

(Bilbo Note: comments received have been inserted and **highlited in yellow**. Strikeout is used for the item(s) being replaced. And following those in *blue parentheses text* is the rational for change. Update as of January 25, 2008)

DRAFT MEMORANDUM OF AGREEMENT

Among

The United States

Bureau of Land Management, New Mexico

National Park Service, Inter-Mountain Region

Bureau of Reclamation *Fort McRae? (see II.A. below)*

Bureau of Indian Affairs *Fort Wingate? (see II.A. below)*

and

The New Mexico

Department of Health

Department of Tourism

~~Department of Corrections~~ *Fort Stanton State Monument?(see X. Approvals below)*

Department of Cultural Affairs, State Monuments

Department of Energy, Minerals & Natural Resources, State Parks *Fort McRae? (see II.A. below)*

Department of General Services, Property Control

and

~~Fort Stanton Development Commission~~ *Fort Stanton State Monument? (see X. Approvals below)*

Mescalero Apache Tribe

Jicarilla Apache Tribe

Chiricahau Apache Tribe

Navajo Tribe

Lincoln County Commission

Fort Stanton, Inc *? (see X. Approvals below)*

Boots And Saddles Foundation *Our new 501(c)(3) group*

for

The Promotion and Support of the New Mexico Boots and Saddles

Interagency Forts Coordination Group

I. INTRODUCTION

A. Background

Improving the protection and interpretation of historic military forts and their associated battle sites in New Mexico is a common goal of several State, Federal, and local agencies, ~~and~~ commissions ~~and~~ private entities. Such improvements will promote and advance cultural tourism as called for in Executive Order 13287, "Preserve America." Among the best preserved and most significant forts in territorial New Mexico were Bayard, Craig, Cummings, Selden, Stanton, Sumner, and Union.

An inter-agency task group completed a report in 1993 entitled Boots and Saddles: A Study of Seven Military Forts in New Mexico. This report was forwarded to Congress and it outlined each fort's most

immediate financial needs to improve site protection and interpretation. Individual agencies have attempted to secure funding to meet the most critical needs through individual appropriations processes. Given the limited funding available to public agencies, it is the goal of the signatories to this Agreement to develop a cooperative, mutually supportive organization to share resources, staff, funding, and information for the improved protection and use of these unique historical treasures.

B. Purpose

This Agreement provides a formal mechanism for implementing the recommendations contained within the Boots and Saddles Study Report. Under the terms of this Agreement, both short- and long-term cooperative projects will be implemented to improve the documentation, study, preservation, protection, and interpretation of the Boots and Saddles system and their associated battle sites. This Agreement is intended to facilitate increased cooperation and coordination among Federal and State agencies, as well as local county governments, commissions, and individuals. It will facilitate the preservation of historic fort and battle site materials, and public participation in the interpretation of fort life and military history.

C. Objectives

The objectives of this Agreement are to create cooperative efforts to coordinate, facilitate, and improve fort management and protection in New Mexico. This Agreement is intended to break down barriers to communication and resource sharing across agency boundaries. The FORTS Coordinating Coordination Group (FCG) can achieve status and recognition as the principal spokesman for historic forts management in New Mexico can or may achieve status and recognition as a principal spokesman for management of some or many forts in New Mexico, and coordinate appropriately with agencies that wish to or must retain first right as representatives for their fort resources.

Rationale for change/addition: As per concerns raised in 2004 by NPS, the FCG may speak on behalf of some of the historic forts, but the National Park Service will not relinquish its own voice. Thus this is a suggested revision.

D. Authority

1. The Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701.
2. The Organic Act of 1916, 16 U.S.C. Section 1 (1982).
3. The Historic Sites Act of 1935, 16 U.S.C. Section 461 (1982).
4. E.O. 13287, "Preserve America" Sections 2, 4, and 5.
5. The National Historic Preservation Act of 1966 (P.L. 89-665), as amended.
6. The Department of Health Act, 9-7-1, et seq., NMSA 1978.
7. The Cultural Properties Act (18-6-1 to 18-6-17 NMSA 1978).

E. Benefits

1. Improved site preservation through the sharing of preservation research, stabilization techniques, and expertise in the maintenance of historic fabric;

2. Enhanced site protection through coordinated site monitoring and patrolling, expansion of the Statewide Site Watch program, improvements in patrol and monitoring materials, and coordinated law enforcement investigations;

3. More comprehensive and compatible programs of interpretation through coordinated signing, brochure production, exhibit designs, living history reenactments **events**, and local museum activities.

Rationale for change/addition: As raised by NPS in 2004, the National Park Service does not permit reenactments on park property per se. So for NPS, simply replacing the word "reenactments" with "events" will satisfy our requirement. Each fort unit and agency can thus expand on its interpretation of living history as appropriate to its organizational policy.

4. Improved coordination with the New Mexico Department of Tourism in promoting cultural tourism in New Mexico;

5. Creation of partnerships between Federal, State, and local governmental agencies as well as private entities to involve communities and the citizenry in the preservation of heritage resources and to insure that heritage tourism programs benefit local communities; and

6. Creation of a more effective advocacy group to provide information related to requests for funding from federal and state governments, private corporations, and granting agencies.

II. DEFINITIONS

A. Boots and Saddles System – Seven historic military forts which are considered to be representative of the system of military forts established in the New Mexico territory in the 19th century. These forts include Bayard, Craig, Cummings, Selden, Stanton, Sumner, and Union.

(also relates to I. A. above) Question: are there only 7 historic military forts representative, or are there only 7 forts remaining? What about other locations that have come to our attention since the study (because the “Indian Wars” are just not after the Civil War but before, during and after) - forts Marcy (City of Santa Fe), Wingate (BIA/Tribal), Fillmore (private and interested), McRae (Bureau of Reclamation or State Parks [but no apparent responsible management]), and semi-permanent bivouac sites in the Guadalupe Mountains (NPS)? Should the 1993 Study be updated/amended?

B. Battlefield Sites – Locations where armed confrontations occurred between the soldiers stationed at the forts listed above and American Indians.

Recommendation to include a list of such sites. Were there other wars or battles of the time that should be included?

C. Study Report – The report called for by the 1992 U.S. Department of the Interior Appropriations Act which was prepared as an interagency effort and submitted to Congress in 1993.

D. New Mexico Boots and Saddles Forts Coordination Group (FCG) – Designated representatives of the signatories to this Agreement who will coordinate plans and on-the-ground programs related to the protection, preservation, and interpretation of the Boots and Saddles forts and their related battlefield sites.

E. Boots and Saddles Auto Tour Route – The inter-connected route of highways recommended in the Study Report to bring visitors from one fort **or site** to another.

III. POLICY REGARDING THE BOOTS AND SADDLES REPORT

A. It is the policy of the signatories to this Agreement to consider recreation and heritage resources as valuable assets which require conservation, protection, management, and promotion. Partnerships with the private sector can encourage the spread of a conservation ethic regarding these resources and leads to more cost effective management of them. All parties to this Agreement agree to manage, protect, interpret, research, and promote the Boots and Saddles system consistent with their organization’s mission, for the benefit of the American people and the citizens of New Mexico.

B. The signatories agree to place high priority on implementation of the long-term goals and recommended actions for interpretation and preservation contained in the Study Report.

C. The goals and strategies of the Study Report are consistent with federal promotion of heritage tourism as expressed in E. O. 13287, “Preserve America” and the goals of state, local, and private signatories to this Agreement. This cooperative effort is designed to improve the protection of New Mexico’s historic military forts and battlefield sites while also stimulating the use of heritage resources to bolster local tourism.

IV. GROUP RESPONSIBILITIES

A. General

The FCG will meet at least twice a year to coordinate plans and activities related to the **implementation of the recommendations of the B&S Study Report** and management of forts and battlefield sites. A rotating chairman will be elected to serve for no more than a two year term. More specialized subcommittees, or work groups, may be formed as necessary to complete projects or produce products endorsed by the FCG.

B. Specific Areas of Coordination

The FCG will meet to share information and pursue common objectives. Areas of cooperation may include but are not limited to:

- Developing common interpretive themes
- Sharing personnel
- Developing and promoting joint training

- Providing assistance for on- and off-site interpretation
- Supporting research and sharing its dissemination
- Coordinating reenactment and living history events
- Cooperative patrolling, monitoring, and law enforcement
- Joint publications
- Compliance with federal and state statutes pertaining to cultural resources

C. Budgetary Matters

Each signatory to this Agreement that desires to do so will plan for and request separate annual appropriations for those actions specified in the Study Report. Members will look for opportunities to establish Assistance Agreements or Cooperative Agreements; share expertise, personnel, and materials; and other cost effective strategies to execute projects of mutual benefit. FCG members will share cost information related to signing, development of interpretive materials, stabilization, fencing, structural repairs, and other management activities. The signatories agree to support the formation of a not-for-profit 501 (c)(3) Boots and Saddles support group to help the FCG achieve its goals and objectives.

V. ADMINISTRATION

A. Modifications to this MOA may be proposed by any of the parties hereunder and shall become effective upon the written approval of all parties. Changes to this MOA must be initialed and dated on each replacement page by an authorized agent of each party.

B. Participation in the BCG may be terminated by a member by giving written notice at the biannual meeting. Such termination will become effective 90 days from the date of the notice.

C. Nothing in this MOA shall obligate the parties hereunder to expend appropriations or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, services, property, or anything of value between the parties to this MOA will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress or the New Mexico Legislature. Each subsequent agreement or arrangement involving the transfer of funds, services, property, or anything of value between the parties to this MOA must comply with all applicable statutes and regulations, including those statutes and regulations applicable to procurement activities and must be independently authorized by appropriate statutory authority.

VI. LIMITATIONS

A. This Agreement does not purport to modify in any way the respective duties, obligations, rights, privileges, or immunities of the parties.

B. Nothing contained herein shall require any agency to expend funds in excess of appropriations authorized by law and administratively allocated for recreation, cultural resources, tourism, health, or corrections related activities.

VII. GENERAL PROVISIONS

A. The following Federal Acquisition Regulation Clause is incorporated by reference only and may be provided in full upon request: 52.232-18 AVAILABILITY OF FUNDS (APR 1984).

B. The following Office of management and Budget (OMB) Circulars apply to this Agreement and are attached for reference: OMB Circular A-110 and OMB Circular A-102.

C. All applicable national policy requirements and administrative management standards as set forth in Office of Management and Budget, Financial Management Division, Directory of Policy Requirements and Administrative Standards for Federal Aid programs are hereby incorporated by reference.

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VIII. MODIFICATION, TERMINATIONS, EFFECTIVE DATE

A. Five years from the date of execution of this Agreement, the signatories shall formally review it and decide upon its renewal or termination.

B. This Agreement shall become effective for each agency upon the last signature and date below.

IX. ADDITIONAL PARTIES

Other parties, in addition to those who have signed this Agreement, can join the FCG at a later date if they wish to cooperate on proposed projects of mutual interest. If additional parties join the FCG or agree to participate on a particular project, a written modification shall detail the role of the new party and any expenditure of funds.

X. APPROVED

DRAFT

State Director
Bureau of Land Management New Mexico

Date

Director
Inter-Mountain Region National Park Service

Date

Secretary
New Mexico State Department of Cultural Affairs

Date

Director
New Mexico State Monuments

Date

Does the Secretary, Department of Cultural Affairs suffice, or is the State Monuments Director also needed?

Secretary
New Mexico State Department of Energy, Minerals and Natural Resources

Date

Director _____ Date _____

New Mexico State Parks

Does the Secretary, Department of Energy, Minerals and Natural Resources suffice, or is the State Parks Director also needed?

Secretary _____ Date _____
New Mexico Department of Tourism

Secretary _____ Date _____
New Mexico Department of Health

Secretary _____ Date _____
New Mexico Department of Corrections

Does Department of Corrections remain now that Fort Stanton is a State Monument?

Secretary _____ Date _____
New Mexico General Services Department

President _____ Date _____
Chiricahua Apache Tribe

President _____ Date _____
Jicarilla Apache Tribe

President
Mescalero Apache Tribe

Date

President
Navajo Tribe

Date

Chairman
Lincoln County Commission

Date

Chairman
Ft. Stanton Development Commission

Date

Does Ft. Stanton Development Commission remain now that Fort Stanton is a State Monument?

Chairman
Fort Stanton, Inc.

Date

Should Ft. Stanton, Inc. be added, or does it come under DCA, State Monuments as a friends groups?

President
New Mexico Boots & Saddles Foundation

Date