



Agenda

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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, October 16, 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 18, 2014
- E. ACTION ITEMS
 - 1) Case #AR-23-14, Office of Archaeological Studies, agent for the New Mexico Museum of Art, requests approval of a preliminary archaeological monitoring report of trenching along the foundation of the St. Francis Auditorium at the New Mexico Museum of Art, in compliance with NMAC 4.10.17 and as an alternative method of compliance with Section 14-3.13(C) of the Santa Fe Land Development Code. (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 16, 2014

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<u>ACTION ITEMS</u>		
CASE #AR-23-14. OFFICE OF ARCHAEOLOGICAL STUDIES, AGENT FOR THE NEW MEXICO MUSEUM OF ART, REQUESTS APPROVAL OF A PRELIMINARY ARCHAEOLOGICAL MONITORING REPORT OF TRENCHING ALONG THE FOUNDATION OF ST. FRANCIS AUDITORIUM AT THE NEW MEXICO MUSEUM OF ART, IN COMPLIANCE WITH NMAC 410.17, AND AS AN ALTERNATIVE METHOD OF COMPLIANCE WITH SECTION 14-3.13(C), OF THE SANTA FE LAND DEVELOPMENT CODE	Approved w/corrections	2-6
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**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING
City Councilors Conference Room
October 16, 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 16, 2014, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair
Tess Monahan, Vice-Chair
Gary Funkhouser
Derek Pierce

Members Excused

James Edward Ivey

Others Present

Lisa Martinez, Director, Land Use Department
Lisa Roach, 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 City of Santa Fe Historic Preservation Division.

C. APPROVAL OF AGENDA

MOTION: Gary Funkhouser moved, seconded by Derek Pierce, to approve the Agenda as published.

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

D. APPROVAL OF MINUTES – SEPTEMBER 18, 2014

The following corrections were made to the minutes:

Page 5, Paragraph 1, line 2 under Derek Pierce, correct as follows: "...expectations ~~before it didn't work.~~"

Page 10, Paragraph 2, line 3, under Derek Pierce, correct as follows: "...~~flagrant~~ frequently."

Page 17, Paragraph 11, line 4, correct as follows: "...~~conservation~~ observation only."

MOTION: Tess Monahan moved, seconded by Gary Funkhouser, to approve the minutes of the meeting of September 18, 2014, as amended.

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

E. ACTION ITEMS

1. **CASE #AR-23-14. OFFICE OF ARCHAEOLOGICAL STUDENTS, AGENT FOR THE NEW MEXICO MUSEUM OF ART, REQUESTS APPROVAL OF A PRELIMINARY ARCHAEOLOGICAL MONITORING REPORT OF TRENCHING ALONG THE FOUNDATION OF ST. FRANCIS AUDITORIUM AT THE NEW MEXICO MUSEUM OF ART, IN COMPLIANCE WITH NMAC 4110.17, AND AS AN ALTERNATIVE METHOD OF COMPLIANCE WITH SECTION 14-3.13(C), OF THE SANTA FE LAND DEVELOPMENT CODE. (LISA ROACH)**

BACKGROUND & SUMMARY:

At the request of the New Mexico Museum of Art, the Office of Archaeological Studies undertook archaeological monitoring of trench excavations along the foundation of the exterior of the west wall of the St. Francis Auditorium, extending into its West Sculpture Garden. An archaeological monitoring plan for the project was approved by the City of Santa Fe Archaeological Review Committee on May 31, 2013. The excavated trench measured 15 m by 45 cm by 1.6 m, and extended through archaeological site LA930 (Ogapoge Pueblo). Monitoring resulted in the discovery of historic artifacts throughout four cultural strata which dated from the late 19th to early 20th centuries, as well as the identification of a subterranean arched brick feature, which may have been a utility tunnel associated either with the Fort Marcy quartermasters' quarters or with museum facilities installed during the building's earliest construction in 1917.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary monitoring report, as it follows NMAC 4.10.17 Standards for Monitoring and meets 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) as an alternative method of compliance.

Ms. Roach said she has no additional comment.

Jessica Badner said she really has nothing to add. She said this project started before her tenure of looking at projects in the downtown area, and she wasn't actually present, although she did look at the trench during excavation. She said one of the challenges on this plot of land is that it's really been bunged-up quite a bit. She said the "carrot with the stick" is that in early excavations Steve Post had found artifact pieces of revolt or revolt era Spanish Colonial. There was only one piece.

Tess Monahan

Ms. Monahan said it's always interesting when you turn up dirt downtown, because you never know what is going to be there. She said this has been trenched and dug before.

Gary Funkhouser

Gary Funkhouser said on the first page of NIAF, under Box 7 Description of Undertaking, should be the description of the project you were monitoring for, not the description of monitoring activity *per se*.

Chair Eck said it is "half and half." He said you can read it as the description of the undertaking, but it sounds more like the description of what you did.

Gary Funkhouser asked if there shouldn't be a Site Update form.

Ms. Badner said they will do so.

Mr. Funkhouser said on packet page 38, under Stratum 4 where she says, "but was unusually dark in color as compared to most other alluvial deposits..." He would like to see the references there.

Ms. Badner said she will include the references.

Mr. Funkhouser said on packet page 42, paragraph 2, line 20, delete the "s" on "polychromes."

Mr. Funkhouser said on packet page 47, beginning on line 1, it would help if they had the Stratum numbers next to them parenthetically.

Mr. Funkhouser said it is a really good report.

Derek Pierce

Derek Pierce said on packet page 13, paragraph 2, it appears two sentences run together. Strike "excavation of one trench."

Mr. Pierce said he appreciated the summary of the previous work on the site, because we don't always get that, and it's very nice.

Ms. Badner said in all the work that's been done, it's never been summarized.

Mr. Pierce said it helps us in two ways. One, it gives us some sense of the remaining integrity of the site and how much it's been shaved and chopped up by excavation and other work. And secondly, it presents a pretty strong argument for arguing that the soils are disturbed up to the specified depth, rather than saying, 'take my word for it.'

Ms. Badner said she still thinks there is potential in there, especially with the brick structure. There clearly are some areas that are still intact in there.

Mr. Pierce likes that Ms. Badner spelled out that she thinks the top is disturbed, but below a depth of 0.9 meters, you will find cultural [inaudible]. Too often, the argument is just everything is disturbed because of previous construction.

Mr. Funkhouser said he appreciates whoever is in the trench trying to see that.

Mr. Pierce said it is a very good report.

Zachary Shandler, Assistant City Attorney

Mr. Shandler said he doesn't have a legal question, he is just trying to educate himself. He said, "There was a monitoring plan approved in 2013, and is there a time limitation, generally speaking, for the report to be submitted, or how does that track."

Chair Eck said yes, there should be. He said, "If you take the broad view and consider actions under a State Permit, one year is usually the target. So I think almost precisely one year is what we experienced here. Since action does not depend on review and acceptance of a report, we typically don't get too worried about the time frame. Otherwise, we would want it in 3 weeks. I cannot, for the life of me, summon anything in the City's Ordinance that addresses the time frame."

Ms. Roach said she has not come across anything.

Mr. Shandler said he isn't picking on Ms. Badner, he is just trying to learn.

Ms. Badner said, "I had thought that the time frame was one year from the acceptance of the plan. That's how I read it."

Chair Eck said, "It shouldn't be acceptance of the plan, it should be implementation of the actual monitoring. Sometimes it takes 8 months for the companies to get together and actually do what it is you need to monitor, and that's not your fault. So I would say the clock ticks upon on the event of actually monitoring."

Ms. Badner said that would be one year.

Mr. Shandler said, "It looked pretty thorough to a layman, so why is it preliminary. Why is not just the final final."

Ms. Badner said it is because we have to submit copies to the City and the LA forms to SHPO for review.

Chair Eck, "And consider it not final until you hear back from Michelle [Ensey]."

Ms. Monahan said multiple levels of review are difficult, and the urgency of the situation is also difficult. If someone is waiting for a building permit and needs to start building, then she thinks these things can be acted on and reported on more quickly. But if there is no urgency for a construction deadline, or something, then the one year falls into place.

Chair Eck said he believes the only place that says "preliminary," is in the description of this action item on the agenda. The document itself doesn't try to present itself as a preliminary report.

Chair Eck said the archaeology notes are a final report pending the last few edits.

Ms. Badner said if we decide we are going to make an archaeology note, it is better for us to just commit instead of creating a preliminary report and then doing another edit and then doing the layout and going through the whole rigamarole.

Ms. Roach asked, "If this report approved tonight and by Ms. Ensey, does the final report have to come back before this Committee."

Chair Eck said absolutely not.

Ms. Roach said then it is consider to be cleared.

Mr. Pierce said that raises the question as to whether it is clearly spelled out in regulation when a preliminary is truly preliminary and has to be reviewed.

Too many people talking at the same time here to transcribe

Chair said, "I think not, but we, as a group, accept the report with indicated changes, and I think everybody believes the responsible parties are going to make those changes. To make staffs' life a little easier, I would not like to have everything come back to this Committee for a final stamp of approval, unless Ms. Roach would like."

Chair Eck continued, "And in the scenario that Tess just described, if somebody is waiting for our action before something can proceed, we can approve a preliminary report and indicate that is sufficient for the work to proceed and express the full expectation that we'll see per whatever schedule the contractor can offer."

Ms. Badner said that's actually why she didn't include the LA form, because that will be in the final report. She asked if they need to see that form.

Chair Eck said no. He thanked her very much for including the NIAF, because frequently those don't materialize for us and they need to.

Chair Eck

Chair Eck said he has no further comment.

MOTION: Tess Monahan moved, seconded by Derek Pierce, with respect to Case #AR-23-14, to approve the request for approval of a preliminary archaeological monitoring report of trenching along the foundation of the St. Francis Auditorium at the New Mexico Museum of Art, in compliance with NMAC 4.10.17 and as alternative method of compliance with Section 14-3.13(C) of the Santa Fe Land Development Code, requested by the Office of Archaeological Studies, Agent for the New Mexico Museum of Art, with the aforementioned suggested changes and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.17.

VOTE: The motion was approved unanimously on a voice vote

F. MATTERS FROM THE FLOOR

There were no matters from the floor.

G. MATTERS FROM THE COMMITTEE

Chair Eck said he will not be attending the first Committee meeting in November.

H. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

A copy of a proposed brochure prepared by Ms. Roach is incorporated herewith to these minutes as Exhibit "1."

A copy of City of Santa Fe Resolution No. 2002-21 is incorporated herewith to these minutes by reference, and copies can be obtained in the Historic Preservation Division.

Ms. Roach introduced Lisa Martinez, the new Land Use Department Director.

Ms. Martinez said she looks forward to working with this Committee.

Ms. Roach said she followed up from our discussion at the last meeting regarding City projects and clearance procedures. She said with the help of Mr. Shandler, she developed a tri-fold brochure. She said it is a conceptual walk-through of the process, and provides basic information about why people need clearance – when does my project need clearance, what do I do if it needs clearance. And on the back, what if it is not needed, but there unexpected discoveries or human remains. She also included a description of the boundaries of the Districts, and she will provide a District map along with the brochure.

Ms. Roach asked for feedback from the Committee, commenting it was quite a challenge to reduce all this information it to something that will be clear to City departments.

Chair Eck said this is subject to revision of the Ordinance.

Ms. Roach said yes, presuming it will take some time to get that done.

Chair Eck said a good thing to do is to put a date on it once it is final, and when you update it, you can put language saying this supercedes the previous version.

Ms. Monahan asked, "What comes first. Our archaeological clearance or approval by the Historic Districts Review Board."

Ms. Roach said, "I have seen nothing that really dictates which needs to come first. I think they can happen simultaneously. I don't think one has to come before the other. I think generally, H-Board comes first, just because when a project is solidifying staff will identify the need for archaeology on a project. This specific brochure has to do with City projects specifically. We've been having numerous cases lately where we are brought in either after the fact or very late in the game and too late to do anything meaningful."

Ms. Roach continued, "And so we discussed at the last meeting how best to communicate with other City departments and staff about the need to comply with our own Archaeological Ordinance. I also brought, for your reference, because it was brought up last time and you asked me to follow up..... We

mentioned a Resolution passed in 2002 regarding the Historic Districts, and ensuring that the City follows its own ordinance when it comes to public projects in the Historic District. So I brought it as an example if we wanted to pursue and find a sponsor for that, this might be an example to go by, although it pertains specifically to the Historic Districts and the Historic Ordinance. But there could be a similar Resolution for the Archaeological Ordinance. But this really is just for your reference.”

Chair Eck said he wants to think about this for a while.

Ms. Roach said it is fine if you want to review it before she distributes it to City staff.

Chair Eck said he won't be attending the first meeting in November, so he would like this to come back to the Committee at its second meeting in November.

Mr. Pierce said the brochure is very nicely done, but it doesn't reference the regulations.

Ms. Roach said she and Mr. Shandler talked about that. She said she can find a place to insert the Code citation on the brochure.

Mr. Pierce asked if she wants to include projects that cross multiple districts and the general rule that the more strict regulations apply throughout the project.

Ms. Roach said she doesn't want to confuse people, and was trying to keep it as simple as possible. She hopes this will result in more pre-application conferences in which she can provide that more specific information. She said it might be good to prepare a brochure for the general public as well, and for the Historic District.

Mr. Funkhouser asked the status of La Tierra Trails.

Ms. Roach said the Committee issued clearance for the proposed new trail – the flow trail.

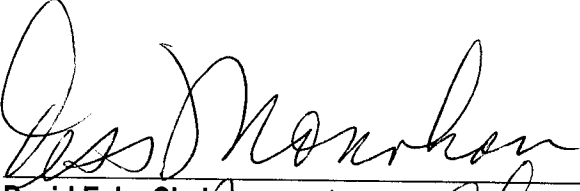
Responding to Mr. Funkhouser, Ms. Roach said it may be a matter of having copies of that report printed and giving it to them. She said she will get more information and definitely follow up on that.

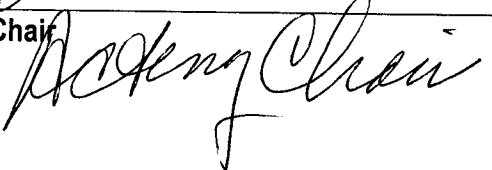
I. ADJOURNMENT

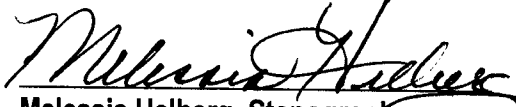
There was no further business to come before the Committee.

MOTION: Derek Pierce moved, seconded by Gary Funkhouser, to adjourn the meeting.

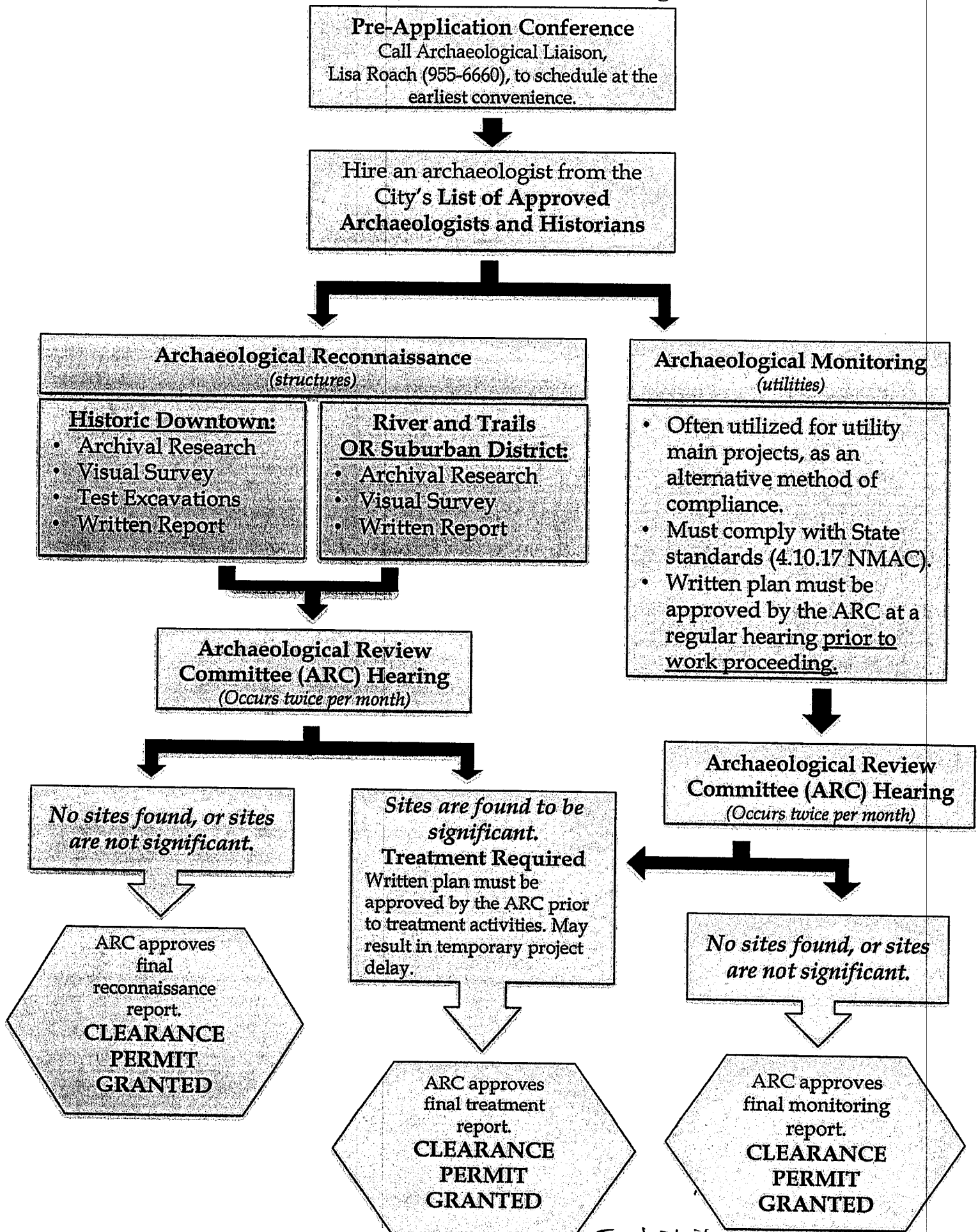
VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:05 p.m.


David Eck, Chair




Melessia Helberg, Stenographer

What do I do if my City project needs an Archaeological Clearance Permit?



Why do City projects need Archaeological Clearance?

The City of Santa Fe Archaeological Review Districts were created for the purpose of preserving Santa Fe's valuable archaeological resources, providing the means for identifying sites, and mitigating any adverse effects of development. These regulations pertain to both private and public development activities. As a result, projects undertaken by the City or on City property must also comply with all provisions of this law and with pertinent State regulations.

When does a City project need an Archaeological Clearance Permit?

If project is located in the Historic Downtown District and involves any of the following:

- 2,500 square feet or more of ground disturbance
- Demolition of a structure that is older than 75 years
- Utility main installation that is 60 linear feet or longer

If a project is located in the River and Trails or Suburban District and involves any of the following:

- Location on a parcel 2 acres or more in area
- Location on a City Parks parcel 1 acre or more in area
- Utility main installation that is 550 linear feet or longer
- Location overlying historic remnants of the Santa Fe Trail

What if Archaeological Clearance is not needed, but unexpected cultural or human remains are discovered during the course of the project?

Even when an Archaeological Clearance Permit is not required for a City project, all unexpected discoveries of cultural remains must be reported to the City's Archaeological Liaison immediately and work temporarily halted for 24 hours. If human remains are discovered during the course of any project, the City Police Department must also be notified.

What are the boundaries of the City's Archaeological Review Districts?

The City of Santa Fe has three Archaeological Review Districts covering all areas within City limits. The boundaries of these districts are shown on the City of Santa Fe Archaeological Review Districts Map, which can be provided by the Historic Preservation Division or the GIS Division.

Contact Information:

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Archaeological Clearance Procedures for City of Santa Fe Projects



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