preservation Act (NHPA) and, where applicable, Texas and New Mexico state laws. Such a plan or programmatic procedure should be developed soon, for a number of reasons. First, two different land managing agencies—each of which follows a slightly different process for compliance with historic preservation laws—are directed to manage the Trail, representing the first instance in which a component of the National Trails System has been assigned to two agencies for joint administration. The Trail encompasses a wide

variety of land statuses. These include lands managed by various federal agencies (BLM 59.7 miles; Army Corps of Engineers 4.6 miles; USFWS 90.1 miles; USDA Forest Service 7.7 miles), as well as lands owned by Native American tribes (89.5 miles), private individuals (376.7 miles), and the state of New Mexico (24.7 miles). In this regard, it is important to note that the NHPA applies on federal lands per se, but also on non-federal lands if federal funding and/or permits are involved. State preservation laws are in force on state lands if a listed property is involved. In some instances, both suites of laws are applied. The historic preservation laws of New Mexico are actually more conservative than the federal laws, although they apply in fewer instances. In any event, the idea is to outline a clear procedure so that compliance with cultural resources preservation laws helps the managing agencies to ensure that the historic, scenic, and natural resources of the Trail are preserved, one of the key planning issues identified in the CMP/EIS. At a minimum, all of the agencies with lands crossed by the Trail, culturally affiliated North American Indian tribes, the Advisory Council on Historic Preservation, and the Texas and New Mexico State Historic Preservation Officers should be invited to sign.

An effective programmatic cultural resources compliance and management document should specify (at a minimum):

- How tribal consultation will be conducted, for traditional cultural property and other potential tribal concerns.
- Procedures through which historic properties will be identified.
- Procedures by which determinations of eligibility and effect will be reached, and by whom.
- Procedures for handling special consultation topics, such as inadvertent discoveries, review of testing and data recovery plans, etc.

Suggested Language for Incorporation in the CMP/EIS

1. State Cultural Resources Preservation Laws

Chapter 1, page 4, includes a discussion of the “Relationship to Legislation/Bureau of Land Management and National Park Service Policies, Plans, and Programs.” There is no mention of applicable state law in this section, although state laws apply on state lands in New Mexico and probably do in Texas, as well. We are enclosing a copy of “Key State Historic Preservation Statutes and Regulations” for New Mexico that should be referenced in this document, and suggest that you consult with Texas to determine whether there are comparable references for Texas that should also be added. We understand the reasons for the emphasis of relevant federal laws, but you should not omit the appropriate state law references, particularly as state lands are crossed by the Trail.

2. Environmental Consequences Analyses

We suggest adding the following text to Chapter 4, “Environmental Consequences” under the following designated headings:

- “Preferred Alternative—North American Indians” (page 102), and Alternative B (page 112); also see “Comparison of Impacts” (page xi)

These sections begin with the words,

“The impacts from both Alternatives B and the Preferred would have a neutral or positive impact upon the North American Indian tribes associated with El Camino Real. There would be no evident social or cultural impact upon the tribes.”

This statement really reflects a desired outcome rather than a fact that can be stated *a priori*. As the preferred alternative is implemented and visitor facilities are developed along the trail, there will be a wide variety of facilities construction projects, interpretive products created, etc. Many of these items are in the planning stages, but are far from being concrete. In our experience in consulting with Native Americans on a wide variety of projects undertaken by numerous agencies throughout New Mexico, we have learned that the “impacts” or *effects* of an undertaking on a tribe with traditional or other cultural property concerns cannot be successfully predicted by outsiders: it is necessary to consult directly with the tribes, about specific projects. Nor can members of one tribe speak for another. It has been made clear elsewhere in the document that tribal comments have been and will continue to be sought, but this is actually the most important place in which to clarify the purpose and need for consultation. It appears to us that what is really should be emphasized in this section is the commitment to involve the tribes in consultation on a continuing basis, with the hope of achieving “no effect” determinations for facilities construction (for example), or at the least the mitigation of any adverse effects that are identified. It is presumptuous (and erroneous) at such an early stage to assert that there can be no evident impacts for these two alternatives. We suggest eliminating the opening paragraph in each of these discussions and inserting the following:

“Compliance with the revised 36 CFR 800 guidelines issued by the Advisory Council for Historic Preservation for compliance with the National Historic Preservation Act (NHPA), as amended, mandates that North American Indian tribes that may be culturally affiliated with traditional cultural properties (and other historic properties) in the area of effect for a federal undertaking must be consulted, even if the area of effect does not lie within the boundaries of an Indian Reservation. “Impacts” as defined in NEPA must be assessed as “effects” using the criteria defined for compliance with the NHPA in 36 CFR 800 by Agency officials. Tribal consultation will be ongoing throughout the development and management of El Camino Real facilities, and any traditional cultural property or other concerns identified by tribes will be taken into consideration by Agency officials. The goal of such consultation will be to avoid or mitigate any impacts or effects that may be identified.”

The second paragraph would logically follow, and the third paragraph in these sections would not be necessary.

The same language is used in the “Comparison of Impacts” section at the beginning of the document, on page xi in the discussion of potential impacts to “North American Indians.”

This section of the document should also be modified to reflect the commitment the managing agencies are making to continuing tribal consultation without making the awkward *a priori* assumption in the current text.

- “Preferred Alternative—Cultural Resources (Archeological/Historical) (page 102)

We suggest that the last sentence of the section should be changed to read as follows:

“Consultation on the effects of the development of visitor facilities—and other trail-related undertakings—is required by Section 106 of the National Historic Preservation Act. As outlined in the revised 36 CFR 800 guidelines, Agency officials shall provide the Advisory Council on Historic Preservation and the State Historic Preservation Offices of Texas and New Mexico with a reasonable opportunity to comment on the effects of undertakings associated with the development of trail facilities to historic properties that are eligible to the National Register of Historic Places. In some instances, state cultural resources protection laws for New Mexico and Texas may also be applicable, and will require consultation. Such consultation may follow the standard process outlined in the implementing regulations for Section 106, or may take place under the stipulations of a programmatic document designed to facilitate consultation for undertakings associated with the El Camino Real.”

We hope that these comments are helpful, and wish you the best of luck as you pursue this challenging endeavor. Please call our office at (505) 827-4045/6315 if you have any questions about the various points we have raised, or if we can assist you in moving forward with the recommended programmatic agreement. We look forward to working with you on this exciting project.

Sincerely,



Jan Biella
Interim Director,
Historic Preservation Division



Elizabeth Oster
Team Lead, Archaeology

KEY STATE HISTORIC PRESERVATION STATUTES AND REGULATIONS

Cultural Properties Act of 1969

§ 18-6-1 through 18-6-17, NMSA 1978
NMAC Title 4, Chapter 10, parts 3-11

Cultural Properties Protection Act of 1993

§ 18-6A-1 through 18-6A-6, NMSA 1978
NMAC Title 4, Chapter 10, part 2

Prehistoric and Historic Sites Preservation Act of 1989

§ 18-8-1 through 18-8-8, NMSA 1978
NMAC Title 4, Chapter 10, part 12

Historic Preservation Loan Act of 1987

§ 18-6-18 through 18-6-23, NMSA 1978
NMAC Title 4, Chapter 10, part 2

State Income Tax Credit Program for Historic Properties

§ 7-2-18.2 and 7-2A-8.6, NMSA 1978

Cultural Properties Preservation Easements Act

§ 47-12A-1 through 47-12A-6, NMSA 1978

Disturbing a Marked Burial Ground

§ 30-12-12, NMSA 1978

Defacing Tombs

§ 73-12-13, NMSA 1978

Disturbing the Course of Ancient Acequias Prohibited

§ 73-2-6, NMSA 1978

Traditional Historic Community qualifications, annexation restrictions

§ 3-7-1.1, NMSA 1978

Damaging Caves or Caverns Unlawful

§ 30-15-5, NMSA 1978



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

December 4, 2002

Cons. # 2-22-03-I-050

Harry Myers, Team Leader
El Camino Real de Tierra Adentro
National Historic Trail
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Dear Mr. Myers:

Thank you for your October 1, 2002, letter and draft El Camino Real de Tierra Adentro National Historic Trail Management Plan and Environmental Impact Statement (EIS). In your correspondence you requested information on threatened or endangered species or important wildlife habitats that could be affected by the proposed historic trail from El Paso, Texas, to the San Juan Pueblo, about 25 miles northwest of Santa Fe, New Mexico.

The proposed plan will be jointly administered by the National Park Service and the Bureau of Land Management. The preferred alternative stresses the protection of historical resources along the trail and enhancing visitor experience. The proposed action would include construction of vehicle turnouts for visitor access and interpretive displays near the trail.

The EIS (page 116) indicates that 1.3 acres of wildlife habitat will be disturbed by parking turnouts and recreational development. The EIS (page 108) indicates that the proposed project will have "no effect" on federally listed species, because there is no potential habitat for them in the project area. The EIS also indicates that site-specific plant and wildlife inventories would be conducted before construction and environmental assessments prepared before construction activities begin. In addition, Page 117 of the EIS states that Endangered Species Act as amended (Act) consultation would be completed before each construction project. We look forward to reviewing the pre-construction environmental assessments.

The EIS (page 108) includes possible wildlife habitat improvement projects in the Jornada del Muerto area and Santa Fe Canyon. We strongly encourage these projects, because improved natural habitats would attract native wildlife species that originally occurred along the trail.

To assist you in the listed species consultation process, we have enclosed a current list of federally endangered, threatened, proposed, and candidate species, and species of concern that may be found along the proposed trail in Bernalillo, Doña Ana, Sandoval, Santa Fe, Sierra,

Harry Myers, Team Leader

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Socorro, and Valencia Counties, New Mexico. Additional information about these species is available on the Internet at <<http://nmnrplants.unm.edu>>, <<http://nmnhp.unm.edu/biscom/biscom.cfm>>, and <<http://ifw2ca.fws.gov/endangeredspecies>>. Under the Act, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included in this document for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value. For the construction of any new bridges, we would ask that you pay special attention to the effects of this type of structure in wetland areas.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Harry Myers, Team Leader

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Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. In future correspondence regarding this project, please refer to consultation # 2-22-03-I-050. If you have any questions about the information in this letter, please contact Dennis Coleman at the letterhead address or at (505) 346-2525 ext. 4716.

Sincerely,

A handwritten signature in cursive script that reads "Joy E. Nicholopoulos".

Joy E. Nicholopoulos
Field Supervisor

Enclosure

cc: (w/o enc)

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico
Director, New Mexico Energy, Minerals, and Natural Resources Department, Forestry
Division, Santa Fe, New Mexico

FEDERAL ENDANGERED, THREATENED,
PROPOSED, AND CANDIDATE SPECIES
AND SPECIES OF CONCERN IN NEW MEXICO
Consultation Number 2-22-03-I-050
December 4, 2002

Bernalillo County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)***
Southwestern willow flycatcher (*Empidonax traillii antinus*)
Rio Grande silvery minnow (*Hybognathus amarus*)

THREATENED

Hald eagle (*Haliaeetus leucocephalus*)
Mexican spotted owl (*Strix occidentalis bockia*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyus americanus*)

SPECIES OF CONCERN

New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
Pecos River muskrat (*Ondatra riberhicus ripensis*)
Townsend's big-eared bat (*Corynorhinus townsendii*)
American peregrine falcon (*Falco peregrinus anatum*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Baird's sparrow (*Ammodramus bairdii*)
Black tern (*Chlidonias niger*)
Northern goshawk (*Accipiter gentilis*)
Millipede (*Comancheus chihuensis*)

Dona Ana County

ENDANGERED

Interior least tern (*Sterna antillarum*)
Northern spinosack falcon (*Falco sparverius septentrionalis*)
Southwestern willow flycatcher (*Empidonax traillii antinus*)
Rio Grande silvery minnow (*Hybognathus amarus*)***
Saeed pincushion cactus (*Coryphantha menziesii* var. *menziesii*)

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Desert pocket gopher (*Geomys bursarius arenarius*)
 Organ Mountains Colorado chipmunk (*Eutamias quadrivittatus australis*)
 Townsend's big-eared bat (*Corynorhinus townsendii*)
 Western red bat (*Lasiurus blossevillii*)
 Pecos River muskrat (*Ondatra zibethicus ripensis*)
 White Sands woodrat (*Neotoma micropus leucophaea*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundrius*)
 Baird's sparrow (*Ammodramus bairdii*)
 Bell's vireo (*Vireo bellii*)
 Black tern (*Chlidonias niger*)
 Desert viceroy butterfly (*Limenitis archippus obsoleta*)
 Anthony blister beetle (*Lytta mirifica*)
 Doña Ana talussnail (*Sonorella todseni*)
 Alamo beard tongue (*Penstemon alamosensis*)
 Desert night-blooming cereus (*Cereus greggii* var. *greggii*)
 Mescalero milkwort (*Polygala rimulicola* var. *mescaleroorum*)
 Nodding rock-daisy (*Perityle cernua*)
 Organ Mountain evening-primrose (*Oenothera organensis*)
 Organ Mountain figwort (*Scrophularia laevis*)
 Sand prickly pear (*Opuntia arenaria*)
 Sandhill goosefoot (*Chenopodium cycloides*)
 Standley whitlow-grass (*Draba standleyi*)

Sandoval County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
 Southwestern willow flycatcher (*Empidonax traillii extimus*)
 Rio Grande silvery minnow (*Hybognathus amarus*)

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*) with critical habitat

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyus americanus*)

SPECIES OF CONCERN

Goat Peak pika (*Ochotona princeps nigrescens*)
 New Mexican meadow jumping mouse (*Zapus luteocinctus luteus*)
 Townsend's big-eared bat (*Corynorhinus townsendii*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundricus*)
 Baird's sparrow (*Ammodramus bairdii*)
 Northern goshawk (*Accipiter gentilis*)
 Rio Grande cutthroat trout (*Oncorhynchus clarki virginialis*)
 Rio Grande sucker (*Catostomus plebeius*)
 Jemez Mountain salamander (*Plethodon neomexicanus*)
 New Mexico silverspot butterfly (*Speyeria mokona nitens*)
 San Ysidro tiger beetle (*Cicindela williamsoni sanroel*)
 William Lee's tiger beetle (*Cicindela fulvida williamsoni*)
 Gypsum phacelia (*Phacelia* sp. nov.)
 Gypsum Townsendia (*Townsendia gypsumphila*)
 Knight's milk-vetch (*Astragalus knightii*)
 Parish's alkali grass (*Puccinellia parishii*)

Santa Fe County**ENDANGERED**

Black-footed ferret (*Mustela nigripes*)**
 Southwestern willow flycatcher (*Empidonax traillii eximius*)
 Rio Grande silvery minnow (*Hybogaster amarus*)***

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyus americanus*)

SPECIES OF CONCERN

New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
 Townsend's big-eared bat (*Corynorhinus townsendii*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundrius*)
 Baird's sparrow (*Ammodramus bairdii*)
 Northern goshawk (*Accipiter gentilis*)
 Rio Grande sucker (*Catostomus plebeius*)
 Chiricahua dock (*Rumex orthoneurus*)
 Santa Fe cholla (*Opuntia viridiflora*)

Sierra County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
 Northern aplomado falcon (*Falco femoralis septentrionalis*)
 Southwestern willow flycatcher (*Empidonax traillii extimus*)
 Gila trout (*Oncorhynchus gilae*)
 Rio Grande silvery minnow (*Hybognathus amarus*)**
 Todsens pennyroyal (*Hedeoma todsenii*), with critical habitat

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*)
 Chiricahua leopard frog (*Rana chiricahuensis*)

CANDIDATE

Black-tailed prairie dog (*Cynomys ludovicianus*)*
 Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Organ Mountains Colorado chipmunk (*Eutamias quadrivittatus australis*)
 Townsend's big-eared bat (*Corynorhinus townsendii*)
 Southwestern otter (*Lutra canadensis sonorae*)
 White Sands woodrat (*Neotoma micropus leucophaea*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundrius*)
 Baird's sparrow (*Ammodramus bairdii*)
 Bell's vireo (*Vireo bellii*)
 Black tern (*Chlidonias niger*)
 Northern goshawk (*Accipiter gentilis*)
 Desert sucker (*Catostomus clarki*)
 Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*)
 Sonora sucker (*Catostomus insignis*)
 White Sands pupfish (*Cyprinodon tularosa*)

Desert viceroy butterfly (*Limenitis archippus obsoleta*)
 Mineral Creek mountainmail (*Oreobella plibryi*)
 Duncan's pincushion cactus (*Coryphantha duncanii*)
 Pinos Altos flame flower (*Talinum humile*)

Socorro County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)***
 Interior least tern (*Sterna antillarum*)
 Northern aplomado falcon (*Falco femoralis septentrionalis*)
 Southwestern willow flycatcher (*Empidonax traillii eximius*)
 Rio Grande silvery minnow (*Epiplatys amarus*)
 Socorro isopod (*Thermophaeroma thermophilus*)
 Alamosa tryonia (springmail) (*Trypania alamosae*)
 Socorro pyrg (springmail) (*Pyrgulopsis neomexicana*)

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*) with critical habitat
 Piping plover (*Charadrius melodus*)
 Chiricahua leopard frog (*Rana chiricahuensis*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Black-tailed prairie dog (*Cynomys ludovicianus*)
 Yellow-billed cuckoo (*Coccyus americanus*)
 Chaparral pyrg (springmail) (*Pyrgulopsis chaparralis*)

SPECIES OF CONCERN

Allen's big-eared bat (*Myotis phyllotis*)
 Desert pocket gopher (*Geomys burbanki arenarius*)
 New Mexican meadow jumping mouse (*Zapus leucrodus luteus*)
 Organ Mountains Colorado chipmunk (*Eutamias quadrivittatus castralis*)
 Townsend's big-eared bat (*Corynorhinus townsendii*)
 Pecos River muskrat (*Ondatra zibethicus ripensis*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundrius*)
 Baird's sparrow (*Ammodramus bairdii*)
 Bell's vireo (*Vireo bellii*)
 Black tern (*Chlidonias niger*)
 Northern goshawk (*Accipiter gentilis*)
 Rio Grande nacker (*Catanostomus plabeius*)

Desert viceroy butterfly (*Limenitis archippus obsoleta*)
 Fugate's blue-star (*Amsonia fugatei*)
 Sandhill goosefoot (*Chenopodium cycloides*)

Valencia County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
 Southwestern willow flycatcher (*Empidonax traillii extimus*)
 Rio Grande silvery minnow (*Hybognathus amarus*)

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
 Mexican spotted owl (*Strix occidentalis lucida*)
 Pecos sunflower (*Helianthus paradoxus*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
 Pecos River muskrat (*Ondatra zibethicus ripensis*)
 American peregrine falcon (*Falco peregrinus anatum*)
 Arctic peregrine falcon (*Falco peregrinus tundrius*)
 Baird's sparrow (*Ammodramus bairdii*)
 Bell's vireo (*Vireo bellii*)
 Northern goshawk (*Accipiter gentilis*)
 Millipede (*Comanchelus chihuanus*)

Index

- Endangered** = Any species which is in danger of extinction throughout all or a significant portion of its range.
- Threatened** = Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
- Candidate** = Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).
- Species of Concern** = Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only.
- = Introduced population
- ** = Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (*Cynomys gunnisoni*) and/or 80-acres or more for any subspecies of black-tailed prairie dog (*Cynomys ludovicianus*). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.
- *** = Extirpated in this county
- † = May occur in this county from re-introductions in Colorado. Analysis for this species is not required.