

# **Appendix C.**

## **Cultural Compliance**

Maps and/or locational  
information detailing cultural  
sites have been removed per  
New Mexico Cultural Properties  
Act N.M. Stat. §§ 18-6-1 through  
18-6-17

**From:** [Moiola, Lloyd, EMNRD](#)  
**To:** [Zink, Andrew, EMNRD](#)  
**Subject:** FW: Madrid MOA Signature Request  
**Date:** Friday, June 30, 2023 10:17:04 AM  
**Attachments:** [MMD MOA 23-521-600-0176 OSM MMD SHPO Final 03-30-23.pdf](#)

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**From:** Ensey, Michelle, DCA <michelle.ensey@dca.nm.gov>  
**Sent:** Monday, April 3, 2023 2:21 PM  
**To:** Moiola, Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>  
**Cc:** Zink, Andrew, DCA <Andrew.Zink@dca.nm.gov>  
**Subject:** RE: Madrid MOA Signature Request

Hi Lloyd,

Attached is the MOA with Jeff's signature.

Michelle

Michelle M. Ensey  
Deputy State Historic Preservation Officer & State Archaeologist  
New Mexico Department of Cultural Affairs  
Historic Preservation Division  
407 Galisteo Street, Ste. 236  
Santa Fe, NM 87501  
Office: (505) 827-4064, Cell: (505) 490-3928  
**PLEASE NOTE NEW EMAIL ADDRESS:** [michelle.ensey@dca.nm.gov](mailto:michelle.ensey@dca.nm.gov)

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**From:** Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Sent:** Thursday, March 30, 2023 2:33 PM  
**To:** Ensey, Michelle, DCA <[michelle.ensey@dca.nm.gov](mailto:michelle.ensey@dca.nm.gov)>  
**Cc:** Zink, Andrew, DCA <[Andrew.Zink@dca.nm.gov](mailto:Andrew.Zink@dca.nm.gov)>  
**Subject:** Madrid MOA Signature Request

Hello Michelle,

Enclosed is the final Memorandum of Agreement (MOA) between OSMRE, SHPO, and EMNRD that outlines stipulations the NMAML Program will follow on behalf of OSMRE to address adverse effects to historic properties in Madrid, New Mexico during implementation of the Madrid Stormwater & Erosion Control Project. The MOA has been signed by both OSMRE and EMNRD; please sign and return the attached Agreement as soon as possible and I will forward to the concurring parties for signature. We appreciate all your assistance in the development and completion of the MOA.

I may be contacted at (505) 629-3757 or by email at [Lloyd.moiola@emnrd.nm.gov](mailto:Lloyd.moiola@emnrd.nm.gov) with any

questions regarding implementation of the Agreement.

Sincerely,

Lloyd Moiola  
Environmental Manager  
New Mexico Abandoned Mine Land Program  
Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive, Santa Fe, NM 87505  
Cell: 505-629-3757

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE  
MINING, RECLAMATION AND ENFORCEMENT,  
THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES  
DEPARTMENT MINING AND MINERALS DIVISION,  
AND THE  
NEW MEXICO, STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**WHEREAS**, the United States Department of the Interior's Office of Surface Mining, Reclamation and Enforcement (OSMRE) provides funding to the State of New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Mining and Minerals Division (MMD) and MMD's Abandoned Mine Land Program (AMLP) proposes using federal funds for the Madrid Stormwater and Erosion Control Project (the undertaking) pursuant to the Surface Mining Control and Reclamation Act of 1977; and

**WHEREAS**, OSMRE, MMD, the New Mexico, State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) executed the Programmatic Agreement Regarding the Abandoned Mine Land Program in New Mexico on December 17, 2020 (EMNRD No. 09-521-0620-0196) (2020 AMLP PA) in which OSMRE authorized AMLP to initiate Section 106 consultation for AMLP undertakings and assist OSMRE in meeting its responsibilities under Section 106 of the National Historic Preservation Act (NHPA); and

**WHEREAS**, the undertaking consists of the establishment of storm water conveyances, erosion control measures, and new fire prevention improvements to remediate flooding and erosion issues resulting from the impacts of legacy coal mining activities that pose a threat to life and property within the community of Madrid in Santa Fe County, New Mexico; and

**WHEREAS**, AMLP has defined the undertaking's area of potential effects (APE) in consultation with the SHPO as shown in Attachment 1; and

**WHEREAS**, the APE covers lands owned privately, lands owned by the County of Santa Fe, and lands managed by the New Mexico, Department of Transportation (NMDOT); and

**WHEREAS**, the APE for the proposed undertaking contains Madrid Historic District, which is listed in the National Register of Historic Places (NRHP No. 77000928) and New Mexico State Register of Cultural Properties (SR 356). The National Register of Historic Places Inventory-Nomination form for the Madrid Historic District recognizes that Madrid is an excellent example of a company-owned western mining town. Its period of significance begins in 1828 and ends in 1926. The historic district encompasses the entire town of Madrid and includes coal mine entries, waste or 'gob'

piles, a standard gauge railway grade and numerous smaller gauge railroads to transport the coal from the mines to the processors, shop buildings, the remains of two tipples, residential houses, and building sites. A significant coal mining landscape is also present; and

**WHEREAS**, OSMRE and AMLP have identified within the project area of potential effects 16 archaeological sites (LA 108551, LA 115534, LA 117776, LA 117777, LA 117778, LA 170805, LA 195464—LA 195466, LA 195467, LA 195468, LA 195469, LA 197066, LA 197067, and LA 197068), 112 historic buildings (HCPI 32455, HCPI 32479, HCPI 32480, HCPI 32481, HCPI 47456—HCPI 47460, HCPI 47462—47505, HCPI 47507—47544, HCPI 47646, HCPI 47647, HCPI 48961, HCPI 48963—48965, HCPI 48468—48974 and HCPI 48976—48983) and one historic isolated occurrence; and

**WHEREAS**, OSMRE, AMLP, and the SHPO have determined that the undertaking may adversely affect the Madrid Historic District, archaeological sites LA 115534, LA 117777, LA 170805, LA 195467, LA 195468, LA 195469, LA 197066, LA 197068, and LA 197067; and

**WHEREAS**, AMLP, on behalf of OSMRE, initiated consultation with Indian tribes through either the tribe's Tribal Historic Preservation Officer (THPO), or appropriate tribal official for: Cochiti Pueblo, Comanche Indian Tribe, Hopi Tribe, Isleta Pueblo, Jicarilla Apache Nation, Kiowa Tribe, Nambe Pueblo, Navajo Nation, Ohkay Owingeh (San Juan) Pueblo, Pojoaque Pueblo, San Ildefonso Pueblo, Sandia Pueblo, Santa Clara Pueblo (THPO), Santo Domingo Pueblo and Tesuque Pueblo pursuant to 36 C.F.R. Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 100101) and none of the tribes have identified properties having religious and cultural significance within the APE; and

**WHEREAS**, AMLP has consulted with the County of Santa Fe and the Madrid Landowners Association, and the United States Army Corps of Engineers and invited them to sign this MOA as a concurring party and they have accepted; and

**WHEREAS**, AMLP has consulted with the Madrid Water Co-op and invited them to sign this MOA as a concurring party and no response has been received; and

**WHEREAS**, AMLP has consulted with the NMDOT and invited them to sign this MOA as a concurring party and NMDOT has declined; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), OSMRE has notified the ACHP of its adverse effect determination with specified documentation, and the ACHP has chosen *not to* participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**NOW, THEREFORE,** The OSMRE, AMLP, and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to consider the effects of the undertaking on historic properties.

## **I. STIPULATIONS**

The OSMRE and the AMLP shall ensure that the following measures are implemented to mitigate potential adverse effects to historic properties as listed in Attachment 2 & 3:

1. The OSMRE and the AMLP shall develop and submit a treatment plan to SHPO for review and comment. The SHPO shall have 30 days to review the plan and respond. Concurrently with SHPO review, the AMLP shall require that its consultant(s) obtain the appropriate permit(s) from the Cultural Properties Review Committee (CPRC) for archaeological investigations at LA 170805, LA 108551, LA 115534, LA 1170805, LA17777, LA 195467, and a historic drainage channel within the Madrid Historic District. Upon approval of the treatment plan by the SHPO and the CPRC, archaeological investigations can commence.
2. The AMLP shall require its consultant(s) prepare a preliminary report. The preliminary report will serve to document completion of the fieldwork and to recommend additional protection measures for intact cultural deposits outside of, but adjacent to, the Project APE and other APEs identified above if necessary. In accordance with the treatment plan, the findings in the preliminary report will be submitted within 30 days after completion of fieldwork and again every 30 calendar days after the initial preliminary report, or as needed with an alternative schedule agreed to between signatories.
3. The OSMRE and the AMLP shall submit a copy of the preliminary report to the SHPO who will have 30 days from receipt to review and comment on the preliminary report. AMLP shall ensure that the consultant addresses any comments provided.
4. The AMLP shall require its consultant(s) to prepare a final report discussing the findings resulting from the treatment plan within 12 months after completion of the undertaking and the SHPO shall have 30 days to review and comment on the draft final report. The AMLP shall ensure that any comments are addressed in the final report, which will be provided to the SHPO and consulting parties within 12 months.
5. All records and artifacts resulting from treatment, including data recovery, shall be curated at the Museum of Indian Arts and Culture in accordance with federal regulations (36 C.F.R. Part 79) and with state law (NMSA 1978, Section 18-6-6).

6. Education/Outreach - The AMLP shall produce interpretive materials conveying to the public the results of the investigation. The AMLP may consult with the SHPO prior to finalizing the materials.

## **II. DURATION**

This MOA will expire if its terms are not carried out within five years from the date of its execution. Prior to such time, OSMRE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Section VIII below.

## **III. POST-REVIEW DISCOVERIES**

1. "Discoveries" means the discovery of cultural properties. "Cultural properties" means a structure, place, site, or object having historic, archaeological, scientific, architectural, or other cultural significance.

2. If cultural properties are discovered after the permitted field investigations have concluded or unanticipated effects on cultural properties occur during construction or other ground-disturbing activities, all construction, or other ground-disturbing activities in the vicinity of the discovery shall immediately cease and a buffer of at least 50 feet shall be established around the discovery. The ALMP shall notify the SHPO within 24 hours of the discovery.

3. OSMRE, in consultation with SHPO, shall evaluate the discovery's significance and determine appropriate actions to avoid disturbing the cultural property or recover significant information.

4. If the discovery is in an area covered under a current permit that authorizes excavation of similar types of cultural properties, the discovery may be treated in accordance with the standards and methods outlined in the research design for the permit and the results shall either be included in the report for the permitted activity as an addendum or as a separate report.

5. If the discovery is in an area covered by a permit that has expired or in an area that was not subject to an archaeological investigation prior to the commencement of construction, the AMLP may request that a permittee develop a plan to protect or minimize damage to the discovery or to excavate the features or cultural deposits that will be affected by the construction. A "permittee" is a person or entity that has a valid permit to conduct archaeological investigations on State and/or Federal Land, project specific permits for testing, excavation, human burials, and test excavations.

6. The AMLP will review the plan and when approved shall forward it to the SHPO. The SHPO shall review the plan within 48 hours of receipt of the plan. If there are any questions or concerns, the SHPO will work closely with the AMLP and permittee to develop a plan acceptable to the AMLP and SHPO. The SHPO shall notify the AMLP and the permittee in writing when it has approved the plan.

#### **IV. UNMARKED HUMAN BURIALS**

If unmarked human burials are discovered during ground disturbing activities on state or private land, work will stop and the permittee shall notify local law enforcement pursuant to Rule 4.10.11 of the New Mexico Administrative Code (NMAC). If the unmarked human burial cannot be left in place, excavations shall be carried out in conformance with Rule 4.10.11 NMAC.

The remains will be protected from further disturbance and the AMLP will notify the local law enforcement agency, the Office of the Medical Investigator (OMI), the state land managing agency, and the SHPO. If OMI determines that the remains are without medico-legal significance, OMI will terminate jurisdiction and the SHPO, in consultation with AMLP and the state land managing agency, will determine the steps to be taken to protect or remove the remains in accordance with the Cultural Properties Act, NMSA 1978, Section 18-6-11.2 and implementing 4.10.11 NMAC.

#### **V. MONITORING AND REPORTING**

Each 360 calendar days, or an alternative schedule agreed by this MOA's signatories, following the execution of this MOA until it expires or is terminated, the OSMRE shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. The OSMRE report can be a brief summary regarding the effectiveness of the MOA, and shall include any scheduling changes proposed, any problems encountered, a summary of SHPO consultations and review of findings in the cultural resource preliminary/final mitigation report(s) and any disputes and objections received in OSMRE's efforts to carry out the terms of this MOA.

#### **VI. CONFIDENTIALITY**

Consistent with the New Mexico Cultural Properties Act, NMSA, 1978, Section 18-6-11.1 information on the location of archaeological resources will be held confidential unless the custodian of such information determines that the dissemination of such information will further the purposes of the Cultural Properties Act as set forth in NMSA 1978, Section 18-6-2 will not create a risk of loss of archaeological resources.

#### **VII. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object to any actions pursuant to this MOA that are implemented, OSMRE shall consult with such party to resolve the objection. If OSMRE determines that such objection cannot be resolved, OSMRE will:

1. Forward all documentation relevant to the dispute, including OSMRE's proposed resolution, to the ACHP. The ACHP shall provide OSMRE with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, OSMRE shall prepare a written

response that considers any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. OSMRE will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, OSMRE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, OSMRE shall prepare a written response that considers any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.

3. OSMRE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **VIII. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

## **IX. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, OSMRE must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, consider, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. OSMRE shall notify the signatories as to the course of action it will pursue.


Execution of this MOA by the OSMRE and the SHPO and implementation of its terms is evidence that OSMRE has considered the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE STATE OF NEW MEXICO, STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**SIGNATORY:**

**UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

HOWARD  
By: STRAND  
Howard E. Strand, Manager

 Digitally signed by HOWARD  
STRAND  
Date: 2023.03.28 09:03:28 -06'00'

Date: March 28, 2023

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**SIGNATORY:**

**STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

By:   
EMNRD Cabinet Secretary or Designee

Date: 3/30/23

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**SIGNATORY:**

**NEW MEXICO. DEPARTMENT OF CULTURAL AFFAIRS, HISTORIC PRESERVATION DIVISION**

By: Jeff Pappas  
State Historic Preservation Officer or Designee

Date: 4/3/2023

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**CONCURRING PARTY:**

**SANTA FE COUNTY**

By:   
\_\_\_\_\_  
Santa Fe County Manager or Designee  
Gregory S. Shaffer, SFC County Manager

Date: 4/9/2023

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT  
OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND  
ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND  
NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND  
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE  
MADRID STORMWATER AND EROSION CONTROL PROJECT**

**CONCURRING PARTY:**

**MADRID LANDOWNERS ASSOCIATION**

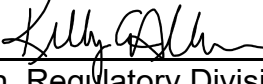
By: Clinton Anderson  
Authorized Signatory, Madrid Landowners Association

Date: April 15, 2023

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

**CONCURRING PARTY:**

**U.S. ARMY CORPS OF ENGINEERS**

By:  Date: 20 April 2023  
Kelly Allen, Regulatory Division Chief, Albuquerque District

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR'S OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, THE STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, MINING AND MINERALS DIVISION, AND THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER REGARDING THE MADRID STORMWATER AND EROSION CONTROL PROJECT**

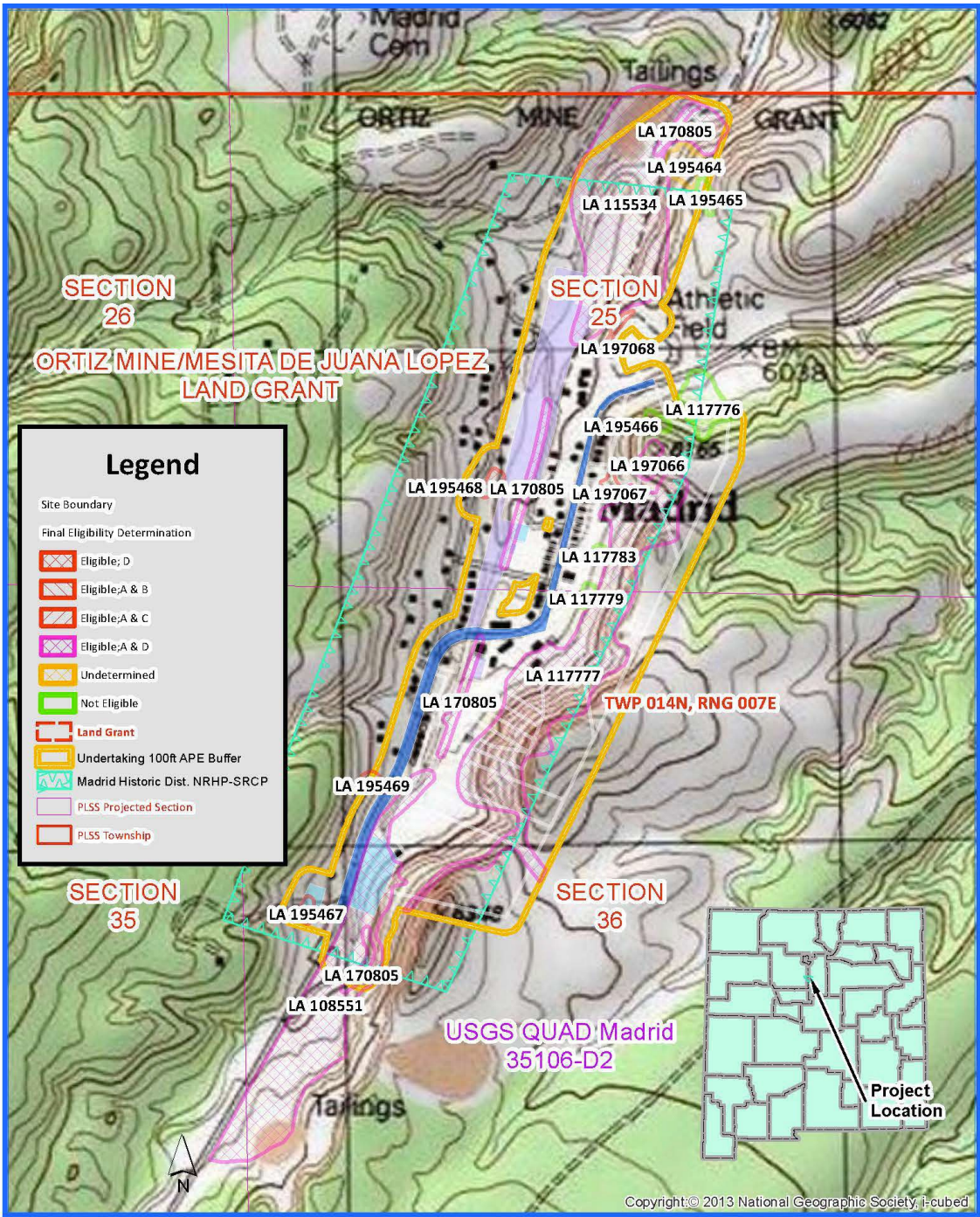
**CONCURRING PARTY:**

**MADRID WATER COOPERATIVE**

By: Allen Jethro Bowden  
Authorized Signatory

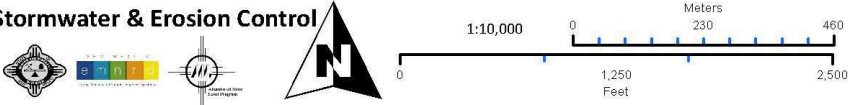
Date: 4-13-23

Attachment 1



Attachment 1: Madrid Stormwater & Erosion Control  
Project Location

20221107



## Attachment 2

Attachment 2: Madrid Actions Potential Effects by Archaeological Site

[illegible]

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Michelle Lujan Grisham  
Governor

Sarah Cottrell Propst  
Cabinet Secretary

Todd Leahy, JD, PhD  
Deputy Secretary

Jerry Schoeppner, Director  
Mining and Minerals Division



HPD Log 117635

12 July 2022

Mr. Jeff Pappas Ph. D., State Historic Preservation Officer and Director  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Bataan Memorial Bldg.  
Santa Fe, NM 87501

RE: Determination of Project Effects for a Madrid Stormwater and Erosion Control Project

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff across coal mining gob through town, resulting in the flooding of historic elements within the town of Madrid, a property listed on the National Register of Historic Places and New Mexico State Register of Cultural Properties (SR 365, NR 77000928,) Santa Fe County, New Mexico. Since the 1980s, the OSMRE and AML have addressed public safety concerns associated with open abandoned mine adits and shafts at the margins of the townsite and a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events in 2013. As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

We have previously consulted with your office on the project Area of Potential Effects for the project (APE, HPD Log 110513,) Determinations of Eligibility of properties identified within the project APE (HPD Log 114885) and have met with HPD staff on several occasions, both in person and virtually. With this letter, we wish to consult with you concerning a determination of potential project effects upon historic properties. Consultation with appropriate Indian tribes was conducted and did not raise any concerns except for the discovery of human burials.

As previously noted, and discussed, the project involves a property registered on the National Register of Historic Properties (NRHP); the Madrid Historic District. We have determined that the project has the potential to adversely affect this district and are proposing treatments to mitigate such effects. (See below) In addition, A number of archaeological sites within the project APE that have been determined eligible for NRHP listing may potentially be adversely affected. These include sites LA 108551, LA 115534, LA 117777, LA 170805, LA 195467, LA 197066 and LA 197067. Potential

July 12, 2022

Page 2

adverse effects are summarized in Tables 1 and 2 and depicted in Map Book 1. Fifty-Seven (57) historic buildings eligible for NRHP listing are within the project APE and will not be affected by the proposed project.

Proposed treatments to mitigate potential adverse effects include the execution of a Memorandum of Agreement and Treatment Plan to be developed in consultation with the SHPO and other consulting parties.

Sincerely,



Richard L. Wessel  
Abandoned Mine Land Program  
EMNRD-MMD  
[Richard.wessel@state.nm.us](mailto:Richard.wessel@state.nm.us)  
505-819-8856

**Comment:**

The Storm-water Conveyance feature shown in the map book on pp. 9 & 10 and designated with the #39 yellow circle id, is listed as a cultural resource that will potentially be affected by this undertaking in the AML's 'Actions Potentially Affecting CR' table provided with this consultation. This feature is not overtly mentioned in this letter. This feature has yet to receive a recording or HCPI number but SHPO understands that it will be recorded in the future and will be addressed and treated as part of future mitigation plans.

Table 1:

## Madrid Stormwater Erosion Control Archaeological Site Determinations of NRHP Eligibility\* Potential Effects

Site LA No.	Temporary No.	Property Type/Site Type	WCRM-EMNRD Eligibility Recommendation	WCRM-EMNRD MHD Contributing Recommendation	Age	HPD Eligibility Determination  HPD Log 114885	OSMRE-AML Determination of Project Effects
LA 108551	N/A	Property Types 1 (Residential), 3 (Infrastructure), and 4 (Mine)/historic mining related residential habitation.	Eligible-D	Contributing-A	1860-1950	eligible, a & d	Potential Adverse
LA 115534	N/A	Property Type 4 (Mine)/Jones Tipple Complex	Eligible-D	Contributing-A	1890-1960	eligible, a & d	Potential Adverse
LA 117776	N/A	Property Type 1 (Residential)/ associated with the White Ash Mine	Eligible-A	Contributing-A	1888-1900 and 1907	Not Eligible	N/A
LA 117777	N/A	Property Type 4 (Mine)/mining related site	Eligible-D	Contributing-A	1880-1954	eligible, a & d	Potential Adverse
LA 117779	HCPI 47458	Property Type 2a (Community Pride)/ Madrid Old Coal Town Museum building	Eligible-A	Contributing-A	1880-Present	Not Eligible	N/A
LA 117783	N/A	N/A-no longer exists	Not Eligible	Noncontributing	N/A	Not Eligible	N/A
LA 170805	DVG-19	Property Type 3 (Transportation)/Railroad/ segments of the Cerrillos Coal Company Railroad grade	Eligible-D	Contributing-A	1890-1959	eligible, a & d	Potential Adverse
LA 195464	DVG-01	Property Type 1a. (Community Refuse Disposal -Dump)/Madrid Dump	Not Eligible	Noncontributing	Unknown-Present	undetermined	No Project Effects
LA 195465	DVG-02	Property Type 4 (Mine)/mining related site	Not Eligible	Noncontributing	Unknown	Not Eligible	N/A
LA 195466	DVG-03	Property Type 4 (Mine)/mining related site	Not Eligible	Noncontributing	Unknown	Not Eligible	N/A
LA 195467	DVG-04	Property Type 1 (Residential)/historic habitation	Eligible-D	Noncontributing-A and C	1940-1957	Eligible-D	Potential Adverse
LA 195468	DVG-05	Property Type 1 (Residential)/historic habitation	Eligible-D	Noncontributing-A and C	1846-Unknown	Eligible-D	No Project Effects
LA 195469	DVG-09	Property Type 1 (Residential)/residential site	Eligible-D	Noncontributing-A and C	1930-1950	Eligible-D	No Project Effects
LA 197066	EJS-03	Property Type 2a (Community Pride)/	Eligible-A and B	Contributing-A	1880-1954	Eligible-A and B	Potential Adverse
		Bethlehem Hill site					Potential Adverse
LA 197067	EJS-04	Property Types 1 (Residential) and 3 (Infrastructure)/a historic residential site	Eligible- A and C	Contributing-A and C	1846-1970	Eligible- A and C	Potential Adverse
LA 197068	MJP-01	Property Type 2a (Community Pride)/	Eligible-A and B	Contributing-A	1936-1950	Eligible-A and B	No Project Effects
		series of low walls and foundation vestiges					No Project Effects
Note:		NRHP Eligible					

Table 2:

**Madrid Stormwater Erosion Control**  
**Archaeological Site Determinations of NRHP Eligibility, Potential Effects & Proposed Adverse Effects Mitigation**  
**Treatment**

Site LA No.	Temporary No.	Property Type/Site Type	WCRM-EMNRD Eligibility Recommendation	WCRM-EMNRD MHD Contributing Recommendation	Age	HPD Eligibility Determination HPD Log 114885	OSMRE-AML Determination of Project Effects	Proposed Treatment
SRP 365, adrid Historic District		Historic District			1890-1950	Listed Property	Adverse, Slope Limits of drainage structure and Culvert beneath NM Highway 14.	See LA 108551, LA 115534. LA 117777, LA 1700805, LA 197066 and LA 197067.
LA 108551	N/A	Property Types 1 (Residential), 3 (Infrastructure), and 4 (Mine)/historic mining related residential habitation.	Eligible-D	Contributing-A	1860-1950	eligible, a & d	Adverse; Slope Limits of drainage Structure	Document Historic Drainage Structure, Testing-Data Recovery New Channel Footprint
LA 115534	N/A	Property Type 4 (Mine)/Jones Tipple Complex	Eligible-D	Contributing-A	1890-1960	eligible, a & d	Adverse; Cave Rd Realignment	Monitor-Data Recovery Documentation
LA 117776	N/A	Property Type 1 (Residential)/ associated with the White Ash Mine	Eligible-A	Contributing-A	1888-1900 and 1907	Not Eligible	N/A	None
LA 117777	N/A	Property Type 4 (Mine)/mining related site	Eligible-D	Contributing-A	1880-1954	eligible, a & d	Adverse; Drainage Channels, Potential Retaining Walls, Bethlehem Pool. Cave Rd. Realignment, Culvert	Monitor Inceptor Channel Work-Data Recovery Documentation in Gob piles
LA 117779	HCPI 47458	Property Type 2a (Community Pride)/ Madrid Old Coal Town Museum building	Eligible-A	Contributing-A	1880-Present	Not Eligible	N/A	None
LA 117783	N/A	N/A-no longer exists	Not Eligible	Noncontributing	N/A	Not Eligible	N/A	None
LA 170805	DVG-19	Property Type 3 (Transportation)/Railroad/ segments of the Cerrillos Coal Company Railroad grade	Eligible-D	Contributing-A	1890-1959	eligible, a & d	Adverse; Grade Surface Treatment @ Utility Impalcement	Monitor-Data Recovery Documentation
LA 195464	DVG-01	Property Type 1a. (Community Refuse Disposal -Dump)/Madrid Dump	Not Eligible	Noncontributing	Unknown-Present	undetermined	Not Affected	None
LA 195465	DVG-02	Property Type 4 (Mine)/mining related site	Not Eligible	Noncontributing	Unknown	Not Eligible	N/A	None
LA 195466	DVG-03	Property Type 4 (Mine)/mining related site	Not Eligible	Noncontributing	Unknown	Not Eligible	N/A	None
LA 195467	DVG-04	Property Type 1 (Residential)/historic habitation	Eligible-D	Noncontributing-A and C	1940-1957	Eligible-D	Adverse: Water Tower Pad & Waterline	Data Recovery Documentation
LA 195468	DVG-05	Property Type 1 (Residential)/historic habitation	Eligible-D	Noncontributing-A and C	1846-Unknown	Eligible-D	Not Affected	None
LA 195469	DVG-09	Property Type 1 (Residential)/residential site	Eligible-D	Noncontributing-A and C	1930-1950	Eligible-D	Not Affected	None
LA 197066	EJS-03	Property Type 2a (Community Pride)/Bethlehem Hill site	Eligible-A and B	Contributing-A	1880-1954	Eligible-A and B	Adverse, Bethlehem Rd Const	Reduce Slope Limits, Monitor Vibration
LA 197067	EJS-04	Property Types 1 (Residential) and 3 (Infrastructure)/a historic residential site	Eligible- A and C	Contributing-A and C	1846-1970	Eligible- A and C	Adverse; Icehouse Rd. Construction	Monitor, Data Recovery
LA 197068	MJP-01	Property Type 2a (Community Pride)/ series of low walls and foundation vestiges	Eligible-A and B	Contributing-A	1936-1950	Eligible-A and B	Not Affected	None
Note:		Properties with potential effects considered Historic Properties with Potential Adverse Effects						



Michelle Lujan  
Grisham

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

BATAAN MEMORIAL BUILDING  
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SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

June 5, 2019

Richard L. Wessel  
AML Program Manager  
State of New Mexico, Mining and Minerals Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505  
[richard.wessel@state.nm.us](mailto:richard.wessel@state.nm.us)

RE: Madrid Stormwater and Erosion Control Project Inventory Methods: Identification of  
Historic Properties Efforts

Dear Rick:

On behalf of the New Mexico State Historic Preservation officer (SHPO), I would like to thank you and Mr. Moiola for accepting to meet with the SHPO and Historic Preservation Division (HPD) staff to discuss the current Madrid Stormwater and Erosion Control Project and more specifically, the methods and effort planned by Abandoned Mine Lands (AML) for identifying historic properties for this undertaking.

The initial letter of correspondence from the AML summarizing the suggested alterations to standard cultural resource inventory was received by the HPD and logged in on May 13, 2019. Several HPD staff including myself, Lynette Pollari (Historic Architect), and Michelle Ensey (Deputy SHPO and State Archaeologist) reviewed the summary. As a staff, our primary concern was with the organizational methods proposed for cataloging or numbering historic properties, but other letter details needed clarification.

To facilitate the consultation and clarify certain aspects of the letter, I reached out via email and requested we set up a meeting between the AML, SHPO, and HPD staff. The meeting was held in the afternoon on June 3, 2019 and resulted in an agreement on how to move forward with the cultural inventory without committing to the proposed changes to methods as described in the May 13, 2019 AML letter. It was agreed to that the cultural resource contractor will conduct the inventory across the area previously agreed to as the area of potential direct affects following their internal inventory methods. It was decided that once the inventory is completed, AML, SHPO, and HPD staff will schedule a follow-up meeting to discuss how the results of the survey can be efficiently organized to be compatible and managed with the current and potentially future NMCRIS database. With this, it was also clarified that only buildings will be documented using

the HCPI form while structures, objects, and features will be documented on LA Forms as is the case for archaeological sites currently.

The lead reviewers are Lynette Pollari, Ph.D. and Andrew Zink. To discuss the above comments, Lynette can be reached at (505) 476-0548 or at [lynette.pollari@state.nm.us](mailto:lynette.pollari@state.nm.us). I can also be reached by telephone at (505) 827-4040 or by email at [andrew.zink@state.nm.us](mailto:andrew.zink@state.nm.us).

Sincerely,



Andrew N. Zink  
Archaeological Review and  
State Archaeological permit

HPD Log 110513

**From:** [Wessel, Richard, EMNRD](#)  
**To:** [NMSHPO \(nm.shpo@state.nm.us\)](mailto:nm.shpo@state.nm.us)  
**Subject:** Madrid Stormwater & Erosion Control Project Inventory Methods  
**Date:** Monday, May 13, 2019 7:34:00 AM  
**Attachments:** [image001.gif](#)  
[Madrid Stormwater & Erosion Inventory Methods.pdf](#)

---

Dear Jeff and Andrew;

The AMLP proposes a few alterations of the standard cultural resource inventory methods for the above referenced project due to site conditions. Please review the attached letter. We request your concurrence with this proposal or comments.

Thank you;

*Rick Wessel*

Cultural Resources Manager  
New Mexico Energy, Minerals & Natural Resources Department  
Mines & Minerals Division-Abandoned Mine Land Program  
1220 S. St. Francis, Room 378  
Santa Fe, New Mexico 87505  
(505) 476-3426 off  
(505) 819-8856 cell  
[Richard.Wessel@state.nm.us](mailto:Richard.Wessel@state.nm.us)

State of New Mexico  
Energy, Minerals and Natural Resources Department

---

**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd Leahy, JD, PhD**  
Deputy Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



May 13, 2019

May 13, 2019May 13, 2019

Mr. Jeff Pappas Ph. D.  
State Historic Preservation Officer and Director  
Historic Preservation Division, New Mexico Department of Cultural Affairs  
407 Galisteo Street, Suite 236  
Bataan Memorial Bldg.  
Santa Fe, NM 87501  
ATTN: Mr. Andrew Zink

Subject: OSMRE AMLP Madrid Stormwater and Erosion Control Project Identification of Historic Property efforts

Dear Dr. Pappas:

The Energy Minerals and Natural Resources Department Abandoned Mine Land Program (EMNRD-AML) Proposed Methodology for Site Recording for the Madrid Stormwater & Erosion Safety Project

The Madrid Stormwater and Erosion Safety project's area of potential effects as defined by the EMNRD-AML received concurrence from your office on January 31, 2019 (HPD Log No. 109657). After numerous site visits we have determined that there is a need to modify the inventory methods due to site conditions. The first issue of concern is that for the developed lots both surface disturbance and modern refuse obscures the ground surface to a degree that prohibits the inspection of historic era ground surface and we propose not to inventory these areas. The second issue affecting the inventory methods is that there have been a number of inventory efforts, most of which predate the 2005 revisions of State code for conducting cultural resources surveys (4.10.15 NMAC).

The Madrid Historic District currently comprises 126 structures which have 122 HBI numbers and 4 HCPI numbers and eight archaeological sites. EMNRD-AML proposes that these cultural resources and all other resources that reflect the Madrid Mining Historic District be combined under one LA number. This number, LA 108551, is the lowest recorded site number previously assigned within the APE. All other current LA numbers within the APE and buffer will be subsumed under LA 108551 and will no longer be in use (LA 115534, 117776, 117777, 117778, 117779, 117783, and 126142). Additionally, the buildings encountered by EMNRD-AML contract archaeologists, Western Cultural Resource Management (WCRM) during the inventory will receive HCPI numbers to integrate them into the NMCRIS system. Further WCRM will extend the site boundary beyond the extent of the APE/buffer as discovered buildings, structures, features, or objects dictate. It should be noted that the inventory will include the 122 Fairchild buildings within the site boundary but will not record any buildings that are located outside the APE/buffer, nor will these buildings receive HCPI numbers. The entirety of the Madrid Historic District may or may not fall within the final site boundary.

Should other sites be identified that do not reflect the Mining Historic District and are not within the site boundary of LA 108551, they will be assigned new and separate site numbers. For example, an Archaic site separated from the mining site by a large distance, and have no association with the theme of the district, would receive its own LA number. However, should a prehistoric site be located within the boundary of LA 108551, it will be considered a separate component within the site – not a separate site.

During the site recording EMNRD-AMLPL will have WCRM assign each element (any cultural resource) a designation as follows. All buildings as defined by the HCPI manual will be given a sequential alpha numeric designation that begins with the letter B (e.g. B1, B2, B3...). All structures as defined by the HCPI manual will be given a sequential alpha numeric designation that begins with letter S (e.g. S1, S2, S3). All features as defined by the HCPI manual will be given a sequential alpha numeric designation that begins with letter F (e.g. F1, F2, F3). Features will be limited to archaeological features such as trash scatters. Objects as defined by the HCPI manual will be given a sequential alpha numeric designation that begins with letter O (e.g. O1, O2, O3).

WCRM will identify all contributing and noncontributing elements of the Madrid Historic District and will evaluate each element of the site against the seven aspects of integrity as defined by the National Register of Historic Places. The themes WCRM will be using are: 1) prospecting and early mining; 2) coal mining, 1880-post World War II; 3) settlement and company town development; and 4) modern era development 1945-1970. Evaluations will be based on clear associations with one or more of the themes and evaluations of integrity as to how the resource represents the theme – the building must retain enough of its elements.

WCRM will use the concept of registration requirements to assess the significance and integrity of the elements recorded within the Historic District/APE. Contributing buildings will exhibit two key characteristics: 1) have been present in the district during the period of significance (which is 1880 to post World War II); 2) Retain integrity to express their feeling and association to the coal mining theme and the period of significance and that form, materials, design and workmanship are readily apparent. Structures and objects will be evaluated using the same approaches as that outlined for buildings. If the resource is archaeological it will be considered to have integrity if it has not been vandalized or overly disturbed by post occupational disturbances. It retains the potential to provide additional information about local mining technology or miner lifestyles in the area.

WCRM will develop a field guide for crews that include definitions of the elements based on the HCPI manual. Before fieldwork, WCRM will inspect the current appearance of each building and compare it to the Fairchild HBI records. After comparison WCRM will note all difference that need to be updated in the field.

For site recording WCRM will take at least one photo per cultural element, barring any access constraints. These photos will be taken with digital cameras with 16-megapixel resolution. The sites will be mapped with a Trimble Geo 7x GPS unit accurate to 1 to 10 m.

May 13, 2019

Page 3

We hope that you concur with these methods and should you have any questions please contact me.

Sincerely,



Richard L. Wessel

AML Cultural Resources Director

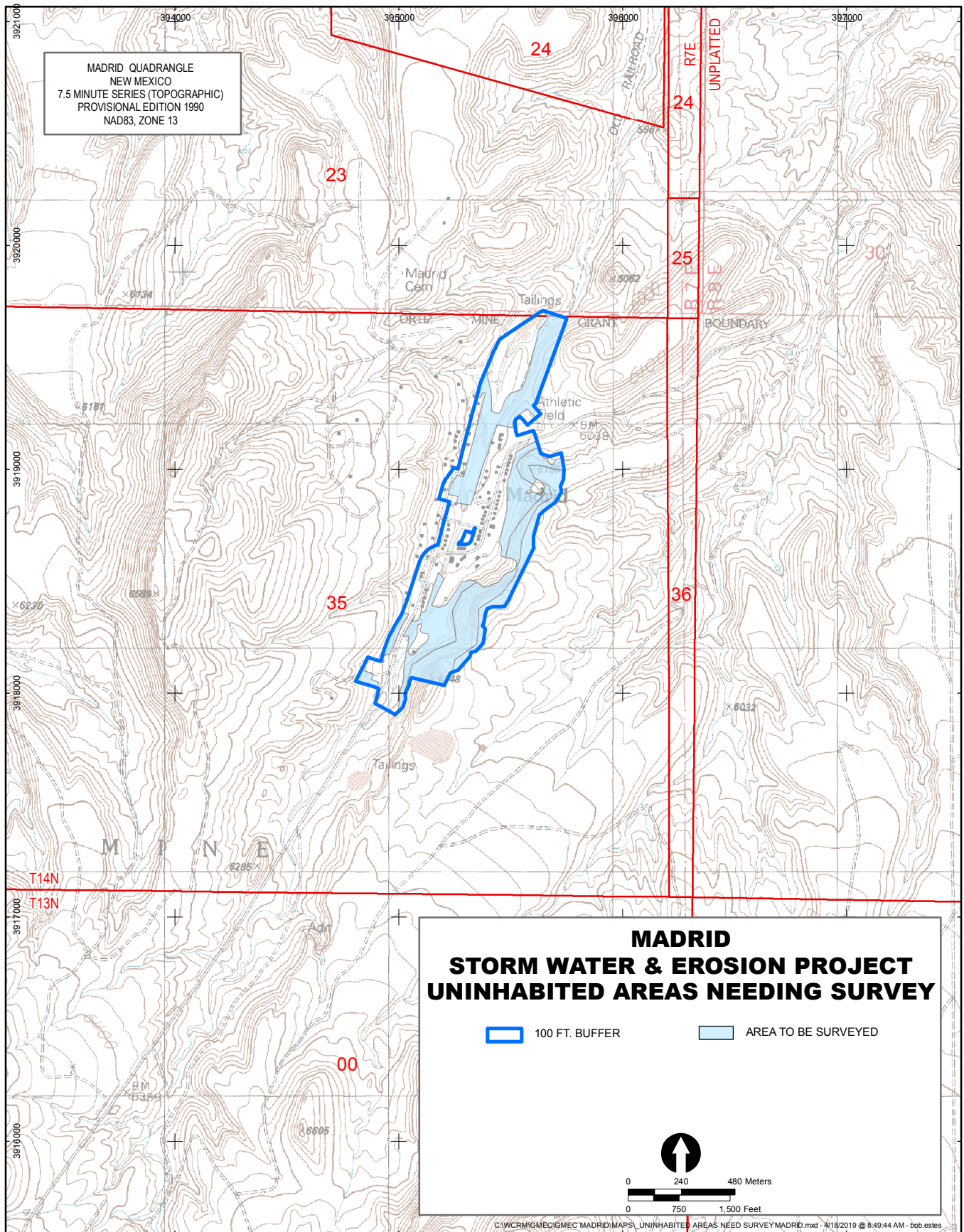
[Richard.wessel@state.nm.us](mailto:Richard.wessel@state.nm.us)

505-476-3426

Concurrence:

Date:

Comments:





Michelle Lujan Grisham  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
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April 22, 2021

Richard L. Wessel  
Cultural Resource Manager  
EMNRD-MMD-Abandoned Mine Land Program  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505  
[Richard.wessel@state.nm.us](mailto:Richard.wessel@state.nm.us)

RE: ***Madrid Stormwater and Erosion Safety Project: Cultural Resource Inventory-task  
Order 6 Amendment, Santa Fe County, New Mexico.***

Dear Mr. Wessel

Thank you for submitting Western Cultural Resource Management's (WCRM) cultural resource inventory report referenced above for review and comment under Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer has provided comment on Abandoned Mine Land Program's (AML) National Register of Historic Places (NRHP) eligibility determinations for 130 cultural resources' documented during this inventory of the proposed project's area of potential effect (APE). The New Mexico SHPO has completed its review of the 112 HCPI forms and 18 LA forms for the town of Madrid, Santa Fe County. We concur with the following eligibility assessments regarding the HCPI forms:

HCPI 32455 through HCPI 47467  
HCPI 47469 through HCPI 47470  
HCPI 47472 through HCPI 47477  
HCPI 47481  
HCPI 47484 through HCPI 47510  
HCPI 47512 through HCPI 47514  
HCPI 47516 through HCPI 47520  
HCPI 46522 through HCPI 47534  
HCPI 47536 through HCPI 47537  
HCPI 47539 through HCPI 47541  
HCPI 47544 through HCPI 48968  
HCPI 48970 through HCPI 48982

In the following HCPIs, the recorder identified buildings as eligible and HPD disagreed and identified them as not eligible:

HCPI 47468  
HCPI 47471  
HCPI 47498  
HCPI 47535  
HCPI 47538

In the following HCPIs, the recorder identified buildings as not eligible and HPD disagreed and identified them eligible for listing under Criterion C:

HCPI 47479 through HCPI 47480  
HCPI 47482 through HCPI 47483  
HCPI 47511  
HCPI 47515  
HCPI 47521  
HCPI 47542 through HCPI 47543  
HCPI 48969  
HCPI 48983

In regards to the NRHP eligibilities of the archaeological sites, SHPO concurred, in part, with AML's determinations. This reviewer did catch some discrepancies between the determinations of eligibilities (DOE) entered on the site form by AML and the summary of their DOEs described in the letter. An example of this would be LA 108551 where the LA form shows AML with a DOE of eligible under both criterion A and D but in contrast the summary in the letter only has the site eligible under Criterion D.

For LA 117776 and LA 117779, the archaeological site/component is not NRHP eligible and both WCRM and AML agreed on this as does SHPO. The LA forms though, have both WCRM and AML indicating the sites are eligible for listing under Criterion A but this in actuality a reflection of your (WCRM and AML) NRHP eligibility DOEs for the structures that are on the sites (HCPI 32455 and HCPI 47458 respectively) and not the archaeological site on which site forms these are entered. For future documentation, please indicate the eligibility determination of the HCPI on the HCPI form and the archaeological site on the LA form. The narrative descriptions of the various forms can address the alternate resource types said resource is associated with.

The SHPO Also recommends AML enter their determination for both the HCPIs and the LA forms into NMCRIS. SHPO has already entered their NRHP eligibility recommendations. Having both AML's and SHPO's DOE entered provides all parties with a more definitive source of resource eligibilities to reference if there is any future confusion regarding a resource's NRHP eligibility when addressing effects.

Also, if possible, please have WCRM upload the shapefiles for the HCPI forms into the NMCRIS mapservice database.

Finally, WCRM's eligibility table included in the submission needs edited if it is to be submitted as part of the deliverables. There are many discrepancies between the NRHP eligibility recommendations entered in this table and the eligibilities recommended in the LA forms and in the report. I have included with this letter a spreadsheet with the archaeological sites listed that includes comments on any anomalies and/or discrepancies regarding NRHP eligibility entries from either AML or WCRM.

If you have any questions regarding the HCPI forms, please contact Steven Moffsson at (505) 476-04444 or by email at [steven.moffsson@state.nm.us](mailto:steven.moffsson@state.nm.us). For questions regarding the LA forms, please contact Andrew Zink at (505) 476-4040 or by email at [andrew.zink@state.nm.us](mailto:andrew.zink@state.nm.us). I would note that during the COVID-19 pandemic, the most reliable and efficient method of contact is by email.

Sincerely,



Andrew Zink  
Archaeological Review &  
State Archaeological Permits

HPD Log: 114885  
ENC: Comment Spreadsheet

Resource Number	AML DOE	WRCM ROE	HPD ROE	Comments
LA108551	E, A&D	E, A&D	E, A&D	Some confusion here - WCRM table shows they recommend a 'Not Sure' NR eligibility and the AML consultation letter only shows LA 108551 determined eligible under Criterion D and not A.... Which differs from the site form entries reflected here in this spreadsheet.
LA115534	E, D	E, A&D	E, A&D	WCRM in both the table and on the LA Form recommend the site eligible under A & D... The AML entered on the LA Form that they agree with WCRM's recommendations and determined the site Eligible under A... only A?... Why not Criterion D too? Oversight by AML?
LA117776	E, A	E, A	NE	The WCRM 2019 site form shows both WCRM and AML have LA 117776 eligible for the NR under A but WCRM's narrative explains they are referencing the structure (Feature 4) on the site which is HCPI 32455. SHPO concurs that the archaeological site LA 117776 is not eligible for NR listing but the structure HCPI 32455 is under Criteria A... and contributes to the SR MHD (SR 356)
LA117777	E, D	E, D	E, A&D	2019 update of LA 117777 expands site to subsume LA 117778 and LA 126142
LA117778	NA	NA	NA	2019 update of LA 117777 expands site to subsume LA 117778 and LA 126142
LA117779	E, A	E, A	NE	The WCRM 2019 site form shows both WCRM and AML have LA 117779 eligible for the NR under A but WCRM's narrative explains they are referencing the structure (Feature 1) on the site which is HCPI 47458. SHPO concurs that the archaeological site LA 117779 is not eligible for NR listing but the structure HCPI 47458 is under Criteria A... and contributes to the SR MHD (SR 356)
LA117783	NE	NE	NE	Destroyed by Residential development.
LA126142	NA	NA	NA	2019 update of LA 117777 expands site to subsume LA 117778 and LA 126142
LA170805	E, A&D	E, A&D	E, A&D	
LA195464	U	U	U	Site form shows WCRM recommends the site eligibility as 'not eligible' but report spreadsheet say's 'Not Sure'.
LA195465	NE	NE	NE	
LA195466	NE	NE	NE	
LA195467	E, D	E, D	E, D	WCRM report table has site recommended NE... but E, D on site form...
LA195468	E, D	E, D	E, D	WCRM report table has site recommended NE... but E, D on site form...
LA195469	E, D	E, D	E, D	WCRM report table has site recommended NE... but E, D on site form...
LA197066	E, A&B	E, A&B	E, A&B	
LA197067	E, A&C	E, A&C	E, A&C	
LA197068	E, A&B	E, A&B	E, A&B	

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary Designate

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



April 15, 2021

Mr. Jeff Pappas Ph. D., State Historic Preservation Officer and Director  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Bataan Memorial Bldg.  
Santa Fe, NM 87501

**RE: Proposed AML Area of Potential Effects for a Madrid Stormwater and Water System Protection Project**

Dear Dr. Pappas,

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff across coal mining gob through town resulting in the flooding of historic elements within the town of Madrid, a property listed on the National Register of Historic Places and New Mexico State Register of Cultural Properties, Santa Fe County, New Mexico. Since the 1980s the OSMRE and AML have addressed public safety concerns associated with open abandoned mine adits and shafts at the margins of the townsite and a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events in 2013. As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

The AML Program is developing a comprehensive and long-term solution to alleviate the potential for future stormwater flooding in the area. The proposed project area is in the community of Madrid, Santa Fe County, New Mexico located is shown on the Madrid USGS 7.5-minute quadrangle, Township 14N, Range 7E, Sections 25 and 26 (Figure 1).

The area of potential effects, as defined under 36 CFR 800.16(d), encompasses staging areas and existing roads, the subsidence features themselves and areas where further actions may be necessary. Your office concurred with this APE on June 5, 2019 (HPD Log No. 110513). This may include new geotechnical studies. Non-emergency work may also include controlling flow and run-off of storm water surrounding the subsidence area and other areas adjacent to the community of Allison. Previous cultural resource identification efforts include the L. C. Fairchild 1998-1999 historic building inventory of Madrid. The resulting documentation of this effort included the recording of 122 buildings, of which, one was previously listed on the NRHP under criterion A, and another merely assessed as NRHP Eligible. For the remaining 120 structures Fairchild assessed, 2 structures were considered as NRHP eligible under criterion A, one under criterion A and C, and one under criterion B. Since the Fairchild effort took place from 1998 to 1999, the documentation does not meet current standards set in New Mexico Administrative Code. Significant alterations to some structures have occurred in the 20 intervening years.

As part of the historic property identification efforts for this undertaking, the Western Cultural Resource Management, Inc. completed an intensive level cultural resources management (CRM) inventory of the entire APE for the AML Program. Enclosed is a 2021 report entitled *Madrid Stormwater and Erosion Safety Project: Cultural Resources Inventory-Task Order 6 Amendment, Santa Fe County, New Mexico*, prepared by Steven F. Mehls and Deborah V. Gibson. In addition, consultation with appropriate Indian tribes was undertaken in February of 2021. Responses from tribes have not been received at this time,

April 15, 2021

Page 2

but any comments provided will be given due consideration and those tribes having stated their wish to remain as consulting parties will continue as such.

In all, fifteen historic archaeological sites and one isolated occurrence (IO) were documented. Of the sites, nine were newly recorded (LA 195464, LA 195465, LA 195466, LA 195467, LA 195468, LA 195469, LA 197066, LA 197067, and LA 197068) and six had been previously recorded (LA 108551, LA 115534, LA 117776, LA 117777, LA 117779, and LA 117783). Two previously recorded sites (LA 117778 and LA 126142) were subsumed into LA 117777. Two sites are recommended eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A (LA 117776 and LA 117779), two are recommended eligible under Criteria A and B (LA 197066 and LA 197068), one is recommended eligible under Criteria A and C (LA 197067), and seven are recommended eligible under Criterion D (LA 108551, LA 115534, LA 117777, LA 170805, LA 195467, LA 195468, and LA 195469). Sites LA 195464, LA 195465, and LA 195466 are recommended not eligible, and no further work is recommended. The IO represents a nonsignificant resource, and no further work is recommended.

WCRM also documented two structures (HCPI 48961 and HCPI 48973) and 109 historic buildings. Four buildings had been previously recorded as historic properties (HCPI 32455, HCPI 32479, HCPI 32480, and HCPI 32481); during the pedestrian survey, these four buildings were found to be within the boundaries of archaeological sites and, therefore, were recorded as features of those entities. Fifty of these buildings were recommended eligible for inclusion in the NRHP under Criterion A (n=28), Criteria A and C (n=21), Criteria A, B, and C (n=1), and Criterion C (n=1); 59 historic properties are recommended not eligible. The two structures (HCPI 48961 and HCPI 48973) are recommended as not eligible, as well. The urban core areas of the town have already experienced substantial mechanical disturbance. Archaeological survey was not conducted within the urban core. While most portions of the town appear to be heavily disturbed, the potential for subsurface archaeological resources has not been evaluated here. Historic photographs of the townsite taken during the historic period of significance indicate the potential for buried archaeological deposits in the form of outbuilding and privy remnants.

At present we are unable to determine the potential effects of proposed safety measures. As we design these measures we will consult with your office and consider your comments. At present we are consulting with your office regarding the identification of historic properties; whether the properties identified are eligible for NRHP listing.

We request your concurrence with our determinations of NRHP eligibility and or comments. If you have any questions or need additional information feel free to contact me at (505) 476-3426 or at [richard.wessel@state.nm.us](mailto:richard.wessel@state.nm.us). The attached table presents a summary of our eligibility determinations and your comments are welcome

Sincerely,



Richard L. Wessel  
Cultural Resources Manager

\_\_\_\_\_  
New Mexico Historic Preservation Officer

Date: \_\_\_\_\_

Comments:



Michelle Lujan  
Grisham  
Governor

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

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320

September 9, 2022

Curt E. Temple  
Public Works Projects Section Manager  
Santa Fe County Public Works Department  
Santa Fe County  
ctemple@santafecountynm.gov

Re: Log# 117823, Construction Approval for Madrid Fire Water Line

Dear Mr. Temple

In order to assess the potential for the proposed project to impact historic properties, I have reviewed the documents you submitted, our State Register of Cultural Properties, the National Register of Historic Places (NRHP), and our cultural resource records database. The NM Route 14 project area has been surveyed for cultural resources and the State Historic Preservation Officer (SHPO) concurs that no historical properties will be affected by the fire water line construction along NM Route 14. The new water tank location situated on New Mexico Abandoned Mine Lands (AML) property, and any connections to the new tank, are not included in this SHPO concurrence. As mentioned in the submission letter, AML will be responsible for submitting archaeological mitigation documentation to the SHPO for site LA 195467, which is situated on or adjacent to the new water tank location.

If you would like to discuss this further, please do not hesitate to contact me. I can be reached by telephone at (505) 452-6115 or email at [richard.reycraft@state.nm.us](mailto:richard.reycraft@state.nm.us).

Sincerely,

*Richard Reycraft*

Richard Reycraft  
HPD Archaeologist

**From:** [Murray, Leeland, EMNRD](#)  
**To:** [Zink, Andrew, EMNRD](#)  
**Subject:** FW: Madrid Utility location  
**Date:** Wednesday, November 29, 2023 11:37:43 AM

---

**Leeland Murray**

---

**From:** Murray, Leeland, EMNRD  
**Sent:** Monday, November 21, 2022 10:18 AM  
**To:** Thompson, Mike, EMNRD <[Mike.Tompson@emnrd.nm.gov](mailto:Mike.Tompson@emnrd.nm.gov)>; Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>; Maestas, Yeny, EMNRD <[Yeny.Maestas@emnrd.nm.gov](mailto:Yeny.Maestas@emnrd.nm.gov)>; Wessel, Richard, EMNRD <[Richard.Wessel@emnrd.nm.gov](mailto:Richard.Wessel@emnrd.nm.gov)>  
**Subject:** FW: Madrid Utility location

So since SHPO did not include DOT in the email, should we forward it to Gary Funkhouser to complete the permit?

**Leeland Murray**

---

**From:** Zink, Andrew, DCA <[Andrew.Zink@dca.nm.gov](mailto:Andrew.Zink@dca.nm.gov)>  
**Sent:** Monday, November 21, 2022 10:12 AM  
**To:** Wessel, Richard, EMNRD <[Richard.Wessel@emnrd.nm.gov](mailto:Richard.Wessel@emnrd.nm.gov)>  
**Cc:** Ensey, Michelle, DCA <[michelle.ensey@dca.nm.gov](mailto:michelle.ensey@dca.nm.gov)>; Brock, Gretchen, DCA <[Gretchen.Brock@dca.nm.gov](mailto:Gretchen.Brock@dca.nm.gov)>; Murray, Leeland, EMNRD <[leeland.murray@emnrd.nm.gov](mailto:leeland.murray@emnrd.nm.gov)>; Thompson, Michael, RLD <[Michael.Thompson@rld.nm.gov](mailto:Michael.Thompson@rld.nm.gov)>  
**Subject:** RE: Madrid Utility location

Dear, Rick-

I am writing in response to the below email and our discussion regarding the measures required to locate and avoid in-place utilities for the upcoming stormwater improvements within the Madrid Historic District (SR 356). In this particular case, as described in the below email, the design contractor plans on utilizing a standard practice of utility potholing in their effort to locate existing utility lines for avoidance. This practice involves minimal mechanical disturbance as mechanical backhoe trenching is not utilized. It is also planned for previously disturbed and fill areas. Because the disturbance is minimal in the context of the overall work planned for the Madrid Stormwater Project and because mitigation measures for the overall project are in development, it is SHPO's opinion that the current utility locating activities will not require a monitor. I do want to emphasize that if these activities were being conducted in isolation and not a part of a larger project where the known adverse effects were currently being addressed, SHPO would request a monitoring plan be submitted to the New Mexico Historic Preservation Division (HPD) for approval under the Abandoned Mines Land's (AML) General permit, before the work within the New Mexico Department of Transportation's (NMDOT) right-of-way could commence. Instead, I would like the contractors to be informed there is potential to encounter cultural resources. If significant archaeological materials (both

historic and pre-historic) are encountered during construction activities relating to the proposed utility locating activities(i.e., buried structures, ceramic sherds, lithic artifacts, bone, darkly stained sediment etc.), construction activity should be stopped, and our office contacted.

SHPO appreciates the AML monitoring the planned work along Bethlehem Road in the proximity of the masonry wall surrounding the Bethlehem Hill Diorama site (LA 19066) and would encourage the AML to follow the above recommendation for the contractors regarding cultural material discoveries outside the NMDOT right of way during their pothole utility locating activities.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) (505) 827-4040 or by email at [andrew.zink@dca.nm.gov](mailto:andrew.zink@dca.nm.gov).

Sincerely,



Andrew Zink  
State Archeological Permits  
and Archaeological Review

HPD Log: 118369

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**From:** Wessel, Richard, EMNRD <[Richard.Wessel@emnrd.nm.gov](mailto:Richard.Wessel@emnrd.nm.gov)>

**Sent:** Monday, November 07, 2022 10:27 AM

**To:** Zink, Andrew, DCA <[Andrew.Zink@dca.nm.gov](mailto:Andrew.Zink@dca.nm.gov)>

**Subject:** Madrid Utility location

Good morning, Andrew-

So far, I have received comments on the 1<sup>st</sup> draft of the MOA from you folks, the OSMRE and Lloyd. I'll incorporate them into the document or address them and distribute to all. My invitations to participate in the MOA to the Madrid Landowner's Assoc., County of Santa Fe, NMDOT and Madrid Water Coop is going out soon, but I am still trying to identify new staff for the county, landowner's assoc., and water coop. NMDOT has no need to be part of the MOA development but will remain in the information loop.

One aspect that was not dealt with in our earlier consultation was the need for utility location work, which the design contractor needs to do to avoid utilities All of the proposed potholes are within the Madrid Historic District (SR 356,) and the vast majority of the work involved standard utility location potholing along roadways such as Bethlehem Road, Icehouse Road, Firehouse Road and the NM 14 edge, all of which are in either cut or fill contexts and are not likely to affect cultural resources, however one proposed pothole (No. 6) along the edge of Bethlehem Road is close to the masonry

fence surrounding the Bethlehem Hill diorama site (LA 197066). I'll monitor that one just in case vibrations from the action dislodge a stone. The locations are depicted in the attached map.

In Summary, it is not expected that the utility location work will affect historic properties. Your concurrence with this finding is requested along with any comments you may have.

Thank you,

*Rich Wessel*

Cultural Resources Manager  
EMNRD-MMD-Abandoned Mine Land Program  
1220 S. St. Francis Dr., Santa Fe, NM 87505  
[richard.wessel@emnrd.nm.gov](mailto:richard.wessel@emnrd.nm.gov)  
Cell: 505.819.8856

State of New Mexico  
Energy, Minerals and Natural Resources Department

---

**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd Leahy, JD, PhD**  
Deputy Secretary

**Albert Chang, Director**  
Mining and Minerals Division



July 30, 2023

Mr. Jeff Pappas Ph. D.  
State Historic Preservation Officer and Director  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Bataan Memorial Bldg.  
Santa Fe, NM 87501  
[jeff.pappas@dca.nm.gov](mailto:jeff.pappas@dca.nm.gov)

RE: Madrid Stormwater and Fire Suppression Project: Geotechnical Borehole for the Proposed Fire Suppression Water Storage Tank Foundation Design

Dear Dr. Pappas,

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is following up previous consultations (see HPD Logs 110513, 114885, 117635, and 118116) with the New Mexico State Historic Preservation Officer (SHPO) on the Madrid Stormwater Erosion, and Fire Suppression Project. The above referenced activity is planned in support of the overall project and specifically for the fire suppression water storage tank foundation design. As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

The AML is seeking to drill an additional 3" borehole as part of a larger geotechnical analysis within the Madrid project area. Two 7" boreholes were previously drilled in 2019, and due to slight design changes with the fire suppression water tank foundation (from a mat slab to a ring foundation), a new borehole is requested within LA 195467 (Attachments 1, Figure 1). The two prior boreholes were drilled outside of the water tank foundation for unknown reasons; however, this new borehole would be drilled within the proposed foundation location. This additional borehole would provide greater geotechnical information along with an up-to-date geotechnical analysis report to our engineering firm to ensure the concrete ring foundation is built to proper specifications.

LA 195467, an Anglo/Euro-American archaeological site dating from the 1940s to 1957, is located on private land within T:14N, R:7E, S:35. It was determined eligible for listing to the National Register of Historic Places (NRHP) under Criterion D, on April 15, 2021. The SHPO concurred with this



**Figure 1.) Overview of proposed Borehole Location, LA 195467 (Fea.6 in foreground, Fea.1/Drum to right, Fea.2/Juniper in background)**

determination on April 19, 2021. Aside from surface scatter consisting of Mid-20<sup>th</sup> century household refuse, there are two refuse dumps, a rock alignment, two dugout features, and a tent pad (Attachment 3). The tree adjacent to the tent pad feature appears to be obscuring what could be a third dugout feature (not recorded).

The proposed borehole (Attachment 1 & 2) will be located within LA 195467 (Attachment 3) at the approximate center of the proposed tank foundation between Feature 1 (refuse dump) and the juniper tree east of Feature 2 (tent pad). It is this juniper tree that AML believes could be obscuring a potential unrecorded dugout feature. The boring mechanism will be truck mounted and utilize stabilizing legs if necessary. The borehole location will be accessed from a gravel road located ~12 m to the north and restricted to a narrow 10 ft. corridor where the vehicle will enter and exit with no allowances for turning around. AML archaeologist Andrew Zink will be present to monitor the activity to assure none of the dugout, or potential dugout features will be disturbed.

There are current plans for LA 195467 to undergo extensive data recovery activities as the construction of the proposed fire suppression storage tank is anticipated to destroy the site (HPD Log 117635 & HPD Log 118116). Any disturbances from the proposed boring activity will be derived from driving over a small fraction of the site and from the borehole drilling, which will not affect the results of the planned data recovery efforts. AML monitoring will ensure the activity is limited to a narrow corridor avoiding any potential dugout features.

June 30, 2023

Page 3

The AML is requesting the SHPO's concurrence to proceed with the proposed activity without further consultation. The exception being the unlikely event the borehole encounters buried cultural materials or human remains, at which time work will cease and the SHPO and/or State Archaeologist will be notified.

If you would like additional information or have any questions, please feel free to contact me by email at [andrew.zink@emnrd.nm.gov](mailto:andrew.zink@emnrd.nm.gov) or by phone at 505-490-7379.

Sincerely,



Andrew Zink  
AML Cultural Resources Manager/  
Archaeologist  
EMNRD-MMD

CC: Geoff Cunnar, Ph.D., Archaeological Review



Concurrence: \_\_\_\_\_ Date: 7/5/2023

For: New Mexico SHPO

As it could be sometime between now and data recovery, it may be a good idea to update the site record with the bore hole locations at some point.

Comments: \_\_\_\_\_

Attachments: 1.) Map – Proposed Borehole Location w/in LA 195467  
2.) Engineering Map for Proposed Foundation  
3.) LA 195467 LA Form

**From:** [Cunnar, Geoff, DCA](#)  
**To:** [Zink, Andrew, EMNRD](#)  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank  
**Date:** Wednesday, July 5, 2023 10:02:20 AM

---

Absolutely. Sounds good.

Geoff

---

**From:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Sent:** Wednesday, July 5, 2023 10:02 AM  
**To:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Got it, Geoff-

Thanks, We can provide OCA with the GPS coordinates for the borehole locations, and they can add them to the maps used for the DR plan... would that work?

Andrew

---

**From:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Sent:** Wednesday, July 5, 2023 9:54 AM  
**To:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Cc:** Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Good Morning Andrew,

Attached please find the stamped consultation letter in regard to the above proposed boring activity at LA195467. Please let us know if you have any questions or concerns.

Regards,

Geoff



**Geoffrey Cunnar, PhD RPA**

Staff Archaeologist  
Dept. of Cultural Affairs  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

**Phone:** 505-476-0530

**Email:** [geoff.cunnar@dca.nm.gov](mailto:geoff.cunnar@dca.nm.gov)

---

**From:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Sent:** Friday, June 30, 2023 3:19 PM  
**To:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Cc:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>; Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Subject:** Borehole - Madrid Fire Suppression Water Tank

Dr. Pappas-

The AML is seeking to drill an additional 3” to 7” borehole as part of a larger geotechnical analysis for the Madrid Stormwater Erosion and Fire Suppression Project. The proposed borehole is planned to be drilled within LA 195467, an NRHP eligible historic archaeological site. This site is part of the suite of archaeological sites planned to undergo data recovery mitigation due to a previous assessment (HPD Log 117635) that the proposed safeguarding activities will adversely affect several sites, including LA 195467. An MOA (HPD Log 118116) between SHPO, EMNRD/MMD, and the Corps is currently in place and will guide the mitigation process. Because access to the site will be limited, no data bearing features will be disturbed, and the boring will be monitored by an AML Archaeologist, the proposed boring is not anticipated to affect the results of the future data recovery activities. The AML is requesting the SHPO’s concurrence to proceed with the proposed boring activity without further consultation. The exception being the unlikely event the borehole encounters buried cultural materials or human remains, at which time work will cease and the SHPO and/or State Archaeologist will be notified. If the SHPO has no objections, please return a signed copy of the attached letter to concur with the AML request as presented.

Sincerely,

Andrew Zink  
*Cultural Resource Manager  
New Mexico Abandoned Mine Land Program  
Energy, Minerals and Natural Resources Department  
8801 Horizon Blvd. NE, Suite 260  
Albuquerque, NM 87113  
(505) 490-7379  
[andrew.zink@emnrd.nm.gov](mailto:andrew.zink@emnrd.nm.gov)*

**From:** [Cunnar, Geoff, DCA](#)  
**To:** [Zink, Andrew, EMNRD](#)  
**Subject:** FW: HPD Log 120057 and HPD Log 120140 : Boreholes - at sites LA195467 and LA117777  
**Date:** Thursday, July 20, 2023 7:39:32 AM  
**Attachments:** [image002.png](#)

---

Good Morning Andrew,

The SHPO concurs with AML's plan to monitor and drill a borehole at both of the above sites.

Regards,

Geoff



**Geoffrey Cunnar, PhD RPA**

Staff Archaeologist  
Dept. of Cultural Affairs  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

**Phone:** 505-476-0530

**Email:** [geoff.cunnar@dca.nm.gov](mailto:geoff.cunnar@dca.nm.gov)

---

**From:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Sent:** Tuesday, July 18, 2023 12:18 PM  
**To:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Cc:** Craven, Gail, DCA <[Gail.Craven@dca.nm.gov](mailto:Gail.Craven@dca.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

## Log# 120140

---

**From:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Sent:** Tuesday, July 18, 2023 7:55 AM  
**To:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Subject:** FW: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Hi Irene,

Could I get a log number for this. It is from the Energy Minerals Natural Resources/Abandoned Mine

Land Program "Request for borehole within LA117777"

Thanks,

Geoff

---

**From:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Sent:** Monday, July 17, 2023 3:01 PM  
**To:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Cc:** Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Hi, Geoff-

The AML is seeking to drill an additional 3" to 7" borehole as part of a larger geotechnical analysis within the Madrid project area. A new borehole is requested within LA 117777 (See attached LA Site Form and proposed borehole location map). The location of the proposed borehole within LA 117777 will be along Feature 20, an abandoned railroad grade, just north of features 6 and 7 (collapsed adits). The two adits proceed into the side of the hillslope in a southeastward direction away from the borehole location and will not be encountered during the boring. This portion of the railroad grade is free of remnant railroad ties and spikes and appears situated on bedrock with no potential for buried cultural materials. This additional borehole would provide greater geotechnical information along with an up-to-date geotechnical analysis report to our engineering firm to ensure the proposed water conveyance feature is engineered and built to specifications that ensure its durability and functionality. Like the borehole planned for LA 195467 reviewed under HPD Log 120057, the boring mechanism will be truck mounted and utilize stabilizing legs if necessary. The borehole location will be accessed from a Bethlehem Hill Road located ~50 m to the east and restricted to a narrow <10 ft. corridor where the vehicle will enter and exit with no allowances for turning around. AML archaeologist Andrew Zink will be present to monitor the activity to assure the vehicle used for the activity does not encroach onto any portion of the railroad grade that retains engineered elements of the grade such as railroad ties and spikes.

There are current plans for LA 117777 to undergo data recovery and archaeological monitoring activities (HPD Log 117635 & HPD Log 118116) because the 30%-60% design for the proposed erosion control water conveyance feature is anticipated to destroy a portion of Feature 20, as it will truncate this landing for its route as shown in the attached draft engineering plan. Any disturbances from the proposed boring activity will be derived from driving over a small fraction of the site (railroad grade) and from the borehole drilling, which will not affect the results of the planned data recovery efforts. AML monitoring will ensure the activity is limited to a narrow corridor avoiding any potential intact engineered remnants of the railroad grade such as railroad ties. It is AML's intention to include the final location of both the borehole for LA 195467 and that for LA 117777 on the site plan maps that will accompany the data recovery plan that will be reviewed by the SHPO and CPRC and guide the mitigation process proceeding construction.

This geotechnical borehole will be dug under the same activity the borehole testing at LA 195467

(Log 120057) will occur. As so, this consultation is being submitted in reference to HPD Log 120057 (letter attached). The AML is requesting the SHPO's concurrence to proceed with the proposed additional activity within LA 117777 without further consultation. The exception being the unlikely event the borehole encounters buried cultural materials or human remains, at which time work will cease and the SHPO and/or State Archaeologist will be notified.

Sincerely,



**Andrew Zink**

*Cultural Resource Manager  
New Mexico Abandoned Mine Land Program  
Energy, Minerals and Natural Resources Department  
8801 Horizon Blvd. NE, Suite 260  
Albuquerque, NM 87113  
(505) 490-7379  
[andrew.zink@emnrd.nm.gov](mailto:andrew.zink@emnrd.nm.gov)*

---

**From:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Sent:** Wednesday, July 5, 2023 10:02 AM  
**To:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Absolutely. Sounds good.

Geoff

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Got it, Geoff-

Thanks, We can provide OCA with the GPS coordinates for the borehole locations, and they can add them to the maps used for the DR plan... would that work?

Andrew

---

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**Cc:** Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Subject:** RE: HPD Log 120057: Borehole - Madrid Fire Suppression Water Tank

Good Morning Andrew,

Attached please find the stamped consultation letter in regard to the above proposed boring activity at LA195467. Please let us know if you have any questions or concerns.

Regards,

Geoff



**Geoffrey Cunnar, PhD RPA**

Staff Archaeologist  
Dept. of Cultural Affairs  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

**Phone:** 505-476-0530

**Email:** [geoff.cunnar@dca.nm.gov](mailto:geoff.cunnar@dca.nm.gov)

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**Sent:** Friday, June 30, 2023 3:19 PM  
**To:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Cc:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>; Moiola, Lloyd, EMNRD <[lloyd.moiola@emnrd.nm.gov](mailto:lloyd.moiola@emnrd.nm.gov)>  
**Subject:** Borehole - Madrid Fire Suppression Water Tank

Dr. Pappas-

The AML is seeking to drill an additional 3" to 7" borehole as part of a larger geotechnical analysis for the Madrid Stormwater Erosion and Fire Suppression Project. The proposed borehole is planned to be drilled within LA 195467, an NRHP eligible historic archaeological site. This site is part of the suite of archaeological sites planned to undergo data recovery mitigation due to a previous assessment (HPD Log 117635) that the proposed safeguarding activities will adversely affect several sites, including LA 195467. An MOA (HPD Log 118116) between SHPO, EMNRD/MMD, and the Corps is currently in place and will guide

the mitigation process. Because access to the site will be limited, no data bearing features will be disturbed, and the boring will be monitored by an AML Archaeologist, the proposed boring is not anticipated to affect the results of the future data recovery activities. The AML is requesting the SHPO's concurrence to proceed with the proposed boring activity without further consultation. The exception being the unlikely event the borehole encounters buried cultural materials or human remains, at which time work will cease and the SHPO and/or State Archaeologist will be notified. If the SHPO has no objections, please return a signed copy of the attached letter to concur with the AML request as presented.

Sincerely,

Andrew Zink

*Cultural Resource Manager*

*New Mexico Abandoned Mine Land Program*

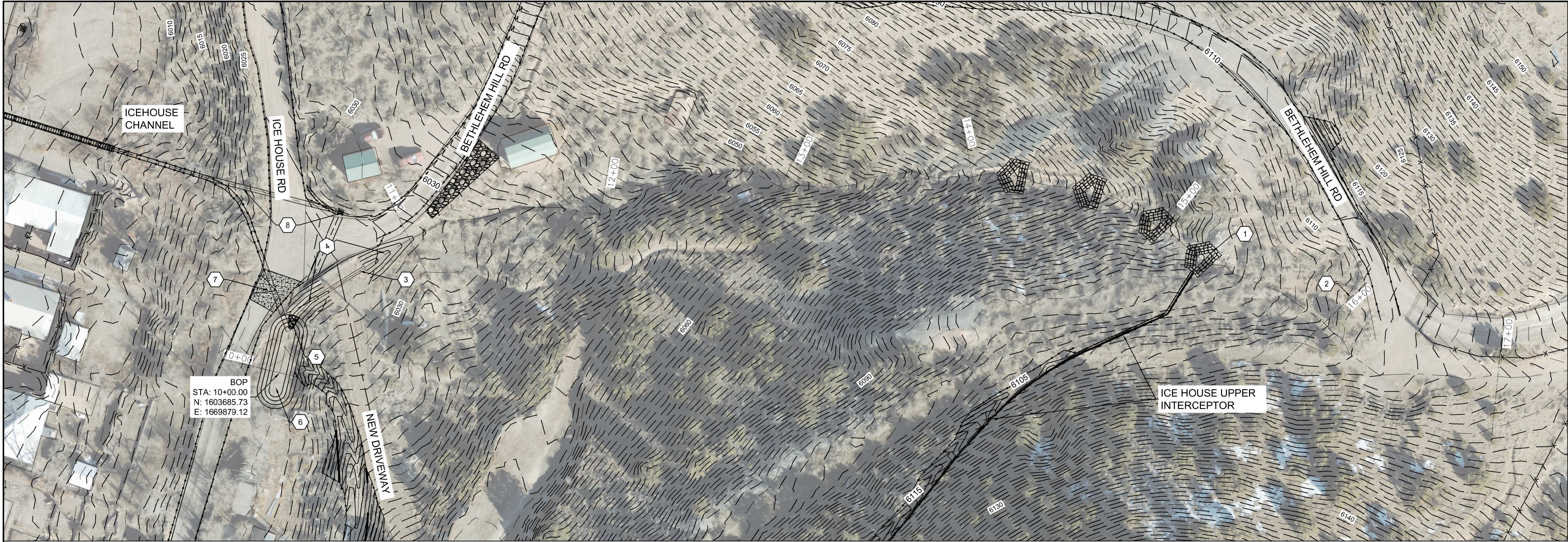
*Energy, Minerals and Natural Resources Department*

*8801 Horizon Blvd. NE, Suite 260*

*Albuquerque, NM 87113*

*(505) 490-7379*

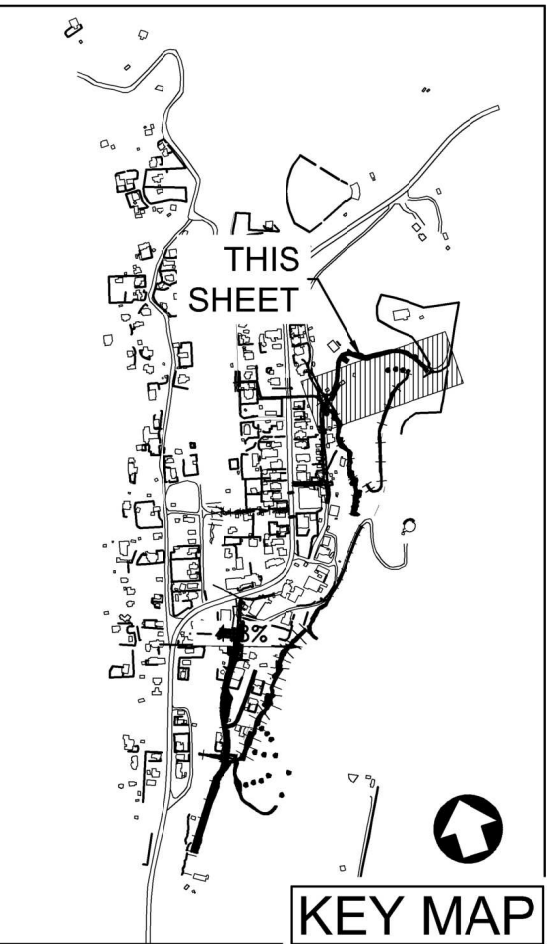
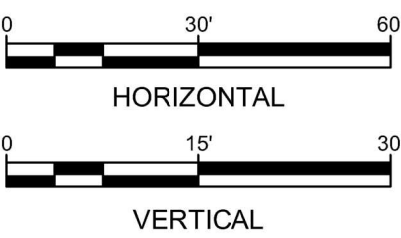
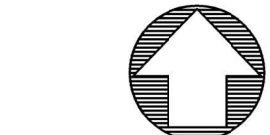
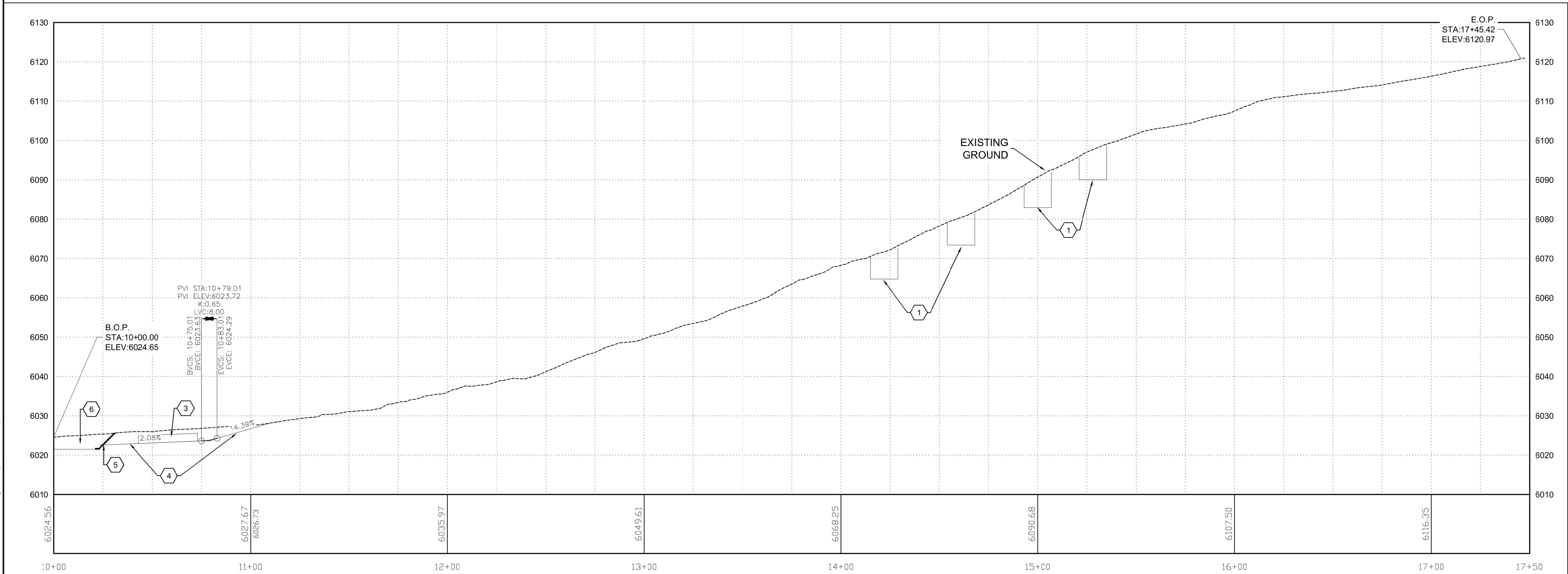
*[andrew.zink@emnrd.nm.gov](mailto:andrew.zink@emnrd.nm.gov)*



KEYED NOTES

1. SEE SHEET G006 FOR PLUNGE POOL TYPICAL DETAIL
2. SEE BETHLEHEM HILL ARROYO CROSS SECTIONS ON SHEET C101
3. 24-INCH CMP CULVERT WITH END SECTIONS
4. DIVERSION CHANNEL
5. RIPRAP RUNDOWN
6. BETHLEHEM SEDIMENT POND
7. 24-INCH CMP AND CONCRETE DIP SECTION
8. DROP INLET AND 24-INCH CULVERT

CONSTRUCTION NOTES



A	9/24/21	ISSUED FOR REVIEW					
B	10/26/22	NM EMNRD-AML REVISIONS					
NO.	DATE	APPR.	REVISION	NO.	DATE	APPR.	REVISION

VILLAGE OF MADRID, NM  
STORM WATER DAMAGE REDUCTION PROJECT

MADRID

NEW MEXICO



ALBUQUERQUE

NEW MEXICO

CHECKED	SC	DATE	JAN 23	CLIENT APPROVALS	DATE
DES. ENG.	SC/RGE/AMB	JAN 23			
PROJ. ENG.	RGE	JAN 23			
PROJ. MGR.	SC	JAN 23			
APPROVED					
APPROVED					

DRAFT  
NOT FOR  
CONSTRUCTION

ICE HOUSE ROAD/MADRID ARROYO AREA  
BETHLEHEM HILL ARROYO  
PLAN AND PROFILE

DRAWN	RW	DATE	JAN 23	DWG. NO.	C001	REV. NO.	B
SCALE		W.O. NO.		SHT.	14	OF	62
			15740.001.003				

C:\Users\jwagner\Documents\Madrid Stormwater\01Ice House Area P&P's.dwg January 10, 2023 - 12:24pm

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Dylan Fuge**  
Acting Deputy Secretary

**Albert Chang, Director**  
Mining and Minerals Division



October 20, 2023

HPD Log 120884  
Received 10/20/2023

Mr. Jeff Pappas Ph. D.  
State Historic Preservation Officer and Director  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Bataan Memorial Bldg.  
Santa Fe, NM 87501  
[jeff.pappas@dca.nm.gov](mailto:jeff.pappas@dca.nm.gov)

RE: Madrid Stormwater and Fire Suppression Project: Post Consultation Inventory of LA 203027 *ARCHAEOLOGY OF THE NEW MEXICO ABANDONED MINE LAND PROGRAM SURVEY OF LA 203027 IN MADRID, SANTA FE COUNTY, NEW MEXICO* (NMCRIS Activity No. 153047)

Dear Dr. Pappas,

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is submitting this consultation to the New Mexico State Historic Preservation Officer (SHPO) as part of the AML's ongoing preparation for the Madrid Stormwater and Fire Suppression project (see HPD Logs 110513, 114885, 117635, 118116, 120057, and 120140). As a federally funded program this proposed AML undertaking is subject to Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) and its implementing regulations (36 CFR Part 800: Protection of Historic Properties, as revised August 2004).

The undertaking has been determined to be an adverse effect (HPD Log 117635) for which a memorandum of agreement (MOA) (HPD Log 118116) has been executed, and archaeological data recovery and testing plan will be required to treat and mitigate these adverse effects. The inventory of LA 203027 (Figure 1., and Attachment 2.) by the University of New Mexico's Office of Contract Archaeology's (OCA) occurred in preparation of the treatment plan when during field reconnaissance, OCA observed this location had historic archaeological deposits, and was not recorded during Western Cultural Resource Management's (WCRM) 2019 cultural resource survey (NMCRIS Activity 142838, HPD Log 114885). The above referenced report is currently uploaded to the NMCRIS database as is the associated site form for LA 203027.

LA 203027, an U.S. Territorial to New Mexico Statehood archaeological site dating from ~1870 A.D. to ~1945 A.D., is located on private land within T:14N, R:7E, S:34. OCA recommends LA 203027 eligible for listing to the National Register of Historic Places (NRHP) under Criterion D, as artifacts are actively eroding from the arroyo's west bank (site's east end) showing the potential for significant buried cultural materials. The AML concurs with this recommendation and has determined the site eligible for listing in the NRHP under Criterion D.



**Figure 1.) Overview of LA 203027 looking west**

As part of the AML's efforts to mitigate stormwater runoff, the valley floor arroyo will be subject to an engineering design to introduce meanders to the arroyo channel, which includes various structures to lessen the impacts to property during high flow events, specifically water deflectors (earth and rock structures, Attachments 1 & 2), that will impact the east (arroyo facing) edge of LA 207023 where intact cultural materials are currently visible eroding from the cut-bank of the arroyo. Consequently, the AML will include LA 203027 among the suite of sites that will be addressed in the treatment plan currently in development by OCA.

The AML is approaching this situation as a 'Discovery' as defined in the MOA, but to be transparent, this discovery occurred before any mitigation activities or construction occurred which is the specific context under how discoveries are discussed in the MOA. LA 203027 is like other types of cultural properties that are planned for mitigation by data recovery and will be treated in accordance with the standards and methods to be developed for the forthcoming treatment plan by OCA.

The AML is requesting the SHPO's concurrence on AML's eligibility determination (eligible, D) and LA 203027's inclusion in the planned treatment plan to, in part, mitigate the undertaking's adverse

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effects to cultural properties. The treatment plan, once complete and ready for SHPO and CPRC review, will include plan maps depicting more precise locations within LA 203027, as with all impacted sites, where data recovery activities will occur. The graphics included here are to provide SHPO with a feel for the extent to which LA 203027 will be impacted and that archaeological data recovery/testing will be required.

If you would like additional information or have any questions, please feel free to contact me by email at [andrew.zink@emnrd.nm.gov](mailto:andrew.zink@emnrd.nm.gov) or by phone at 505-490-7379.

Sincerely,



Andrew Zink  
AMLCP Cultural Resources Manager/  
Archaeologist  
EMNRD-MMD

The SHPO concurs with eligibility assessment and inclusion of  
LA203027 in the treatment plan.



for the NM SHPO, 10/31/2023

CC: Geoff Cunyar, Ph.D., HPD Archaeological Review

Concurrence: \_\_\_\_\_ Date: \_\_\_\_\_

For: New Mexico SHPO

Comments: \_\_\_\_\_

Attachments:

- 1.) Plan Map LA 203027 and Vicinity of Proposed Water Deflector
- 2.) Engineering Map Showing Approximate Location of LA 203027

Uploaded in NMCRIS:

- Report: Activity No. 153047
- LA 203027 LA Site Form and Supporting Documentation (Two Files)

**From:** [Zink, Andrew, EMNRD](#)  
**To:** [Cunnar, Geoff, DCA](#)  
**Subject:** RE: Archaeology of the New Mexico Abandoned Mine Land Program: Survey of LA 203027 in Madrid, Santa Fe County, New Mexico.  
**Date:** Tuesday, October 31, 2023 8:08:00 AM

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Thanks, Geoff!

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**From:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Sent:** Tuesday, October 31, 2023 7:35 AM  
**To:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Subject:** FW: Archaeology of the New Mexico Abandoned Mine Land Program: Survey of LA 203027 in Madrid, Santa Fe County, New Mexico.

Good Morning Andrew,  
Attached please find the stamped consultation letter in regard to the eligibility assessment of LA203027 and its proposed inclusion in the upcoming treatment plan.

Regards,

geoff



**Geoffrey Cunnar, PhD RPA**

Staff Archaeologist  
Dept. of Cultural Affairs  
Historic Preservation Division  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

**Phone:** 505-476-0530

**Email:** [geoff.cunnar@dca.nm.gov](mailto:geoff.cunnar@dca.nm.gov)

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**From:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Sent:** Friday, October 20, 2023 4:19 PM  
**To:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>  
**Subject:** FW: Archaeology of the New Mexico Abandoned Mine Land Program: Survey of LA 203027 in Madrid, Santa Fe County, New Mexico.

**Log# 120884**

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**From:** Zink, Andrew, EMNRD <[Andrew.Zink@emnrd.nm.gov](mailto:Andrew.Zink@emnrd.nm.gov)>  
**Sent:** Friday, October 20, 2023 3:15 PM  
**To:** SHPO, NM, DCA <[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)>  
**Cc:** Cunnar, Geoff, DCA <[Geoff.Cunnar@dca.nm.gov](mailto:Geoff.Cunnar@dca.nm.gov)>; Moiola, Lloyd, EMNRD

<[loyd.moiola@emnrd.nm.gov](mailto:loyd.moiola@emnrd.nm.gov)>

**Subject:** Archaeology of the New Mexico Abandoned Mine Land Program: Survey of LA 203027 in Madrid, Santa Fe County, New Mexico.

Dr. Pappas-

The New Mexico Abandoned Mine Land Program (AML), in partnership with the U.S. Department of the Interior (USDI), Office of Surface Mining Reclamation and Enforcement (OSMRE), is submitting this consultation to the New Mexico State Historic Preservation Officer (SHPO) as part of the AML's ongoing preparation for the Madrid Stormwater and Fire Suppression project (see HPD Logs 110513, 114885, 117635, 118116, 120057, and 120140). Our program is asking for concurrence on site eligibility for LA 203027 and the added of the site to the upcoming archaeological mitigation of adverse effects as a post consultation discovery.

OCA's report, *Archaeology of the New Mexico Abandoned Mine Land Program: Survey of LA 203027 in Madrid, Santa Fe County, New Mexico*, on their recording of LA 203027 and the site form are uploaded to the NMCRIIS database and ready for your review.

Sincerely,

**Andrew Zink**

*Cultural Resource Manager*

*New Mexico Abandoned Mine Land Program*

*Energy, Minerals and Natural Resources Department*

*8801 Horizon Blvd. NE, Suite 260*

*Albuquerque, NM 87113*

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