

**UTE MOUNTAIN UTE TRIBE  
CULTURAL RESOURCES MANAGEMENT PLAN**



# **UTE MOUNTAIN UTE TRIBE CULTURAL RESOURCES MANAGEMENT PLAN**

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## 1.0 INTRODUCTION

The Ute Mountain Ute Tribe (Tribe) is one of three federally recognized tribes of the Ute nation. Their tribal lands comprise 597,288 acres of trust land and 27,354 acres of fee land in southwestern Colorado, northwestern New Mexico, and small, isolated sections of Utah (Figure 1.1). Approximately 2,200 Tribal members live, work and use this land. The largest portion of the reservation is in Montezuma County, Colorado, which is bordered by Mesa Verde National Park to the northeast, the Southern Ute Indian Tribe to the east, the Navajo Nation to the south and west, and a mix of U.S. Bureau of Land Management (BLM) public lands and private lands, including the City of Cortez, to the north. Tribal Headquarters is located in the town of Towaoc at the base of Sleeping Ute Mountain in the southwestern corner of Colorado.

In 2009, following on the heels of the Animas-La Plata Project—one of the largest and most successful tribally administered cultural-resources projects in the country—the Tribe applied to the National Park Service to become first Tribal Historic Preservation Office (THPO) in the state of Colorado. In December of that year this status was granted and the Tribe became the 88<sup>th</sup> THPO to assume historic preservation duties that were previously the responsibility of the state, bestowing upon them the great responsibility of managing a vast landscape with a rich cultural heritage, including some of the most spectacular archaeological ruins in the United States.

Once established, one of the primary tools a THPO may choose to develop and use to help it navigate the complex world of cultural resources management, particularly in an area of such historic and cultural importance, is a Cultural Resources Management Plan (CRMP). The Tribe indeed chose to create and implement such a plan and this document is the result. Funding for this document was provided by a grant from History Colorado's State Historical Fund (SHF) (#2011-01-115). On April 11, 2015 this CRMP was adopted by the Ute Mountain Ute Tribal Council (Tribal Council) (Appendix A) as the Tribe's plan for managing and caring for the myriad cultural resources associated with its lands.

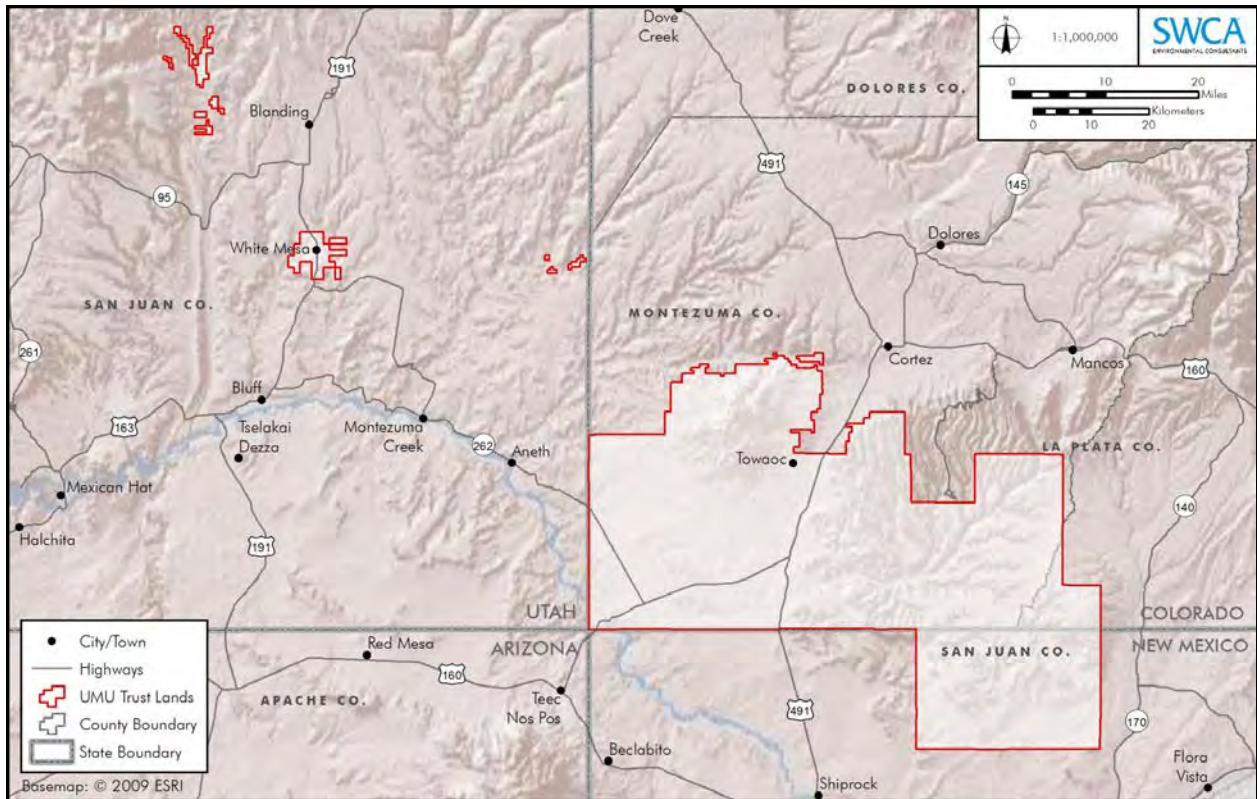
### 1.1 Plan Purpose and Organization

One of the stated responsibilities of a THPO is to “develop and implement a comprehensive, reservation-wide historic preservation plan” (National Historic Preservation Act of 1966, as amended [NHPA], Section 101(b)(3)). A CRMP may serve to fulfill this requirement. But a CRMP can do more than this, as this document demonstrates. In addition to providing a historic preservation plan for reservation-wide cultural resources, this CRMP is intended to lend guidance to various stakeholders and interested parties—state and federal agencies, proponents of undertakings<sup>1</sup>, interested tribal members, cultural resources consultants, tribal department heads, the Tribal Council, and staff members of the THPO—regarding the management of cultural resources on all tribal lands<sup>2</sup>.

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<sup>1</sup> Per 36 CFR 800.16(y), *Undertaking* means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

<sup>2</sup> Per the National Historic Preservation Act, Title 3, Section 301 (14), "tribal lands" means (A) all lands within the exterior boundaries of any Indian reservation; and (B) all dependent Indian communities.



**Figure 1.1.** Ute Mountain Ute Tribe Reservation Lands.

This document also aims to clarify the roles and responsibilities of the THPO on both tribal and ancestral lands; provide cultural resources permitting, recording, and reporting guidelines; set standards for cultural resources work conducted on tribal lands; outline the major themes and research issues the THPO hopes to address through future cultural resources work; identify areas of high resource density and sensitivity; establish review and compliance procedures; and initiate the establishment of a Tribal Register of Historic Places (Tribal Register) and Tribal Review Board. A timeline for stated objectives is provided at the end the document in Section 6. Many of the stated objectives need to be achieved within one year of the Tribal Council adopting this CRMP, including establishing a THPO website, conducting outreach to Tribal members, Tribal Council, and Tribal Department Directors regarding the roles and responsibilities of the THPO, developing a Tribal monitoring program, initiating permitting protocols, and establishing a Tribal Review Board to advise the THPO on cultural resources management on Tribal and ancestral lands. Longer-term goals are presented as well, one of which is regular updates to this document. As such, it is anticipated that this CRMP (version 1.0) will be modified as the needs of the Tribe change, economic or cultural resource management conditions shift over the coming years, or particular provisions over time are deemed not to serve the best interests of the Tribe or its cultural heritage.

This CRMP is organized into seven major sections.

- Section 1 includes an introduction to the scope and goals of the CRMP and identifies the geographic area of concern for the identification, evaluation, and management of cultural resources by the THPO and outlines the mission, roles, responsibilities, and authority of

the THPO. This section also presents a brief cultural and historic background of the Ute Mountain Ute people, including the establishment of the Ute Mountain Tribal Park and the Ute Mountain Ute Mancos Canyon Archaeological District.

- Section 2 is a brief cultural history of tribal and ancestral lands and a historic context for research on tribal lands. As such it presents both past findings of and future directions for cultural resources work on tribal lands. This section identifies major themes and resources that are of particular concern to the THPO. Additionally it identifies areas of high resource density and discusses anticipated uses (and intensity of use) in areas of high resource density across the Reservation.
- Section 3 defines the historic property types that a THPO manages. It presents criteria for evaluating the significance of cultural resources and assessing integrity, and for registering significant properties designated for long-term in situ preservation and management, including the establishment of a Tribal Register of Historic Places, which will provide additional protections for properties important for the preservation of Ute cultural heritage or the archaeology or history of the region, and/or for properties that may not be eligible for listing on the National Register of Historic Places (National Register) but possess religious or cultural importance to the Tribe;
- Section 4 details as a four-step process the manner in which the Section 106 process of the NHPA will be implemented on tribal lands. It presents specific procedures for projects affecting historic properties on Ute Mountain Ute tribal lands and sets forth permitting procedures for cultural resources investigations, including inventory, data recovery, and ethnography.
- Section 5 lays out the review process for cultural resources work conducted on tribal lands. It presents the Ute Mountain Ute Tribe's review process for undertakings initiated by the Ute Mountain Ute Tribe or by tribal or non-tribal members on tribal lands. It also lists undertakings and activities on tribal lands that may be considered exempt from Section 106 review and considers emergency undertakings and activities, which will be codified by a Programmatic Agreement with the Advisory Council on Historic Preservation (ACHP), the National Park Service (NPS), and other agencies;
- Section 6 describes the permitting process for cultural resource investigations on UMUT tribal lands. Project-specific permits, issued by the UMUT THPO, will be required for all cultural resource investigations that are not associated with traditional use activities. Appendices A-O include cultural resources permit application forms; a reconnaissance survey form; guidelines for treatment and repatriation of human remains, funerary objects, and object of cultural patrimony; archaeological survey and report standards and guidelines; inadvertent discovery protocols; a permitting fee schedule; a sacred and traditional places documentation form; and an undertaking application form. The full list of appendices is presented in the Table of Contents.
- Section 7 presents a proposed timeline for achieving stated goals and objectives in the CRMP. It prioritizes cultural resources management activities by the Tribe over the next 10 years.

## **1.2 The Ute Mountain Ute Tribal Historic Preservation Office**

The 1992 Amendment to the National Historic Preservation Act (NHPA) included an enhanced role for tribes in national preservation programs. Specifically, the amendments allowed for the creation of Tribal Historic Preservation Office/Officer (THPO) for federally recognized tribes.

The THPO is the tribal official appointed by the tribe's chief governing authority, or designated by a tribal ordinance or preservation program, who has assumed the major responsibilities of the State Historic Preservation Officer (SHPO) on tribal lands. The decision to participate in the program rests with the tribe.

As a formal participant in the national historic preservation program, a tribe may assume official responsibility for a number of functions aimed at the preservation of significant historic and traditional historic properties. Those functions include identifying and maintaining inventories of culturally significant properties, nominating properties to the National and Tribal Registers of Historic Places, conducting National Historic Preservation Act (NRHP) Section 106 reviews of federal agency projects on tribal lands, and conducting educational programs on the importance of preserving historic and traditional cultural properties (see Appendix B).

### 1.2.1 THPO Mission

The mission of the Ute Mountain Ute THPO is to carry out the Tribe's commitment to preserve and promote the cultural heritage of the Ute people. This broad goal will be achieved through the following actions:

- **Plan** and implement protocols for the preservation and management of the cultural and historic properties on tribal lands;
- **Consult** with local, state, and federal agencies and other interested parties on the management of the Tribe's historic properties<sup>3</sup> and other cultural resources;
- **Facilitate** the repatriation of affiliated human remains, sacred objects, and items of cultural patrimony to the Tribe;
- **Educate** and inform tribal members and the general public regarding the rich cultural heritage of the Ute people and their land; and
- **Advise** the Ute Mountain Ute Tribal Council on historic preservation protocols and policy.

### 1.2.2 THPO Responsibilities as Stipulated in the MOA

With the signing of the Memorandum of Agreement (MOA) December 10, 2009, between the Tribe and the National Park Service (NPS) (Appendix B), the Tribe agreed to assume responsibility on tribal lands for various functions set forth in Section 101(b)(3) of the National Historic Preservation Act (NHPA). As stipulated in the MOA, these responsibilities are to:

- Direct and conduct a comprehensive, reservation-wide survey and maintain an inventory of historic and culturally significant properties;

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<sup>3</sup> Per 36 CFR 800.16(l)(1), "*Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term also includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria."

- Identify and nominate eligible properties to the National Register in accordance with regulations at 36 CFR Part 60, and otherwise administer applications for listing culturally significant properties on the National Register;
- Develop and implement a comprehensive, reservation-wide historic preservation plan;
- Cooperate with the Secretary of the Interior, the Advisory Council on Historic Preservation (ACHP), federal and state agencies, local governments, organizations and individuals to ensure that culturally significant properties are taken into consideration at all levels of planning and development; and
- Consult with the appropriate federal agencies about federal undertakings that may affect culturally significant properties on tribal lands and about the content and sufficiency of any plans to protect, manage, or to reduce or mitigate harm to such properties, in accordance with NHPA Section 106 and implementing regulations published in 36 CFR Part 800.

The MOA between the Ute Mountain Ute Tribe and the NPS recognizes certain authorities and designates responsibilities of the Ute Mountain Ute THPO. For actions subject to NHPA Section 106 consultation on tribal lands, the Ute Mountain Ute THPO has authority to act in a similar capacity as the State Historic Preservation Officer (SHPO) holds for non-tribal lands. For aboriginal (ancestral) lands and trust lands off reservation, the SHPO will retain the primary responsibility of managing, preserving, and consulting on historic properties, but will work in partnership and consult with the THPO when Ute-affiliated (or unaffiliated) remains are in question (see 36 CFR Part 800 as amended<sup>5</sup> and 36 CFR Part 61; also be aware of possible revisions to the proposed rule at <http://www.nps.gov/history/thpo/downloads/36CRF61ProposedRule.pdf>).<sup>6</sup>

If an undertaking takes place on tribal lands but affects historic properties off tribal lands, the SHPO shall participate as a consulting party if requested in accordance with 36 CFR Part 800.3(c)(1), or if the Tribe agrees to include the SHPO pursuant to 36 CFR Part 800.3(f)(3). The THPO also accepts responsibility for the management of non-Ute properties, remains and historic resources on tribal lands. It is the intent of the THPO to ensure protection of such properties and items through planning, policy development, enactment and enforcement of ordinances, federal and state laws, statutory prohibitions and regulations, and grant and contract activities.

### **1.2.3 Geographic Area of Concern**

In addition to managing significant cultural resources on Ute Mountain Ute tribal lands (i.e., those within the exterior boundary of the reservation and all dependent communities) the THPO has a vested interest in consulting on affiliated cultural resources and human remains associated with aboriginal (ancestral) lands as referenced in the National Historic Preservation Act (16 U.S.C. Section 470a (d)(2)(D)). Ute ancestral lands extend well beyond tribal lands and include all of Colorado, major portions of Utah, the northern parts of Arizona and New Mexico, and small portions of Wyoming, Kansas, Oklahoma, Nebraska, and Texas (Figure 1.2). Resources of particular concern on ancestral lands include affiliated human remains, funerary objects, sacred

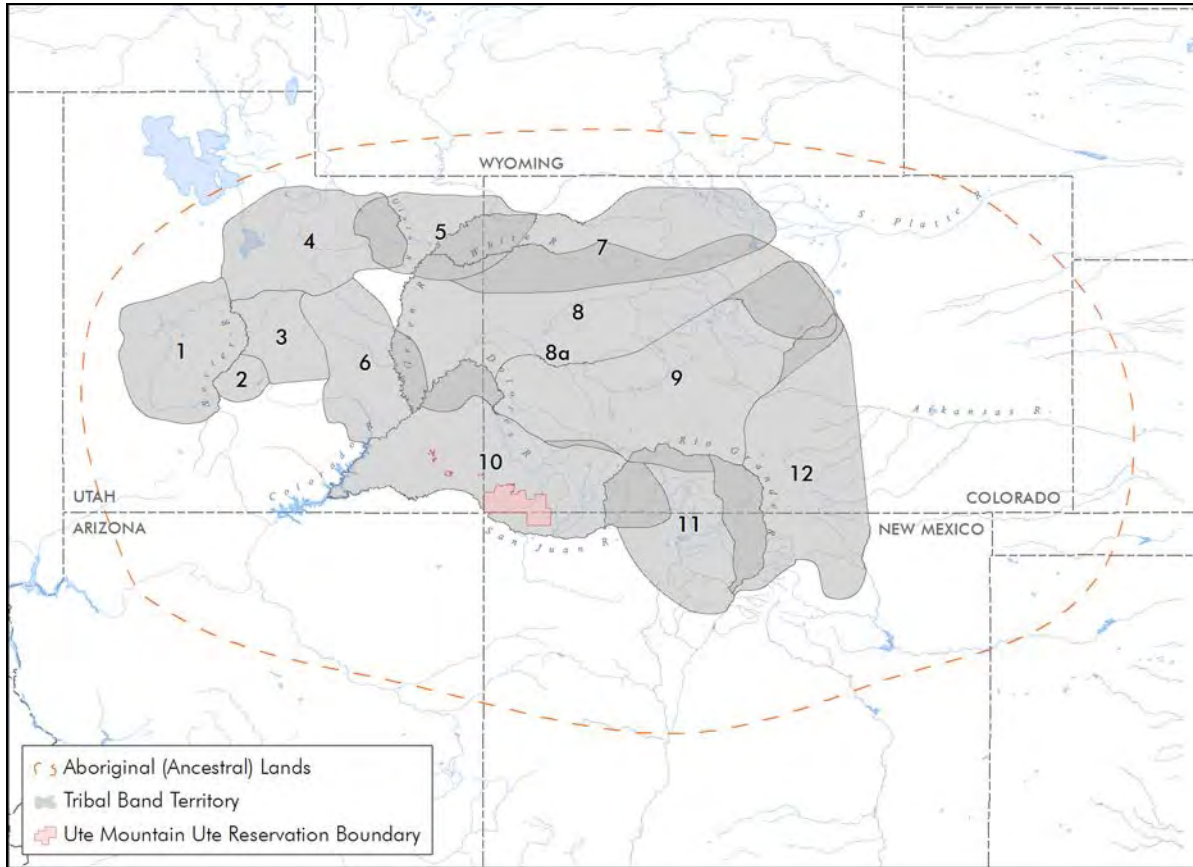
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<sup>5</sup> Section 101(d)(6)(B) of the NHPA requires agency officials to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property [36 CFR Part 800.2.(c)(2)(ii)].

<sup>6</sup> 36 CFR Part 61 unrevised remains in effect until the revisions are accepted.

objects, objects of cultural patrimony, written, taped and electronic ethnographic materials, and any materials that are important or necessary for the continuance or protection of traditional Ute lifeways.

The states of Colorado and Utah compose a large portion of ancestral territory of the Ute people (Figure 1.2). Currently, the Northern Ute (Uintah) Tribe takes the lead on consultations in the state of Utah, while the Ute Mountain Ute THPO takes the lead on consultations with state and federal agencies on all NAGPRA-related issues in the states of New Mexico and Colorado, including areas in the northern part of the latter state.



**Figure 1.2.** Extent of Ute aboriginal (ancestral) lands and distribution of Ute Bands by early 17<sup>th</sup> century. 1. Pahvant, 2. Moununt, 3. Sanpits, 4. Timpanogots, 5. Uintah, 6. Seuvarits, 7. Yampa, 8. Parianuche, 8a. Sabuagan, 9. Tabegauche, 10. Weenuche, 11. Capote, 12. Muache. Adapted from Simmons (2000).

#### 1.2.4 Additional Responsibilities of the THPO

Additional responsibilities of the THPO include to:

- (1) Assume consulting party status and provide comment per NHPA Section 106 for affiliated cultural resources found off-reservation ;

- (2) Nominate significant cultural resources to the National Register and/or to the Tribal Register at such time as the latter is defined;
- (3) Maintain the Ute Mountain Ute Tribal inventory of cultural resources on tribal and ancestral lands;
- (4) Review and, as appropriate, issue cultural resource permits for access to and use of cultural sites, for cultural resource surveys and excavations, and for other forms of anthropological, archaeological, ethnographic, historical, or architectural research on tribal lands (see Section 3.1);
- (5) Arrange for as-needed contracted services of consultants, including Ute Mountain Ute elder consultants, cultural monitors, videographers, photographers, anthropologists, archaeologists, historians, architectural historians, architects, linguists, curators, conservators, museum specialists, and artists;
- (6) Serve as the Repatriation Coordinator under NAGPRA (see below);
- (7) Serve as the Tribal Archivist (see below); and
- (8) Oversee the cultural resources monitoring program (see below).

As Repatriation Coordinator, the THPO will:

- (1) Develop and implement a Tribal repatriation policy (see Appendix F);
- (2) Coordinate negotiations in accordance with NAGPRA;
- (3) Coordinate Ute Mountain Ute human remains and funerary objects reburial activities;
- (4) Advise on inadvertent discovery, reburial, and repatriation issues.

As Tribal Archivist, the THPO will:

- (1) Oversee and maintain the Ute Mountain Ute Tribal Archives and Library through implementation of policy that defines accessioning, de-accessioning, filing, protecting, retrieving and providing access (including electronic public access) to archival information relating to Ute Mountain Ute culture, religion, history, and Tribal government;
- (2) Manage the Ute Mountain Ute Tribal Register of Historic Places (Tribal Register), (see Section 4.3).

The THPO will also oversee and train cultural resources experts who monitor construction efforts in culturally sensitive areas of the Reservation. The THPO should be consulted prior to any ground disturbing undertaking on tribal lands to ascertain the need for a monitor. Fees for tribal monitors are presented in Appendix G. In the event of a discovery, the Inadvertent Discovery Protocol will be implemented and followed (Appendix H).

Finally, the THPO may advise, review, or otherwise participate and consult regarding potential impacts to cultural resources on tribal lands *not subject to the Section 106 process*, that is, those resources that may be adversely affected by projects or activities that do not have a federal nexus and therefore are not considered undertakings under 36 CFR 800.16(y). These projects or activities are subject to the Tribal process (See Section 4.2).

### **1.2.5 Authority and Oversight of the THPO**

As stated in the letter dated December 18, 2009 (Appendix C), the Director of the National Park Service has formally approved the Ute Mountain Ute Tribe to assume certain State Historic Preservation Officer duties within the exterior boundaries of the Tribe's reservation in Colorado, New Mexico, and Utah. As stated in 36 CFR 800.2(c)(2)(A), the Tribal Historic Preservation Officer (THPO) appointed or designated in accordance with the NHPA is the official representative for the purposes of Section 106. As such, agency officials shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or potentially affecting historic properties on tribal lands. This includes those historic properties within the Ute Mountain Tribal Park and the Ute Mountain Ute Mancos Canyon Archaeological District (see Section 1.3.2).

The THPO is overseen by the Tribal Council (Council) and the Tribal Chair (Chair). All actions taken that go beyond the scope of responsibilities stipulated in Sections 1.2.2 and 1.2.4 of this document for the THPO will be presented to the Council or Chair for official approval through the tribal resolution process. This includes the authority for the THPO to participate and consult regarding potential impacts to cultural resources on tribal lands not subject to the Section 106 process (See Section 4.2). In addition, any disputes that arise between Department Directors or individuals and the THPO regarding a THPO action or any requirement determined by the THPO regarding cultural resources on tribal lands must be brought forth to Council and resolved through Council approval and the tribal resolution process.

The THPO will work with Department Directors and the Tribal Park Director on important cultural resource issues and concerns that arise on tribal lands. Quarterly meetings will be held in which the THPO meets with Department Directors, or department representatives, and the Tribal Park Director to discuss current cultural resource issues and the status of cultural resource related projects on tribal lands. The minutes from these meetings will be presented to the Council as a quarterly report, including action items to resolve any cultural resource issues.

### **1.2.6 Tribal Historic Preservation Funding and Accounts**

Appropriations will be made from tribal funds for THPO support as authorized by the Tribal Council. In addition, the THPO is authorized to seek and obtain funds necessary to support the department's programs to the extent that the Tribal Council deems that the sources are appropriate for department use. Department and program generated revenue from grants, donations, contracts, agreements, fees, fines, civil penalties, and civil forfeitures will be placed in the appropriate THPO accounts. The THPO will maintain files that document the department's funding sources, revenue, and expenditures.

## **1.3 Ute Mountain Ute Culture and History**

Prior to contact with Europeans, the Ute people inhabited a vast expanse of land that includes portions of present-day Utah, Colorado, and northern New Mexico. They are generally believed to have first appeared as a distinct people in A.D. 1000-1200 in the southern part of the Great Basin, an area roughly located in eastern California and southern Nevada (Simmons 2000:14).



The Ute people migrated to the Four Corners region by 1300, from where they continued to disperse across Colorado's Rocky Mountains over the next two centuries (Simmons 2000:14).

As they expanded across the Great Basin the Utes were connected by the Southern Numic language, a division of the Uto-Aztecan language family. The Numic branch spread with the dispersal of the Utes from the southern Great Basin, with three linguistic divisions eventually emerging west of the Rockies; Western Numic, which includes Monos, Northern Paiutes, Snakes, and Bannocks; Central Numic, spoken by Comanches, Gosiutes, and Shoshones; and Southern Numic, which includes the Southern Paiutes, Kawaiisus, Chemehuevis, and Utes (Callaway et al. 1986:336; Simmons 2000:14-15). While there were regional differences in Ute speech, all dialects were mutually intelligible (Callaway et al. 1986:336). This mutual intelligibility implies a single speech community and many overlapping social networks, in spite of the considerable expanse the Ute inhabited.

Although there is disagreement regarding the earliest prehistory of Numic speakers, it is generally agreed that during the last thousand years they expanded from the southwest Great Basin into Utah and Western Colorado (Madsen and Rhode 1994). Brown ware ceramics and increasing numbers of Desert Side-notched and Cottonwood triangular projectile points appeared in these areas at about A.D. 1100 (Reed 1994:196), and these may indicate the earliest markers of Numic-speaking people in western Colorado. Regardless, by the early 17<sup>th</sup> century the Utes' territory included portions of the Great Basin, the Colorado Plateau, and the Central and Southern Rockies. This extensive area was inhabited by a population estimated at upwards of 5,000-10,000 (Baker 1988:179; Simmons 2000:16), although lower population levels may be more likely given that they formed a single speech community. While a definitive listing of Ute bands is made difficult by their fluid membership and high mobility, a loose confederation of 13 bands was in place by the 17<sup>th</sup> century that included seven eastern bands, composing the Eastern Ute, with ranges primarily in present-day Colorado (Yampa, Parianuche, Sabuagan, Tabeguache, Weenuche [Weeminuche]<sup>7</sup>, Capote, and Muache), and six western bands of present-day Utah (Uintah, Timpanogots, Pahvant, Sanpits, Seuvarits, and Moanunts) (Callaway et al. 1986:338-340; Jorgensen 1965; Simmons 2000:17-22) (Figure 1.2). By the 1860s these bands were described in terms of three amalgamated groups, the "Uncompahgre", White River", and "Weenuche" bands. By the 1890s these amalgamated bands resided on three distinct reservations in eastern Utah and southwestern Colorado. The Ute Mountain Ute reservation comprised the Weenuche band who were assigned to an unallotted western portion of the Consolidated (Southern) Ute Reservation (Burns 2004).

The earliest known records of European contact with indigenous inhabitants in western Colorado are from Juan Maria de Rivera, who explored the region during two expeditions in 1765 (Sanchez 1997). Rivera recorded a group he called the Sabaugans, which Baker et al. (2007) suggest were the same group that later came to be called the Uncompahgre. A decade later Fray Francisco Antanasio Dominguez and his partner Escalante traveled farther north, reaching White

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<sup>7</sup> The band eventually composing the Ute Mountain Ute people are referred to in historic texts as both the *Weeminuche* and *Weenuche*. The preferred name is Weenuche, but Weeminuche is used here when citing historic texts that use that term.

River in 1776, then west as far as Utah. The Dominguez-Escalante journal mentions various encounters with “Sabuagana Yutas” in areas around the Colorado River near Grand Mesa and the Roan Plateau (Ott 2009:52).

In the decades following the Dominguez-Escalante expedition, until the 1820s, there were few incursions into west-central Colorado by Euroamericans. The early contact lifeways of the Eastern Utes, particularly the Weenuche, however, was increasingly transformed during this time by the acquisition of horses and trade items introduced by the Spanish (Baker et al. 2007; Lewis 1994). Simmons (2000:29) writes that the Utes first acquired the horse in 1640 (Simmons 2000:29) as a result of captive Utes escaping from the Spanish in Santa Fe and stealing horses. Silbernagel (2011:51) suggests that the Utes may have acquired their first horses before 1600. Regardless, “by the 1820s the Eastern Utes were widely enjoying an equestrian lifeway” (Ott 2009:53). Jorgensen (1972) describes them as fine horsemen with vast herds of horses living parts of the springs and summers in large encampments of 200 or more lodges.

The Utes were among the first indigenous groups in North America to acquire and master the horse, which contributed to their remarkable success in the 17<sup>th</sup> and early 18<sup>th</sup> centuries. The horse allowed the Utes to travel farther distances for their subsistence than was previously possible. They expanded the seasonal circuits within their traditional territory, venturing as far east as the panhandles of Texas and Oklahoma (which expanded their aboriginal or ancestral lands to include areas outside traditional band territories [Figure 1.2]). Because travel times were decreased, they were able to stay together for longer periods of time throughout the year. The size and importance of winter encampments also grew as Utes were able to also pack additional food and supplies capable of sustaining larger numbers of people.

As the Ute bands became adept and skilled riders, the horse became an integral part of their culture. Horses were one of their most prized possessions and were a principal symbol of wealth and pride (Simmons 2000: 30). Through both trade and theft, the Utes amassed large herds, which thrived on the native grasses of the mountain valleys and plains, and multiplied quickly without selective breeding. They often rode bareback, or used leather pads with short stirrups (Simmons 2000:30). These special stirrups hung from the horse’s mane and allowed the rider to drop to one side and shoot under the horse during battle. They also developed their own saddles, sometimes using animal horns to make the pommel in the front of the saddle and the cantle in the back (Silbernagel 2011:52). In his description of changes in Ute society sparked by the appearance of the horses, Lewis (1994:30) notes their accumulation of more material goods and an elaboration of Ute material culture, adoption of Plains cultural traits, expansion their territory as noted horse raiders, and their role as important middlemen on the intertribal horse trade.

With their new found mobility and mastery of the horse, the Utes were among the most feared and powerful tribes in the Four Corners by the early 18<sup>th</sup> century. They carried out raids in northern New Mexico throughout the 17<sup>th</sup> and 18<sup>th</sup> centuries, stealing horses and goods from the Spaniards, Pueblo peoples, the Jicarilla Apaches to the east, and the Navajos to the southwest. They raided the unmounted Western Shoshone and Southern Paiutes to steal women and children, which they sold to the Spanish in New Mexico for use as domestics and shepherds

(Callaway et al. 1956:354; see also Cameron 2011). While the Utes entered into a treaty with the Spanish in 1670, they sided with the Pueblo people during the 1680 Pueblo Revolt, and subsequently used the opportunity to raid the pueblos, including the Hopi (Callaway et al. 1986:354; Simmons 2000:30). By 1700, the Utes were aligned with the Comanche, who first acquired horses via the Utes in the late 17<sup>th</sup> century, and carried out extensive raids together against their surrounding neighbors intermittently for the next fifty years.

Other outside forces that began to affect the Utes were the trappers and traders that began arriving in increasing numbers in the early 19<sup>th</sup> century (Husband 1984:IV-12). Since their arrival, the Spanish had been largely successful in limiting the Ute's trade with outside peoples (Simmons 2000:47). But as trade restrictions were relaxed in 1810, the Utes were gradually able to interact with more outsiders; and with Mexico's independence in 1821, the doors were opened even wider to foreign traders and trappers. French Canadians and Americans soon arrived, seeking beaver, otters, and other furs, and all but ended the isolation of the Utes (Simmons 2000:48). Adding to this was the additional traffic brought on by the Old Spanish Trail, a trade route between Santa Fe and California that by the late 1820s was being used extensively by pack trains (Simmons 2000:48-49). While it provided the Utes new opportunities for trading and looting, the trail also opened up their traditional territory to a flood of newcomers seeking land and resources. Trading posts and Euroamerican trade goods became a part of the "Ute landscape" during this period (Ott 2009:57).

Throughout the Mexican period, the eastern and southern bands of the Ute were able to maintain their traditional lands and were minimally affected by white expansion. The geographic location of the three bands of Southern Utes changed little from the arrival of the Spanish through the 1840s. However with the end of the Mexican-American War in 1848, and the subsequent transfer of Alta, California to the United States, drastic encroachments on the Ute's territory would soon ensue. The American victory in the Mexican-American War (1846-1848) marked "the beginning of the end for Ute sovereignty in the region" (Husband 1984; Ott 2009: 57).

In 1849, 28 principal and subordinate Ute chiefs signed the "Treaty with the Utah", also known as the Calhoun Treaty (<http://digital.library.okstate.edu/kappler/vol2/treaties/uta0585.htm>). Generally considered the first treaty with the Utes, it submitted the tribe to the jurisdiction of the United States and agreed to peace with United States citizens and their allies (Simmons 2000:86). The treaty also provided the people of the United States with free passage through Ute territory and allowed for the establishment of military and trading posts. In exchange for these concessions, the Utes were promised to receive donations, presents, and farming implements (Simmons 2000:87).

The treaty of 1849 was followed by a series of subsequent treaties and land cessions that constrained the Utes into ever smaller territories. Ute reservation boundaries were repeatedly reduced during the period, as increasing numbers of Americans flooded into Colorado. Finally, in 1881, the White River and Uncompahgre Utes were forcibly removed to reservation lands in eastern Utah (Ott 2009:57).

During this early stage of the American period, the United States focused its efforts on securing the loyalty of the Utes and surrounding tribes. One of the primary motivating factors behind this approach was to sway the allegiance of Native American groups away from the Mormon settlers that had begun to settle in area (Clemmer and Stewart 1986:525). Additionally, the United States government hoped that by persuading Native Americans to live a settled, agricultural existence, they might be able to curb the raids that had sustained the tribes in the preceding years. However, this policy did not address the fact that the Utes had led a migratory existence for centuries, and as settlement was forced upon them, they became increasingly hostile towards the Americans years (Clemmer and Stewart 1986:525; Simmons 2000:87).

On August 8, 1855, the governor of the New Mexico Territory negotiated the Treaty with the Capote Band of Utahs in New Mexico ([http://digital.library.okstate.edu/kappler/vol5/html\\_files/v5p0686.html](http://digital.library.okstate.edu/kappler/vol5/html_files/v5p0686.html)). The treaty provided the Utes with 2,000 square miles north of the San Juan River and east of the Animas if they agreed to stay out of New Mexico (Callaway et al. 1986:355). It was never ratified however, and after violent conflicts between Utes and miners in Colorado, a treaty council was convened in 1863 in an effort to move the Ute bands to the Four Corners area to farm. Openly protesting relocation, the Weenuche, Capote, and Muache bands refused to attend and/or sign the “Treaty with the Utah-Tabeguache Band” (<http://digital.library.okstate.edu/kappler/vol2/treaties/uta0856.htm>). Several Taviwach Chiefs did sign the treaty, relinquishing all the Utes’ mineral rights and land in the San Luis Valley (Callaway et al. 1986:355).

Gold was discovered in Colorado in 1859 and thousands of people consequently rushed to the area. Although not all stayed, those who did began to farm and encroach on the land that had been used by the Utes for hundreds of years. Even more significant was Congress’ authorization and establishment of the Territory of Colorado in 1860, and its organization the following year. The creation of the Colorado Territory and its western boundary indiscriminately placed many of the Utes into separate jurisdictions, ignoring extended kinships and friendships (Simmons 2000:111). With reduced trade relations and diminished access to game, the Utes became increasingly dependent on the United States government. In response, the government established agencies at Abiquiu, Tierra Amarilla, and Cimarron in order to provide food and supplies before each winter and spring.

Increased pressure from white settlers and the United States government led to additional treaties that diminished the Utes’ tribal lands. The “Treaty with the Ute, 1868” (<http://digital.library.okstate.edu/kappler/vol2/treaties/ute0990.htm>) was signed by most of the Colorado Ute bands in 1868 that reduced their lands from approximately 56 million acres to about 18 million acres (Callaway et al 1986:355). This treaty established the first Ute reservation in Colorado (the first was the Uintah Valley reservation, which was created in the 1860s) and promised the Utes that non-Native Americans could not pass through, settle on, or reside in the reservation. Additionally, it established two agencies on the “Rio de los Piños” and the White River to serve respectively the Tabeguache, Muache, Weeminuche, and Capote bands, and the “Grand River, Yampa, and Uintah bands (Simmons 2000:133).

Soon after the 1868 treaty however, large mineral deposits were discovered in the San Juan Mountains, and under pressure of mining interests, the United States government negotiated the Brunot Agreement in 1874 ([http://digital.library.okstate.edu/kappler/Vol1/html\\_files/SES0151.html](http://digital.library.okstate.edu/kappler/Vol1/html_files/SES0151.html)). Under what was to be the last request the government would ever make of the Utes, the government appropriated an additional 3.45 million acres from the Colorado Utes (Callaway et al. 1986:355) (Figure 1.3). As a result of this agreement, only a narrow strip of land along the western boundary of Colorado connected the northern portion of Ute reservation with the south. The southern portion, still home of the three southern bands, was a section of land approximately 110 miles long running east from the Utah boundary along the New Mexico Colorado border, and 15 miles wide beginning with the New Mexico boundary and running due north.

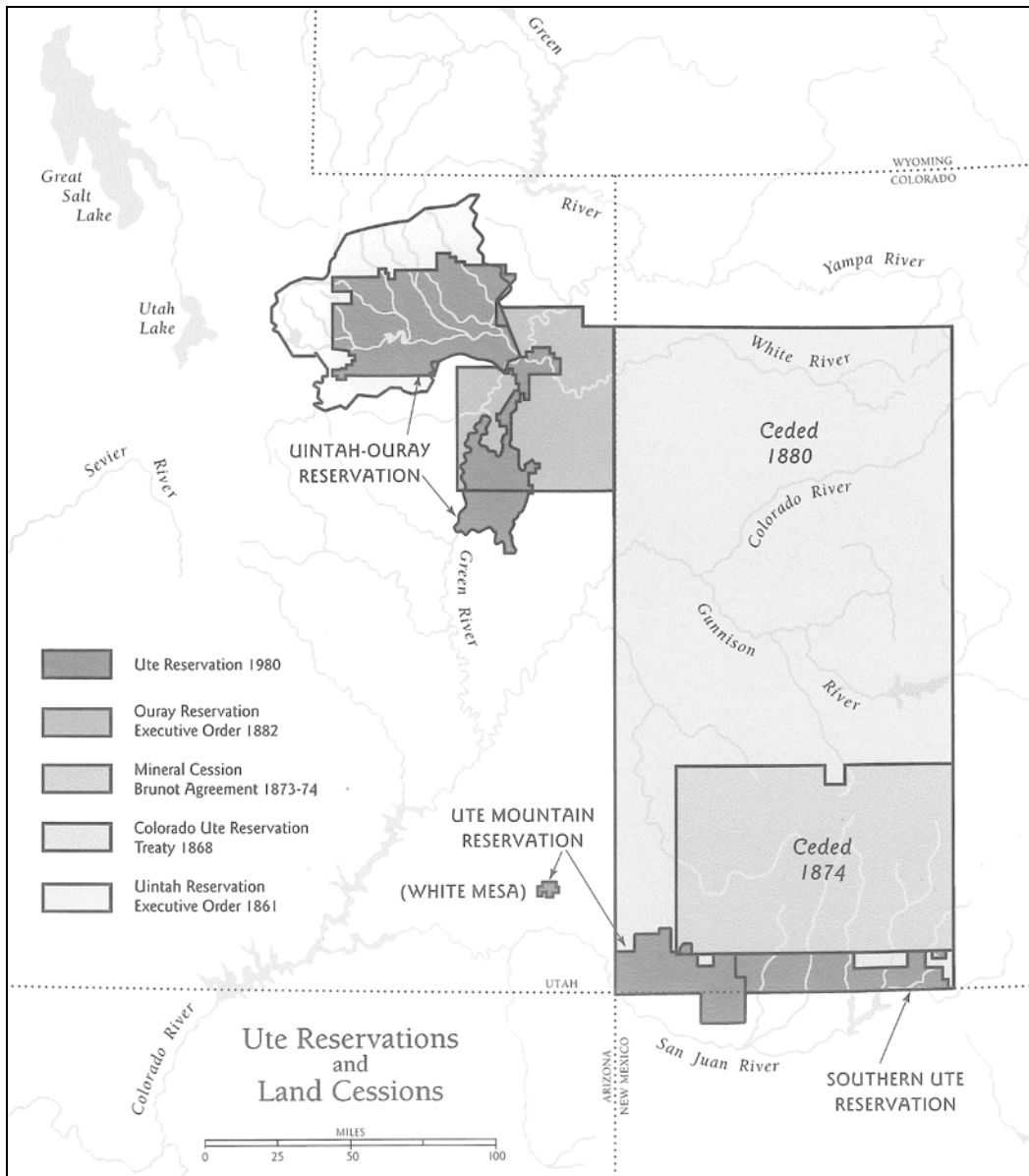
The second half of the 1870s was characterized by anger, frustration, and tragedy as the various Ute bands adjusted to their difficult and unfamiliar living conditions. Reluctant to take up permanent residences, the Muache and Capote were beginning to yield to life on a reservation and started to move north out of northern New Mexico. The Weeminuche maintained a degree of independence, sustaining themselves in the Four Corners region (Simmons 2000:169). However, situations were in constant flux as evidenced by the passage of two bills by Congress in 1878 that forcibly removed the Southern Ute and Tabeguache Bands to the White River portion of the reservation. After several attempts to move the three southern Ute Bands failed, Congress finally instructed the executive branch of the government to negotiate again with the Utes for their removal.

In 1880, 665 Utes from the White River Agency were forcibly relocated to the Uintah Reservation, where they found 800 Utes from various bands. A total of 361 Uncompahgre Utes was also forced to sell their lands and move under armed guard to Ouray, a new reservation that was established by an executive order in 1882 ([http://digital.library.okstate.edu/kappler/Vol1/html\\_files/UTA0899.html](http://digital.library.okstate.edu/kappler/Vol1/html_files/UTA0899.html)) (Callaway et al. 1986:355). This new reservation was located adjacent to the south of the Uintah reservation.

As conditions continued to deteriorate through the 1880s and 1890s, the federal government passed the Dawes Act. Also known as the General Allotment Act of 1887 (<https://www.iltf.org/resources/land-tenure-history/historical-allotment-legislation/general-allotment-act>), it divided the nation's Native American lands into allotments that belonged to individual tribal members. Family heads were to receive 160 acres and single individuals 60 acres, although the allotments were more haphazard in reality (Callaway et al. 1986:355; Simmons 2000:207). The thought was that, with land of their own, Native American individuals could enter into conventional American life. While a portion of the land after the allotment process was to be left to the tribe, it eventually became public domain after ensuing acts (Desert Land Acts of 1877 and 1891, and the Timber and Stone Act of 1878) gave it to homesteading white settlers at minimal prices (Callaway et al. 1986:356).

The Weenuche resisted the Dawes Act, while the Muache and Capote bands decided to accept the allotment. The Weenuche band, under Chief Ignacio's leadership, found the allotment idea so alien to their tradition that they moved to the western portion of the Southern Ute Indian

Reservation, which later became the Ute Mountain Ute Reservation . They refused to accept allotments. Lands not allotted, or about 85 percent of the reservation, were declared “excess” by the federal government in 1895 and thrown open to white settlers.



**Figure 1.3.** Ute reservations and land cessions, 1861 to present. Adapted from Callaway et al. 1986:355

By 1896, 371 Muache and Capote adults and minors had received allotments of land totaling approximately 73,000 acres, with the much larger portion of the eastern segment of the Consolidated Ute Reservation (523,079 acres) becoming public domain and subsequently opened to homesteaders (Simmons 2000:218). The Weenuche, having refused to agree to the allotment,

maintained a portion of the southwestern corner of Colorado. This approximately 15 x 50-mile tract of land (plus nearly six adjacent townships in New Mexico) eventually became the Ute Mountain Ute reservation by the early 1900s.

In 1911, one of the last pieces of land taken from the Ute people was the area that now makes up Mesa Verde National Park. More than 52,000 acres of land was acquired in 1911 for the park by the federal government in exchange for some irregularly shaped acreage on the northern boundary of the Ute Mountain Ute Reservation.

By the 1930s government policies began shifting from the internal colonialism of the 1800s and early 1900s. In 1934, the Wheeler-Howard Act (<https://www.iltf.org/resources/land-tenure-history/historical-allotment-legislation/indian-reorganization-act>), also known as the Indian Reorganization Act, or the Indian New Deal, provided for self-government by Indian tribes through tribal councils composed of elected members and a chairman. The Wheeler-Howard Act began the trend toward Indian self-governance. Up until 1970 tribal constitutions and by-laws required the approval of the Bureau of Indian Affairs (BIA), moneys provided to tribes by the federal government were managed by the BIA, and tribal budgets were subject to approval by the Secretary of the Interior. It was President Richard M. Nixon who in 1970 publicly proclaimed a new era in Indian affairs—that of true Indian self-determination.

We must assure the Indian that he can assume control of his life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of federal control without being cut off from federal concern and federal support. (Richard M. Nixon, July 8, 1970, Special Message to the Congress on Indian Affairs)

The Ute people did not hesitate to establish themselves as self-governing sovereign nations. Indeed, well before Nixon's proclamation of Indian self-determination, the Southern Ute Tribe, in 1936, adopted a constitution and established a tribal council. The Ute Mountain Ute followed suit in 1940. As a result of these newly formed and recognized governments petitioning Washington, in 1937 the Restoration Act returned 222,000 acres to the Southern Utes, and in 1938, 30,000 were returned to the Ute Mountain Ute Tribe.

The Ute Mountain Ute people have been building a thriving community ever since. Very successful Ute-owned enterprises now include (1) Weeminuche Construction Authority, which built the Animas-La Plata project dam and intake pump station under the direction of the Bureau of Reclamation, (2) the Ute Mountain Casino, which is the largest employer on the Reservation, (3) the Farm and Ranch Enterprise, which is an award winning producer of a wide diversity of agricultural crops, and (4) the Ute Mountain Tribal Park (Tribal Park), which contains some of the country's most spectacular ruins and supports a thriving heritage tourism business. Section 1.3.1 of this document discusses the Tribal Park in more detail, as this enterprise is directly relevant to the management of cultural resources on tribal lands and the responsibilities of the THPO. Oil and gas development is a growing enterprise on tribal lands, particularly in the New Mexico portion of the Reservation. And coal and renewable energy, in particular solar energy, is set to grow as well. These developments will play a large part in future planning and

management of cultural resources on tribal lands and are discussed further in Section 2.2 of this document.

### **1.3.1 Ute Mountain Tribal Park and National Register Historic Districts**

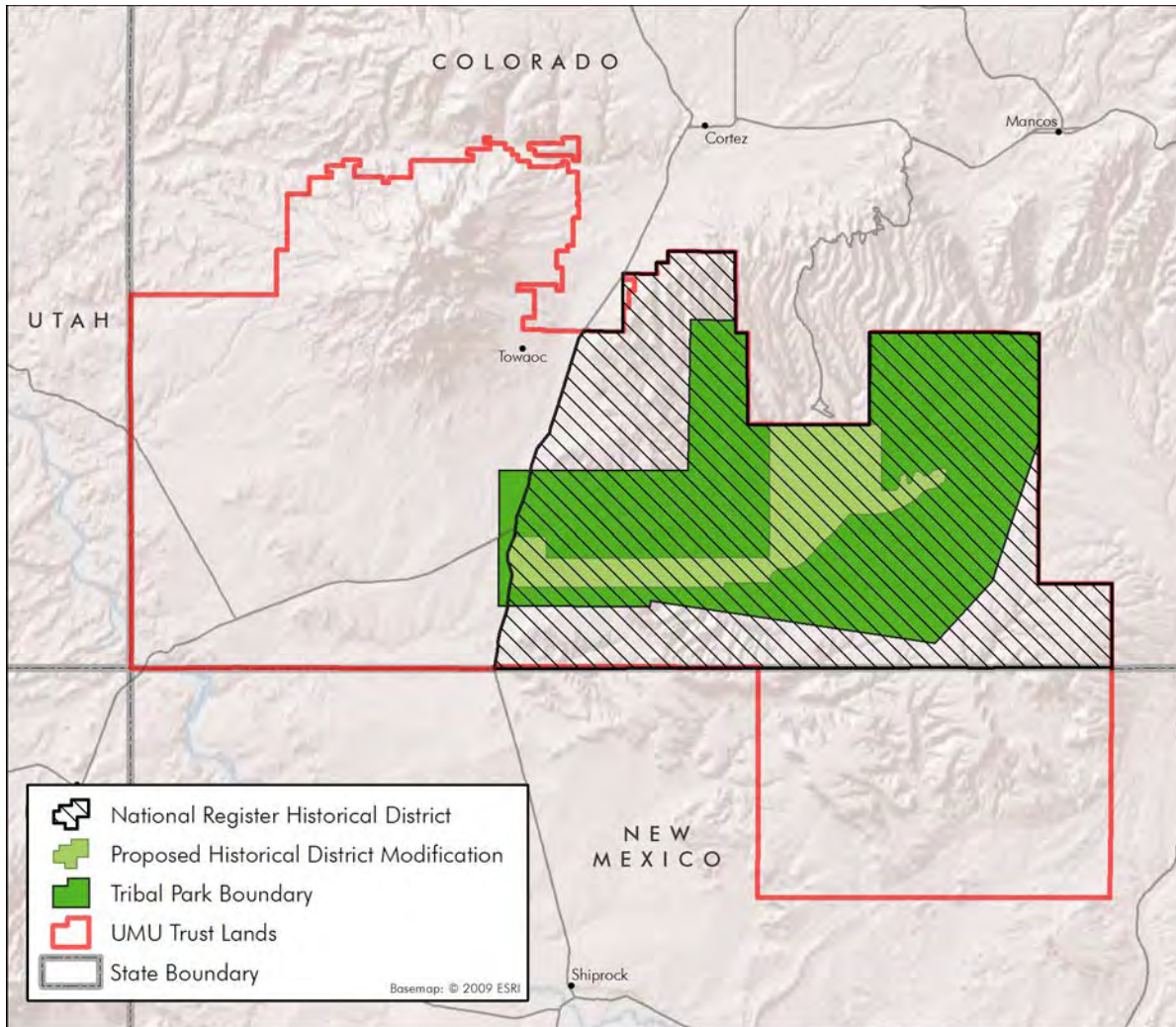
#### ***1.3.1.1 Ute Mountain Tribal Park***

In 1967, Chief Jack House originated the idea for the Ute Mountain Tribal Park (Tribal Park). It was his desire to preserve the ruins for the future and to share them with others (Akens 1987:15). Soon after, he travelled to Washington D.C., where he succeeded in having the status of Wilderness Area lifted from the proposed parklands. In the summer of 1971, crews began to clean and stabilize cliff dwellings in Lion Canyon, preparing them for visitation. Archaeologists from the University of Colorado Mesa Verde Research Center worked in the future park between 1972 and 1975, recording and stabilizing sites. In 1976, roadwork and associated salvage archaeology was done to improve access to the Mancos and Lion Canyon areas, and in 1981 the first tours were given at the newly stabilized sites.

#### ***1.3.1.2 Ute Mountain Ute Mancos Canyon Historic District***

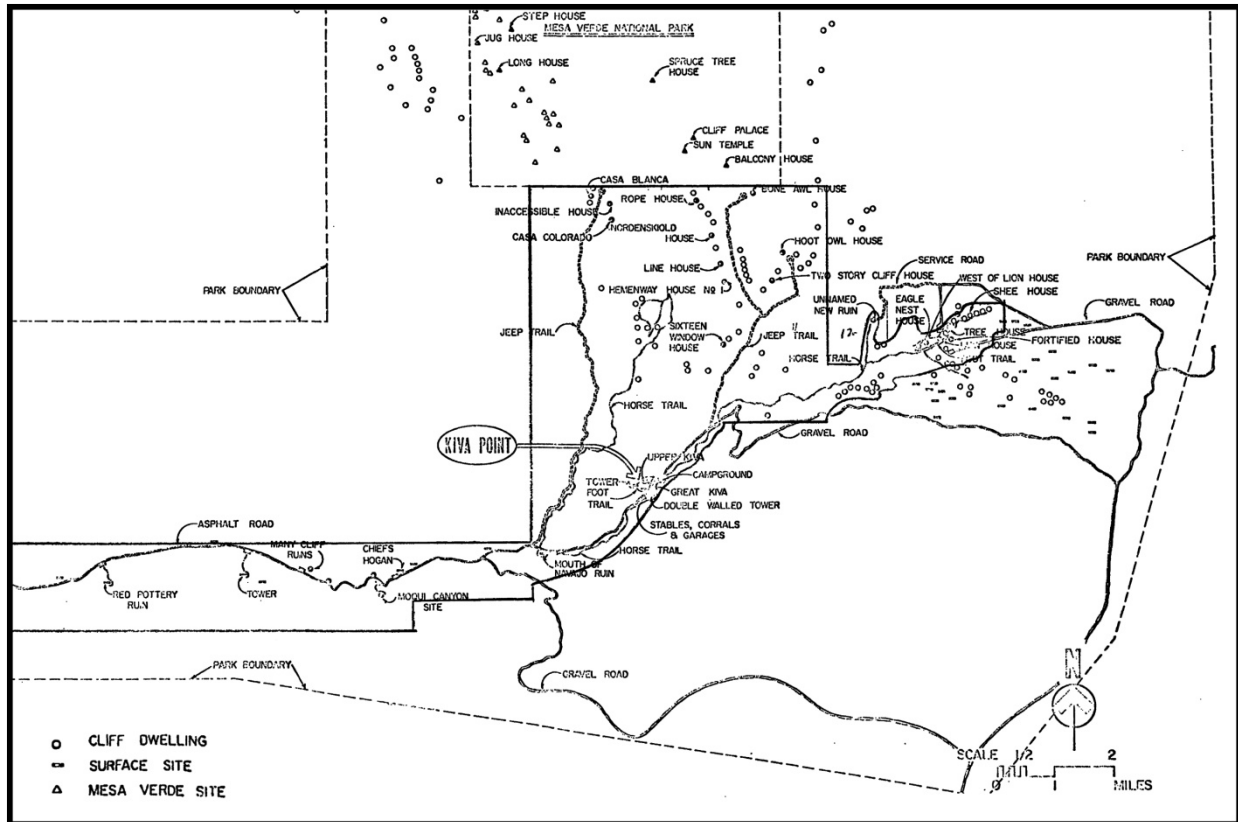
In addition to offering tours to archaeological sites, the Tribal Park was created as a preserve for the cultural resources included in the Ute Mountain Ute Mancos Canyon Historic District. This nomination was made on February 22, 1972, and entered into record on May 2, 1972. The Tribal Park is operated by the Tribe as a primitive area and encompasses approximately 125,000 acres around a 25-mile stretch of the Mancos River. The boundaries of the Tribal Park are shown in Figure 1.4. These boundaries contain substantially less acreage than the area listed on the National Register as the historic district (hatched area in Figure 1.4). At some point subsequent to the time of designation, a proposal was put forth (it is not known by whom) to modify the boundaries of the historic district to include only about 27,000 acres within it (shown in light green in Figure 1.4). However, as stated in a letter from the Colorado SHPO to the THPO dated April 12, 2012, there is no record that the nomination was officially amended to reduce the original boundary or that an official request for an amendment was submitted to the Keeper of the National Register of Historic Places (Appendix D). Thus, the boundary remains that delineated by hatching in Figure 1.4, which is consistent with geographic information system (GIS) files in the SHPO's possession.





**Figure 1.4.** Map of Tribal Park boundaries, the Ute Mancos Canyon Archaeological District boundaries, and the proposed boundary modification to the district. Adapted from map included with National Register nomination form on file at Colorado SHPO (see Appendix D).

Although the Ute Mountain Ute Mancos Canyon Historic District nomination is brief (consistent with many older nominations), it notes that the resources of Mesa Verde and this adjoining area constitute the largest archaeological preserve in the United States, including thousands of pueblo ruins and cliff dwellings related to the Anasazi or Ancestral Puebloan culture of the Four Corners region. Many of these sites are plotted in Figure 1.5. As noted by the Colorado SHPO, “this historic district effectively constitutes an intact cultural landscape, defined by the National Park Service as ‘a geographical area, including both cultural and natural resources and wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values’” (Birnbaum 1994).



**Figure 1.5.** Tribal Park with major sites plotted. Adapted from map included with Ute Mancos Canyon Archaeological District National Register nomination form on file at Colorado SHPO.

Within the Tribal Park are hundreds of surface sites and cliff dwellings, Ancestral Puebloan petroglyphs, and historic Ute wall paintings and petroglyphs. The Tribal Park’s mission is to balance preservation of, research on, and public access to the resources in the Tribal Park. The archaeological sites in the Tribal Park are some of the most important and sensitive in the Four Corners area, but many of these resources currently require stabilization and documentation. Future efforts of the THPO will include documenting and preserving these resources and ensuring the sensitive treatment of this cultural landscape and its associated integrity of feeling, setting, and association.

### ***1.3.1.3 Proposed Cowboy Wash Historic District***

The Cowboy Wash Archaeological District (CWAD) at the toe of Sleeping Ute Mountain (see Figure 2.17) was defined as a result of the Ute Mountain Ute Irrigated Lands Project (UMUILP), also known as the Farm and Ranch Enterprise. The Farm and Ranch Enterprise is an agricultural irrigation project designed for 7,634 acres of Ute Mountain Reservation land. The large number of significant sites in the UMUILP area led to a 1990 Bureau of Reclamation request for a Determination of Eligibility for the CWAD (Robison 1990). In a letter dated September 11, 1990, the Colorado SHPO concurred that the sites make up a discontinuous archaeological district that is eligible for the National Register. As of 2014, the district has not been officially nominated to the NRHP as an archaeological district. In total, 477 sites are currently identified as being within the CWAD, 210 of which have been determined eligible (as an individual site) to

the National Register, and 245 of which are regarded as contributing resources to the eligible district (Appendix E). Appendix E presents a summary of the preservation plan that was drafted for the UMUILP sites and a map of the UMUILP project area (Redman and Greubel 2003).

In addition to the cultural resources contained in these (proposed) historic districts, many other important cultural resources are located on the Reservation. The following section presents a historic context for research on tribal lands and discusses in more detail the importance of these resources to the Tribe and to future understandings of the cultural past of the Reservation.



## 2.0 HISTORIC CONTEXT FOR ARCHAEOLOGICAL RESOURCES

This section presents an overview of the prehistoric and historic past of the Ute Mountain Ute Reservation (Reservation) and places these data within a larger historic and regional context. A vital part of managing cultural resources is not only developing preservation protocols, but also providing guidance as to the research issues that are important to the Tribe when cultural resources require treatment. The Reservation is one of the richest archaeological landscapes in the United States. To date, just over 3,100 archaeological sites have been recorded, and this is a small fraction of the estimated 20,000 archaeological and historic sites on the Reservation. It is anticipated that a substantial number of these sites may be adversely affected in the next ten years by economic development on the Reservation. Identifying research priorities for these resources is paramount to ensuring a consistent and coherent research framework for archaeological and cultural resources management work conducted on tribal lands. The priorities identified here are not exclusive of other potential research goals; they are instead meant to offer archaeologists, historians, and anthropologists guidance in developing their research programs on tribal lands and in crafting project-specific research designs. This section of the CRMP concludes with an analysis of areas of high site density and discusses anticipated activities across the Reservation. Particularly sensitive cultural resources and the preservation issues they present are also discussed in this section.

The Reservation is here referred to as the “study area,” since ancient groups obviously did not live on a reservation. As with most research programs, important data recovered from archaeological contexts in the study area should include chronological, subsistence, seasonality, and activity and site function data, as well as population level estimates when possible. Historic sites research should incorporate information from applicable historic documents and resources to assess the historic significance of the resource. In addition to these basic data, three interrelated research themes are identified here to better understand and place into appropriate context sites and buildings in the study area: movement, connectivity, and landscape.

- **Movement** relates to the movement of individuals, households, and groups across the landscape. This includes, for example, the types and degrees of mobility employed by foragers; the seasonal movement of households and groups; the permanence and use of buildings and structures; the movement of groups through the area on trails and roads; the movement of people across the landscape to exploit natural resources; the aggregation and dispersal of populations over time; and migration and the discontinuous occupation of various areas of the study area over time.
- **Connectivity** refers to the strength of relationships across space and over time. Spatial connectivity refers to the influence of people, processes, and events in one area on those in another (Nelson and Strawhacker 2011:5). This includes economic, social, political, and religious connections of groups within the study area and between groups in the study area and groups residing well outside the area. Establishing and assessing the social and economic connections made and relied upon by forager groups as they interact as part of their annual rounds; the political and religious connections with ancestral Puebloan groups residing in, for example, Mesa Verde, Aztec, or Chaco Canyon; and the connections among historic Ute groups throughout Colorado, New Mexico, and Utah are examples of how this theme might guide research.

- **Landscape** refers broadly to culturally constructed space and the creation of meaningful places. This could include an ancient or historic community (also broadly defined), a foraging range, a built or modified environment that extends beyond a habitation site, or an irrigation or trail system. Landscape includes natural-resource distributions and how human groups map on to those resources, but it also comprises how these natural resources or landmarks are incorporated into the cultural landscape as meaningful places.

These interrelated themes are not mutually exclusive, nor are the examples provided above meant to be comprehensive. The following provides more period-specific questions and issues that should be considered when developing research designs for archaeological or historical investigations in the study area. These are also obviously not exhaustive, and subsequent versions of this document may (and should) modify, expand, or reprioritize these research issues for the study area.

According to Colorado and New Mexico SHPO records, over 3,100 archaeological and historic resources have been recorded on Ute tribal lands (data for sites in the Utah portion of the Reservation were not available for this document). As of 2012, of the 3,122 recorded sites, 169 are Archaic and/or Basketmaker II, 2,042 are Puebloan/Anasazi, 231 are Proto-historic and Historic, and 768 do not fall into any general category (these are typically categorized as "unknown prehistoric," for example). Many of these sites are situated on the southern piedmont of Sleeping Ute Mountain, in and around Towaoc, along the Mancos River, and south of the river, on and around Barker Dome in New Mexico. To a great degree these clusters of sites represent the locations of significant projects and surveys rather than the true distributions of past populations. However, broad settlement changes over time can be shown, and one of the most obvious research questions we can pose is how robust (or real) are the patterns represented in these data.

## **2.1 Prehistoric Settlement**

Known prehistoric archaeological sites in the study area range chronologically from about 3000 B.C. to A.D. 1300, encompassing Archaic, Basketmaker, and Puebloan time periods. This occupation was not continuous, however, with groups moving in and out of and across the study area throughout this span. But local discontinuity does not mean a lack of continuity elsewhere in the Mesa Verde region. As will be shown, some densely occupied areas within and adjacent to the study area were virtually devoid of occupation at some points when other areas contained numerous sites. The following is a brief outline of the temporal patterns observed across the study area based on the distribution of known sites. These patterns are then contextualized regionally and for each temporal grouping potential research questions are posed relating to the three research themes—movement, connectivity, and landscape.

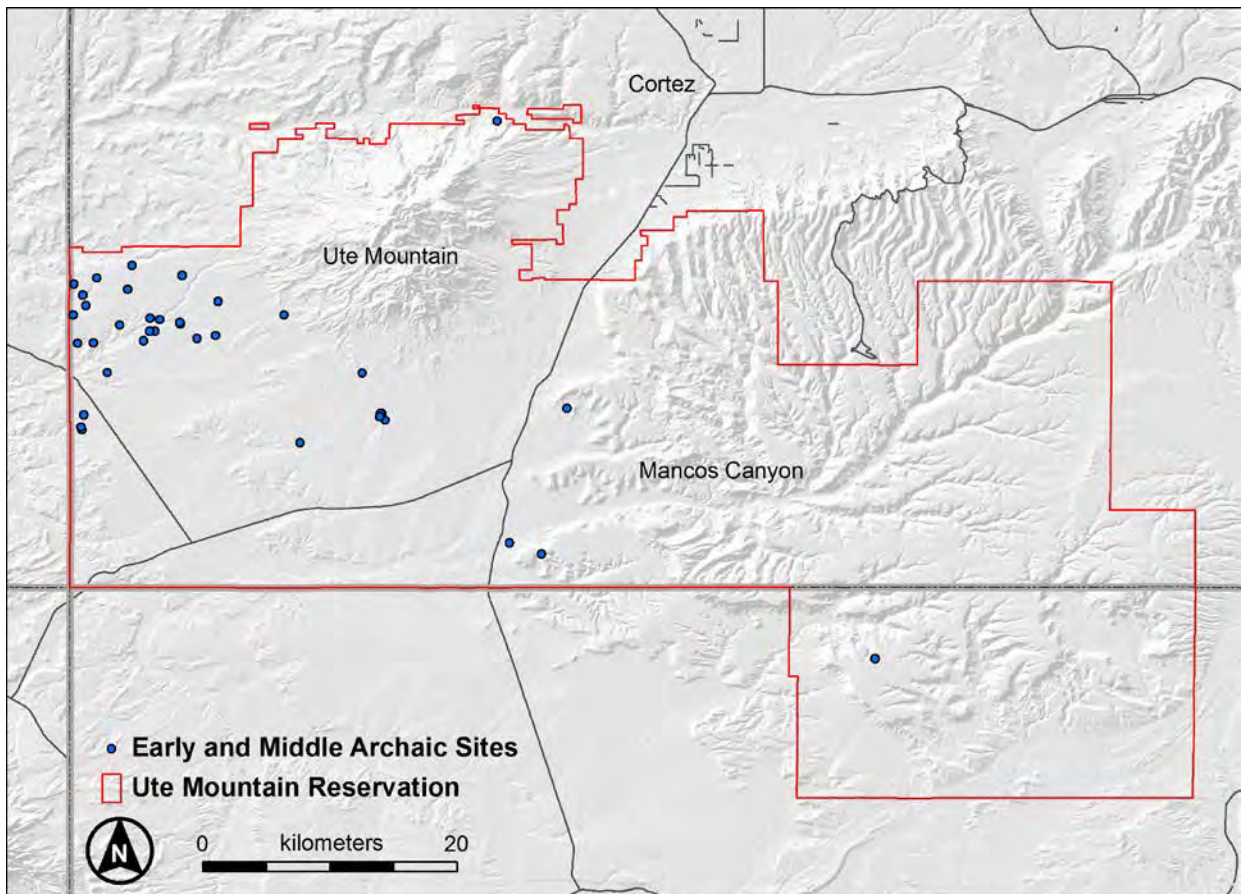
### **2.1.1 Early Foragers: Paleoindian and Early Archaic Periods**

Early foraging sites are not well represented anywhere in the Mesa Verde region. The study area is no exception. For example, no well-dated Paleoindian sites have been found within the study area. But possible Clovis and Folsom camps have been identified in southeast Utah (Davis 1985) and isolated projectile points representing the Clovis, Folsom, and Plano Paleoindian periods have occasionally been found, although never in a datable context. For example, a Folsom point

pre-form was recorded southwest of Ute Mountain as part of the Aneth Road survey for the Ute Irrigated Lands project (Fuller 1984).

Lipe and Pitblado (1999:4-1) noted the distributions of 44 occurrences of Paleoindian projectile points in the Mesa Verde region. None were located in the Mesa Verde-Mancos area, and only four were west of the Sleeping Ute Mountain (Lipe and Pitblado 1999:98). Most early finds in the region have been found north of Dolores, in higher elevation contexts.

Early and Middle Archaic (7500 B.P.-1000 B.C) sites are also rare in the study area and are located primarily south and east of Ute Mountain (Figure 2.1). Evidence that is available, for example Billman (2003), indicates that Early and Middle Archaic sites were small and represented brief, probably seasonal, episodes of use focused on the exploitation of large game, such as antelope. Ground stone is seldom present, and activities documented at sites are late stage bifacial and uniface manufacture and maintenance, hide working, and butchering.



**Figure 2.1.** Distribution of known Early and Middle Archaic sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

In addition to isolated, poorly contextualized projectile points, evidence of early use of the area includes isolated adobe-filled roasting pits. Twenty-three of these pits dating to the late Paleoindian and early Archaic period were found and excavated at several sites along a section

of the Rocky Mountain Expansion Loop Pipeline north of Mesa Verde, near Dolores (Stirniman et al. 2003). Charcoal recovered from seven of the pits yielded radiocarbon dates that ranged from 9730 B.P. to 7290 B.P. The pits were filled with charcoal, burned adobe, and post-abandonment sediments. No artifacts or charred economic plant remains were recovered in the excavated pits, but juniper wood was identified in several radiocarbon samples. The elevations of these sites are between 6,870 and 7,010 feet, and all sites are in areas of deep reddish brown loess soils, often adjacent to drainages. Blood residue analysis of three adobe pieces resulted in one sample testing positive for human blood, one for deer blood, and one for dog blood. One interpretation is that these features were used to roast meat, possibly including human flesh, over a bed of hot adobe “coals” (Stirniman et al. 2003:2-19).

Any discoveries of sites dating to these early time periods in the study area will be extremely important in understanding land and resource-use patterns, settlement structure, and mobility for these periods for the entire region. Early sites should be sampled adequately to obtain chronological data and any other data related to the daily lives of these early foragers. Lithic sourcing, technological analysis of lithic artifacts, paleobotanical and faunal analysis, and investigation and detailed recording of any features encountered would be important for characterizing activities represented by the site and addressing site function, mobility, seasonality, and any connections with distant areas.

### **2.1.2 The Advent of Domesticates: Late Archaic to Basketmaker II Period**

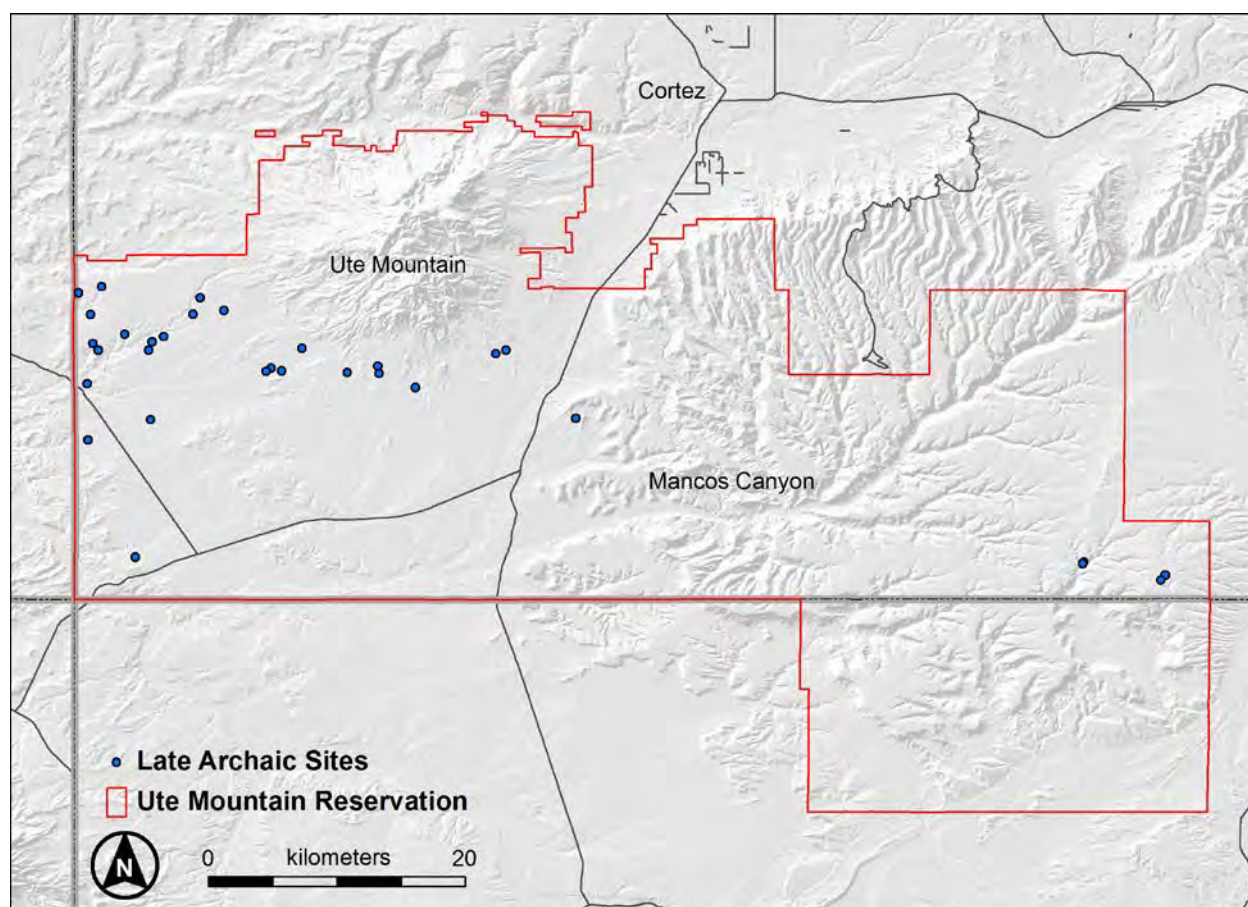
The period from 1000 B.C to A.D. 500 saw the remarkable shift from a truly hunting and gathering lifeway to one based heavily on maize agriculture. Archaeologists often characterize the latest true foragers as Late Archaic and the earliest true agriculturalists as Basketmaker II (BM II), but this boundary is often not clear. A more important set of questions, rather than when does the Late Archaic end and the BM II period begin, is

- when does agriculture appear in the record,
- how did agriculture make its way to the area,
- what were its effects on subsistence, settlement, and social life, and
- what accounts for any spatial variation in these patterns?

To truly understand these issues within the study area, the focus of study must span the interval from before cultigens emerged to after groups became reliant upon them.

Late Archaic (1000 B.C. to 1 B.C.) sites in the study area are primarily situated west of Sleeping Ute Mountain, an area that contains one of the densest concentrations of Archaic sites in the entire Mesa Verde region (Figure 2.2). Indeed, the Archaic record of the Mesa Verde region is generally much sparser and less well understood than adjacent regions, including northwest New Mexico (e.g., Sesler and Hovezak 2002), and northeastern Arizona and southeastern Utah (Geib 2011). One possible explanation of this pattern is that Archaic components are more common in low-elevation, sandy grassland environments than in upland pinyon-juniper environments (Lipe and Pitblado 1999:120). This may indeed explain the high concentration of Archaic sites in the (relatively) low-elevation grasslands south and southeast of Sleeping Ute Mountain.





**Figure 2.2.** Distribution of known Late Archaic sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

One site within this temporal interval has been excavated and reported on. Excavations at 5MT10525 as part of the Ute Mountain Ute Irrigated Lands Project (UMUILP) on the Ute Mountain piedmont uncovered a pit structure with a hearth and internal storage pit, extramural activity areas, large quantities of flaked stone, including 27 projectile points, and 15 ground stone items. Two radiocarbon dates place the occupation between about 400 and 75 B.C. Ethnobotanical and faunal data suggest seasonal use of the site during the late spring or early summer to gather ricegrass and hunt antelope, deer, and rabbit. No evidence of maize agriculture was recovered from the site. Billman (2003) notes that the construction of a large residential structure and storage features at 5MT10525 represents a substantial intensification of the wild resources within the grassland zone of the southern piedmont, rather than the cultivation of corn. The site appears to be indicative of a shift from a land use pattern in the Early and Middle Archaic based on small, temporary camps occupied by small groups for short periods to seasonally occupied Late Archaic base camps from which more intensive hunting and gathering forays could have been staged.

No other excavated data from Late Archaic sites are known from the study area and thus excavated samples from Late Archaic sites are crucial for understanding the forager occupation

of the study area, the emergence of maize agriculture, and how representative the excavated sample from 5MT10525 is. Do other Archaic sites contain evidence of maize agriculture or is the Archaic truly a foraging adaptation, albeit a changing one over time?

The Navajo Mountain Road Archaeological Project (NMRAP), a recent nearby project in northeastern Arizona and southeastern Utah, revealed Late Archaic sites that were similar to Site 5MT10525 in that they lacked evidence of maize agriculture. Gieb (2011:223) notes that the introduction of domesticates at 400 B.C. marks a profound cultural shift to a Basketmaker II lifeway, which included relative dependence on agriculture (Gieb 2011:225-226). To the east, in northwestern San Juan Basin, maize was present in Archaic contexts, but based on the rarity of maize macrofossils and pollen grains, cultigens played a minimal role in the subsistence system (Sesler and Hovezak 2002:121). A greater sample of Archaic sites in the study area needs to be investigated with the goal of assessing how and when agriculture was introduced, and obtaining an understanding the regional variation in this process.

Another important question to pursue for the Archaic period is whether there is a continuous or discontinuous record of forager occupancy prior to BM II period (Berry and Berry 1986; Irwin-Williams 1979; Matson 1991; Wills 1988). The NMRAP revealed a discontinuous record of forager occupancy punctuated by a long hiatus just prior to the local introduction of domesticates (Gieb 2011:205). Addressing this issue is important for any arguments for long-term in-situ development. Part of resolving this issue may lie in expanding the scale of analysis to encompass the annual rounds of mobile foragers. In other words, the record may appear discontinuous at a relatively small scale, such as the study area, but may be more continuous across a larger analytical scale. Any future research focusing on the Archaic period should consider the issue of the scale of the Archaic landscape and the movement of people across this landscape.

Flaked stone artifacts recovered from Archaic sites as part of the UMUILAP were made of relatively local materials, indicating that Archaic groups utilizing the area had considerably smaller ranges than did most Southwestern Archaic groups. By comparison, based on obsidian recovered from Archaic sites in the NMRAP in northeastern Arizona, Geib (2011:183-193) reconstructed subsistence ranges and territories for foragers that extend upwards of 200 kilometers in diameter. Billman (2003) attributes the smaller catchments of the Archaic groups of the UMUILAP to local environmental diversity. There is a rise of more than 1600 m in elevation in the 36 km from the San Juan River to the peak of Ute Mountain and over this distance a plethora of vegetative zones are comprised, from riparian and grassland to coniferous forest and alpine. Future questions that should be addressed for Archaic sites revolve around how representative current patterns are for the study area as a whole and how Archaic patterns in the study area can be used to help understand patterns in adjacent areas through addressing issues of changing use of the landscape throughout the Archaic period, movement of people across these changing landscapes, and the connectivity of distant places and people during this period.

One of the strongest patterns to emerge in the next period (Basketmaker II) is the formation of different ethnic groups across the northern Southwest. This pattern appears as material culture differences and the spatial clustering of the groups across the northern Southwest (Matson 1991; Varien 2008). These cultural divisions may have antecedents in the Archaic period based on the

Archaic annual territories. Establishing and assessing these territories archaeologically may help in understanding the development of Basketmaker II social and cultural boundaries and ultimately Basketmaker II society.

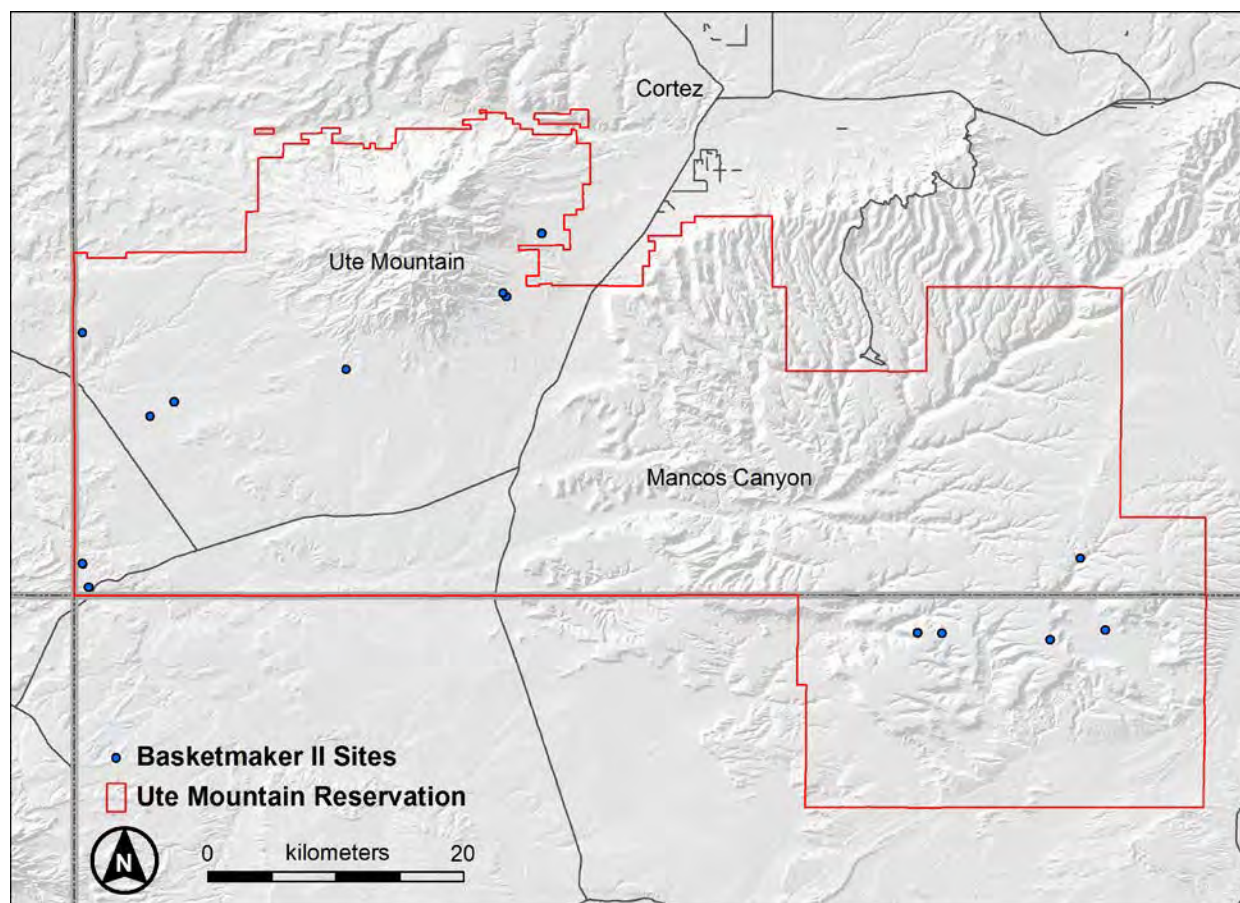
The Basketmaker II (BM II) period marks the time in which groups become relatively dependent on maize agriculture. The timing of this occurrence varies across the northern Southwest, but generally occurs between 400 B.C. and 1 B.C. BM II settlements in the northern Southwest tend to be more substantial architecturally than Archaic sites, contain more storage features and cultigen processing equipment (ground stone), and yield many times more maize macrofossils and pollen (see for example Potter 2010:72; Sesler and Hovezak 2002:144-146). Basketmakers still foraged and were seasonally mobile, but hunted and gathered resources composed much less of the diet than in late Archaic times, and mobility tended to be restricted to an upland-lowland pattern rather than the vast ranges that Archaic foragers traversed. This period dates from roughly from about 400 B.C. to A.D. 500. As with the rest of the central Mesa Verde area, there are very few BM II sites in the study area and none have been excavated (Figure 2.3).<sup>8</sup>

Later Basketmaker II groups (ca. A.D. 0 to 500) gradually incorporated flour corn (in addition to pop corn varieties), beans, arrows (in addition to darts), and pottery. These items set the stage for the Basketmaker III period and together with corn agriculture compose what has been termed the Full-Neolithic Package (Kohler and Varien 2010).

Charles and Cole (2006) identify eight areas in the Four Corners settled by these early Basketmaker farmers. Regional similarities and differences in the material culture have led scholars to divide these into Western and Eastern Basketmakers (Matson 2003). Western Basketmakers are seen as immigrants who brought the practice of maize farming with them, while Eastern Basketmakers are interpreted as hunters and gatherers who were already living in the Four Corners and who adopted maize farming after it was introduced by the western groups (LeBlanc et al. 2008; Matson 2007).

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<sup>8</sup> 5MT10525, though it is discussed as a Late Archaic site here and reported as Late Archaic by Billman (2003), is catalogued as a BM II site by Lipe (1999:149) due to its relatively late date range.



**Figure 2.3.** Distribution of known BM II sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

Questions that should be considered for any BM II sites that are investigated in the study area include:

- What cultural characteristics do any BM II sites have with respect to Matson’s characterization of an Eastern and Western Basketmaker (Matson 1991; 2006; Charles and Cole 2006). In other words, what kind of connectivity do these sites have?
- How does the use of the landscape differ from the Archaic use in terms of settlement position, types of sites, and the creation of important places such as shrines and rock art; and
- What is the local population level during this period and how does this inform on the subsequent colonization of the central Mesa Verde region in the late A.D. 500s and early 600s? For example, are they potentially related to the populations that appear at sites like the Dillard Site (5MT10647) (currently being investigated by Crow Canyon Archaeological Center) in the later 500s?

Directly to the southwest of the study area, the NMRAP documented continuity across the BM II to BM III (pre-ceramic to ceramic) transition that took place over the span of several hundred

years (Geib 2011:279). That is, there was no dramatic or sudden adoption of a new trait complex that ushered in the BM III stage. This appears very different from the central Mesa Verde area in which sparse BM II occupations were rapidly replaced by BM III colonists. The position of the study area between these two regions (Mesa Verde and Kayenta) makes it ideal for investigating (1) any movement or connectivity between these areas during these early agricultural periods and (2) settlement data in the study area and comparing the latter to data from the two vastly different developmental processes represented by the two adjacent regions. These large-scale analyses have the potential to broaden our understanding of this massive cultural and demographic transition.

### **2.1.3 The Emergence of a Pan Puebloan Identity and Village Life: Basketmaker III and Pueblo I Periods**

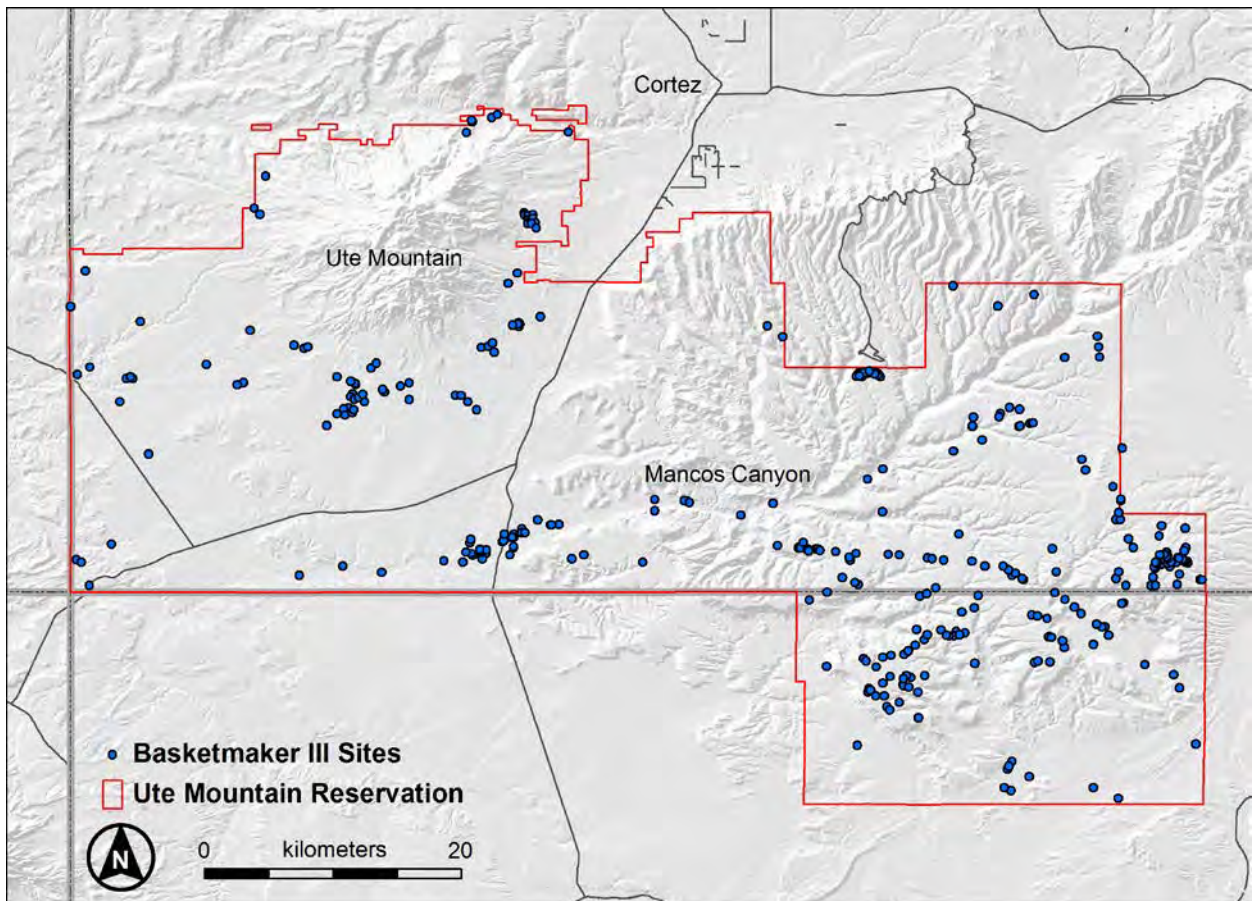
In the Mesa Verde region, the Basketmaker III (BM III) period (A.D. 550-750) marks the emergence of the first pan-Puebloan identity. Prior time periods were marked by the presence of culturally and spatially distinctive groups (Matson 1991). By contrast, the BM III period is represented by material uniformity that encompassed groups with different histories and languages. In addition, a number of innovations emerged during or just prior to this period, including pottery, the bow and arrow, domesticated beans, possibly flour corn, and dry-farming strategies. Kohler and Varien (2010:44) refer to this constellation of innovations as the “full Neolithic package.” These innovations enabled farmers to colonize much of the central Mesa Verde area, including the study area. These innovations were also roughly coincident with the appearance of public architecture (e.g., great kivas) and increasing residential sedentism. BM III sites in the Mesa Verde region are also known to have associated stockades (Chenault and Motsinger 2000; Morris 1991; Rohn 1975), suggesting concern for raiding and outbreaks of violence during this period.

BM III habitation sites in the region generally consist of a single pit structure, a surface structure, extramural activity areas, and a midden. Many BM III pit structures have been excavated and reveal a consistent layout, containing an antechamber and a main chamber and interior features such as a large central hearth and storage pits or bins. Many of these habitations do not appear to have been integrated into larger social groups and villages and great kivas are reportedly lacking in the region (Billman 2003:3.9). Recent work at the Dillard Site by Crow Canyon Archaeological Center is challenging this pattern. The site, located just north of the study area near Crow Canyon, dates to the late 6<sup>th</sup> and early 7<sup>th</sup> century and contains a great kiva and at least 12 associated pit structures (Copeland, Sommers, and Volf 2013). The ceramic assemblage indicates a significantly higher proportion of white ware and painted serving bowl sherds associated with the great kiva than with habitations, suggesting that communal feasting occurred at the structure (Schleher, Brown, and Gray 2013).

Recorded BM III sites in the study area are much more numerous than BM II or Archaic sites and appear to signify the migration of farmers into the area rather than in situ development and growth (Figure 2.4). This conforms more closely to the pattern seen in the rest of the central Mesa Verde area and contrasts rather sharply with areas to the south, such as the NMRAP. BM III sites appear to cluster at the base of Sleeping Ute Mountain, which may relate mostly to the

intensity of survey in that portion of the study area. BM III dry farmers appear to also have been drawn to the mesa tops to the west along the Mancos River, where deep loess soils (and subsequent occupation) occur (Figure 2.4).

Excavations of BM III sites in the study area reveal a pattern that diverges significantly from patterns of BM III settlement observed elsewhere in the Mesa Verde Region. Rather than the common pattern of one or more pit structures with a main chamber and an antechamber, a midden, surface structures, and a suite of extramural activity areas, excavations in the southern piedmont of Ute Mountain as part of the UMUILAP and Reach III of the Towaoc Canal documented seasonal habitations and field houses occupied by small groups for only one or at most a few seasons, as well as artifact scatters, the apparent remains of short-term field camps (Billman 2003: 3.11-3.15). An obvious research question to emerge from this pattern is how representative it is for the rest of the study area. Figure 2.4 shows several additional BM III clusters, one along the Mancos River and several in the southeastern portion of the study area. Do these represent communities or at least more substantial settlements than are evidenced on the southern piedmont of Ute Mountain? Are any BM III communal structures evident in these settlement clusters to indicate a similar settlement organization to the Dillard Site?



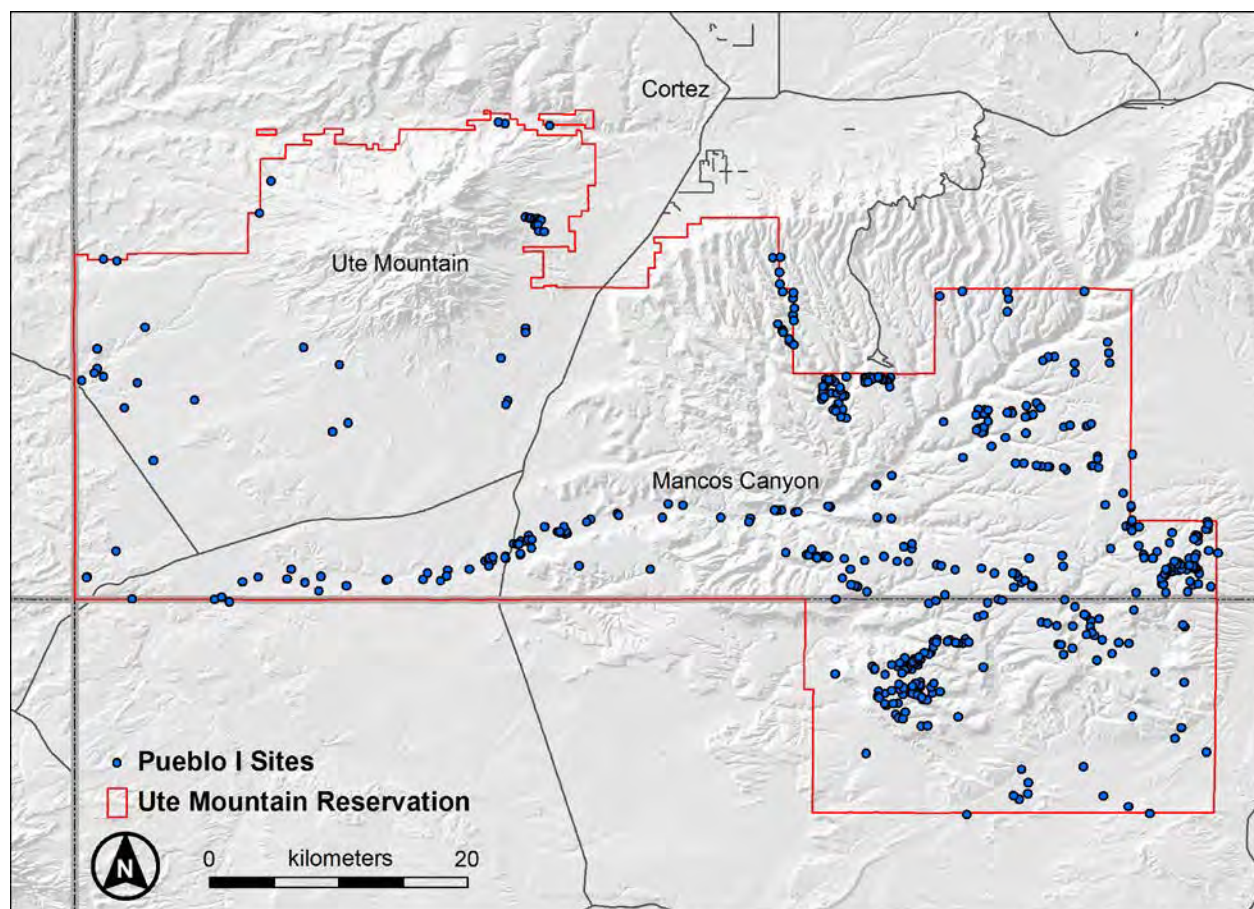
**Figure 2.4.** Distribution of known BM III sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

One of the main questions for BM III research is to resolve the issue of origins and ties to the BM II period. Currently, BM II populations appear sparse in the study area (see Figure 2.3). Conversely, BM II populations are well recognized in the Animas drainage, in southeastern Utah, and northeastern Arizona. The rapid increase in the number of BM III sites in the late sixth century clearly represents a major in-migration of groups with the full Neolithic package. It should be possible to trace the origins of these technologies and reconstruct the connections of the immigrants. Given the proximity of the western BM II groups, this is that most likely candidate for donor populations.

In addition to connectivity, how BM III households organized themselves on the landscape requires greater understanding.

- Were “isolated” households part of larger communities?
- Did households come together seasonally for communal and ritual purposes at great kivas at sites like the Dillard Site?
- Did institutionalized leadership emerge in this context?
- Could small residence groups survive outside a community’s care and influence and were stockaded sites part of a defensive strategy used by relatively isolated houses on the landscape?

Subsequent to the BM III period, the Pueblo I period (A.D. 750-900) saw the advent of large aggregated villages across the Mesa Verde Region in areas between 6560 and 7380 feet in elevation. Known village aggregations include the Dolores area villages (Kane 1986), sites in the La Plata drainage (Chenault 1996; Morris 1939), the large settlement clusters on Blue Mesa and in Ridges Basin (Chuiyka and Potter 2007; Fuller 1988; Potter 2010), the Badger House community (Hayes and Lancaster 1975), Alkali Ridge Site 13 (Brew 1946), and sites on Ute Mountain Ute tribal lands between Mancos and La Plata Rivers (Morris 1919; Wilshusen and Blinman 1995). In the study area, settlement shifts away from the southern piedmont of Sleeping Ute Mountain and begins concentrating along the Mancos River and in the eastern portion of the study area (Figure 2.5). Wilshusen and Blinman (1995) reanalyzed some of the sites between the Mancos River and La Plata River, originally excavated by Morris (1919), and suggest that these very large villages (one of which stretches 600 m across) date from A.D. 830-850. The timing of this occupation is intriguing because it dates after early Pueblo I (A.D. 750-825) villages to the east (e.g., Blue Mesa and Ridges Basin) and west (e.g., Alkali Ridge) and before the large villages along the Dolores River, which primarily date after A.D. 850. Establishing connectivity among these areas and modeling/tracking the movement of these groups across the regional landscape based on material similarities and population dynamics should be an objective of any Pueblo I research in the study area.



**Figure 2.5.** Distribution of known Pueblo I sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

One of the most intriguing patterns that emerged in the Pueblo I period was the great variation exhibited by these early villages (Chuipka 2009; Potter 2010; Wilshusen and Ortman 1999). Whereas BM III sites were remarkable for their uniformity and consistency of form and content, Pueblo I villages appear to have been the product of experimentation and ethnic group distinctions expressed through architecture, settlement organization, and material culture (Wilshusen 1999; Wilshusen and Ortman 1999; Wilshusen and Potter 2010; and chapters in Wilshusen, Schachner, and Allison 2012). Diet and cuisine variation is also apparent both among and within aggregated settlements during this time period (Potter 1997; Potter 2012). Did villages in the study area provide new cultural identities for those who inhabited them? How do they compare with other villages in the Mesa Verde Region? Do they look to be descendant of or ancestral to villages outside the study area?

Villages appear to have been one settlement option during the Pueblo I period, with much of the population opting out of the village lifeway and choosing instead to live in small hamlets. What percent of the Pueblo I population in the study area lived in villages? How does this compare with other areas (see for example Potter, Chuipka, and Fetterman 2012)? Do these villages exhibit similar tendencies to fission and collapse socially in the face of environmental downturns



as other Pueblo I villages, or do they appear more stable? If so, why? Is social conflict evident as it is in some early Pueblo I villages (e.g., Potter and Chuipka 2010)?

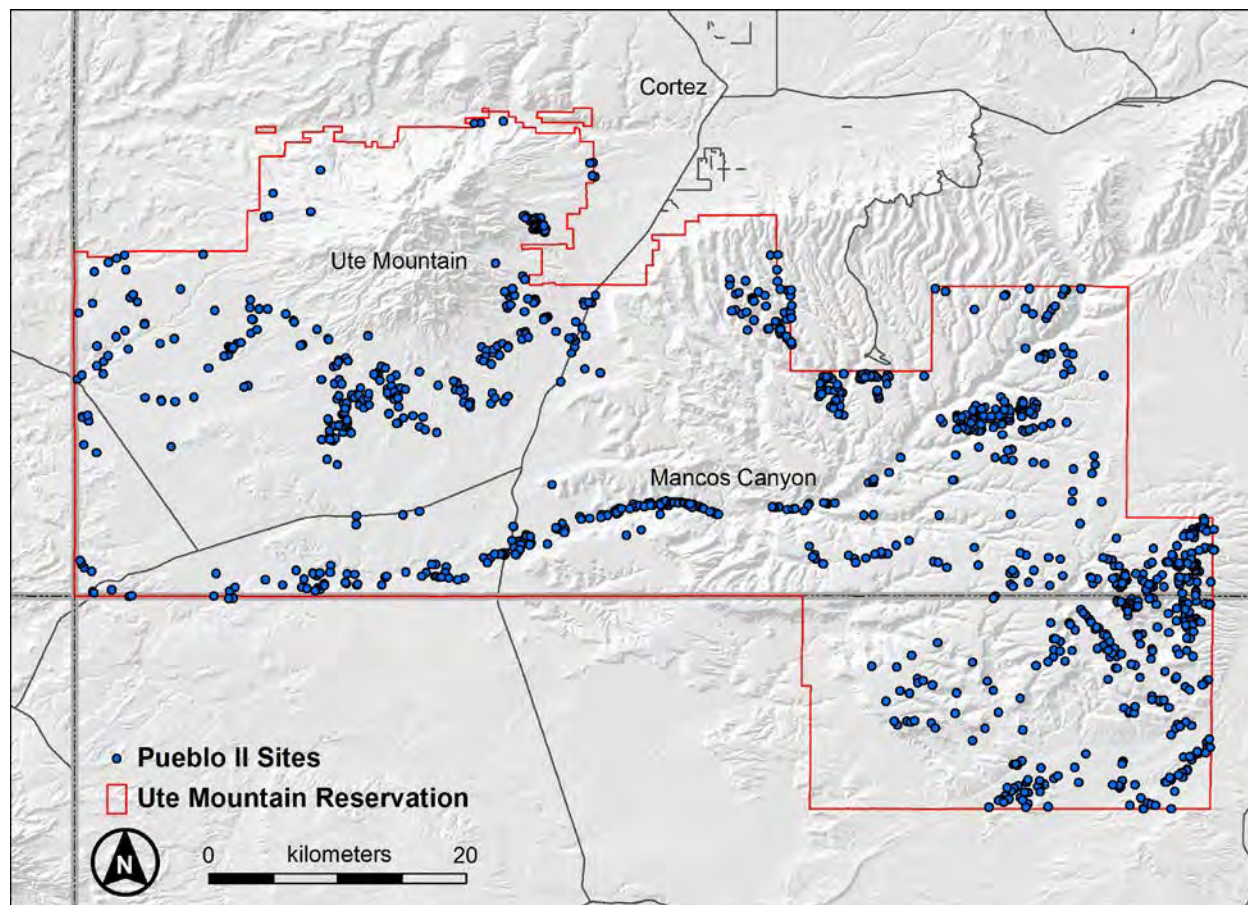
Between A.D. 880 and 900, the end of the Pueblo I period, depopulation of much of the Mesa Verde area occurred. Is this trend evident in the study area or had most groups moved out of the immediate area by this time to form large villages to north along the Dolores River? If and when they do leave, what is the process by which groups leave the study area in the Pueblo I period (see for example chapters in Nelson and Strawhacker 2011 on movement and connectivity)?

Wilshusen and Wilson (1995:75) suggest that there was a “large-scale population movement from the upland Colorado villages in the A.D. 880s to the more dispersed, but still very clustered communities of northwestern New Mexico in the late A.D. 890s and early 900s” (see also Wilshusen and Van Dyke 2006). How do sites in the study area relate to this proposed southward movement of communities? Are there (post-Dolores) communities in the study area comparable to those documented by Wilshusen and Wilson, such as Cedar Hill (Wilshusen 1995)? How do late Pueblo I sites in the study area fit into (or contrast with) this model of movement and connectivity?

#### **2.1.4 Village Expansion: The Pueblo II and III Periods**

The Pueblo II and III periods saw a second wave of village expansion across the Mesa Verde Region, beginning at about A.D. 1080 and lasting until about 1280. Much larger local populations were sustained during this “second wave of village life” (Kohler and Varien 2010:39) in the Mesa Verde region, and the study area is no exception (Figure 2.6).

During the early Pueblo II period, prior to 1050, typical habitation sites consisted of one or two habitation units containing a kiva (usually round in plan with a ventilator), a small number of associated surface rooms of jacal or masonry, often another small pit structure used as a grinding or mealing room, and a midden area. Over most of the Mesa Verde region, including the study area, communities consisted of dispersed clusters of these small habitation sites. Great kivas are present throughout the region and probably served as central features for many communities (Lipe and Varien 1999a:244). After 1050, although most communities continued to consist of widely dispersed homesteads and hamlets, some of these dispersed communities developed a community center. And after 1075 Chaco-related great house sites began serving as central structures for communities (Lipe and Varien 1999a:256; Cameron 2009). These great house sites contained a great kiva, a great house, a residential aggregate, or some combination of these.



**Figure 2.6.** Distribution of known Pueblo II sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

Varien et al. (2007:289) note a “burst of new center construction and immigration” after A.D. 1060. The burst of great house construction in the Mesa Verde region coincides with a major period of construction activity in the San Juan valley and the lower La Plata and Animas drainages of New Mexico, referred to as the “Totah” by McKenna and Toll (1992). The position of the current study area between the central Mesa Verde region and the Totah makes it a particularly important area for studying the interaction between these areas. Chaco-period research in the study area must focus on expanding our understanding of the political, religious, and demographic relationship between the Mesa Verde Region and Chaco and the Totah as well as better documenting Chaco-period communities in the study area. There are relatively few known or recorded great houses in the study area (Lipe and Varien 1999b:245-252), and the first question that must be asked is why this is. Clearly there were habitation sites throughout the study area during this time period (Figure 2.6). Was the study area a veritable “no man’s land” between the Totah and the central Mesa Verde area, where small dispersed communities resided but few Chacoan community centers were established? Or are there more Chacoan communities that need to be documented in the study area (i.e., is it a sampling issue)?

At least two Chacoan great houses have been documented in the study area, Ruins Corner (LA 2520) and Barker Arroyo Pueblo (LA 27498). Ruins Corner, located in the southern portion of the New Mexico, was partially excavated as part of a pipeline project in the 1950s (Wendorf et al. 1956). A small number of rooms were excavated on the east side of the rubble mound (Figure 2.7), but a great kiva is apparent in the center of the rubble mound and many more rooms remain uninvestigated. Mancos Black-on-white pottery and early core-and-veneer style [Type II] construction (Figure 2.8) suggest an eleventh century occupation of this building. What isn't known about this large site is the extent or composition of any community associated with this potential community center. No data on other potentially associated sites were collected as part of the pipeline project. Nor are there data indicating any previous or later occupations at the site.



**Figure 2.7.** Exposed architecture from earlier excavations at Ruins Corner (LA 2520).



**Figure 2.8.** Exposed “Type II” Chacoan wall at Ruins Corner (LA 2520).

Recent mapping and field analysis of artifacts at Barker Arroyo Pueblo on Barker Dome near the New Mexico/Colorado border revealed the site to comprise a great kiva, six architectural rubble mounds (one of which appears to be the remains of a great house), 15 kiva depressions, and six middens (Chuiyka and Potter 2011). Based on ceramic dating, the site was occupied between A.D. 920 and 1260, with population peaking between A.D. 1020 and 1100.

Both of these great houses appear to date earlier than many Mesa Verde great houses and the great houses in the Totah (A.D. 1100-1140) (Cameron 2009; Reed 2011). Ongoing work in the study area should focus on refining the temporal placement of great houses, documenting the larger communities surrounding great houses, and determining whether Chacoan great houses were built within long-established communities or whether communities formed around newly constructed great houses. Do these Chacoan buildings represent migrants from Chaco or the Totah or were they built by established communities, or most likely, some combination of these processes? As Cameron writes, “to understand the role of Chaco Canyon in the northern San Juan, it is important to consider when and how great house founding occurred” (2009:23).

The majority of excavated sites dating to this time period in the study area appear to represent small habitations. The piedmont work revealed two episodes of occupation during this period

(Billman 2003). The first (A.D. 1025-1075) consisted of immigrants settled in one or two-family homesteads on major washes on the piedmont. This was a short-lived occupation of the area, however, (perhaps as short as 20 years or one generation), as all of these settlements were abandoned by 1075. Then between A.D. 1075 to 1125 another colonization occurred. During this period, population coalesced into three communities in the east half of the piedmont, in Cowboy and Aztec Washes. These communities consisted of small clusters of small habitation sites. Community architecture or specialized ceremonial architecture such as great kivas or great houses are not evident. Were these small habitations connected to larger communities? Does the social landscape of the study area differ fundamentally from that of the central Mesa Verde area and the Totah?

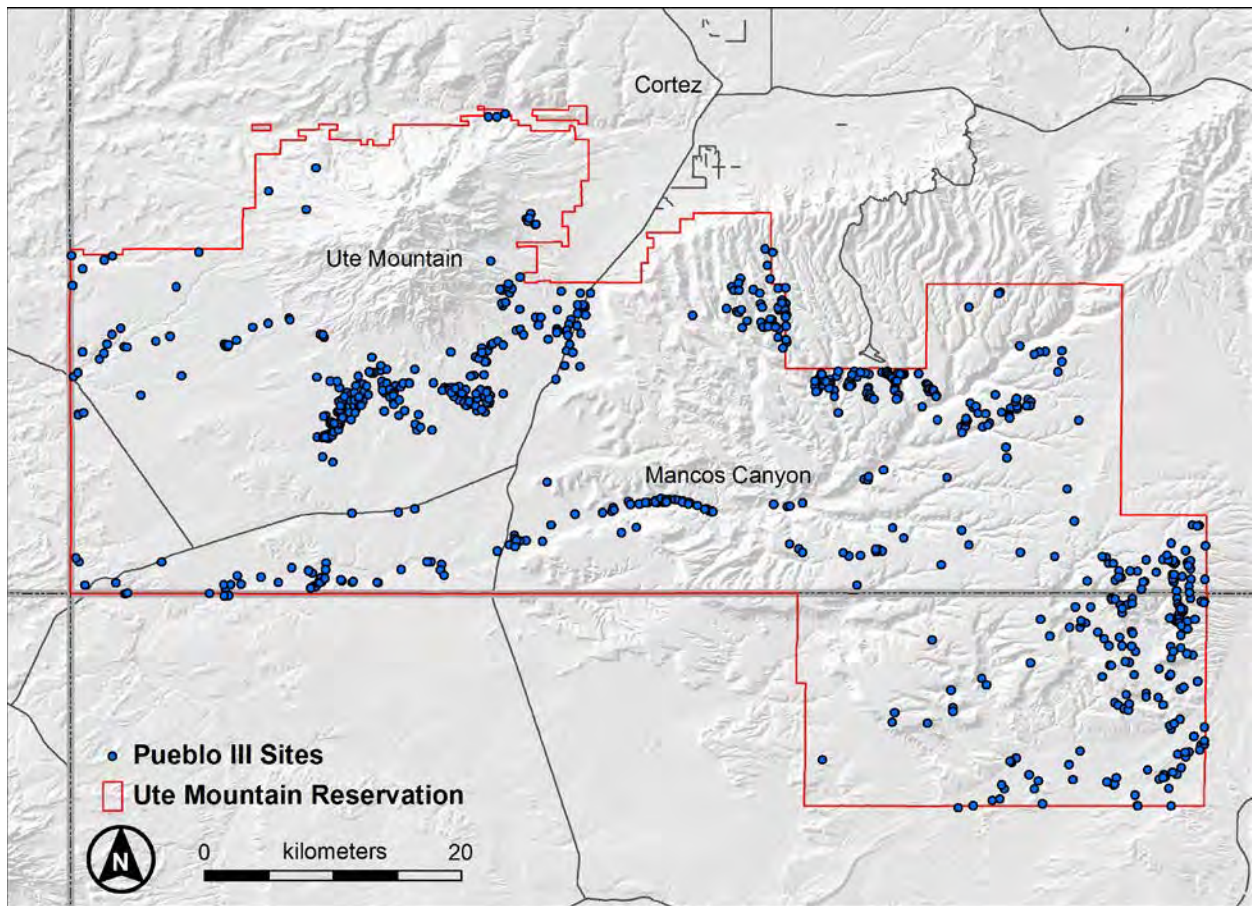
The Cowboy Wash Community habitations were abandoned abruptly at around A.D. 1150, and this abandonment involved community-wide violence, resulting in the disarticulated remains of at least 24 people. Billman (2008) suggests that the marginalization and isolation of these habitations at the foot of Ute Mountain and environmental stress made them vulnerable to attack and contributed to the brutality and audacity of the massacre. But violence of this nature is relatively widespread across the northern Southwest at this time (Kuckleman, Lightfoot, and Martin 2000; White 1992) and not restricted to isolated hamlets. Indeed, regionally, this period is characterized by changes in population distribution, severe drought conditions from A.D. 1130-1180, and unprecedented levels of violence (Glowacki 2006). Is there additional evidence of violence in contexts dating to the end of the Pueblo II period in the study area? If not, why not? What is the distribution of evidence for “social violence” (Nichols and Crown 2008) in the project area?

The Pueblo III period (A.D. 1150-1300) is a time of population increase and increased aggregation of population (Figure 2.9). This is also the time period in which the magnificent cliff dwellings of Mesa Verde and the canyon rim towers of Hovenweep were constructed, and though less well known, these site types are present in the study area.

Early Pueblo III (1150-1225) communities primarily consisted of loose clusters of dispersed small habitations in mesa-top locations associated with good agricultural land. Community centers are sometimes present in the form of a great kiva, a re-modeled Chaco-style great house, a semi-aggregated cluster of habitations, or some combination of these (Lipe and Varien 1999b:300). Chaco-style great houses were centrally located in some of these early Pueblo III communities, but even when present much of the community occupied small sites around these community centers. Late Pueblo III (1225-1300) settlement differs in that settlement aggregation intensified: both the number of community centers and the proportion of people who lived in centers increased; most of these new centers were built in canyon settings that had less-productive catchments than mesa-top sites; and the new centers in canyon settings contained domestic water sources such as springs (Ortman et al. 2012:39; Varien 1999).

On Mesa Verde, the late, canyon-oriented, aggregated villages often were clusters of cliff dwellings with a large central cliff site such as Cliff Palace. In the study area, these late Pueblo III villages tend to be built in the open or on a canyon rim and often at the head of a canyon with structures built on the rim and below the rim in shelters and/or on talus slopes below the rim. Squaw Springs Pueblo, located in the southern part of the New Mexico portion of the study area,

is an example of this type of site (Figure 2.10). Towers are present in late Pueblo III sites in the study area, especially near the Colorado-Utah border (Figure 2.11).



**Figure 2.9.** Distribution of known Pueblo III sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.



**Figure 2.10.** View north to the Squaw Springs Pueblo evident as rubble on the exposed sandstone.

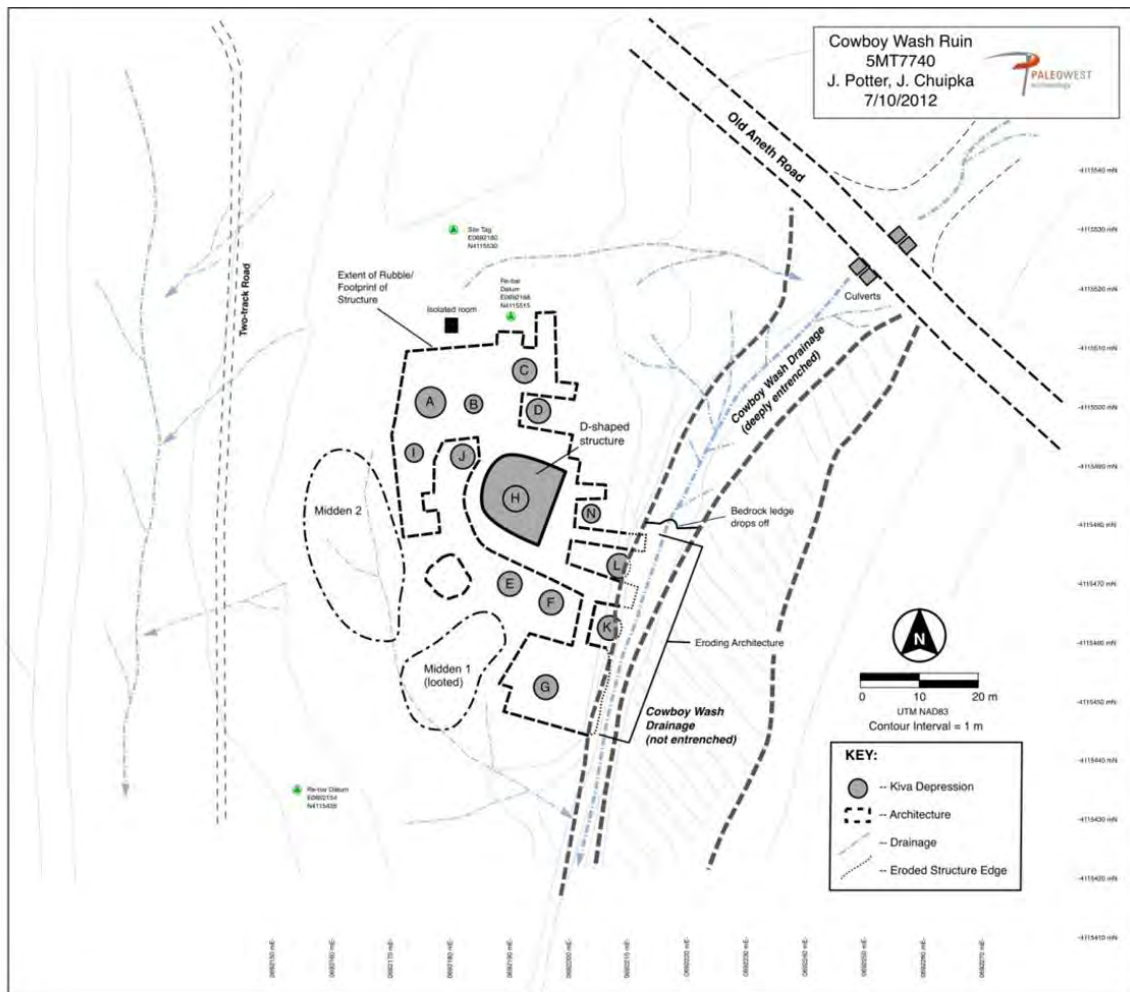


**Figure 2.11.** Examples of isolated Pueblo III tower sites in the western portion of the study area along the Mancos River.

The southern piedmont of Ute Mountain is perhaps the best investigated part of the study area for the Pueblo III period. Two communities are documented there, one centered on Cowboy Wash and one on an arroyo that feeds into Navajo Wash (Moqui Springs community). The UMUILAP focused primarily on the small habitations composing the Cowboy Wash community. Though somewhat larger than previous periods, habitation sites were small, consisting of midden areas, extramural features, between one and seven kivas, and one room block with between two and nine floor rooms. The largest site in the community, Cowboy Wash Pueblo (5MT7740) was not investigated as part of the project. A recent mapping project at this site conducted by the THPO however documented surface artifacts and remapped the site. This project increased the recorded number of kivas evident on the surface of the site from 9 to 13, altered the plan configuration and



shape of the site from previous recordings, identified midden areas, looted areas, and areas that are actively eroding, and identified a possible D-shaped structure (Figure 2.12).



**Figure 2.12.** Plan map of Cowboy Wash Pueblo (5MT7740).

It is not known if this site served as a community center for contemporaneous small sites or if the site was constructed after the abandonment of the small habitation sites. The relationship with the large site to surrounding smaller sites is even less well understood at the Moqui Springs site (5MT2803), several miles east of the Cowboy Wash community, two miles southeast of Navajo Wash on an arroyo that feeds into Navajo Wash. Future work in this part of the study area should focus on the chronological relationship of the large sites with the small sites, and with establishing population levels at these sites through time.

From limited surface examinations of artifacts (e.g., Potter, Varien, and Chuipka 2013) it is clear that Cowboy Wash Ruin and Moqui Springs date toward the end of the Pueblo III period and

further investigations may shed light on the depopulation of the region, and the study area, by 1280. One of the more interesting patterns to emerge from limited tree ring samples recovered from late Pueblo III sites in the study area is that, while the latest dates at Mesa Verde National Park and on the Great Sage Plain north of the study area are in the 1270s and 1280s, the latest dates from the Tribal Park and the southern piedmont of Ute Mountain are in the 1240s (Varien 2010:Table 1.2). One important question is the timing of the depopulation of the study area relative to other parts of the Mesa Verde area and how sites such as Cowboy Wash Ruin and Moqui Springs fit into this massive population shift out of the area.

Sites such as these, including Yucca House (Ortman 2010:242-243), may have been the last villages occupied by ancestral Puebloans in the region, and their inhabitants may have been involved in the final depopulation of this region. The Moqui Springs site in particular may shed much needed light on a massive reorganization just prior to and leading up to the final depopulation of the area. The site is large and D-Shaped; it likely contains over 100 rooms, a great kiva, and a large, enclosed plaza with several large kiva depressions. The large enclosed plaza is an uncommon layout for sites in this region. Interestingly, Yucca House contains a rectilinear plaza and it has been suggested that this layout is reminiscent of Late Coalition-period (A.D. 1300-1400) Rio Grande (Ortman 2012). As indicated above, both sites appear to date to the final years of occupation in the Four Corners region and may represent a transitional site format just prior to migration to the Rio Grande.

Like the Pueblo II period, adequate data from this period are lacking from large sites. Research objectives in the future should prioritize the mapping, chronology, and population estimates over time (population histories, including the abandonment) of large community centers. Moreover, work on Pueblo III period sites in the study area should attempt to tie individual sites to a broader landscape, particularly establishing community-wide connections and the movement of households relative to communities.

### **2.1.5 The Proto-historic and Early Historic period: The Utes**

The beginnings of the Numic-Ute tradition in southwestern Colorado are poorly documented archaeologically. Evidence for Numic expansion into Utah and Colorado is derived primarily from linguistic studies (Aikens and Witherspoon 1986; Ambler and Sutton 1989; Goss 1965; Hopkins 1965; Lamb 1958), which suggest that Numic-speaking Utes entered the Northern San Juan region sometime after the Ancestral Puebloan abandonment, between about A.D. 1200 and 1400 (Hovezak 1988; Lamb 1958; Madsen 1975; Rockwell 1956). Some researchers (Aikens and Witherspoon 1986; Goss 1965; Lamb 1958) have proposed that Numic populations “filled in the void” left by the Ancestral Puebloans. Others (Ambler and Sutton 1989a; Kayser 1965) suggest that hostile Numic groups may in fact have been partly responsible for the Ancestral Puebloan abandonment. Fewkes (1917:2) reported a Ute legend that describes how “they fought and killed many of the ancients inhabiting the valleys at Battle Rock (Castle Rock Pueblo, 5MT1825), near Sleeping Ute Mountain at the entrance to McElmo Canyon,” and excavations at Castle Rock Pueblo (Kuckelman et al. 2002) have revealed evidence of violence, although the excavators could not establish what prehistoric group attacked the pueblo.

The earliest archaeological evidence for Ute occupation of the Northern San Juan region is at Talus Village, north of Durango (Morris and Burgh 1954). Dean (1969) re-evaluated tree-ring

samples collected from one Talus Village structure and assigned an occupation date between A.D. 1600 and 1774. Based on the new dates and morphology, he concluded that at least this one structure probably represented a Ute occupation. Buckles' (1971) research on the Uncompahgre Plateau in west-central Colorado documented protohistoric and historic Ute occupations. However, Buckles was unable to define how long the Utes had been in Colorado, since most early sites are lithic scatters and are difficult to date.

Despite this evidence, Ute origins in the Mesa Verde region are poorly documented and understood. Ute sites are ephemeral and difficult to distinguish from Navajo and Archaic sites. The material culture of each group includes flaked stone, temporary brush structures, and fire-cracked rock features. Moreover, Numic-Ute artifact assemblages consist mainly of perishable and easily transported items such as baskets, skin sacks, buckskin clothing and moccasins, and wild foodstuffs. Architecturally, their sites are ephemeral as well. Archaeological and ethnographic sources show that prehistoric Numic and early historic Ute camps consisted of temporary dome-shaped shelters (wickiups) covered with willows, juniper bark, and grasses (Pettit 1990:16). The floors of these seasonally used structures were use compacted, often without intramural features, and sometimes were covered with juniper bark or other matting (Hogan et al. 1991). Hearths are sometimes found in wickiups but are more often present as extramural features, occurring singly, in pairs, and in clusters of up to ten or more (Cassells 1983:191).

Most early Ute groups did not commonly use pottery; however, archaeologists working on the Dolores Archaeological Project identified a Shoshonean micaceous brownware ceramic tradition in the Northern Periphery cultural subdivision of the Northern San Juan region (Errickson and Wilson 1988; Hill and Kane 1988). Unfortunately, these wares came from multiple-component sites, which precluded positive identification of their context. Farther to the north, Buckles (1971) found Ute ceramics that were "yellowish-brown or gray in color, and...finished with a smoothed surface or with rows of fingernail impressions" (Cassells 1983:192). The most distinguishing attribute of Ute pottery manufacture is that vessels were shaped and thinned by the paddle-and-anvil method, which causes perpendicular alignment of the temper fragments with the vessel wall (Hill and Kane 1988). Other Numic-Ute artifacts include items removed from earlier Archaic and Ancestral Puebloan sites, such as projectile points and pottery. The most diagnostic Ute projectile point style is the Desert Side-notched type (Eddy et al. 1984:104). However, Eddy and colleagues (1984) point out that many Ute peoples did not manufacture all of the items in their tool kits, at times collecting and reusing artifacts left by other cultural groups. Thus, stone tools and ceramics found on Ute sites that are normally considered by archaeologists to be diagnostic may have been procured elsewhere (Eddy et al. 1984:103), obscuring Ute cultural affiliation to certain sites and areas.

Wilshusen and Towner (1999:360) suggest three reasons that there are relatively few Ute archaeological remains: "(1) prehistoric and early historic Ute use of the landscape resulted in only short-term residential sites and minimal debris, (2) population levels were low and impacts minimal, and (3) there has been only limited archaeological interest in Ute sites." They also point out that at least 30 Colorado sites with radiocarbon dates and pottery suggest Ute affiliation (Reed 1988, 1994:Table 1), but none of these sites is in the Mesa Verde region. Where Ute sites are present, they note three types—residential sites, small camps represented by artifact scatters

with features or simple artifact scatters, and sites with peeled ponderosa pines that are associated with Ute bark (i.e., cambium) procurement (Martorano 1988). Residential sites, as suggested above are typically recognized by the presence of wickiup remains or by the presence of domestic trash. And Desert-side notch or Cottonwood Triangular projectile points and brown ware pottery sherds are considered indicative of Ute artifact scatters.

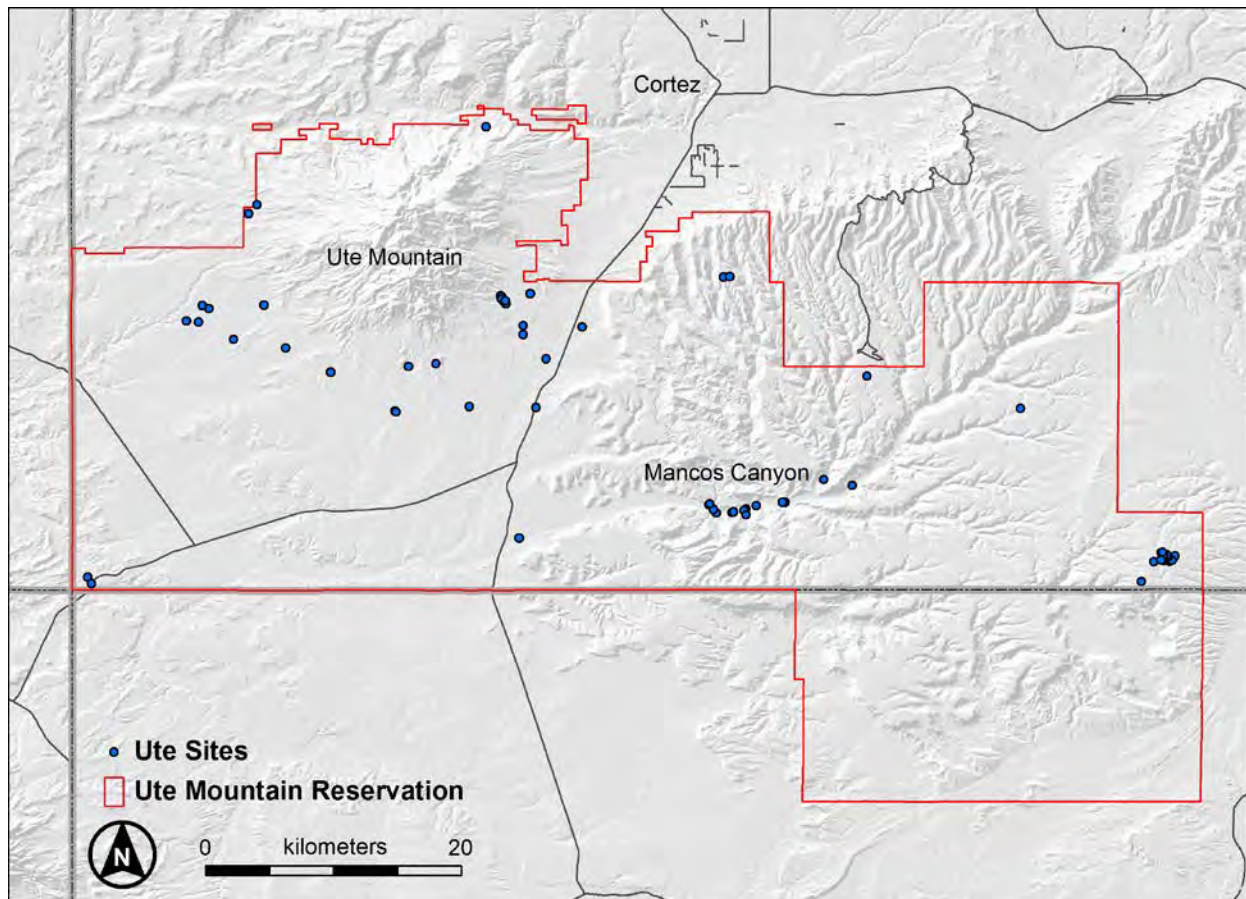
Many more than the 13 Ute sites discussed in Eddy et al. 1984 have been identified since 1983. Indeed, 31 have been recorded just within tribal lands (Table 2.1). Site types documented include cairns, camps, sweat lodges, corrals, structures, including wickiups, a granary, and rock art panels.

**Table 2.1.** Ute Sites Recorded in the Study Area

Site No.	Site Name	Description	Cultural Affiliation	Features Present	Probable Date
5MT.12550		Historic, Isolated Feature	Ute; Euro-American?	Cairn, Sandstone Slabs	
5MT.2768		Open Architectural, Ceremonial	Ute-Numic Speakers	Sweat Lodge	
5MT.11462		Historic; Camp	Ute?; Navajo?	Foundation, Sandstone>Fireplace, Base, Sandstone>Wood Chips	1960
5MT.7692		Historic; Line-Herding Camp	Ute?		>1939
5MT.15468		Historic, Structure	Ute	Structure>Sweat Lodge>Hearth>Fire-Cracked Rock Concentration	
5MT.15469		Historic, Sweat Lodge	Ute	Sweat Lodge>Hearth>Fire-Cracked Rock Concentration>Slab-Lined Pit	
5MT.15471		Historic, Sweat Lodge	Ute	Sweat Lodge>Hearth>Fire-Cracked Rock Concentration	
5MT.15472		Open Lithic; Historic, Habitation	Ute; Unknown Prehistoric	Dugout?, Cellar?>Historic, Structure>Hearth	
5MT.15473		Historic, Corral	Ute	Corral>Hearth	
5MT.13099	Morris #3 Annex	Sheltered Camp	Ute?	Grinding Surfaces>Overhang	
5MT.11461		Historic; Sheep Camp?	Ute?; Navajo?	Foundation?	
5MT.14281		Historic, Agricultural Complex	Ute?; Navajo?	Corral, Slabs, Branches, Wire>Depression, Wood, Fragments>Stone Ring	1950
5MT.7747		Historic, Line Camp	Ute	Hogan>Ash Dump>Wood Chip Area	1949
5MT.11516		Historic, Campsite?	Ute?	Trash Scatter	1949

5MT.11540		Historic, Hogan	Ute?; Navajo?	Hogan, Collapsed>Wood Pile>Ash Pile	
5MT.10334		Open Architectural, Ceremonial	Ute?; Navajo?	Sweat Lodge>Burned Rock/Ash Concentration	
5LP.2008		Sheltered Camp	Ute?		
5MT.8679		Open Architectural	Ute-Numic Speakers	Granary	>
5MT.9703		Open Camp	Ute-Numic Speakers	Stone Circle	
5MT.15539		Historic, Camp	Ute	Rock Overhang>Ash Pile	
5MT.12302	Leopard Man	Historic; Rock Art	Ute	Rock Art Panels, Pictographs	
5MT.2568		Open Architectural	Ute-Numic Speakers	Wickiup>Hearth>Other Arch Feature	
5MT.12298	The Warriors	Historic; Rock Art	Ute	Rock Art Panel, Petroglyph, Pictograph	
5MT.12300	Woman in Mourning	Historic Rock Art	Ute	Rock Art Panels, Pictographs, Petroglyphs	
5MT.12301	Many Images	Historic; Rock Art	Ute	Rock Art Panels, Pictographs, Petroglyphs	
5MT.12679	Ignacio Site (Rockart)	Historic; Rock Art	Ute	Rock Art Panel	1950
5MT.12296	Two Women	Historic; Rock Art	Ute	Rock Art Panels, Pictographs, Petroglyphs	
5MT.12680	Tommy's Ruin	Rock Art	Ute	Rock Art Panel	1950
5MT.12299	The Red Filly	Historic; Rock Art	Ute	Rock Art Panels, Petroglyph, Pictographs	
5MT.11537		Historic, Habitation	Ute?; Navajo?	Depression, Hogan>Ash Pile>Wood Chip Piles>Midden	1945
5MT.15528		Wickiup	Ute	Wickiup	

All of the sites recorded in the study area assigned a Ute or possible Ute affiliation are in the Colorado portion of the study area (Figure 2.13). It is not known whether this is a true distributional pattern or an artifact of the difficulty in distinguishing Ute from Navajo sites and of New Mexico archaeologists not being sensitive to the possibility that some proto-historic and historic sites might be Ute rather than Navajo. Some of this is the product of the rock art sites (see Table 2.1) being exclusively in Mancos Canyon, but other site types should be present in New Mexico. Future work in the New Mexico portion of the study area will need to take this possibility into better consideration.



**Figure 2.13.** Distribution of known Ute sites in the Colorado and New Mexico portions of the Ute Mountain Ute Reservation as of 2012.

Since the publication of Eddy et al. in 1984, Ute archaeology has focused primarily on identifying Ute sites and understanding Ute subsistence, seasonal movement, and changes in material culture (Wilshusen and Towner 1999:367). While progress has been made toward these goals, especially since 1984, more work needs to be done to address these issues. In addition, more Ute sites need to be excavated and dated to better apprehend not only the timing of the arrival of Numic speakers in the region but change over time of Ute culture and the resultant archaeological record. Finally, now that there are many more Ute sites identified, at least in Colorado, it would be productive to start linking personal ethnographies of Ute elders to specific sites.

### **2.1.6 Other Proto-Historic and Historic-Period Sites (1880-1960)**

Recorded historic-period sites in the study area are difficult to sort out because affiliation is seldom clear and chronological control is generally weak. Moreover, in Colorado isolated features and artifacts are recorded as sites (and given site numbers), skewing the counts of actual sites. Not counting artifacts, to date 101 historical sites have been recorded in the Colorado portion of the study area (Table 2.2). Thirty five are recorded in the New Mexico portion of the study area, but site types and composition are unknown. The sites in Colorado range from individual cairns to complex habitation sites comprising corrals, hogans, fences, and trash areas.

**Table 2.2.** Recorded Historical Sites by Type in the Colorado Portion of the Reservation

Historical Site Type	Count
Corral	17
Corral and Hogan	4
Hogan (or depression)	23
Agricultural Complex	2
Cabin	1
Cairn	4
Camp/camp site	17
Sheep camp	8
Cemetery	1
Check dam	6
Coal Mine	1
Irrigation ditch	1
Erosional Control System	1
Fence	1
Fire Pit	1
Foundation	4
Granary	1
Habitation	4
Trash dump/scatter	9
Rock art	7
Spring house	1
Sweat lodge	5
Wall/Terrace	2
Water trough	1
Total	101

One of the greatest challenges with these sites is distinguishing among Navajo and Ute sites, especially with respect to habitation (many with “hogans”) and sheep camp sites. The other challenge is linking sites in time and across space (connectivity). How many of the sites listed in Table 2.2 were used by the same people at roughly the same time? Can we delineate historic rural landscapes?

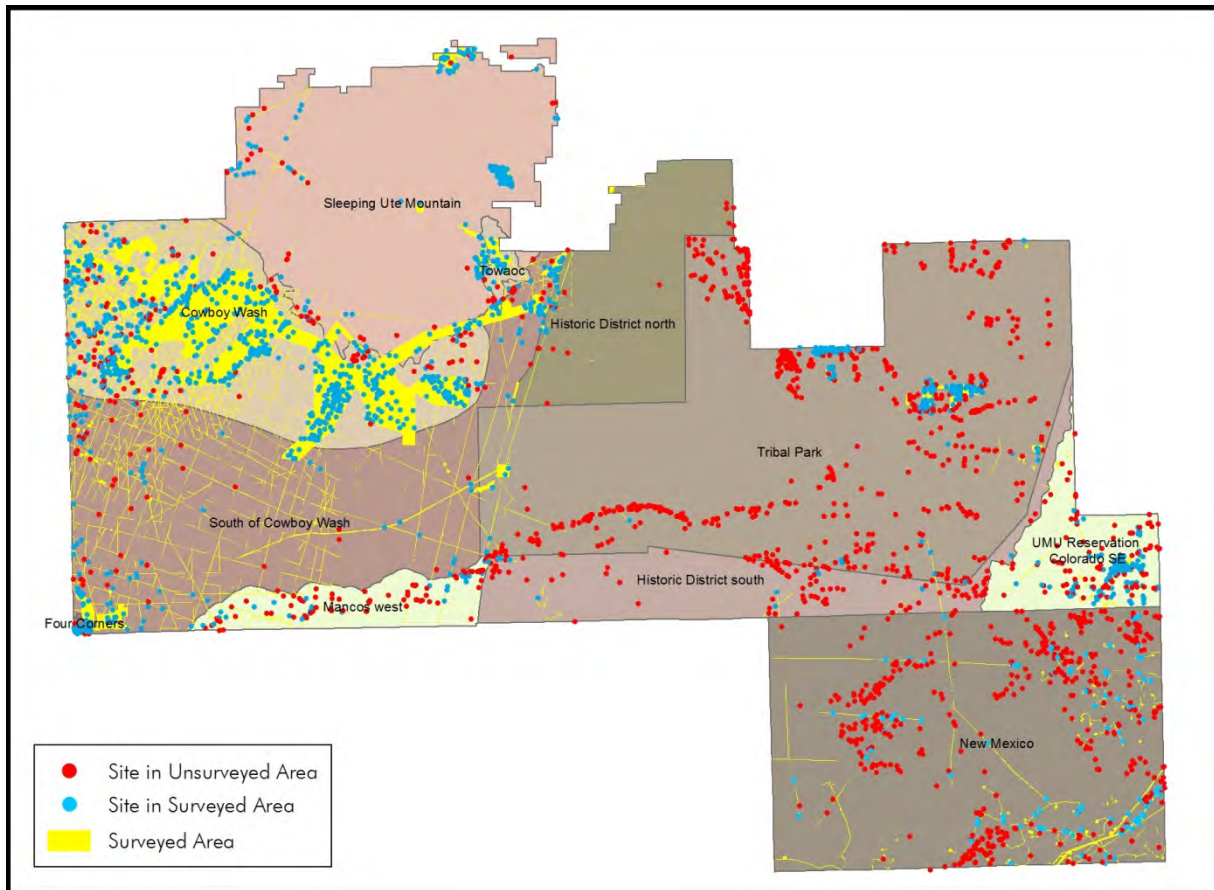
No historic buildings have been formally recorded or evaluated in the study area and historic resources generally are poorly understood and documented. Aside from simply documenting historic resources, some of the historic landscape themes that might be pursued in future work on tribal lands is delineating Ute versus Navajo land use, defining agricultural, mining, and ranching vernacular landscapes, and distilling ethnographic perspectives on historic land-use and tying these interpretations back to historic-era sites. It is suggested that for historic-era resource investigations, individual sites be evaluated both as individual sites and in terms of whether they are contributing elements to a larger historic landscape. In doing so, researchers should refer to National Register Bulletin 30: Guidelines for Evaluating and Documenting Rural Historic

Landscapes (<http://www.nps.gov/history/nr/publications/bulletins/nrb30/>) and Preservation Brief 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes (Birnbaum 1994) (<http://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm>). In addition, when evaluating sites, buildings, or landscapes related to historic mining, researchers should reference National Register Bulletin 42: Guidelines for Identifying, Evaluating, and Registering Historic Mining Properties (<http://www.nps.gov/nr/publications/bulletins/nrb42/>).



## 2.2 Site Densities and Anticipated Uses of Areas

In order to analyze and manage the known and projected cultural resources on tribal lands, the Reservation is divided here into 12 analytical units based somewhat arbitrarily on natural topography and geographical/political (e.g., state and park) boundaries. Shown in Figure 2.14 and listed in Table 2.3, these units exhibit vastly variable site densities and survey coverage.



**Figure 2.14.** Map depicting recorded site and survey distributions among analytical units across Colorado and New Mexico portions of the Reservation.

They also have different anticipated uses over the next ten years and, thus, impacts to resources within each unit are projected to vary. The following is a discussion of projected site densities and anticipated activities within each unit. Based on these data, the units are then classified in term of their overall cultural resource sensitivity<sup>9</sup> (low, medium, or high). Treatments or preservation actions are suggested for each unit based on the cultural resource sensitivity of each.

<sup>9</sup> Typically, cultural resource sensitivity refers to density and significance of resources. What is being presented here as sensitivity is really a measure of that in light of potential and anticipated threats.

### 2.2.1 Sleeping Ute Mountain

This unit encompasses the geological feature known as Sleeping Ute Mountain and defines the northern-most border of the reservation. Little survey has occurred in this unit due to the limited number of undertakings occurring within it thus far. However, the little survey that has occurred has produced a relatively moderate site density, producing a site density rank of 5 (Table 2.1). Anticipated activities within this unit include hunting, ceremonies, brush and tree thinning, fire prevention and fighting measures, and expansion of communications towers. These activities are considered low-impact activities and thus the sensitivity of this unit is considered low. However, the types of sites located within this unit, particularly in-use ceremonial sites, and the mountain’s sacredness to the Tribe due largely to its role in Ute origins, make it a particularly sensitive area to the Tribe.

**Proposed Mitigation Measures.** The THPO would ultimately like to list the Sleeping Ute Mountain as a traditional cultural property on the Tribal Register (see Sections 3.9.2 and 7.1) to afford it additional protections and ensure that future activities within the unit do not adversely affect its integrity as a sacred site.

**Table 2.3.** Site Densities for Analytical Units Across the Reservation

Name	Total (acres)	% surveyed	Total Recorded Sites	# sites surveyed area	Site Density in Surveyed areas (Rank)	Potential Impacts	Cultural Resource Sensitivity*
Sleeping Ute Mountain	76114	4%	182	150	5	Low	Low
Cowboy Wash	61433	45%	813	674	10	Moderate	Moderate
South of Cowboy Wash	82186	10%	220	151	11	Moderate	Low
Mancos west	13064	4%	96	25	8	Moderate	Low
Four Corners	240	52%	45	42	1	Low	Low
Towaoc	2092	27%	31	28	7	Moderate	Moderate
Historic District north	32743	1%	27	12	9	Low	Low
Tribal Park	145144	1%	823	185	3	High	High
Historic District south	28840	1%	113	13	4	High	High
UMU Colorado SE	17408	6%	201	117	2	High	High
New Mexico	104348	2%	549	110	6	High	High

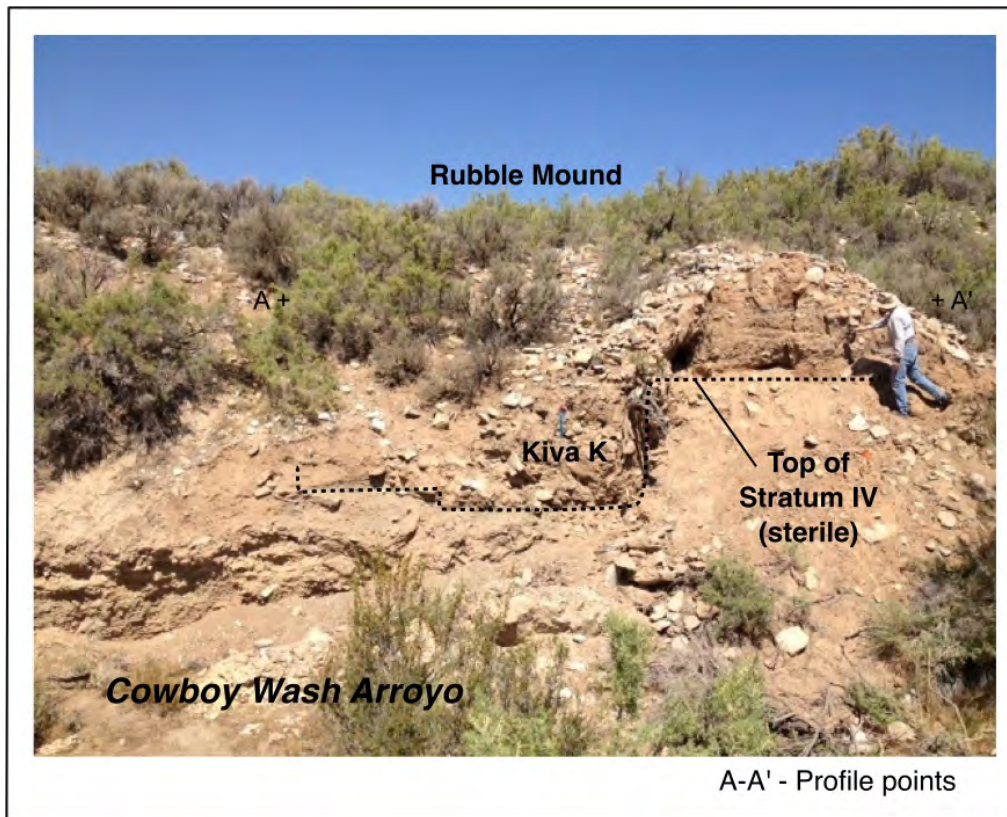
\*Based on both site densities and anticipated activities that could adversely affect cultural resources

### 2.2.2 Cowboy Wash

Named after one of several washes that traverse the southern piedmont of the Sleeping Ute Mountain, the Cowboy Wash unit encompasses the area investigated as part of the Ute Mountain Ute Irrigated Lands Archaeological Project (UMUILAP) (Billman 2003) and developed as the Farm and Ranch Enterprise. It is therefore one of the most intensively surveyed parts of the Reservation. Site densities are relatively low compared to surveyed acreage (even though this unit has the highest surveyed-area site counts [Table 2.2]). Anticipated activities for the unit

include additional Farm and Ranch activities, including possible expansion of irrigated fields, and possible solar projects. These activities are considered moderate in their potential impacts to cultural resources. This, coupled with the large number of known in sites in the area, make the sensitivity of this unit moderate.

**Proposed Mitigation Measures.** As discussed in Section 1.3.1, the Bureau of Reclamation and the SHPO concurred that the sites within the proposed Cowboy Wash Archaeological District (CWAD) make up a discontinuous archaeological district that is eligible to the NRHP, but the district has yet not been officially nominated to the NRHP as an archaeological district. The THPO proposes to follow through on nominating the CWAD as a National Register-eligible historic district. Additionally, Cowboy Wash Ruin (5MT7740), located just north of the UMUILAP area along Cowboy Wash, has been identified as a large Pueblo III period site undergoing active erosion; several architectural features, including a room wall in the above-ground masonry room block, surfaces associated with this room, and a subterranean kiva located south of the room block have been exposed by erosion from the wash (Figure 2.15). The THPO conducted preliminary work at this site in 2012 (Potter, Varien, and Chuipka 2013) to map the site and develop a preservation plan. This plan recommends several preservation measures, including constructing a water diversion structure, modifying channel flow, and re-vegetating and stabilizing the exposed site area, which the THPO plans to implement (See Section 6.1).



**Figure 2.15.** Annotated photograph showing architectural units of Site 5MT7740 exposed by erosion from Cowboy Wash (from Potter, Varien, and Chuipka [2013]).

### **2.2.3 South of Cowboy Wash**

A moderate amount of survey has been conducted in this unit for oil and gas exploration (seismic), but site densities are relatively low, placing the unit near the bottom in terms of rank based on site densities (Table 2.2). Anticipated uses of this unit include oil and gas development, solar development, road development, and grazing. These projected impacts are considered moderate in their potential impacts to cultural resources, but low site densities make the sensitivity of this area low.

***Proposed Mitigation Measures.*** Surveys conducted in this area are more than twenty years old. Any undertakings occurring in this unit will require full-coverage pedestrian survey.

### **2.2.4 Mancos West**

This unit encompasses the area south of the Mancos River and west of Highway 491. Site densities in surveyed areas is relatively low, but overall site density appears relatively moderate (Table 2.1). Anticipated activities include powerline expansion and maintenance, including road construction through the area, and homesite construction and improvement within the eastern edge of the unit (near the highway), including water and utility-line expansion. These projected impacts are considered moderate in their potential impacts to cultural resources, but low to moderate site densities make the sensitivity of this area low.

***Proposed Mitigation Measures.*** Numerous small Pueblo III sites with standing (tower) architecture exist in this unit (see Figure 2.11). These sites should be assessed for their preservation needs and recorded as potential cultural landscapes with attention to character-defining landscape features.

### **2.2.5 Four-Corners**

At 240 acres, this unit is the smallest. It was separated out due to its very high percentage of area surveyed and its high site density. There are no anticipated activities in this unit other than current uses for tourism, however. Therefore, the sensitivity of this area is considered low.

***Proposed Mitigation Measures.*** None are proposed above those necessary to comply with Section 106 of the NHPA and other legislation discussed in Section 3.8 of this document.

### **2.2.6 Towaoc**

The town of Towaoc is seventh in its site density-ranking among all the analytical units and has been relatively intensively surveyed (Table 2.2). Anticipated activities within this unit include homesite development, utility-line construction, road development, and power development, particularly solar. These projected impacts are considered moderate in their potential impacts to cultural resources. This, coupled with a moderate site density, makes the sensitivity of this area moderate.

***Proposed Mitigation Measures.*** This unit is the most likely to contain historic buildings and structures. The effects of any activities that have to the potential to adversely affect the integrity of eligible historic buildings and structures should be taken into account and mitigated. In addition, as per Section 110 of the NHPA, any viable historic buildings should be evaluated as

potential buildings in which to carry out agency responsibilities (see Section 3.8.1 of this document).

### **2.2.7 Historic District North**

This unit comprises the northern portion of the Ute Mountain Ute Mancos Canyon Archaeological District. It has had almost no survey conducted in it and has only 27 sites recorded in its 32,743 acres. Such a small percentage of the total acreage has been surveyed that it is not possible to predict site densities for this unit. Anticipated uses of this area include grazing and some homesite development, but this will likely be restricted to the far western edge of the unit, along Highway 491. These activities are considered low in their potential to impact cultural resources. Thus, although site densities may be high in this unit, the likelihood of activities adversely affecting these sites is low, making the sensitivity of this area low.

***Proposed Mitigation Measures.*** None are proposed above those necessary to comply with Section 106 of the NHPA and other legislation discussed in Section 3.8 of this document.

### **2.2.8 Tribal Park**

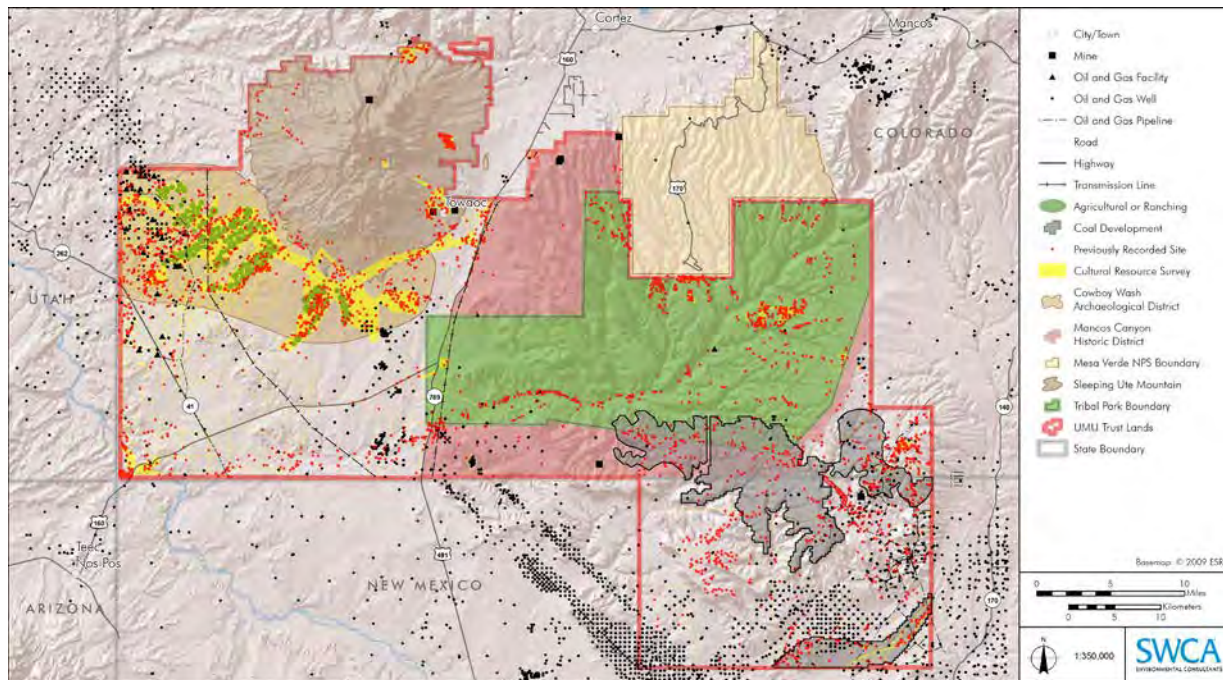
The Tribal Park contains the largest number of sites of any other unit, but has had very little survey conducted in it. What little survey has been conducted has produced one of the highest site densities on the Reservation (Table 2.2). Anticipated uses include heritage tourism, grazing, wetlands development, and native species regeneration. In addition, the Menefee coal deposit extends into the southern portion of this unit, which may lead to mining activities being conducted in this portion of the unit (Figure 2.16). The sensitivity of this unit is therefore high, since impacts to important and sensitive sites are imminent from tourism and are possible from mining.

***Proposed Mitigation Measures.*** The lack of survey data inhibits adequate management of resources within this unit. Moreover, the quality of survey and mapping work conducted in the Park has been inadequate. Therefore, one proposed mitigation measure is to conduct full pedestrian surveys in areas known to contain sites that have been previously recorded and that pose preservation concerns (as per Section 110 of the NHPA). A large-site mapping program should also be implemented with the goal of developing site specific preservation plans for the largest and most threatened sites, such as Red Pottery Mound and Kiva Point (sites that receive a lot of visitors), and Lewis Mesa. In addition, a training program should be implemented for Tribal Park guides that is developed and overseen by the THPO and any improvements, stabilization efforts, or modifications to sites for visitation that affect the integrity of historic properties need to be permitted and overseen by the THPO. Any unavoidable adverse effects to cultural resources in this unit due to mining activities should be mitigated through (1) full treatment [i.e., data recovery] of the affected resources, (2) the development of cultural resource preserves in other areas of the Reservation, and (3) the creation of a Tribal museum, cultural center, and curation facility.

Finally, Mancos Canyon within the Tribal Park has one of the highest known densities of Ute sites on the Reservation (Figure 2.13). These sites should be recorded in detail and assessed for preservation needs, and elders should be interviewed regarding their memories of these places.

### 2.2.9 Historic District South and UMU Colorado SE

Along with the Tribal Park, these two units exhibit some of the highest site densities within surveyed areas on the Reservation (Table 2.2). Anticipated uses of these areas include natural gas drilling and pumping, coal mining, surface water development and delivery (including a potential water pipeline from Lake Nighthorse), and grazing. These activities are considered high in their potential impacts to cultural resources. This, coupled with high site densities, makes the sensitivity of these areas high.



**Figure 2.16.** Map showing distribution of oil and gas wells, mines, and coal deposits on tribal lands.

**Proposed Mitigation Measures.** Any large-scale impacts to cultural resources in this unit due to mining or other activities should be mitigated through full treatment [i.e., data recovery] of the affected resources and the development of cultural resource preserves in other areas of the Reservation, as well as the creation of a Tribal museum, cultural center, and curation facility.

### 2.2.10 New Mexico

This unit has a moderate survey-area site density, but a high site density overall. Anticipated uses include coal mining, natural gas development, pumped storage, solar energy development, and ground water and surface water development. Both the Fruitland and Menefee coal formations are present in this unit. These activities are considered high in their potential impacts to cultural resources. The high site density and high likelihood of impacts to these cultural resources from anticipated activities makes the sensitivity of this area high.

**Proposed Mitigation Measures.** Any large-scale impacts to cultural resources in this unit due to mining or other activities should be mitigated through (1) full treatment [i.e., data recovery] of the affected resources, (2) the development of cultural resource preserves in other areas of the

Reservation, and (3) the creation of a Tribal museum, cultural center, and curation facility. Several large ancestral Puebloan sites are located in this unit and are likely to be adversely affected by mining and/or natural gas development activities, including Ruins Corner (LA 2520), a Chacoan period great house site (Figure 2.7 and 2.8), and Squaw Springs, an extensive complex of masonry rooms (and possible towers) along a sandstone outcrop (Figure 2.10). Ruins Corner was partially excavated as part of an earlier excavation project (Wendorf, Fox, and Lewis 1956), but much of the site remains uninvestigated, including a great kiva and numerous rooms. Squaw Springs has not been formally documented. These sites need to be thoroughly documented and either preserved or fully excavated prior to any adverse effects due to mining and natural gas development activities.

One area that is proposed as a cultural resources preserve is the Barker Arroyo community, an ancestral Puebloan community dating primarily to the Pueblo II period consisting of a large central Chacoan site with a great house and great kiva (Barker Arroyo Pueblo- LA27948) (Figure 2.17) and associated dispersed hamlets. This site and several associated sites were mapped in 2011 and 2012 as part of an ongoing project to document this community and develop a preservation plan for it (Chuiyka and Potter 2012; Potter and Varien 2014).



**Figure 2.17.** Barker Arroyo Pueblo, Site LA27948, looking east toward Barker Arroyo.





### 3.0 THE THPO AND THE NHPA

One of the greatest responsibilities of a THPO is to consult with the appropriate federal agencies about federal undertakings that may affect culturally significant properties on tribal lands in accordance with NHPA Section 106 and implementing regulations set forth in 36 CFR Part 800 as amended (which can be found at <http://www.achp.gov/regs-rev04.pdf>). While federal agencies are responsible and accountable for adherence to the NHPA, they have a variety of alternatives for obtaining critical expertise, including THPOs. In particular, THPOs participate in the Section 106 review process, coordinate reservation-wide inventory of historic properties, nominate properties to the National Register, maintain a reservation-wide preservation plan, and assist others with preservation and education about historic properties (see Section 1.2). The following outlines the property types the THPO must identify, evaluate, and register. This section also includes the process of eligibility determination and nominating properties to the National Register.

#### 3.1 Historic Property Types

The NHPA identifies five types of historic properties: sites, structures, buildings, districts, and objects. The following definitions of historic properties are paraphrased from the National Register criteria in 36 CFR Part 60, which provides technical information on comprehensive planning, survey of cultural resources, and registration in the National Register (see also NR Bulletin 15, <http://www.cr.nps.gov/nr/publications/bulletins/nrb15/>).

- **Site.** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. Examples include battlefields, campsites, cemeteries, ceremonial sites, designed landscapes, habitation sites, natural features having cultural significance, petroglyphs, rock shelters, ruins of a building or structure, trails, and village sites.
- **Structure.** A structure is a functional construction made for purposes other than creating human shelter. Structures nominated to the National Register must include all of the extant basic structural elements. Parts of structures cannot be considered eligible if the whole structure remains. If a structure has lost its historic configuration through deterioration it is categorized as a site. Examples include bridges, cairns, canals, earthworks, fences, highways, irrigation systems, kilns, railroad grades, and windmills.
- **Building.** A building is a structure that was constructed primarily to shelter human activity. The whole building must be considered, and its significant features must be identified. If a building has lost its basic structural element it is considered a “ruin” and classified as a site. Examples include churches, courthouses, houses, libraries, schools, stables, stores, forts, and train stations.
- **District.** A district is defined as a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district

results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. Examples include business districts, canal systems, groups of habitation sites, farms, irrigation systems, residential areas, rural villages, transportation networks, and rural historic districts.

- **Object.** Objects are constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. An object is associated with a specific setting or environment. Examples are boundary markers, fountains, mileposts, monuments, sculptures, and statuary.

In addition to these five historic property types, the THPO recognizes the cultural significance of landscapes and traditional cultural properties (TCP) as legitimate property types as well (even though anything on the National Register is listed as a building, structure, site, district, or object).

**Cultural landscape** is a geographic area, including both cultural and natural resources, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values (Birnbaum 1994). Cultural landscapes reveal fundamental ties between people and the land, a pattern of things both natural and constructed. There are four types of cultural landscapes and these are not mutually exclusive (<http://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm>).

- **Historic site.** A landscape significant for its association with a historic event, activity or person.
- **Historic designed landscape.** A landscape significant as a design or work of art that was consciously designed and laid out either by a master gardener, landscape architect, architect, or horticulturalist to a design principle, or by an owner of other amateur according to a recognized style or tradition, and has a historical association with a significant person, trend, or movement in landscape gardening or architecture, or a significant relationship to the theory or practice of landscape architecture.
- **Historic vernacular landscape.** A landscape whose use, construction, or physical layout reflects endemic traditions, customs, beliefs, or values in which the expression of cultural values, social behavior, and individual actions over time is manifested in physical features and materials and their interrelationships, including patterns of spatial organization, land use, circulation, vegetation, structures, and objects, and in which physical, biological, and cultural features reflect the customs and everyday lives of people.
- **Ethnographic landscape.** Areas containing a variety of natural and cultural resources that associated people define as heritage resources.

A **traditional cultural property** is a National Register-eligible property associated with cultural practices or beliefs of a living community that are rooted in that community's history or are important in maintaining its cultural identity (National Register 38:1). Traditional cultural properties are ethnographic resources eligible for listing in the National Register of Historic Places. Their significance derives from the role the property plays in a community's historically rooted beliefs, customs, and practices. As such, the value of traditional cultural property must be

shared by a group of people<sup>10</sup> and it must possess time depth (history). As presented in National Register Bulletin 38, examples of properties possessing such significance might include:

- a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- a rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

Traditional cultural properties are sometimes confused with sacred sites. A sacred site (or “spiritual place” [King 2003:9]) is one (and perhaps the most common) type of traditional cultural property, but as is readily evident from the examples above is not the only type. A traditional cultural property that is not considered a sacred site may be important because of what people do there, or have done there in the past, and this practice need not necessarily be spiritual in nature. Examples of places that have been identified or recognized as traditional cultural properties include mountains, mountain ranges, rivers, springs, lakes, waterfalls, islands, and entire landscapes. The Grand Canyon, for example, is an extensive traditional cultural property (landscape) within which are smaller canyons, streams, springs, salt seeps, and other places important to the tribes of the region.

Most (but not all) traditional cultural properties identified and listed on the National Register are places important to tribes; however, there is no reason that issues of community identity and traditional cultural significance cannot be applied to non-indigenous properties (King 2003:121-122). By contrast, nominated cultural landscapes primarily comprise Euroamerican historical resources (Birnbaum 1994), but Native American, including prehistoric sites, may constitute eligible traditional cultural properties as well.

None of the property types listed above is mutually exclusive, as illustrated in many of these examples. Cultural landscapes or archaeological sites can be considered traditional cultural properties, a historic district can be considered a cultural landscape, etc. The goal is to approach each resource or set of resources in a way that best captures and characterizes its information potential and/or historic significance and its importance to its descendent or affiliated community. It is important to note that for a traditional cultural property to be eligible to the National Register it must meet the criteria of a historic property (i.e., building, structure, site, district, or object). It is also noted here that tribal places of significance often do not correspond with the properties under NHPA. This underscores the importance of developing a Tribal Register, which can allow for more flexible, or tribal-resource specific, evaluation and listing requirements (see Section 3.9).

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<sup>10</sup> Although see King’s (2003: 114) discussion of “How many must believe”.

## 3.2 National Register Criteria for Evaluation

As stipulated in 36 CFR 60.4 the following criteria are applied for evaluating National Register eligibility of properties. Because historic properties embody different types of values, four criteria have been established to determine the significance of a historic property.

**Criterion A. Association with an Important Event.** This criterion defines a property significant for its association to important events that have made a significant contribution to the broad patterns of our history. A property may be significant for its association with a single event (such as the founding of a town), or with a pattern of events or historic trends such as the emergence of irrigation in the west.) Examples include the site of a battle, a building in which an important invention was developed or event occurred, and a site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.

**Criterion B. Association with an Important Person.** This criterion defines a property significant for its association with the lives of persons important to our past, particularly individuals whose specific contributions to history can be identified and documented. These persons may be important at the state, local, tribal, or national level. Examples include the home of an important person, studio of a significant artist, or the business headquarters of an important industrialist.

**Criterion C. Distinctive Design or Construction.** This criterion defines a property that embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. This criterion applies to properties significant for their physical design or construction, including architecture, engineering, and artwork. Examples include a house representing a significant style of architecture, or a bridge or dam representing technological advances.

**Criterion D. Information Potential.** This criterion defines a property that has yielded or may likely yield information important in history or prehistory. Certain important research questions about human history can only be answered by the actual physical material of cultural resources. Examples are archaeological sites, but buildings and objects may also contain information on building techniques, etc.

In order for a property to be eligible for inclusion on the National Register, it must meet at least one of these four criteria. Significance is linked to “historic context,” patterns, themes, or trends in history by which cultural resources are understood and their meaning, and therefore significance is clear. Historic context can be local, state, regional, or national. Section 2 of this document provides some guidance in placing cultural resources on Ute Mountain Ute tribal lands within a historic context. Significance must be accompanied by historic integrity (see Section 3.3 of this document).

### 3.2.1 Criteria Consideration

Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures or buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be

considered eligible for the National Register. However, such properties will generally qualify if they are contributing resources of a larger eligible district or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance.
- (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.
- (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance.
- (g) A property achieving significance within the past 50 years if it is of exceptional importance.

For more information, see National Register Bulletin: How to Apply the National Register Criteria for Evaluation: [http://www.cr.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_7.htm](http://www.cr.nps.gov/nr/publications/bulletins/nrb15/nrb15_7.htm)

### **3.3 Integrity**

For a property to be listed on the National Register it must be significant under one of the four criteria for eligibility (A-D) and have integrity, which is the ability of a historic property to convey its significance. The evaluation of integrity is grounded in an understanding of a property's physical features and how they relate to its significance.

The National Register recognizes seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.

1. Location is the place where the historic property was constructed or the place where the historic event occurred (...)
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property (...)
3. Setting is the physical environment, or character, of a historic property, which can be natural or human-made (...)

4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property (...)
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory (...)
6. Feeling is a property's expression of the aesthetic or historic event or person and a historic property (...)
7. Association is the direct link between an important historic event or person and a historic property (...) (National Register Bulletin 15)

In general, a property should possess several of the seven aspects to have integrity. Ultimately, the question of integrity is answered by how well a property retains the identity for which it is significant. Integrity addresses the degree to which behavior and ideas are manifested in the form and substance of a resource. Determining which of these aspects are most important to a particular property requires knowledge of why, where, and when the property is significant (NR Bulletin 15:44).

Integrity is not the same as condition. The condition of a resource is defined in terms of deterioration; integrity is defined in terms of correspondence with associations in the past. Condition is a matter of rot and rust; integrity is a matter of age and authenticity. All physical things have a condition; they do not all have historical integrity. But the condition of a resource during its period of significance is part of its integrity (NR Bulletin 15:47 and NR Bulletin 2.)

### **3.4 Determining Eligibility**

The process of determining eligibility or nominating a cultural resource to the National Register on tribal lands is done in consultation with the THPO. When the THPO concurs that a resource is eligible, the evaluation process is finalized. The next step is to send a formal nomination to the Keeper of the National Register for formal listing via the Tribal Review Board. If there is a disagreement regarding eligibility, information is sent to the Keeper for resolution or a final determination (36 CFR Part 63). For the purposes of ongoing consultation (separate from 36 CFR Part 63), there are four possible recommendations regarding eligibility.

1. Potentially eligible – This is not a true classification, but applies to properties that could be considered eligible, but have not officially been determined to be eligible. This term usually refers to properties that have not yet been surveyed, are still under review, or need more data to determine eligibility for inclusion in the National Register. The goal is to resolve the status of these resources and only use the category when absolutely necessary.
2. Eligible – A property eligible for the National Register means that it meets all the significance and integrity requirements to be listed, but has not yet been formally listed in the National Register.
3. Listed – A property listed in the National Register is one that meets all the significance and integrity requirements and is actually contained in the National Register database. To

list a property, a National Register nomination form must be completed and the procedures outlined in 36 CFR Part 60 followed. Ultimately, the form is sent to the Keeper of the National Register. The Keeper makes the final decision as to whether the property should be formally listed on the National Register.

4. Not Eligible – This category applies to properties that do not meet all the significance and integrity requirements to be eligible for listing in the National Register.

### **3.5 Nominating a Property to the National Register**

Historic places on tribal land can be nominated to the National Register by the THPO. Anyone can prepare a nomination, but the process on tribal lands is administered by the THPO. A period of public comment follows in which time tribal members or property owners may object to the nomination. Nomination notifications must be issued within a certain time frame in accordance with 36 CFR Part 60. All property owners must be given opportunity to object to the nomination. It is the THPO prerogative if all tribal membership is invited to comment. Public comment alone would not stop a nomination otherwise supported by the THPO. The THPO then forwards the nominations to the Keeper to be considered for registration. During the National Register's evaluation of nomination documentation, another opportunity for public comment is provided by the publication of pending nominations in the Federal Register. If the professional staff at the National Register concludes that the property meets the criteria for evaluation, it is recommended for listing to the Keeper.

### **3.6 Listing a Property**

Listing a property on the National Register honors the property by recognizing its importance to its community (in this case the Tribe), the state, or the nation. It is important to note, however, that private property owners can do anything they wish with their property, provided that no federal license, permit, funding, or review and compliance nexus is involved. Owners have no obligation to open their properties to the public, to restore them, or even maintain them, if they choose not to do so. Listing ensures that federal agencies whose projects affect a listed property must give the Advisory Council on Historic Preservation an opportunity to comment on the project and take into account its effects on the property. Moreover, undertakings that have the potential to affect eligible properties must engage in consultation with the tribes affiliated (either by land or through cultural affiliation) with the historic properties and allow comment.

Listing in the National Register contributes to preserving historic properties in a number of ways, including:

- Recognition that a property is of significance to the Nation, the State, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax benefits.
- Qualification for federal assistance for historic preservation.

### **3.7 Eligible Cultural Resources on Ute Mountain Ute Tribal Lands**

Cultural resources on tribal lands include archaeological sites, buildings, historic districts, cultural landscapes, and traditional cultural properties. At this point, only archaeological sites and two archaeological historic districts (see Section 1.3.1) have been nominated or determined eligible to the National Register. These resources have been determined eligible for inclusion on the National Register in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (*Federal Register*, Volume 48, Number 190) and related guidance, including National Register Bulletins and white papers. The THPO will continue to evaluate the eligibility of resources and assess their significance based on these guidelines. The THPO will review for concurrence any recommendations regarding eligibility made for resources on tribal lands.

The THPO is also committed to nominating other resource types on tribal lands, including traditional cultural properties, historic buildings and structures, and cultural landscapes (or contributing elements to landscapes).

### **3.8 Protecting, Preserving, and Managing Significant Resources**

Section 106 of the NHPA is one tool at the THPO's disposal to protect, preserve, and manage important cultural resources on tribal lands. The THPO will adhere to additional federal laws that govern the treatment and preservation of historic resources, the most pertinent of which are presented below.

#### **3.8.1 Section 110 of the NHPA (1966)**

Section 110 directs federal agencies to identify cultural resources and evaluate the resources for their eligibility to be listed on the National Register. More specifically each agency must:

- Assume responsibility for the preservation of cultural resources owned or controlled by the agency;
- Establish a preservation program for the identification, evaluation, and nomination of cultural resources to the National Register, as well as for resource protection;
- Use available cultural resources, such as historic buildings, to carry out agency responsibilities;
- Minimize harm to National Historic Landmarks;
- Consult with the NPS Director in establishing its preservation programs.

Section 110 works in concert with (usually prior to) Section 106 in that, in order to preserve cultural resources or evaluate the effects of proposed actions on them, the location of resources and their significance must first be known. Section 110 gives the responsibility to federal agencies to identify and manage cultural resources under agency jurisdiction or control, while Section 106 requires an agency to take into account the potential effects of an undertaking on historic properties. See [www.nps.gov/history/fpi/Section 110.html](http://www.nps.gov/history/fpi/Section%20110.html)



### **3.8.2 National Environmental Policy Act (NEPA) (1969)**

NEPA requires environmental impact statements for federal projects with the potential to impact important historic, cultural, and natural heritage. This act often works in tandem with Section 106 of the National Historic Preservation Act. 36 CFR Part 800.8 discusses coordinating Section 106 with NEPA, urging agencies to consider their Section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a “major federal action significantly affecting the quality of the human environment,” and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking’s likely effects on historic properties. See [http://www.cr.nps.gov/local-law/FHPL\\_NtlEnvirnPolcy.pdf](http://www.cr.nps.gov/local-law/FHPL_NtlEnvirnPolcy.pdf)

### **3.8.3 Archaeological Resources Protection Act (ARPA; Public Law 96-95 as amended, 16 U.S.C. 470aa-mm) (1978)**

ARPA defines archaeological resources, improves law enforcement, increases criminal penalties for harm or destruction of resources, and allows for civil penalties. “The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act]” 16 U.S.C. 470aa Section 2 (b). Section 9(a) provides authority to restrict information on resources if it endangers them (see also National Register Bulletin 29: Guidelines for Restricting Information about Prehistoric and Historic Resources).

For projects on public and Indian lands an ARPA permit is required prior to excavation of any site: “Any person may apply to the federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal” (Section 4[a]). However, for the excavation or removal of an archaeological resource located on Indian lands, “the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe” (Section 4(g)(2)). This consent must be obtained directly from the THPO. Tribal members are only exempt from obtaining an ARPA permit for excavation of sites on tribal lands if there are tribal laws permitting such actions (Section 4(g)(1)); the Ute Mountain Ute Tribe does not currently have any such laws in place. See <http://www.nps.gov/archeology/tools/Laws/arpa.htm>

### **3.8.4 The Native American Graves Protection and Repatriation Act (NAGPRA [25 USC 3001 et seq. P.L. 101-601]) (1990)**

NAGPRA provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony; and provides the United States district courts jurisdiction over any action brought by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items. <http://www.nps.gov/history/nagpra/>

### **3.8.5 The American Indian Religious Freedom Act (AIRFA [P.L. 95-341 as amended, 42 USC 1996 and 1996a])**

AIRFA is a resolution of Congress regarding American Indians' right of freedom to believe, express, and exercise their traditional religions and access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. It was enacted to protect and preserve the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and Native Hawaiians. These rights include access of sacred sites, freedom to worship through ceremonial and traditional rights and use and possession of objects considered sacred. The Act requires policies of all governmental agencies to eliminate interference with the free exercise of Native religion, based on the First Amendment, and to accommodate access to and use of religious sites to the extent that the use is practicable and is not inconsistent with an agency's essential functions. [http://www.cr.nps.gov/local-law/fhpl\\_IndianRelFreAct.pdf](http://www.cr.nps.gov/local-law/fhpl_IndianRelFreAct.pdf)

### **3.8.6 Executive Order No. 13007 (Indian Sacred Sites) (1996)**

In 1996 Executive Order No. 13007 was passed to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. It further stipulates that, where appropriate, agencies shall maintain the confidentiality of sacred sites and provide reasonable notice of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. <http://www.nps.gov/history/local-law/eo13007.htm>

### **3.8.7 Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (2000)**

Executive Order 13175 was enacted to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes. <http://www.epa.gov/fedrgstr/eo/eo13175.htm>

### **3.8.8 36 CFR 79, Curation of Federally Owned and Administered Archaeological Collections (1990)**

36 CFR 79 provides minimum standards for long-term management and stewardship of archaeological collections, records, and reports.

<http://www.nps.gov/archaeology/tools/laws/36CFR79.htm>

### **3.8.9 43 CFR Part 7, Protection of Archaeological Resources (1997)**

43 CFR Part 7 guides permitting, consultation, and custody of archeological resources on public lands. <http://www.nps.gov/history/local-law/43cfr7.htm>

## **3.9 Cultural Sites Database and Tribal Register**

In addition to adhering to and enforcing these federal laws and regulations in order to preserve and protect significant cultural resources on tribal lands, the THPO proposes to develop a database of Ute cultural sites and a Tribal Register of Historic Places (Tribal Register).

### **3.9.1 Ute Cultural Sites Database (CSD)**

The Ute Mountain Ute Tribe is committed to preserving its distinct culture and identity and to passing this heritage on to future generations. Ute ancestral lands contain many sites that preserve a memory of the beliefs, customs, and traditions of the Ute people. Many of these sites are known but not mapped, while for other sites their general location is known, as well as their importance, but specific and exact information of their locations is undocumented. The primary goals of a Cultural Sites Database (CSD) are to identify, map, record, and preserve these tribal resources, and to educate the younger generation of tribal members and the public in general about the history and culture of the Ute people.

Developing a GIS database of important cultural sites and areas on tribal and aboriginal (ancestral) lands will be an integral part of a larger cultural resources management strategy, including this CRMP. The database will centralize documentation of Ute cultural sites, preserve this documentation in perpetuity, protect sensitive information important to the cultural heritage of the tribe, standardize the documentation of sacred sites, and aid in the planning and avoidance of important cultural sites in the face of future development. The CSD will contain GIS data that could be shared with New Mexico, Colorado, and Utah SHPOs. More sensitive information would be shared only at a general level, particularly with respect to location of archaeological sites, and detailed cultural information would be housed in a secure database with the THPO. This proposed database is discussed in more detail in the THPO Goals and Objectives Timeline in Section 6.0.

### **3.9.2 Tribal Register**

The Ute Mountain Ute Tribe intends to establish a Ute Mountain Ute Tribal Register of Historic Places (Tribal Register) to list significant cultural resources located on tribal lands and designated for long-term, in situ preservation. The intent of the Tribal Register is to (1) offer additional protections (in addition to those provided by inclusion on the National Register) to cultural resources important to the Ute Tribe, and (2) broaden the types of resources eligible for protection beyond those meeting the criteria (A-D) of the National Register. When appropriate, concurrent listings will be made to both the National and Tribal Registers.

The Tribal Register would offer an additional layer of protection by requiring Tribal Council approval for any action affecting the integrity (see Section 3.3) of the cultural resources included on the Tribal Register. The types of resources included on the Tribal Register may be eligible to the National Register, and may be nominated to the National Register. The THPO retains the right to automatically include on the Tribal Register any property on tribal lands listed on the NRHP. In addition, though, the Tribal Register may also include resources that do not meet National Register eligibility requirements, but instead are resources that are considered by the Tribe to be important for the preservation of Ute cultural heritage. These may include cultural landscapes, viewsheds, places important for Ute origins, the homes of important tribal leaders, places mentioned in stories or through oral tradition, ceremonial or sacred sites that lack NRHP-defined integrity, etc. Since the Tribal Register will impart specific protections to listed sites, the jurisdiction of the Register will be restricted to resources on tribal lands. Additional sites off tribal lands may be included in the CSD (see Section 3.3.1) and may still be nominated to the National Register, if eligible, but unless they are on tribal lands they will not be eligible for inclusion on the Tribal Register. Off tribal lands, the THPO works with the appropriate SHPO for National Register nominations (see Sections 1.2.2 and 1.2.3).

As part of establishing a Tribal Register, the THPO and the Tribal Review Board (Board) (see Section 3.4) will develop written standards and procedures for (1) determining criteria for listing and the listing process, (2) preparing the appropriate documentation forms for listing sites on the Tribal Register (if NRHP-listed properties are not automatically listed on the Tribal Register), (3) reviewing and commenting on nominations, (4) public notification and participation, (5) coordination with the Colorado, New Mexico, and Utah SHPO and Keeper of the National Register of Historic Places, as appropriate, and (6) the constitution of the Board.

Like the National Register, Tribal Register nominations may be made by the THPO, a member of the Board, a member of the Tribe, a non-Ute Mountain Ute resident or owner of tribal lands, a cultural resource professional outside the structure and membership of the Ute Mountain Ute Tribe, or any member of the public. The ultimate decision for inclusion will rest with the THPO and the Board. It is anticipated that the Tribal Register will be formally established within one year of the acceptance of this CRMP by the Tribal Council (see Section 6.0).

### **3.10 Tribal Review Board**

The NHPA requires THPO programs to establish a Tribal Review Board to review National Register nominations and to provide general advice and professional recommendations to the

THPO. A Tribal Review Board serves as an advocate for historic and cultural preservation. Review boards are established to provide expert judgments about the historic, architectural, and archaeological significance of resources on tribal lands. As an independent body, the board can advocate the value and necessity of preservation as an active process that should be an integral part of every community. The Ute Mountain Ute Tribal Review Board (Board) will be established upon acceptance of this CRMP by the Tribal Council. The Board will review nominations to the National and Tribal Registers.

Designated by the THPO, the review board must consist of at least five members. Review board members should be advisors and advocates for historic or cultural preservation. Existing regulations (36 CFR 61.4) require that a majority of the members of State review boards meet the Secretary's Professional Qualifications Standards. However, it has been recognized that tribes may be better served by board members who are "traditional cultural authorities" (see Exhibit 7: THPO Agreement with NPS, Part 5. at <http://www.epa.gov/Region5/water/wqs5/pdfs/fcpc/exhibit7.pdf>).

Specific duties of review boards are outlined in federal regulations (36 CFR, Part 61), which state that review boards must:

- 1) Meet at least three times a year;
- 2) Review each nomination forwarded by the THPO to the Keeper of the National Register prior to its submission. The review board makes a recommendation to the THPO as to whether the property meets the criteria for listing in the National Register;
- 3) Participate in the review of National Register nomination appeals and provide written opinions on the issues or matters of the appeal;
- 4) Provide advice on documentation submitted in conjunction with the tribe's Comprehensive Reservation-wide Historic Preservation Plan (CRMP), and carrying out the other duties and responsibilities of the THPO; and,
- 5) Adopt operating bylaws consistent with these regulations. These bylaws must address federal minimum requirements concerning conflict of interest.

In addition to fulfilling these mandated stipulations of review boards, the Board will review each nomination to the Tribal Register and make a recommendation to the THPO as to the whether the property meets the criteria for listing on the Tribal Register, which will be developed subsequent to the acceptance of this CRMP by the Tribal Council (see Section 3.9.2).<sup>12</sup>

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<sup>12</sup> Further details on the duties and responsibilities of review board members can be found in the "Manual for State Historic Preservation Review Boards" at <http://www.nps.gov/nr/publications/bulletins/strevman/>.



## **4.0 THE SECTION 106 AND TRIBAL PROCESSES ON UTE MOUNTAIN UTE TRIBAL LANDS**

Section 106 of the National Historic Preservation Act requires that agencies take into account the effects of their undertakings and afford the Advisory Council an opportunity to comment. The process for these responsibilities is set forth in the regulations 36 CFR Part 800 Protection of Historic Properties (<http://www.achp.gov/regs-rev04.pdf>). The goal of the Section 106 consultation process (often simply referred to as 106 process) is to “identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties” (§800.1(a)). In accordance with the regulations, there is a standard four-step process for completing Section 106 consultation. The general process is summarized in Section 4.1 below. In some cases, the Section 106 process is not triggered on tribal lands because a project does not meet the criteria of an undertaking, i.e., there is an absence of federal funding, permitting, or oversight. In these cases the THPO requires proponents to adhere the Ute Mountain Ute Cultural Resources Tribal Protection Process (Tribal Process). The Tribal Process is described in Section 4.2. Section 4.3 presents the specific process utilized by the Ute Mountain Ute THPO to comply with and implement both the 106 and Tribal Processes.

### **4.1 The 106 Process**

#### **4.1.1 Step 1 – Initiate the Process (36 CFR §800.3)**

The first step in the Section 106 process is to establish whether the proposed action is an undertaking. The regulations in §800.16 define an undertaking as a project, activity, or program with a federal nexus (i.e., those having federal funding, conducted on behalf of a federal agency, or requiring federal permits or approval). If the activity is an undertaking, determine next if the project has the potential to affect historic properties. If it does not, or is not an undertaking as defined above, then the agency official has no further obligations under Section 106 (However, see Section 4.2 for projects not subject to the Section 106 process). The decision as to whether an activity qualifies as an undertaking should be done in consultation with the THPO.

If the action is an undertaking but does not have the potential to cause effects to historic properties, the THPO should be given the opportunity to concur with the determination of no historic properties affected. If the proposed action is an undertaking that has the potential to affect cultural resources, the THPO should be consulted through a letter that describes the proposed undertaking and provides adequate information regarding the proposed undertaking<sup>13</sup>. An Undertaking Application should accompany this letter (see Appendix I).

With the help of the THPO, other consulting parties should be identified at this stage as well and they should be invited to participate in the process. Such parties may include Indian Tribes, representatives of local governments, applicants for federal assistance, permits, licenses and other approvals, and the public.

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<sup>13</sup> If information is not adequate, the THPO may request additional information.

#### **4.1.2 Step 2 – Identify Historic Properties (36 CFR §800.4)**

Once it is determined that a proposed undertaking may affect historic properties, the area of potential effects (APE) must be determined. The regulations in §800.16 define the APE as the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE is influenced by the scale and nature of an undertaking and must take into account various kinds of potential effects to be caused by the undertaking. To help define the APE, an agency must:

- Review existing information on historic properties known to be within the area and identify data concerning possible historic properties not yet identified.
- Seek information from consulting parties and other individuals or organizations who may have knowledge of historic properties in the area.
- Gather information from any Indian Tribe to assist in identifying properties that may be of religious or cultural significance to them.

Once the APE is defined, historic properties within it must be identified. This usually involves a field records search, a sample field survey, and/or a full field inventory (respectively termed Class I, Class II, and Class III survey in BLM parlance) in addition to the input of parties with knowledge of the area.

Once historic or cultural resources in the APE have been identified, these properties must be evaluated for significance. To do this, (1) apply the National Register criteria (36 CFR Part 60) and (2) determine whether a property is eligible to be listed in the National Register (see Sections 3.2 to 3.5 of this document).

If there are no historic properties in the APE or there are historic properties but the undertaking will not have any effect on them, this is considered a determination of “no historic properties affected.” Simply convey this information to the THPO by letter and notify all consulting and make this documentation available for public inspection prior to implementing the undertaking. The THPO has 30 calendar days after receipt of the determination to reply. Lack of a reply is considered concurrence by the THPO. For a determination of “no historic properties affected”, the regulations in 36 CFR §800.11(d) require that specific information be documented and submitted to the THPO and the consulting parties, including:

- A description of the undertaking specifying the federal involvement and its APE, including a map;
- A description of the steps taken to identify historic properties;
- A discussion of the basis for determining that no historic properties are present or affected.

If it is determined that the proposed undertaking will affect historic properties, then proceed to step 3.

#### **4.1.3 Step 3 – Assess Adverse Effects (36 CFR §800.5)**

Once it is determined that the undertaking will affect historic properties, then the level of effect must be determined. An adverse effect is when an undertaking alters any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner



that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair,
- Removal of a property from its historic location;
- Changes to the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of a property's significant historic features;
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious or cultural significance to an Indian tribe; and
- Transfer, lease, or sale of a historic property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of a property's historic significance.

In applying the criteria of adverse effects direct, indirect, and cumulative effects must be considered. Impacts of an undertaking on all characteristics that qualify a historic property for listing on the National Register need to be considered. For example, an archaeological site may be important for its information potential, but could also be significant for its religious or cultural association with a contemporary Indian tribe, which may affect the determination.

If it is determined that the effects of the proposed undertaking do not meet the criteria of adverse effect, then a finding of "no adverse effect" is proposed and all consulting parties are notified. The THPO then has 30 days of receipt to review the finding. The agency may proceed after the close of the 30 day review if the THPO has agreed with the finding or has not responded and no consulting party has objected. If, within the 30 day review period, the THPO or any consulting party notifies the agency in writing that it disagrees with the finding and specifies the reason for the disagreement, the agency shall consult with the party to resolve the disagreement or request the Advisory Council to review the finding. The Advisory Council has 15 days to review the finding and respond with its opinion as to whether the adverse effect criteria have been appropriately applied. The agency shall take into account the opinion of the Advisory Council in reaching a final decision on the finding.

If it is determined that the effects of the proposed undertaking meet the criteria of adverse effect, then a finding of "adverse effect" is proposed and all consulting parties are notified. The THPO has 30 days of receipt to review the finding.

For either a determination of "no adverse effect" or "adverse effect," the regulations in 36 CFR §800.11(e) require that specific information be documented and submitted to the THPO and the consulting parties<sup>14</sup>, including:

- A description of the undertaking specifying the federal involvement and its APE, including a map;
- A description of the steps taken to identify historic properties;

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<sup>14</sup> Consultation occurs prior to the undertaking and should occur early in the planning process.

- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- A description of the undertaking's effects on historic properties;
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects; and
- Copies or summaries of any views provided by consulting parties and the public.

#### **4.1.4 Step 4 – Resolve Adverse Effects (36 CFR §800.6)**

The agency shall notify the Advisory Council whenever an undertaking will adversely affect cultural resources and allow them to participate in the process. The Advisory Council has 15 days to advise the agency whether it will participate or not.

The agency shall continue consultation with the THPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties. Mitigation means minimizing or lessening adverse effects to historic properties in the course of a project plan. When adverse effects on cultural resources cannot be avoided, some typical mitigation measures include:

- Limit the magnitude of the undertaking;
- Modify the undertaking through redesign or reorientation of construction on the project site;
- Repair, rehabilitate, or restore;
- Document through drawings, photographs, histories, oral histories, including documentation using Historic American Building Survey (HABS), Historic American Engineering Record (HAER), Historic American Landscape Survey (HALS) standards;
- Recover and record archaeological information and materials.

When developing mitigation measures for adverse effects on historic properties, it is important to use the Secretary of Interior Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes. The standards are intended to promote responsible preservation practices through four treatment approaches, including preservation, rehabilitation, restoration, and reconstruction. It is important to know what resources are historic and what treatment is suggested.

It should be stressed that the Ute Mountain Ute THPO does not consider the burial, covering over, or “capping” of an eligible archaeological site, exclusive of any other treatment, adequate mitigation of adverse effects, because this action, while it may (or may not) prevent deterioration of a site, likely changes the character of the property's use or physical features within the property's setting that contribute to its historic significance. It also diminishes the data potential of the site by limiting future access to it by researchers as well as its potential religious or spiritual value to Native Americans (in potential violation of AIRFA, see Section 3.8.5).

##### ***4.1.4.1 Memorandum of Agreement***

An adverse effect is usually resolved through the preparation of a memorandum of agreement (MOA). The MOA outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. If the agency and the THPO agree on how to resolve adverse

effects, they shall execute an MOA and file it with the Advisory Council. If the agency and THPO fail to agree, the agency shall request the Advisory Council to participate in the consultation (36 CFR Part 800.7). If the Advisory Council chooses to participate, then the agency, THPO and Advisory Council shall execute an MOA.

Signatories to an MOA at a minimum usually include the NPS, THPO, lead federal agency, and if participating, the Advisory Council, who all contribute to the process or solution or have some responsibility under the MOA. Other consulting parties may be invited to sign and concur in the MOA, but only the signatories, including invited signatories, can amend or terminate the MOA.

#### ***4.1.4.2 Programmatic Agreements***

A programmatic agreement is a document that records the terms and conditions agreed upon to address the potential adverse effects of a federal agency program, complex undertaking, or other situations in accordance with the 36 CFR §800.14(b) of the regulations. The regulations go on to state that a programmatic approach may be used:

- When effects on historic properties are similar and repetitive or are multi-state or regional in scope;
- When effects on historic properties cannot be fully determined prior to approval of an undertaking ;
- When nonfederal parties are delegated major decision-making responsibilities;
- Where routine management activities are undertaken at federal installations, facilities, or other land-management units; or
- Where other circumstances warrant a departure from the normal Section 106 process.

Consultation about the programmatic agreement should occur with the THPO, federal agencies, and members of the public. The agency shall arrange for public participation appropriate to the subject matter and scope of the program. Signatories on a programmatic agreement are typically the agency, the Advisory Council, the THPO, and consulting parties.

#### ***4.1.4.3 NAGPRA Plans of Action***

Should items under the jurisdiction of NAGPRA (e.g., human remains, funerary object, and items of cultural patrimony) be involved in an adverse effect MOA, then a NAGPRA Plan of Action (POA) must also be reviewed and endorsed by the THPO and agency and attached to the MOA. The undertaking can then proceed according to the conditions of the MOA and the POA.

## **4.2 The Tribal Process**

The THPO anticipates that there will be instances in which the Section 106 process is not triggered on tribal lands because a project does not meet the criteria of an undertaking, i.e., there is an absence of federal funding, permitting, or oversight. In these cases the THPO requires proponents to adhere the Ute Mountain Ute Cultural Resources Tribal Protection Process (Tribal Process).<sup>15</sup> The Tribal Process is similar in many ways to the 106 process, but with some important differences, specifically the lack of involvement of any federal agency, the ACHP,

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<sup>15</sup> It should be noted that there may be other tribal permits required, such as crossing permits or other environmental permits.

and, if desired, public involvement/comment. The Tribal Process was developed with the explicit aims of (1) adequately protecting cultural resources on tribal lands not subject to the 106 process, and (2) expediting and stream-lining the mitigation process so that projects that the Tribe supports can be implemented and completed in an efficient manner. Like the 106 process, the Tribal Process is a four-step process.

#### **4.2.1 Step 1 – Initiate the Tribal Process**

The decision as to whether an activity qualifies as a Tribal Project (project) should be done in consultation with the THPO. If it is determined that a project not subject to the Section 106 process, the only entity that oversees and permits the project is the Tribe. That is, *no federal agency involvement, other than potentially the issuance of an ARPA permit (see Section 6.2.6), is necessary and it becomes a Tribal Project.* Once the project is defined as a Tribal Project, the THPO must determine whether it has the potential to impact (or adversely affect) cultural resources that are important to the Tribe.

For the Tribal Process, cultural resources that the Tribe considers important include all those defined as historic properties under Section 106, as well as sacred sites, cultural landscapes, and traditional places important to Ute heritage or other Native American groups (see Sections 3.1). Under the Tribal Process, cultural resources deemed important to the Tribe are eligible for the Tribal Register (see Section 3.9.2). Criteria for eligibility are the same as for the 106 process Criteria A-D (see Section 3.2) plus an additional criterion:

**Criterion E. Importance to Ute Tribal Heritage.** This criterion considers cultural resources (sites, structures, landscapes, or places) that exhibit traits that distinguish them as important to the cultural heritage of the Ute Tribe. Examples are sacred mountains, homes of important tribal leaders, gathering areas, ceremonial areas or sites, buildings, and archaeological sites.

Under the Tribal Process, cultural resources are not necessarily subject to the same conditions of integrity that historic properties are under Section 106. The THPO makes the final determination of eligibility for the Tribal Register.

If the project does not have the potential to impact cultural resources that the Tribe considers important, then this information should be documented and retained in THPO files for future information requests. If the proposed project has the potential to impact important cultural resources, the THPO should be consulted. To initiate consultation, a letter should be sent to the THPO describing the proposed project providing adequate information regarding the proposed project<sup>16</sup>.

Other consulting parties may be identified at this stage and invited to participate in the process, *but this is at the discretion of the THPO.* Such parties may include other Indian Tribes, representatives of local governments, and the public.

#### **4.2.2 Step 2 – Identify Important Cultural Resources**

Once it is determined that a proposed project may impact important cultural resources, the area of potential impacts (API) must be determined. The API (similar to an APE – See Section 4.1.2)

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<sup>16</sup> The THPO may request additional information.

is the geographic area within which a project may directly or indirectly cause alterations in the character or use of important cultural resources. The API is influenced by the scale and nature of a project and may be different for various kinds of impacts caused by the project. To help define the API, the THPO must:

- Review existing information on sites known to be within the area and identify data concerning possible sites or places not yet identified.
- Seek information from anyone who may have knowledge of sites or places in the area.
- Gather information from knowledgeable tribal members and/or elders to assist in identifying properties that may be of religious or cultural significance to them.

Once the API is defined, the THPO will conduct an *initial survey* of the area. The initial survey will help the THPO determine whether more extensive survey or additional cultural resources work is necessary. If significant cultural resources are located within the proposed API during the initial survey, the preferred solution will be to move the project to avoid the resource. If that solution is not feasible, then treatment of the cultural resources will be discussed with the project proponent, be it an outside business or entity, a tribal department, or a tribal member. At this point, the THPO will determine whether a more intensive cultural resource field survey and/or consultation with knowledgeable elder(s) is required. If more intensive cultural resources work is necessary, the THPO may recommend the hiring of a cultural resources firm.

If no significant cultural resources are located during the initial survey, the THPO may either require additional survey or write a letter of clearance for the project. A THPO response will be completed within 15 to 30 days depending upon the scope and magnitude of the proposed activity.

Additional survey may need to occur in order to identify sites or places within the API. This usually involves a field records search, a sample field survey, and/or a full field inventory (respectively termed Class I, Class II, and Class III survey in BLM parlance) in addition to the input of parties with knowledge of the area (See Section 4.3).

Once cultural resources in the API have been identified, these properties must be evaluated for their importance. The THPO determines this based on a combination of the National Register criteria (36 CFR Part 63) and the importance of the cultural resource to the cultural heritage of the Ute Tribe (Criterion E–Section 4.2.1). If they are determined important to the Tribe, the cultural resource is eligible to be listed on the Tribal Register.

If the cultural resources survey finds no important cultural resources in the API or there are cultural resources but the project will not have any impact on them, this is considered a determination of “no cultural resources impacted.” Convey this information to the THPO by letter. The THPO has 30 calendar days after receipt of the determination to reply. For a determination of “no cultural resources impacted,” the Tribe requires that specific information be documented and submitted to the THPO, including:

- A description of the project specifying its API, including a map;
- A description of the steps taken to identify cultural resources;
- A discussion of the basis for determining that no cultural resources are present or impacted.

If it is determined that the proposed project *will impact* important cultural resources, then proceed to step 3.

If a “no cultural resources impacted” determination is made, then compliance is complete and the THPO drafts and signs a letter of compliance, allowing the project to move forward with no further cultural resources work needed. The THPO may request that an archaeological or tribal monitor be present during ground-disturbing activities, even if no cultural resources were located within the API.

#### **4.2.3 Step 3 – Assess Impacts**

This step is much more streamlined than the 106 process in that there is no agency or Advisory Council involvement. Once it is determined that the undertaking will affect historic properties, then the level of impact must be determined. An impact is when a project alters any of the characteristics of a cultural resource that qualify it for inclusion on the Tribal Register. Impacts include:

- Physical destruction of or damage to all or part of the resource;
- Alteration of a cultural resource, including restoration, rehabilitation, repair,
- Removal of a resource from its historic location;
- Changes to the character of the resource’s use or of physical features within the resource’s setting that contribute to its tribal importance;
- Introduction of visual, atmospheric, or audible elements that diminish the resource’s important cultural features;
- Neglect of a resource that causes its deterioration, except where such neglect and deterioration are recognized qualities of a resource of religious or cultural significance to an Indian tribe; and
- Transfer, lease, or sale of a cultural resource out of tribal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of a resource’s cultural significance.

In applying the criteria of impacts, direct, indirect, and cumulative impacts must be considered. Impacts of a project on all characteristics that qualify a cultural resource for listing on the Tribal Register will be considered. For example, an archaeological site may be important for its information potential, but could also be significant for its religious or cultural association with a contemporary Indian tribe, which may affect the determination.

If it is determined that there are no impacts from the project, then a finding of “no impacts” is proposed and all, if any, consulting parties are notified. The THPO then reviews the finding. If a “no impacts” determination is made, then compliance is complete and the THPO drafts and signs a letter of compliance, allowing the project to move forward with no further cultural resources work needed. The THPO may request that an archaeological or tribal monitor be present during ground-disturbing activities, however.

If it is determined that the proposed project creates impacts to important cultural resources, then a finding of “impacts” is proposed and all consulting parties are notified.

In either case, The THPO reviews the findings. These findings must be accompanied by the following information:

- A description of the project and its API, including a map;
- A description of the steps taken to identify cultural resources;
- A description of the impacted cultural resources, including information on the characteristics that qualify them for the Tribal Register;
- A description of the project's impacts on cultural resources;
- A description of future actions to avoid, minimize, or mitigate adverse effects; and
- Copies or summaries of any views provided by consulting parties and the public.

#### **4.2.4 Step 4 – Resolve Impacts**

This step is much more streamlined than the 106 process in that there is no agency or Advisory Council involvement. Instead, the THPO will develop and/or evaluate alternatives or modifications to the project that could avoid, minimize, or mitigate impacts to important cultural resources. When impacts to cultural resources cannot be avoided, some typical mitigation measures include:

- Reducing the scale of the project;
- Modifying the project through redesign or reorientation of construction on the project site;
- Repairing, rehabilitating, or restoring;
- Documenting through drawings, photographs, histories, and oral histories;
- Recovering and recording archaeological information and materials;
- Setting aside comparable resources for protection and preservation.

It should be noted that the Ute Mountain Ute THPO does not consider the burial, covering over, or “capping” of a cultural resource (particularly an archaeological site), exclusive of any other treatment, adequate mitigation of impacts. This action, while it may (or may not) prevent deterioration of a site, will likely change the character of the resource's use or physical features within the resource's setting that contribute to its tribal importance. It also diminishes the data potential of the resource by limiting future access to it by researchers as well as potentially its religious or spiritual value to Native Americans (in violation of AIRFA, see Section 3.8.5).

No MOA or PA is required in the Tribal Process (see Section 4.1.4.1 and 4.1.4.2), but a Memorandum of Understanding (MOU) may be signed between the THPO and the proponent to formalize various responsibilities and the mitigation measures agreed upon to resolve any impacts to cultural resources.

### **4.3 Specific Procedures for Projects Potentially Affecting Archaeological Sites on Ute Mountain Ute Tribal Lands**

With the general procedures for the Section 106 and Tribal Processes outlined above, the following specific steps are required to successfully fulfill the Section 106 process and the Tribal Process on Ute Mountain Ute tribal lands (Figure 4.1). Wherein Sections 4.1 and 4.2 were focused on the responsibilities of the federal agency and the THPO, this section centers on steps the proponent needs to take to move his or her undertaking through the relevant cultural resources process. The language used in this section is that of the Section 106 process.<sup>17</sup>

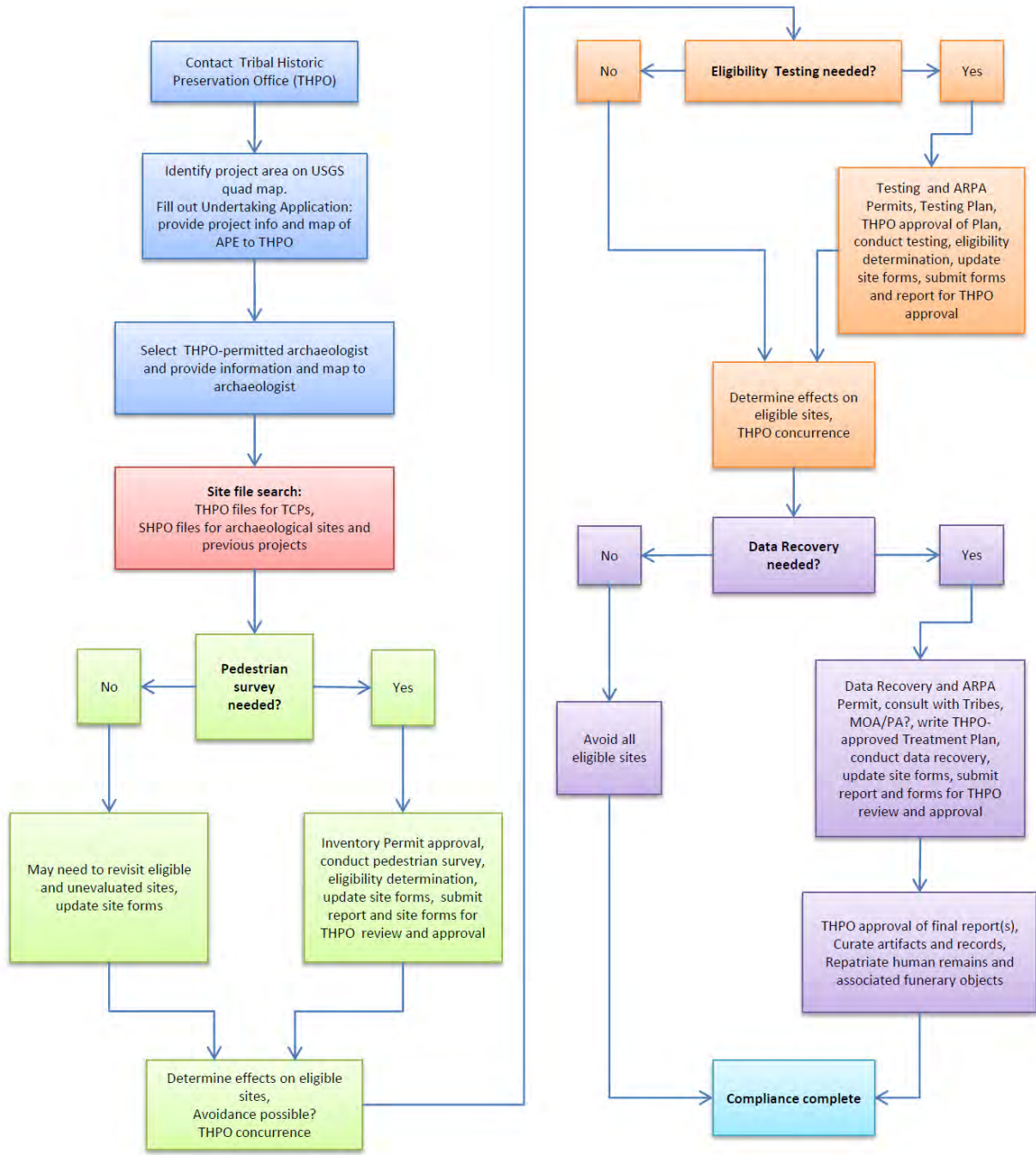
The steps presented here are oriented primarily toward mitigating impacts to archaeological resources, as these are the most likely resources to undergo adverse effects from an undertaking. Specific procedures for consultation regarding cultural landscapes, traditional cultural properties, and the built environment as potential historic resources should be discussed with the THPO prior to an undertaking adversely affecting these types of resources. Each of the following steps should be done in consultation with the THPO.

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<sup>17</sup> The Tribal Process requires the same procedures, substituting “cultural resource” for “historic property,” “project” for “undertaking,” “API” for “APE,” and “impact” for “adverse effect.”



Procedures for Projects Potentially Affecting Archaeological Sites on Ute Mountain Ute Tribal Lands



**Figure 4.1.** Flowchart of procedures for projects potentially affecting archaeological sites on Ute Tribal lands.

1. **Contact the THPO.** The proponent first needs to contact the THPO and provide them with project information, including the map with the project area plotted on it and ideally the GIS shapefile, as well as an estimated schedule for the undertaking. An Undertaking Application is also required (Appendix I). This form asks for all of the preliminary information the THPO requires at this point. Formal submittal must be made by mail or to thpocrm@utemountain.org. The mailing address of the THPO is provided on the Undertaking Application. Please follow a submittal of the undertaking application and map with a phone call to the THPO to confirm receipt at (970) 564-573. The THPO may provide assistance in filling this form out if needed.
2. **Identify the Area of Potential Effect (APE).** This should be done in consultation with the THPO. Among other things, the APE could be a linear right-of-way, a block area, or an irregularly shaped area such as a reservoir footprint. The APE should include any access roads that will be created, improved, or otherwise modified as part of the undertaking. Potential visual effects of the undertaking on historic properties may affect the APE as well. The location of the project area should be defined using legal descriptions (e.g., Township, Range, Section), a precise outline of the area plotted on a 7.5-minute USGS quad map or maps, and the location of the project area ideally plotted in GIS, using NAD83.

Once any consultation regarding the APE or scope is completed, the THPO responds to the Undertaking Application, the proponent must next select a THPO-approved qualified and permitted archaeologist to identify historic properties in the area. For smaller projects, the THPO may perform these surveys in-house. For larger projects the proponent may select a permitted THPO-approved firm to conduct the cultural resources work. The reports for these surveys must provide eligibility and management recommendations for any significant or potentially significant cultural resources within the project area. The proponent will provide the qualified archaeologist (be it a permitted firm, the THPO, or other qualified entity) with the map of the project area and a scope of work.

3. **Conduct Site File Search.** The qualified archaeologist will conduct a Class I survey of the APE. The Class I survey will comprise a search of appropriate state, federal, and tribal databases for previous archaeological work conducted in or around the project area as well as any previously identified cultural resources (archaeological sites, historic sites or buildings, or traditional cultural properties) within the project area and a minimum of a half-mile<sup>18</sup> around it. The Class I will also indicate whether a Class III (intensive pedestrian) survey has been conducted in the project area within the last ten years that meets current THPO standards (Appendix J). If it has, then further survey work may not be required. The THPO may request that previously identified eligible sites be revisited and site forms updated. The THPO may also decide that past pedestrian surveys are inadequate for the current project and require an additional pedestrian survey. In some instances, a portion of the project area may have already been surveyed, and in these cases the THPO may decide whether or not the entire project area needs to be surveyed.

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<sup>18</sup> If the undertaking impacts a larger cultural landscape this area may expand accordingly.

4. **Conduct In-field Survey.** If an inventory survey is required, the proponent will give the firm or the THPO a notice to proceed for this task. Once an approved Inventory Permit is acquired by the qualified archaeologist (See Section 6.1), the archaeologist will adhere to THPO guidelines for intensive pedestrian survey (Appendix J). All previously recorded sites will be revisited during this survey and site forms updated. Any newly discovered sites will be fully recorded on the appropriate site forms. During this step it is advised to also conduct an ethnographic survey to determine if any traditional cultural properties or sacred sites are present in the APE. The THPO should also be consulted regarding this point. The same Inventory Permit may be used for both pedestrian survey and ethnographic survey (see Section 6.2.2).

Following the pedestrian and ethnographic surveys, a survey report will be written by the firm, the THPO, or the agency archaeologist (depending on who conducted the survey). This report will adhere to the reporting standards of the THPO (see Appendix J) and will include maps, descriptions, and evaluations of any newly discovered sites, as well as the information gleaned from the Class I and ethnographic surveys, including site locations, site forms, National or Tribal Register eligibility for each site, a plot of the sites on a 7.5 minute quad map. Site forms will be updated or completed (see Appendix J). Mitigation measures for any traditional cultural properties or sacred sites documented within the APE are also required in this report. These should be developed in consultation with the interviewees and the THPO.

5. **THPO Review of Survey Results.** The THPO will review this report and site forms and approve any or all of the management recommendations made by the qualified archaeologist<sup>19</sup>. All sites recommended potentially eligible or eligible for the National or Tribal Register and concurred with as such by the THPO will require some form of mitigation, such as avoidance, testing, or data recovery (excavation). If no significant cultural resources are identified within the APE, or the project can be designed to avoid any and all cultural resources, the THPO may propose a finding of “no historic properties affected.” The undertaking may then proceed without further cultural resources investigations. However, even if no significant cultural resources were encountered in the APE, the THPO may request that an archaeological or tribal monitor be present in the field during ground-disturbing activities in case of inadvertent discoveries, including that of human remains (see Appendix H).

If significant cultural resources are identified within the APE that may be affected by the undertaking, then mitigation measures are established through the development and signature of an MOA.

6. **Testing Archaeological Sites.** If cultural resources are present within the APE, testing may be required on some sites to either determine eligibility status of sites or the nature and extent of sites. If testing is needed, the firm will develop a testing plan for each site and acquire all necessary permits (see Section 6.2.3). After the THPO approves this plan and the qualified archaeologist obtains requisite permits (including an ARPA permit), the

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<sup>19</sup> It is not considered a conflict of interest for the THPO to initially review THPO-conducted surveys (if that were to happen) because ultimately the BIA reviews and approves all recommendations.

archaeologist may begin fieldwork. Analysis of artifacts will occur once the fieldwork is complete. Reporting of test excavations and curation of artifacts, samples, and records, including photographs, will adhere to THPO standards (see Appendix J). Depending on the results of this work, data recovery may be necessary. For sites that do not require data recovery, site forms will be updated. Review and approval of report and updated site forms from THPO is required.

If results of testing determine that no significant cultural resources are present within the APE (i.e., there are no eligible historic properties), the THPO may propose a finding of “no historic properties affected.” The undertaking may then proceed without further cultural resources investigations. Even if no significant cultural resources are encountered in the APE, the THPO may request (or the MOA may stipulate) that an archaeological or tribal monitor be present in the field during ground-disturbing activities in case of inadvertent discoveries, including that of human remains (see Appendix H).

Of note is the limited nature of initial testing and that data recovery is an extreme action predicated on loss of a resource, the conditions of which are to be set by the MOA.

7. **Data Recovery at Archaeological Sites.** Once the testing report is approved, if data recovery is required at some or all sites, the qualified archaeologist will proceed to develop a research and sampling design for excavation work. After THPO approves this plan and obtains the requisite permits (see Section 4.2), the firm may begin fieldwork. Analysis of artifacts will occur once the fieldwork is complete, and all human remains will be respectfully treated and either repatriated to the affiliated tribe(s) or turned over to the THPO, depending on THPO preference (see Appendix F). Reporting of excavations and curation of artifacts, samples, and records, including photographs, will adhere to THPO standards. Site forms will be updated. Review and approval of report and updated site forms from THPO is required.

## **5.0 CULTURAL RESOURCES REVIEW PROCESS FOR TRIBAL UNDERTAKINGS**

The following review process defines Tribal Council expectations of Tribal departments, federal, state and local governments, and Tribal members and residents of the Ute Mountain Ute Reservation for considering the effects of their programs, actions, and activities on significant cultural resources on tribal (Reservation) lands under the Tribe's Section 106 review process and Tribal Process (Section 4.2).

### **5.1 Ute Mountain Ute Tribal Council and Departmental Undertakings Review Process**

Cultural resources processes are presented in Sections 4 and 6 of this document and outline the steps and permits necessary for fulfilling the Tribe's Section 106 and Tribal Process obligations. The steps and permitting requirement are the same for undertakings and Tribal Projects proposed by the Tribal Council or any Tribal Departments. All proposed Ute Mountain Ute Tribal Council and departmental<sup>20</sup> undertakings and projects shall be assessed for their potential to adversely affect significant or important cultural resources on tribal lands. This assessment shall follow the parameters for level of effort to identify historic properties as set forth in §800.4(b)(1), as well as those stipulated in the Tribal Process (Section 4.2), including background research, consultation, oral history interviews, sample survey investigations, and field survey. A critical component of this step is seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with historic properties or sacred sites in the area, and identifying issues related to the undertaking's potential effects on historic properties, as per §800.4(a)(3); and gathering information from any Indian tribe identified pursuant to §800.3(f) to assist in identifying properties that may be of religious or cultural significance to them, per §800.4(a)(4). Training will be provided by the THPO to Department Directors regarding these requirements per Section 106 of the NHPA.

Another critical component in identifying historic properties potentially affected by an undertaking and assessing the potential impacts to those resources is a field survey. Any field survey shall consist of:

- (1) A formal records search conducted, at a minimum, at Colorado's Office of Archaeology and Historic Preservation, New Mexico's Historic Preservation Division, or Utah's State Historic Preservation Office, depending upon which state the undertaking is occurring, and the THPO;
- (2) Field survey or assessment to be conducted by either THPO staff or an independent professional if that professional meets the qualifications listed in 36 CFR Part 61 (Procedures for Approved State and Local Government Historic Preservation Programs) and/or the Secretary of the Interior's Professional Qualifications Standards. Use of THPO staff may require reimbursement from the appropriate Tribal Department. A THPO

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<sup>20</sup> *Department* includes: Tribal Authorities, Tribal Organizations, and Contractors and Subcontractors working under Departments, Authorities, or Organizations.

signed Inventory Permit (see Section 6.3.2.2) is required prior to conducting survey activities.

- (3) A report submitted to THPO that includes the following:
  - (a) Project Description, including a map showing the Project Area and Area of Potential Effects;
  - (b) Results of record searches, consultation (including public input and scoping), field survey, and descriptions of any identified cultural resources including the submission of completed cultural resource record forms;
  - (c) Recommendations concerning the integrity and eligibility of all discovered cultural resources;
  - (d) Anticipated project impacts to each significant cultural resource;
  - (e) Preferred alternative(s) and any proposed mitigation in the case of a proposal of adverse effect or cover letter to the THPO stating the department's recommendation of no adverse effect or that no historic properties will be affected to be signed by the Department Director sponsoring the project. Final determinations of adverse effects will be made by the THPO.

#### **5.1.1 THPO Review of Tribal Department Undertakings**

The NHPA Section 106 process, with reference to amendments effective August 5, 2004, and to 36 CFR Part 800, must be completed and documented by the federal agency prior to the initiation of an undertaking, or issuance of a contract or permit which may have the potential to affect historic properties on tribal lands. To assure a timely response to tribal department reports, the following procedures will be followed within thirty days of receipt of a report, as appropriate.

If the subject cultural resources report adequately demonstrates that no significant cultural resources are present within the Area of Potential Effects (APE) of an undertaking and a "No Historic Properties Affected" determination is made by the federal agency for THPO concurrence. If no THPO/agency comment is received after thirty days from receipt of the report, then the department should contact the THPO and discuss whether the undertaking can proceed.

If THPO comments indicate the report is inadequate or do not concur with the department's effect recommendation, then the Department Director may either (1) revise and resubmit the report with a new effect recommendation for THPO and agency comment, or (2) provide a written response to the THPO and agency explaining why the department objects to the letter of non-concurrence (see 36 CFR Part 800.5 [c][2] regarding disagreement of findings). If the latter procedure is taken, the THPO and agency will either reconsider their initial non-concurrence based upon supplemental information or forward appropriate documentation to the Tribal Council, which will review the issue and make final decisions. It is important to note that the federal agency will regard the THPO (and not the department) as the official consulting party for Section 106 consultation.

If a cultural resource report submitted to the THPO by a Tribal department demonstrates that cultural resources are present within the APE but can be preserved in place and will not be affected by the undertaking as a result of specific protection measures or conditions, the THPO will likely concur in writing with the department's "No Adverse Effect" determination.

If the THPO does not concur with a department's assessment of no adverse effect, then the THPO will provide written comments explaining why it believes the department should reconsider its assessment. If the department does not reconsider, then the report, THPO comments, and department response will be presented to the Tribal Council. The Tribal Council will review the issues and make final decisions. For Section 106 undertakings, if the Tribal Council and the THPO are unable to resolve the dispute then the case will be presented to the Advisory Council for Historic Preservation (ACHP) for review and resolution, as per 36 CFR Part 800.5. For undertakings under Section 106, the ACHP has final say in these determinations; the Tribal Projects (Section 4.2) the Tribal Council has final say.

For Section 106 undertakings, all determinations of adverse effect, regardless of department assessment of significance, eligibility and proposal of mitigation, or THPO concurrence or non-concurrence, require a review by the Tribal Council, plus ACHP notification. MOAs or Programmatic Agreements are then negotiated and signed by the appropriate consulting parties. Should items under the jurisdiction of NAGPRA (e.g., human remains, funerary object, and items of cultural patrimony) be involved in an adverse effect MOA, then a NAGPRA Plan of Action (POA) must also be reviewed and endorsed by the THPO and agency and attached to the MOA. The undertaking can then proceed according to the conditions of the MOA and the POA.

## **5.2 Tribal Member Undertakings and Activities on Tribal Lands**

All Tribal member activities having the potential to impact cultural resources on tribal lands require consultation with the THPO prior to initiating those activities. These activities include all ground-disturbing actions, such as trenching or scraping for homesite preparation and improvement, road construction, maintenance, or improvement, pipeline or utility construction, and any land-clearing activities. The THPO will develop an outreach program to educate Tribal members as to the role of the THPO and the protocols for involving the THPO (see Section 7). Section 5.3 lists activities that are likely to be exempt from THPO involvement and the Section 106 process. Any categorical exclusions will be formalized in an MOA between federal agencies, the THPO, and ACHP (see Section 7.1 [Objective 3A]) of this document).

If a Tribal member is conducting activities at the behest of, or under contract or agreement with, a Tribal department, it is the responsibility of the sponsoring department to enter into consultation with the THPO. Non-departmental (individual tribal member) requests can be made in writing or in person, but must be addressed to the THPO. A statement of the proposed activity and an accurate map indicating the area for which a THPO review and response are requested must accompany the request. THPO staff will assist in drafting the map to delineate the project area. If deemed appropriate, the THPO may suggest additional potential consultants, for example tribal elders, if the project area is proximate to a sacred site or traditional cultural property.

### **5.2.1 THPO Process for Review and Response to Tribal Member Undertakings and Activities**

Upon receipt of a review request by a tribal member, the THPO will conduct an *initial survey* of the area. The initial survey will help the THPO determine whether more extensive survey or additional cultural resources work is necessary. If significant cultural resources are located within the proposed APE, the first proposed solution will be to move the project area to avoid the

resource. If that solution is not feasible, then treatment of the cultural resources will be discussed with the tribal member. At this point, the THPO will determine whether a more intensive cultural resource field survey and/or consultation with knowledgeable elder(s) is required.

If no significant cultural resources are located during the initial survey, the THPO may require additional survey or may write a letter of clearance for the project. A THPO response will be completed within 15 to 30 days depending upon the scope and magnitude of the proposed activity.

A THPO response does not provide authorization for any activity that is subject to other Tribal, county, state, or federal regulations, plans, policies, ordinances or permits. Furthermore, a THPO response to an allottee proposing activities on an allotment with multiple heirs does not relinquish the requester's responsibilities to any requirements on the allottees' part to gather a majority approval by the other heirs to the allotment.

Tribal member activities that are proposed within the same APE as the original activity do not require a second review unless existing or new information becomes available that implies that there may be an effect on a significant cultural resource.

Tribal members dissatisfied with a THPO response can appeal to the Tribal Council for a final decision.

#### ***5.2.1.1 Tribal Allotment Culture Resource Survey***

THPO staff will consider providing allotment cultural resource surveys free of charge at the request of allottees when the requests are not in conjunction with a specific or permitted project. THPO staff will respond to requests for archival searches and archeological surveys by providing a proposed scope of work and accompanying cost required for work performance to the THPO who will then review department budgets prior to authorizing staff to proceed with survey activities.

### **5.3 Potential Exempt Undertakings and Activities**

One of the short-term goals of the THPO (see Section 7.1), once the CRMP has been accepted by the Tribal Council, is to develop an MOA among the THPO, other Tribal departments, the NPS, the Tribal Council, and the Advisory Council (ACHP) regarding undertakings that may be exempt from the 106 process. Assuming they are not located within or near a sensitive cultural resource area, these undertakings may include:

- (1) Routine use or maintenance of developed or otherwise previously disturbed land, including plowing/digging for farming and gardening;
- (2) Routine use or maintenance that does not alter the character-defining features or integrity of a historic building, including plumbing systems and most code-related work to make properties functional;
- (3) Tree or bush removal that does not involve ground disturbance, if vegetation is not historically significant (e.g., a culturally modified tree or an element of historic landscaping);



- (4) Repairs and remodels on any building or structure that is less than 50 years of age<sup>21</sup> and has not been determined eligible to the National Register, if those repairs do not result in any ground-disturbing activities;
- (5) Maintenance of existing or construction of facilities, including cattle guards, gates, fences, stock tanks, water systems, signs, mailboxes, and posts, that do not involve ground disturbance or impacts to a significant landscapes or historic districts;
- (6) Removal of trash if the trash does not qualify as a significant historic period cultural resource and is not a potential archaeological resource;
- (7) Work related to the maintenance of existing roads when that work avoids cutting a bank or out casting beyond 15 feet of the original road perimeter, and where work is confined to the existing surface, ditches and culverts;
- (8) Work within the perimeter of existing material borrow pits;
- (9) Activities strictly confined to non-vegetated stream channels, excluding terraces and cut banks;
- (10) Removal of log jams and debris jams using hand labor or small mechanical devices;
- (11) Ceremonial activities or cultural practices conducted under the traditional authorities of Ute Mountain Ute ceremonial leaders and conducted at known or confidential site locations; and
- (12) Establishing or preparing a single homesite by a tribal member.<sup>22</sup>

Prior to determining any undertaking exempt from the provisions of Section 106, the ramifications of such a determination with respect to potential adverse effects or impacts to significant cultural resources, including historic landscapes and buildings, will be fully considered. For example, routine maintenance (#2) may have different implications in practice than code upgrades, which can prove intrusive and to which historic building code exemptions more sensitive to a property's integrity may be applicable. See Secretary of Interior's Standards for the Treatment of Historic Properties (<http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf>). Likewise, tree or brush removal (#3), even when no ground disturbance occurs, may have the potential for disturbing historic plantings that may be part of a larger cultural landscape or culturally sensitive/important plants. And facilities maintenance (#4) has the potential to affect contributing elements to a significant historic landscape even if no ground disturbance occurs (see Birnbaum 1994). Each of these considerations and others will be detailed in the MOA.

## 5.4 Emergency Undertakings and Activities

Emergency undertakings are those activities that are conducted in response to a natural disaster or that involve the preservation of human life or limb. The emergency undertaking must demonstrate a reasonable effort to counter the emergency and must be implemented within thirty days of the occurrence of the natural disaster. An agency may request an extension of the period of applicability from the Advisory Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the

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<sup>21</sup> The potential exists for properties less than 50 years old to be eligible under Criterion Consideration G that may not yet have been evaluated (see NRB 15, <http://www.nps.gov/history/nr/publications/bulletins/nrb15/>)

<sup>22</sup> The THPO should still clear the area for cultural resources (see Section 5.2.1)

provisions of Section 106 (36 CFR Part 800.12[d]). Every reasonable effort must be made to notify the THPO in writing or phone prior to initiation of the undertaking. Post-emergency notifications and reporting are also required.

## **6.0 PERMITTING FOR CULTURAL RESOURCES INVESTIGATIONS**

Cultural Resources Permits for fieldwork are required on all Ute Mountain Ute tribal lands. Fieldwork conducted without the proper permit(s) is illegal and will result in prosecution pursuant to the Archaeological Resources Protection Act (ARPA) (43 CFR Part 7) (see Section 3.8.3 of this document).

The Ute Mountain Ute THPO is responsible for issuing permits (except ARPA permits, which are the purview of the BIA [see below]) for cultural resources investigations on Ute Mountain Ute tribal lands. Permits are required for any cultural resources investigations that are outside the realm of traditional use and visitation and are required by any non-tribal member for any cultural resources work on tribal lands. Tribal members are only required to obtain the necessary permits if excavation or disturbance of an archaeological or historical site is to occur (in other words, Tribal members do not need a Visitation Permit or an Ethnographic Study Permit.) There are two types of cultural resources permits: annual permits and project-specific permits.

### **6.1 Annual Permit**

An Annual Permit (sometimes referred to as a “blanket” permit) is required for all cultural resources contractors and is generally issued at the beginning of each calendar year. If approved, this permit allows the contractor to apply for project-specific permits during the calendar year. The information submitted with the initial application does not need to be resubmitted with each project-specific request. (An Annual Permit is required only for Inventory, Testing and Monitoring, Data Recovery, and some Ethnographic Project-Specific Permits; Visitation and Ethnographic Permits for individual research are exempt.) A minimum of ten working days is required for review of an Annual Permit application (see Appendix L). Permit holders must meet the Secretary of Interior’s Professional Qualifications Standards and adhere to tribal law while on tribal land.

The annual application must identify the applicants for the specific position they will hold. Resumes must be in a simple format that provides the information needed to assess each individual’s qualifications, including education and regional field experience. Individuals may not assume positions of greater responsibility than those for which they are approved. Violation of this provision may result in the nullification of a company’s Annual Permit.

Resumes for additional personnel, or for persons applying for positions of greater responsibility than originally approved, must be submitted with the Annual Permit application or renewal at the beginning of the year. Such individuals may not be listed in requests for project-specific permits until approved by the THPO. Annual Permit applications or renewals must be accompanied by the following;

- A letter outlining the kind(s) and scale of projects that are anticipated during the year;
- A sample report (only required for new applications);
- Application fee (see fee schedule, Appendix G) submitted to Ute Mountain Ute THPO, Box 468, Towaoc, Colorado, 81334.

The past performance of both the company and individuals will be taken into account during the review of the Annual Permit application or renewal. Performance will be evaluated throughout the year and determined by the quality of the product(s) submitted to the THPO. Quality is determined primarily by whether reports contain the information necessary for the THPO to comment pursuant to 36 CFR 800 and 36 CFR 60. Report quality is the responsibility of the designated Principal Investigator of the project. All work and reports must be performed to professional standards. A poor performance record may lead to disapproval or revocation of either a company's or an individual's Annual Permit.

Notification of the approval or disapproval of the application will be sent to the applicant upon review. This will occur within 30 of receiving all appropriate information. If approved, the notification will include details about individual applicants and the position(s) for which they have been permitted. The approval remains in effect until the end of the calendar year. A poor performance evaluation after the Annual Permit has been issued may lead to the suspension or revocation of project-specific permits already issued. Poor performance on the part of an individual may lead to restrictions on future responsibilities they are allowed to assume. Superior past performance by individuals may lead to their being approved for positions of greater responsibilities than their level of education and experience otherwise indicate.<sup>23</sup>

## **6.2 Project-Specific Permits**

Prior to conducting any fieldwork, an applicant must obtain not only an annual permit, but also, for each undertaking, a project-specific permit number. Resumes of all supervisory personnel participating in the project and THPO's approval of all supervisory personnel must be in place and approved prior to issuance of permit numbers. Requests for project-specific permits must be received by the THPO prior to the start of fieldwork (see review schedule for each permit type below). When current and accurate information is provided on the permit request, the THPO will make every effort to return the project-specific permit number within the specified number of days. The project-specific number must be included on all reports submitted for review. The project-specific permit fee must be submitted to the THPO prior to final review and approval of reports. The fee schedule for project-specific permits is outlined in Appendix G. The Ute Mountain Ute THPO issues five categories of project-specific permits: Visitation, Inventory, Testing and Monitoring, Data Recovery, and Ethnographic.

### **6.2.1 Visitation Permit**

A Visitation Permit (Appendix L) is for visitation and/or personal research on archaeological sites. No collection or disturbance is authorized under a Visitation Permit. A Visitation permit is required prior to conducting a Reconnaissance Survey, which may be needed to assess sites and buildings prior to full inventory recordation or preservation grant applications (see Appendix J for survey guidelines and Appendix K for Reconnaissance Survey Form). No Annual Permit is

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<sup>23</sup> Per 36 CFR §800.2 (a)(1): "Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary."

necessary for a Visitation Permit, but requests for this type of permit must be made in writing at least ten days prior to site visitation. The request must specify the following:

- The identity and location of site(s) to be visited;<sup>24</sup>
- The proposed dates(s) of visit
- The names of all individuals visiting the site(s)
- The purpose of the visit

There is no fee for a Visitation Permit. Visitation to the Tribal Park does not require an official Visitation Permit, but rather a Tribal Park permit and guide (see <http://www.utemountainute.com/tribalpark.htm>). Visitation Permits are valid only for the dates on the actual permit. Tribal members do not require a Visitation Permit.

### **6.2.2 Inventory Permit**

An Inventory Permit covers non-collection inventories conducted pursuant to Sections 106 and 110 of the NHPA. Activities included are archaeological inventories and TCP surveys, i.e., ethnographic inquiries that are conducted simultaneously with archaeological inventories (see 36 CFR part 800.4, identifying historic properties). While no additional Ethnographic Study Permit (see below) is necessary for collecting basic ethnographic data as part of archaeological inventories, the Inventory Permit application must specify the personnel responsible for ethnographic data collection as well as the other supervisory personnel participating in the project and these data must be provided to the THPO after they are collected. Historic building surveys and inventories are also covered under this type of permit. The Inventory Permit Application Form is provided in Appendix L.

Requests for Inventory Permits must be received by the THPO at least 10 days prior to the start of fieldwork. Inventory Permits are valid for 90 days from the date of issue. An extension may be requested in writing prior to the expiration date. An Inventory Permit is required for each undertaking.

### **6.2.3 Testing and Monitoring Permit**

A Testing and Monitoring Permit is required for eligibility testing<sup>25</sup>, collection inventories, nature and extent testing, and/or monitoring of archaeological sites. Disturbance as a part of testing is generally restricted to excavating less than 1% of a site. Research excavation projects disturbing less than 1% of a site may also use this permit. Exceptions to the 1% rule can be made for very small or ephemeral sites, especially when the nature and extent of the site is truly unknown (as determined by the THPO). Collection of artifacts and samples is allowable under this permit. An approved Testing Plan is required for this permit if testing or excavation is being conducted. An ARPA permit (see Section 4.2.2.6 below), is also required for all ground

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<sup>24</sup> A THPO staff member may be required to accompany the visitor depending on staff availability and the discretion of the THPO.

<sup>25</sup> While testing is not necessarily required to achieve a consensus Determination of Eligibility, the THPO maintains the right to require this level of effort when questions of eligibility are difficult to resolve.

disturbing activity or collection on an archaeological site, except on Tribal Fee Lands<sup>26</sup> (see Appendix L).

Testing and Monitoring Permit applications must be received at least 30 days prior to the initiation of fieldwork and must be accompanied by a Testing Plan (which must be approved by the THPO Director) and an ARPA Permit application (see Appendix L). See fee schedule for applicable fees.

#### **6.2.4 Data Recovery Permit**

Data Recovery is defined as site disturbance for the purposes of recovering data under Criterion D of Section 106 of the NHPA as mitigation or for research purposes. Generally, site disturbance above 1% of the total site is considered data recovery.<sup>27</sup> Data recovery is considered as mitigation when a site cannot be avoided and will be adversely affected or destroyed in the process of an undertaking. Data recovery should not be necessary to undertake solely to determine a site's eligibility. Nor should it be necessary to completely excavate a site listed on the National Register to fully discover the information that the site may contain. An Annual Permit is required prior to requesting a Data Recovery Permit.

Once the Annual Permit is in place and approved, this permit may be requested on a project by project basis at any time during the year; the form used to request a Data Recovery Permit is provided in Appendix L. Data Recovery Permit applications must be received at least 30 days prior to the initiation of fieldwork and must be accompanied by a Data Recovery Plan (which must be approved by the THPO) and an ARPA Permit application. See fee schedule in Appendix G for applicable fees.

#### **6.2.5 Ethnographic Study Permit**

An Ethnographic Study Permit is required for ethnographic research projects, when ethnographic inventories and archaeological inventories are treated as separate phases, or when ethnography is the sole mitigation measure being used for a project. If ethnographic inventories are being conducted for the purpose of identifying cultural resources for Section 106 compliance, an Annual Permit application and the names and qualifications of the ethnographer(s) must be in approved by the THPO Director before issuance of an Ethnographic Study Permit. Minimal

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<sup>26</sup> Tribal Fee Land is land purchased by tribes wherein the tribe acquires legal title under specific statutory authority. Fee land owned by a tribe outside the boundaries of a reservation is not subject to legal restrictions against alienation or encumbrance, absent any special circumstances.

<sup>27</sup> Regarding the extent of excavation, see "Appendix: Definition of National Register Boundaries for Archaeological Properties," in Donna J. Seifert (with Barbara J. Little, Beth L. Savage, and John H. Sprinkle, Jr.), National Register Bulletin: Defining Boundaries for National Register Properties (1995, revised 1997), p. 49. <http://www.cr.nps.gov/nr/publications/bulletins/boundaries/>

Regarding amendment of National Register documentation to reflect archeological study subsequent to initial listing, refer to Case 13: Boundary Reduction of a Large National Register District on p. 59 of the same bulletin.

Regarding the special circumstance of completely excavated archaeological sites: see Barbara Little and Erika Martin Seibert, with Jan Townsend, John H. Sprinkle, Jr. and John Knoerl, National Register Bulletin: Guidelines for Evaluating and Registering Archeological Properties (2000), p. 23.

<http://www.nps.gov/nr/publications/bulletins/arch/>

qualifications include a graduate degree in anthropology and one year of ethnographic experience in the Greater American Southwest.

Once the Annual Permit is in place and approved, this permit may be requested on a project by project basis at any time during the year; the form used to request an Ethnography Permit is provided in Appendix L. Ethnographic Study Permit applications must be received at least 30 days prior to the initiation of fieldwork. See fee schedule for applicable fees.

No Annual Permit is necessary for personal ethnographic research projects. Application must be made in writing (using the request form provided in Appendix L). Ethnographic Study Permit requests for personal ethnographic research require a 30-day review period, during which time the research proposal will be evaluated in terms of its contribution or benefits to the Ute Mountain Ute people. Tribal members do not require an Ethnographic Study Permit.

### **6.2.6 Archaeological Resources Protection Act Permit**

ARPA permit requests are made using the ARPA permit application form available at <http://www.nps.gov/archeology/npsGuide/permits/docs/11PermitAppFinal.pdf>.

They are reviewed by the THPO on behalf of the Bureau of Indian Affairs (BIA), but they are issued by the BIA. A minimum of 35–40 days are required for application review and approval. Application requirements are:

- A copy of the Data Recovery or Testing Plan;
- Names, addresses, institutional affiliations and qualifications of individuals responsible for conducting the proposed work and for carrying out the terms of the permit;
- Evidence of logistical support and laboratory facilities;
- Evidence of a curation agreement with a qualified curatorial facility<sup>31</sup> approved by the THPO.

An ARPA permit is required for any activity which targets an archaeological resource for excavation on tribal lands. ARPA §7.5(a) states that

Any person proposing to excavate and/or remove archaeological resources from public lands or Indian lands, and to carry out activities associated with such excavation and/or removal, shall apply to the Federal land manager for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued. The Federal land manager may issue a permit to any qualified person, subject to appropriate terms and conditions, provided that the person applying for a permit meets conditions in §7.8(a) of this part.

Exceptions, per ARPA §7.5(b), include:

(1) No permit shall be required under this part for any person conducting activities on the public lands under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of archaeological resources, even though those activities might incidentally result in the

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<sup>31</sup> A qualified curatorial facility does not currently exist on the Reservation; however, this is one of the ten-year goals of the Tribe (see Section 6).

disturbance of archaeological resources. General earth-moving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal as used in this part. This exception does not, however, affect the Federal land manager's responsibility to comply with other authorities which protect archaeological resources prior to approving permits, leases, licenses, or entitlements for use; any excavation and/or removal of archaeological resources required for compliance with those authorities shall be conducted in accordance with the permit requirements of this part.

(2) No permit shall be required under this part for any person collecting for private purposes any rock, coin, bullet, or mineral which is not an archaeological resource as defined in this part, provided that such collecting does not result in disturbance of any archaeological resource.

(3) No permit shall be required under this part or under section 3 of the Act of June 8, 1906 (16 U.S.C. 432), for the excavation or removal by any *Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe*, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this part.

Currently, there is an absence of tribal law regulating the excavation or removal of archaeological resources on tribal lands such that exception §7.5(b)(3) does not pertain to Ute Mountain Ute tribal lands. Thus individual tribal members are required to obtain an ARPA permit. However, this may change, depending on the vision of the THPO and the Tribal Council.

### **6.2.7 Other Permits**

Additional permits, including crossing permits, Tribal Employment Rights Office (TERO) compliance, and other necessary permits, may be necessary; the THPO may help facilitate these or provide direction as to whom to contact to acquire these.



## **7.0 CULTURAL RESOURCES MANAGEMENT GOALS, OBJECTIVES, PRIORITIES, AND SCHEDULE**

Subsequent to the approval of the CRMP by the Tribal Council, there are a number of goals and objectives that the THPO has with respect to cultural resources preservation and management on tribal lands. These include 1-2 year goals, 3-5 year goals, and ten year goals. These are listed below, with each one prioritized from 1 to 5, 1 being the highest priority and 5 being lowest. When possible, funding sources for achieving these goals will be identified; the absence of known funding will also be noted.

### **7.1 One- to Two-Year Goals and Objectives**

Five goals and their associated objectives are identified here for the first two years subsequent to the approval of this document as the Tribe's CRMP. Table 7.1 lists the objectives in the order of their priorities.

**Goal 1.** Communicate the goals and procedures of the THPO to the Tribal membership, Tribal Departments, and Tribal Council, and provide training to Tribal membership and Department Directors regarding cultural resources management methods, protocols, and procedures.

**Objective 1A.** Establish a THPO website that contains the THPO's mission, goals, authority, and all Section 106 protocols and procedures, including permitting for cultural resources work on tribal lands. Funding for this will be provided by History Colorado State Historical Fund as part of the larger CRMP grant awarded in 2011 (SHF Grant #2011-01-115). Much of the content of the website is contained in this CRMP. Priority 1.

**Objective 1B.** Conduct outreach to tribal membership via information pamphlets mailed to each household regarding what the THPO does and when tribal members need to contact the THPO and how they can contact the THPO. The website address will be listed on the pamphlet that will provide additional information. Subsequent to the initial outreach, additional efforts will occur on an as needed basis as determined by the THPO. This is a low-cost objective that can be absorbed by the THPO office. Priority 1.

**Objective 1C.** Provide Department Director training. A Section 106 and THPO training course will be provided to Department Directors and other relevant employees regarding when and how to involve the THPO and what undertakings trigger Section 106. This training would be supported by the THPO and each participating department. Subsequent to the initial training, additional trainings will occur on an as needed basis as determined by the THPO. Priority 1.

**Objective 1D.** Provide training to prospective cultural resources monitors and Tribal Park guides. These could be the same individuals, even though the responsibilities and qualifications of each are quite different. These will be described in a subsequent addendum entitled "Responsibilities and Qualifications of Tribal Monitors and Guides"

to be developed jointly by the THPO, the Tribal Review Board, and the Tribal Park Director. This addendum will be developed and completed within the first year of approval of this CRMP and will include a “Daily Monitoring Form” (Appendix N) as well as instructions for filling this form out. The THPO will advertise these trainings in appropriate schools. Funding for the trainings will be provided from funds acquired through cultural resources permitting, Tribal Park funds, and the Tribal Employment and Rights office (TERO). Priority 1.

**Goal 2.** Document, preserve, and protect (and educate the tribal membership on) places that are important to the cultural heritage of the Ute people.

**Objective 2A.** Establish a Ute Cultural Sites Database (CSD). The database will be developed initially from records derived from the Colorado SHPO and will include all sites categorized as Ute, possible Ute, and Historic Ute. Ideally the database will be added to as work continues on tribal and ancestral lands. Linking ethnographic and interview data to specific places is also an objective of this database. Research into comparable databases to identify what functionality and features are best suited to the Tribe’s needs will be conducted under this objective. Care will need to be taken to ensure security and to curb the perception that the database could be accessed by anyone. Protocols for access will be made explicit to the public and tribal membership. See Section 3.9 for full description and justification. Funding for this objective would derive from a large undertaking on tribal lands or a grant that specifically targets the development of the database. The THPO would maintain and control access to the database. Priority 3.

**Objective 2B.** Establish a Tribal Review Board. Required by the NHPA, a five-member board will be established the first year after this CRMP has been approved. The Tribal Review Board will review all National Register nominations for tribal lands. See Section 3.10 for composition of the board and its responsibilities. Priority 1.

**Objective 2C.** Establish a Tribal Register of Historic Places (Tribal Register). Within the first year, the THPO and the Tribal Review Board will develop the process for reviewing and assessing nominations to the Tribal Register and the necessary qualities of a place to be nominated. Once approved by the Tribal Council the details of this process will be available on the web site, as well as a more general description of the utility of the Tribal Register (e.g., what protections it affords listed places). By year two, the THPO hopes to nominate and successfully list Sleeping Ute Mountain. See Section 3.9. Priority 2.

**Goal 3.** Create official agreements among the Tribe and federal and state agencies regarding the roles, responsibilities, and authority of the THPO as well as any actions that may be considered exempt from the Section 106 process.

**Objective 3A.** Write a Programmatic Agreement (PA) among the THPO, the NPS, the BIA, and Advisory Council (with SHPO as concurring party as per 36 CFR 800.6[b]) outlining which actions and under what circumstances tribal membership may be exempted from the Section 106 process (see Section 5.4 of this document). Priority 4.

**Objective 3B.** Write a Memorandum of Understanding between the THPO and the BIA outlining the specific responsibilities and authorities of the THPO and the BIA for undertakings occurring on tribal lands. Priority 4.

**Goal 4.** Document, preserve, and protect important cultural resources on tribal lands.

**Objective 4A.** Initiate cultural resources permitting protocols. Upon official acceptance of this CRMP by the Tribal Council, all cultural resources permitting protocols described in this document will go into effect. These protocols and all necessary forms and information, including the fee schedule, will be available on the THPO website (Objective 1A), as well as in this document. Priority 1.

**Objective 4B.** Continue large-sites mapping and preservation project. In 2011, the THPO was awarded several grants, one by the Colorado State Historical Fund and one by the NPS to map, field survey, and assess several large, threatened sites and develop site-specific preservation plans. This grant-funded work will continue at sites in Barker Arroyo, NM, and Moqui Springs, CO. Additional large-sites protection work may be funded through negotiations with agencies or companies impacting culturally sensitive areas through undertakings. Priority 3.

**Objective 4C.** Establish protocols for stabilizing ruins in the Tribal Park for visitation. Past stabilization activities at sites within the Park have been haphazard and unapproved by the THPO. Protocols will be developed by the THPO and all future stabilization activities will be reviewed and assessed by the THPO to determine the potential effects such activities have on the integrity of the resource. Existing NPS guidelines will be used, including:

- NPS Archaeology Program Brief 12: Site Stabilization Information Sources (<http://www.nps.gov/archeology/pubs/techbr/tch12a.htm>)
- NPS Archaeology Program Brief 8: Revegetation: The Soft Approach to Archeological Site Stabilization (<http://www.nps.gov/archeology/pubs/techbr/tch8.htm>)
- NPS Ruins Stabilization in the Southwestern United States, Publications in Archeology 10 ([http://www.nps.gov/history/history/online\\_books/archeology/10/contents.htm](http://www.nps.gov/history/history/online_books/archeology/10/contents.htm))

Funding for this objective will be derived from Tribal Park funds. Priority 2.

**Goal 5.** Grow and stabilize the THPO office and Tribal Cultural Resources Program

**Objective 5A.** Hire and train one full-time employee to serve as assistant THPO, Archivist, and NAGPRA Coordinator. Funding to support this position will derive from

multiple sources, including TERO, permitting fees from undertakings, and grants.  
Priority 1.

**Objective 5B.** Establish and define responsibilities of the positions of THPO Archivist and NAGPRA Coordinator. Priority 2.

**Table 7.1.** Cultural Resources Objectives by Priority

Priority	Objective	Completed within Year
1	1A Establish a THPO website	1
	1B Tribal Member outreach	1
	1C Departmental training	1
	1D Tribal monitor training	1
	1D Tribal Park guide training	2
	2B Establish Tribal Review Board	1
	5A Train/hire assistant THPO	2
	4A Initiate permitting protocols	Immediate upon CRMP approval
2	5B Establish positions of THPO Archivist and NAGPRA Coordinator	2
	2C Establish Tribal Register	2
	6C Nominate the Sleeping Ute Mountain to the Tribal Register	3
	4C Establish Protocols for ruins stabilization in Tribal Park	2
3	4B Continue large-sites mapping and preservation project	2
	2A Develop Cultural Sites Database	2
	6B Nominate Barker Arroyo Community to the NRHP and Tribal Register	4
	6A Nominate CWAD to NRHP	3
	6D Identify additional properties to be nominated to the Tribal Register	4
	7A Identify funding for Ute Cultural Center and Museum	5
4	3A Write PA among THPO, BIA, NPS, Advisory Council	2
	3B Write MOU between THPO and BIA	2

## 7.2 Three- to Five-Year Goals and Objectives

Three to five year goals focus on longer-term projects and on review of the processes enacted by the approval of this document.

**Goal 6.** Nominate significant historic properties to National and Tribal Registers.

**Objective 6A.** Formally nominate the Cowboy Wash Archaeological District (CWAD) to the NRHP. This nomination will be made via the Colorado Historic Preservation Review Board as it has already been determined eligibility as an archaeological district. Nomination may be processed via the Tribal Review Board if the Tribal nomination process is in place in time for the goal of nominating the property. Priority 3.

**Objective 6B.** Nominate Barker Arroyo Community to the National Register as a historic archaeological district and nominate and list Barker Arroyo Community on the Tribal Register as an archaeological preserve. Listing on the Tribal Register will afford the community added protections (see Section 3.9.2). This nomination will be made via the Tribal Review board. Priority 3.

**Objective 6C.** Nominate the Sleeping Ute Mountain to the Tribal and National Register as a traditional cultural property. Listing on the Tribal Register will afford the property added protections (see Section 3.9.2). These nominations will be made via the Tribal Review board. Priority 2.

**Objective 6D.** Identify additional properties to be nominated to the National and Tribal Registers. Priority 3.

**Goal 7.** Identify funding sources for Ute Mountain Ute Museum and Cultural Center

**Objective 7A.** Develop strategies for securing grant funds and funds derived from large undertakings to support the construction of a Ute Mountain Ute Cultural Center. The Center should house a curation facility for all cultural materials originating from Ute Mountain Ute lands and all items of Ute Mountain Ute cultural patrimony regardless of origin. This facility should also function as an educational center for Tribal members, particularly youths, and should be a draw for tourists and surrounding area school groups. Priority 3.

### **7.3 Ten-Year Goals and Objectives**

The main goal of the THPO over the next ten years is to create a stable and sustainable department with clear protocols and responsibilities. Once these protocols are in place, the main objective will be to maintain and enact them on a consistent basis as outlined in this CRMP. In addition, assuming funding has been secured, a Ute Mountain Ute Museum and Cultural Center should be constructed within this time frame. This CRMP should be revised and updated ten years from approval by the Tribal Council. Minor updates should be made annually.



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**APPENDIX A**

**UTE MOUNTAIN UTE TRIBAL COUNCIL RESOLUTION**



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**APPENDIX B**

**MEMORANDUM OF AGREEMENT**







## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240

IN REPLY REFER TO:

December 18, 2009

H32 (2255)

**National Park Service approves the  
Ute Mountain Ute Tribe  
to assume SHPO functions**

**The Director of the National Park Service has formally approved the proposal of the Ute Mountain Ute Tribe to assume certain State Historic Preservation Officer duties within the exterior boundaries of the tribe's reservation in Colorado, New Mexico and Utah. The Tribe has assumed formal responsibility for review of Federal undertakings pursuant to Section 106 of the National Historic Preservation Act. In addition, the Tribe has assumed all of the other SHPO functions set out in the Act with the exceptions of assisting in the certification of local governments and assisting in the evaluation of Investment Tax Credit rehabilitation projects. The Tribe's historic preservation officer is Mr. Terry Knight. Please address correspondence to:**

Mr. Terry Knight, THPO  
Ute Mountain Ute Tribe  
P.O. Box JJ  
Towaoc, CO 81334  
Telephone: 970-564-5678  
Fax: 970-564-5401  
Email: [lhartman@utemountain.org](mailto:lhartman@utemountain.org)

For a complete list of tribes that have assumed SHPO functions, please see our website at <http://grants.cr.nps.gov/thpo/index>. If I can answer any questions, please do not hesitate to call me at 202-354-1837.

Sincerely,

James E. Bird, Chief  
Tribal Historic Preservation Program

AGREEMENT BETWEEN  
THE NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR  
AND THE UTE MOUNTAIN UTE TRIBE  
FOR THE ASSUMPTION BY THE TRIBE OF CERTAIN RESPONSIBILITIES  
PURSUANT TO THE NATIONAL HISTORIC PRESERVATION ACT (16 U.S.C. 470)

WHEREAS, sovereign Indian tribes are uniquely suited to make decisions about historic resources on tribal lands; and

WHEREAS, enhancing the role of Indian tribes in the national historic preservation partnership will result in a stronger and better national effort to identify and protect historic and cultural resources for future generations of all Americans; and

WHEREAS, Section 101(d)(2) of the National Historic Preservation Act provides that, "A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3), with respect to tribal lands;" and

WHEREAS, in accordance with Section 101(d) (2) (A) of the Act, the Tribal Council of The Ute Mountain Ute Tribe has requested approval to assume certain of those functions on tribal lands; and

WHEREAS, in accordance with Section 101(d) (2) (B) of the Act, The Ute Mountain Ute Tribe has designated a tribal preservation official to administer the tribal historic preservation program; and

WHEREAS, in accordance with Section 101(d)(2)(C) of the Act, The Ute Mountain Ute Tribe has provided to the Secretary acting through the National Park Service a plan that describes how the functions the Tribe proposes to assume will be carried out; and

WHEREAS, in accordance with Section 301 of the Act, "tribal lands" means all lands within the exterior boundaries of The Ute Mountain Ute Tribe's Reservation, and any dependent Indian communities formally recognized as such by the Department of the Interior; and

WHEREAS, the National Park Service, on behalf of the Secretary, has reviewed The Ute Mountain Ute Tribe plan for conformance with the applicable Federal regulations, 36 CFR 60, and 36 CFR 61, and has determined that the plan meets the requirements of those regulations; and

WHEREAS, the National Park Service, on behalf of the Secretary, has reviewed the plan and has determined in accordance with Section 101(d)(2)(D)(i) that The Ute Mountain Ute Tribe is fully capable of carrying out the functions specified in the Tribe's plan; now, therefore,

THE NATIONAL PARK SERVICE AND THE UTE MOUNTAIN UTE TRIBE DO  
HEREBY AGREE AS FOLLOWS:

1. The Ute Mountain Ute Tribe assumes responsibility on tribal lands for the following functions set out in Section 101(b) (3) of the Act:

A. Direct and conduct a comprehensive, Reservation-wide survey and maintain an inventory of historic and culturally significant properties;

B. Identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

C. Develop and implement a comprehensive, Reservation-wide historic preservation plan covering historic, archeological, and traditional cultural properties;

D. Advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

E. Cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal agencies, State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

F. Provide public information, education and training, and technical assistance in historic preservation;

G. Consult with the appropriate Federal agencies in accordance with Section 106 of the Act on:

i. Federal undertakings that may affect historic and culturally significant properties within the boundaries of the Reservation;

ii. The content and sufficiency of any plans to protect, manage, or to reduce or mitigate harm to such properties;

H. Administer such Federal assistance as may be provided for tribal historic preservation activities pursuant to this agreement.

2. In accordance with the Tribe's plan noted above, the State Historic Preservation Officers (hereafter, SHPOs) of Colorado, New Mexico and Utah in consultation and cooperation with the Tribe, retains responsibility for the functions in Section 101(b) (3), as follows:

A. Cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) of the Act.

B. Advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance, such as historic preservation income tax credits.

3. The SHPO, in accordance with Section 101(d)(2)(D)(iii) of the Act, may exercise the historic preservation responsibilities along with the tribal preservation official on reservation land that is neither owned by a tribal member nor held in trust for the tribe by the Secretary, provided that the owner of such property requests the SHPO's participation;

4. In evaluating the significance of and impact on historic and cultural resources, the Tribal Historic Preservation Officer will consult, as needed, with individuals who meet the Secretary's Standards for the discipline or disciplines that correspond to the resource under consideration. In any case where the individual consulted is not a staff member; the Tribal Historic Preservation Officer will retain a record of the consultation.

5. The Ute Mountain Ute Tribe's Tribal Historic Preservation Officer Advisory Board will serve as the Tribal Historic Preservation Officer's advisory board for the purposes of this agreement. The Tribal Historic Preservation Officer will, in accordance with Section 101(d) (4) (C), provide for the appropriate participation in the historic preservation program by the Tribe's traditional cultural authorities through membership on the Tribal Historic Preservation Officer Advisory Board, and through such other means as the Officer deems appropriate. Before making any decision pursuant to this agreement that affects a property of significance to another tribe whose traditional lands are within the Ute Mountain Ute Tribe's reservation, the Tribal Historic Preservation Officer will consult with the appropriate representative(s) of that other tribe. The Tribal Historic Preservation Officer will provide for the appropriate participation of the interested public by soliciting public comments in a manner described in the Tribe's plan.

6. The Tribe will carry out its responsibilities for review of Federal undertakings pursuant to Section 106 of the Act in accordance with the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. In the event that the Tribe seeks to substitute its own review procedures for those established by the Council, such substitution is subject to a separate negotiation with the Council, pursuant to Section 101(d)(5) of the Act.

7. The Ute Mountain Ute Tribe will consider nominations to the National Register of Historic Places in accordance with 36 CFR 60. In accordance with the Tribe's plan and consistent with Item 4 above, the Tribal Historic Preservation Officer will ensure that the Tribal Historic Preservation Review Board has access to appropriately qualified individuals in carrying out its review of National Register nominations.

8. The Tribal Historic Preservation Officer will provide to the National Park Service a brief annual written report on the Tribe's accomplishments pursuant to this agreement. The report will include, at a minimum, the number of additional properties surveyed and added to the Tribe's inventory, the number of Federal undertakings reviewed pursuant to Section 106 of the Act, and a description of any educational activities and programs carried out. The report shall not be construed as requiring the provision of information that the Tribe deems to be sensitive or culturally inappropriate.

9. As of the date of this agreement, The Ute Mountain Ute Tribe's Tribal Historic Preservation Officer is Mr. Terry Knight. The Tribe will notify the National Park Service whenever there is a vacancy in the position and whenever a successor is designated by the Tribe.

10. The National Park Service will, in accordance with Section 101(d)(2)(A) of the Act foster communication, cooperation, and coordination among the Tribe, the State Historic Preservation Officer, and Federal agencies in the administration of the national historic preservation program. All such efforts by NPS will be on an as-needed basis and will be based on consultation with the Tribe to ensure that tribal values are fully respected.

11. The National Park Service, upon execution of this agreement, will notify all Federal Preservation Officers, the Advisory Council on Historic Preservation, the State Historic Preservation Officers of Colorado, New Mexico and Utah, the National Association of Tribal Historic Preservation Officers, and the National Conference of State Historic Preservation Officers that The Ute Mountain Ute Tribe has assumed formal responsibility on tribal lands for all of the functions set out in Item 1 above. In particular, such notice shall make clear that the Tribe has assumed the role of the State Historic Preservation Officer on tribal lands for the purposes of consultation on Federal undertakings pursuant to Section 106 of the National Historic Preservation Act.

12. The National Park Service will consult with The Ute Mountain Ute Tribe to determine what technical assistance the Tribe needs and wants in order to enhance its participation in the national historic preservation program. Based on that consultation, NPS will make available to The Ute Mountain Ute Tribe such technical assistance as is appropriate and feasible. The Ute Mountain Ute Tribe is eligible for grants-in-aid from the Historic Preservation Fund to assist in carrying out the duties it has assumed under this agreement. However, nothing in this Memorandum of Agreement requires the National Park Service to provide financial assistance to The Ute Mountain Ute Tribe to carry out the functions it has assumed under this agreement. Only a separate grant agreement, cooperative agreement or contract obligates NPS to provide funding for tribal activities.

13. The National Park Service, pursuant to Sections 101(d)(2) and 101(b)(2) of the Act, and in direct consultation with the Tribe, will carry out a periodic review of the Tribe's program pursuant to the Act, to ensure that the Tribe is carrying out the program in conformance with the Tribe's plan and with this agreement. To the greatest extent feasible, the review will be a collegial process that involves both NPS and the Tribe in a


mutual evaluation and assessment of the program. Generally, such a review will occur every four years.

14. The Ute Mountain Ute Tribe may terminate this agreement for any reason by providing the National Park Service sixty days written notice of such termination. The National Park Service may terminate this agreement upon determining that the Tribe has not carried out its assumed responsibilities in accordance with this agreement, the Act, or any other applicable Federal statute or regulation. Unless circumstances warrant immediate action, NPS will not terminate the agreement without first providing the Tribe a reasonable and appropriate opportunity to correct any deficiencies.

15. This agreement may be amended by the mutual, written consent of The Ute Mountain Ute Tribe and the National Park Service.

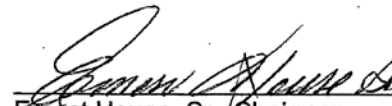
16. This agreement shall become effective upon signature by the Director of the National Park Service or his designee, which signature shall not occur until after the Tribal Chairman of The Ute Mountain Ute Tribe has signed the agreement.

FOR THE NATIONAL PARK SERVICE:

  
for Jonathan B. Jarvis, Director

12/10/2009  
Date

FOR THE UTE MOUNTAIN UTE TRIBE:

  
Ernest House, Sr., Chairman

11/03/09  
Date

**APPENDIX C**

**NATIONAL PARK SERVICE LETTER OF APPROVAL  
OF THE UTE MOUNTAIN UTE THPO**







## United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, D.C. 20240

**DEC 10 2009**

IN REPLY REFER TO:

H32(2255)

Mr. Ernest House, Sr., Chairman  
Ute Mountain Ute Tribe  
P.O. Box 468  
Towaoc, CO 81334

Dear Chairman House:

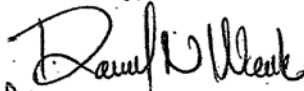
Congratulations. On behalf of the Secretary of the Interior and the National Park Service, I am pleased to approve the plan of the Ute Mountain Ute Tribe for assuming responsibilities pursuant to the National Historic Preservation Act. Enclosed please find your copy of the fully executed agreement by which the Tribe assumes its formal place in the national historic preservation program.

The Ute Mountain Ute Tribe is the 88<sup>th</sup> tribe to assume historic preservation duties that were previously the responsibility of the State. We look forward to a long and productive relationship with the Tribe in this program, and we hope that additional tribes will follow your footsteps.

As you may know, there is currently available to tribes assuming these duties a modest amount of funding to help support the work of the Tribal Historic Preservation Officer (THPO). Our Heritage Preservation Services Program will notify your THPO, Mr. Terry Knight, of the amount of funding available to the Tribe for fiscal year 2010. If you have any questions, please contact Mr. James Bird at (202) 354-1837.

Once again, I offer my congratulations and best wishes to you.

Sincerely,

  
Jonathan B. Jarvis  
Director

Enclosure

cc: Terry Knight, THPO  
Mike Snyder, IMRO



**APPENDIX D**

**STATE HISTORIC PRESERVATION OFFICE LETTER  
REGARDING THE UTE MANCOS CANYON ARCHAEOLOGICAL DISTRICT**



April 12, 2012

Mr. Terry Knight, Tribal Historic Preservation Officer  
Ute Mountain Ute Tribe  
P.O. Box 468  
Towaoc, CO 81334

**Re: Ute Mountain Ute Mancos Canyon Archaeological District, National Register of Historic Places Listing**

Dear Mr. Knight:

As a follow up to our February 27 discussion by phone, please find below additional information, as requested, relative to the National Register of Historic Places designation of the Ute Mountain Ute Mancos Canyon Historic District, listed on May 2, 1972 (NRIS 72000273). The historic district comprises lands on the Ute Mountain Ute reservation in both La Plata and Montezuma counties (5LP.305/5MT.4342) and the documentation notes that the district comprises approximately 208,000 acres.

While the existing documentation is not extremely detailed in its approach, nor was it originally limited in public access, our office restricts both the exact location of this nomination and redacts sensitive information. In accordance with Section 304 of the National Historic Preservation Act, as amended, Section 9(a) of the Archaeological Resources Protection Act of 1979, and 36 CFR Part 60.5(x), legal authority restricts information about endangered resources. National Register Bulletin 29: *Guidelines for Restricting Information About Historic and Prehistoric Resources* presents additional guidance, as the authority extends to National Register of Historic Places/National Historic Landmark documentation related to the location or character of historic or archaeological resources in certain instances. Information about resources likely to be damaged or destroyed if publicly known, damaged by looting or vandalism, associated with traditional cultural practices, or places likely to be harmed by disclosure is restricted. Information can be released only in certain instances, specifically: evaluation of government agency actions affecting the resource; protection of the resource; and scholarly research. Release is predicated on indication of how the documentation will be used and kept secure.

The affiliated boundary maps for this district in our record are Trail Canyon (NM principal meridian, 33N, 13W), Red Mesa (NM, 32N, 14 W), Red Horse Gulch, Greasewood Canyon, Heifer Point, La Plata, and Purgatory Canyon.

Our GIS records define the boundaries by the following Universal Transverse Mercator coordinates:

12:7 39 101mE 41 12 580mN  
12:7 39 299mE 41 04 040mN

12:7 44 625mE 41 04 180mN  
12:7 44 791mE 40 98 200mN

Our file contains an undated annotated map labeled Exhibit A that indicates that at some point subsequent to the time of designation a boundary amendment was considered. Please find a color copy of this map included for your reference. It delineates the National Register historic district boundary in red, the proposed tribal park area in black, a proposed modified historic district boundary in green, and, finally, the reservation boundary itself in brown. However, our office has no record that the nomination was officially amended to reduce the original boundary or that an official request for amendment was submitted to the Keeper of the National Register of Historic Places. As such, the boundary remains that delineated in the attached map in red, as is consistent with our GIS files.


The nomination notes that the resources of Mesa Verde and this adjoining area effectively constitute the largest archaeological preserve in the United States, including thousands of pueblo ruins and cliff dwellings related to the Anasazi or Ancestral Puebloan culture of the Four Corners region. As such, this historic district effectively constitutes an intact cultural landscape, defined by the National Park Service as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values" [Charles A. Birnbaum, "Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes," National Park Service Preservation Brief 36]. The National Park Service has developed a number of guidelines that can assist with ensuring sensitive treatment of cultural landscapes and their associated integrity of feeling, setting, and association.

I hope this helps to address at least some of the questions you had in late February. Please do not hesitate to contact us if we may be of further assistance in this matter at any point.

Best regards,



Richard H. Wilshusen, Ph.D.  
State Archaeologist and Deputy State Historic Preservation Officer



Astrid M. B. Liverman, Ph.D.  
National and State Register Coordinator

Enc: Undated color map labeled Exhibit A from the Ute Mountain Ute Mancos Canyon Archaeological District National Register File







**APPENDIX E**

**UTE MOUNTAIN UTE IRRIGATED LANDS PROJECT  
PRESERVATION PLAN, MAP, AND TABLE OF SITES INCLUDED IN  
PROPOSED HISTORIC DISTRICT**



## PRESERVATION PLAN

UMUFRE recognizes that the UMUILP tracts and the CWAD contain a large number of irreplaceable archaeological sites and features from a variety of time periods that are important from both scientific and cultural standpoints. The purpose of this preservation plan is to facilitate the preservation of these important sites and cultural features by defining measures to protect them from impacts or complete destruction resulting from activities associated with the UMUILP. UMUFRE is committed to the preservation and protection of the significant cultural resources that might potentially be impacted by such activities. This document is intended to assist UMUFRE personnel in that mission.

Various types of potential disturbances to archaeological sites resulting from the UMUILP have been identified. These include, but are not limited to, new construction that requires earth moving of any kind, ground disturbance caused by general maintenance activities, accidental destruction of sites by uninformed personnel, vandalism, the irrigation and cultivation activities themselves, and non-UMU projects crossing or conducted within the UMUILP area. Each of these activities has the potential to adversely impact or destroy an important archaeological site. The following preservation plan will provide guidance to UMUFRE personnel for preparing, planning, and conducting new construction and ongoing maintenance in order to comply with federal laws and preserve archaeological resources.

The plan addresses six types of project-related activities or other impacts and discusses preservation measures associated with these activities or impacts. It is organized by the type of activity to be conducted by UMU farm and ranch personnel. The activities are listed below:

- Irrigation and cultivation (including the tilling, watering, and harvesting of fields; and the construction of emergency field drainage ditches).
- Ranching activities (including grazing by Ute Mountain Ute Tribe Resources Department and UMUFRE, the placement of stock ponds, and wrangling activities).
- New construction (including the construction of fences, roads, hay stacking facilities, irrigation systems, and additional buried laterals).
- General maintenance of roads and buried lateral pipelines.
- Accidental or unintentional destruction and vandalism.
- Projects involving ground-disturbing activities conducted by entities other than the Ute Mountain Ute Tribe.

A summary of specific preservation measures is presented for easy reference in the following section. By proceeding according to the steps described below, known archaeological sites can be avoided and preserved.

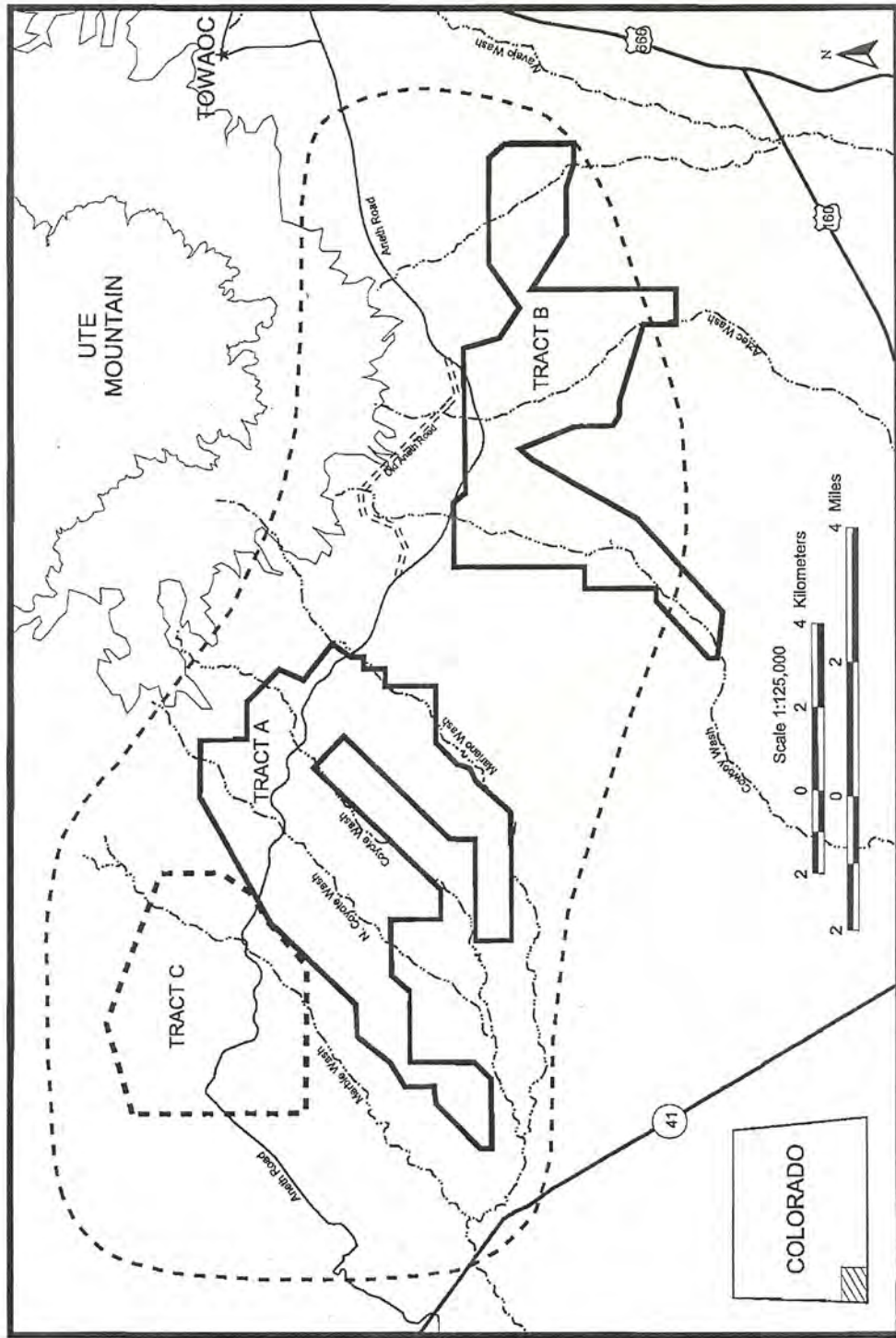


Figure 1. Ute Mountain Ute Irrigated Lands Project Area Location Map.

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
863	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	25
864	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	36
865	Historic; Sweat Lodge; Ceremonial; Habitation	Historic twentieth-century Navajo	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
871	Rock Art	Historic	Needs data	Unknown	Peters Nipple	33.5N	20W	28
2507	Open Camp	Basketmaker III	Officially eligible	Yes	Towaoc	33.5N	18W	25
2508	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	25
2510	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Unknown	Unknown	Mariano Wash East	33.5N	18W	0
2511	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Unknown	Unknown	Mariano Wash East	33.5N	18W	0
2512a	Open Architectural	Historic Ute/Navajo, 1930s-1940s	Officially eligible	Yes	Mariano Wash West	33.5N	19W	23
2512c	Open Camp	Historic Ute/Navajo, early 1900s	Officially not eligible	No	Mariano Wash West	33.5N	19W	23
2558	Open Camp	Anasazi Pueblo II	Unknown	Unknown	Sentinel Peak SE	33N	18W	8
2561	Open Architectural – Multiple Habitation	Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33N	18W	0
2564	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
2565	Open Architectural	Anasazi Pueblo II	Unknown	Unknown	Mariano Wash East	33.5N	18W	0
4474	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	25
5675	Sheltered Camp; Stone Quarry	Anasazi	Unknown	Unknown	Peters Nipple	34N	20W	3
5676	Open Camp	Anasazi	Unknown	Unknown	Peters Nipple	33.5N	20W	8
5677	Open Lithic	Indeterminate	Unknown	Unknown	Peters Nipple	33.5N	20W	5
6218	Open Architectural	Historic Navajo	Needs data	Unknown	Peters Nipple	33.5N	20W	8
6219	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	8
6933	1) Habitation; 2) Lithic Scatter	1) Historic Navajo; 2) Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	17
7105	Rock Art & Corral	Historic Ute/Navajo	Officially eligible	Yes	Peters Nipple	33.5N	20W	15
7106	Open Architectural; Clay Quarry	Anasazi Pueblo I-II	Officially eligible	Yes	Peters Nipple	33.5N	20W	28
7107	Habitation	Historic Ute/Navajo	Officially eligible	Yes	Mariano Wash West	33.5N	20W	23
7108	Open Lithic	Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	27
7109	Open Camp	Anasazi	Officially eligible	Yes	Peters Nipple	33.5N	20W	34
7110	Open Lithic	Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	33
7111	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	28
7114	Rock Art	Historic	Officially not eligible	No	Mariano Wash West	33.5N	20W	14
7675	Open Camp	Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	5
7676	Open Architectural, Ceremonial	Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	8
7677	Open Camp; Rock Art	1) Archaic; 2) Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	8
7678	Open Camp	Archaic/Possible Paleo	Needs data	Unknown	Peters Nipple	33.5N	20W	8

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (SMT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
7679	Open Camp	Archaic	Needs data	Unknown	Peters Nipple	33.5N	20W	10
7680	Open Camp	Archaic	Needs data	Unknown	Peters Nipple	34N	20W	10
7681	Open Lithic	Archaic	Needs data	Unknown	Peters Nipple	34N	20W	11
7682	Open Lithic	Archaic	Needs data	Unknown	Peters Nipple	34N	20W	10
7683	Open Lithic	Archaic	Needs data	Unknown	Peters Nipple	34N	20W	10
7684	1) Open Camp; 2) Ceramic Scatter	1) Archaic; 2) Anasazi Pueblo I-II	Needs data	Unknown	Peters Nipple	33.5N	20W	10
7685	Open Camp		Needs data	Unknown	Peters Nipple	34N	20W	10
7686	Habitation	Navajo, 1930s	Needs data	Unknown	Peters Nipple	34N	20W	10
7687	Open Camp	Middle Archaic; Anasazi Pueblo II	Officially eligible	Yes	Peters Nipple	34N	20W	10
7688	1) Open Camp; 2) Field House	1) Middle Archaic; 2) Anasazi Pueblo II	1) Officially eligible; 2) Needs data	Yes	Peters Nipple	33.5N	20W	10
7689	Open Lithic	Archaic	Needs data	Unknown	Peters Nipple	33.5N	20W	10
7690	Trash Midden	Historic, 1930s	Needs data	Yes†	Mariano Wash West	33.5N	19W	23
7691	Open Lithic	Archaic	Needs data	Unknown	Mariano Wash West	33.5N	19W	17
7692	Historic; Line-Herding Camp	Ute?	Officially not eligible	No	Mariano Wash West	33.5N> 33.5N	19W> 20W	7> 12
7693	Open Lithic; Open Architectural	1) Archaic; 2) Anasazi Pueblo II	1) Needs data; 2) Officially eligible	Yes	Peters Nipple	33.5N	20W	10
7694	Open Camp	late Archaic; Basketmaker III; Anasazi Pueblo II	Needs data	Unknown	Mariano Wash West	33.5N	19W	23
7695	Open Architectural	Basketmaker III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	23
7696	Open Architectural	Anasazi Pueblo II	Needs data	No	Mariano Wash West	33.5N	19W	23
7697	Open Architectural	Basketmaker III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	23
7698	Open Camp	Basketmaker III	Needs data	Unknown	Mariano Wash West	33.5N	19W	23
7699	Open Architectural	Indeterminate	Officially not eligible	No	Mariano Wash East	33.5N	19W	25
7700	Open Architectural	Basketmaker III	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7701	Open Camp	Archaic	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7702	Open Architectural	Anasazi Basketmaker III- Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7703	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7704	Open Architectural	Anasazi Pueblo III	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
7705	Open Architectural	Anasazi	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7706	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	19W	25
7707	Open Architectural	Anasazi Pueblo II	Needs data	Unknown	Mariano Wash East	33.5N	19W	25
7708	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7709	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	19W	25

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (SMT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
7710	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	19W	25
7711	Open Camp	Anasazi Pueblo I-II	Needs data	Unknown	Mariano Wash East	33.5N	19W	25
7712	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7713	Open Camp	Basketmaker III; Anasazi Pueblo II	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7714	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7715	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7716	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7717	Open Architectural	Indeterminate	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7718	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7719	Open Architectural	Basketmaker III & Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7720	Open Camp	Archaic	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7721	Open Camp	Anasazi	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7722	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes†	Mariano Wash East	33.5N	18W	0
7723	Open Architectural	Basketmaker III & Anasazi Pueblo II-III	Officially eligible	Yes	Towaoc> Mariano Wash East	33.5N	18W	24
7724	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Towaoc	33.5N	18W	24
7740	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
7744	Open Architectural		Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7746	Open Camp	Historic Ute, 1930s-1950s	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7747	Historic, Line Camp	Historic Ute, 1940s-1950s	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
7771	Open Lithic	Indeterminate	Needs data	Unknown	Mariano Wash West	33.5N	20W	23
7775	Rock Art	Historic, 1924	Officially not eligible	No	Mariano Wash West	33.5N	20W	13
7776	Habitation	Historic Navajo	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
7777	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	20
7778	Habitation	Indeterminate Historic, 1890-1925	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
7780	Open Architectural	Historic	Needs data	Unknown	Peters Nipple	33.5N	20W	33
7781	Sheltered Architectural	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	34
7782	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	27
7783	Open Architectural	Indeterminate	Unknown	Unknown	Peters Nipple	33.5N	20W	22
7784	Open Camp	Anasazi	Unknown	Unknown	Peters Nipple	33.5N	20W	23
7785	Open Camp	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	21
7786	Open Architectural	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	22

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
7787	Open Architectural	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash West	33.5N	20W	36
7788	Open Lithic	Middle Archaic	Needs data	Unknown	Mariano Wash West	34N	19W	8
7789	Rock Art	Indeterminate	Unknown	Unknown	Mariano Wash West	33.5N	20W	13
7790	Habitation & Rock Art	Historic, 1930s	Officially eligible	Yes	Mariano Wash West	33.5N	20W	13
7791	Open Camp	Basketmaker III	Officially not eligible	No	Peters Nipple	33.5N	20W	34
7793	Open Camp	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	32
7794	1) Open Lithic; 2) Artifact Scatter	1) Anasazi Pueblo II-III?; 2) Historic, Post 1920s	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
7795	Stone Quarry	Indeterminate	Needs data	Unknown	Mariano Wash West	33.5N> 33.5N> 33.5N	19W> 19W> 19W	10> 11> 14
7808	Open Lithic	Middle Archaic	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
7809	1) Check Dam; 2) Open Lithic	1) Indeterminate; 2) Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	27
7814	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	34N	20W	10
7815	Open Camp	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	21
7844	Mine	Historic	Officially not eligible	No	Peters Nipple	33.5N	20W	27
7995	Rock Art	Ute/Navajo, Age	Officially not eligible	No	Peters Nipple	33.5N	20W	15
8087	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Peters Nipple	34N	20W	3
8105	Habitation	Historic	Officially not eligible	No	Peters Nipple	33.5N	20W	15
8106	Camp	Historic Ute/Navajo	Officially not eligible	No	Peters Nipple	33.5N	20W	15
8109	Open Lithic	late Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	33
8110	Camp	Hist	Officially not eligible	No	Peters Nipple	33.5N	20W	33
8111	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	33
8112	Camp	Historic Ute/Navajo	Officially eligible	Yes	Peters Nipple	33.5N	20W	34
8113	Open Architectural	Historic Navajo	Officially eligible	Yes	Peters Nipple	33.5N	20W	28
8114	Open Lithic	Archaic	Officially not eligible	No	Peters Nipple	33.5N	20W	27
8115	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	27
8139	Open Architectural		Officially not eligible	No	Peters Nipple	33.5N	20W	28
8153	Lithic Scatter	Prehistoric	Officially not eligible	No	Mariano Wash West	33.5N	20W	13
8299	Open Lithic	Indeterminate	Officially not eligible	No	Mariano Wash West	33.5N	20W	14
8393	Open Architectural	Anasazi Pueblo I-III	Officially eligible	Yes	Peters Nipple	34N	20W	2
8633	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	34N	20W	11
8634	Open Camp	1) Archaic; 2) Anasazi Pueblo II-III	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
8635	Open Lithic	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N	20W	22



**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (SMT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
8648	Camp	Indt Historic, 1950s	Officially not eligible	No	Mariano Wash West	33.5N	19W	18
8649	Historic; Trash Scatter; Foundations?	Historic Ute	Officially not eligible	No	Mariano Wash West	33.5N	19W	7
8650	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
8651	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
8652	Corral	Historic, 1930s	Officially not eligible	No	Mariano Wash West	33.5N	19W	28
8653	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	20
8655	Open Camp	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
8656	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Sentinel Peak SE	33N	18W	7
8661	Sheltered Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	14
8682	Open Architectural	Historic Navajo	Needs data	Unknown	Peters Nipple	33.5N	20W	33
8683	Sheltered Camp	Anasazi Pueblo II-III	Officially not eligible	No	Peters Nipple	33.5N	20W	28
8684	Open Camp	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	22
8685	Open Architectural	Historic Navajo	Needs data	Unknown	Peters Nipple	33.5N	20W	22
8686	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	15
8687	Habitation	Historic Navajo	Officially not eligible	No	Peters Nipple	33.5N	20W	29
8688	Habitation	Historic Navajo	Needs data	Unknown	Peters Nipple	33.5N	20W	29
8689	Open Lithic	Archaic	Needs data	Unknown	Peters Nipple	33.5N	20W	34
8690	Artifact Scatter	Anasazi Pueblo II-III	Officially not eligible	No	Mariano Wash West	33N	20W	0
8695	Open Camp	Historic Navajo	Officially not eligible	No	Peters Nipple	33.5N	20W	32
8697	Camp	Historic	Needs data	Unknown	Mariano Wash West	34N	19W	3
8698	Camp	Historic	Needs data	Unknown	Mariano Wash West	34N	19W	3
8717	Ceramic Scatter	Anasazi Pueblo II	Officially not eligible	No	Sentinel Peak SE	33N	19W	0
8729	Rock Art	Prehistoric, Historic	Officially eligible	Yes	Mariano Wash West	33.5N	20W	14
8748	Open Camp	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N	20W	20
8749	Open Architectural	Anasazi	Needs data	Unknown	Peters Nipple	34N	20W	2
8750	Historic; Sweat Lodge; Ceremonial	Historic Navajo	Needs data	Unknown	Peters Nipple	33.5N	20W	22
8751	Rock Art	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	22
8753	Rock Art	Historic	Officially not eligible	No	Mariano Wash West	33.5N	20W	14
8755	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
8943	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes†	Mariano Wash East	33.5N	18W	25
8944	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	25
8945	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	36

**Summary of Sites within the Cowboy Wash Archaeological District.**

<b>Site No. (5MT)</b>	<b>Site Type</b>	<b>Site Age</b>	<b>Eligibility</b>	<b>Contributes to District?</b>	<b>USGS 7.5' Quad.</b>	<b>Town- ship</b>	<b>Range</b>	<b>Section</b>
8946	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
8976	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	29
9248	Open Camp	Indeterminate	Officially eligible	Yes	Mariano Wash West	33.5N	19W	7
9251	Open Lithic	Indeterminate	Officially not eligible	No	Mariano Wash East	33.5N	19W	13
9252	Open Camp	1) Anasazi; 2) Historic	Officially eligible	Yes	Mariano Wash East	33.5N	19W	13
9253	Sweat Lodge	Historic Ute	Officially eligible	Yes	Mariano Wash East	33.5N	19W	13
9255	Open Lithic	Indeterminate	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9256	Camp	Historic	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
9257	Camp	Historic	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
9258	1) Artifact Scatter; 2) Habitation	1) Anasazi; 2) Historic	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9259	1) Artifact Scatter; 2) Habitation	1) Anasazi Pueblo II; 2) Historic	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9260	Masonry Wall	Historic	Officially not eligible	No	Mariano Wash East	33.5N	18W	13
9261	Open Camp	Archaic; Anasazi Pueblo II	Officially eligible	Yes	Peters Nipple	34N	20W	2
9262	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	34N	20W	2
9263	Open Camp	1) Indeterminate; 2) Historic	Officially eligible	Yes	Peters Nipple	33.5N	20W	4
9264	1) Lithic Scatter; 2) Open Camp	1) Anasazi; 2) Historic	Officially eligible	Yes	Peters Nipple	33.5N	20W	4
9267	Sheltered Camp	Basketmaker III- Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	20W	14
9326	Open Camp	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N> 33.5N	20W> 20W	20> 21
9327	Open Architectural	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N	20W	28
9328	Open Lithic	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N	20W	34
9329	Historic; Habitation	Historic	Officially eligible	Yes	Peters Nipple	33.5N	20W	34
9330	Open Camp	Indeterminate	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
9331	Rock Art	Historic	Officially not eligible	No	Peters Nipple	33.5N	20W	15
9332	Open Lithic	Indeterminate	Officially eligible	Yes	Mariano Wash West	33.5N	20W	23
9333	Open Lithic	late Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	21
9334	Habitation	Hist Ute/Navajo, Post 1930	Officially eligible	Yes	Peters Nipple	33.5N	20W	21
9443	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	34N	20W	1
9444	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	15
9537	Camp	Historic	Officially not eligible	No	Mariano Wash East	33.5N	18W	0

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
9540	Open Architectural	Basketmaker III; Anasazi Pueblo I	Needs data	Yes	Sentinel Peak SE> Mariano Wash East	33N	18W	7
9541	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9542	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9543	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9544	Open Camp	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9545	Open Camp	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	36
9546	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
9547	Open Camp	Anasazi Pueblo II	Officially not eligible	No	Mariano Wash East	33.5N	18W	35
9548	Lithic Scatter	Anasazi Pueblo II	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
9553	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Sentinel Peak SE	33N	18W	31 (8 on map)
9554	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9560	Camp	Historic Ute	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9570	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9571	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9575	Open Camp	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	25
9608	Open Camp	Anasazi Pueblo I-II	Officially eligible	Yes	Mariano Wash West	33N	19W	0
9609	Historic	Euroamerican	Officially not eligible	No	Mariano Wash West	33.5N	20W	12
9610	Open Lithic	late Archaic	Needs data	Yes	Mariano Wash West	33.5N	19W	7
9611	Open Architectural	Indeterminate	Officially eligible	Yes	Mariano Wash West	33.5N	19W	17
9613	Open Lithic	Indeterminate	Needs data	Unknown	Mariano Wash West	33.5N	20W	23
9615	Sheltered Architectural; Historic; Habitation	Anasazi Pueblo II; Anasazi Pueblo III; Euroamerican?	Officially eligible	Yes	Mariano Wash West	33.5N> 34N	20W> 19W	1> 7
9703	Open Camp	Historic	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
9716	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	34N	20W	10
9717	Open Architectural - Kiln	Anasazi Pueblo III	Officially eligible	Yes	Peters Nipple	34N	20W	10
9718	Open Camp	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	8
9719	Open Lithic	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	8
9720	Habitation	Basketmaker III	Officially eligible	Yes	Peters Nipple	33.5N	20W	8
9723	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	29
9781	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	8

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (SMT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
9782	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	33.5N	20W	8
9783	Open Lithic	Indeterminate	Needs data	Unknown	Peters Nipple	34N	20W	3
9814	Open Lithic	Unknown	Needs data	Unknown	Peters Nipple	33.5N	20W	22
9816	Open Camp	Anasazi Basketmaker III	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9817	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Peters Nipple	33.5N	20W	34
9818	Open Camp	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9819	Open Camp	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9820	Open Camp	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9821	Open Camp	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9822	Open Architectural?	Unknown Prehistoric	Needs data	Unknown	Peters Nipple	33.5N	20W	34
9823	Open Lithic	Unknown; Anasazi?	Needs data	Unknown	Peters Nipple	33.5N	20W	33
9824	Open Lithic	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	33
9825	Open Camp	Archaic; Middle Archaic?	Needs data	Unknown	Peters Nipple	33.5N> 33.5N	20W> 20W	33> 34
9826	Open Camp	Archaic?	Needs data	Unknown	Peters Nipple	33.5N> 33.5N	20W> 20W	27> 34
9827	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	27
9828	Open Lithic	Archaic?	Needs data	Unknown	Peters Nipple	33.5N	20W	27
9829	Open Camp	Archaic?; Anasazi?	Officially not eligible	No	Mariano Wash West	33.5N	20W	23
9830	Open Architectural?	Anasazi Pueblo II; Anasazi Pueblo III	Needs data	Unknown	Mariano Wash West	33.5N	20W	24
9831	Open Lithic	Unknown; Archaic?	Officially not eligible	No	Mariano Wash West	33.5N	20W	24
9832	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
9833	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
9834	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
9835	Open Lithic	Middle Archaic?	Needs data	Yes	Mariano Wash West	33.5N	20W	13
9836	Open Lithic	Middle Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	20W	13
9837	Rock Art; Historic	Prehistoric; Historic Ute	Officially not eligible	No	Mariano Wash West	33.5N	20W	13
9838	Open Lithic	Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	18
9839	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	18
9840	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	18
9841	Open Lithic	Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	18
9842	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	19
9843	Open Lithic	Middle Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	19
9844	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	19
9845	Open Architectural	Anasazi Basketmaker III?	Officially eligible	Yes	Mariano Wash West	33.5N	19W	30

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
9846	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	30
9847	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	29
9849	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	20
9850	Open Architectural	Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	20
9851	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	20
9852	Open Lithic	Middle Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	20
9853	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	16
9854	Historic; Sheep Camp	Historic Ute	Officially not eligible	No	Mariano Wash West	33.5N	19W	18
9855	Open Camp?	Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	17
9856	Open Lithic; Historic; Camp	Archaic?; Unknown	Officially eligible	Yes	Mariano Wash West	33.5N> 33.5N	19W> 19W	18> 7
9857	Open Camp	Archaic?; Anasazi Pueblo II-III	Needs data	Unknown	Mariano Wash West	33.5N	19W	7
9858	Open Camp	Middle Archaic; late Archaic	Needs data	Unknown	Mariano Wash West	33.5N	19W	8
9859	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	8
9860	Open Camp	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	8
9861	Open Lithic	Unknown; Archaic?; Anasazi?	Needs data	Unknown	Mariano Wash West	33.5N	19W	8
9862	Open Camp?	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N> 33.5N	19W> 19W	9> 8
9863	Open Architectural?	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	9
9864	Open Camp	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	9
9865	Open Camp	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	9
9866	Open Camp	Archaic; Anasazi; Unknown	Officially eligible	Yes	Mariano Wash West	33.5N	19W	8
9867	Open Camp	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	8
9868	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	9
9869	Open Architectural	Anasazi Pueblo II	Officially not eligible	Yes	Mariano Wash West	33.5N	19W	16
9870	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	16
9871	Open Architectural	Anasazi Pueblo II/III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	16
9872	Open Architectural; Historic; Camp?	Archaic; Anasazi Pueblo II; Historic Ute?; Historic Navajo?	Needs data	Unknown	Mariano Wash West	33.5N	19W	9

**Summary of Sites within the Cowboy Wash Archaeological District.**

<b>Site No. (5MT)</b>	<b>Site Type</b>	<b>Site Age</b>	<b>Eligibility</b>	<b>Contributes to District?</b>	<b>USGS 7.5' Quad.</b>	<b>Town- ship</b>	<b>Range</b>	<b>Section</b>
9873	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash West	33.5N	19W	9
9874	Open Lithic	Unknown Prehistoric	Needs data	Unknown	Mariano Wash West	33.5N> 33.5N	19W> 19W	9> 10
9875	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9876	Open Camp?	Unknown; Anasazi Pueblo III?	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9877	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9878	Open Camp	late Anasazi Pueblo II?; early Anasazi Pueblo III?	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9879	Open Lithic; Historic; Camp?	Middle Archaic?; Historic	Officially not eligible	No	Mariano Wash West	33.5N	19W	15
9880	Open Camp	Unknown	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9881	Open Architectural	Archaic; Anasazi	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9882	Open Camp; Historic; Trash	Anasazi Pueblo II	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9883	Open Camp	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	15
9884	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	20W	36
9885	Open Lithic	Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	31
9886	Open Lithic	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	31
9887	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	32
9888	Open Lithic	Unknown; Archaic?	Officially not eligible	No	Mariano Wash West	33.5N	19W	32
9889	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	32
9890	Habitation	Navajo, 1930s	Officially eligible	Yes	Mariano Wash West	33.5N	19W	32
9891	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash West	33.5N	19W	32
9892	Open Architectural?	Anasazi Pueblo II	Needs data	Yes	Mariano Wash West	33.5N	19W	33
9893	Open Lithic	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	33
9894	Open Lithic	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	33
9895	Open Architectural	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	28
9896	Open Lithic	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	28
9897	Open Camp?	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	27
9898	Open Lithic	Unknown; late Archaic?; early Anasazi	Needs data	Yes	Mariano Wash West	33.5N	19W	28
9899	Habitation	Ute/Navajo, 1930s- 1940s	Needs data	Yes†	Mariano Wash West	33.5N	19W	27

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
9900	Rock Alignment	Indeterminate	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
9901	Open Lithic	Unknown; Archaic?	Officially not eligible	No	Mariano Wash West	33.5N	19W	27
9902	Historic; Habitation	Historic Ute?	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
9903	Open Lithic	Unknown; Archaic?	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
9904	Open Camp	Unknown; Anasazi?	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
9905	Open Lithic	Unknown; late Archaic?; early Anasazi?	Needs data	Unknown	Mariano Wash West	33.5N	19W	27
9906	Open Lithic	Unknown; Archaic?	Needs data	Yes	Mariano Wash West	33.5N	19W	27
9907	Historic; Camp	Historic Ute?	Officially eligible	Yes	Mariano Wash West	33.5N	19W	22
9908	Open Architectural?	early Anasazi Pueblo III	Needs data	Yes	Sentinel Peak SE	33N	19W	0
9909	Open Camp	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9910	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Needs data	Yes	Sentinel Peak SE	33N	19W	0
9911	Isolated Feature	Anasazi Pueblo II?; Anasazi Pueblo III?	Needs data	Yes	Sentinel Peak SE	33N	19W	0
9912	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9913	Open Camp	Anasazi Pueblo III	Needs data	Yes	Sentinel Peak SE	33N	19W	0
9914	Open Camp	Anasazi Pueblo III	Needs data	Yes	Sentinel Peak SE	33N	19W	0
9915	Open Architectural	late Anasazi Pueblo II	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9916	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9917	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9918	Open Architectural?	late Anasazi Pueblo II	Officially eligible	Yes	Sentinel Peak SE	33N	18W	7
9919	Open Camp	Anasazi Pueblo III	Needs data	Yes	Sentinel Peak SE	33N	18W	7
9920	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9921	Open Camp	Anasazi Pueblo III	Needs data	Unknown	Sentinel Peak SE	33N	19W	0
9922	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N	19W	0
9923	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	19W	0
9924	Open Architectural	late Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	19W	0
9925	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	19W	36
9926	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	19W	36
9927	Historic; Camp	Historic Ute?	Officially not eligible	No	Mariano Wash East	33.5N	19W	36

**Summary of Sites within the Cowboy Wash Archaeological District.**

<b>Site No. (5MT)</b>	<b>Site Type</b>	<b>Site Age</b>	<b>Eligibility</b>	<b>Contributes to District?</b>	<b>USGS 7.5' Quad.</b>	<b>Town- ship</b>	<b>Range</b>	<b>Section</b>
9928	Open Camp	Anasazi Pueblo II	Needs data	Unknown	Mariano Wash East	33.5N	19W	36
9929	Open Architectural	Anasazi Basketmaker III	Needs data	Unknown	Mariano Wash East	33.5N	19W	36
9930	Open Camp	Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33.5N	19W	36
9931	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9932	Open Architectural?	Anasazi Pueblo III	Needs data	Yes	Mariano Wash East	33N	18W	6
9933	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9934	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Sentinel Peak SE	33N> 33N	18W> 19W	7> 0
9935	Open Architectural	Anasazi Basketmaker III	Needs data	Yes	Mariano Wash East	33N	18W	6
9936	Open Architectural	early Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	6
9937	Open Architectural?	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9938	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9939	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9940	Open Camp	Anasazi Basketmaker III; Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33N	18W	6
9941	Open Architectural	Anasazi Basketmaker III; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9942	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9943	Open Architectural	Anasazi Pueblo II/III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9944	Open Architectural	Anasazi Basketmaker III; Anasazi Pueblo II/III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9945	Open Camp	Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
9946	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
9947	Isolated Feature	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9948	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9949	Open Architectural?	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9950	Historic; Camp	Historic Ute?	Officially not eligible	No	Mariano Wash East	33N	18W	5
9951	Camp	Historic, 1930s-1940s	Officially not eligible	No	Mariano Wash East	33N> 33N> 33N> 33N	18W> 18W> 18W> 18W	9> 8> 4> 5
9952	Open Lithic	Unknown; Archaic?	Officially not eligible	No	Sentinel Peak SE	33N	18W	8



**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
9953	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Sentinel Peak SE	33N	18W	8
9954	Open Architectural?	Anasazi Pueblo II; Archaic?	Officially eligible	Yes	Sentinel Peak SE	33N	18W	8
9955	Open Camp	late Anasazi Pueblo II; early Anasazi Pueblo III	Needs data	Unknown	Sentinel Peak SE	33N	18W	9
9956	Open Architectural	Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33N	18W	9
9957	Open Architectural	early Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	4
9958	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	4
9959	Open Camp	late Anasazi Pueblo II; early Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	5
9960	Open Architectural?	Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33N	18W	5
9961	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33N	18W	5
9962	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	5
9963	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	5
9964	Open Camp	Anasazi Pueblo III	Officially not eligible	No	Mariano Wash East	33N	18W	4
9965	Open Architectural?	Anasazi Basketmaker III	Unknown	Unknown	Mariano Wash East	33.5N	18W	0
9966	Open Camp	early Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
9967	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9968	Open Camp?	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9969	Open Architectural	late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9970	Open Camp?	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9971	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9972	Open Architectural?	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	2
9973	Corral	Historic	Officially not eligible	No	Mariano Wash East	33N	18W	2
9974	Open Architectural?	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	1
9975	Open Architectural?	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9976	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9977	Open Camp	Anasazi Basketmaker III	Needs data	Yes	Mariano Wash East	33.5N	18W	0
9978	Open Architectural	Anasazi Pueblo III	Needs data	Yes	Mariano Wash East	33N	18W	6

**Summary of Sites within the Cowboy Wash Archaeological District.**

<b>Site No. (5MT)</b>	<b>Site Type</b>	<b>Site Age</b>	<b>Eligibility</b>	<b>Contributes to District?</b>	<b>USGS 7.5' Quad.</b>	<b>Town- ship</b>	<b>Range</b>	<b>Section</b>
9979	Open Camp	Anasazi Pueblo II; Anasazi Pueblo III	Needs data	Unknown	Sentinel Peak SE	33N	18W	9
9980	Open Camp?; Isolated Feature?	Unknown Prehistoric	Needs data	Unknown	Mariano Wash East	33N	18W	10
9981	Open Camp	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
9982	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
9983	Open Architectural	Anasazi Pueblo II/III	Needs data	Unknown	Mariano Wash East	33.5N	18W	35
9984	Open Camp	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
9985	Open Architectural?	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33.5N	18W	35
9986	Open Camp	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
9987	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
9988	Open Architectural	Anasazi Pueblo III; Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
9989	Open Camp	late Anasazi Pueblo II; Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33.5N	18W	35
9990	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9991	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9992	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	2
9993	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9994	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9995	Open Architectural	Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9996	Open Architectural	late Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	1
9997	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	1
9998	Open Camp	late Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	1
9999	Open Camp	Anasazi Pueblo III	Officially not eligible	No	Mariano Wash East	33.5N	18W	36
10000	Open Camp	Anasazi Pueblo II/III	Officially not eligible	No	Mariano Wash East	33.5N	18W	36
10001	Open Architectural	late Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10002	Open Camp?	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10003	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N> 33.5N	18W> 18W	6> 0
10004	Open Camp	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10005	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10006	Open Camp	late Anasazi Pueblo III	Needs data	Yes	Mariano Wash East	33N	18W	6

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (5MT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
10007	Open Camp	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	6
10008	Open Architectural	Anasazi Basketmaker III; Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10009	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10010	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10011	Open Camp	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10012	Open Architectural	early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10013	Open Architectural	Anasazi Basketmaker III	Officially eligible	Yes	Mariano Wash East	33N	18W	6
10014	Open Camp	Anasazi Basketmaker III?	Needs data	Yes	Mariano Wash East	33N	18W	6
10015	Open Camp	Anasazi Pueblo III	Needs data	Unknown	Mariano Wash East	33N	18W	6
10179	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10180	Open Architectural	Anasazi Basketmaker III; late Anasazi Pueblo II; early Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10181	Open Architectural	late Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10199	Habitation	Anasazi Pueblo II-III	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10206	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10207	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10208	Artifact Scatter	Anasazi Pueblo I	Officially eligible	Yes	Mariano Wash East	33.5N	18W	0
10209	1) Artifact Scatter, 2) Camp	1) Anasazi Pueblo II; 2) Navajo, Historic 1930s	Officially not eligible	No	Mariano Wash East	33.5N	19W	24
10210	1) Artifact Scatter, 2) Habitation	1) Anasazi; 2) Historic	Officially eligible	Yes	Mariano Wash East	33.5N	19W	24
10211	Artifact Scatter	Anasazi Pueblo II-III	Officially not eligible	No	Mariano Wash East	33.5N	19W	24
10212	Habitation	Historic Ute/Navajo, 1930-1940s	Officially eligible	Yes†	Mariano Wash East	33.5N	19W	24
10213	Rock Shelter	1) Historic; 2) Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	19W	24
10214	Sweatlodge	Historic Ute/Navajo	Officially eligible	Yes	Mariano Wash East	33.5N	19W	24
10316	Lithic Scatter	Indeterminate	Needs data	Unknown	Towaoc	33N	18W	1
10320	Possible Habitation	Anasazi Pueblo II	Needs data	Unknown	Mariano Wash East	33.5N	18W	0
10321	Habitation	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33.5N	18W	35
10517	Open Lithic	Archaic	Officially eligible	Yes	Mariano Wash West	34N	19W	7
10518	Historic; Rock Art	Unknown Historic	Officially not eligible	No	Mariano Wash West	33.5N	19W	7

**Summary of Sites within the Cowboy Wash Archaeological District.**

Site No. (SMT)	Site Type	Site Age	Eligibility	Contributes to District?	USGS 7.5' Quad.	Township	Range	Section
10519	Open Lithic; Historic	Prehistoric Unknown	Officially eligible	Yes	Mariano Wash West	33.5N	20W	12
10520	Open Lithic	Prehistoric Unknown	Needs data	Yes	Mariano Wash West	33.5N	20W	12
10521	?	Ute	Needs data	Yes	Mariano Wash West	33.5N	19W	7
10522	Open Lithic	Unknown Aboriginal	Needs data	Unknown	Mariano Wash West	34N	19W	9
10523	Open Lithic	Unknown Aboriginal	Officially eligible	Yes	Mariano Wash West	33.5N	19W	7
10524	Sheltered Lithic; Historic, Isolated Feature	Archaic	Needs data	Yes	Mariano Wash West	33.5N	20W	11
10525	Open Lithic	Prehistoric Unknown	Needs data	Yes	Peters Nipple	34N	20W	1
10526	Open Lithic	Prehistoric Unknown	Needs data	Unknown	Peters Nipple	34N	20W	12
10527	Open Lithic	Middle Archaic	Needs data	Yes	Peters Nipple> Mariano Wash West	34N	20W	1
10854	Open Architectural	late Archaic	Officially eligible	Yes	Peters Nipple	33.5N	20W	20
10855	Historic; Hogan	Historic	Officially eligible	Yes	Peters Nipple	33.5N	20W	20
10856	Sheltered Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Peters Nipple	33.5N	20W	32
10857	Open Architectural	Anasazi Pueblo II; Anasazi Pueblo III	Officially eligible	Yes	Peters Nipple	33.5N	20W	29
11459	Open Camp	late Archaic	Officially eligible	Yes	Mariano Wash West	33.5N	19W	7
11460	1) Lithic Scatter; 2) Sheep Camp	1) Archaic; 2) Historic Ute/Navajo, 1940s-1950s	Officially eligible	Yes	Mariano Wash West	33.5N	19W	7
11461	Historic; Sheep Camp?	Historic Ute/Navajo, 1940s-1950s	Officially eligible	Yes	Mariano Wash West	34N	19W	9
11462	Habitation	Historic Ute/Navajo?, 1950s	Officially not eligible	No	Mariano Wash West	33.5N	19W	18
11468	Lithic Scatter	Archaic	Officially not eligible	No	Mariano Wash West	33.5N	20W	14
11470	1) Lithic Scatter; 2) Artifact Scatter	1) Archaic; 2) Anasazi Pueblo III	Officially eligible	Yes	Mariano Wash West	34N	19W	5
11472	1) Lithic Scatter; 2) Camp	1) Archaic; Historic Ute/Navajo, 1950s	Officially eligible	Yes	Mariano Wash West	33.5N	20W	14
11476	Habitation	Historic Ute/Navajo, 20th Century	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
11477	Rock Shelter	Anasazi Pueblo II-III	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
11478	Rock Wall	Historic Ute/Navajo	Officially not eligible	No	Peters Nipple	33.5N	20W	22
11479	Lithic Scatter	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	4
11480	Lithic Scatter	Indeterminate	Needs data	Unknown	Mariano Wash West	34N	19W	6
11481	Habitation	Historic Ute/Navajo, 1920s-1930s	Officially eligible	Yes	Peters Nipple	33.5N	20W	15
11485	Lithic Scatter	Indeterminate	Officially not eligible	No	Peters Nipple	33.5N	20W	22
11486	1) Lithic Scatter; 2) Kiln	1) Archaic; 2) Anasazi Pueblo I-II	Officially eligible	Yes	Peters Nipple	33.5N	20W	21
11488	Sweatlodge	Historic Navajo, 19th-20th Century	Officially eligible	Yes	Peters Nipple	33.5N	20W	29

**Summary of Sites within the Cowboy Wash Archaeological District.**

<b>Site No. (5MT)</b>	<b>Site Type</b>	<b>Site Age</b>	<b>Eligibility</b>	<b>Contributes to District?</b>	<b>USGS 7.5' Quad.</b>	<b>Town- ship</b>	<b>Range</b>	<b>Section</b>
11490	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Peters Nipple	34N	20W	2
11491	Historic; Habitation	Ute/Navajo, 1930s- 1940s	Officially eligible	Yes	Peters Nipple	34N	20W	2
11494	Open Architectural	Anasazi Pueblo II-III	Officially eligible	Yes	Peters Nipple	33.5N	20W	22
11884	Open Multiple Hab	Anasazi Pueblo II	Officially not eligible	No	Mariano Wash East	33N	18W	6
11949	Open Temp Hab	Anasazi Pueblo II-III	Officially not eligible	No	Sentinel Peak SE	33N	19W	0
11950	Open Habitation	Anasazi Pueblo III	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
11958	Open Architectural	Anasazi Pueblo II	Officially eligible	Yes	Mariano Wash East	33N	18W	5
12008	Open Camp	Possible Archaic	Unknown	Unknown	Sentinel Peak SE	33N	18W	8
12046	Open Camp	Anasazi Pueblo II/III	Officially not eligible	No	Mariano Wash East	33.5N	18W	0
12079	Artifact Scatter With Features	Anasazi Pueblo III	Unknown	Unknown	Sentinel Peak SE	33N	19W	0
12080	Artifact Scatter With Features	Anasazi Pueblo II-III	Unknown	Unknown	Sentinel Peak SE	33N	19W	0
12081	Historic; Residential	early twentieth-century Ute	Officially eligible	Yes	Mariano Wash West	33.5N	19W	23
12519	Open Architectural	Basketmaker III/Anasazi Pueblo I	Officially eligible	Yes	Peters Nipple	33.5N	20W	32



**APPENDIX F**

**BURIAL TREATMENT AND REPATRIATION PLAN**





# Ute Mountain Ute Tribe Tribal Historic Preservation Office

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## **GUIDELINES FOR TREATMENT AND REPATRIATION OF HUMAN REMAINS, FUNERARY OBJECTS, AND OBJECT OF CULTURAL PATRIMONY**

The Ute Mountain Ute THPO, through its Repatriation Division, takes responsibility for the implementation of repatriation policy (as stipulated by the Native American Graves Protection and Repatriation Act of 1990 [NAGPRA]) as it relates to human remains, associated and unassociated funerary objects, sacred items, and objects of cultural patrimony. These include remains and items located on Tribal Lands and those culturally affiliated with the Ute Mountain Ute Tribe.

The Ute Mountain Ute Tribe is committed to protecting all gravesites, human remains, and funerary items under its jurisdiction. Human remains and funerary items, once interred, should not be disinterred. However, under certain circumstances disinterment will occur. In these situations the human remains and funerary items must be treated with respect and care and analyzed and stored by professionals prior to re-interment. Records about human remains and funerary items or their location shall be maintained and safeguarded in the THPO office for use in project planning and appropriate related activities.

In the absence of identified lineal descendants, all Native American human remains and funerary items identified on tribal lands are the responsibility of the THPO [NAGPRA, 1990: Sec. 3(a)(2)(A)]. The THPO shall determine the treatment of human remains without identified lineal descendants and funerary items in consultation with culturally affiliated tribes, as appropriate. The THPO will ensure that all human remains and funerary items be treated with the utmost respect from the time they are discovered until their final disposition.

### **TREATMENT OF HUMAN REMAINS AND FUNERARY OBJECTS**

If a discovered human burial is in no danger of impact, its location shall be documented and remains shall be protected as necessary. Documentation shall be provided to the THPO. If the burial is in danger of impact, all reasonable alternatives must be exhausted before disinterring. The following treatment plan shall be used in all cases where disinterment is necessary. The treatment plan shall ensure the rapid repatriation of human remains and funerary objects.

#### **Notification, Consultation, and Excavation**

Upon discovery of human remains or funerary items,

- The cultural resource professional shall immediately determine the nature and extent of the burial and/or funerary items, while leaving the remains in place and protected. All other activities must immediately cease within a 10-foot (3-meter) radius unless a previously approved data recovery plan is in place. When human remains or funerary

items are encountered in the context of an approved data recovery plan, the cultural resource professional may continue investigations outside the immediate burial area;

- The THPO must be notified immediately that human remains have been encountered;
- Remains must be kept in place on site until a determination is made by THPO regarding appropriate treatment. When security is a problem, the proponent or its contractor must consult with THPO regarding protective measures;
- The location of the remains shall be thoroughly documented. The location shall be described and recorded on the appropriate 7.5-minute USGS topographic map. Locational information shall be provided to the THPO in a confidential appendix. It shall not be retained by the proponent, its contractor, the cultural resource professional, or anyone else.

### **Human Remains Identified in the Laboratory**

- If human remains are discovered along with faunal remains or other samples during laboratory analysis, the proponent or its contractor must contact the THPO or Repatriation Coordinator to determine the best course of action.

### **Reburial**

- Lineal descendants will be notified and consulted prior to processing a claim for human remains and any associated and unassociated funerary objects and will be consulted regarding the interment of these items.
- The re-interment of Ute Mountain Ute human remains and associated and unassociated funerary objects will not occur until the Ute Mountain Ute claim has cleared the Federal Register, pursuant to NAGPRA regulations.
- An identification number shall be assigned to the gravesite. To obtain a grave identification number, contact the THPO.
- The new location shall be described and recorded on the appropriate 7.5-minute USGS topographic map. Recordation shall include a 50-foot (15.2-meter) radius buffer zone for the gravesite. Locational information shall be provided to the THPO in a confidential appendix. THPO may provide to others on a need-to-know basis. It shall not be retained by the proponent, the cultural resource professional, or anyone else.
- The sponsor or its agent shall ensure that the reburial location is reclaimed to conform to the natural landscape and that protective measures are implemented, as necessary, to avoid future impacts to the reburial site (protective fencing, stabilization, reseeding, etc.).
- The locations of repatriated human remains will be kept confidential. Inventories of human remains will be handled with strict confidentiality.

- Repatriated human remains and associated and unassociated funerary objects will not be digitally photographed, unless authorized by the THPO. Notations (if deemed necessary) may be taken by appropriate THPO personnel. Any notations will be kept confidential and access will be made pursuant to the Tribe's policy (see Appendix E).
- The THPO will make all repatriation and final interment decisions, after consultation with lineal descendants.
- Burial of repatriated Ute Mountain Ute human remains and associated and unassociated funerary objects will occur near or in the closest possible proximity to the place from which the remains were excavated. If this is not possible, then the THPO will consult with SHPO, land agencies, culturally affiliated tribes, and lineal descendants and identify an appropriate burial spot.
- Ancestral(?) human remains will be transported by whatever means are deemed appropriate by the THPO. The designation of who shall safeguard the Ute Mountain Ute human remains and associated and unassociated funerary objects will be made by the THPO.

### **Repatriation of Sacred Objects and Objects of Cultural Patrimony**

- Repatriated sacred objects and objects of cultural patrimony will be inventoried and digitally documented.
- These objects will be appropriately stored in a Ute Mountain Ute THPO office or an appropriate facility designated by the THPO.
- Any use of these objects will be determined by the THPO.



**APPENDIX G**  
**FEE SCHEDULE**



Ute Mountain Ute Tribe  
Tribal Historic Preservation Office

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**CULTURAL RESOURCES FEE SCHEDULE**

**I. Site Visitation Permit**

Personal non-collection visits to sites for research or other purposes: no fee. This permit is for visits to archaeological sites on the reservation but outside of the Tribal Park, which has its own fee schedule for site tours in the Park. Visitors to sites may be unaccompanied contingent upon THPO approval.

**II. Inventory Permit  
Testing and Monitoring Permit  
Data Recovery Permit**

Fees for these permits are based on cultural resources task costs.\*

Cultural Resources Project Costs	Cultural Resources Permits fees
\$100-1000	\$100
\$1,001-5,000	\$250
\$5,001-10,000	\$350
\$10,001-25,000	\$750
\$25,001-50,000	\$1,000
>\$50,000	Greater of \$1,000 or 1.75%

**III. Ethnographic Permit**

A flat fee of \$100 per project is required for this permit.

**IV. Annual Permit**

A flat fee of \$200 per annum per company is required for this permit.

**V. Other Fees**

File Search fee: \$25/hour  
Monitoring fee: full day, \$250; 1-6 hours, \$150  
Copies: \$0.25 each

\* In the event that the work is not related to an undertaking the fee will be negotiated directly with the THPO.





**APPENDIX H**  
**INADVERTENT DISCOVERY PROTOCOL**



## Ute Mountain Ute Tribe Tribal Historic Preservation Office

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### **INADVERTENT DISCOVERY PROTOCOL**

If during an undertaking on tribal lands there is a discovery of either a cultural resources site or human remains, the following notification procedures must be followed.

**Step 1.** Stop ground-disturbing activities in the immediate area of the discovery.

**Step 2.** Establish a reasonable protective barrier (marked by flagging tape) around the cultural resource site, within which ground-disturbing activities will be temporarily suspended.

**Step 3.** If there is a cultural resources monitor, tribal monitor, or qualified archaeologist on site, have them examine the vicinity of the discovery to determine if it is likely constitutes a cultural resource site or an isolated find (i.e., an isolated artifact or feature), and ascertain the nature, type, quantity, and extent (area and depth) of the cultural materials so that this information can be effectively communicated to the THPO. Adjust the size of the marked exclusion barrier zone accordingly. If there is no qualified person on site to make these determinations skip to step 4.

**Step 4.** Report the discovery of a cultural resource site to the Ute Mountain Ute THPO in Towaoc at **(970) 564-5731** or alternatively (970) 749-6823.

**Step 5.** Ground-disturbing activities within the marked protective barrier around the discovery are prohibited until notification by THPO staff. Ground-disturbing activities outside this barrier may continue cautiously after the THPO has approved the extent of the barrier.



**APPENDIX I**  
**UNDERTAKING APPLICATION**



# Ute Mountain Ute Tribe Tribal Historic Preservation Office

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## UNDERTAKING APPLICATION

Please provide the following information to the THPO for each undertaking

### 1. Project Description

Identify the Federal agency involved, the agency program and type of Federal involvement.

What do you propose to do?

Establish the Area of Potential Effect (APE), which is defined as the geographic area or areas within which an undertaking or project may cause changes in the character or use of the historic properties, if such properties exist. The APE should reflect the potential visual, auditory, and physical effects to the setting of historic resources. **Plot the APE on a 1:24,000 scale USGA Quad map to be submitted to THPO with this application.**

### 2. Provide vicinity information, if available.

Are there any buildings or structures 50 or more years of age on or adjacent to property site? (This is important because 50 years is the established age to begin to evaluate if a building is eligible for listing on the National Register and will require research with the county assessor.)

Will any buildings 50 or more years of age be vacated elsewhere as a result of this project? (This is important because abandonment of a building eligible to be listed on the National Register may be considered an adverse effect to the building.)

Will there be any ground disturbance?  
(This is important to determine if archaeological sites may be affected by the project.)

Has the land been previously disturbed?

Will access roads be constructed?

Will the project require borrow areas?

Will the project require staging or storage areas?

What are the previous use(s) of site?

(This is important to determine if previous uses may have damaged properties or obliterated archaeological sites.)

What is the anticipated schedule for the project?

Approved: \_\_\_\_\_  
Tribal Historic Preservation Officer

Date: \_\_\_\_\_  
Undertaking Number \_\_\_\_\_

Return the form:  
Ute Mountain Ute Tribal Historic Preservation Office  
P.O. Box 468  
Towaoc, CO 81334  
Phone: (970) 564-5731 Fax: (970) 564-5410  
E-mail: THPOcrm@utemountain.org



**APPENDIX J**  
**SURVEY AND REPORT GUIDELINES**



# Ute Mountain Ute Tribe Tribal Historic Preservation Office

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## ARCHAEOLOGICAL SURVEY AND REPORT STANDARDS AND GUIDELINES

The Ute Mountain Ute THPO has prepared these guidelines for archaeological survey fieldwork and reporting for contractors working on Ute Mountain Ute tribal lands. These guidelines are for Inventory, Testing and Data Recovery work. In some case a Reconnaissance Survey is sufficient for simply assessing a site or building's preservation needs, its NRHP eligibility status, or the level of effort required to fully document the site, structure, object, or building. In that case a Reconnaissance Survey Form (Appendix K) may be sufficient and no report is required. Note that these guidelines only pertain to reporting of archaeological fieldwork. It does not pertain to historical and architectural surveys or recording and reporting of traditional cultural properties. For conducting and reporting of historical and architectural surveys, the THPO suggests following the stipulations outlined in "Colorado Cultural Resource Survey Manual, Guidelines for Identification: History and Archaeology" available at [http://www.historycolorado.org/sites/default/files/files/OAHP/crforms\\_edumat/pdfs/1527.pdf](http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/1527.pdf)

### Archaeological Inventory Fieldwork

Prior to any fieldwork, a permit must be acquired from the THPO (see Appendix L). When recording resources, surveyors are required to use a sub-3-meter GPS unit to map and generate UTM coordinates for sites and a digital camera with 6 megapixel or greater power<sup>35</sup>. Digital recording and shape files of sites are preferred. State site record forms will be used, except for reconnaissance-level survey.

Colorado (History Colorado) forms are available at

<http://www.historycolorado.org/archaeologists/cultural-resource-forms>

New Mexico (Laboratory of Anthropology) forms are available at

<http://www.nmhistoricpreservation.org/documents/arms-documents.html>

Utah (Intermountain Antiquities Computer System) forms are available at

<http://anthro.utah.edu/labs/imacs.php>

These forms should be submitted to the THPO, who will forward to the appropriate SHPO office.

- Spacing between surveyors or individual transects will not exceed fifteen (15) meters. The minimal area for a block survey is 1 acre. For archaeology, the minimal width of a linear survey is fifteen (15) meters.

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<sup>35</sup> See National Register revised photo policy as suggested baseline at [http://www.nps.gov/nr/publications/guidance/Photo\\_Policy\\_final.pdf](http://www.nps.gov/nr/publications/guidance/Photo_Policy_final.pdf)

- At minimum, a 35 to 50-ft buffer zone will be surveyed around the area of potential effect, i.e. home sites, block surveys, linear surveys. For traditional cultural properties or cultural landscapes the buffer zone may be larger. If there is no APE, for example for pro-active Section 110 work, the surveyed area will simply be the defined project area.
- All cultural resources encountered in the survey area will be documented completely, even if they are partly outside of the survey boundary. Exceptions may be extensive linear features such as historic road, ditches, and trails. However, these resources will still be required to be evaluated in terms of identifying contributing and non-contributing segments.
- In addition, traditional cultural properties (TCPs) also require full recordation. See Appendix M for Sacred and Traditional Place documentation form and guidelines.

## **Reports**

Reports should follow the guidelines outlined in *Colorado Cultural Resource Survey Manual: Guidelines For Identification: History and Archaeology*. These guidelines are available at

[http://www.historycolorado.org/sites/default/files/files/OAHP/crforms\\_edumat/pdfs/1527.pdf](http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/1527.pdf)

## **Guidelines for Archaeological Testing or Excavation Reports**

The guidelines for Archaeological Testing and Excavation Reports closely resemble the survey report guidelines. In addition, they encourage detail concerning excavation technique and results. These guidelines are available at

[http://www.historycolorado.org/sites/default/files/files/OAHP/crforms\\_edumat/pdfs/1527.pdf](http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/1527.pdf).

## **Reconnaissance Survey and Recoding Sacred and Traditional Places**

The Ute Mountain Ute THPO in general is committed to preserving continuity in the recording of cultural resources on tribal lands by requiring the use of appropriate state forms, as stipulated above. The exceptions are for reconnaissance-level survey and recording sacred and traditional places. For these types of recording, the THPO has devised its own forms in order to better serve the recorder, the resource, and the THPO in managing these resources. The THPO Reconnaissance Survey Form is simpler and geared more specifically to prehistoric sites than the Colorado state form, for example (Appendix K). And the Sacred and Traditional Place recording form is oriented more appropriately to Ute places and the needs of the Tribe and can be used in all three states that these important sites are to be found (Appendix M).

**APPENDIX K**

**RECONNAISSANCE SURVEY FORM**



Site number(s) \_\_\_\_\_

# Ute Mountain Ute Tribe Tribal Historic Preservation Office

## RECONNAISSANCE SURVEY FORM

Site name: \_\_\_\_\_

Name of recorder: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Address/phone: \_\_\_\_\_

NRHP eligibility recommendation: Eligible  Criterion: A B C D (check all that apply) Not Eligible

Resource Type (check all that apply):

- prehistoric  artifact scatter  rock art
- historic EuroAmerican  architectural  home site
- Ute  linear  grave site
- other affiliation  refuse  other \_\_\_\_\_

Site location (Township/Range/Section/1/4/1/4): \_\_\_\_\_

Site location (UTMs on center point): \_\_\_\_\_

USGS Quad map: \_\_\_\_\_

Land status/ownership: \_\_\_\_\_

Site /Dimensions. \_\_\_\_\_ x \_\_\_\_\_ m ft (check one)

Number and type of features visible on surface \_\_\_\_\_

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Number and types of artifacts visible on surface \_\_\_\_\_

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Occupation/use period, date range, or period of significance \_\_\_\_\_

Date range based on? \_\_\_\_\_

Condition and Integrity of Site \_\_\_\_\_

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Management recommendations: \_\_\_\_\_

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Is this site part of a larger community, landscape, or district? If so briefly describe

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3 of 3

Provide sketch map below. Make sure scale is present. Scales can be approximate.





**APPENDIX L**  
**PERMIT APPLICATION FORMS**



Ute Mountain Ute Tribe  
Tribal Historic Preservation Office

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**ANNUAL CULTURAL RESOURCES PERMIT APPLICATION**

Name of Firm: \_\_\_\_\_

Address of Organization and phone number: \_\_\_\_\_

\_\_\_\_\_

New Application or Renewal? \_\_\_\_\_

List personnel to add and the position they will hold, including Principal Investigator, Field Director, and Supervisory Archaeologists. These individuals must have demonstrated experience in the region and must have an advanced degree in Anthropology, Archaeology, Architectural History or a related subject. In some cases, supervisory experience in the region may exempt certain individuals from the advanced degree requirement. Permitted individuals must meet the Secretary of the Interior's Standards for Professional Qualifications. Permitted individual must be present in the field at all times during field investigations.

Name	Highest degree	Position

Describe organizational capabilities, including facilities and equipment;

Identify Permit Administrator with contact information \_\_\_\_\_

\_\_\_\_\_

Include current resumes of supervisory personnel, including Principal Investigator, Field Director, and Supervisory Archaeologists. Resumes should be in a simple format that provides the information needed to assess each individual's qualifications, including education and regional field experience. Individuals may not assume positions of greater responsibility than those for which they are approved. Violation of this provision may result in the nullification of an organization's Annual Permit.

Return the form and submit permit fee to:  
Ute Mountain Ute Tribal Historic Preservation Office  
P.O. Box 468  
Towaoc, CO 81334  
Phone: (970) 564-5731 Fax: (970) 564-5410  
E-mail: [THPOcrm@utemountain.org](mailto:THPOcrm@utemountain.org)

## Ute Mountain Ute Tribe Tribal Historic Preservation Office

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### **SITE VISITATION PERMIT REQUIREMENTS**

Visitation permits are for visitation to and/or reconnaissance-level survey of archaeological, historical, or cultural sites. No collection, disturbance, or any activity other than visitation and documentation is authorized under a Visitation Permit. No annual permit is necessary to obtain this type of permit, but requests for Visitation permits must be made via the enclosed form at least ten days prior to the site visitation. A THPO staff member may be required to accompany the visitor depending on staff availability and the comfort-level of the THPO with the individual(s). The request must specify:

1. The identity and location of site(s) to be visited
2. The proposed date(s) of site visit
3. The names and contact information of all individuals visiting archaeological, historical, or cultural sites
4. The purpose of visitation/research (e.g., photography<sup>36</sup>, rock art documentation, mapping, etc.).

There is no fee for research, reconnaissance survey, or visitation conducted under a Visitation permit. Note: Site visits to the Tribal Park require a Tribal Park visitation permit and a Tribal Park guide (see <http://www.utemountainute.com/tribalpark.htm>).

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<sup>36</sup> Restrictions may apply.

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**SITE VISITATION PERMIT  
APPLICATION FORM**

**Permit No.** \_\_\_\_\_

Type of Permit Requested	Site Visitation	Documentation
Proposed Starting Date:		
Proposed Ending Date:		
Person in Charge (if applicable):		
<b>Visitation Location</b>		
State:		
County:		
Legal Location (Township & Range, Section)		
Land Status:		
<b>Description/purpose of visitation/research (e.g. photography, rock art documentation, etc.)</b>		
<b>Name of Organization</b>		
<b>Address</b>		<b>Telephone No./Contact Info.</b>
<b>Names of Individuals Visiting</b>		



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**INVENTORY PERMIT  
APPLICATION FORM**

Permit No. \_\_\_\_\_

<b>Brief Description of Project (including approximate acreage)</b>	
Proposed Starting Date:	
Proposed Ending Date:	
<b>Project Location</b>	
State:	
County:	
Legal (Township & Range, Section if platted, project if unplatted):	
Land Status:	
Name(s) of U.S.G.S 7.5 minute map(s) (attach map(s) to request form)	
<b>Name of Organization</b>	
Address	Telephone No./Contact Info.
<b>Project Personnel</b>	
Person(s) in General Charge – Principal Investigator[s]:	
Person(s) In Direct Charge - Project Director[s] (specify positions):	



# Ute Mountain Ute Tribe Tribal Historic Preservation Office

## EXCAVATION PERMIT APPLICATION FORM

**Permit No.** \_\_\_\_\_

Type of Permit Requested	
Archaeological Testing	
Archaeological Monitoring	
Archaeological Data Recovery	
Name of Organization	
Address	Telephone No./Contact Info.
Project Personnel	
Person(s) in General Charge – Principal Investigator[s]:	
Person(s) In Direct Charge - Project Director[s] (specify positions):	
Project Location	
State:	
County:	
Legal (Township & Range, Section if platted, project if unplatted):	
Land Status:	
Name(s) of U.S.G.S 7.5 minute map(s) (attach map(s) to request form)	
Brief Description of Project	
Extent of testing or data recovery:	
Federal agency contact:	
Start Date:	End Date:



## Ute Mountain Ute Tribe Tribal Historic Preservation Office

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### **ETHNOGRAPHIC RESEARCH PERMIT REQUIREMENTS**

No annual application is necessary for personal or professional ethnographic research projects. Requests for ethnographic research permits require a \$100.00 application fee; however, the fee may be waived by special arrangement with the THPO for formal research that will result in data provided to the Ute Mountain Ute Tribe. Ethnographic studies related to Section 106 compliance are conducted under an Archaeological Inventory permit. Application for an ethnographic research permit must be made in writing (using the enclosed request form) and include the following information:

1. A copy of the research design or grant proposal outlining the purpose of the project and the methods to be used (including copies of interview forms and consent forms to be used)
2. A resume or other statement of the researcher's qualifications
3. Names of those to be interviewed
4. Evidence that the Tribal Council has been informed of the proposed research project, i.e. Tribal resolution.
5. The final report must include evidence that the individuals who were interviewed consented to participating in the research, as well as consent forms regarding use of the interviewee's name(s) and the information provided by them for publication purposes.

Ethnographic research permit requests are subject to a 30- day review period, during which time the research proposal will be evaluated in terms of its contribution or benefit to the Ute Mountain Ute Tribe.



**APPENDIX M**

**SACRED AND TRADITIONAL PLACES DOCUMENTATION FORM**





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**SACRED AND TRADITIONAL CULTURAL PLACES DOCUMENTATION FORM**

Site name: \_\_\_\_\_

Site location: \_\_\_\_\_

Date of interview: \_\_\_\_\_

Name of interviewer: \_\_\_\_\_

Name and contact information of interviewee: \_\_\_\_\_

\_\_\_\_\_ Tribal member? \_\_\_\_\_

Name of interpreter (if any): \_\_\_\_\_

Location of interview: \_\_\_\_\_

Describe the type(s) of sacred/traditional place(s) identified (e.g., plant gathering area, place for gathering other materials, place where ceremony has been held, former home site location, prayer offering place, place associated with an origin story, place associated with other traditional story, rock art, other type of traditional or sacred place). Indicate locations of all identified resources on USGS maps and attach copy to this form. Describe the location of this site on the landscape and its viewshed. Describe when it was used, the length of use, and whether this place was used by an individual, a family, or a larger community grouping.

Is this information sensitive and confidential?

Does the interviewee consider the proposed development a threat to these places? \_\_\_\_\_

If yes, what project changes or redesign would the interviewee recommend?

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Is there anyone else the interviewee feels should be consulted? List names and locations.

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Is a recorded interview (or transcripts) available to archive? \_\_\_\_\_

Additional notes:

**APPENDIX N**  
**DAILY MONITORING FORM**







**APPENDIX O**  
**GLOSSARY OF TERMS**





# Ute Mountain Ute Tribe Tribal Historic Preservation Office

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## Glossary of Terms

### **Accession**

The process of receiving information, records, or objects into an archive, library, or curation facility.

### **Advisory Council on Historic Preservation**

A federal agency and council having several oversight roles in the National Historic Preservation Act Section 106 process. Oversight roles are promulgation of Section 106 Regulations, involvement in any Section 106 undertakings determinations of adverse effect, review and approval of any National Historic Preservation Act Section 101(D)5 substitution regulations. The Council consists of Presidential appointees, Federal Agency Historic Preservation Officers, National Conference of State Historic Preservation Officers Representative, and the National Association of Tribal Historic Preservation Officer Representative. See <http://www.achp.gov/aboutachp.html> for more information.

### **Agency**

As defined in 5 U.S.C. 551, “agency” means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.

### **Ancestral or Aboriginal Lands**

Land used or occupied by a group in the past which that group claims as ancestral or aboriginal land.

### **Area of Potential Effects (APE)**

The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

### **Archaeological Resources Protection Act**

A federal law, passed in 1979, that provides civil and criminal proceedings for prosecuting individuals and agencies that conducted activities involving the unpermitted destruction, defacement, alteration, damage, theft and transportation of cultural and historic properties when those activities occur on federal lands. (see Section 3.83 of this document).

### **Building**

A structure that was constructed primarily to shelter human activity. Compare to Structure.

**Consultation**

The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation (36 CFR Part 800.16(f)).

**Cultural Landscape**

A geographic area, including both cultural and natural resources, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

**Cultural Resources**

A general term referring to all types of artifacts, items, objects, properties, structures, buildings, districts, sites, landscapes, and traditional cultural properties having cultural or historic importance determined by an age exceeding 50 years and contributing to the broad patterns of history of shared identity groups of people.

**District**

A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Effect**

Any alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

**Effects Determination**

An official determination made by an agency concerning whether or not a proposed activity or undertaking will or will not have an effect on cultural resources. Effect Determinations are made either as "No Historic Property (Cultural Resource) affected" or "Adverse Effect."

**Eligible**

This term refers to a property's eligibility for inclusion on the National Register and includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

**Ethnography**

A document that records the written or oral history of a group of shared-identity people. Ethnographies also record the author's experience in conducting the recording particularly if the recording requires the author to set aside his or her own culture in order to understand others' cultures.

**Funerary Objects**

Objects intended for or buried with human remains. Associated Human remains are found with or are known to be otherwise linked with specific human remains. Unassociated funerary objects are those known to be funerary objects but are not linked with specific human remains.

### **Historic Property**

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe and that meet the National Register criteria (36 CFR 800.16[1][1]). Historic properties include not only those properties that are officially listed on the National Register of Historic Places, but also those that are determined to be eligible for the National Register.

### **Human Remains**

All parts of human beings, whether living or dead, attached or unattached. This includes DNA, stem cells, organs, hair, nails, teeth, flesh and bones.

### **Inadvertent Discovery**

Discovery of cultural resources in the course of conducting an activity or undertaking where a Determination of “No Historic (Properties Affected)” has been made and a SHPO or THPO has concurred with that determination.

### **Integrity**

The ability of a historic property to convey significance. A historic property’s integrity is based upon location (its place), design (form, plan, or style), setting (how property fits into surroundings), materials (combination of elements that make the property), workmanship (linkages of materials that convey a culture), feeling (ability to convey the essence of a culture), and association (link between a property and specific event or person).

### **Items of Cultural Patrimony**

Objects having ongoing historical, traditional, or cultural importance central to a Native American group or culture, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by an individual regardless of whether or not the individual is a member of the Indian tribe and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

### **Memorandum of Agreement (MOA)**

The document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

### **National Historic Preservation Act**

A federal law, passed in 1966 that establishes a national historic preservation program. Significant features are captured in legal sections such as Section 101 (establishes the National Register, SHPOs, THPOs, Certified Local Governments and federal HPOs), Section 106 (defines a effects determination review process for all federal undertakings), Section 108 (establishes a congressionally appropriated Historic Preservation Fund), Section 110 (defines federal agency heritage preservation programmatic responsibilities), Section 201 (establishes the Advisory Council on Historic Preservation). This Act has been amended several times.

### **National Register of Historic Places (National Register)**

A nation-wide historic properties inventory. THPOs and SHPOs receive nominations from the public and process nominations to the register through National Register staff who then make determinations of listing. Nominations eligible for listing but not officially nominated are afforded the same consideration as those properties that are listed. Often listing is a criteria for receiving restoration funds or tax incentive credits.

### **National Register Criteria**

The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

### **Native American Graves Protection and Repatriation Act (NAGPRA)**

A federal law passed in 1992 that requires museums and other institutions that receive federal funding and that hold collections of Native American remains, objects and items to create an inventory list, disseminate such lists to appropriate tribes and be receptive to Tribe's claims to repatriate such remains, objects and items. The act also provides felony provisions for the illegal possession and transport of Native American human remains and establishes a National Park Service NAGPRA review Committee. See Section 3.8.4 of this document.

<http://www.nps.gov/history/nagpra/>

### **Programmatic Agreement (PA)**

A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with §800.14(b).

### **Repatriation**

The process by which Tribe's and museums negotiate for the return of remains, objects and items from museums to culturally affiliated Tribes.

### **Sacred Objects**

Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents.

### **Secretary of Interior Standards**

The Secretary of Interior, through the auspices of the National Park Service issues guidelines that establish national historic preservation standards. The standards provide guidance in all areas of Historic Preservation: archeology, building and built environment restoration, curation, ethnographic and historic methods and documentation. Historic Preservation participants (SHPOs, THPOs, Federal Agency HPOs, Certified Local Governments and private parties receiving federal historic restoration funds or tax incentives agree to follow such standards.

[http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm)

### **Section 106 Review**

A National Historic Preservation Act designated undertaking review process that requires a lead agency to conduct archival research, consultation, ground survey, technical report writing, effects determination, opportunity for SHPO or THPO comment, and in the case of an adverse effect determination, informing the Advisory Council on Historic Preservation and the negotiation of an Memorandum of Agreement between the lead agency and the SHPO or THPO.

**Significance**

A historic property is determined significant when it exceeds fifty years in age, fits with one or more of four evaluation criteria, is determined to have integrity, and is determined eligible to, or listed on, the National Register.

**Site**

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

**State Historic Preservation Officer (SHPO)**

The official appointed or designated pursuant to Section 101(b)(1) of the NHPA to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

**Structure**

A functional construction made for purposes other than creating human shelter (compare to Building).

**Traditional Cultural Property**

A National Register-eligible property associated with cultural practices or beliefs of a living community that are rooted in that community's history or are important in maintaining its cultural identity (National Register n.d. 38:1)

**Tribal Historic Preservation Officer (THPO)**

The tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

**Tribal Lands**

Per the National Historic Preservation Act, Title 3, Section 301 (14), "tribal lands" means- (A) all lands within the exterior boundaries of any Indian reservation; and (B) all dependent Indian communities.

**Undertaking**

A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.