

APPENDIX C: CULTURAL RESOURCES CONSULTATION

- C.1 Cultural Resources Consultation Summary
- C.2 ACHP Correspondence
- C.3 Tribal Consultation Executive Summary
- C.4 Memorandum of Agreement

C.1 Cultural Resources Consultation Summary

**Baca Land Exchange
Cultural Resource Steps and Progress
June 2009**

Task	Completion
Formal notification to Colorado State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP) of Federal land exchange and invitation to be consulting parties.	4-29-05
Designation of National Park Service as lead agency for compliance with Section 106, NHPA.	
<ul style="list-style-type: none"> ▪ Information meeting between BLM/NPS archeologists and Colorado State Archeologist representing SHPO 	9-27-04
<ul style="list-style-type: none"> ▪ First consultation meeting among federal agency partners, ACHP, SLB, and SHPO. 	6-23-05
Contract for Cultural Resource Overview (Class I) report for all four exchange parcels.	August 2004
<ul style="list-style-type: none"> ▪ <i>Class I Cultural Resources Overview of the Baca Land Exchange BLM Parcels, Fremont, Saguache, and Conejos Counties, Colorado</i> by C. Bevilacqua and M. Slaughter 	May 2005 (final)
<ul style="list-style-type: none"> ▪ SHPO provided copy at 6-23-05 meeting noted, above 	6-23-05
Initiation of Tribal Consultation (letters and phone calls to tribes)	2-8-05
<ul style="list-style-type: none"> ▪ Consultation Meeting at Great Sand Dunes National Park 	3-3-05
<ul style="list-style-type: none"> ▪ Follow up consultation letter to tribes who did not respond or participate 	9-28-05
Contract for archeological inventory and NR evaluation of Table Mountain and Gribbles Park exchange parcels	Sept. 2004
<ul style="list-style-type: none"> ▪ Archeological inventory of Table Mountain Parcels 	April-May 2005
<ul style="list-style-type: none"> ▪ <i>Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Table Mountain Project Area, Fremont County, Colorado</i> by C. Bevilacqua and M. Slaughter 	June 2006 (final)
<ul style="list-style-type: none"> ▪ Tribal consultation on report 	2-6-08 – 4-4-06
<ul style="list-style-type: none"> ▪ SHPO review and comment on report – concurrence DOEs 	6-6-06
<ul style="list-style-type: none"> ▪ Archeological inventory of Gribbles Park Parcels 	June-July 2005
<ul style="list-style-type: none"> ▪ <i>Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Gribbles Park Project Area, Fremont county, Colorado</i> by C. Bevilacqua and R. Wunderlich 	June 2006 (final)
<ul style="list-style-type: none"> ▪ Tribal consultation on report 	3-20-06 – 6-26-06
<ul style="list-style-type: none"> ▪ SHPO review and comment on report - concurrence DOEs 	6-12-06

Task	Completion
<p>Contract for archeological inventory and NR evaluation of a portion of the Biedell Creek exchange parcels (insufficient funds available)</p> <ul style="list-style-type: none"> ▪ Modification of contract for archeological inventory and NR evaluation of Biedell to include all exchange lands ▪ Archeological inventory of Biedell Creek Parcels ▪ Modification of contract for archeological inventory of Biedell Creek exchange parcels to cover testing of select sites for NR evaluation ▪ <i>Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Biedell Creek Project Area, Saguache County, Colorado</i> by C. Bevilacqua, R. Wunderlich, and S. Dominguez ▪ Tribal consultation on report ▪ SHPO review and comment on report – concurrence determinations ▪ <i>Addendum to the Final Report on the Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Biedell Creek Project Area, Saguache County, Colorado</i> by C. Bevilacqua ▪ SHPO Review and comment on addendum – concurrence DOE’s 	<p>October 2004</p> <p>April 2005</p> <p>Summer/fall 2005 Sept. 2005</p> <p>March 2007 (final)</p> <p>1-29-07 – 4-4-07 2-15-07</p> <p>August 2007</p> <p>9-28-07</p>
<p>Consultation meeting among agency archeologists, SHPO staff, and ACHP staff.</p>	<p>8-9-05</p>
<p>Consultation meeting among federal agency archeologists, contractor, and SHPO to assess treatment options</p>	<p>7-31-06</p>
<p>Consultation meeting among federal agency partners, SLB, and SHPO to assess treatment options</p>	<p>11-7-06</p>
<p>Consultation meeting among federal agency partners, SLB, and SHPO to assess treatment options</p>	<p>1-31-07</p>
<p>Cooperative Agreement between NPS & Ft. Lewis College for archeological inventory of the La Jara Reservoir</p> <ul style="list-style-type: none"> ▪ Archeological inventory of the La Jara Reservoir Parcels ▪ <i>Archeological Inventory and National Register Evaluation for the Baca Land Exchange La Jara Reservoir Parcels, Conejos County, Colorado</i> by Wells, S.J., S.M. Baumann, M., M.C. Charles, S.J. Cole, K. Croll, S. Larmore, I. Crosser, C.H. Scott, K. Waldvogel, and A.S. Granger ▪ Tribal consultation on report ▪ Consultation meeting between agency archeologists and SHPO staff ▪ SHPO review and comment on report – concurrence DOE’s 	<p>March 2005</p> <p>Summer/fall 2005</p> <p>June 2008 (draft), November 2008 (final)</p> <p>1-17-08 – 3-25-08</p> <p>8-25-08</p> <p>7/21/08, 10/2/08, 10/27/08</p>

Task	Completion
Contract for part of Archeological Treatment Plan (insufficient funds available to cover entire plan) <ul style="list-style-type: none"> ▪ Modification of contract for Archeological Treatment Plan to include all exchange parcels. ▪ Draft Treatment Plan; draft <i>Archeological Treatment Plan for National Register Eligible Sites in the Baca land Exchange BLM Parcels Conejos, Fremont, and Saguache Counties, Colorado</i> by Chris Bevilacqua ▪ Tribal consultation on draft plan ▪ State Land Board and Federal Agency review and comment on draft plan ▪ SHPO review and comment on draft plan ▪ Finalization of Archeological Treatment Plan 	Sept. 2005 Sept. 2006 December 2008 (draft) 12-2-08 – 12-22-08 Feb. 2009 Feb. 2009 March 2009
Notification to Advisory Council on Historic Preservation (ACHP) of Adverse Effects of land exchange	January 15, 2009
ACHP declines to get involved with project – we are correct and adequate	March 3, 2009
Consultation meeting among all Federal agencies and SHPO staff on Treatment Plan and MOA	Feb. 25, 2009
Contract for part of Archeological Treatment (insufficient funds available to cover entire treatment) <ul style="list-style-type: none"> ▪ Modification of contract for Archeological Treatment to include all exchange parcels ▪ Modification of contract for Archeological Treatment based upon final Treatment Plan ▪ Treatment of Archeological Properties <ul style="list-style-type: none"> ▪ Listing in Colorado Register of Historic Properties ▪ Moving parcels into Colorado Land Stewardship Trust ▪ Development of resource management plan for Stewardship Trust Resources 	Sept. 2007 Sept. 2008 June 2009
Memorandum of Agreement <ul style="list-style-type: none"> ▪ Internal review 1st draft Memorandum of Agreement ▪ Draft Memorandum of Agreement to Federal Agencies, State Land Board, SHPO, and concurring tribes (Jicarilla) for review and comment ▪ Meeting among consulting parties ▪ Revise MOA as per meeting agreements ▪ Finalize Memorandum of Agreement with signatures 	November 2008 February 10-March 12, 2009 February 25, 2009 March 27, 2009 May 6 - June 15, 2009
Compliance with Section 106, NHPA complete (upon completion of above treatment)	

Red signifies remaining work.

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United States Department of the Interior

NATIONAL PARK SERVICE INTERMOUNTAIN REGION

12795 West Alameda Parkway
Post Office Box 25287
Denver, Colorado 80225-0287

IN REPLY REFER TO:
H4217 -Baca Land Exchange

January 20, 2009

Mr. Reid Nelson
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, D.C. 20004

Re: Notification of Adverse Effect Finding for the Baca Land Exchange of lands between the Department of Interior and the Colorado State Land Board, Colorado, pursuant to 36 CFR 800.6 (a) (1).

Dear Mr. Nelson:

On April 20, 2005, the Bureau of Land Management (BLM) sent a letter to the Colorado State Historic Preservation Officer and Advisory Council on Historic Preservation pursuant to 36 CFR 800.2 (a) (2) providing notification that the National Park Service (NPS) would be the lead Federal agency fulfilling the responsibilities of the BLM, NPS, and Fish and Wildlife Service (FWS) under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, for the Baca Land Exchange. In this letter, the Advisory Council on Historic Preservation (ACHP) was asked if it wished to participate in consultation along with the Colorado State Historic Preservation Officer (SHPO). While no formal response was received from ACHP, an information meeting with staff of the ACHP Western Office of Project Review was held June 23, 2005.

Description of the Undertaking

This undertaking is a land exchange between the Department of the Interior (Colorado BLM, Intermountain Region of the NPS, and Region 6 of the FWS, acting collectively as the federal agency partners) and the State of Colorado, acting by and through its State Board of Land Commissioners (SLB). The purpose of this land exchange is to make whole the recently-established Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in Alamosa and Saguache Counties, Colorado. The non-federal lands proposed for exchange comprise about 50,696 acres of state-owned lands (surface and mineral estate) and 5,071 acres of mineral estate only, all of which are located within the boundaries of the park and wildlife refuge.

The federal lands proposed for exchange comprise about 18,190.03 acres of surface and mineral estate administered by the BLM in Conejos, Fremont, and Saguache Counties, Colorado and 2,680 acres of federal minerals underlying state-owned surface in Fremont County (Table 1). Enclosure 1 shows the state-owned lands within Great Sand Dunes National Park and the Baca National Wildlife Refuge as well as the BLM-managed lands that are proposed for exchange.

Table 1. Federal acres to be exchanged, Baca Land Exchange, Colorado.

Exchange Unit	Surface and Mineral Acres	Mineral Acres
Table Mountain	1,692.62	2,680.00
Gribbles park	480.00	0
Biedell Creek	11,479.58	0
La Jara Reservoir	4,537.83	0
Total	18,190.03	2,680.00

The area of potential effect (APE) includes all of the above federal lands. Approximately 11,428.17 acres that fall outside the APE in the La Jara Reservoir Unit and 240 acres that fall outside the APE in the Gribbles Park Unit were inventoried for cultural resources because of uncertain land valuation.

The federal agency partners are carrying out the Section 106 process under the 36 CFR 800 regulations in coordination with the National Environmental Policy Act (NEPA) process. The public involvement process conducted for NEPA compliance on the land exchange also was used to involve the public and help identify consulting parties (Table 2). In addition, because the land exchange is a result of establishment of the Baca National Wildlife Refuge and Great Sand Dunes National Park and Preserve, public meetings for planning efforts at those two entities also addressed the land exchange. No issues or concerns regarding land exchange cultural resources were identified during the scoping process or subsequent public meetings. Enclosure 2, which is taken from the draft Environmental Assessment on the Baca Land Exchange, provides additional information on public involvement.

Table 2. Public meetings specifically addressing the Baca Land Exchange hosted variously by the National Park Service, Bureau of Land Management, and Colorado State Land Board.

Date	Meeting Location	Lead
March 3, 2005	Great Sand Dunes National Park, CO	NPS– Jicarilla Apache and Oglala Sioux participated
May 23, 2005	Alamosa, CO	BLM
May 26, 2005	Canon City, CO	BLM
February 17, 2006	Denver, CO	SLB

Indian tribes that might attach religious or cultural significance to historic properties were invited to be consulting parties on February 8, 2005 and participated in their first meeting on March 3, 2005. Their sole request was for opportunity to review all cultural resource reports resulting from the archeological fieldwork. Enclosure 3 is an executive summary of tribal consultation that has been conducted for the undertaking to date.

The federal agency partners agreed to use BLM cultural resource standards and procedures, referenced in the BLM 8100 Manual and the BLM Colorado “Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources” because it is BLM-managed land that is being exchanged. However, the NPS is managing the cultural

resource compliance portion of the joint project and has conducted the formal consultations with the SHPO. The BLM retained responsibility for consultation with Indian tribes, since the lands being exchanged are under its administration.

Steps Taken To Identify Historic Properties – Cultural Resource Overview

A Class I Cultural Resource Overview was conducted for each of the four geographical units identified for potential exchange: Table Mountain, Gribbles Park, Biedell Creek, and La Jara Reservoir. This included complete literature and file search at the Colorado Office of Archeology and Historic Preservation and a recommendation based upon GIS modeling as to which potential exchange areas would require a Class III inventory (complete coverage) or a Class II inventory (sampling) as specified in the BLM's Colorado "Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources."

This overview documented that extremely little archeological work had been done in the potential land exchange units. One Site (5FN993) had been documented in the Table Mountain Unit and had been determined ineligible for the National Register of Historic Places (NRHP). Site 5FN883 had been informally documented in the Gribbles Park Unit and carried a recommendation of "needs data." Only the National Register-listed Rio Grand Canal (5SH1033/5RN63), which meanders through portions of the Biedell Creek Unit, had been documented in that unit. No sites had been recorded in the large La Jara Reservoir Unit.

Resulting Report

Bevilacqua, C. and M. Slaughter

2005 *Class I Cultural Resources Overview of the Baca Land Exchange BLM Parcels, Fremont, Saguache, and Conejos Counties, Colorado.* RMC Consultants, Inc. On file, Colorado Office of Archeology and Historic Preservation, Denver.

Steps Taken To Identify Historic Properties – Archeological Inventory

Intensive and some sampling-level archeological inventory, based upon the Cultural Resource Overview, was undertaken between September 2004 and October 2005, on approximately 30,112 acres within the four units identified for potential exchange. Limited testing was undertaken on select sites for the purpose of National Register evaluation. Fieldwork resulted in the documentation of 296 sites and 599 isolated artifacts (Table 3), which includes the scant resources previously noted in the Cultural Resource Overview. Tribal review of all reports resulted in no comments, other than requests to review the project Treatment Plan.

Table 3. Archeological Resources, Eligibility, and Proposed Treatment, Baca Land Exchange

Unit	Acres Inven.	No. Sites	No. Isolates	No. Recommended Eligible/ Contributing Sites	Proposed Treatment
Table Mountain	923 (770 previously inven.)	17	12	1	Portion of eligible site on BLM land is non-contributing to eligibility. No treatment needed.
Gribbles Park	720	24	15	2	Two sites will be individually listed on the State Register of Historic Properties and put into the Colorado State Land Stewardship Trust.
Biedell Creek	11,733	120	355	32/63 = 95	Most of the Biedell Ck. area will be listed on the State Register of Historic Properties as an Archeological Area and put into the Colorado State Land Stewardship Trust.
La Jara Reservoir	15,966	135	217	51/48 = 135	Most of the La Jara area will be listed on the State Register of Historic Properties as an Archeological Area and put into the Colorado State Land Stewardship Trust.
TOTAL	30,112	296	599	233	

Resulting Reports

Bevilacqua, C. and M. Slaughter

2006 *Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Table Mountain Project Area, Fremont County, Colorado.* RMC Consultants, Inc. On file, Colorado Office of Archeology and Historic Preservation, Denver.

Bevilacqua, C. and R. Wunderlich

2006 *Archeological Inventory and National Register Evaluation of the Baca land Exchange BLM Parcels, Gribbles Park Project Area, Fremont County, Colorado.* On file, Colorado Office of Archeology and Historic Preservation, Denver.

Bevilacqua, C., R. Wunderlich, and S. Dominguez

2007 *Final Report on the Archeological Inventory and National Register Evaluation of the Baca Land Exchange BLM Parcels, Biedell Creek Project Area, Saguache County, Colorado.* On file, Colorado Office of Archeology and Historic Preservation, Denver.

Bevilacqua C.

2007 *Addendum to the Final Report on the Archeological Inventory and National Register Evaluation of the Baca Land Exchange BLM Parcels, Biedell Creek Project Area, Saguache County, Colorado.* On file, Colorado Office of Archeology and Historic Preservation, Denver.

Wells, S.J., S.M. Baumann, M., M.C. Charles, S.J. Cole, K. Croll, S. Larmore, I. Crosser, C.H. Scott, K. Waldvogel, and A.S. Granger

2008 *Archeological Inventory and National Register Evaluation for the Baca Land Exchange La Jara Reservoir Parcels, Conejos County, Colorado.* On file, Colorado Office of Archeology and Historic Preservation, Denver.

Description of the Affected Historic Properties

The federal agency partners have completed consultation with the Colorado SHPO on eligibility of the cultural resources for listing in the NRHP. The Table Mountain Unit contains only one site (5FN2094), a homestead, that is eligible for the NRHP. The significant portion of this site is on private land outside the unit. Two sites in the Gribbles Park Unit were determined to be eligible for the NRHP under Criterion D, an extensive quarry/open camp (5FN883) and an open camp (5FN2134). While both the Biedell Creek and La Jara Reservoir Units contain a number of sites that have been individually determined eligible for the NRHP, the resources collectively have been determined eligible for listing as historic districts. The boundaries of these districts are based solely upon the extent of the archeological knowledge for the areas.

The proposed Biedell Creek Archeological Area is significant because: *It includes a high density of resources that, in combination, have the potential to inform major regional research issues, including chronology, temporal and cultural affiliation, paleoenvironment, geomorphology, population dynamics, settlement patterns, technology, architecture, subsistence, and local history* (Bevilacqua 2007:7).

The significance of the proposed La Jara Archeological Area lies in the information potential of the archeological sites that occur in a highly intact prehistoric and historic landscape. The sites can provide information important to prehistory and history in the areas of chronology, temporal and cultural affiliation, paleoenvironment, geomorphology, population dynamics, settlement patterns, technology, architecture, and subsistence (Wells et al. 2008:231).

The historic properties include both prehistoric and historic-period resources, some as multi-component sites. The historic-period resources date from the late nineteenth and early twentieth century and consist of structures, including a stage stop; campsites, such as sheep herding camps; arborglyphs; artifact scatters; trash piles/dumps; cairns; and culturally modified trees (CMTs).

The prehistoric resources date from Paleoindian to the late prehistoric/protohistoric periods and include rock art, open camps, sherd and lithic scatters, rock shelters, structures, cairns, game drive lines, open architecture camp sites, quarries, and CMTs. No traditional cultural properties were identified during inventory or during tribal consultation. The Jicarilla Apache tribe has indicated that it would like protection of the few sites that have Apachean affiliation (Enclosure 3).

Description of the Undertaking's Effect on Historic Properties

The ACHP's regulations under 36 CFR Part 800, Protection of Historic Properties, specify that, "Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance," is an Adverse Effect [36 CFR 800.5 (2) (vii)].

The SLB's plan, in addition to placing the parcels containing historic properties into its Land Stewardship Trust, is to convert the existing Federal grazing leases to State grazing leases and to prohibit the currently allowed practice of off-road vehicle use of the lands.

Actions to Avoid or Minimize or Mitigate Adverse Effects

The criteria of adverse effect were found applicable due to the ACHP's regulations cited above. In consultation with the SHPO, the federal agency partners and SLB have agreed that listing these eligible resources in the Colorado State Register of Historic Properties and placing these historic properties in the Colorado Land Stewardship Trust where they will be managed for their cultural values will mitigate the adverse effects of the Baca Land Exchange and preserve the sites in place. The SLB's Policy No. 2001-02, *Management of Surface Estate of Stewardship Trust Properties and Removal of land from and Designation of land into the Stewardship Trust*, requires that a management plan be developed for those resources for which lands are entered into the Land Stewardship Trust. This will be done in consultation with the SHPO and the Jicarilla Apache tribe.

A draft Archeological Treatment Plan for the National Register-eligible sites in the Baca Land Exchange has been developed and is enclosed for your use. This plan addresses listing the eligible resources in the Colorado State Register of Historic Places, placing the historic resources into the Colorado Land Stewardship Trust, and developing a Memorandum of Agreement (MOA) that will formalize compliance with Section 106 of NHPA for the Baca Land Exchange. The draft Treatment Plan clearly documents the significance of the eligible resources and details the research questions that they have the potential to address. It also enumerates the issues that will be part of the MOA that is required for the treatment of adverse effects on the historic properties resulting from the Baca Land Exchange.

Status of Consultation

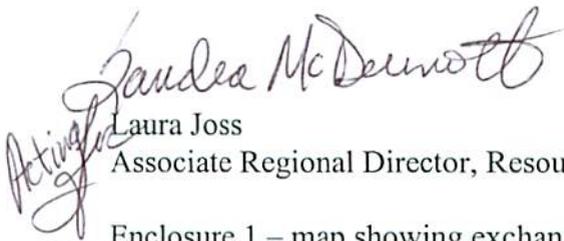
Informal consultation among the federal agency partners, SLB, and SHPO began September 27, 2004. Formal consultation was initiated April 20, 2005 and has continued as needed throughout the course of the project (Enclosure 4). Consultation has included discussions on the

identification, eligibility, effect determinations, and treatment of resources within each of the four proposed exchange units.

The draft Treatment Plan was sent to the SHPO for review December 19, 2008. The draft Treatment Plan was sent to the Hopi and Jicarilla Apache tribes, as they requested, for review on December 2, 2008. The Hopi tribe has responded that it approves of the approach taken, which protects the sites in place, and that it is not interested in being a concurring party to the MOA. The Jicarilla Apache tribe has responded that it approves of the approach taken, but that it would like to have some sort of identified protection for the few sites that have Apachean affiliation. While this is yet to be worked out with the tribe, it is possible that this special recognition would best fit into the Management Plan for the Land Stewardship Trust parcels, and would be documented in the MOA. The Jicarilla will be a concurring party to the MOA.

If you have questions or concerns about this land exchange, please contact Dr. Adrienne Anderson, Archeologist, at 303-987-6675.

Sincerely,

 Laura Joss

Associate Regional Director, Resource Stewardship and Research

Enclosure 1 – map showing exchange units
Enclosure 2 – public involvement information
Enclosure 3 – synthesis of tribal consultation
Enclosure 4 – chronology of cultural resource steps and progress
Enclosure - December 1, 2008 draft *Archeological Treatment Plan for National Register Eligible Sites in the Baca land Exchange BLM Parcels Conejos, Fremont, and Saguache Counties, Colorado* by Chris Bevilacqua,

cc:

Mr. Edward Nichols, State Historic Preservation Officer, Colorado Historical Society, 1300 Broadway, Denver, CO 80203 /w encl (except draft Treatment Plan)
Mr. Dan Haas, Bureau of Land Management, 2850 Youngfield Street, Lakewood, CO 80215 /w encl (except draft Treatment Plan)
Ms. Meg VanNess, Fish and Wildlife Service – Region 6, 34 Union Blvd., Lakewood, CO 80228 /w encl (except draft Treatment Plan)
Mr. Kit Paige, Colorado State Land Board, Southwest Division- P.O. Box 88, 305 Murphy Drive, Suite A, Alamosa, CO 81101 /w encl (except draft Treatment Plan)

bcc:

Hutchinson, GRSA /w encl (except draft Treatment Plan)
Anderson, IMR-OCR /w encl (except draft Treatment Plan)

C.2 ACHP Correspondence



Preserving America's Heritage

March 3, 2009

Ms. Laura Joss
Associate Regional Director
National Park Service
Intermountain Region
12795 West Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287

REF: Proposed Baca Land Exchange Project

Dear Ms. Joss:

The Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Colorado SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act. Please ensure the consulting parties receive a copy of this letter.

Thank you for providing us with the opportunity to review this undertaking. If you have any questions, please contact Kelly Yasaitis Fanizzo at 202-606-8583, or via email at kfanizzo@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Federal Property Management Section
Office of Federal Agency Programs

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C.3 Tribal Consultation Executive Summary

Baca Land Exchange
Executive Summary of Tribal Consultation
May 5, 2009

The Bureau of Land Management (BLM) and cooperating federal agencies initiated tribal consultation on February 8, 2005. The BLM identified thirty eight (38) tribes that may attribute historic and cultural significance to the lands proposed for exchange out of federal ownership. The following tribes and pueblos were contacted: Apache tribe of Oklahoma, Cheyenne and Arapaho tribes of Oklahoma, Cheyenne River Sioux tribe, Comanche Nation of Oklahoma, Crow Creek Sioux tribe, Hopi tribe, Jicarilla Apache Nation, Kiowa tribe of Oklahoma, Navajo Nation, Northern Arapaho tribe, Northern Cheyenne tribe, Ogalala Sioux tribe, Pawnee Nation of Oklahoma, Picuris Pueblo, Pueblo de Cochiti, Pueblo of Acoma, Pueblo of Ilseta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Pojoaque, Pueblo of San Felipe, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santo Domingo, Pueblo of Zia, Rosebud Sioux tribe, San Ildefonso Pueblo, San Juan Pueblo, Santa Clara Pueblo, Shoshone tribe, Southern Ute tribe, Standing Rock Sioux tribe, Taos Pueblo, Tesuque Pueblo, the Ute tribe of the Uintah & Ouray reservation, Ute Mountain Ute tribe, and Zuni Pueblo. A consultation letter was sent to tribal governments by certified mail asking them to provide any information on traditional cultural properties and on the resources of these lands, if appropriate to do so. The consultation letter was followed with an invitation to attend a government-to-government consultation meeting regarding the land exchange on March 3, 2005 at the headquarters of the Great Sand Dunes National Park and Preserve.

The Cheyenne River Sioux and Hopi replied by letter and wanted to consult further on the project. The Ogalala Sioux tribe and Jicarilla Apache Nation attended the consultation meeting and wanted to consult further on the project. The Ogalala Sioux preferred that the land not be torn up with archaeological excavations, oil and gas development, or to build new roads. The Jicarilla Apache Nation wanted to work with the federal agencies on what needs to be saved and what is regarded as sacred and to protect the archaeological sites.

The BLM sent another consultation letter by certified mail on September 28, 2005 to the thirty eight (38) tribes and pueblos. The letter was intended to seek out those tribes with an interest in consulting that did not reply to the initial consultation letter or were unable to attend the consultation meeting. The Southern Ute tribe replied that there are no properties of religious and cultural significance to the tribe that are listed on the National Register within the area of potential project and that the project would have no effect. The Comanche Nation of Oklahoma replied with no immediate concerns or issues regarding the project but wanted to be kept informed of the project progress. Also, they wanted to receive any future archaeological reports and findings for the project area. Finally, if in the process of the project human remains or archaeological remains are discovered, they wanted the BLM to immediately cease the project work and notify them so that they may discuss appropriate disposition with BLM and the other Tribal Nations that may be affected by such discoveries. The Pueblo of Laguna replied that the proposed undertaking will not have an effect at this time, but in the event that any items are recovered they wanted to be notified to review items and of the inventory listing when completed. The Pawnee Nation of Oklahoma responded with an email that they have no interest

in this portion of Colorado. The Sandia Pueblo responded by phone that they may have an interest in the project and to consult further.

Based on the responses to the government-to-government consultation letters and the face-to-face meeting, the following tribes expressed interest to be consulted further: Cheyenne River Sioux tribe, Comanche Nation of Oklahoma, Hopi tribe, Jicarilla Apache Nation, Oglala Sioux tribe, Pueblo of Laguna, Sandia Pueblo, and the Southern Ute tribe. Though the Southern Ute tribe replied that the project would have no effect on properties of religious and cultural significance to the tribe that are listed on the National Register within the area of potential project, the BLM decided to consult further with them because of the high potential for archaeological sites with Ute cultural affiliation. Additional consultation was conducted while the undertaking area was intensively inventoried for cultural resources. The results of the cultural resource inventory are described in four (4) reports that were sent to the tribes for review and comment concerning traditional cultural properties that may be located in the project area. The four reports are:

- *Archaeological Inventory and National Register Evaluation of the Baca Land Exchange BLM Parcels, Table Mountain Project Area, Fremont County, Colorado.* (June 2006)
- *Archaeological Inventory and National Register Evaluation of the Baca Land Exchange BLM Parcels, Gribbles Park Project Area, Fremont County, Colorado.* (June 2006)
- *Archaeological Inventory and National Register Evaluation of the Baca Land Exchange BLM Parcels, Biedell Creek Project Area, Saguache County, Colorado.* (April 2007)
- *Archaeological Inventory and National Register Evaluation for the Baca Land Exchange LaJara Reservoir Parcels, Conejos County, Colorado.* (June 2008)

The results of consultation are summarized below by tribe.

The Cheyenne River Sioux tribe had no concerns with the project and requested that no additional reports need to be sent to their office for review. They were only concerned with projects in Northeast Colorado, along the Wyoming and Kansas border.

The Comanche Nation of Oklahoma had no immediate concerns or issues regarding the project, however, they wanted to be kept informed of the project progress. If in the process of the project human remains or archaeological remains are discovered, they wanted the BLM to immediately cease the project work and notify them in order to discuss appropriate disposition with BLM and the other Tribal Nations that may be affected by such discoveries. The land exchange does not involve ground disturbance, so there were no discoveries that required notification.

The Hopi tribe claims cultural and ancestral affinity to the prehistoric Hisatsinom, whom are defined archaeologically as the Anasazi cultural group. The Hopi tribe supports avoidance of any disturbance to archaeological sites attributed to the various archaeologically defined Anasazi cultural groups. They requested consultation on the treatment of adverse effects to all ancestral

Puebloan sites. The potential ancestral Puebloan sites included 5CN1021, 5CN1022, 5CN1117, 5 CN1119, 5CN1145, 5FN883, and 5FN2134. The Hopi requested consultation on the discovery of any Puebloan human remains, which are not anticipated. The land exchange does not involve ground disturbance, so there were no discoveries of Puebloan human remains that required consultation. Upon review of the draft treatment plan, the Hopi tribe concurred that the adverse affects to cultural resources as a result of the land exchange can be mitigated by the State Register of Historic Places nominations, by developing a Memorandum of Agreement (MOA) with the State of Colorado to preserve these sites, and the perpetual classification of the exchange parcels that contain eligible resources as Stewardship Trust Lands. Finally, they did not want to sign the MOA as a concurring party.

The Jicarilla Apache Nation did not comment on the cultural resource inventory reports during the consultation period. However, they notified BLM in October 2008 that they wanted an opportunity to review these reports and the draft treatment plan because of their interest in the archaeological sites with potential Apache affiliation. Upon review of these documents, they supported the approach of listing properties to the Colorado State Register of Historic Places and wanted to participate in the development of the MOA on the adverse affects to historic properties resulting from the land exchange. The draft MOA was sent to Dr. Jeff Blythe, Tribal Historic Preservation Officer (THPO) for review. The Jicarilla concurred with the draft MOA as long as a provision was included that required the Colorado State Land Board to consult with them during the development of the management plan and that a list of sites with Apachean affiliation be appended to the document. Dr. Blythe provided the BLM with the list of sites with Apachean affiliation. Finally, the Jicarilla requested to be a concurring party to the MOA.

The Ogalala Sioux tribe did not comment on the cultural resource inventory reports during the consultation period. The tribe did not request further consultation on the treatment plan or the MOA.

The Pueblo of Laguna determined that the proposed undertaking would not have an effect, but wanted to be notified if any NAGPRA-related cultural items were recovered and to be given the opportunity to review items on the inventory listing when completed. No NAGPRA-related cultural items were identified in the project area that required consultation.

The Sandia Pueblo initially expressed interest but later stated that the undertaking is outside the area of interest to the Pueblo, and they did not need to review the cultural resource inventory reports. However, they wanted to be notified if any human remains were discovered and that NAGPRA be followed. No human remains were discovered in the project area that required consultation under NAGPRA.

The Southern Ute tribe reviewed the cultural resource inventory reports and replied that the undertaking area had no properties of religious and cultural significance to them, and no additional consultation was required.

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C.4 Memorandum of Agreement

**MEMORANDUM OF AGREEMENT AMONG
THE NATIONAL PARK SERVICE, THE BUREAU OF LAND MANAGEMENT,
THE FISH AND WILDLIFE SERVICE, THE COLORADO STATE LAND
BOARD AND
THE COLORADO STATE HISTORIC PRESERVATION OFFICER
REGARDING ADVERSE EFFECTS TO HISTORIC PROPERTIES RESULTING
FROM THE BACA LAND EXCHANGE**

WHEREAS, the United States, Department of the Interior, Bureau of Land Management (BLM), the National Park Service (NPS), and the Fish and Wildlife Service (FWS), herein called the “federal agencies,” and the State of Colorado State Land Board (SLB) are proposing to engage in a multiple agency exchange of lands (Baca Land Exchange) to consolidate holdings within Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge. The proposed exchanges are part of the fulfillment of the Great Sand Dunes National Park and Preserve Act of 2000 (PL-102-530); and

WHEREAS, the BLM, under the authority of Section 206 of the Act of October 21, 1976, as amended (43 U.S.C.1716), will convey certain land parcels located in Fremont, Saguache, and Conejos counties, Colorado to the SLB; and

WHEREAS, the NPS is the lead federal agency for purposes of Section 106 of the National Historic Preservation Act (NHPA), and the BLM and the FWS are cooperating federal agencies; and

WHEREAS, the NPS has consulted with the Colorado State Historic Preservation Office (SHPO) on its determinations of eligibility and effect pursuant to 36 CFR 800 regarding implementation of Section 106 of the NHPA, and the SHPO has concurred with the NPS determinations; and

WHEREAS, the BLM consulted with the Apache Tribe of Oklahoma, Arikara-Apache, Cheyenne & Arapaho Tribes of Oklahoma, Cheyenne River Sioux Tribe, Comanche Nation of Oklahoma, Crow Creek Sioux Tribe, Hopi Tribe, Jicarilla Apache Nation, Kiowa Tribe of Oklahoma, Navajo Nation, Northern Arapaho Tribe, Northern Cheyenne Tribe, Ogallala Lakota Tribe, Pawnee Nation of Oklahoma, Picuris Pueblo, Pueblo of Acoma, Pueblo de Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Pojoaque, Pueblo of San Felipe, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santo Domingo, Pueblo of Zia, Rosebud Sioux Tribe, San Ildefonso Pueblo, San Juan Pueblo, Santa Clara Pueblo, Shoshone Tribe (Eastern Band), Southern Ute Indian Tribe, Standing Rock Lakota, Taos Pueblo, Tesuque Pueblo, Uintah & Ouray/Northern Ute Tribe, Ute Mountain Ute Tribe, and the Zuni Pueblo pursuant to Section 106 of the NHPA; and

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WHEREAS, the Cheyenne River Sioux Tribe, Comanche Nation of Oklahoma, Hopi Tribe, Jicarilla Apache Nation, Ogallala Lakota Tribe, Pueblo of Laguna, and the Sandia Pueblo expressed interest and were consulted further regarding the undertaking. The results of tribal consultation are presented in the Executive Summary Report of Native American Tribal Consultation for the Baca Land Exchange, which is included in the Archaeological Treatment Plan that is incorporated herein by reference; and

WHEREAS, the Jicarilla Apache Nation has requested to be a concurring party to this Memorandum of Agreement (MOA); and

WHEREAS, the NPS has determined that the undertaking will have adverse effects on historic properties; and

WHEREAS, the NPS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects, and the ACHP has elected not to participate or be a signatory to this MOA as documented in its letter to the NPS dated March 3, 2009; and

WHEREAS, the NPS has invited the SLB to participate in consultation, and SLB is a signatory to this MOA; and

WHEREAS, the NPS in consultation with the SHPO, Jicarilla Apache Nation and Hopi Tribe has completed an Archaeological Treatment Plan, which describes the mitigation of adverse effects for each historic property, that is incorporated herein by reference and will be implemented by this MOA; and

WHEREAS, the State of Colorado does not waive its sovereign immunity by entering into this MOA and fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOA; and

WHEREAS, this MOA represents the entire and integrated agreement among the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of NHPA for adverse effects to historic properties affected by this undertaking.

NOW, THEREFORE, the NPS, the BLM, the FWS, the SHPO, and the SLB agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties, and the NPS ensures that the stipulations will be carried out.

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STIPULATIONS

I. Mitigation of Adverse Effects

1. The BLM and FWS will assist the NPS in completing the stipulations required of the federal agencies that are described below.
2. The SLB hereby consents to listing of the nominated properties on the Colorado State Register of Historic Properties and will consult with the Colorado Historical Society regarding future management of these properties.
3. The SLB will consult with the SHPO and the Jicarilla Apache Nation on all proposed new uses from the date that the MOA is executed to the completion of the Management Plan. All parties will have 30 (thirty) calendar days from receipt to comment on the proposed new use. If the parties fail to submit their written comments within 30 (thirty) calendar days of receipt, the SLB shall assume their concurrence with the adequacy of the new use. If the parties object in writing to the proposed new use or any part thereof within the review period, the SLB will consult with the objecting party to resolve the objection in accordance with Stipulation III, Dispute Resolution.
4. The BLM agrees to the listing of the properties on BLM-administered lands inventoried for the Baca Land Exchange on the Colorado State Register of Historic Properties even though not all such properties will be transferred.
5. The NPS will provide the SHPO and the SLB with all reports, site forms, maps, and Geographical Information System data pertaining to the cultural resources identified during the archaeological inventory of the lands being conveyed by the Baca Land Exchange.
6. The SLB will maintain the confidentiality of cultural resource information to the extent consistent with Section 304 of the NHPA and Section 9(a) of the Archaeological Resources Protection Act, which is incorporated within by reference. Duplication or distribution of cultural resource data by the SLB must be approved by the SHPO and Jicarilla Apache Nation prior to disclosure.
7. The SLB will use the archaeological information described in the overview, inventory reports, and treatment plan completed by the federal agencies as the Stewardship Baseline Resource Inventory for purposes of nominating these land parcels to the Stewardship Trust.
8. The SLB will nominate to and list in the Stewardship Trust the land parcels in Biedell Creek, La Jara Reservoir, and 400 acres in Gribbles Park as described in

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Appendix A, attached hereto. The SLB will commence the process to obtain Stewardship Trust designation for these land parcels immediately following SLB acquisition of the land parcels.

9. The SLB will manage these Stewardship Trust land parcels to protect and enhance the cultural values they contain, as specified in the State of Colorado Board of Land Commissioners, Policy Number 2001-2002 that is incorporated herein by reference.
10. The NPS, in consultation with the SHPO, will nominate to the Colorado State Register of Historic Properties and present to the State Review Board those properties identified in the Archaeological Treatment Plan as eligible for listing in the National Register of Historic Places. The nomination process will follow the procedures of the Colorado State Register Act (SRA) set forth in CRS 24-80.1-108 and 8 CCR 1504-5. The NPS has responsibility for any revisions necessary.
11. The SLB will begin work on a Management Plan for the Stewardship Trust land parcels immediately upon their designation. The Management Plan will be developed in consultation with the SHPO and the Jicarilla Apache Nation. At a minimum, it will: (1) address management issues impacting the cultural values of the land parcels; (2) provide that new surface uses and subsurface mineral uses will be compatible with protecting and enhancing the cultural resource values; and (3) identify a consultation process with the SHPO and the Jicarilla Apache Nation to be used for all future SLB actions. The Management Plan will be completed by August 2011.
12. The SLB will adhere to the rules and procedures under the SRA (CRS 24-80.1-101 et seq.) for all future SLB actions, as defined by the SRA, which may impact State Register-listed properties.
13. The SLB will consult with the Jicarilla Apache Nation using the procedures identified in the Management Plan for all future SLB actions and before any SLB action is approved which may impact State Register-listed properties of concern to the Jicarilla Apache Nation listed in Appendix B, attached hereto.

II. Annual Review

1. The signatories will meet or teleconference annually to review the effectiveness of this agreement until the completion of the Management Plan and the listing of cultural resources on the Colorado State Register of Historic Properties. The Superintendent of the Great Sand Dunes National Park and Preserve will contact the signatories and coordinate the meeting. The meeting will include discussion of the activities that took place related to this agreement over the previous year and if any amendments are required.

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III. Dispute Resolution

1. If there is an objection by any signatory to this MOA to the manner in which the terms of the MOA are implemented, the objecting signatory will notify the Superintendent of the Great Sand Dunes National Park and Preserve in writing of the objection. The Superintendent will notify all other signatories. All signatories will consult to resolve the objection.
2. Resolution of the objection will be documented in a written amendment to this MOA to be executed by all signatories. If a signatory fails to respond within 60 (sixty) days of receipt of the written amendment, concurrence with the amendment will be assumed by other signatories and the amendment will go into effect.
3. If the objection cannot be resolved among the signatories, the matter shall be referred to the ACHP. The final decision for resolution of the objection by any signatory shall be made by the Superintendent of the Great Sand Dunes National Park and Preserve.

IV. Amendment

1. The signatories may request amendment of this agreement at any time, whereupon the parties will consult to consider such amendment. If a signatory fails to respond within 60 (sixty) days of receipt of the written amendment, concurrence with the amendment will be assumed by other signatories and the amendment will go into effect.

V. Termination

1. Signatories to this MOA may initiate termination by providing written notice to the other parties of their intent. After notification by the initiating signatory, the remaining parties shall have 60 (sixty) business days to consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. If such consultation fails, the termination will go into effect at the end of this 60-day period, unless all the parties agree to a longer period.
2. In the event of termination, the Superintendent of the Great Sand Dunes National Park and Preserve shall refer to 36 CFR 800.6 regulations to address any remaining adverse effects to historic properties treated under this agreement.

VI. Sunset Terms

1. This MOA shall remain in effect until completion of the work stipulated, unless extended by agreement among the signatories.
2. The Superintendent of the Great Sand Dunes National Park and Preserve will ensure that the MOA will be reevaluated and amended if necessary every year by all parties or until completion of the work stipulated.

Execution of this MOA and implementation of its terms is evidence that the NPS, the BLM and the FWS have taken into account the effects of the undertaking on historic properties and have afforded the ACHP an opportunity to comment on the undertaking, its effects, and resolution of adverse effects.

Signatures. In witness whereof, the parties to this MOA through their duly authorized representatives have executed this MOA on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOA as set forth herein.

The effective date of this MOA for the **BACA LAND EXCHANGE** is the date of the last Signatory signature affixed to these pages.

Signatory:

Intermountain Region, National Park Service

By: Jenna E. Joss Date: 5/6/09

for Michael D. Snyder, Regional Director

Bureau of Land Management, Colorado State Office

By: Sally Wisely Date: 5/15/09

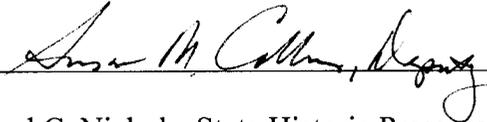
Sally Wisely, State Director

U.S. Fish and Wildlife Service, Region 6

By: Steven E. Walsh Date: 5/11/09

Steve Guertin, Regional Director

Colorado Historical Society

By:  Date: May 26, 2009

Edward C. Nichols, State Historic Preservation Officer

State Board of Land Commissioners

By:  Date: 5/20/09

Brownell Bailey, Director

CONCURRING PARTY:

Jicarilla Apache Nation

By:  Date: 06/15/09

Jeffrey Blythe, Tribal Historic Preservation Officer

**APPENDIX A
STEWARDSHIP TRUST LAND PARCELS**

**Surface and Mineral Estate
Biedell Creek
Saguache County**

New Mexico Principal Meridian, Colorado

	Acres
T. 42 N., R. 6 E.	
Sec. 2, lots 1, 2, 3, 4, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4;	514.80
Sec. 3, lots 1 and 2;	77.50
Sec. 9, N1/2NE1/4;	80.00
Sec. 10, NW1/4NW1/4;	40.00
Sec. 11, E1/2 and E1/2SW1/4;	400.00
Sec. 12, all;	640.00
Sec. 13, all;	640.00
Sec. 14, E1/2 and E1/2W1/2;	480.00
Sec. 18, NE1/4;	160.00
Sec. 20, S1/2NE1/4, SE1/4NW1/4, SW1/4, N1/2SE1/4, and SW1/4SE1/4;	400.00
Sec. 21, SW1/4NW1/4 and W1/2SW1/4;	120.00
Sec. 22, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4;	360.00
Sec. 23, E1/2, E1/2NW1/4, SW1/4NW1/4, and SW1/4;	600.00
Sec. 24, all;	640.00
Sec. 25, W1/2NE1/4 and NW1/4;	240.00
Sec. 26, N1/2;	320.00
Sec. 27, NE1/4 and E1/2NW1/4;	240.00
T. 42 N., R. 7 E.;	
Sec. 3, lots 3, 4, and SW1/4NW1/4;	119.76
Sec. 4, lots 1, 2, 3, 4, S1/2N1/2, and S1/2;	637.47
Sec. 5, lots 1, 2, 3, 4, S1/2N1/2, and S1/2;	635.41
Sec. 6, lots 1, 2, S1/2NE1/4, and SE1/4;	319.05
Sec. 7, lots 1, 2, 3, 4, E1/2, and E1/2W1/2;	645.20
Sec. 8, all;	640.00
Sec. 9, W1/2;	320.00
Sec. 17, all;	640.00
Sec. 18, lots 1, 2, 3, 4, E1/2, and E1/2W1/2;	645.20
Sec. 19, lots 1, 2, 3, 4, NE1/4, and E1/2W1/2;	485.19
T. 43 N., R. 7 E.;	
Sec. 14, NW1/4;	160.00 Sec.
15, NE1/4;	160.00
Sec. 29, NE1/4SW1/4	40.00
Sec. 34, W1/2NW1/4	80.00

Containing 11,479.58 acres

**Surface and Mineral Estate
La Jara Reservoir
Conejos County**

New Mexico Principal Meridian, Colorado	Acres
T. 35 N., R. 5 E., Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, and 8	374.17
T. 34 N., R. 6 E., Sec. 2, lot 8	51.25
Sec. 3, lots 5, 6, 7, 8, 9, 10, and 11;	360.44
Sec. 10, W1/2NE1/4, SE1/4NE1/4 and SE1/4;	280.00
Sec. 11, lots 1, 2, 3, E1/2, SE1/4NW1/4 and E1/2SW1/4;	552.98
Sec. 13, NE1/4NW1/4;	40.00
Sec. 14, SW1/4NW1/4 and NW1/4SW1/4;	80.00
Sec. 21, SW1/4NE1/4, NW1/4, and NW1/4SE1/4;	240.00
Sec. 22, S1/2SW1/4;	80.00
Sec. 26, lots 1, 2, and W1/2W1/2;	234.70
Sec. 27, E1/2 and E1/2W1/2;	480.00
T. 35 N., R. 6 E.;	
Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, and 8;	374.74
Sec. 22, S1/2NW1/4;	80.00
Sec. 25, S1/2SW1/4, and SE1/4;	240.00
Sec. 26, lots 1, 5, and 6;	126.44
Sec. 27, lots 1, 2, 3, and 4;	169.06
Sec. 34, lots 5, 6, 7, and 8;	170.89
T. 34 N., R. 7 E.,	
Sec. 19, lot 4;	43.16
Sec. 28, W1/2;	320.00
Sec. 29, NW1/4SW1/4 and E1/2SE1/4;	120.00
Sec. 30, NE1/4SW1/4 and N1/2SE1/4;	120.00

Containing 4,537.83 acres

**Surface and Mineral Estate
Gribbles Park
Fremont County**

New Mexico Principal Meridian, Colorado,

T. 51 N., R. 11 E.,

Sec. 15, S1/2S1/2;

160.00

Sec. 21, N1/2NE1/4

80.00

Sec. 22, NW1/4

160.00

Containing 400.00 acres

APPENDIX B
SITES OF CONCERN TO THE JICARILLA APACHE NATION

5FN2134

5CN1028

5CN1061

5CN1068

5CN1102

5CN1162

5CN1208

5CN1072

5SH2550

La Jara Reservoir Archeological District

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