

**Exhibit 3 – Letter re Historic Property Identification,  
dated January 26, 2023, and Responses**



United States Department of Transportation  
**FEDERAL AVIATION ADMINISTRATION**  
Office of Policy, International Affairs & Environment  
Office of Environment and Energy

## **NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM**

January 26, 2023

Re: Continuing Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Bandelier National Monument

Michelle Ensey  
Deputy State Historic Preservation Officer  
New Mexico State Historic Preservation Office  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

Dear Michelle Ensey:

The Federal Aviation Administration (FAA), in coordination with the National Park Service (NPS), seeks to continue consultation with your office under Section 106 of the National Historic Preservation Act (NHPA) for the development of an Air Tour Management Plan (ATMP) at Bandelier National Monument (the Park). At this time, FAA requests your comments on the historic properties we have identified within the area of potential effects (APE), in accordance with 36 CFR 800.4, as detailed below.

The FAA initiated consultation with your office in a letter dated March 29, 2021. In a follow-up letter dated August 27, 2021, we described the proposed undertaking in more detail, proposed the APE, and provided the results of our preliminary identification of historic properties within the proposed APE. On September 1, 2021, your office concurred with the APE and the initial historic property identification efforts.

This letter describes FAA's further efforts to identify and evaluate historic properties within the APE depicted in **Attachment A** and the results of those efforts, as summarized below.

### **Identification of Historic Properties**

The FAA, in cooperation with the NPS, coordinated with park staff to identify known historic properties located within the APE. The FAA also coordinated with the New Mexico Historic Preservation Division (State Historic Preservation Office) to collect data for previously identified properties that may be listed in or eligible for listing in the National Register of Historic Places (National Register). Data from the New Mexico Preservation Division was received on February 10, 2022 and updated on December 16, 2022. The FAA also consulted with the federally recognized tribes among the list of consulting parties enclosed as **Attachment B** regarding the identification of any other previously unidentified historic properties that

may also be located within the APE. In addition to the previously identified historic properties, Park staff and tribes have informed FAA there are Traditional Cultural Properties (TCPs) located within the APE. While the TCPs are noted in **Attachment C** in a general manner, these are not mapped in Attachment A to ensure confidentiality.

The historic property identification effort has focused on identifying properties for which setting and feeling are characteristics contributing to a property's National Register eligibility, as they are the type of historic property most sensitive to the effects of aircraft overflight. These may include isolated properties where a cultural landscape is part of the property's significance, rural historic districts, outdoor spaces designed for meditation or contemplation and certain TCPs. The FAA has taken into consideration the views and input of consulting parties, past planning, research and studies, magnitude and nature of the undertaking, degree of Federal involvement, nature and extent of potential effects on historic properties, and the likely nature of historic properties within the APE in accordance with 36 CFR 800.4(b)(1). The presence of TCPs and the historic characteristics of the previously identified historic districts have been added to the preliminary list of historic properties to generate the revised historic property list enclosed as **Attachment C**.

### **Consultation Summary**

The FAA contacted 27 federally recognized tribes via letter on March 26, 2021 inviting them to participate in consultation and request their expertise regarding historic properties, including TCPs that may be located within the APE. On August 27, 2021, the FAA sent the identified federally recognized tribes a Section 106 consultation letter describing the proposed undertaking in greater detail in which we proposed an APE and provided the results of our preliminary identification of historic properties. On December 3, 2021 and December 9, 2021, the FAA sent follow up emails to the federally recognized tribes once again inviting them to participate in Section 106 consultation.

On December 15, 2021 and December 20, 2021, the FAA followed up with phone calls to those tribes that did not respond to our prior consultation requests. The FAA received responses from six tribes expressing interest in participating in the Section 106 consultation process: Pueblo of Acoma, Pueblo of Isleta, Pueblo de San Ildefonso, Pueblo of Tesuque, Pueblo of Picuris, and Pueblo of Santa Clara. Two tribes asked to opt out of additional consultation for the undertaking: Pueblo of Sandia and Pueblo of Santa Ana.

On September 15, 2021 the FAA received comments from the Pueblo of Pojoaque via email informing the FAA that there are 5,000 Ancestral sites in the region, over 2,000 of which are within the Park. They also noted that TCPs and ancestral sites and shrines located throughout the region continue to be in use by the community.

The FAA received comments from Governor Christopher A. Moquino in a letter dated September 23, 2021, which notes that the Pueblo de San Ildefonso considers the Park to lie within the ancestral domain of the Pueblo de San Ildefonso and considers the documented cultural resources within the Park to be the material evidence of the occupation of the monument by their ancestors, whose spiritual presence continues to reside within this domain. The letter points out that there are extensive resources within the Park that are not documented and are associated with traditional and ceremonial practices conducted since time immemorial into the present. The Pueblo de San Ildefonso considers the lands of the Park, as well as lands beyond the Park boundary, to be a traditional cultural landscape of which the archaeological resources form only a part.

The FAA received comments from Acoma Tribal Historic Preservation Officer (THPO) Steven Concho of the Pueblo of Acoma in a letter dated December 9, 2021. In those comments, the Pueblo of Acoma noted they continue to claim cultural affiliation to many areas in New Mexico, Arizona, Colorado, and Utah. The THPO recognizes each of these places contains the cultural and archaeological “footprints” of their ancestors, along with cultural landscapes, shrines, and gathering places. In their comments, the Pueblo of Acoma informed the FAA that there are TCPs within the Park.

In a letter dated January 18, 2022, the FAA received comments from the Santa Clara Pueblo’s Governor, Michael Chavarria. The letters explains that the Santa Clara Pueblo has deep ties to the Park and its surrounding cultural landscape. The letter notes that the Park is part of their ancestral migration history and holds a pivotal role in the expression of the Santa Clara Pueblo’s identity today. The letter also informed the FAA that there are thousands of documented tribal cultural properties within the Park, as well as countless unregistered sacred and culturally significant sites.

The FAA also received comments from Governor Phillip Quintana of the Cochiti Pueblo in a letter dated February 21, 2022. In those comments, the Cochiti Pueblo expresses concern regarding the level of consultation the FAA and NPS have provided for the Pueblo. They mention that the two consultation letters they received in March and August of 2021 do not constitute meaningful consultation. The Cochiti Pueblo also expressed that Bandelier National Monument is an invaluable cultural landscape and a place of retreat and prayer to ensure the strength of their community and continued way of life. The letter mentions that the Cochiti Pueblo maintains a strong cultural affinity in ongoing interactions including through story, song, prayer, ceremony, and pilgrimage with this landscape and the gifts considered by the Cochiti Pueblo to be both cultural and natural resources - plants, animals, air, soil, and water. The entirety of this area, including individual sites, are central to the maintenance and revitalization of their cultural knowledge, histories, and practices.

As a result of comments received asking for more meaningful consultation, the FAA has held meetings under EO 13175 and Section 106 with Pueblo de Cochiti, Pueblo of Pojoaque, Pueblo de San Ildefonso, and Pueblo of Santa Clara.

The tribes whom the FAA contacted as part of this undertaking are included in the list of consulting parties is enclosed as **Attachment B**.

### **Review Request**

In accordance with 36 CFR 800.4, the FAA has made a reasonable and good faith effort to identify historic properties within the APE. Those efforts resulted in the identification of two historic districts within the APE, including the entire park that encompasses many contributing properties, and TCPs within the Park boundary that extend beyond to the larger landscape. The identified historic properties are listed in **Attachment C** and shown in the APE map provided in **Attachment A**.

The FAA requests that you provide any comments you may have regarding the historic property identification efforts. In particular, we would appreciate your views regarding the significant characteristics of listed or eligible properties, and any information you might have that would help us to identify additional properties for which setting or feeling is a characteristic of significance.

Should you have any questions regarding any of the above, please contact Judith Walker at 202-267-4185 or [Judith.Walker@faa.gov](mailto:Judith.Walker@faa.gov) and copy the ATMP team at [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith Walker', with a long horizontal flourish extending to the right.

Judith Walker  
Federal Preservation Officer  
Senior Environmental Policy Analyst  
Environmental Policy Division (AEE-400)  
Federal Aviation Administration

Attachments

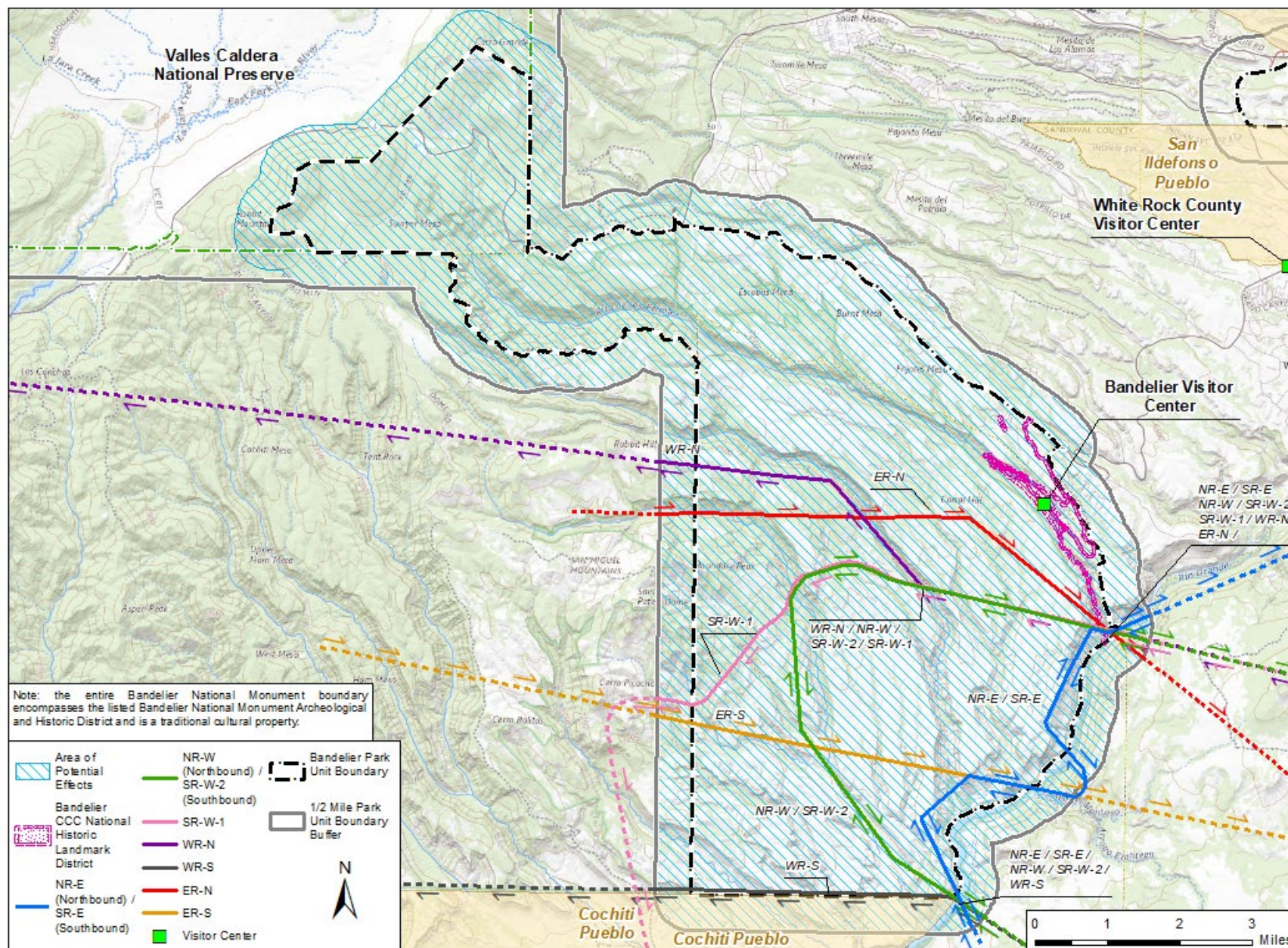
- A. APE Map Including Existing Commercial Air Tour Routes
- B. List of Parties Invited to Participate in Consultation for the Undertaking
- C. List of Historic Properties in the APE and Description of Historic Characteristics

**ATTACHMENT A**

**Area of Potential Effects Map  
Including Existing  
Commercial Air Tour Routes**



## Area of Potential Effects Map for ATMP at Bandelier National Monument



## ATTACHMENT B

### List of Additional Consulting Parties Invited to Participate in Section 106 Consultation

Adams, Bruce M. (Southwest Safaris)
Apache Tribe of Oklahoma
Comanche Nation, Oklahoma
Fort Sill Apache Tribe of Oklahoma
Hopi Tribe of Arizona
Jicarilla Apache Nation, New Mexico
Kewa Pueblo, New Mexico
Los Alamos National Laboratory <sup>1</sup>
National Trust for Historic Preservation
Navajo Nation, Arizona, New Mexico & Utah
New Mexico State Land Office
Ohkay Owingeh, New Mexico
Pueblo de Cochiti, New Mexico
Pueblo de San Ildefonso, New Mexico
Pueblo of Acoma, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of Sandia, New Mexico <sup>1</sup>
Pueblo of Santa Ana, New Mexico <sup>1</sup>
Pueblo of Santa Clara, New Mexico



Pueblo of Taos, New Mexico
Pueblo of Tesuque
Pueblo of Zia, New Mexico
Santa Fe National Forest
Standing Rock Sioux Tribe of North & South Dakota
Tewa Women
Ysleta Del Sur Pueblo
Zuni Tribe of the Zuni Reservation, New Mexico

<sup>1</sup>Consulting party has opted out of further Section 106 consultation for the undertaking.

## ATTACHMENT C

### List of Historic Properties in the APE and Description of Historic Characteristics

Property Name	Property Type	Eligibility Status	Significant Characteristics
Bandelier CCC National Historic Landmark District	National Historic Landmark and Historic District	Listed	The Bandelier CCC National Historic Landmark was designed by NPS architects and landscape architects and built by the CCC (Civilian Conservation Corps) between 1933 and 1942. The district contains 31 buildings of Pueblo Revival design that serve as office space, residences for employees, and lodging for guests. It is significant for its association with the New Deal era in the areas of Social History and Art. It is also significant for its rustic Pueblo Revival architectural style and the careful design of the entrance road and other non-building elements. As a result of the application of rustic design principles, the cultural landscape today blends with its natural setting and conveys a strong sense of place. The rustic, pueblo revival architecture, the natural canyon setting, views and the experience of archeological sites and the riparian corridor all contribute to the unique feeling that the district conveys.
Bandelier National Monument Archeological and Historic District (Mission 66 District)	Historic District	Listed	<p>The Bandelier National Monument Archeological and Historic District (Mission 66 District) encompasses the entire park boundary and is significant for its association with the Archaic use of the Pajarito Plateau (5500 BCE-600 CE); Ancestral Pueblo occupation of the Pajarito Plateau (600-1600 CE); early historic use of the Pajarito Plateau (1600-1848); early scientific investigations and development of archaeology (1848-1932); early Native Arts revival efforts (1848-1932); homestead-era ranching, farming, and timber extraction (1848-1932); and the New Deal era and the CCC (1932-1942).</p> <p>The district contains 32 contributing buildings, 90 contributing structures, and 2,974 contributing sites*. Many of the archaeological sites in the park are in good condition and retain a high level of integrity, but there are a series of natural and cultural disturbances that have affected them. The pre-Hispanic sites are associated with habitation of the area by Ancestral Pueblo peoples. The area</p>

			<p>saw limited occupation in historic times by historic Pueblo groups, nomadic Athabascan groups, Hispanos, and Euro-Americans.</p> <p>During the New Deal era and CCC construction, there was great emphasis on the visual impacts of development. Landscape architects took great care to provide pleasant surroundings in the built-up area to promote spectacular and unobstructed views of archaeological sites that contribute to the Park's history. A trail system was also constructed to direct visitors to scenic overlooks and to enhance their access to various archaeological sites.</p> <p>Areas of significance include archeology (prehistoric, historic), science, conservation, social history (exploration/settlement), commerce, industry, architecture, landscape architecture, art, Native American ethnic heritage, military, and entertainment/recreation.</p>
Bandelier National Monument Traditional Cultural Properties	TCP	Eligible	<p>Several contributing sites within the Bandelier National Monument Archeological and Historic District are Ancestral Pueblo sites that are considered TCPs. Several tribes have informed the FAA that there are TCPs within the Park boundary and that extend beyond to the larger landscape of the area.</p>

\* This number include the archaeological sites that exist within the boundary nominated to the National Register in 1970 and archaeological sites within the post-1970 expanded boundaries of the monument.



Michelle Lujan  
Grisham, Governor

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

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
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February 10, 2023

Judith Walker  
Federal Preservation Officer  
Senior Environmental Policy Analyst  
Environmental Policy Division (AEE-400)  
Federal Aviation Administration

SENT VIA EMAIL ONLY

Re: Continuing Consultation under Section 106 of the National Historic Preservation Act for  
the development of an Air Tour Management Plan at Bandelier National Monument

Dear Ms. Walker:

Thank you for your letter regarding the Federal Aviation Administration's (FAA) efforts to identify historic properties within the area of potential effects (APE).

As noted in your letter, several Native American tribes consider Bandelier National Monument to be a traditional cultural landscape. There are many traditional cultural properties (TCPs) within the Monument; however, Attachment C states, "Several contributing sites within the Bandelier National Monument Archaeological and Historic District are Ancestral Pueblo sites that are considered TCPs." I recommend replacing "Several" with "Many." According to the National Register Nomination for the District, there are nineteen shrines within Bandelier National Monument. In addition, thousands of archaeological sites are Ancestral Puebloan and many of these archaeological sites, such as kivas, rock art sites, and trails may be considered traditional cultural properties by the tribes.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 827-4064 (office), [REDACTED] (cell), or by email at [michelle.ensey@dca.nm.gov](mailto:michelle.ensey@dca.nm.gov).

Sincerely,

Michelle M. Ensey  
Deputy State Historic Preservation Officer &  
State Archaeologist

Log: 115792