



Agenda

DATE 9/25/14 TIME 8:30 AM
SERVED BY Lisa Roach
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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, October 2, 2014 at 4:30 PM

CITY COUNCILORS' CONFERENCE ROOM

CITY HALL - 200 LINCOLN AVENUE, SANTA FE, NM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: September 4, 2014
- E. ACTION ITEMS
 - 1) Case #AR-22-14. Ron Winters, agent for Cyber Mesa on behalf of the City of Santa Fe, requests approval for an archaeological monitoring plan for the proposed fiber optic project on Manhattan Street and Don Gaspar as an alternative method of compliance with 14-3.13(C). (Lisa Roach)
- F. MATTERS FROM THE FLOOR
- G. MATTERS FROM THE COMMITTEE
- H. ADMINISTRATIVE MATTERS AND COMMUNICATIONS
- I. ADJOURNMENT

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ARCHAEOLOGICAL REVIEW COMMITTEE
October 2, 2014

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<u>CASE #AR-22-14. RON WINTERS, AGENT FOR CYBER MESA ON BEHALF OF THE CITY OF SANTA FE, REQUESTS APPROVAL FOR AN ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED FIBER OPTIC PROJECT ON MANHATTAN STREET AND DON GASPAR AS AN ALTERNATIVE METHOD OF COMPLIANCE WITH 14-3.13(C)</u>	Postponed pending revised report	2-16
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**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING
City Councilors Conference Room
October 2, 2014**

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on October 2, 2014, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair
Gary Funkhouser
James Edward Ivey
Derek Pierce

Members Excused

Tess Monahan, Vice-Chair

Others Present

Lisa Roach, Senior Planner, Historic Preservation Division – Committee Liaison
David Rasch, Historic Preservation Division
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference; and the original Committee packet is on file in, and may be obtained from, the Historic Preservation Division.

C. APPROVAL OF AGENDA

MOTION: Derek Pierce moved, seconded by Jake Ivey, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES – SEPTEMBER 4, 2014

The following corrections were made to the minutes:

Page 8, paragraph under Jake Ivey, line 1, correct as follows: "... Mr. ~~Post~~ Mr. Winters actually..."

Page 9, paragraph 7, line 4, correct as follows: "... regards ~~travel~~ tribal prompting."

Page 11, paragraph 13, line 1 correct as follows: "... horse [~~inaudible~~] race track, that is..."

MOTION: Gary Funkhouser moved, seconded by Derek Pierce, to approve the minutes of the meeting of September 4, 2014, as amended.

VOTE: The motion was approved unanimously on a voice vote.

E. ACTION ITEMS

1. **CASE #AR-22-14. RON WINTERS, AGENT FOR CYBER MESA ON BEHALF OF THE CITY OF SANTA FE, REQUESTS APPROVAL FOR AN ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED FIBER OPTIC PROJECT ON MANHATTAN STREET AND DON GASPAR AS AN ALTERNATIVE METHOD OF COMPLIANCE WITH 14-3.13(C). (LISA ROACH)**

A copy of a NMCRIS map of the subject area, submitted by Ron Winters, is incorporated herewith to these minutes as Exhibit "1."

A copy of a Google Earth map showing the location of New Handhole #1, and a Google Earth map showing the Locations of New Handholes #4, #5 and #6, submitted by Ron Winters, are incorporated herewith to these minutes collectively as Exhibit "2."

A copy of *Santa Fe Fiber Route Diagram* for the project, submitted by Ron Winters, is incorporated herewith to these minutes collectively as Exhibit "3."

BACKGROUND & SUMMARY

At the request of Jane Hill of Cyber Mesa on behalf of the City of Santa Fe, the consultant has prepared an archaeological monitoring plan for the proposed installation of new fiber optic cable in the Historic Downtown Archaeological Review District. Because the project is located on City property, the archaeological monitoring plan must comply with both the City's Archaeological Review District Ordinance (14-5.3) and Archaeological Clearance Permit requirements (14-3.13) and the 4.10.17 NMAC Standards for Monitoring. The total proposed fiber optic cable route begins at the central telephone exchange building on Alameda Street and ends at the Simms Building on Alta Vista Street. Portions of the project area will utilize existing conduit, and portions will involve laying new conduit. Cyber Mesa proposes to

excavate trench for new conduit where necessary and to utilize directional boring where permissible. As the segments of trench are excavated, the consultant proposes to examine the fill and trench walls for evidence of cultural resources, documenting any cultural resources that are exposed and backfilling and repaving once the installation and documentation is complete.

STAFF RECOMMENDATION

Staff recommends discussion and postponement of approval for this archaeological monitoring plan, due to the need for additional information regarding previous research and identified sites within the project area and for revisions to the plan in order for it to meet the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and the requirements of Archaeological Clearance Permits (14-3.13(B)(4)(a), and to serve as a sufficient alternative method of compliance with the procedures of performing Renaissance (14-3.13(C)(5). Staff also requests direction from the Committee as to where within the project area directional boring will be allowed.

Lisa Roach, Senior Planner, Historic Preservation Division, said she would like to make reference specifically, first, to External Policy #2 of this Committee, regarding request for partial or staged approval, and remind the Committee of the language in that External Policy. External Policy #2 provides:

In situations where an applicant requests an Archaeological Clearance Permit for stages or portions of an ongoing archaeological study, the Archaeological Review Committee shall review and take action upon the request on a case by case basis. And the applicant is encouraged to notify the Committee early in the process if such a request is anticipated.

Ms. Roach said, "My point in referencing that is that I think we should be considering, if the applicant is proposing that a portion of the project be considered for an approval of a monitoring plan at this stage, then perhaps we should think of that project as a whole and identify what future stages there are, and think about those in a holistic manner rather than in a piecemeal fashion. That's my only addition."

Chair Eck thanked her for quoting the language of External Policy #2.

Ms. Roach said, "Essentially what I'm recommending is that the Committee just consider if there is enough information presented so far, and I know Mr. Winters has brought us some additional background information that will help to inform the discussion. We just should consider whether the Committee has sufficient information to make a determination as to how to proceed with the whole project area, rather than just this particular piece, or perhaps and just the particular piece."

Ron Winters, Archaeologist for the project, said he brought several things to hand out. He said, "What I do have is what was provided to me by Jane Hill, Cyber Mesa, and that's the route in the Historic Downtown that takes off, and then from the Railyard down Manhattan and ends at Galisteo Street, the first page 'this' one [Exhibit "2"]. And the second one is the short segment on Don Gaspar that crosses Alameda, and that's 'this' one [Exhibit "2"]. And this is the route in the Historic Downtown. Because I wasn't provided with the route for the project entirety, I used the map that you were provided last meeting

and plotted it on the NMCRIS map showing the NMCRIS activities [Exhibit "1"]. So what you see, the tan color, and blue actually is a newer survey that had been done. But these are the surveys that have been done along the route."

Mr. Winters said, "So it starts at the Simms Building, goes north around through the Railyard, crosses down Manhattan, goes up Galisteo across and then up through Don Gaspar. And as we discussed at the last meeting, sections of that would be using existing conduit, and so that's what these first two maps you were given show, when you see that it's not continuous, it's because the cable goes underground through existing conduit and then back up. And so this route is the route that would be trenched in the Historic Downtown, the two graphs that you saw on the first page. The third map [Exhibit "3"] is the route based on what I was provided by Cyber Mesa showing the route in its entirety, plotted with all the NMCRIS activities, not sites."

Ms. Roach provided copies of the color map which was received at the previous meeting, September 4, 2014, which she said might help for purposes of comparison, to see what is existing conduit, versus new conduit.

Mr. Winters said, "If I can give a little background information. When I was brought into the project, I was contracted for the route from the Railyard down Manhattan and Galisteo and to the segment on Don Gaspar to Alameda. Now the route, as you know, is much longer than that and there is a southern extension, this is probably old news, we discussed it last time. Cyber Mesa was led to believe that they could bore the whole length, which was brought into question at the last meeting. So initially, because I haven been contracted to do the entire route, I wanted to get a monitoring plan into the Committee. I wanted them to see and discuss what the route was and if we met the requirements for that part of it."

Mr. Winters continued, "In discussions with Mr. Moody, a short time ago, he, correct me if I'm wrong, you want them to view it, and rule on it in its entirety.

Sean Moody, Project Administrator, Economic Development Division, said "My understanding from the last meeting was that this Committee was interested in some more specificity of the route and the history and exploration so far and give feedback on the route. That was my understanding. I think we're at that point. And I think Lisa, thank you, I think looking at the broad scope is what we want to do."

Ms. Roach said seems that what we're compelled to do by Ordinance is to look at the broad scope.

Chair Eck said, "Thank you for the additional information. I will comment that having it on the ARMS background is very useful. But I'm understand that you did the heads-up digitizing of this information on that background and it is not based on engineering or Cadastral survey data."

Mr. Winters said, "No. No. You're right. This is what I got from Jay and from Cyber Mesa and only this portion of it. That's why I didn't... Derek and I had talked about getting together and plotting based on ARMS systems. This was the only information I had."

After an inaudible side conversation with someone, Mr. Winters said, "Nevertheless, that's what I plotted based on the same information that I had from the last meeting to now. But I don't know that that's the issue anyway."

Chair Eck said it's just part of the big picture.

Ms. Roach said, "One more thing I'd like to mention, is that I did look through the City's records as best I could, for other clearances that have been issued, particularly looking at the Railyard, since that's the biggest project in the vicinity. And clearance was granted for the entire Railyard property in 2013. So my question that followed, from looking at that clearance is, if the Railyard park has been cleared, would directional boring be allowed under that portion, if clearance has been granted."

Chair Eck said, "I think that's certainly a possibility, but looking at 'this' map, I don't know where 'that' is."

Ms. Roach said, "The Railyard Park is.... if you look at 'this' map and compare it to the NMCRIS map that Ron gave you, it's the sort of long triangular piece as you get toward Cerrillos and St. Francis."

Jane Hill, President, Cyber Mesa, noted she had several more of 'them' [maps] in the car and left to get the maps.

Chair Eck said, "I guess the question I have, I'm sorry Committee, I'm hogging this, but is the area in question illustrated on 'this' map."

Ms. Roach said, "I believe it is, and I was just going to pull the project area from this report."

Mr. Winters said, "David, the Railyard part isn't public yet, and so it may not... do you know Derek whether's it's been put on the site or not."

Mr. Pierce said he doesn't know.

Ms. Roach said, "So looking at 'this' map, it looks like not all of the portions on the Railyard that have been cleared actually appear on NMCRIS. Some of them do, particularly the piece south of Paseo to Cerrillos. That's the Railyard Park, that sort of triangular piece that's shaded yellow. And extensive excavations did take place in that area and clearance was granted."

Mr. Winters said, "On the Rail Trail which has clearance, I assume on the map of the survey, that you see the blue line that runs the entire length of the project area. What does that clearance grant you?"

Ms. Roach said, "What we see on NMCRIS is... I don't know exactly what that means, what work was done. Some work was done along the Rail Trail, I don't know what all it was that was completed."

Chair Eck said, "Again, I'm relying on increasingly faulty memory. I think it was surveyed. But I the point being made is that what we think we remember is irrelevant, and what can be documented is what we need. And so, if it is, and it can be mapped and we can be shown that, we can react on that."

Ms. Roach said, "I haven't come across clearance for the Santa Fe Rail Trail in my searching."

Mr. Winters said it is a recent project and why it "shows up that color, so it may not have gone through, well it would have been, being it was already...."

Mr. Pierce said, "No if it's on the map, it may have been put there by the contractor, but it may not have been through review. So that's certainly one thing you want to find out."

Chair Eck agreed, saying "in a complete holding pattern."

Ms. Roach said, "And if it was a visual survey, is that sufficient to be able to predict whether or not subsurface materials would be encountered."

Mr. Winters said, "And that is my question. What does clearance grant you. And who cleared it. What is City clearance. I'm assuming it would have had to have City clearance, but again, I haven't come across that yet."

Mr. Rasch said, "With a State DOT process, only the State may have seen it, we might not."

Chair Eck said, "It's possible that we have not seen it."

Mr. Pierce said, "This is also the consideration that this entire survey probably took place outside of the Downtown Historic District, so it had looser standards."

Chair Eck said yes.

Mr. Pierce said, "If we're going to apply the downtown standards to the entire project, we've got a mismatch."

Chair Eck agreed saying, "The proverbial fruit basket, apples and oranges."

Ms. Roach said, "My thought in thinking about this over the last week, and especially today since I received 'this' information, are really just questions. And that is partly due to my limited experience with this Committee as yet, but also in dealing with the difficulty of combing through the City's records in the current state, and we will be rectifying that situation over the next year, but is there more extensive background research needed to be able to make an informed decision about how work proceeds on this project. I just know what the Committee would require. There is very limited guidance in the Ordinance and in looking at the State standards for monitoring, they don't provide a lot of guidance as far as I can tell. And so I think we're all here hoping to sort of come up with a definitive answer as to what are next steps here."

Chair Eck said he will now hear from Committee members.

Jake Ivey

Mr. Ivey said, "It sounds to me like we need more work."

Chair Eck asked, "As in more information before we know what to do."

Mr. Ivey said, "We don't have enough as it's set up right now, at least."

Derek Pierce

Mr. Pierce said, "First of all, I agree that there's inadequate information here to make an informed decision. So, here's what I'm going to suggest. Assuming we want to treat this entire project as a single entity, which I believe you should. You're welcome to phase the actual implementation of it, but the monitoring plan ought to be for the entire length of it."

Mr. Pierce continued, "I think what's needed is a narrative description of the route, segment by segment, beginning at the telephone exchange that travels southerly, along the edge of 'so and so road,' for 600 feet to the next manhole, this section will be trenched. From that, it proceeds westerly, however far, takes advantage of existing conduit and therefore no archaeological clearance is required. Where you are talking about boring, that needs to be spelled out too. Begins here, and it would end here and if you wanted to exclude certain parts based on previous surveys then specify that too – where it begins and where it ends. And that should be spelled out in the report. What was the nature of the survey. If you could put linear referencing on this thing, like stationing, from 373 feet to 599 feet, we feel this should be excluded because of previous survey. That's the kind of thing we need to make an informed decision. So you need to spell out, let's say from each manhole to each manhole, exactly what you're proposing and what you're asking for, in terms of clearance based on previous surveys. I'm having a really hard time identifying, even on this map, where you're using existing conduit, where you propose to trench and where you propose to bore."

Mr. Winters asked if he means on the big map.

Mr. Piece said, "Yes, and that includes when you have to cross a street. If you're trenching, does that also include trenching the street or are you boring under the street. I would assume boring, right, where you're crossing Cerrillos or Alameda. So every time you cross a street, you need to spell out how you're going to do that as well."

Mr. Winters asked if that include the length and Mr. Pierce said yes.

Mr. Pierce said, "And I think based upon that, you'll have to do the research to prove it, I think large parts of this could be excluded. What we need are references to the individual surveys that you're asking for clearance based on previous surveys."

Mr. Winters said, "I asked this question earlier, your thoughts about whether it's a pedestrian survey, or like in the Railyard, extensive testing, meaning whether... I can propose boring in an area that's been surveyed. Do you have any feelings one way or the other whether that's adequate and if it could be bored, or does it only apply to projects that have been done in subsurface work."

Chair Eck said, "The ARMS map. Not only previous surveys, but where are all the known sites. And since they are often going to be rendered as circles instead of real shapes, you have some homework to do. Because, if you're proposing to bore 5 feet away from a known site, you might think about that differently than if you're proposing to bore for 300 feet through an area where there are no known sites, never have been any known sites, and it's already been cleared for some other purpose. It's a different situation, so we have to consider those details. And I mean details.'

Chair Eck continued, "Which is what brings me back to what I asked earlier about knowledge of where this stuff is. Member Pierce has asked for a detailed description and what would most effectively facilitate that, or engineering drawings that show point of beginning. How you get to the end of project, in terms of stationing, State plane coordinates for all the curves and turns and whatever. Whatever engineering is available. Because this is looking like a plan that is more conceptual than real, and it's hard to judge concepts when we're really dealing with realities. We'll need to know where it is. Is it 4 feet from the edge of 'this' paved area, or is it 4 feet under the edge of 'this' paved area. We can't judge that from 'these' drawings. They're just too general."

Mr. Winters said, "I just wanted to... on the Project I'm on right now on Palace, it is problematic showing a site, depending on the big circles and whatever. So I think it would probably entail looking at every report, if they have a site map to be able to show it. Quickly. When I did a 500 meter around that project area, 500 meters, I had 23 surveys, 33 historic properties and 94 sites within 500 meters of that Palace Avenue Project. And I can see that his may not be quite as bad. You're saying to look at each one of those projects, find the site maps, see how they overlay the project area and blocking."

Chair Eck said, "Right, and discuss their relevance. Because, if for instance, a project was done 100 feet away and what was found is a thing in the trench and you can talk about that, and it's a likelihood of having associated material over in the area of effect for this project, that's useful information. But if you can say, this is the building, it's 100 feet away and it's not going to be affected by this, we can eliminate those sorts of things."

Mr. Winters said, "So it's not only sites but historic properties."

Chair Eck said, "Yes, I'd hate to bore through a historic property."

Mr. Winters said, "That's something else you're asking for."

Chair Eck said, "You could probably devote less attention to such things in aggregate, but let's, by all means, touch upon so that we can have a full list of what is in the area of potential effect."

Mr. Pierce said, "Yes, well the nature of the site is very important if it's just a scatter of surface artifacts, you've got a chance. But if you're proposing to bore through a site that has human remains, and intact subsurface deposits, it's a non-starter. The devil is in the details."

Chair Eck said, "And's let's know where those roadblocks are, to the extent possible."

Mr. Winters said yes.

Mr. Pierce reiterated, "We need better locational information on where everything is going to go, and as I said, spelling out, station by station, whatever measurement you're using, what the proposed action is. If it's going in through existing conduit, fine. That part is excluded, that's a no brainer. But for the parts that are not using existing conduit, are you trenching, are you proposing to bore and such. Are you proposing this has already been surveyed, and therefore ought to be excluded."

Mr. Winters said he hasn't seen the engineering drawings to be able to give the Committee that kind of complete information.

Gary Funkhouser.

Mr. Funkhouser said, "I think it is one project and it's not a trivial project, because there multiple land management agency issues involved, and that needs to be worked out, too, so there is some level of information that's done. And a lot of it's just confusing. In a normal world, the crossings at Cerrillos, St. Francis and down the Railroad fall under my jurisdiction, but I don't know that they do, it's inside the City. So now we're talking about easements and what might be City land, but nevertheless you'll need DOT work permits in those rights of way. And I know that within those workings, there is a nomination form for the National Register as is the entire complex that goes to Alta Vista. The DOT building on Cerrillos. Just the Old State Police building is there and several other things too that run right through this. And it is a fact it is one project across these multiple things, and every one of those agencies has a right to a voice in how we do this. In fact, I think that's the way it is designed to work. There has to be some agreement."

Chair Eck said, "I'm not saying you have to think about talking to all these agencies. I think what we need to have is a typed document that says 'here's what it is, here's what we know, here's what we're proposing. And it has to go to Michelle, because it's a State undertaking, and HPD can undertake consultation with the other agencies involved, because they're going to have to solicit the approval of all the folks involved in the proposed actions as being appropriate within their jurisdiction. If we were kings of the world, we would behave differently, but we're far from that. I'm not sure we could even get into the lower levels of the dungeon."

Mr. Funkhouser said that is basic preference – a more up front organization about how this going to be perceived. Those are issues that are going to come up, and we need agreement among everyone initially to that, and also to know where everything is.

Mr. Winters said, "So Gary, logically, the document starts at *[inaudible]* and says for existence of such and such fee, we're going to trench south on Don Gaspar, whatever, to a manhole, where we will connect with State conduit for a distance of such and such feet. Is that kind of what you want."

Chair Eck said yes.

Mr. Funkhouser said, "There has to be some agreement as to how we and the other agencies work together, because..... And I'm not saying it has to be done ahead of time so everyone is in agreement, and you don't come up against the political boundary and then have someone ticked off because nobody told them."

Mr. Winters said, "And we have met with the Railyard people, and we're proposing to use City conduit, and that probably would be exempt, may be exempt anyway because of the extensive work that has been done there. But it has to be stated that for this many feet through this area it's going to be in City conduit and then describing the activities that have been done in that area. Is that what you're asking for."

Chair Eck said, "You don't need to rehash the whole thing, but describe what was done and why it was done, and how extensive that might be. For instance, to work in the Railyard, they did a boatload of work over a well defined area and we can have an intelligent discussion about what that gives us the freedom to do, although we need to know where it is."

Mr. Winters said, "They're using existing line in the Railyard, conduit."

Ms. Roach asked about potholing.

Mr. Winter asked, "Are they using the existing pinholes."

Manuel Espinosa, Chaparral Cable, Contractor with Cyber Mesa said, "Yes. We blew some lines just to verify what was there, and what was not there. And Sean here was the one who showed us where they put a bunch of conduits in there and they all proofed real good. So the only the thing about it is that the only digging we would have to do there is some of those conduits are actually in a pedestal with Comcast Cable TV. So all we have to do is to dig down and move them over maybe a couple of feet."

Mr. Winters said, "So there isn't any potholing."

Mr. Espinosa said, "They are all done. We don't have to do any excavation other than that."

Mr. Winters said, "I would need to know that."

Chair Eck said, "And you would need to know how close you are to anything archaeological that may not have been investigated."

Ms. Helberg clarified that potholing is finding existing buried lines with a small investigation.

Mr. Funkhouser said, "So SHPO and the City would have joint interest in it, there has to be a concurrence about what goes by both of them, and it is best to have that done ahead of time. We both have to agree with what goes on in, like the Railroad. We are both stakeholders there."

Ms. Roach asked, "If I may ask a quick question, about what my role might be in facilitating that inter-agency coordination. Would it be my role to set up the meeting between Michelle [Ensey] and the City team. "

Chair Eck said, "I think you definitely would be the point of contact with Michelle, or whether she wants to meet with others or wants to them to meet and compile information and provide it to her. That's up to you call to work it out and to the extent that any of us are useful, available, and allowed to participate in such meetings, which I have no idea, I would be happy to do so."

Ms. Roach said, "But just to confirm, that it would be nice to have the thought and reaction from SHPO before this Committee figures it out."

Mr. Funkhouser said the DOT probably will just want to be an interested party and not there, but it depends on what's there. He said, "But perhaps a request for us to participate also."

Mr. Winters said, "I would like to add that I submitted this monitoring plan based on my knowledge of the project at the time. Since then, it's changed dramatically, but I wanted to get it on the docket and under discussion. The City wants to view it as a complete project, and that's why I asked you to poll the others."

Mr. Funkhouser said, "It's not just the City, I think everyone will want to. And I don't think it necessarily means there's a problem, you just need to get that agreement."

Mr. Winters said, "Again, because I was brought in for this small segment in the Historic Downtown, that's why I put it out there and to get this discussion going."

Chair Eck said, "We can have further discussion, but I want to just emphasize the Staff Report, which recommends discussion which we have been doing, and postponement of approval for this monitoring plan due to the need for additional information. And we can act on that recommendation for postponement, but I think we might have room for more discussion, because I would like to offer Ron as much suggested avenues and effort as possible, so that when he comes back with a document that he's touched on everything that is of concern. So, to which end, does the Historic Preservation Division have additional thoughts and guidance to offer."

Ms. Roach said, "I think all of your suggestions are along the lines of what I was thinking in reviewing this monitoring plan. And this being the first large scale project that I've had to deal with at the City, it is a learning curve for me to just know what the City's expectations are for such a project, and so this has been really helpful. I think I have a pretty clear understanding of what needs to happen next. I'm going to continue to comb through City records to find previous clearances associated with this project."

Ms. Roach continued, "I just want a little more clarity as to what 'previous clearances' actually means. Does that mean that anything that happened at the site, the site is cleared, and therefore dig away, or bore away or whatever may be proposed. Do you guys have a clear answer as to whether or not boring would be allowed in a place that has already received archaeological clearance."

Mr. Winters said that is important to him as well to bring this together.

Chair Eck said, "I think quite honestly, unless someone wants to over-rule me, I think the answer has to be, it depends. Because if, for instance, there was a project to install something in a trench that was done with benefit of monitoring and the installation happened and the project received clearance, but 5 features were found in the trench and there obviously is archaeology there, that would suggest to me that we cannot just automatically say, 'a clearance is a clearance is a clearance.' Because if we're putting something 6 inches away from what was already there, we're in new dirt, new archaeology and new territory. So, it depends."

Ms. Roach said, "I appreciate that response. That's kind of what I figured, but it's hard for me, based on the limited information in the Ordinance to be able to say that this is what a clearance means for a property and this has come up over and over. Because, from my view, as an archaeologist that just because you do a visual survey of a property that doesn't mean you're not going to hit something subsurface. Or just because you tested 2% of a property doesn't mean you're not going to hit something. So then, if work may proceed, do they just let us know if they hit something."

Mr. Winters said, "That's the point of monitoring."

Chair Eck agreed. He said, "Whenever we're worried, we want Ron standing there."

Mr. Pierce said, "I'd like to ask for clarification on something. An example you mentioned, hypothetically somebody got clearance and they found some features, but the two meters wide thing was the only thing that was cleared. If you move 5 feet outside of it, it's not cleared. But we have cases where you're talking about a block survey for a lot that has been cleared. Do we have authority to say that clearance... we're basically clearing the lot, not the project, that's my understand. But once it's cleared, it is cleared forever."

Chair Eck said this is not in a lot, most of it is running down City rights of way.

Ms. Roach said, "Most of it is not. The parts that I'm particularly asking these questions about, are the new conduit that goes through Railyard Park, in particular, where we know there were a number of sites found and excavated during the Railyard redevelopment."

Chair Eck said, "That's an argument that Ron can make, from looking at the documents. You can say, oh this proposed route goes through a route that was excavated at some extreme depth and we hit sterile soil everywhere."

Jake Ivey

Mr. Ivey said, "So essentially, what you're trying to get Ron to define is the level of monitoring for a given tract, and the kind of monitoring for a given tract, and that's the term by the end result of the series of excavations. So in other words, we're not working up to give you an approval that, yes, you can do whatever you want to here, because somebody dug over there. We're saying you need to determine what level of work was done on a given line of the work that is about to be done, and that will determine the level of the monitoring and the level of disturbance..."

Mr. Funkhouser said, "The bottom line is what is required to mitigate that disturbance *[inaudible]*."

Ms. Roach said, "The reason I asked that, definitely relates to this case, but also, as we're thinking about rewriting the Ordinance, we notice that the purpose and intent of archaeological review permits was never written. So I was having trouble interpreting, therefore, what an archaeological clearance permit does and how long it's good for, and once it is cleared, is it clear forever. That's what I understand, but I can't find it written anywhere that this is true. And I don't know if that means, legally, that once a lot is cleared, it's cleared. Of course it's different for City rights of way in the street."

Chair Eck said the right of way is a whole different deal. He said, "Practice has been, for lots of stuff that falls under the City Ordinance, the things that we are actually empowered to rule upon, independent of anybody else, the view has been that once it's cleared, it's cleared. That does not relieve anybody from the obligation of reporting finding something important, especially the really important things, like human remains."

Mr. Ivey said, "But just because it's cleared, doesn't mean it doesn't need monitoring."

Ms. Roach said, "Our Ordinance says... it speaks to unexpected discoveries and it speaks to human remains, but it doesn't speak to the need for monitoring after a clearance has been granted."

Chair Eck said it's really self reporting of discoveries that are made.

Mr. Pierce said, "In that case, where you've got a lot that has been cleared, and they do some kind of subsequent work, it really is on the backhoe operator to report any unexpected discoveries."

Mr. Ivey said that should be spelled out.

Mr. Pierce said, "Really what you need to do is, go down 'this' line and identify where any previous monitoring has occurred, along the same corridor, what was found and where any survey has occurred, and what does that mean. Are you asking basically on that survey to have that section of line excluded, and have to make an argument why we should accept that."

Mr. Winters said David suggested another one, which is site. "He said monitoring this survey, but monitoring sites that may encroach into the..."

Chair Eck said, "Because it is a State undertaking, and the State Statutes and regulations apply, you are obligated to evaluate every site, any part of which may intrude into any part of the area of potential effect for the undertaking by actually obtaining site records and reviewing those, and maps, etc. So, what it boils down to is you are responsible for determining what is inside and what is outside the area of potential effect, so that we are in a position of judging the appropriateness of your recommended actions and behaviors down the road for this project."

Mr. Winters said, "It sounds like the thing I need to do is to create this document with engineering drawings of the entire route."

Chair Eck said, "Yes. I can't imagine you being able to do this without either engineering drawings, or physically being with the planning entity of where we're going to put this and then going out and mapping it yourself."

Mr. Funkhouser said, "Which is why, before it gets to that expensive part, that the agencies involved need to get together and it needs to be written agreement. There needs to be some signed document that all agree is what is going to happen, so when you do the expense of planning all the dots, it will already be done and you won't have to go back to redo it."

Mr. Winters said, "So Gary, you are saying this should happen before."

Chair Eck said, "The agencies need to agree first, so you can be guided. Because, otherwise, you will charge...."

Mr. Funkhouser said, "The agencies have to have some agreement about what is the hierarchy among the agencies and what's going to apply across the board. What standards."

Chair Eck said otherwise you could be wasting effort or falling short, having been misled.

Mr. Winters said, "But you still need the route described exactly, don't you."

Chair Eck said, "As accurately as possible."

Mr. Winters asked if something like 'this' is accurate enough for them, or do they need something which is more specific.

Chair Eck said, "If you can determine land ownership variation there, to identify the entities that are involved in that discussion, then you're probably good to go."

Mr. Funkhouser said, "Right, because there's enough leeway in the variances that figuring it out is not that big of a deal. It's not going to matter to the agency whether it's 5 feet one way or another."

Mr. Pierce said, "But it will make a difference on whether that bypasses the site...."

Chair Eck said, "Agency identification is an easier process for you, and for you to work with the City staff to identify all those agencies that are involved. We already know the NMDOT, the City. Is there any other entity out there that owns a chunk of this real estate, that would be affected, that would be a factor."

Ms. Roach said, "The State owns a portion of it too, not just the NMDOT. I don't know the what the ownership around the Simms Building is, but that whole parking lot leading up to the Simms Building."

[Inaudible speaker, inaudible remarks, and too many people talking at the same time]

Ms. Roach said, "Definitely. And I have access to parcel data, and can determine ownership, but that will require probably more detail than what is provided here to be able to determine that. I think some of these lines are conceptual and I don't know if it follows a street.....We have GIS and can certainly look at it that way. But, I don't have a shape file for the route."

Mr. Pierce said Mr. Winters mentioned they provided the KMZ file, and asked if it was a hypothetical or if it was done using engineering consideration to put the accuracy on it.

Ms. said, "I would say that it is fairly accurate in terms of following the road along the edge and on 'that' end in terms of *[inaudible]*."

Ms. Hill said, "This is the conduit that we are trying to bury, only it will have 4 sections instead of 3, and this is the 144 strands of fiberoptic cable that will go inside the conduit, at a depth of 4 feet."

Chair Eck said, "This is what your document says, and it makes total sense."

Mr. Funkhouser said, "There is a process that has to followed."

Chair Eck said, "Mr. Ivey, you feel you've said what you need to say, and Member Pierce, good. Member Funkhouser, okay."

All indicated they had no further comment.

Chair Eck

Chair Eck said, "Then I'll just offer one more thing before we talk about whether this is a postponement or whatever. In your document your discussion of expectations right now is almost all based on work that was done well to the north of any part of your project and on the wrong side of the River for most of it. So, when you do find out, ultimately, all of the sites, features and things that were identified by previous work, that's going to be your subject of *[inaudible because someone interrupted]*. Because it's focused on this part of the project to the whole thing. And I think that's all."

Mr. Pierce said, "I want to add one more thing. Ron, I think this is going to require some GIS work that you may not have all the tools for. I would just point out that both the City and the State have resources that you are welcome to take advantage of to help you."

Mr. Winters thanked him.

Chair Eck said, "And to the extent that you can make that happen, that's probably the most efficient relationship."

Ms. Roach said she can certainly help him.

MOTION: Derek Pierce moved, seconded by Jake Ivey, with respect to Case #AR-22-14, request for approval for an archaeological monitoring plan for the proposed fiber optic project on Manhattan Street and Don Gaspar as an alternative method of compliance with 14-3.13(C), requested by Ron Winters, agent for Cyber Mesa on behalf of the City, to accept the staff recommendation to postpone consideration of this case, until such time as Mr. Winters is able to submit a revised monitoring plan for the entire project.

VOTE: The motion was approved unanimously on a voice vote.

F. MATTERS FROM THE FLOOR

Mr. Winters thanked the Committee for their input. He said he had wanted this item on the docket for this meeting so we could discuss it and he could get Committee input.

Mr. Pierce said as painful as this process is right now in getting a master monitoring plan in place, it is infinitely better than doing a segment and not being able to continue the rest of the way.

Mr. Funkhouser said he thinks it's going to be good, but they just need to have the agreement up front, with everybody signing off on it.

Mr. Winters said he doesn't want to go through this process more than once.

G. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

H. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

Two color photographs of *Directional boring at Paseo de Peralta and the Santa Fe Railyard for Pedestrian Safety Improvements by Bixby Electric on behalf of the City of Santa Fe*, entered for the record by Lisa Roach, are incorporated herewith to these minutes collectively as Exhibit "4."

Mr. Funkhouser said the process for the La Tierra Trail isn't working, and what was agreed to that's not being done and doesn't know where that leaves this Committee. He understands this is the second case of something being done without someone being informed up front as to the procedures. He said staff is being forced to do work which is not tasked to them. He said when we agreed to a time variance, the cultural resource part of the La Tierra Trails things, it was number one with the condition that Public Works would have that and give that paperwork, along with everything else, to anyone who came in to do any work in that area, so that it would be a matter of calling you. Fortunately, we might not have had staff had you not taken this job at this time, and we wouldn't have known. In fact, it was not supposed to be HPD's responsibility at all. It's supposed to be taken care of literally, physically by them. That was the agreement, and why we allowed the process to go the way it did. And the fact the process isn't being done that way needs to be revisited.

Chair Eck said, "The kindest summation of what I can say about La Tierra Trails is that we have occasional compliance, reluctantly and often after the fact."

Ms. Roach said, "Is that true, not just for La Tierra Trails, but for all Public Works Projects. I don't know."

Chair Eck said, "I would hate to generalize beyond my personal experience, but I would say yes."

Mr. Funkhouser said, "It is not for them to call here and have you do their work..... I would just remind everyone that when they first showed up here, it was called the La Tierra Trails Master Plan. It was not segmented. That was something we allowed."

Ms. Roach said then this was in addition to that Master Plan, this trail did not appear.....

Mr. Funkhouser said, "It was the entire block of land. It was called a Master Plan."

Chair Eck said, "There are varying levels of planning and most of them fall short of mastering, leading into what you want to say."

Ms. Roach handed out two color photographs [Exhibit "4"].

Ms. Roach said, "On a similar note, Mr. Winters referenced a project that happened just today. Public Works staff, having some direction of boring done in the Railyard, and they told me only after I found out about it from an All-City email, saying this work will be done on Thursday, October 2, 2014, at Paseo de Peralta and the Railyard. And I emailed David Catanach and said I'm concerned about this. Does this meet archaeological clearance. And he had his contractor from Bixby Electric call me and tell me that the project would be only 40 feet in length. And therefore, it didn't need archaeological clearance."

Ms. Roach continued, "And so I went out there and met with the guy from Bixby Electric, and we walked it. And I had our inspector, Gary, measure it with his tape that he rolls on the ground, and it seems like it may very well be beyond 40 feet, and they may actually only be boring 40 feet, but for the total project, there's more like 65 or 70 feet."

Chair Eck asked if the 65 or 70 feet would trigger the Ordinance for distance.

Ms. Roach said yes.

Chair Eck said it seems like they are talking about only part of this to get the answer they like.

Ms. Roach said, "They did the work out there today. And they trenched about 20 feet, which you see in the first photograph [Exhibit "4"], The second photograph shows the area where they bored under Paseo to the median [Exhibit "4"]. The total project length ended up being about 70 feet, but they should have had archaeological clearance for this project, but I was never approached by Public Works staff."

Ms. Roach continued, "I don't know how to deal with it at a staff to staff level, because I'm not familiar enough with the relationship there. So, I ask the Committee, what should we do. How do I approach this."

Mr. Ivey asked if the trench is still open.

Ms. Roach said, "I don't know if they backfilled it today. This picture was taken this afternoon."

Mr. Pierce said, "The standard procedure would be to request a damage assessment. Whenever a trench occurs without clearance, the treatment is to go in and do whatever kind of damage assessment of close construction monitoring you can do."

Mr. Ivey said it's mitigation.

Chair Eck said, "Yes. That would be the automatic thing to be done. All of this is colored by the fact that if it truly is within the Railyard footprint of what has been cleared to some degree or another, it would be then possible for you, once you have all the relevant information to make a staff determination that, yes, this doesn't need clearance, because."

Ms. Roach said, "I was going that route, then I looked at the map of the project area for the Railyard and it doesn't include the street. Period. So, that says to me, it would need clearance, right."

Chair Eck said yes, or at least consideration.

Ms. Roach said at least advance notice that they were planning to do this project, and to ask her what she thinks.

Mr. Ivey said, "Yes. That's stupid so I'm not doing it, just never really counts as a reason."

Ms. Roach asked the wishes of the Committee as to how she deals with this, and "are we at a point at which it's time to communicate with Public Works in a more formal way."

Chair Eck said, "We don't have much in the way of power. We can offer opinions. We are supposed to decide whether or not things are important under City Ordinance, and to pass judgement on whether the work has been done, and that the work that has been done is sufficient for the purpose. And that is about it."

Zachary Shandler, Assistant City Attorney, said as the person assigned to the Committee, "I propose working with staff, and for the next meeting, to put together a one page sheet we could run by you that we could provide to all the arms of the City. Make it as simple and black and white as possible. I think deciphering the Code until it's rewritten may not be the best thing. I think this would be a cheat sheet or pamphlet and hand that out and see if that makes it a little simpler."

Chair Eck said it could be expressed as something like, "It is the opinion of the Historic Preservation Division that in order to comply with it's own Ordinance, the City and all it's departments must, 1, 2, 3, and just spell it out. They can agree or disagree and do it or not, but at least you made the statement."

Ms. Roach said, "Well the truth is, we are supposed to consider the entire length and not just the portion they're boring, so the entire length of the project was 70 feet which would trigger archaeological review which has a 60 foot threshold."

Mr. Pierce said, "And that's ground disturbing activities."

Mr. Ivey said if we ignore it, others will think they can do the same thing.

Responding to Ms. Roach, Mr. Pierce said this project is 70 feet, not 1,620 feet or whatever Cyber Mesa is requesting, and more importantly, this Committee didn't approve boring at all.

Ms. Roach said the City adopted a Resolution at some point that provides that all City Departments and Divisions shall adhere to the Archaeological Review Ordinance. She will locate that and perhaps cite that Resolution.

Chair Eck agreed that is a good idea.

Mr. Pierce said it seems we're discussing boring at every meeting, commenting that we need to come up with language for the Ordinance rewrite as to whether or not it allowed, and if so, under what kinds of conditions, because this issue isn't going away.

Chair Eck said we also talked about having a general monitoring plan about how these things work.

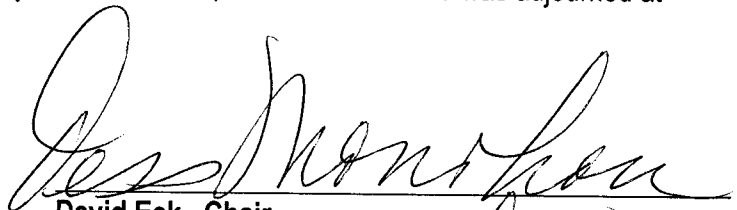
Ms. Roach said she hopes at the next meeting to bring up the topic of the rewrite in terms of how to proceed, noting this is at the top of her "to do" list.

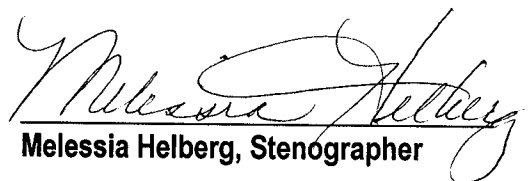
I. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Jake Ivey moved, seconded by Derek Pierce, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:45 p.m.


David Eck, Chair


Melessia Helberg, Stenographer

Core Spatial Application

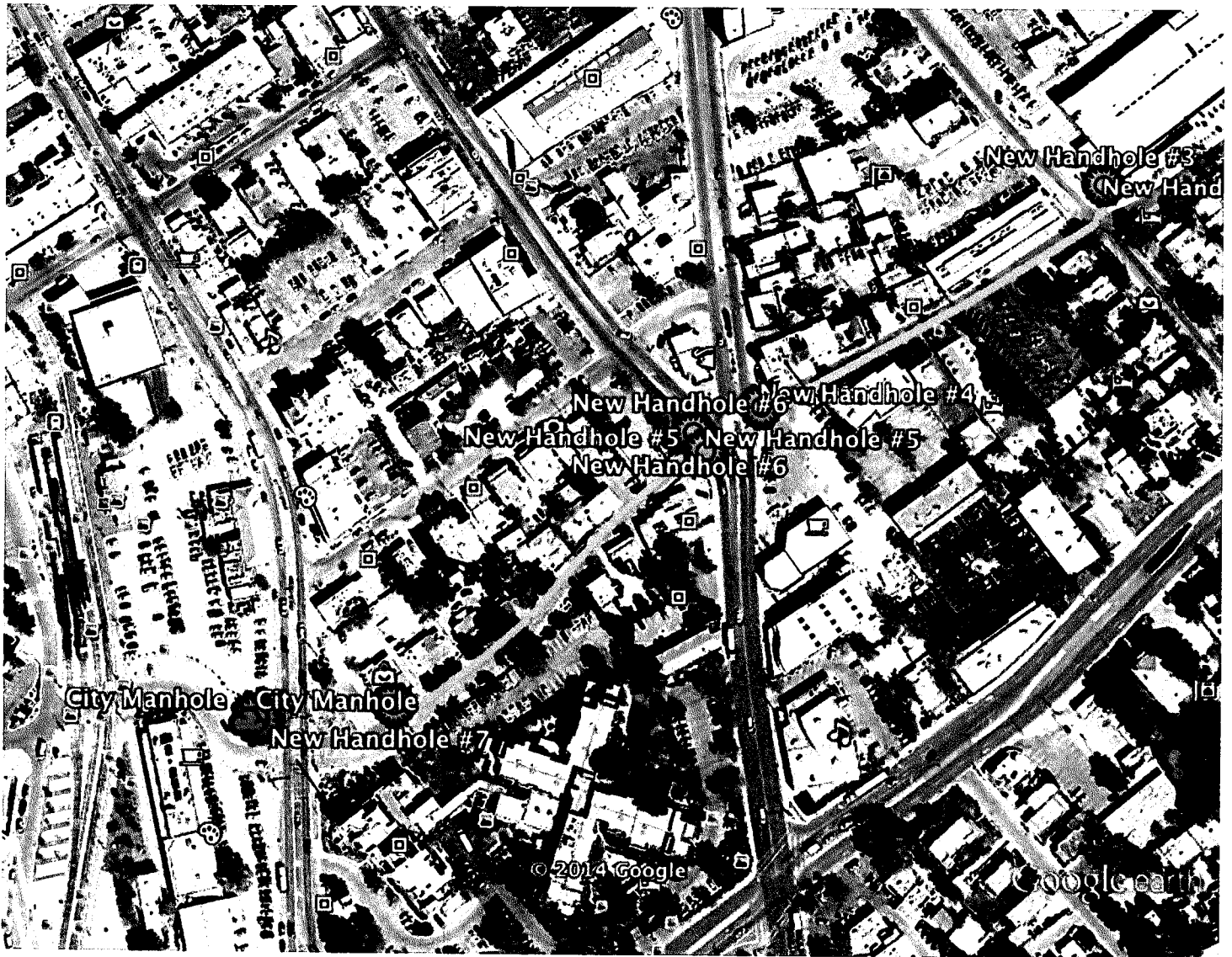
Web Mapping Application Help



Exhibit "1"



Exhibit "2"



Google earth



Santa Fe Fiber Route Diagram

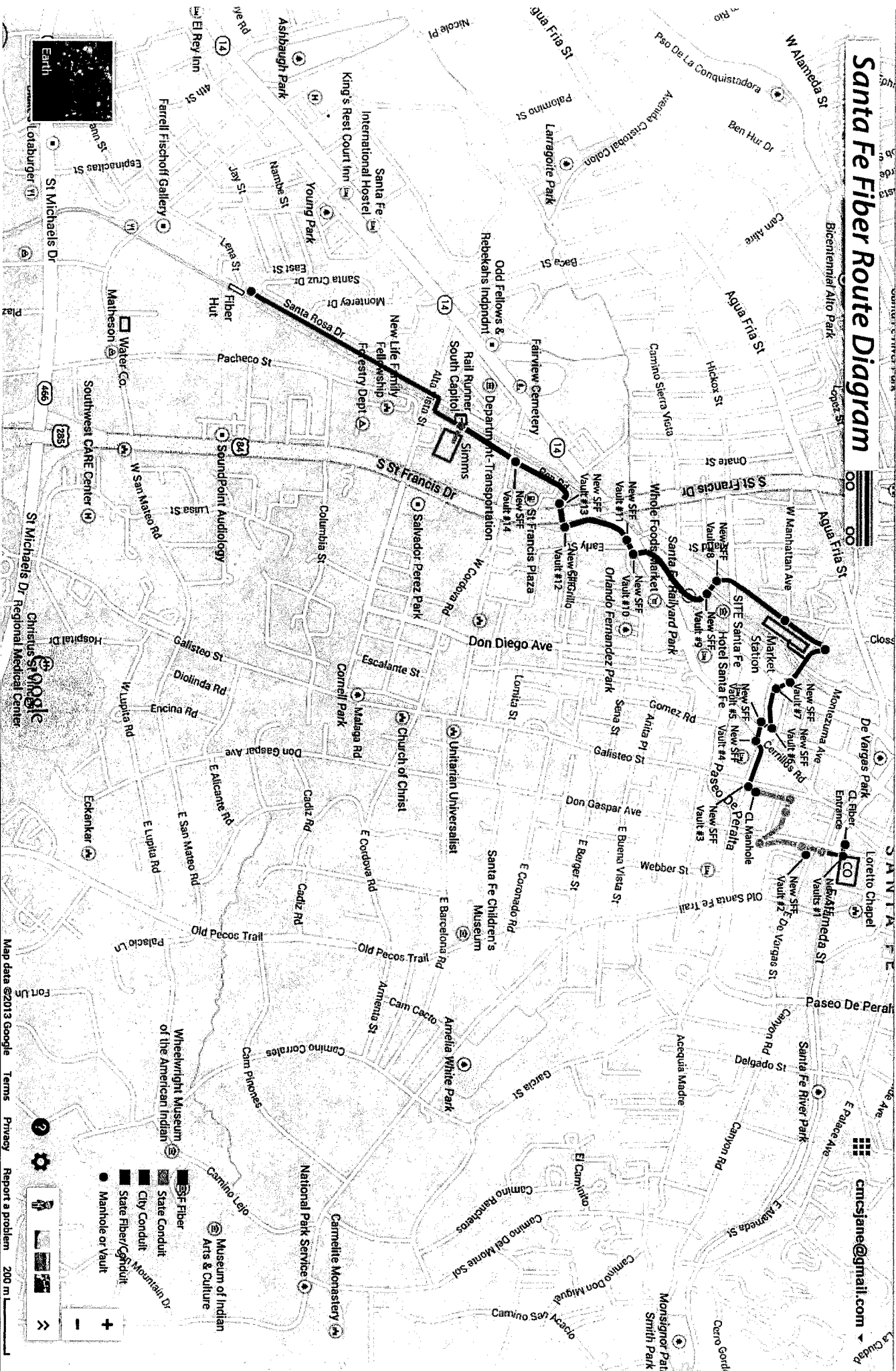


Exhibit "3"

* Full sized copy available in the clerk's office.*

Directional boring at Paseo de Peralta and the Santa Fe Railway for Pedestrian Safety Improvements
by Bixby Electric on behalf of the City of Santa Fe
Total Project Length: ~70 linear feet



Exhibit "4"

