

APPENDIX B:
SECTION 106 AND NHPA DOCUMENTATION



February 20, 2024
Jeff Pappas, PhD

New Mexico Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Re: Initiation of Consultation Pursuant to 36 CFR 800
Kit Carson Monument
106 S. Federal Place, Santa Fe, New Mexico

Dear Dr. Pappas:

The U.S. General Services Administration (GSA) is proposing to address ongoing damage to the existing Kit Carson Monument that currently sits on the grounds of the Santiago E. Campos U.S. Courthouse in Santa Fe. The monument was most recently substantially damaged on August 31, 2023 and portions of it have been taken to a GSA storage facility off site. GSA will consider historic and contemporary community and tribal perspectives regarding this commemorative object in public space to identify an appropriate undertaking.

This correspondence initiates our consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA) in accordance with 36 CFR 800. It is GSA's goal to consult early with your office in our responsibility to comply with Section 106 and more specifically to identify historic properties potentially affected by GSA's undertakings, assess those effects and seek ways to avoid, minimize, or mitigate adverse effects on historic properties.

Identification of a preferred alternative will be coordinated with the National Environmental Policy Act (NEPA) process in order to plan the public's participation and analyze alternatives before proceeding with a decision on an undertaking. As required by law, GSA will conduct due diligence, analysis, consultation and all obligations set forth in NEPA and the implementing regulations in Section 106 of the NHPA.

Area of Potential Effect:

Currently, the Area of Potential Effect (**APE**) for any potential undertaking includes the immediate property where the monument is located (facing S. Federal Place and Lincoln Avenue) at the Campos U.S. Courthouse and the surrounding views to/from the monument.

Any future undertaking that will have the potential to cause an effect has not yet been identified, however, GSA recognizes the monument's condition cannot remain status quo and requires action. To date, GSA has facilitated Government to Government listening sessions with Pueblos, Tribes and Nations that have identified ancestral homelands and/or cultural affiliation in New Mexico. GSA will include a plan to involve additional consulting parties and the public to afford a reasonable opportunity to comment on a future undertaking.

GSA has identified a preliminary list of parties we will be contacting with invitations to be consulting parties, under 36 CFR 800.2(c), for any future undertaking involving the monument. This includes Tribes having ancestral homelands and/or a cultural affiliation in Santa Fe County, Tribes that participated in the Government to Government listening sessions previously conducted, and local or regional governments and non-profit organizations.

GSA has identified a preliminary list of parties we will be contacting with invitations to be consulting parties for an undertaking. This will include tribes identified by your office as having ancestral homelands and/or a cultural affiliation in Santa Fe County as well as other Tribes that participated in the Government to Government listening sessions identified above. We would welcome any additions to this list that your office may have. We assume that we will be adding consulting parties to this list via public outreach and interaction during the NEPA process, and that perhaps some invited parties will choose not to participate.

We look forward to consulting with your office. GSA welcomes any initial comments your office may provide regarding the proposed APE, identification and evaluation of alternatives, and the proposed consulting parties to be invited to participate in the consultation. Please do not hesitate to contact us if you have any questions. You may reach me at hugo.gardea@gsa.gov or 817.978-4229.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Hugo A. Gardea". The signature is fluid and cursive, with a large loop at the end.

Hugo A. Gardea, AIA
Regional Historic Preservation Officer (7PCD)

CC: Beth L. Savage, GSA Federal Preservation Officer
Karla Carmichael, GSA NEPA Manager



Michelle Lujan Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

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March 6, 2024

Hugo A. Gardea, AIA
Regional Historic Preservation Officer (7PCD)
GSA Public Buildings Service
Greater Southwest Region
819 Taylor Street
Fort Worth, TX 76102

VIA EMAIL ONLY

RE: Initiation of Consultation Pursuant to 36 CFR 800, Kit Carson Monument, Santa Fe, New Mexico

Dear Mr. Gardea:

Thank you for initiating consultation regarding the Kit Carson Monument, located on the grounds of the Santiago E. Campos US Courthouse in Santa Fe, Santa Fe County, New Mexico . Our office received your letter on February 21, 2024. The New Mexico State Historic Preservation Office (NM SHPO) reviewed the proposed undertaking under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

NM SHPO concurs with the proposed Area of Potential Effects (APE) for any future undertakings pertaining to the monument. The APE is identified as the immediate property where the monument is located at the Campos US Courthouse (facing S. Federal Place and Lincoln Avenue) and the surrounding views to/from the monument.

As requested in your letter and in addition to the preliminary list of consulting parties already identified, NM SHPO recommends inviting the City of Santa Fe, the Historic Santa Fe Foundation, and the Old Santa Fe Association.

We look forward to continuing consultation with GSA. If you have any questions or need additional information, please feel free to contact me at gretchen.brock@dca.nm.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Brock".

Gretchen Brock
Historian, Architectural Reviewer

LOG #121897



October 1, 2024

Michelle Ensey, Deputy State Historic Preservation Officer
New Mexico Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Re: Consultation Pursuant to 36 CFR 800
Christopher "Kit" Carson Monument
106 S. Federal Place, Santa Fe, New Mexico

Dear Ms. Ensey:

Thank you for your office's participation in the U.S. General Services Administration (GSA) Tribal Listening Sessions and Consulting Party Meetings to address the existing Christopher "Kit" Carson Monument (monument). As we have previously discussed in consultation, GSA has identified and considered options to address significant damages to the monument that sits on the federal oval grounds around the Santiago E. Campos U.S. Courthouse and the Joseph M. Montoya Federal Building and U.S. Courthouse in Santa Fe.

The monument was identified as a Contributing Feature of the Federal Oval in the 2003 *Cultural Landscape Report for the Federal Oval, Santa Fe, New Mexico*; it was described in the Campos Courthouse National Register nomination documentation (NR 73001152) but not in the Santa Fe Historic District nomination (NR 73001150). As the cumulative result of prior sandstone material degradation and the significant recent structural damage incurred, GSA has determined that the monument can no longer contribute to the historic, architectural or landscape significance of the Federal Oval because of its severely diminished integrity of materials, design, and workmanship.

GSA has considered all of the potential options in relation to the Criteria of Adverse Effect (36 CFR § 800.5) and has determined that all of the potential options will have No Adverse Effect on the remaining character-defining features of the historic Federal Oval property. The attached Section 106 Record addresses GSA's efforts and options considered for the monument. An Executive Summary is also included and serves as documentation of GSA's assessment of the integrity of the monument.

We respectfully request your review of our findings. GSA will proceed after the close of the regulatory 30-day review period if your office has agreed with our findings or has not provided a response, and no other consulting party has objected. GSA will continue to consult with tribes.

Please do not hesitate to contact me if you have any questions. If you or your staff would like to visit the monument in person, we are happy to arrange a site visit. I can be reached at (817) 978-4229 or hugo.gardea@gsa.gov.

Very Respectfully,



Hugo A. Gardea, AIA
Regional Historic Preservation Officer (7PCD)

Attachments: Section 106 Record
Executive Summary, Federal Oval Site Documentation

CC: Beth L. Savage, GSA Federal Preservation Officer
Karla Carmichael, GSA NEPA Manager
Martina Minthorn, Comanche Nation
Holly Houghten, Mescalero Apache
Richard M. Begay, Navajo Nation
Steven Concho, Pueblo of Acoma
Fermin Lopez, Pueblo of Pojoaque
Bruce Bernstein PhD, Pueblo of San Ildefonso
Larry Samuel, Pueblo of Tesuque
Sheldon Lucero, Pueblo of Zia
Heather Lamboy, City of Santa Fe, New Mexico
Martin Jagers, Kit Carson Home & Museum
Pamela Najdowski, End of the Trail Chapter of the Santa Fe Trail Association
Adam Fulton Johnson, Old Santa Fe Association
Melanie McWhorter, Historic Santa Fe Association



SECTION 106 RECORD

Christopher “Kit” Carson Monument
106 South Federal Place
Santa Fe, New Mexico

Background

The monument was donated and installed by the Grand Army of the Republic (GAR) in 1885 on the grounds of the intended New Mexico Territorial Capitol. A dedication ceremony was held on Memorial Day, 1885. The GAR ceased to exist in 1954 and their assets (including monuments and memorials) were transferred to the Sons of Union Veterans of the Civil War (SUVCW). The monument was donated by the SUVCW to GSA without restrictions in September 2023.

The property on which the monument is located, known locally as the Federal Oval, traces its history and beginnings to the Tewa speaking pueblos of northern New Mexico. It is located on unplatted land within the City of Santa Fe Grant and sits at the northern edge of downtown Santa Fe within the boundaries of the Santa Fe Historic District (National Register #73001150, listed on July 23, 1973, and SR 260).

Within the Federal Oval, there are two federal buildings. The Santiago E. Campos U.S. Courthouse (106 South Federal Place) listed in 1973 in the National Register of Historic Places (NRHP) (NR 73001152) and the New Mexico State Register of Cultural Properties (SR 244). The Joseph M. Montoya Federal Building and U.S. Post Office (120 South Federal Place) was listed in 2022 in the NRHP (NR 100008474) and the New Mexico State Register of Cultural Properties (SR 2075). The federal grounds are bordered by Paseo de Peralta to the north, South Federal Place to the south, Washington Street to the east, and Grant Street to the west. The remains of the monument sit in front of the U.S. Courthouse at the terminus of Lincoln Avenue at South Federal Place.

GSA commissioned a *Cultural Landscape Report for the Federal Oval Santa Fe, New Mexico* in June 2003. The final report found the monument (titled Sandstone Obelisk in the report), in addition to other site landscape features, a Contributing Feature of the cultural landscape.

Vandalism/Damages

During the summer of 2020, following public protests and repeated graffiti on the monument, a local request was made for the GSA to remove the monument, citing the complex and controversial legacy of Kit Carson. In response to these protests and to ensure public safety, GSA installed a protective plywood barrier around the monument. Following the installation of the box through 2023, multiple episodes of graffiti took place.

On August 31, 2023, the monument was substantially damaged with the removal of the top three (3) obelisk sandstone blocks and damage to the sandstone cornice. Damaged portions of the obelisk, reduced to large and small pieces of rubble, have been safeguarded in storage.

Outreach

As a part of GSA's outreach efforts on the monument, historic and contemporary community and tribal perspectives regarding this commemorative object were considered in order to identify an appropriate undertaking. GSA initiated a series of government-to-government Tribal Listening Sessions and Consulting Party Meetings to discuss the history, current state and future disposition of the monument. Two Tribal Listening Sessions were held on December 12, 2023, at the Indian Pueblo Cultural Center in Albuquerque and virtually on January 31, 2024. The virtual Consulting Party Meetings were held on May 9, 2024 and again July 18, 2024. The second meeting was open to the public.

The monument, which was neither commissioned nor installed by the federal government, was erected by the GAR and citizens of Santa Fe on Federal property. Carson, himself, had no direct association with this particular location during his lifetime. GSA recognizes that Kit Carson was known as a frontiersman, expedition guide, U.S. Indian agent and a U.S. Army Officer during the Civil War. During his military service, Carson led forces that implemented a scorched-earth campaign against several tribes including the Navajo (Diné) and Mescalero Apache. These actions were part of the forcible removal of these tribes from their homelands in Arizona and New Mexico territories. This campaign and others like it were part of a period in American history during which federal policies and resulting actions towards indigenous communities were fraught with aggression, broken agreements, and the forced displacement of these groups from their ancestral lands, which has wrought intergenerational historical trauma, as characterized by tribal representatives during consultation. Tribal representatives have expressed that GSA's action regarding the monument may present an educational opportunity for acknowledgement of this history and efforts for reconciliation and healing.

During the listening sessions and consulting party meetings various suggestions were made to address the damages to the monument. These include:

- 1) No action (leave as is)
- 2) Reinterpretation of the remains of the monument in situ
- 3) Relocation of the monument
- 4) Disassembly and storage of the monument, and
- 5) Reconstruction/Restoration of the monument

Loss of Integrity

The vandalism and damages from August 31, 2023 have resulted in the removal of the top three blocks of the obelisk, breaking them into numerous pieces, along with additional damage to the

cornice line at the top of the main inscription masonry block. The damage has reduced the monument's height by several feet, severely compromising its architectural integrity. Of the seven Aspects of Integrity listed in the National Register Bulletin for *How to Apply National Register Criteria for Evaluation*, the damages to the monument have severely impacted the Object's ability to convey its significance in the aspects of Design, Materials and Workmanship. As such, the monument is now considered a Non-Contributing Feature to the historic Federal Oval.

Site Documentation Executive Summary

GSA has undertaken a study of the Federal Oval to synthesize the known history of the property through the various studies undertaken over the years in support of GSA's compliance with Sections 110 and 106 of the National Historic Preservation Act. The study also solicited tribal knowledge to create a more inclusive view of the full depth and significance of the property. GSA is including a draft Executive Summary with this Section 106 Record.

Physical Condition Assessment

A physical condition assessment is planned for the remains of the monument. GSA has procured the services of a local Architectural Conservator to assess the existing physical conditions of the monument and evaluate the options currently under consideration and outlined below.

Options Considered

At the conclusion of the Listening Sessions, Consulting Party Meetings and subsequent studies and assessments, GSA considered 1 of 5 options for the monument. These include:

1. No Action. This would leave the monument in its current condition, covered with a protective tarp and surrounded by the plywood barrier. GSA previously indicated to tribal members and consulting parties this option is not acceptable as a permanent condition in front of a federal courthouse.
2. On-Site Reinterpretation. This would entail removal of the protective barrier and tarp with installation of an interpretative marker, the content of which would be informed by the Federal Oval Study with input from tribes. While continuing to display the monument as-is is not desirable, on-site reinterpretation of the monument and/or the federal oval is being explored.
3. Relocation. This would require disassembling the monument for relocation to another publicly accessible venue in New Mexico. Various suggestions were made for where to relocate the monument:
 - a) Santa Fe National Cemetery. The policy implemented through the National Cemetery Administration Handbook precludes the donation of a memorial to an individual Soldier.

This was confirmed through a follow up conversation with National Cemetery program staff.

- b) Bosque Redondo Memorial, Fort Sumner. The memorial is located in a State of New Mexico Park. Relocating the monument to the park requires acceptance by the state. Because Bosque Redondo is a memorial to the tribal lives lost during the Long Walk, the State of New Mexico requested consultation and approval by both the Navajo Nation and Mescalero Apache before considering accepting the monument as a donation.
 - c) Kit Carson Home & Museum, Taos. GSA reached out to the Board of the Home & Museum, which determined it cannot accept the monument.
 - d) Kit Carson Cemetery, Taos. GSA reached out to the Town of Taos to inquire if relocation to the cemetery is an option. Kit Carson is buried at the cemetery. GSA has not heard back from the Town of Taos.
4. Disassembly and Storage. This would require disassembling the monument above its base for storage with an interpretive plaque at the former monument location. The base will remain in situ to protect the site's archaeology.
 5. Reconstruction/Restoration. This would require reconstructing the broken portions of the monument and restoration of the damaged stone cornice. If this option would be technically feasible, the continued commemoration of Kit Carson may likely perpetuate continued vandalism and damages.

Due to the loss of integrity of the monument through deterioration, years of alterations, and the extensive vandalism from August 31, 2023, GSA concludes that all of the above options will have No Adverse Effect on the remaining character-defining features of the historic Federal Oval property.

As required by law, GSA will conduct due diligence, analysis, consultation and all obligations set forth in the National Environmental Policy Act (NEPA) and the implementing regulations for Section 106 of the NHPA. Confirmation of a preferred alternative will be further analyzed with the NEPA process.

Photo documentation of Damage







Michelle Lujan Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

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October 30, 2024
Hugo A. Gardea, AIA
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GSA Public Buildings Service
Greater Southwest Region
819 Taylor Street
Fort Worth, TX 76102

VIA EMAIL ONLY

RE: Consultation Pursuant to 36 CFR 800, Christopher “Kit” Carson Monument, 106 S. Federal Place, Santa Fe, New Mexico (HPD Log# 123657)

Dear Mr. Gardea:

Thank you for submitting the Section 106 documentation regarding the Christopher “Kit” Carson Monument (Monument), located on the grounds of the Santiago E. Campos US Courthouse at 106 S. Federal Place in Santa Fe, New Mexico. Our office received the documentation via email on October 1, 2024.

I appreciate the thorough and thoughtful consultation process regarding the Monument and the many meetings with Native American Tribes, SHPO staff, and the public. Based on the documentation submitted and first-hand site visits by staff, I concur with the General Services Administration’s (GSA) determination that the Kit Carson Monument has lost its historic integrity of materials, design, and workmanship and, therefore, can no longer convey its historic significance. Because the Kit Carson Monument has lost its historic integrity, I also concur with GSA’s determination that the Monument is not eligible for listing in the National Register as a contributing object to the Campos US Courthouse National Register nomination or the Santa Fe Historic District.

Furthermore, because the Kit Carson Monument has lost its historic integrity, I concur with GSA’s finding of No Adverse Effect to historic properties for the five proposed options considered by GSA to address damage to the Monument: no action, reinterpretation in situ, relocation, disassembly and storage, and reconstruction/restoration. I understand that GSA will select a preferred alternative under the National Environmental Policy Act (NEPA) process and regardless of the option selected, will continue Section 106 consultation with Native American Tribes in order to develop a plaque or marker that would include the history of the site. I encourage GSA to continue consultation with any other consulting parties who may have an interest in the selection of a preferred alternative and an interest in developing the interpretative

plaque.

If you have any questions, please do not hesitate to contact me. I can be reached at (505) 827-4064 or by email at michelle.ensey@dca.nm.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michelle Ensey', written in a cursive style.

Michelle Ensey
State Historic Preservation Officer & State Archaeologist