

106 SUCCESS STORY

Aviation Safety Improvements Avoid Harm to World Heritage Site

Taos, New Mexico



“The consultation process took many years, but it helped the parties to understand the issues to reach agreement on the MOA with voluntary flight advisories as an interim measure. For the long term, the parties to the MOA, Taos Pueblo, Town of Taos, the ACHP, and the SHPO agreed that they shall work together to develop congressional legislation that will ensure protection of the living cultural values of the World Heritage Site, Blue Lake Wilderness Area, and other adjoining Taos Pueblo Lands through enforceable flight restrictions and prohibitions.”

— HON. GILBERT SUAZO
Taos Pueblo Governor, 2018

Photos: Above, Taos Regional Airport (photos courtesy Visit Taos); Right, Taos Pueblo (Wikimedia photo by Karol M.); Blue Lake, in Carson National Forest (photo courtesy U.S. Forest Service)

THE STORY

For more than 1,000 years, the Red Willow People of Taos Pueblo (Pueblo) have inhabited the Taos Valley and mountains, where numerous ancestral home sites and cultural areas remain in use. Located just north of the town of Taos, New Mexico, the Pueblo has maintained and sustained its traditional culture, including the internationally recognized multi-story adobe dwellings and ceremonial sites at the center of the community that continue to be inhabited. Taos Pueblo's lands include the Blue Lake area that was returned to the Pueblo by the federal government in 1970 as a cultural resource for the tribe. The Pueblo is a National Historic Landmark and the only U.S. World Heritage Site recognized for its ongoing way of life and living traditional culture.

THE PROJECT

The town of Taos proposed a new, longer, cross-wind runway at Taos Regional Airport to increase aviation safety in the challenging mountain terrain. While no commercial air traffic was anticipated, the new runway would provide increased flexibility in types of aircraft accommodated and weather-related operations. The runway construction required the town's airport authority to obtain approval from the Federal Aviation Administration (FAA).

THE 106 PROCESS

FAA, the federal agency carrying out this project, was responsible for conducting the Section 106 process under the National Historic Preservation Act (NHPA). Section 106 requires that federal agencies identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies also are required to consult with parties that have an interest in the historic property when adverse effects may occur.

FAA initiated the environmental studies for this project in 1992, and the Advisory Council on Historic Preservation (ACHP) became involved in the Section 106 review in 1994 when the FAA and consulting parties could not agree on the size of the affected area or the effort required to identify historic properties. The ethnographic study that resulted from the resolution of that dispute led FAA to determine, in consultation with

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Photos: From left, detail of Taos Pueblo (photo courtesy Visit Taos); Lake Fork, Pueblo, and Wheeler peaks in Carson National Forest (photo by David Herrera/Wikimedia)

the Pueblo and the National Park Service (NPS), that the larger Pueblo landscape beyond the World Heritage Site designation, which included the Blue Lake Wilderness Area, is a National Register-eligible historic district.

In 2006, FAA provided its finding of adverse effect. The Pueblo, New Mexico State Historic Preservation Officer, and NPS, while concurring that there would be adverse effects, disagreed with FAA’s characterization of them. Of particular concern were that audible and visual effects of new flight patterns over Taos Pueblo and the Blue Lake Wilderness Area could disrupt traditional cultural activities. The assessment of audible and visual effects to this property of religious and cultural significance to an Indian tribe challenged FAA, requiring different analyses than those typically relied upon in environmental reviews. Input from Taos Pueblo members, who possess unique expertise in defining the cultural characteristics and how they could be affected by overflights, broadened FAA’s understanding of the adverse effects.

This deeper understanding of the project’s impacts led to consideration of innovative approaches to addressing them. This included developing measures to limit overflights of Taos Pueblo and the Blue Lake Wilderness Area, a highly unusual step for FAA. In considering whether to take this step, FAA considered its responsibilities under the World Heritage Convention in addition to Sections 106 and 110(f) of the NHPA. FAA concluded that the unique status of the Pueblo as a World Heritage Site, internationally significant for its living culture, merited measures outside the usual realm of Section 106 mitigation. The ensuing Memorandum of Agreement (MOA), signed in December 2011, contained stipulations that included FAA advisories and a broad educational effort informing pilots about the Pueblo’s unique culture and how they can contribute to its protection by avoiding flying over the World Heritage Site and Blue Lake Wilderness Area.

THE SUCCESS

The Taos Regional Airport MOA represents an unprecedented effort by FAA to voluntarily restrict overflights because of effects to a historic property of exceptional international significance. The preamble to the MOA recognizes the extraordinary quality of these measures, explicitly stating that it does not establish a precedent for other FAA projects. The formalized implementation plan accommodates the protection of a unique historic property and the vibrant traditional culture of Taos Pueblo with the needs of aviation safety. Taos Pueblo, with other parties to this long-running Section 106 consultation, greeted the finalization of the MOA as an important achievement.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Federal Aviation
 Administration
 ACHP
 National Park Service
 Taos Pueblo
 New Mexico
 State Historic
 Preservation
 Officer
 New Mexico
 Department of
 Transportation,
 Aviation Division
 Town of Taos

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 Section 106 and
 the ACHP go to
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