

Appendix E
Historic Preservation Correspondence

Appendix E
Historic Preservation Correspondence

Historic Preservation Correspondence Listing

Note: Correspondence is listed here chronologically by date, in descending order.

Date	Submitter
08/13/03	Colorado Department of Transportation
07/25/03a	Colorado Department of Transportation
07/25/03b	Colorado Department of Transportation
07/25/03c	Colorado Department of Transportation
07/25/03d	Colorado Department of Transportation
07/25/03e	Colorado Department of Transportation
06/14/03	Pueblo of Laguna
06/03/03	The Hopi Tribe
05/29/03	Colorado Department of Transportation
03/11/03a	Colorado Department of Transportation
03/11/03b	Colorado Department of Transportation
02/07/03	Southern Ute Indian Tribe
01/24/03	The Hopi Tribe
01/16/03	Colorado Department of Transportation
01/15/03	Colorado Department of Transportation
07/24/02	Mescalero Apache Tribe
07/15/02	The Hopi Tribe
06/12/02	Colorado Department of Transportation
06/10/02	Southern Ute Indian Tribe
06/06/02	Taos Pueblo
06/03/02	Pueblo of Laguna
06/03/02	The Hopi Tribe
05/24/02	Colorado Department of Transportation
05/23/02	Colorado Department of Transportation
12/28/01	Colorado Department of Transportation
12/06/01	Colorado Department of Transportation
07/20/00	Colorado Historical Society
07/12/00	Colorado Department of Transportation
06/28/00	Southern Ute Indian Tribe
06/27/00	Colorado Department of Transportation
05/24/00	Bureau of Land Management
05/04/00	Colorado Department of Transportation

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Ave.
Denver, Colorado 80222
(303) 757-9259



DATE: August 13, 2003

TO: Kerrie Neet **Attn:** Paul Jankowski

FROM: Dan Jepson 

SUBJECT: Archaeological Test Excavation Report, Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield EIS

Enclosed for your files is a copy of the archaeological test excavation report conducted for the project referenced above. Centennial Archaeology, Inc., under contract to Environmental Programs, completed test excavations at sites 5LP5674, 5LP5678, 5LP5681 and 5LP6490 in April and May 2003. The excavations revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered were in all cases suggestive of short-term, limited-function occupational episodes that included late stage flaked stone reduction, low-level tool production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata.

In consultation with the State Historic Preservation Officer (SHPO) and Bureau of Land Management San Juan Field Office, we have evaluated all four localities as not eligible for nomination to the National Register of Historic Places. No further work is required at any of these sites. The report has been forwarded to the three Native American tribes considered consulting parties for the project (Hopi Tribe, Laguna Pueblo, Southern Ute Indian Tribe); FHWA has also received the document for its files.

Please contact me with questions or comments regarding the report, the site evaluations, or the excavation project in general.

cc: B. Mutaw (URS)
RF/CF

a

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 25, 2003

Ms. ~~Georgiana~~ Contiguglia
State ~~Historic~~ Preservation Officer
Colorado ~~Historical~~ Society
1300 Broadway
Denver, CO 80203

SUBJECT: Results of Test Excavations and Final Determinations of Eligibility, Project FC-NH(CX) 160-2(48), US 160 Durango to Bayfield EIS

Enclosed for your review is the report documenting test excavations undertaken at four prehistoric archaeological sites (5LP5674, 5LP5678, 5LP5681, 5LP6490) located adjacent to US Highway 160 in La Plata County. With the exception of 5LP6490, these sites were evaluated as potentially eligible for listing on the National Register of Historic Places ("need data") in June 2000, a determination with which you concurred on July 6, 2000. Site 5LP6490, located on Bureau of Land Management property within the US 160 Area of Potential Effect, was documented by the BLM in late 2001 and assessed as potentially eligible independent of the CDOT action. Testing was completed by CDOT consultant Centennial Archaeology, Inc., in April and May 2003, in order to assess the NRHP eligibility of these localities and thereby make this information available for inclusion in the draft Environmental Impact Statement (DEIS) presently being prepared. In addition to 5LP6490, 5LP5681 is located partially on BLM administered lands. The BLM has concurred with the excavation results and the significance evaluations outlined below, and has encouraged CDOT to complete the Section 106 compliance for the project directly with your office. A copy of the report has been forwarded to the BLM San Juan Field Office, as well as to the three Native American tribes considered consulting parties under 36 CFR Part 800 (Hopi Tribe, Laguna Pueblo, Southern Ute Indian Tribe).


Testing revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered are in all cases suggestive of short-term, limited-function occupational episodes that included late stage lithic reduction, low-level tool and biface production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata. As such, 5LP5674, 5LP5678, 5LP5681 and 5LP6490 are evaluated as not eligible for nomination to the National Register, and no further work is required.

In fulfillment of our Section 106 obligations and responsibilities for this highway project as documented in the DEIS, we request your concurrence with the site eligibility determinations outlined above and in the accompanying report. If you have questions, concerns or comments regarding the excavation project in general or the results specifically, please contact me at (303)757-9631.

Very truly yours,

Dan Jepson, Staff Archaeologist
Acting Environmental Programs Branch Manager

Enclosures (report and site reevaluation forms)

I concur  Date 7/29/03
State Historic Preservation Officer

cc: K. Arrington (BLM)
B. Mutaw (URS Corp.)
RF/CF

b

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 25, 2003

Ms. Kristie Arrington
SW Fuels Archaeologist
Bureau of Land Management
San Juan Field Office
15 Burnett Court
Durango, CO 81301

Dear Ms. Arrington:

SUBJECT: Results of Test Excavations and Final Determinations of Eligibility, Project FC-NH(CX) 160-2(48), US 160 Durango to Bayfield EIS

Per our phone conversation this morning, enclosed is a copy of the report documenting test excavations undertaken at four prehistoric archaeological sites (5LP5674, 5LP5678, 5LP5681, 5LP6490) located adjacent to US Highway 160 in La Plata County. With the exception of 5LP6490, these sites were evaluated as potentially eligible for listing on the National Register of Historic Places ("need data") in June 2000, a determination with which the SHPO concurred on July 6, 2000. As you are aware, site 5LP6490 is located on Bureau of Land Management property within the US 160 Area of Potential Effect, and was documented by your agency in late 2001 independent of the CDOT action. 5LP5681 is also situated partially on BLM lands.

Testing was completed by CDOT consultant Centennial Archaeology, Inc., in April and May 2003. The excavations revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered are in all cases suggestive of short-term, limited-function occupational episodes that included late stage lithic reduction, low-level tool and biface production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata. As such, 5LP5674, 5LP5678, 5LP5681 and 5LP6490 are evaluated as not eligible for nomination to the National Register, and no further work is required.

As you requested, I have forwarded the report directly to the State Historic Preservation Officer for Section 106 review and compliance. I will send you a copy of the SHPO's response when received. I have also transmitted copies of the report to the three Native American tribes identified as consulting parties for the EIS (Hopi Tribe, Laguna Pueblo, Southern Ute Indian Tribe). If you have questions or comments regarding the excavation project, please contact me at (303)757-9631.

Very truly yours,

Dan Jepson, Staff Archaeologist
Acting Environmental Programs Branch Manager

Enclosures (report and site reevaluation forms)

cc: B. Mutaw (URS Corp.)
RF/CF

c

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 25, 2003

Mr. Neil Cloud, NAGPRA Representative
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137

Dear Mr. Cloud:

SUBJECT: Results of Test Excavations, Project FC-NH(CX) 160-2(48), US 160 Durango to Bayfield EIS

Enclosed for your files is a copy of the report documenting test excavations undertaken at four prehistoric archaeological sites (5LP5674, 5LP5678, 5LP5681, 5LP6490) located adjacent to US Highway 160 in La Plata County, Colorado. As you will recall from previous correspondence, these sites will be disturbed by highway improvements proposed on US 160, the environmental consequences of which are presently being documented in an Environmental Impact Statement. The excavations were completed in order to evaluate the significance of the sites in the context of the National Register of Historic Places.

The excavations were completed by CDOT consultant Centennial Archaeology, Inc., in April and May 2003, and revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered are in all cases suggestive of short-term, limited-function occupational episodes that included late stage flaked stone reduction, low-level tool and biface production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata. As such, 5LP5674, 5LP5678, 5LP5681 and 5LP6490 are evaluated as not eligible for nomination to the National Register, and no further work is recommended.

The report has been submitted to both the Colorado State Historic Preservation Officer and the Bureau of Land Management San Juan Field Office for review and compliance, the latter of which administers two of the sites (5LP5681 and 5LP6490). If you have questions or comments regarding the excavation project, please contact me at (303)757-9631. As a consulting tribe for the US 160 EIS, I will of course continue to keep you apprised of issues related to Section 106 compliance.

Very truly yours,

Dan Jepson, Staff Archaeologist
Acting Environmental Programs Branch Manager

Enclosure (report)

cc: B. Mutaw (URS Corp.)
RF/CF

d

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 25, 2003

Mr. Leigh J. Kuwanwisiwma, Director
Hopi Tribe Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Mr. Kuwanwisiwma:

SUBJECT: Results of Test Excavations, Project FC-NH(CX) 160-2(48), US 160 Durango to Bayfield EIS

Enclosed for your files is a copy of the report documenting test excavations undertaken at four prehistoric archaeological sites (5LP5674, 5LP5678, 5LP5681, 5LP6490) located adjacent to US Highway 160 in La Plata County, Colorado. As you will recall from previous correspondence, these sites will be disturbed by highway improvements proposed on US 160, the environmental consequences of which are presently being documented in an Environmental Impact Statement. The excavations were completed in order to evaluate the significance of the sites in the context of the National Register of Historic Places.

The excavations were completed by CDOT consultant Centennial Archaeology, Inc., in April and May 2003, and revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered are in all cases suggestive of short-term, limited-function occupational episodes that included late stage flaked stone reduction, low-level tool and biface production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata. As such, 5LP5674, 5LP5678, 5LP5681 and 5LP6490 are evaluated as not eligible for nomination to the National Register, and no further work is recommended.

The report has been submitted to both the Colorado State Historic Preservation Officer and the Bureau of Land Management San Juan Field Office for review and compliance, the latter of which administers two of the sites (5LP5681 and 5LP6490). If you have questions or comments regarding the excavation project, please contact me at (303)757-9631. As a consulting tribe for the US 160 EIS, I will of course continue to keep you apprised of issues related to Section 106 compliance.

Very truly yours,

Dan Jepson, Staff Archaeologist
Acting Environmental Programs Branch Manager

Enclosure (report)

cc: B. Mutaw (URS Corp.)
C. Hamilton (Hopi Cult. Pres. Office)
RF/CF

e

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 25, 2003

Mr. Roland E. Johnson, Governor
Pueblo of Laguna
P.O. Box 194
Laguna, NM 87026

Dear Mr. Johnson:

SUBJECT: Results of Test Excavations, Project FC-NH(CX) 160-2(48), US 160 Durango to Bayfield EIS

Enclosed for your files is a copy of the report documenting test excavations undertaken at four prehistoric archaeological sites (5LP5674, 5LP5678, 5LP5681, 5LP6490) located adjacent to US Highway 160 in La Plata County, Colorado. As you will recall from previous correspondence, these sites will be disturbed by highway improvements proposed on US 160, the environmental consequences of which are presently being documented in an Environmental Impact Statement. The excavations were completed in order to evaluate the significance of the sites in the context of the National Register of Historic Places.

The excavations were completed by CDOT consultant Centennial Archaeology, Inc., in April and May 2003, and revealed that the four sites exhibit similar cultural deposition, with sparse artifact assemblages limited to the ground surface and the uppermost 10-15 cm of soil. Artifacts recovered are in all cases suggestive of short-term, limited-function occupational episodes that included late stage flaked stone reduction, low-level tool and biface production and maintenance, and vegetal and faunal processing. None of the sites produced evidence of substantial buried cultural remains and soils are uniformly shallow, with minimal potential to harbor intact occupational strata. As such, 5LP5674, 5LP5678, 5LP5681 and 5LP6490 are evaluated as not eligible for nomination to the National Register, and no further work is recommended.

The report has been submitted to both the Colorado State Historic Preservation Officer and the Bureau of Land Management San Juan Field Office for review and compliance, the latter of which administers two of the sites (5LP5681 and 5LP6490). If you have questions or comments regarding the excavation project, please contact me at (303)757-9631. As a consulting tribe for the US 160 EIS, I will of course continue to keep you apprised of issues related to Section 106 compliance.

Very truly yours,

A handwritten signature in black ink that reads 'Dan Jepson' with a stylized flourish underneath.

Dan Jepson, Staff Archaeologist
Acting Environmental Programs Branch Manager

Enclosure (report)

cc: B. Mutaw (URS Corp.)
V. Sarracino (Laguna NAGPRA Chair)
RF/CF



PUEBLO OF LAGUNA

P.O. BOX 194
LAGUNA, NEW MEXICO 87026



(505) 552-6598
(505) 552-6654
(505) 552-6655

Office on:

The Governor
The Secretary
The Treasurer

June 14, 2003

Dan Jepson, Cultural Resources Manager
DEPARTMENT OF TRANSPORTATION
Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222

Dear Mr. Jepson;

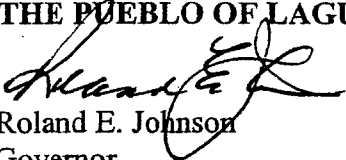
The Pueblo of Laguna acknowledges the receipt of your letter dated May 29, 2003 regarding the status of Archaeological Investigations and Tribal Consultation for CDOT Project US 160 in Durango to Bayfield Environmental impact Statement (ESI).

We were unable to attend due to conflicting schedules.

I will look forward to the receipt of the test excavation report when it becomes available.

Sincerely,

THE PUEBLO OF LAGUNA


Roland E. Johnson
Governor

THE

HOPI TRIBE



Wayne Taylor, Jr.

CHAIRMAN

VICE-CHAIRMAN

June 3, 2003

Daniel A. Jepson, Staff Archaeologist & Cultural Resource Management
State of Colorado, Department of Transportation
Project Development Branch, Environmental Programs
4201 E. Arkansas Ave.
Denver, Colorado 80222

Re: Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield

Dear Mr. Jepson,

Thank you for your correspondence dated May 29, 2003, regarding the status of archaeological investigations and tribal consultation for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) proposed improvements to US 160 from Durango to Bayfield. As you know from our previous letters on this project, the Hopi Tribe claims cultural affiliation to the Archaic and Anasazi prehistoric cultural groups in southwestern Colorado. Unfortunately, as you also know, we were unable to send a representative to the April 2, 2003, meeting in Durango. However, we commend your consultation efforts and appreciate your continuing solicitation of our input and your efforts to address our concerns.

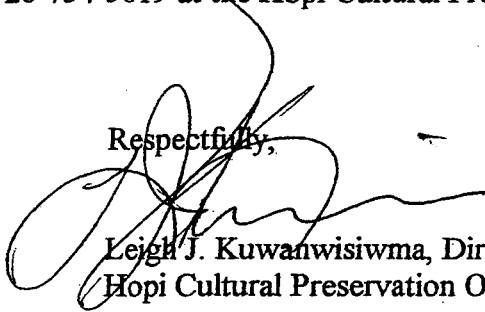
The Hopi Cultural Preservation Office previously reviewed the cultural resources survey report for this project area, and we understood that five prehistoric sites, 5LP5674, 5LP5677, 5LP5678, 5LP5681, and 5LP6490, described as lithic and artifact scatters, were proposed to be adversely impacted by this project. We now understand that Centennial Archaeology, Inc. has conducted test excavations at four of these sites with the result that they are evaluated as not eligible for inclusion on the National Register. We look forward to receiving a copy of the testing report, as well as testing report for site 5LP5677, located on private land, even though evaluative excavations at site 5LP5677 may not occur for many years.

As we indicated previously, BLM Instructional Memoranda 98-131-2 prohibit reburial of human remains and associated objects subject to the Native American Graves Protection and Repatriation Act originating or excavated from BLM administered land on BLM land. And therefore, we oppose data recovery proposed on BLM land under current BLM procedures. Fortunately, no human remains were discovered on BLM land as a result of this project. Nevertheless, for your information, enclosed are copies of our May 14, 2003, and April 3, 2002, letters to BLM Director Kathleen Clarke stating our opposition to this policy.

Daniel A. Jepson
June 3, 2003
Page 2

If you have any questions or need additional information, please contact Clay Hamilton at 928-734-3617 or Terry Morgart at 928-734-3619 at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosures: May 14, 2003, and April 3, 2002, letters to BLM Director Kathleen Clarke
June 28, 2002, letter from BLM Director Kathleen Clarke

xc: Field Office Manager, BLM San Juan Field Office, w/encl.
Neil Cloud, Southern Ute Tribe, w/encl.
Colorado State Historic Preservation Office, w/encl.
Clay Hamilton, Hopi Cultural Preservation Office

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



May 29, 2003

Mr. Leigh J. Kuwanwisiwma, Director
Hopi Tribe Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Status of Archaeological Investigations and Tribal Consultation for CDOT Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield Environmental Impact Statement (EIS)

Dear Mr. Kuwanwisiwma:

On April 2, 2003, the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) hosted a Section 106 tribal consultation meeting in Durango, Colorado, for the transportation project referenced above. The purpose of the meeting was threefold: to provide the consulting tribes with an overview of the improvements proposed for the US Highway 160 corridor between the communities of Durango and Bayfield; to discuss the status and future disposition of five prehistoric archaeological sites within the project area that will eventually be impacted by construction; and to allow the tribes to ask questions and discuss concerns. Subsequent to the meeting evaluative test excavations were conducted at four of the five archaeological sites in order to evaluate their potential for listing on the National Register of Historic Places (NRHP). Following is a brief synopsis of the April 2 meeting and the results of the excavations conducted at the archaeological sites:

Of the three consulting tribes for the project (Pueblo of Laguna, Southern Ute Indian Tribe, Hopi Tribe), only the Southern Ute Tribe was represented at the meeting. Five individuals from CDOT, including myself, and one from FHWA were present. The Bureau of Land Management, on whose property two of the archaeological sites are located, elected not to participate in the consultation proceedings at this stage. Southern Ute representative Neil Cloud was furnished with a project summary and was afforded the opportunity to ask questions and provide his perspective on the EIS project. Subsequently the group visited each of the five archaeological sites, wherein an overview of the work proposed at each locality was discussed. Mr. Cloud stated that, with the exception of the discovery of human remains and associated artifacts, the Southern Ute Indian Tribe had no issues with regard to the proposed test excavations.

In late April 2003, test excavations were conducted by CDOT consultant Centennial Archaeology, Inc. at archaeological sites 5LP5674, 5LP5678, 5LP5681, and 5LP6490, all located adjacent to Highway 160. Access to one site located on private property, 5LP5677, was denied by the landowners, and as such no excavations were undertaken at that locality. Buried cultural deposits at the four tested sites were uniformly sparse and shallow, with little evidence of substantial prehistoric occupation or use. No evidence of human remains or items of cultural patrimony was present at any of the sites. As a result of the testing, all four sites are evaluated as not eligible for inclusion on the National Register of Historic Places, and no further work is recommended. A comprehensive report detailing the excavation results will be available later this summer, and a copy will be forwarded to you for review prior to its submittal to the Colorado State Historic Preservation Officer. Test excavations at 5LP5677 will be conducted as soon as right-of-entry is granted by the owners; until that time the site remains potentially NRHP eligible and subject to appropriate protection under the law. It is estimated, however, that upon completion of the EIS and resulting Record of Decision,

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Ave.
Denver, Colorado 80222
(303) 757-9259



DATE: March 11, 2003

TO: Kerrie Neet

FROM: Dan Jepson 

SUBJECT: Native American Consultation Meeting, Project FC-NH(CX) 160-2(48), Durango to Bayfield EIS (91050)

A Section 106 meeting with representatives of the three consulting Native American tribes for the project referenced above has been scheduled for 8:30 AM Wednesday, April 2, 2003, in the first floor south conference room at the Region 5 office. A brief agenda for the meeting is enclosed for your review. In addition to yourself, the following individuals are scheduled to attend:

- Paul Jankowski, CDOT Region 5
- Joe Duran, FHWA Area Engineer
- Bill Killam, URS Corporation
- Clay Hamilton and Terry Morgart, representing the Hopi Tribe
- Victor Sarracino and Anthony Silva, representing the Pueblo of Laguna
- Neil Cloud, representing the Southern Ute Indian Tribe

We will begin with an overview of the project, focusing specifically on the archaeological sites to be impacted by the project. Once questions have been answered to everyone's satisfaction and discussion about the project has concluded, the group will proceed (probably in a single CDOT van) to the five sites on US 160 for a visit. I anticipate the meeting being over by early afternoon; if it runs long, however, we'll break for lunch and reconvene later in the afternoon. The Bureau of Land Management, which administers property containing two of the archaeological sites on the US 160 corridor, has elected not to participate in tribal consultation at this time, and therefore a BLM representative will not be present at the meeting.

Please contact me with questions or concerns about the meeting agenda, or if you have suggestions regarding additional topics you feel should be discussed.

Attachment

cc: Jankowski (CDOT)
Duran/Vinson/Farrar (FHWA; w/letter sent to tribes)
Killam (URS)

b

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



March 11, 2003

Mr. Clay Hamilton
Hopi Tribe Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Tribal Consultation Meeting, CDOT Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield EIS

Dear Mr. Hamilton:

As we discussed by telephone earlier today, the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) are coordinating a Section 106 tribal consultation meeting for the highway improvement project referenced above, to be held Wednesday, April 2, 2003, at the CDOT Region 5 office in Durango, Colorado (map enclosed). As the designated tribal liaison for cultural resource issues for this project for The Hopi Tribe, you are cordially invited to attend the meeting. It is my understanding that both you and Mr. Terry Morgart will attend.

The primary purpose of the meeting is to provide an overview of the US Highway 160 improvement project and the proposed impact on five known archaeological sites, all of which will be subjected to small-scale excavations in order to determine their eligibility for listing on the National Register of Historic Places. A brief project summary will begin the meeting followed by a visit to each of the five archaeological sites for interested participants; the sites are all located within 15 miles east of Durango. We hope to gain your tribe's perspective on the proposed impact to the archaeological localities, and develop a mutually agreeable plan for the completion of future work at these sites. Any other issues of concern to you and your tribe will also be addressed, as appropriate. A meeting agenda is enclosed for your review. In addition to your tribe, representatives from the Southern Ute Indian Tribe and the Pueblo of Laguna will be present.

Up to two tribal representatives are eligible for reimbursement of pertinent travel expenses and a consultation honorarium for meeting attendance. Included herewith are two copies of the CDOT Compensation Policy that documents the charges eligible for payment (one for yourself and one for Mr. Morgart). In order to be reimbursed it will be necessary for each of you to submit an itemized invoice to me after your return home from the meeting. Also enclosed are two W-9 Taxpayer Identification Forms; the W-9 must be completed by each tribal representative to be reimbursed and returned to me in order for that individual (or the tribe, as appropriate) to be placed in the State of Colorado accounting system and thereafter be eligible for payment. In order to facilitate the accounting process, I suggest that the W-9 forms be faxed to me at 303-757-9445; please do not send it directly to the address listed on the form.

I look forward to meeting with you and Mr. Morgart on April 2. If you have immediate questions or concerns regarding either the project in general or the meeting specifically, please contact me at (303)757-9631.

Sincerely,


Dan Jepsen
Cultural Resource Manager

Enclosures



SOUTHERN UTE INDIAN TRIBE

February 7, 2003

CDOT Environmental Programs
Attn: Dan Jepson, Staff Archaeologist
4201 E. Arkansas Ave
Denver, CO 80222

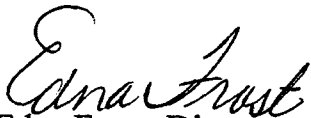
**Subject: CDOT, US 160, Durango to Bayfield, request to
Be a consulting party**

Dear Mr. Jepson:

Per our telephone discussion on February 7, 2003, the Southern Ute Indian Tribe wishes to be a consulting party on the project noted above. This letter is to clarify the Tribe's original letter dated June 10, 2002.

Should you require additional comments or have any questions, please contact Mr. Neil B. Cloud, NAGPRA Coordinator, at the number listed below, extension 2209.

Sincerely,


Edna Frost, Director
Tribal Information Services

Cc: Neil B. Cloud, NAGPRA Coordinator

THE

HOPI TRIBE



Wayne Taylor, Jr.

CHAIRMAN

Elgean Joshevama

VICE-CHAIRMAN

January 24, 2003

Daniel A. Jepson, Staff Archaeologist & Cultural Resource Management
State of Colorado, Department of Transportation
Project Development Branch, Environmental Programs
4201 E. Arkansas Ave.
Denver, Colorado 80222

Re: Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield

Dear Mr. Jepson,

Thank you for your correspondence dated January 15, 2003, with enclosed forms for five sites, in further response to our letters dated June 3 and July 15, 2003, regarding the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) developing an Environmental Impact Statement for proposed improvements to US 160 from Durango to Bayfield. As you know from our previous letters, the Hopi Tribe claims cultural affiliation to the Archaic and Anasazi prehistoric cultural groups in southwestern Colorado, and therefore we appreciate the CDOT's continuing solicitation of our input and your efforts to address our concerns.

In our July 15, 2002, letter, the Hopi Cultural Preservation Office reviewed the cultural resources survey report for this project area, and we understood that four prehistoric sites, 5LP5674, 5LP5677, 5LP5678, and 5LP5681, described as lithic and artifact scatters, are proposed to be adversely impacted by this project. We now also understand that site 5LP6490 was recently identified in this project area by a Bureau of Land Management (BLM) survey, and that two of the five prehistoric sites that are now proposed to be adversely affected by this project are on lands managed by the BLM, San Juan Field Office.

BLM Instructional Memoranda 98-131-2 prohibit reburial of human remains and associated objects subject to the Native American Graves Protection and Repatriation Act originating or excavated from BLM administered land on BLM land. Therefore, we oppose data recovery proposed on BLM land under current BLM procedures. Enclosed is a copy of our April 3, 2002, letter to BLM Director Kathleen Clarke stating our opposition to this policy.

Daniel A. Jepson
January 24, 2003
Page 2

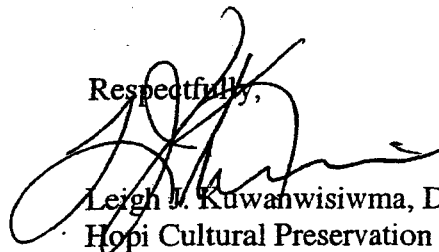
Your may 23, 2003, letter regarding this proposal states:

The BLM administers various properties along the US 160 corridor, and as such the BLM is an integral partner in the undertaking and has an established interest in the Section 106 compliance process. By deferring consultation to FHWA and CDOT, the BLM does not abrogate its obligations in this regard as mandated by federal statute. The BLM will maintain an active interest in the consultation process, especially for those cultural sites located on lands under its jurisdiction.

And therefore, prior to the issuance of a BLM excavation permit, in order for the Hopi Tribe to assist CDOT, FHWA, the lead federal agency for this project, and the BLM in fulfilling their mandatory requirements under the National Historic Preservation Act, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, and BLM's policy on tribal consultations; the Hopi Cultural Preservation Office requests consultation with CDOT, FHWA, and the BLM to discuss any proposed data recovery plans, and repatriation and disposition of human remains and associated objects culturally affiliated to the Hopi Tribe that may be discovered as a result of this project.

If you have any questions or need additional information, please contact Clay Hamilton at 928-734-3617 or Terry Morgart at 928-734-3619 at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,



Leigh W. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosures: April 3, 2002, letter to BLM Director Kathleen Clarke

xc: Field Office Manager, BLM San Juan Field Office, w/encl.
Colorado State Historic Preservation Office, w/encl.
Clay Hamilton, Hopi Cultural Preservation Office



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



January 16, 2003

Mr. Neil Cloud, NAGPRA Representative
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137

Dear Mr. Cloud:

In May and June 2002, the Colorado Department of Transportation (CDOT) and the Southern Ute Indian Tribe exchanged correspondence regarding CDOT Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield. As you will recall, the project entails significant improvements to a segment of US Highway 160 in La Plata County, Colorado, the proposed effects of which are presently being documented in an Environmental Impact Statement (EIS). In a letter dated June 10, 2002, the Southern Ute Indian Tribe indicated that the project poses no threat to places considered sensitive to the tribe, but the tribe requested immediate notification if Native American sites, artifacts or human remains are encountered during future construction. Both CDOT and the Federal Highway Administration have acknowledged your request; we will keep the tribe apprised of any discoveries in this regard and provide you with an opportunity to consult with the agencies should this occur. However, it was evident from the June correspondence that the tribe is not interested in becoming a consulting party under the terms of Section 106 of the National Historic Preservation Act, and we respect that decision.

Given the proximity of the US Highway 160 EIS corridor to the Southern Ute reservation, however, we are forwarding to you a courtesy copy of the 2000 archaeological resources survey report completed for the undertaking. Five archaeological sites within the EIS corridor (5LP5674, 5LP5677, 5LP5678, 5LP5681, 5LP6490), all of which require test excavations in order to make a final determination of eligibility to the National Register of Historic Places, will be adversely affected by the project. Four of these sites are discussed in detail in the report; one site (5LP6490) was identified in late 2001 during a Bureau of Land Management survey project unrelated to the highway EIS, and as such this site is not included in the document. It is very similar to the other sites, however, consisting of an array of chipped stone and ceramic artifacts on the ground surface. Test excavations at these sites are scheduled for Spring 2003.

We are not requesting any action on the part of the Southern Ute Tribe in response to this letter and the attached report. As noted above, the tribe is being sent this information as a courtesy so that it is aware of the proposed activities along Highway 160 north of the Southern Ute reservation. Should you have questions regarding anything outlined here or in the attachment, please contact me at (303)757-9631.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Jepson", is written over a horizontal line.

Dan Jepson
Manager, Cultural Resource Section

cc: E. Vinson (FHWA)
P. Jankowski (CDOT Region 5)
RF/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



January 15, 2003

Mr. Leigh Kuwanwisiwma, Director
Cultural Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ, 86039

Dear Mr. Kuwanwisiwma:

In June and July 2002, you and I exchanged correspondence regarding Colorado Department of Transportation (CDOT) Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield. As you will recall, the project entails significant improvements to a segment of US Highway 160 in La Plata County, Colorado, the proposed effects of which are presently being documented in an Environmental Impact Statement (EIS). At that time you, on behalf of the Hopi Tribe, accepted the invitation of CDOT and the Federal Highway Administration to become a consulting party for the project under the terms of Section 106 of the National Historic Preservation Act. I forwarded you a copy of the archaeological survey report completed for the project, along with preliminary information related to evaluative test excavations proposed for several archaeological sites in the corridor.

I noted in the June correspondence the presence of four archaeological sites (5LP5674, 5LP5677, 5LP5678, 5LP5681) that will be adversely affected by the project, all of which require test excavations in order to make a final determination of eligibility to the National Register of Historic Places. Since that time one additional site in the corridor was similarly identified (5LP6490) during a Bureau of Land Management survey project unrelated to the highway EIS, bringing to five the number of sites requiring evaluative excavations. Two of these localities are situated on lands administered by the BLM San Juan Field Office, and I have been in contact with that agency regarding the proposed testing as well as the on-going consultations with the Hopi Tribe. (In addition to the Hopi Tribe, only Laguna Pueblo has expressed a desire to be a consulting party for the undertaking.) The remaining three sites are located on lands owned either by the State of Colorado or private individuals. Enclosed herewith for your information are the site forms for the resources listed above.

The test excavations at these five sites are tentatively planned for March and early April 2003. CDOT respectfully requests information from you regarding the Hopi Tribe's degree of interest in this work. A formal test excavation plan is not required in Colorado under the provisions of either a State or BLM excavation permit, and therefore I cannot provide you with a document outlining specifics in this regard. The level of effort during any testing program, however, is limited to the excavation of no more than 10 square meters per site according to a standard testing permit issued by the Colorado Historical Society (the BLM stipulations actually call for fewer test pits). None of the five sites has yielded evidence of human remains or other known items of cultural patrimony, and at this time there is no reason to expect such a discovery.

I would appreciate a response from your office regarding the proposed test excavations and in what context the Hopi Tribe would like to be involved. I will of course be happy to provide you with any additional information, at your request. At this time there are no plans to formally convene a tribal consultation

Mr. Leigh Kuwanwisiwma

January 15, 2003

Page 2

meeting involving the participating agencies and consulting tribes. However, an office meeting and/or a visit to the project area by yourself or another designated tribal representative remain viable options, and we can explore these at your discretion.

I have been unsuccessful in recent attempts to contact you by telephone, as the number listed on your tribal letterhead—as well as several obtained from directory assistance—is no longer in service. I would very much like to have accurate phone numbers on file for you and Terry Morgart, so please call me at (303)757-9631 with this information, or include it in a letter response.

Both CDOT and FHWA are committed to ensuring that the Hopi Tribe is provided an opportunity to participate in the Section 106 consultation process to your satisfaction. I look forward to hearing from you at your earliest convenience.

Sincerely,



Dan Jepson
Manager, Cultural Resource Section

Enclosure (site forms)

cc: E. Vinson (FHWA)
P. Jankowski (CDOT Region 5)
RF/CF



MESCALERO *Apache* TRIBE
Sara Miquoz, President Mescalero, New Mexico 88340

TRIBAL HISTORIC PRESERVATION OFFICE
 101 Central Avenue
 P.O. Box 227
 Mescalero, New Mexico 88340
 Phone: 505/464-4494 ext. 279 or 270
 Fax: 505/464-9191

Mr. Dan Jepson
 Department of Transportation
 Environmental Programs
 4201 East Arkansas Avenue
 Denver, Colorado 80222

Mr. Jepson:

The *Mescalero Apache Tribe* has determined that the proposed "Project FC-NH(CX) 160-2(48)" **WILL NOT AFFECT** any objects, sites, or locations important to our traditional culture or religion.

The *Mescalero Apache Tribe* has determined that the proposed project **WILL AFFECT** objects, sites, or locations important to our traditional culture or religion.

In the future, we request that you minimally provide us with the following items to aid in our determination:

- Cultural Resource Survey Reports
- Site Forms
- Maps (Both General and Site Specific)
- Research Designs (If Applicable)
- Data Recovery Plans (If Applicable)
- Photographs

Thank you for providing the Mescalero Apache Tribe the opportunity to comment on this project. We look forward to reviewing and commenting on future CDOT projects.

CONCUR:

Donna Stern-McFadden

Name

Donna Stern-McFadden
 Signature

7/24/02
 Date

Date

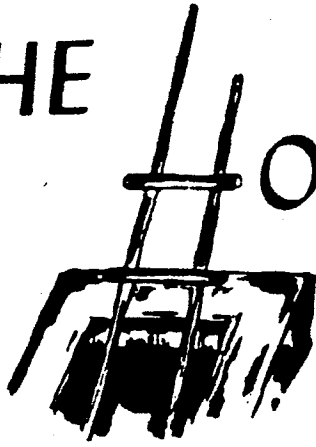
Tribal Historic Preservation Officer

Title





THE



HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Elgean Joshevama
VICE-CHAIRMAN

July 15, 2002

Daniel A. Jepson, Staff Archaeologist & Cultural Resource Management
State of Colorado, Department of Transportation,
Project Development Branch, Environmental Programs
4201 E. Arkansas Ave., (Empire Park B-400)
Denver, Colorado 80222

Re: Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield

Dear Mr. Jepson,

Thank you for your correspondence dated June 12, 2002, with an enclosed cultural resources survey, in response to our June 3, 2002, letter, regarding the Colorado Department of Transportation and Federal Highway Administration developing an Environmental Impact Statement for proposed improvements to US 160 from Durango to Bayfield. The Hopi Tribe claims cultural affiliation to the Archaic and Anasazi prehistoric cultural groups in southwestern Colorado, which we know as *Hisatsinom*, People of Long Ago, and therefore the Hopi Cultural Preservation Office appreciates your continuing solicitation of our input and your efforts to address our concerns.

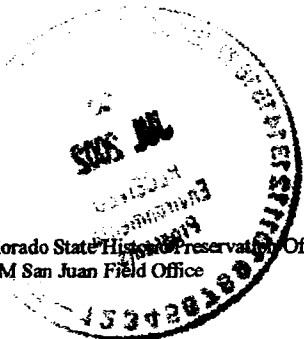
We have reviewed the enclosed *U.S. 160: Durango to Bayfield Corridor Final Archaeological Resources Inventory, La Plata County, Colorado*, by URS Greiner Woodward Clyde, and understand that the four significant sites, described as lithic and artifact scatters, threatened by construction activities are 5LP5674, 5LP5677, 5LP5678, and 5LP5681. We further appreciate that you will ensure that we are involved in the review and planning processes when archaeological excavations are conducted at these sites, and that you will provide us with specific test excavation plans for review and comment when they are available.

If you have any questions or need additional information, please contact Terry Morgart at the Cultural Preservation Office. Thank you again for consulting with the Hopi Tribe.

Respectfully,


Leigh J. Kuwanwisiwma, Director
Cultural Preservation Office

xc: Colorado State Historic Preservation Office
BLM San Juan Field Office



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



June 12, 2002

Mr. Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Mr. Kuwanwisiwma:

Thank you for your letter dated June 3, 2002 in response to our invitation to involve The Hopi Tribe as a consulting party for the proposed improvement project on US Highway 160 in La Plata County, Colorado. The Hopi Tribe will be considered a consulting tribe for the undertaking, and Section 106 tribal consultation will proceed accordingly throughout the duration of Environmental Impact Statement (EIS) documentation project. I will ensure that you are involved in the review and planning process when archaeological excavations are conducted at the sites threatened by the project.

Per your request, enclosed is a copy of the archaeological resources survey report for the US 160 corridor. Given that construction projects that will impact significant archaeological sites are several years in the future, however, we do not presently have specific test excavation plans or field schedules available. As noted above, you will be consulted when planning for these excavations begins. In the interim the inventory report will provide you with information about the survey results and the nature of the identified sites. (Because the survey was completed prior to a determination of potential impacts within the EIS corridor, the report does not specifically identify the four sites that are in danger from construction; these sites are: 5LP5674, 5LP5677, 5LP5678, and 5LP5681.)

Please contact me at any time with questions, comments or concerns about the project in general or the status of the Section 106 tribal consultation. I look forward to working with you on cultural resources issues of interest to The Hopi Tribe, and I am committed to keeping you and all of the consulting tribes well informed.

Very truly yours,

A handwritten signature in black ink that reads 'Dan Jepson' with a stylized flourish underneath.

Dan Jepson
Staff Archaeologist & Cultural Resource Manager

Enclosure



SOUTHERN UTE INDIAN TRIBE

June 10, 2002

Attn: Dan Jepson, Staff Archaeologist & Cultural Resource Manager
CDOT Environmental Programs
4201 E. Arkansas Ave
Denver, CO 80222

Subject: Section 106 Consultation with the Colorado Department of
Transportation and Federal Highway Administration; Project FC-
NH (CX) 160-2 (48), US 160, Durango to Bayfield

Dear Mr. Jepson:

The Southern Ute Indian Tribe believes, at this time, there are no known impacts to areas of Native American cultural sites that are sensitive to this Tribe in regards to the project listed above. In the event of inadvertent discoveries of Native American sites, artifacts, or human remains, this Tribe would appreciate immediate notification of such findings.

Should you require additional comments or have any questions, feel free to contact Mr. Neil Cloud, NAGPRA Coordinator, at the number listed below, extension 2209.

Sincerely,

Edna Frost
Edna Frost, Director

Department of Tribal Information Services

Cc: Neil Cloud, NAGPRA Coordinator

TAOS PUEBLO

P.O. BOX 1846 • TAOS, NEW MEXICO 87571 • (505) 758-8626

June 6, 2002

Mr. Dan Jepson, Staff Archaeologist and Cultural Resources Manager
Department of Transportation
Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222

Dear Mr. Jepson:

Thank you for consulting with our tribe regarding the possibilities of our ancestors' remains and any artifacts that might belong to our tribe.

Although we know that our ancestors hunted and maybe fought in the area of your highway construction, we do not believe that it will impact us in any way.

We, however, appreciate your sincere efforts to contact us and wish you success in your project.

Sincerely,



Vincent J. Lujan
Governor, Taos Pueblo



PUEBLO OF LAGUNA

P.O. BOX 194

LAGUNA, NEW MEXICO 87026



Office of:

The Governor
The Secretary
The Treasurer

(505) 552-6598
(505) 552-6654
(505) 552-6655

June 3, 2002

Dan Jepson
Staff Archaeologist &
Cultural Resource Manager
DEPARTMENT OF TRANSPORTATION
4201 East Arkansas Avenue
Denver, Colorado 80222

Dear Mr. Jepson:

The Pueblo of Laguna acknowledges the receipt of your letter dated May 23, 2002, regarding Section 106 Consultation with the Colorado Department of Transportation and Federal Highway Administration; Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield.

Since there were only four sites with very little cultural properties, we see no impact on the Laguna Pueblo. However, we would like to be part of the consulting party for the purpose of complying with Section 106 of the National Historic Preservation Act for any possibility in identifying any concerns about cultural resources.

Please let us know in advance when you will schedule the consultation meeting.

Should you have any further questions, you may call me at 505-552-6654.

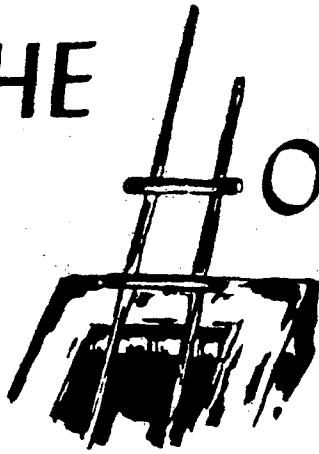
Sincerely,

PUEBLO OF LAGUNA

Victor Sarracino
NAGPRA Chairperson

VS/acs

THE



HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Elgean Joshevama
VICE-CHAIRMAN

June 3, 2002

Dan Jepson, Staff Archaeologist & Cultural Resources Manager
State of Colorado, Department of Transportation, Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222

Re: Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield

Dear Mr. Jepson,

Thank you for your correspondence to Chairman Taylor and the Hopi Cultural Preservation Office dated May 23, 2002, regarding the Colorado Department of Transportation and Federal Highway Administration developing an Environmental Impact Statement for proposed improvements US 160 from Durango to Bayfield, Colorado. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Southwestern Colorado, and therefore we appreciate the Colorado Department of Transportation's solicitation of our input and your efforts to address our concerns.

And therefore, the Hopi Cultural Preservation Office accepts your invitation to become a consulting party for this proposal for purposes of complying with Section 106 of the National Historic Preservation Act and other relevant legislation and Executive Orders. We understand that a cultural resource survey of the area of potential effect identified 23 sites exhibiting evidence of prehistoric Native American occupation, 11 of which are eligible for listing on the National Register, and 4 of which cannot be avoided by the proposed highway improvements. Please provide us with a copy of the survey report and the testing plan for additional archaeological investigations to determine eligibility of these four sites.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: BLM San Juan Field Office
Colorado State Historic Preservation Office

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Ave.
Denver, Colorado 80222
(303) 757-9259



DATE: May 24, 2002

TO: Kerrie Neet

Attn: Wally Jacobson

FROM: Dan Jepson 

SUBJECT: Native American Consultation, Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield EIS

Attached for your files is a copy of the Native American consultation letter prepared for the EIS project referenced above. In addition to the addressee—Chairman of the Hopi Tribe—the letter was sent to the following federally recognized tribes with an established interest in La Plata County:

- ☞ Southern Ute Tribe (CO)
- ☞ Ute Mountain Ute Tribe (CO)
- ☞ Northern Ute Tribe (UT)
- ☞ White Mesa Ute Tribe (UT)
- ☞ Fort Sill Apache Tribe (OK)
- ☞ Jicarilla Apache Tribe (NM)
- ☞ Mescalero Apache Tribe (NM)
- ☞ Navajo Nation (AZ, NM, UT)
- ☞ Cochiti Pueblo (NM)
- ☞ Laguna Pueblo (NM)
- ☞ Picuris Pueblo (NM)
- ☞ Acoma Pueblo (NM)
- ☞ Isleta Pueblo (NM)
- ☞ Jemez Pueblo (NM)
- ☞ Sandia Pueblo (NM)
- ☞ San Felipe Pueblo (NM)
- ☞ Santa Ana Pueblo (NM)
- ☞ Zia Pueblo (NM)
- ☞ San Ildefonso Pueblo (NM)
- ☞ San Juan Pueblo (NM)
- ☞ Santa Clara Pueblo (NM)
- ☞ Santo Domingo Pueblo (NM)
- ☞ Taos Pueblo (NM)
- ☞ Tesuque Pueblo (NM)
- ☞ Zuni Pueblo (NM)
- ☞ Nambe Pueblo (NM)
- ☞ Pojoaque Pueblo (NM)

The letter requests Section 106 government-to-government consultation with these tribes, at their discretion, as mandated by federal law. We consulted with the Southern Ute Tribe in 2000 during the previous EA iteration and received correspondence from that tribe regarding its concerns, but I have expanded the list of tribes based on their regional interest in La Plata County, per established consultation process. I will keep you apprised of any responses received and their effect on the project, if any. With the exception of sensitive materials not intended for public distribution, information provided by the tribes may be incorporated into the EIS and/or ROD. I will also document any action taken on my part in response to tribal concerns, as necessary. Please contact me at (303)757-9631 with questions or comments.

cc: C. Farrar (FHWA)
L. Lujan (BLM)
B. Killam (URS)
RF/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



May 23, 2002

Mr. Wayne Taylor, Jr., Chairman
Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Mr. Taylor:

SUBJECT: Section 106 Consultation with the Colorado Department of Transportation and Federal Highway Administration; Project FC-NH(CX) 160-2(48), US 160, Durango to Bayfield

The Colorado Department of Transportation (CDOT) is presently gathering information for inclusion in an Environmental Impact Statement (EIS) that will address the effects of proposed improvements to US Highway 160 between the communities of Durango and Bayfield in La Plata County, Colorado. The project will improve safety, increase travel efficiency and capacity, and provide a transportation facility that meets current design standards. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500-1508), CDOT and the Federal Highway Administration (FHWA) are documenting the potential social, economic and environmental consequences of this action in an EIS. In addition to the US Highway 160 corridor highlighted on the enclosed map, a short segment of US Highway 550 at and near its connection with US 160 south of Durango is also proposed for realignment.

CDOT and FHWA are seeking the participation of regional Native American tribes in cultural resources consultation for the present undertaking. If you have interest in this undertaking and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party for the purposes of complying with Section 106 of the National Historic Preservation Act. As a consulting party you are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Further, if it is found that the project will impact cultural resources that are eligible for inclusion on the National Register of Historic Places and are of religious or cultural significance to your tribe, your role in the consultation process may also include participation in resolving how best to avoid, minimize, or mitigate those impacts. It is our hope that by describing the proposed undertaking and the nature of known cultural sites that we can be more effective in protecting areas important to American Indian people.

Between November 1998 and April 2000, the Area of Potential Effect (APE) established for the undertaking was surveyed for archaeological resources. Aside from the existing rights-of-way along US Highways 160 and 550, most of the property in the project corridor is presently in private ownership, with approximately 80 acres administered by the Bureau of Land Management, San Juan Field Office (BLM). Twenty-three sites exhibiting evidence of prehistoric Native American occupation are located either partially or completely within the project APE. These localities are comprised primarily of scatters of flaked and ground stone artifacts, with some also possessing fragments of ceramic vessels; one site appears to contain subsurface architectural features. In consultation with the State Historic Preservation Officer (SHPO) and BLM, 11 of these sites have been evaluated as eligible or potentially eligible for listing on the National Register of Historic Places. Of this number, however, only four sites cannot be avoided by the proposed

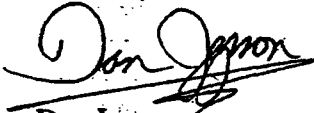
Mr. Wayne Taylor, Jr.
May 23, 2002
Page 2

highway improvements, all of which require additional archaeological investigations prior to a final determination of National Register eligibility. Limited scale test excavations are recommended at these locales in order to determine the nature and extent of subsurface cultural remains and thereafter make a Section 106 significance assessment. No human skeletal remains or items of cultural patrimony were discovered at any of the documented sites, nor is there any indication that these types of materials are present in a subsurface context.

The Federal Highway Administration is the lead Federal agency for this project. As noted above, however, the Bureau of Land Management administers various properties along the US 160 corridor, and as such the BLM is an integral partner in the undertaking and has an established interest in the Section 106 compliance process. By deferring the coordination of Native American consultation to FHWA and CDOT, the BLM does not abrogate its obligations in this regard as mandated by federal statute. The BLM will maintain an active interest in the consultation process, especially for those cultural sites located on lands under its jurisdiction.

Both CDOT and FHWA take seriously any potential concerns regarding American Indians or American Indian issues on transportation projects in Colorado. We are committed to ensuring that you are informed of and involved in decisions that have a potential to impact places that may be culturally significant to your tribe. If you have an interest in becoming a consulting party for this project, and/or if there are places or sites within or near the project area about which you have concern, please contact me in writing as soon as possible at the following mailing address: CDOT Environmental Programs, 4201 E. Arkansas Ave., Denver, CO 80222. I can also be reached via Email at daniel.jepson@dot.state.co.us, and my phone number is (303)757-9631. Should you have concerns regarding the confidentiality of information you might provide, please contact me so that we can discuss the best ways to respect those interests.

Sincerely,



Dan Jepson
Staff Archaeologist & Cultural Resource Manager

Enclosure

cc: L. Kuwanwisiwma (Hopi Cultural Pres. Office)
C. Farrar (FHWA)
L. Blanz (CDOT Region 5)
B. Killam (URS Consultants)
L. Lujan (BLM)
RF/CF


MEMORANDUM

DEPARTMENT OF TRANSPORTATION
Environmental Programs
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



DATE: December 28, 2001

TO: Wally Jacobson

FROM: Dan Jepson 

SUBJECT: Final Cultural Resources Clearance (History and Archaeology), Project FC-NH(CX)160-2(48), US Highway 160, Durango to Bayfield

The State Historic Preservation Officer (SHPO) has reviewed the determination of effects for historic properties located within the project corridor referenced above. The SHPO agreed that the alternatives identified for the undertaking (and presently being prepared for, and discussed in, an EA) will not impact any historic architectural properties, and concurred with our finding that there will be no adverse effect to the following historic ditches:

- King Ditch (5LP5658)
- Thompson-Epperson Ditch (5LP5659)
- Florida Farmers' Ditch (5LP5661)
- Florida Canal (5LP5662)
- McCluer and Murray Ditch (5LP5663)
- Pioneer Ditch (5LP5664)
- Schroder Irrigating Ditch (5LP5665)
- Los Piños Irrigating Ditch (5LP5666)

The SHPO also concurred that there will be no adverse effect to the segments of the abandoned Denver & Rio Grande Railroad grade (5LP1132.8) located in the project area.

Regarding the archaeological resources, the SHPO agreed that none of the alternatives outlined in the EA will impact Native American Traditional Cultural Properties. However, four prehistoric archaeological sites within the Area of Potential Effect require additional research in order to adequately evaluate their National Register eligibility. The SHPO concurred with CDOT's determination that the four sites (listed below) appear to be significant only for their information potential and are not of value for preservation in place:

- 5LP5674
- 5LP5677
- 5LP5678
- 5LP5681

Finally, the SHPO approved CDOT's recommendations for addressing impacts to the historic ditches and the four archaeological sites. Treatments for the ditches include a public education and interpretative signage program as well as Level II recordation for segments 3 and 4 of the Thomas Epperson Ditch (5LP5659). Test excavations at the archaeological sites prior to ground disturbance associated with construction will occur in coordination with the SHPO, and also with the BLM for site 5LP5681. Testing results will be submitted to the SHPO and BLM (for 5LP5681) in order to make an official eligibility

determination. Data recovery excavations at all NRHP eligible sites, as necessary, must also take place before the initial construction phase. A copy of the signed SHPO concurrence letter is attached for your files.

Assuming the test excavation stipulation for the prehistoric archaeological sites outlined above is observed, clearance to proceed is recommended. In the event that buried cultural deposits are exposed during any phase of construction, work in that area should cease immediately and the CDOT Staff Archaeologist notified to evaluate the discovery.

cc: File/RF/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
 Environmental Programs
 4201 East Arkansas Avenue
 Denver, Colorado 80222
 (303) 757-9259



RECEIVED

December 6, 2001

DEC 11 2001

Ms. Georgianna Contiguglia
 State Historic Preservation Officer
 Colorado Historical Society
 1300 Broadway
 Denver, CO 80203

CHS/OAHP

SUBJECT: Determinations of Effect, Colorado Department of Transportation Project FC-NH(CX) 160-2(48), US Highway 160, Durango to Bayfield, La Plata County

Dear Ms. Contiguglia:

This letter and the attached exhibits constitute our request for concurrence on Determinations of Effect for historic properties within the CDOT project referenced above, located entirely in La Plata County. The project entails the upgrade and widening of US Highway 160 from the US 160/550 intersection east of Durango to east of Bayfield, a distance of approximately 17.5 miles (Figure 1.1.2; numbering is from the the draft NEPA document). The needs for this project are to improve safety, increase travel efficiency/capacity, and provide a facility that meets current design standards. An Environmental Assessment (EA) for this undertaking is in progress and potential impacts to historic properties have been identified. Over 95% of the land crossed by the project is private; the remainder is managed by the BLM. In separate correspondence dated July 6 and July 20, 2000, your office concurred with CDOT's National Register eligibility recommendations for the archaeological and historic sites discussed herein.

Based on conceptual design including the proposed limits of construction, direct impacts to historic and archaeological resources were identified for each alternative carried forward in the EA. Impacts to only those sites that are NRHP eligible or potentially eligible (i.e., sites identified as needing additional data) have been identified. Neither the Preferred Alternative nor any of the other alternatives will impact historic architectural properties. The Southern Ute Indian Tribe has been consulted regarding this project and has indicated in a letter dated June 28, 2000 that no Native American Traditional Cultural Properties will be impacted by construction of either the Preferred Alternative or the other alternatives. The following table lists the sites that will be impacted by the project.

Site Number	Site Name/Location	Extent of Impact	Percentage of Resources Impacted
5LP1131.8 ^{BLM}	Denver & Rio Grande Railroad Segment (~6 miles)*	Expanded crossing along existing alignment ~350 feet Realignment of CR 233 intersection ~600' New crossing for frontage road ~50 feet US 160/550 interchange ~1000 feet 2000' of grade converted to multiuse trail	~10*
5LP5658	King Ditch (~7.5 miles)	100 feet of both segments .1 and .2 impacted. Realigned crossing west of Gem Village will cross an underground siphon, but will not affect any aboveground aspects of ditch segment .3	~1-2

5LP5659	Thompson-Epperson Ditch (~12 miles)	Segment .2 is the 1960s pipe crossing over US 160 that will be extended about 50 feet. Segments .3 and .4 will be crossed by new two-lane roads that will impact about 160 feet and 150 feet, respectively.	~1-2
5LP5661	Florida Farmers' Ditch (~7 miles)	About 220 feet of segment .1 and 300 feet of segment .2 will be impacted. Segment .2 was drastically realigned in the 1960s.	<1
5LP5662	Florida Canal (~16 miles)	One impact location totaling 225 linear feet is anticipated, which will entail a new crossing adjacent to the existing highway.	<1
5LP5663	McCluer and Murray Ditch (~2.5 miles)	One impact location totaling 140 linear feet is anticipated, which will include an extension of the existing culvert and roadway berm over the ditch segment adjacent to the highway.	~2-3
5LP5664	Pioneer Ditch (~4.5 miles)	One impact location totaling 300 feet is anticipated, which will be a new crossing adjacent to the existing highway.	<1
5LP5665	Schroder Irrigating Ditch (~3.5 miles)	1960s box culvert crossing under highway will be rebuilt and extended about 50 feet on each side of highway.	<1
5LP5666	Los Piños Irrigating Ditch (~5 miles)	1960s siphon crossing under highway will be rebuilt and extended about 50 feet on each side of highway.	<1
5LP5674	Prehistoric Archaeological	Entire site will be destroyed	100
5LP5677	Prehistoric Archaeological	Entire site will be destroyed	100
5LP5678	Prehistoric Archaeological	Entire site will be destroyed	100
5LP5681 ^{BLM2}	Prehistoric Archaeological	Entire site will be destroyed	100

^{BLM1} Portions of grade cross BLM lands but are not impacted.

^{BLM2} Portions of site located on BLM lands.

* Pertains to segment .8 only; entire site is much larger.

All of the ditches have several things in common: they have all been determined eligible for the National Register on the basis of their associations with significant events, specifically irrigation's role in promoting agriculture and settlement in the region; all have been in continuous use and subject to various undocumented upgrades and modifications, as well as documented changes associated with construction of the existing highway in the early 1960s; only open unlined segments of ditch are crossed and no features other than those built in association with the highway construction in the 1960s are involved; and only small portions of relatively long linear resources would be affected. The ditches, as they are crossed by the existing highway and other roads throughout their courses, were evaluated as NRHP eligible by

your office with these prior impacts. Therefore, a minor impact to this type of resource is considered an integral part of the natural progression of the use of these resources over time.

Four different types of impacts would occur to the ditches:

1. New or widened crossings in areas where the ditch is currently crossed by the existing highway and where highway construction in the 1960s included substantial realignment of the ditch at that time.
2. New or widened crossings in areas where the ditch is currently crossed by the existing highway and where highway construction in the 1960s did not include realignment of the ditch at that time.
3. Areas where a ditch will be crossed in a completely new location adjacent to a county road.
4. Areas where a ditch parallel to the highway will be impacted by the laying back of slopes below the ditch.

Regarding impacts 1 and 2, above, the current highway ditch crossings were built in the 1960s during construction of the present roadway. Therefore, these features are considered elements of the highway rather than the ditches proper. Since the existing crossings have already impacted the historic integrity of the resources, replacement or renovation of these crossings in the same place will have no adverse effect. As long as the new impacts are restricted to the realigned portion of the ditch, the same rationale would apply to those ditches realigned during the highway construction since the realignment would have already impacted the historic value of the resource in these areas. Where an existing crossing needs to be widened, or a second crossing added to support additional travel lanes, it is presumed that previously unaffected portions of the ditch would be impacted. However, because only small portions of these relatively long linear features would be impacted in an area adjacent to previous roadway impacts, their significance as resources associated with the development of agriculture and settlement would not be impacted. Concerning impacts 3 and 4, above, any new crossings in areas previously not crossed by the roadway, but adjacent to existing county roads or realigned during previous roadway construction, and any impacts to ditch segments parallel to the roadway that were not previously impacted would also constitute no adverse effect, again because only small portions of a large resource would be impacted. CDOT has determined, therefore, that these impacts will result in no adverse effect to the historic ditches.

The abandoned grade of the Denver & Rio Grande Railroad (SLP1132.8) will be impacted by the Preferred Alternative in five short segments (Figure 4.2.1 and the table above). The remnants of this railroad extend for several miles within La Plata County and beyond. The portions of grade adjacent to the US 160 corridor have been subjected to numerous impacts from highway and secondary road construction, residential development, erosion, neglect, and natural deterioration. While there would be impacts to small sections of the railroad grade, it is not enough to have a detrimental effect on the overall integrity of this resource, and therefore, would cause no adverse effect. Part of a proposed multi-use trail will be constructed on the abandoned railroad grade. As codified in a May 1, 1997 Programmatic Agreement, FHWA, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers have agreed that conversion of abandoned railroad corridors to trails is an appropriate reuse of such facilities.

The four archaeological sites that will be impacted by the project have been determined as needing additional data in order to evaluate their NRHP-eligibility. These sites include three artifact scatters and one artifact scatter with a small charcoal stain feature, none of which are of a type generally considered of sufficient interpretive or research value to be preserved in place. It appears that impacts to these sites cannot be avoided. Assuming that the four sites requiring additional data are determined to be National Register eligible subsequent to testing, data recovery prior to construction would be the required mitigation measure. According to the Section 106 implementing regulations (36 CFR 800), data recovery

is considered an adverse effect. However, test excavations at each of these localities will be undertaken and the results provided to your office for review and comment.

Measures taken to minimize impacts that will occur as a result of constructing the Preferred Alternative include the following:

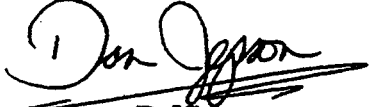
- Although no adverse effects to historic sites are anticipated, some impacts to the ditches that will be crossed by the proposed project will occur. To address these impacts in general, a public education and interpretive signage program is proposed. This will consist of a one-page tri-fold interpretative brochure that provides a background on the role of irrigation in the settlement of the region, a map showing the irrigation ditches crossed by the highway, and a brief history of each ditch. Copies of the brochure would be made available to the public at the Colorado Historical Society office in Denver and at the Chamber of Commerce offices near the project area.
- Ditch segments 5LP5659.3 and 5LP5659.4 will be crossed by completely new roadway crossings adjacent to existing roadways. To treat these impacts, these ditch segments will be recorded prior to construction so that there will be a permanent record of their present appearance and history. Recordation shall consist of Colorado SHPO Level II documentation, including black and white photographs and a brief narrative history of the ditches.
- Data recovery excavations will be conducted within the impact areas of any prehistoric archaeological sites that are determined to be NRHP eligible as a result of testing (see next bullet). All data recovery will be subject to a data recovery plan and Memorandum of Agreement among CDOT, FHWA, and the SHPO, as well as the BLM in the case of site 5LP5681.
- The four impacted archaeological sites (5LP5674, 5LP5677, 5LP5678, and 5LP5681) have been evaluated by the SHPO as needing additional data before an official determination of eligibility can be made. Subsurface testing at these sites will take place in consultation with the SHPO, and with the BLM in the case of site 5LP5681, before construction commences. Testing results will be documented and submitted to the SHPO, and BLM for site 5LP5681, in order for an official determination of eligibility to be completed for these sites. As noted above, data recovery excavations for the impacted areas of those sites that are determined to be eligible would take place before construction commences.
- In the event that buried cultural deposits are discovered during any phase of construction, work will cease in the area of the discovery and the CDOT Staff Archaeologist will be notified. The CDOT archaeologist, or a designated representative, will evaluate any such discovery, and in consultation with SHPO, and where appropriate, the BLM, proper mitigation measures will be completed before construction activities resume. Further, the construction contractor will be responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing any cultural resources or for collecting artifacts.

We request your concurrence with the determinations of effect outlined above. It is our opinion that in light of the treatments offered, the impacts to the historic ditches and railroad grade do not constitute an adverse effect. While the impacts, particularly the proposed data recovery, at the four archaeological sites are considered by regulation to be an adverse effect, these sites appear to be significant solely for the information potential they contain and are not of value for preservation in place. Under the terms of the Section 106 Memorandum of Understanding, dated March 14, 1996, between the Colorado Department of Transportation and the State Historic Preservation Officer, we hereby request your concurrence within 15 days. Your response is necessary for Federal Highway Administration compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation regulations.

Ms. Georgianna Contiguglia
December 6, 2001
Page 5

If you require additional information in order to complete your review, please contact CDOT Staff Archaeologist Dan Jepson at (303)757-9631.

Very truly yours,



for Rebecca D. Vickers
Environmental Programs Manager

Enclosures (2 maps)

I concur Mark W. [unclear] For Georgianna Contiguglia Date 12/17/01
State Historic Preservation Officer



COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

20 July 2000

Rebecca D. Vickers
Environmental Program Manager
Colorado Department of Transportation
Project Development Branch
4201 East Arkansas Ave.
Denver, CO 80222

RE: CDOT Project FC-NH (CX) 1602-2 (48), US Highway 160, Durango to Bayfield, La Plata
County

Dear Ms. Vickers:

Thank you for your recent correspondence dated 24 May 2000, concerning the proposed improvements to US Highway 160. We have reviewed the survey forms provided as part of the historic resources survey. Our comments are as follows:

In general, the survey was complete but only marginally acceptable. The forms contained a minimal amount of research, especially on the historic background of the properties. In many cases a name was not assigned to the property. There were also some problems concerning the use of architectural styles and terminology. On the other hand, the maps included with each form were very clear and well-done, and the photographs were clear and complete.

We have determined that the following properties are eligible for the National Register:

<u>Site #</u>	<u>Criterion/Criteria</u>
SLP.1131.8	A
SLP.4643.5	C
SLP.5645.1	C
SLP.5658	A
SLP.5663	A
SLP.5659	A
SLP.5664	A
SLP.5661	A
SLP.5665	A
SLP.5662	A
SLP.5666	A

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

303-866-3392 * Fax 303-866-2711 * E-mail: oahp@chs.state.co.us * Internet: <http://www.copin.org>

We find that the following properties are not eligible for the National Register, contrary to the recommendations in the report (*U.S. 160 Durango to Bayfield Corridor Final Historic Resources Inventory*):

SLP.5629
SLP.5632
SLP.5637
SLP.5640
SLP.5652

Finally, we concur with your assessment that the following buildings are non-eligible for the National Register:

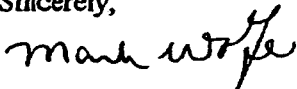
SLP.2006	SLP.5626	SLP.5627	SLP.5628	SLP.5630	SLP.5631
SLP.5633	SLP.5634	SLP.5635	SLP.5636	SLP.5638	SLP.5639
SLP.5641	SLP.5642	SLP.5644	SLP.5646	SLP.5647	SLP.5648
SLP.5649	SLP.5650	SLP.5651	SLP.5653	SLP.5654	SLP.5655
SLP.5656	SLP.5657	SLP.5660	SLP.5667	SLP.5767	SLP.5768
SLP.5769					

Also considered "not eligible" are the segments of Old U.S. 160 (SLP.5668.1-6). Please note that this applies only to these segments of the road. There are other, unsurveyed sections of Old U.S. 160 which may be eligible.

For further reference, please consult the attached two-page comments sheet (included).

If you have any questions, please feel free to contact Joseph Saldibar, Architectural Services Coordinator, at (303) 866-3741. We look forward to hearing from you.

Sincerely,



for
Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society

MEMORANDUM


DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Ave.
Denver, Colorado 80222
(303) 757-9011



DATE: July 12, 2000








TO: Carl Watson Attn: Wally Jacobson

FROM: Dan Jepson 

SUBJECT: Archaeological Resources Clearance for Project FC-NH(CX) 160-2(48), Durango to Bayfield

Enclosed for your review is the archaeological resources survey report for the project referenced above, a document completed by URS Greiner Woodward Clyde under contract to Region 5. As you are aware, the project corridor is located mostly on state and privately owned properties, but two segments bisect Bureau of Land Management-administered lands, and portions of the two US 160/550 alternatives are on privately held lands within the external boundaries of the Southern Ute Indian Reservation. As such I have consulted with both the BLM and Southern Ute Tribe regarding the project and its potential impact to archaeological sites of interest to them. In consultation with these entities, I have agreed to coordinate all Section 106 activities with the SHPO, and to subsequently transmit appropriate information to them. A copy of the BLM comment sheet is enclosed for your files, as is a letter received from a representative of the Southern Ute Cultural Preservation Division and the SHPO concurrence letter.

Three previously recorded prehistoric sites and 25 new archaeological localities representing both the historic and prehistoric eras were documented partially or completely within the study area. In consultation with the SHPO, we have determined that 11 of these sites are eligible or potentially eligible for listing on the National Register of Historic Places, as outlined in the following table (note that milepost designations are included only for significant sites that will require avoidance during construction):

Site ID	Site Name	Period	Resources	Eligibility
5LP2223		Prehistoric	Artifacts and Features	Eligible
5LP2482		Prehistoric	Artifacts and Features	Officially Eligible
5LP3956		Prehistoric	Artifacts and Features	Officially Not Eligible
5LP5669		Prehistoric	Lithic scatter	Potentially Eligible
5LP5670		Historic	Artifacts and Features	Not Eligible
5LP5671		Prehistoric	Artifact scatter	Not Eligible
5LP5672		Prehistoric	Artifacts and Features	Potentially Eligible

Archaeological Resources Clearance for Project FC-NH(CX) 160-2(48), Durango to Bayfield - Pg. 2

Site Number	Site Name	Period	Resources	Eligibility
5LP5673	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5674	██████████	Prehistoric	Lithic scatter	Potentially Eligible
5LP5675	██████████	Prehistoric/ Historic	Lithic scatter	Not Eligible
5LP5676	██████████	Prehistoric	Artifacts and Features	Potentially Eligible
5LP5677	██████████	Prehistoric	Lithic scatter	Potentially Eligible
5LP5678	██████████	Prehistoric	Artifacts and Features	Potentially Eligible
5LP5679	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5680	██████████	Prehistoric	Artifact scatter	Not Eligible
5LP5681	██████████	Prehistoric	Artifact scatter	Potentially Eligible
5LP5682	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5683	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5684	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5685	██████████	Prehistoric	Artifacts and Features	Not Eligible
5LP5686	██████████	Prehistoric	Artifact scatter	Potentially Eligible
5LP5687	██████████	Historic	Artifacts and Features	Not Eligible
5LP5688	██████████	Historic	Artifacts and Features	Not Eligible
5LP5689	██████████	Historic	Features	Not Eligible
5LP5759	██████████ ██████████	Prehistoric	Artifacts and Features	Potentially Eligible
5LP5760	██████████	Prehistoric	Lithic scatter	Not Eligible
5LP5761	██████████ *	Prehistoric	Artifact scatter	Not Eligible
5LP5762	██████████	Historic	Artifacts and Features	Not Eligible

All of the eligible or potentially eligible sites are recommended for avoidance during construction. A supplemental specification outlining the avoidance stipulation for these sites should be inserted into the final design plans, and should be coordinated with this office. Nineteen isolated finds were also documented within the project area; by definition isolates are not eligible for National Register listing, and no further work is recommended.

Following the statutory mandate for American Indian consultation on federal undertakings in the National Historic Preservation Act and the Advisory Council on Historic Preservation's revised regulations (36 CFR 800), on May 31, 2000, a meeting was held with Southern Ute Tribal representative

Archaeological Resources Clearance for Project FC-NH(CX) 160-2(48), Durango to Bayfield - Pg. 3

Clement Frost to discuss the project, the site evaluations and recommendations addressed in the report and any specific areas of cultural or religious concern to the tribe. As noted in the accompanying letter, the tribe prefers that significant aboriginal archaeological sites be avoided during construction, a recommendation mirroring CDOT's. The tribe is also concerned about the location of materials pits and rock wasting or equipment staging areas that may be used during the project as they relate to potential Traditional Cultural Properties. Consequently, it is imperative that I be kept apprised of the location and status of any such areas so that appropriate cultural resource surveys and Native American consultation can be completed prior to ground disturbance. A supplemental specification should be inserted into final design plans for all separate construction phases which clearly describes this issue and its requirements. (Please consult with me for the exact wording of any specification.)

The Southern Utes are also interested in the location of medicinal plants within the proposed construction corridor(s); they have agreed to document which plants are of specific important to them and whether they are in fact present in the project corridor. Mr. Frost has also expressed an interest in visiting archaeological site 5LP2223, a portion of which is located on private property within the external boundaries of the Southern Ute reservation. The property owner, Mr. Chris Webb, has requested a letter of explanation from the tribe prior to granting the request, and I have forwarded this information to Mr. Frost. To my knowledge, as of this date there has been no formal correspondence between the tribe and Mr. Webb.

Because the project will not affect Traditional Cultural Properties or other areas of cultural or religious significance to the Southern Ute Tribe, the tribe has no immediate concerns and has effectively cleared the undertaking to proceed with regard to heritage resources. We have fulfilled our Section 106 consultation obligation, and no further actions are required at this time.

Archaeological clearance to proceed is recommended for the project assuming the avoidance condition for the sites outlined above is observed. If buried cultural remains are encountered during any phase of construction, this office should be contacted immediately so the materials can be evaluated for significance in accordance with National Register criteria.

cc: B. Killam (URS Greiner Woodward Clyde)
E. Vinson (FHWA)
RF
CF

**SOUTHERN UTE INDIAN TRIBE
IGNACIO, COLORADO**

**CLEMENT J. FROST
CULTURAL PRESERVATION DIVISION
P.O. BOX 737
IGNACIO, COLORADO 81137**

June 28, 2000

DAN JEPSON
MANAGER, CULTURAL RESOURCES SECTION
4201 EAST ARKANSAS AVENUE
DENVER, COLORADO 80222

Dear Dan,

On behalf of the Southern Ute Indian Tribe, I would like to thank you and your colleagues for coming to our headquarters in Ignacio and providing the tribe the opportunity to participate in the Section 106 consultation process, under the National Historic Preservation Act, on May 31, 2000. This in regards to the archaeological survey done on US 160/US 550 project coridor that is located outside of the Southern Ute Indian reservation, with Alternatives F and G-Modified bisecting the extreme northern portion of the reservation. The presence of prehistoric American Indian sites dictate a government to government consultation be conducted with the Southern Ute Indian Tribe regarding any possible Traditional Cultural Properties or other issues of cultural or religious concerns.

As we discussed during the meeting the archaeological sites that had been identified along the coridor and CDOT's decision that the sites remain undisturbed and different routes taken. In addition, the tribes' concern regarding any medicinal plants that may be disturbed, location of potential materials borrow pits and equipment or rock wasting areas near the archaeological sites. You assured me that all those were taken into consideration, with the exception, of the medicinal plants, which you asked the tribe to document and sent to you, if they are present in those areas. The other request is to visit the archaeological site located on the Chris Webb property, this would conlude the consultation process for the Southern Ute Indian Tribe. The purpose to do a site visit to the Webb property is to foster and improve communications, cooperation, and exchange of information between the tribe and the private land owner, and not create a risk of harm to such resources or to the site. Information concerning the nature and location of any archaeological resources are for the tribes' information only and the tribe will adequately protect the confidentiality of such information to protect the resources. Since the project will not affect Traditional Cultural Properties and other areas of interest there are no immediate concerns beyond those addressed herein.

Sincerely,



Clement J. Frost
NAGPRA Coordinator

Cc: Chairman Baker
Edna J. Frost, TIS Director

Everett Burch, Cultural Preservation Head

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011



RECEIVED

June 27, 2000

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

JUN 30 2000

CHS/OAHP

Dear Ms. Contiguglia:

SUBJECT: Archaeological Resources Survey Report, Colorado Department of Transportation Project FC-NH(CX) 160-2(48), Durango to Bayfield

Enclosed for your review is the archaeological resources survey report for the CDOT undertaking referenced above. The project involves the reconstruction of US Highway 160 between Durango and Bayfield, as well as construction of a new alignment connecting US Highway 550 with Highway 160, all in La Plata County. URS Greiner Woodward Clyde, under contract to CDOT, conducted all cultural resource archival research and field investigations, and also authored the accompanying report. The project corridor is located mostly on state and privately owned properties, but two segments bisect Bureau of Land Management-administered lands, and portions of the two US 160/550 alternatives are located on privately held lands within the external boundaries of the Southern Ute Indian Reservation. As such, we have consulted with both the BLM and Southern Ute Tribe regarding the project and its potential impact to archaeological sites of interest to them. A copy of the BLM comment sheet is enclosed; Dan Jepson, our Staff Archaeologist, met with a representative of the Southern Ute Tribe Culture Preservation Office on May 31 about the project, at which time Mr. Jepson received verbal approval from the tribe regarding the site evaluations and proposed recommendations. We have thus far not received a letter from the Southern Utes to this effect (as they agreed in the meeting), but we will of course keep you apprised if a letter is forthcoming. CDOT has agreed to coordinate all Section 106 activities with your office, and to subsequently transmit appropriate information to both the BLM and the Southern Ute Tribe.

Three previously recorded prehistoric sites (5LP2223, 5LP2482, 5LP3956) and 25 new localities representing both the historic and prehistoric eras were documented partially or completely within the study area. The sites and their respective National Register of Historic Places eligibility evaluations are outlined in the following table, as well as in the report.

Site Number	Era	Site Type	NHP Eligibility
5LP2223	Prehistoric	Artifacts and Features	Eligible ✓
5LP2482	Prehistoric	Artifacts and Features	Officially Eligible ✓
5LP3956	Prehistoric	Artifacts and Features	Officially Not Eligible ✓
5LP5669	Prehistoric	Lithic scatter	Potentially Eligible ✓
5LP5670	Historic	Artifacts and Features	Not Eligible ✓
5LP5671	Prehistoric	Artifact scatter	Not Eligible ✓
5LP5672	Prehistoric	Artifacts and Features	Potentially Eligible ✓

Site Number	Era	Site Type	NRHP Eligibility
5LP5673	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5674	Prehistoric	Lithic scatter	Potentially Eligible ✓
5LP5675	Prehistoric/Historic	Lithic scatter	Not Eligible ✓
5LP5676	Prehistoric	Artifacts and Features	Potentially Eligible ✓
5LP5677	Prehistoric	Lithic scatter	Potentially Eligible ✓
5LP5678	Prehistoric	Artifacts and Features	Potentially Eligible ✓
5LP5679	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5680	Prehistoric	Artifact scatter	Not Eligible ✓
5LP5681	Prehistoric	Artifact scatter	Potentially Eligible ✓
5LP5682	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5683	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5684	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5685	Prehistoric	Artifacts and Features	Not Eligible ✓
5LP5686	Prehistoric	Artifact scatter	Potentially Eligible ✓
5LP5687	Historic	Artifacts and Features	Not Eligible ✓
5LP5688	Historic	Artifacts and Features	Not Eligible ✓
5LP5689	Historic	Features	Not Eligible ✓
5LP5759	Prehistoric	Artifacts and Features	Potentially Eligible ✓
5LP5760	Prehistoric	Lithic scatter	Not Eligible ✓
5LP5761	Prehistoric	Artifact scatter	Not Eligible ✓
5LP5762	Historic	Artifacts and Features	Not Eligible ✓

Of the 3 previously recorded sites, one has been assessed by your office as officially eligible for nomination to the National Register (5LP2482), another as field eligible (5LP2223), and the third as officially not eligible (5LP3956). Nine of the newly recorded sites (5LP5669, 5LP 5672, 5LP5674, 5LP5676-5678, 5LP5681, 5LP5686, 5LP5759), all of which date from the prehistoric era, are recommended as potentially NRHP-eligible ("need data") due to the likelihood of their containing significant intact buried cultural deposits. All of the eligible or potentially eligible sites are recommended for avoidance during highway construction. Nineteen isolated finds were also documented within the project area; by definition isolates are not eligible for National Register listing, and no further work is recommended.

Ms. Georgianna Contiguglia - Pg. 3

One historic locality was subjected to limited archaeological test excavations (noted in the report as isolated find 5LP5812, see pages 27-30 in the report). This parcel, situated adjacent to the US 160 Business Route in Bayfield, was once part of William Bay's property, for whom the community is named, but is now part of a separate tract. However, the owner of the Bay property (5LP5637) reported finding historic artifacts in the field near the highway. As such, testing was conducted within the proposed construction impact area as a precaution. No significant artifacts or architectural features were located, and this area does not contain the potential for substantial buried historic deposits. Please note that one site listed on the enclosed BLM comment sheet (5LP1131.8, three segments of an historic rail grade) does not appear in this report, but is instead part of the separate historic resources report submitted to the BLM and to your office. The monitoring requested by BLM for this site is subject to further discussions between CDOT and the BLM.

The enclosed report and site forms provide detailed information about the project, the pedestrian inventory and its results. We request your concurrence with the NRHP evaluations and management recommendations outlined therein. If you have questions or require additional information, please contact CDOT Staff Archaeologist Dan Jepson at (303)757-9631.

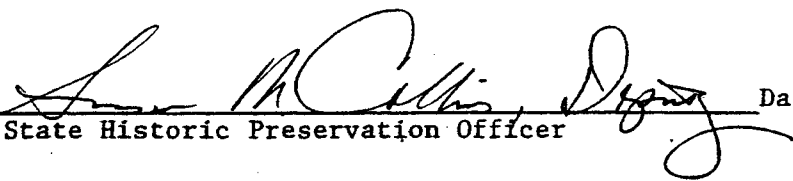
Very truly yours,


Rebecca D. Vickers
Environmental Program Manager

Enclosures (report and site forms)

cc: RF/CF

I concur


State Historic Preservation Officer

Date

July 6, 2000

JUL 2000

CULTURAL RESOURCE ACTION MEMORANDUM

(CASEFILE DOCUMENT)

PROJECT NAME: U.S. 160 Durango to Bayfield Corridor La Plata County, Colorado

INVENTORY DATE: Nov/98; May & Dec/99 Jan/Apr/2000

CULTURAL CONTRACTOR: Cheryl Eckhardt & Robert Mutaw
URS Greiner Woodward Clyde

OK
DL

LEGAL DESCRIPTION OF INVENTORY:

Various La Plata County

CULTURAL VALUES FOUND AND THEIR SIGNIFICANCE (National Register eligibility):

The inventory on approximately 79 acres of BLM-administered public land resulted in the discovery and recordation of 25 sites & 19 IFs, Five (5) prehistoric archaeological sites, on BLM. One site 5LP5681 is field-evaluated as potentially eligible (Need Data) to the Register. The other four sites are field-evaluated as Not Eligible. Proposed action will have no effect on significant cultural Resources.

Proceeding with the Project will have no effect on any significant cultural property and will have no effect on any known Native American sacred site or Traditional Cultural property. No Paleontological locality is affected by the proposed project.


ADDITIONAL WORK NEEDED: as stipulated, below. Proceed with project. As interested party, BLM concurs with field evaluation and recommendations for avoidance/protection of non-BLM historic and prehistoric resources.

STIPULATIONS TO PROTECT CULTURAL VALUES:

1. If subsurface cultural resources are unearthed during construction, activity in the vicinity of the cultural resource will cease and a BLM representative notified immediately.
2. The operator is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads and pottery sherds.
3. Cultural resource monitoring (is not required) When Required, is permitted only when the ground surface is free of snow, unfrozen, and dry.
4. Site 5LP5681: Place temporary protective fence at site's north boundary, between highway right of way and site; monitor earth-moving activity in vicinity of site.
5. Site 5LP5682: no further work.
6. Site 5LP5683: no further work
7. Site 5LP5684: no further work
8. Site 5LP5672: no further work.
9. Site 5LP131.8: Provide archaeological monitoring to insure avoidance & minimize potential for adverse effect.

(April 24, 2000)

Date

1s/D 
D. Leon Lujan, SJRA Archaeologist

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011



May 4, 2000

Mr. John E. Baker, Jr., Chairman
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137

Dear Mr. Baker:

SUBJECT: Archaeology Survey Report Review Request, Colorado Department of Transportation Project FC-NH(CX) 160-2(48), East of Jct. US 160/US550, East & West

As you are undoubtedly aware, the Colorado Department of Transportation (CDOT) project referenced above proposes to reconstruct and upgrade US Highway 160 between Durango and Bayfield, as well as construct a new alignment and interchange connecting US Highways 550 and 160 near Farmington Hill. Environmental studies of these corridors are in the process of being completed, the results of which will eventually be incorporated into an Environmental Assessment document available for public review. As part of this process, an archaeological survey of the project corridor has been completed by a consultant under contract to CDOT Region 5 (Durango), and a report documenting the results of that inventory has been forwarded to this office for review and compliance purposes.

Neither CDOT nor the Federal Highway Administration (FHWA), Colorado Division, presently have explicit guidelines regarding cultural resources consultation with Native American tribes, as mandated by the June, 1999 revisions to the Advisory Council on Historic Preservation's regulations (36 CFR 800). FHWA and CDOT are presently in the initial stages of developing such guidelines, and the Southern Ute Tribe will be provided the opportunity to participate in that process. Until those guidelines are finalized, however, we are approaching Section 106 consultations on a project-by-project basis, which is the primary intent of this correspondence.

The majority of the US 160/US 550 project corridor is located outside of the Southern Ute reservation. However, small portions of two proposed alignment alternatives connecting Highways 550 and 160 (Alternatives F and G-Modified) bisect the extreme northern portion of the reservation (please refer to Figure 1.1 in the accompanying report). While these lands are evidently non-Indian owned, they are clearly within the reservation boundary and thus under the jurisdiction of the tribe. Archaeological sites have been identified and recorded both along the US 160 corridor proper as well as near the G-Modified alternative. The close proximity of the US 160 corridor to the reservation, the alignment alternatives located partially on reservation

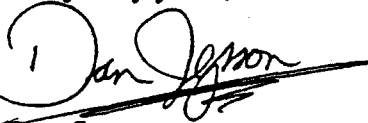
Mr. John E. Baker, Jr. - Pg. 2

property, and the presence of prehistoric American Indian sites dictate that we provide you with the opportunity to review the enclosed report and initiate government-to-government consultations, at your discretion, according to the Advisory Council regulations noted above.

Twenty-eight sites and 19 isolated finds are located in the surveyed areas, of which twenty-two sites and 15 isolates are prehistoric Native American localities; the remainder consist of historic Euroamerican sites and features. (One site exhibits both prehistoric Indian and historic Euroamerican components.) Only one resource (5LP2223), a large site that contains probable buried architectural features in addition to chipped stone, ground stone and ceramic artifacts, is situated partially on the Southern Ute reservation near Alternative G-Modified. The site is assessed as eligible for listing on the National Register of Historic Places, and avoidance is recommended during project construction. A copy of the Colorado Cultural Resource Survey form for site 5LP2223 is enclosed for your files. Ten of the remaining prehistoric sites have also been determined National Register-eligible or potentially eligible contingent on the completion of test excavations, but all of these sites are located on lands administered by the state, the Bureau of Land Management, or by private owners.

We respectfully request your review of the enclosed report. As I have been designated cultural resources liaison between CDOT, FHWA and regional tribal groups, please contact me in Denver at (303)757-9631 if you have questions or concerns regarding the survey, the site recommendations, or any other aspect of the undertaking. We would appreciate receiving any comments you might have regarding possible Traditional Cultural Properties or other issues of cultural or religious concern to the Southern Ute Tribe in the context of our project, regardless of whether specific locales are on or off the reservation. The report has not yet been forwarded to the State Historic Preservation Office, and we do not anticipate doing so until your comments are received and addressed. Thank you for considering this request.

Very truly yours,



Dan Jepson
Staff Archaeologist
Manager, Cultural Resources Section

cc: Edna Frost, Tribal Information Services Director
Everett Burch, Culture Preservation Division Head
Clement Frost, Culture Preservation Division
Carl Watson, Planning & Environmental Manager, CDOT Region 5
Wally Jacobson, CDOT Region 5 Environmental

~~Bill Klem, ORSGWC~~

RECEIVED
MAY 8 2000
COLORADO DEPT. OF TRANSPORTATION
REGION 5
PROGRAM ENGINEER