



# Agenda

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## ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, April 7, 2016 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: March 3, 2016**

**E. MATTERS FROM THE FLOOR**

**F. ACTION ITEMS**

1. Case #AR-06-16. Nancy J. Akins requests to be included on the City of Santa Fe list of approved archaeologists.
2. Case #AR-07-16. Bishop's Lodge, Brownell-Howland and Terral Roads. Suburban Archaeological Review District. Ron Winters, agent for City of Santa Fe, owner, requests approval of a Monitoring Plan for a 1,180 linear feet trench and a 2,130 linear feet trench for the proposed water main replacement project.
3. Case #AR-08-16. PNM Fort Marcy 11- Murales St. Faulted Cable Replacement. Historic Downtown Archaeological Review District. Jessica Badner and Nancy Akins of the Office of Archaeological Studies, agents for PNM, request approval of a Monitoring Plan for 5,467 linear feet of surface disturbance for replacement of a faulted primary electric service line.

**G. DISCUSSION ITEMS**

1. Discussion of the Santa Fe Archaeological Review Districts Overlay Zoning Ordinance Draft (Section 14-3.13).

**H. MATTERS FROM THE COMMITTEE**

**I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS**

**J. ADJOURNMENT**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to date.

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**ARCHAEOLOGICAL REVIEW COMMITTEE HEARING**  
**Thursday, April 7, 2016**

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| CALL TO ORDER & ROLL CALL   | Quorum                           | 1           |
| APPROVAL OF AGENDA  | Approved                         | 1           |
| APPROVAL OF MINUTES: MARCH 3, 2016  | Approved [amended]               | 2           |
| MATTERS FROM THE FLOOR  | Information/discussion           | 2           |
| <u>ACTION ITEMS</u>   |                                  |             |
| <u>CASE #AR-06-16. NANCY J. AKINS REQUESTS TO BE INCLUDED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS</u>   | Approved                         | 2-3         |
| <u>CASE #AR-07-16. BISHOP'S LODGE, BROWNELL-HOWLAND AND TERRAL ROADS, SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR CITY OF SANTA FE, OWNER, REQUESTS APPROVAL OF A MONITORING PLAN FOR A 1,180 LINEAR FEET TRENCH AND A 2,130 LINEAR FEET TRENCH FOR THE PROPOSED WATER MAIN REPLACEMENT PROJECT</u>   | Approved [amended]               | 3-6         |
| <u>CASE #AR-08-16. PNM FORT MARCY 11 – MURALES ST. FAULTED CABLE REPLACEMENT. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. JESSICA BADNER AND NANCY AKINS OF THE OFFICE OF ARCHAEOLOGICAL STUDIES, AGENTS FOR PNM, REQUEST APPROVAL OF A MONITORING PLAN FOR 5,467 1,900 LINEAR FEET AND 5,467 SQUARE FEET OF SURFACE DISTURBANCE FOR REPLACEMENT OF A FAULTED PRIMARY ELECTRIC SERVICE LINE</u> | Approved as corrected            | 7-8         |
| <u>DISCUSSION ITEMS</u>   |                                  |             |
| DISCUSSION OF THE SANTA FE ARCHAEOLOGICAL OVERLAY ZONING ORDINANCE DRAFT (SECTION 14-3.13)  | Information/discussion/direction | 8-19        |

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**MINUTES OF THE  
CITY OF SANTA FE  
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING  
City Councilors Conference Room  
April 7, 2016**

**A. CALL TO ORDER**

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on April 7, 2016, in the Historic Preservation Conference Room, City Hall, Santa Fe, New Mexico.

**B. ROLL CALL**

**Members Present**

David Eck, Chair  
James Edward Ivey  
Derek Pierce  
Gary Funkhouser

**Members Excused**

Tess Monahan, Vice-Chair

**Others Present**

Nicole Ramirez-Thomas  
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:** Jake Ivey moved, seconded by Derek Pierce, to approve the Agenda as presented.

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

**D. APPROVAL OF MINUTES: MARCH 3, 2016**

The following correction was made to the minutes:

Page 5, paragraph 2, line 1, correct as follows: "It He said

Page 7, paragraph 1 line 2 under Derek Pierce, correct as follows: "...overall side size..."

**MOTION:** Gary Funkhouser moved, seconded by Derek Pierce, to approve the minutes of the meeting of March 3, 2016, as amended.

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

**E. MATTERS FROM THE FLOOR**

Nicole Ramirez-Thomas said at the last meeting the Committee asked if the data base had been paid from the Archaeology Fund, and it has.

Chair Eck said then the balance is as presented and Ms. Ramirez-Thomas said yes.

**F. ACTION ITEMS**

- 1) **CASE #AR-06-16. NANCY J. AKINS REQUESTS TO BE INCLUDED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS**

**BACKGROUND & SUMMARY**

The Office of Archaeological Studies would like to increase the number of archaeologists they have listed as City of Santa Fe Certified Archaeologists. Ms. Akins has submitted a letter requesting she be certified by the ARC along with the required application materials.

**STAFF RECOMMENDATION**

Staff recommends approval of Ms. Akins' application to become a City of Santa Fe Certified Archaeologist as she meets the requirements of Qualifications of Archaeologists under 14-2.7(E)(2).

Ms. Ramirez-Thomas said staff has nothing to add.

Ms. Akins said she has nothing to add.

**Gary Funkhouser**

Mr. Funkhouser said he has no comment.

**Derek Pierce**

Mr. Pierce said he has no comment.

**Jake Ivey**

Mr. Ivey said, "It looks fine to me."

**Chair Eck**

Chair Eck had no comment.

**MOTION:** Derek Pierce moved, seconded by Gary Funkhouser, to approve Case #AR-06-16, and to approve adding Nancy Akins to the list of approved Archaeologists.

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

Ms. Ramirez-Thomas said, "I want to clarify that she is approved for all Districts. Yes. Okay."

- 2) **CASE #AR-07-16. BISHOP'S LODGE, BROWNELL-HOWLAND AND TERRAL ROADS, SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR CITY OF SANTA FE, OWNER, REQUESTS APPROVAL OF A MONITORING PLAY FOR A 1,180 LINEAR FEET TRENCH AND A 2,130 LINEAR FEET TRENCH FOR THE PROPOSED WATER MAIN REPLACEMENT PROJECT.**

An email Memorandum dated April 4, 2016, with attachment, from Nicole A. Ramirez-Thomas, to David Eck, Derek Pierce, Gary Funkhouser, Jake Ivey and Tess Monahan, regarding Amendment to AR-07-16, is incorporated herewith to these minutes as Exhibit "1."

**BACKGROUND & SUMMARY:**

The City of Santa Fe Public Works Department proposes to replace and upgrade water main lines on Bishop's Lodge Road, Brownell-Howland Road, and Terral Road. The work will consist of the placement of 6-inch water main pipe over a 1,180 linear feet; the placement of 8-inch water main pipe with water valves 2,130 linear feet; placement of valve boxes; removal of fire hydrants with appurtenances; and road restoration. Fill removed from the trench will be monitored for cultural deposits. No archaeological resources are recorded within the project area. Details of the field methodology, analysis of cultural material and curation can be found in the monitoring proposal.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the monitoring proposal to meet the requirements of permitting for utility mains in the Suburban Archaeological Review District under Archaeological Clearance Permits (14-3.13(B)(3) and the requirements of performing reconnaissance (14-3.13(B)(5).

Chair Eck noted staff has prepared a brief Memorandum, and asked if staff has anything to add.

Ms. Ramirez-Thomas said she has nothing to add, noting staff recommends approval. She noted her Memorandum in the packet [Exhibit "1"], which are the amendments in regard to Monte Vista which initially was excluded from the project because it didn't meet the threshold for the Rivers & Trails District. However, she requested that the Engineer add that section because, of all the areas in the project, this would be the area most likely to yield archaeological resources, and due to previous precedents that were set regarding cumulative project areas. For this reason, she asked it to be included, noting the engineer was happy to oblige.

Zachary Shandler, Assistant City Attorney, said, "This brings up an interesting discussion point, and may be close to increments that should be monitored, one point. The other point would be that this is part of a larger "project," or series of projects, to be required to do a monitoring plan. The third point is, as you will recall, there was a lot of discussion about exemptions for Parks projects, if they deal with the project or a parcel. Here, I believe this particular discrete segment is less than the linear feet that might be required for a monitoring plan or report. But if it were to be taken together as cumulative or a sum, I have a question of the analogy – does it apply from the Park project to Utility items. So, 3 points of discussion."

Ms. Ramirez-Thomas said, "I want to add too that the fiberoptic project that the Economic Development Division recently did part of.... was grouped together. And that decision was made under External Policy #2. Would you like for me to read it."

The Committee consensus was for her to read External Policy #2.

Ms. Ramirez Thomas said 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 on the request on a case by case basis. The Applicant is encouraged to notify the Archaeological Review Committee early in the process if such request is anticipated."*

Ms. Ramirez-Thomas said, "This speaks to, again, are we looking at projects cumulatively in their whole despite the fact that they are different segments, or how do we want to address projects like this."

Mr. Shandler said, "And just to kind of put a fine point on it, I might be stealing your thunder, I don't know, but you may be saying, I don't think you guys needed me to require me to do this *[inaudible]* as before. And so there may be this initial question that you may want to debate, and you have the ability on a case by case basis to make certain determinations."

Mr. Rasch said, "Because technically this section does not meet the threshold."

Chair Eck said, "I would say that 90% of what various arms of the City, and I'm envisioning Shiva [Kali?], a Hindu god.... there are arms of the City that come forth with X and there are arms of the City that come forth with Y, and X does not equal Y ever, even if to the iota the dimensions are exactly the same. A moving target being a moving target... I now have a million questions, or I can shut up and we can let the other members say what they want and we will see if there is a consensus developing anyhow."

Ron Winters said, "I stand with Nicole and Zach, and the Committee. I'm sure on this one, even though it is 410 feet, doesn't meet the threshold for the River & Trails, the way they are grouping it is as a single project. As you know, I'm the one doing the Parks Project also. In fact you can see with the amendment, I did the background research and provided that, I provided you with a plat and I am in full agreement and would like it to be approved as one project, all three of the project areas."

Mr. Shandler said, "So if I hear you correctly, then you are not asking for a waiver not to review it."

Mr. Winters said, "No."

Mr. Shandler said, "You're saying go ahead and let's take a look at it."

Mr. Winters said, "No. That's why I provided what I did."

#### **Gary Funkhouser**

Mr. Funkhouser said, "As to Policy #2... I think there is a difference between what we can consider on a case by case basis, and whether a proponent can submit a project on a case-by-case basis... do that. And I think those are two different things, and I think the External Policy covers the former and not the latter. I will then hold off making a motion, to hear from the Chairman and other questions from the Committee."

#### **Derek Pierce**

Mr. Pierce said, "I guess, to address the question as to whether this really is a single project, first of all is this the same line. They are very far apart."

Mr. Winters said, "No. No. They are water main replacements in various parts of the City. Two of them are bunched up in the north off Bishop's Lodge Road. This is on Galisteo."

Mr. Rasch said, "But from the City's point of view, they are all funded together."



Mr. Winters said, "Right. Had they broken it up so that this was one project, this was another, this is a third, I think it would be a different story. So, even though there's a site on the northern end of Galisteo area of Monte Vista, it's not within the project area. So I think you would be really hard pressed then to compel them to do it, if it was a separate project and funded that way. But that's now how it's presented."

Mr. Pierce said, "The City could put it forward as a single project and funded as a single project. That makes sense to me. That's where it's a litmus test, because anything else is just going to be so complex it would be bogged down wherever.... *[inaudible because Mr. Winters interrupted him]*."

Mr. Winters said, "*[inaudible]*", but for budgetary reasons, whatever."

Mr. Pierce said, "From my point of view, if the City wants to combine two dozen different water line replacements all in a single report, go for it. At least we will know that it's being monitored. It's better than the alternative of trying to do 24 different ones to avoid the threshold. So, I have no issues with it at all."

Mr. Winters said, "Unfortunately, they group it together, but then they want it just exempt, because it didn't meet the...."

Chair Eck said, "X does not equal Y."

*Too many people talking at the same time to transcribe here*

**Jake Ivey**

Mr. Ivey said he had no additional comments.

**Chair Eck**

Chair Eck said he has nothing to add.

**MOTION:** Derek Pierce moved, seconded by Gary Funkhouser, with respect to Case #AR-07-16, to approve the monitoring proposal, requested by Ron Winters for City of Santa Fe Public Works Department, as amended [Exhibit "1"], as meeting the requirements of permitting for utility mains in the Suburban Archaeological Review District under Archaeological Clearance Permits (14-3.13(B)(3) and the requirements of performing reconnaissance (14-3.13(B)(5), and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.7.

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

- 3) **CASE #AR-08-16. PNM FORT MARCY 11 – MURALES ST. FAULTED CABLE REPLACEMENT. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. JESSICA BADNER AND NANCY AKINS OF THE OFFICE OF ARCHAEOLOGICAL STUDIES, AGENTS FOR PNM, REQUEST APPROVAL OF A MONITORING PLAN FOR 5,467 1,900 LINEAR FEET AND 5,467 SQUARE FEET OF SURFACE DISTURBANCE FOR REPLACEMENT OF A FAULTED PRIMARY ELECTRIC SERVICE LINE.**

**BACKGROUND & SUMMARY:**

PNM proposes to replace a faulted primary electric service line along Rosario Boulevard and Old Taos Highway to a point just south of Murales Road. The archaeological work consists of the monitoring of an excavated utility corridor: 167.6 m (550 ft.) along Rosario Boulevard and 396.3m (1,300 ft.) along Old Taos Highway. No archaeological resources were noted along the proposed excavation corridor. El Puente de los Hidalgos Bridge is the nearest cultural resource noted within the 100 m PNM buffer. Field methods will include the monitoring of the excavation of utility trenches in the event that previously unknown cultural resources are encountered. The methodology proposed is thoroughly outlined in the submitted monitoring proposal.

**STAFF RECOMMENDATION:**

Staff recommends approval of the monitoring proposal to meet the requirements of permitting for utility mains in the Historic Downtown Archaeological Review District under Archaeological Clearance Permits (14-3.13(B)(1) and the requirements of performing reconnaissance (14-3.13(B)(4).

Ms. Ramirez-Thomas said, "It really is 1,900 linear feet and 5,467 sq. ft. in the caption."

Chair Eck thanked Ms. Ramirez-Thomas for the report, and asked if she has anything further to add.

Ms. Ramirez-Thomas said she has nothing further to add.

Nancy Akins said they have submitted the plans to the HPD and HPD approved the plans without amendments.

**Gary Funkhouser**

Gary Funkhouser had no comment.

**Derek Pierce**

Derek Pierce said he has no comment, and thanked them for the color copies.

**Jake Ivey**

Jake Ivey said, "I love it."

**Chair Eck**

Chair Eck said, "I too, think it's wonderful."

**MOTION:** Gary Funkhouser moved, seconded by Derek Pierce, with respect to Case #AR-08-16, to approve the monitoring proposal, as requested by Jessica Badner and Nancy Akins of the Office of Archaeological Studies for PNM, with the corrected caption, as meeting the requirements of permitting for utility mains in the Historic Downtown Archaeological Review District under Archaeological Clearance Permits (14-3.13(B)(1) and the requirements of performing reconnaissance (14-3.13(B)(4).

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

**G. DISCUSSION ITEMS**

**1. DISCUSSION OF THE SANTA FE ARCHAEOLOGICAL OVERLAY ZONING ORDINANCE DRAFT (SECTION 14-3.13).**

A copy of *The Santa Fe Archaeological Review Districts Overlay Zoning Ordinance Draft (Sections 14-2.7 and 14-3.13*, prepared by Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "2."

Mr. Shandler, referring to page 41, said at the last meeting there was language about the 2% testing. He asked where the Committee would like the proposed language to be placed.

Chair Eck said, "It looks like what I thought I heard. Where to put it, I don't know at the moment, but wherever the 2% testing is first mentioned."

Mr. Pierce asked at what point would we approve the deviation from the 2%. He said it should be part of the plan before the monitoring, and not *ex post facto*, after the fact.

Chair Eck said that implies we should change the phrasing of the sentence offered to make it clear that our consideration and approval is in advance of, but not *post hoc*. He said this is what we were faced with in the most recent time.

Mr. Pierce said, "I suppose they could submit a Survey Report of less than 2% with a gamble, because there is no guarantee we're going to accept it. It would make more sense to ask for prior approval."

Mr. Rasch said that means two trips to the Committee.

Chair Eck said he thinks if someone wants to vary from a very simple and straightforward standard that is not "in my view hurting."

Mr. Rasch said the City is trying to reduce the number of hearings, so he would suggest if someone wants to vary from the 2%, they should ask for it, and submit it that way. But if you don't agree, it forces a second trip, rather than automatically making it a two-trip step.

Mr. Pierce said we wouldn't necessarily have to require advance notice, and when practical they could get prior approval. Otherwise, they run the risk of the Committee telling them they have to go back and finish the 2%.

Chair Eck said a scenario that concerns him, is where someone is in the middle of a parking lot or a business, and the business doesn't want its landscaping dug up, and we can't do 2% without digging up landscaping. The contractor is there, the backhoe is there, everything is ready, it's not done, it doesn't pass muster, and they have to redeploy the contractor and the backhoe and do it over. He said that is expensive, noting deployment of the backhoe is almost half the cost. He said, without offense to staff, if the City hired a person or designated a person to be the City Archaeologist employed to make certain determinations we don't have to be involved in that.

Mr. Rasch said then you're considering that the 2% variance could be a staff administrative approval if the archaeologist proves it to staff.

Chair Eck said that would depend on the designated roles of that staff person.

Mr. Rasch said we can't always say we are going to have an archaeological staff member. It could be him, for instance, and he's not an archaeologist. He said he thinks from the City's point of view, whichever staff member they assign to this duty, they would be considered to be experienced enough to make the decision if this Committee desires that, but we can't guarantee it.

Chair Eck said, "You can edit this if you like, but I have a building full of people who think they are better qualified to judge who is qualified to make archaeological determinations. There is only one person in the building who is qualified. It doesn't matter what they think or what they want. It matters what is real, what is validated by job description title, function, support and ability to operate, frankly. We see you all in a very compromised position. You are hung up in a City bureaucracy that gets recalcitrant, reluctant to communicate with its own self, let alone its [inaudible] and they want you to do what they want you to do. It won't fly."

Mr. Rasch asked what if it says, "with the staff and Chair of the Committee."

Chair Eck said, "It sounds better, but it also sounds like, frankly, it is a bureaucracy asking for free labor. We volunteer for this purpose and this purpose only. If the City were to contract with someone who had the function of representing the archaeological interests on behalf of the City, not the City's interest regarding archaeology. It is the archaeology's interest in regard to the City. I would be pleased with that. But I think free labor is not a good [inaudible]"

Ms. Ramirez-Thomas said so you're saying something like an on-call liaison contracted as an exterior liaison between the Committee and the City can make a determination.

Chair Eck said he is trying to get the Committee out of it. He said the way this is written, we have certain functions, and rolling up our sleeves and doing the work for the City is not what we are here for. This really is something is something that comes to this Committee and we rule on it..."

Mr. Rasch said, "Or you can't get a waiver. 2% is 2%.

Ms. Ramirez-Thomas said she doesn't disagree and she sees the problem is that it is worse if they aren't approved and have to go back.

Mr. Funkhouser said it could be the City could have someone on contract, who, if the staff isn't an archaeologist, can provide services.

Mr. Pierce said you could have a conflict of interest of the person who will want to do that job and that alone within the City. He said presumably they have to be qualified to work in the City, but you can only do that job, otherwise you are going to be approving your own project.

Chair Eck said that would be a conflict of interest.

Ms. Ramirez-Thomas asked, "What about asking Michelle Ensey, does that remove the conflict."

Chair Eck said, "Actually, that's a conflict of interest. The State must review City projects. If the State pronounces it is appropriate for a City project, they are no longer in a position to judge it impartially.

Mr. Pierce said it is also a problem if we ask Ms. Ensey to implement a regulation the State doesn't have, noting they have a 2% testing requirement.

Chair Eck said, "If we were to ask Michelle, she would say, great as long as everybody gets a testing permit from the State before you do it."

Chair Eck asked if they want us to reduce our meetings from once a month to less than once a month.

Mr. Rasch said no, he is talking about the way the City sees how we serve the public. If we go with the language that a person is required to get a waiver for the 2%, you have to get that approval before you get the reconnaissance, and you are requiring the applicant to come to the Committee twice. And the City considers that to be not efficient. He said he doesn't see how you get around this.

Chair Eck asked, if someone is asking for a variance of something else, they have to come to this Committee, and then they will come and present the results of what they asked for.

Mr. Rasch gave an example of how a variance is treated by the H-Board, where a delay is built into the system if it is denied.

Chair Eck said if we don't see grounds for an exception, isn't it just a straightforward application. He said he has watched H-Board meetings, and it should never get to that point.

Mr. Rasch said, "I think you either don't allow a waiver of the 2% testing, or it's going to be a public delay."

Mr. Pierce said he really doesn't like the idea of never approving a waiver.

Mr. Funkhouser said, "I don't like digging up things just to prove a point, because you don't gain anything and you are destroying yourself in the process."

Chair Eck said we were informed by the individual who brought this to our attention, that this has happened before, although he doesn't recall that it did. He said it did happen in a way, 10-12 years ago when a different contractor had done a bunch of excavations using volunteer students. The net results of all the excavations they did was less than 2%, and their recommendation was more work. We were presented with a case asking for guidance on doing even more work and we said yes, finish the 2%.

Mr. Pierce said that wasn't a case where they were faced with constraints. He asked how often do we expect this to come up.

Chair Eck said we can't know, but probably not often.

Mr. Rasch said if that's true, then he is comfortable with the public delay in the public getting the results sooner rather than later, since it doesn't happen that often.

Chair Eck said he is bothered by delaying the public getting results. He said this is a situation where someone has asked for something. The contractor observes the situation. They don't need to get on the agenda, they can come to the Committee under Matters from the Floor, explain the situation and ask to do less than 2%.

Mr. Rasch asked if this can be brought up "on the fly," under Matters from the Floor.

Mr. Shandler said since this doesn't happen often, he thinks he can find a place to put the language.

Mr. Pierce said the risk of delay is greater by them doing it on their own, rather than asking in the first place.

Mr. Rasch said as long as we don't have to post it, they can find out and get "into this room at the first available hearing and ask for that."

Chair Eck said guidance could be solicited with a phone call and a map to a hypothetical staff person, and then we would think about it.

Mr. Shandler, referring to page 43, said one of the first things he points out on page 43 is reconnaissance, inventory and monitoring. He said, "And Ms. Ramirez-Thomas said, why not use Archaeological Investigations, because that is from NMAC."

Ms. Ramirez-Thomas said she saw survey and inventory in other places. She thinks Archaeological Investigations is regular and acceptable terminology among archaeologists, and it is all-inclusive, much more broad, so many more things can be addressed under it.

Mr. Pierce asked where we use the word reconnaissance for the moment, saying he frankly hates that word. It has an entirely different connotation.

Mr. Shandler said it used around 15 different times.

Chair Eck said it is pervasive, and thinks it is in one of the very first paragraphs of this document.

Mr. Rasch said it is in River and Trails, and Suburban.

Mr. Pierce said reconnaissance typically means something less than a full survey. He said if he goes out, stands and looks around in a circle it is reconnaissance.

Chair Eck said this is historical "baggage," because it was written before the State regulations and the habitual use of terminology. He said the 10-12 people that sat and patched this ordinance out of thin air, that's what they ended up with and we've been stuck with it ever since. He said, "I think a more inclusive term is fine, but elsewhere, I am kind of bothered that we got into specifics so we could get away from the use of more general terms. So if we change this, and I'm fine with it, we may have to change things in other places to match that philosophy, having I think in the draft gone the other direction, but I might be wrong.

Chair Eck said he would like to go back to paragraph B on page 43. He would like, rather than citing NMSA 1978, if we could cite the regulation. He asked if this is specific to CLG and nothing else. "If so, I'm fine with it, but if there is even the tiniest possibility that this statement can refer to something else other than CLG, I'm reticent to go from a general citation to a specific citation."

Ms. Ramirez-Thomas said 4.10.10 NMAC is specifically about certified local government programs, and 4.10.10.10 is minimum requirements for local government legislation.

Mr. Shandler said, "To help out, in the upper right corner is Working Draft, and in the very first 2.7, it is the old fashioned hearing where a lot of people have two screened staff, there is an old-fashioned two-screen, so there are Nicole's comments. So she's looking at 14-2.7(B) Delegation and replacing the NMSA citation with the NMAC."

Chair Eck said, "I would have to defer to what you think is going on here. But when I read it, it seemed to be going from citation to a large document to a specific regulation to implement part of what the larger document is talking about. And then makes a general reference to other parts of NMAC that reference the larger document. It strikes me that the simplest reference to the gist of what we're after is for the larger document. Because I don't know that 10.10.10 is the only one."

Mr. Funkhouser said, "Some of these questions are, are there other parts."

Chair Eck said if there are no other parts and 10.10.10 covers it all, he is fine with it.

Ms. Ramirez-Thomas said her thought is that in part, our Ordinance is established under the CLG status and that would cover what she is thinking about for context.

Ms. Shandler said he could just add Chapter 3, Article 19-21 NMSA 1978, and 4.10.10.10 NMAC, so we would have the most general reference and then a more specific citation.

Chair Eck said it sounds attractive to him, but he doesn't know what the rest of the Committee thinks about doing that.

Mr. Funkhouser asked if that is that muddy writing, and would it have to be both, or and/or.

Chair Eck said whatever we do has to meet the Act. However, he thinks the City is delegating its authority under this thing. If there are specifics about how, why and what conditions it does that there, then that is clarification to say and. But if it says exactly the same thing, then it's and/or and starts to sound like to him, muddy writing.

Mr. Shandler said staff will look at that point and get back to the Committee.

Mr. Shandler said on the same page, going down to (C) Powers and Duties, we already talked about that term, inventory or monitoring report on page 3. That's the underscored language, which is now going to be replaced with archaeological investigation. He said Nicole's next point is on line 18, the recommended significance, and asked her to comment on "significance."



Ms. Ramirez-Thomas said since making this comment, she has had some clarification in regard to what significance is, "and as a City, we're considering the City." However, she doesn't know that is apparent, that the City significance is different from State or federal. She said you might consider outlining criteria for significance which she doesn't think is clear.

Chair Eck asked where he talks about significance.

Mr. Pierce said we had a discussion about that the last time.

Mr. Shandler said that is on page 36.

Chair Eck this is specifically not part of the National Register of Historic Places [NRHP].

Ms. Ramirez-Thomas said at the suggestion of SHPO, rather than a 75 year threshold there is a 50 year threshold to match the federal and state.

Chair Eck asked if this was discussed in subcommittee.

Mr. Pierce said yes, but can't remember why we didn't move forward with it.

Chair Eck asked if there will be push back on this change.

Mr. Rasch when this draft is finalized and goes to the Governing Body, he is unsure they will have the expertise to catch something unless we point it out to them. He said he assumes when we go to them, we are going to point to the items that are considered important for their review.

Chair Eck said yes, commenting that we were inconsistent with the rest of the universe.

Mr. Rasch said reducing that number potentially could cause more archaeology, and more documentation, but that's not a big issue.

Mr. Pierce said he likes that change, but it may raise eyebrows when we tell them they have to report something that happened in 1966.

Ms. Ramirez-Thomas said this Ordinance was written a long time ago when there was a lot more diversity in how archaeology was approached, and now we have much more standardization and methods in all aspects, noting this is the root of all her comments.

Mr. Pierce said let's stick in the 50 year rule, and if we get a lot of push back during public comment, we can change it back to 75 years. He thinks it's worth the effort to standardize. It makes sense to have one standard across the board for all persons in Santa Fe.

Mr. Rasch said the H-Board uses the 50 year rule as well.

Chair Eck said it seems like we're the "odd man out," and we should be consistent.

Mr. Shandler, referring to page 3, line 18, Archaeological Site, said Ms. Ramirez-Thomas said don't use "archaeological site," you should use "cultural property."

Mr. Pierce said if we were in the State HPD absolutely, but this is the Archaeological Review Committee and we do not review other cultural property.

Chair Eck said cultural property is a very large group and archaeological sites are just one portion of it, but not all of it.

*[Mr. Pierce's remarks here are inaudible]* He said something about there being some utility to that idea. He said the obvious concern is that we don't want to stray into the territory of other boards, and reviewing buildings certainly would do that.

Mr. Rasch said that is a cultural property as well.

Mr. Ivey said we've been dancing on the edge here, the long standing debate about what constitutes buildings or structures and what constitutes an archaeological site. He said, "I can't give you a final conclusion based on my experience because I never came to one."

Chair Eck asked if he thinks we can stay as far away as we can.

Mr. Ivey said he would be better if we did a conclusive archaeological site. The trouble it is a difficult wording and he doesn't know we can come up with something that wouldn't bite use. He said, nonetheless, it's a meaningful problem to imply that you are excluding structures, and it's not something we want to do.

Mr. Pierce said if a contractor is doing a survey along the river and they encounter a bridge, they do not report that to the H-Board because that isn't an H-Board review.

Mr. Rasch said yes, it is.

*Too many people talking at the same time to transcribe here.*

Mr. Rasch said in Chapter 14, a structure is defined as anything that is affixed to a permanent location on the ground. Anything on wheels is not a structure, even if they take the wheels off. It has to be affixed to the ground. So a shed placed on the ground is not a structure either. Once it is attached to a foundation it is a structure. He said if you build a tree house it is not a structure, but if the tree house has posts to the ground it becomes a structure, and the H-Board has jurisdiction over it.

Mr. Pierce said he is concerned about muddying the waters if a consultant potentially has to do two reports, it could be difficult as to what they put in which report.

Mr. Ivey said what is happening for him, is that cultural properties is getting us into trouble in making it too broad, and maybe archaeological site is too narrow. He said if nothing else, it's a long standing problem. He said this automatically produces the kind of thinking that if there is a fragment of standing wall, that's not archaeological, and that's wrong.

Mr. Shandler said it doesn't sound as if there is consensus to change it at this time, but you can change it if someone has a more persuasive argument to change. He said on page 43 there are other words we've worked through except at the very bottom is a little bit about the standards for trying to get on the City list.

Ms. Ramirez-Thomas said currently, it may be a little "hodge-podgy," and there are already clearly established criteria for what qualifies an archaeologist. And while that might be different for the City and it can be different for the City, maybe we can take from the structure that already exists.

Mr. Pierce said he can't go with the Secretary of Interior Standards, because right off the bat you're going to exclude some of the best archaeologists in town, such as Steve Post.

Ms. Ramirez-Thomas said she was thinking we should consider the nuances of our situation, but at the same time take from the structure and that can be more specific here. One of the challenges she had with this section was that qualifications for ARC members don't have to be the same as they are for a qualified archaeologist doing work in the City, noting she is referring to page 5. She said we should update Masters Degree to Post-Graduate Degree. She said there is a requirement for ARC members who are archaeologists and people working in the field to have a burial permit. She said maybe we don't all need a burial permit, or a master's degree, because you can be a competent archaeologist with a lot of experience without a master's degree. However, in the field it is potentially more necessary for someone to have graduate level experience. And people working with burials should have a burial permit, of course.

Ms. Ramirez-Thomas said these are her thoughts on this section. She said looking at the Secretary of the Interior standards and External Policy #11, the qualifications didn't come through in the Ordinance. And that is her comment about Secretary of the Interior standards or External Policy #11.

Mr. Ivey said on page 5, line 23 it says, "*...or equivalent training or field experience...*" He said the phrasing excludes people with a Ph.D., if you don't look at that. He said his feeling is that the specific term master's degree is unnecessarily restrictive, and that graduate degree is a much better term. He said the feds use the equivalent training or field experience.

Mr. Pierce said they don't, it's a masters degree and the training and experience, so it discriminates against archaeologists. He said the language is okay as long as we keep the caveat on lines 23 and 24 that the ARC can make that decision and allow some very good archaeologists to be permitted that otherwise would not.

Chair Eck said there is a similar clause in the State regulations as well, although it's never been invoked, but if the right person wants in, they'll certainly give them a permit.

Mr. Shandler said he will take these comments under advisement.

Ms. Ramirez-Thomas said on page 44, 2(c), it provides, *"It is a provision of our CLG status that the City certified resource professionals are on the SHPO directory."* She has a question as to whether or not it is contingent that archaeologists that are City certified are also on the SHPO list, and they are. That was the point to her comment.

Mr. Pierce said then the City will keep the language of that citation.

Chair Eck said on Page 6, Item (d) suggests changing human remains to human burial.

Ms. Ramirez-Thomas said that is consistent with the language. She said in reading through reports there are a variety of ways people think are appropriate to deal with human burials. There also is the distinction between a human burial and skeletal remains. She initially put "inadvertent discovery," but we don't have to deal with that at the City level, we just move that up as appropriate. She said on a federal level inadvertent discovery review is used as a means to be sensitive.

Mr. Shandler said he thinks Michelle Ensey suggested that language, and suggested talking with her to see what she says.

Chair Eck asked which he thinks are Michelle's.

Mr. Shandler said it is on page 6, and he believes Lisa said it was from Michelle, but he will double check it.

Mr. Ivey asked if this translates into saying that everyone excavating in New Mexico must have a burial permit.

Chair Eck said no.

Mr. Ivey asked what happens when people make an inadvertent discovery.

Chair Eck said, "Stop and call the OMI."

Ms. Ramirez-Thomas said that is correct, and that's not what she's seeing, and the reason she thinks we should specifically address human remains more clearly.

Ms. Ramirez-Thomas said Ms. Ensey was clear in her letter that the City and contractors are not to manage human burials and that the State needs to be brought in immediately. She said this is one of the things she thinks needs to be clarified.

Mr. Pierce said human remains and human burials imply two very different things, different levels. He asked if you need a burial permit to continue working with a find, a tooth or something like that, or does it have to be 30% of a skeleton. He asked, "Where do you draw that line."

Ms. Ramirez-Thomas said you also have people who don't have skills with bones or skeletal remains, and don't know the difference between animals and people.

Chair Eck said the idea of checking with Michelle after rereading the letter is a very good idea. He would like to come up with language that they think is appropriate under the State burial laws.

Mr. Pierce said we need to be really clear when we're talking about burial in the sense of a deliberate interment, as to random scatters of human bone. If it is a human burial you stop.

Mr. Rasch said the isolated bone could be the effect of erosion on a burial.

Mr. Funkhouser said that happened near Folsom, where there was a humerus was sticking out of the soil and it was an intact burial. He said that involved stopping, and calling the Medical Inspector who was a Frito-Lay Delivery person and that was his part time job. He said it's hard to find people who will drive 5 hours to look at a bone. He said the other Medical Inspector was in Oklahoma doing something.

Ms. Ramirez-Thomas read a report discussing how human burials would be treated. There was also discussion of removing remains that were disarticulated and were not a complete interment, removing them, analyzing them and then putting them back somewhere unknown.

Chair Eck said one bone could still be something that should trigger a call to local law enforcement and get OMI out there. *[inaudible]*. He said it's tricky and he would like to discuss this with Ms. Ensey at some length, because he wants to be very clear where the basic line should be drawn.

Ms. Ramirez-Thomas said the State has a written code for how skeletal remains and human burials are to be treated. She said ultimately if an archaeologist encounters more than a tooth in a Pueblo site, you stop and call the police. The police are supposed to notify the Medical Investigator and SHPO. She said there is a pretty clear protocol set out by the State, but we can do the same thing.

Mr. Pierce said it would be helpful to nail that down.

Ms. Ramirez-Thomas will speak with Michelle Ensey and get better guidance.

Chair Eck said, "Get clear, from Michelle's perspective, that the use of language, or definitions or anything from NAGPRA is appropriate under the State Burial Act, and NAGPRA is actually kind of irrelevant. He said NAGPRA is Native American Graves Protection and Repatriation Act.

Mr. Shandler said he has to go to his next meeting at this time, and departed the meeting.

Mr. Pierce said if you replace human remains or a human burial, people might interpret that to mean that they don't have to do anything unless they get an actual burial.

Mr. Rasch said we also need the legal definition of substantial – more than 50% or less.

Chair Eck said his bias is if you find anything human, you should start talking to people.

Responding to the Chair, Ms. Ramirez-Thomas said at the end there was a discussion of some of the things included in archaeological investigation, commenting that was for Mr. Shandler.

Chair Eck said there are a lot of people who think they know what Class 1, Class 2 and Class 3 means, and they all differ because each answer gives their particular interest in the moment, but they don't exist in State law, so it's irrelevant.

Ms. Ramirez-Thomas said she was just trying to give him context for varying degrees of investigation that can occur in regard to Archaeology.

Mr. Pierce asked if there is anything in City Code that would allow something less than Class 3.

Chair Eck said in the Northwest Quadrant was 100% inventory. When it was done, the definition of cultural resources was other than what we use today, so we ended up with key sites and everyone thought we were ready to go. However, it turns out we have a boatload of sites because they weren't documented to that level because the terminology was different at the time and the methods. He said if you read the Northwest Quadrant Survey at one time it was a reconnaissance.

#### **H. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

#### **I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS**

Ms. Ramirez-Thomas said a meeting scheduled in two weeks to look at the Ordinance, and asked if she should proceed to schedule that meeting for May 1, 2016.

It was the consensus among the Committee to schedule the meeting.

Mr. Rasch reminded the membership to submit their letter and resume to Ms. Ramirez-Thomas for submission to the Mayor.


Mr. Rasch said the Historic Preservation Awards will be held on Thursday, May 19, 2016, at La Fonda, with nominations due not later than May 5, 2016.

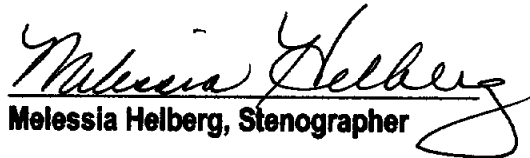
#### **I. ADJOURNMENT**

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 6:15 p.m.

  
**David Eck, Chair** 05 May 2016

  
**Melessia Helberg, Stenographer**

**RAMIREZ-THOMAS, NICOLE A.**

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**From:** RAMIREZ-THOMAS, NICOLE A.  
**Sent:** Monday, April 04, 2016 10:21 AM  
**To:** David Eck; Derek Pierce; Derek Pierce; Gary Funkhouser; Jake Ivey; Tess Monahan  
**Subject:** Amendment to AR-07-16  
**Attachments:** AR-07-16 Amendment.pdf

Dear ARC members,

Attached are amended pages to Case #AR-07-16, a monitoring report by Ron Winters. Previously, the portion of the sewer main replacement on Lugar de Monte Vista was excluded because it was located within the Rivers and Trails Archaeological Review District and did not exceed the 550 ft threshold for an archaeological clearance permit (14-3.13(4)). Because a precedent was set regarding total project acreage/length with the shade structures in City parks, I requested from the City engineer in charge of the project, Eric Ulibarri, that the parcel previously excluded be included. He was happy to oblige and Mr. Winters was contacted to add Lugar de Monte Vista to his monitoring plan. Attached are the amended pages of the report. Mr. Winters has provided updated paper copies of the report which I will bring to the meeting on Thursday.

Mr. Ulibarri also provided anticipated length of sewer main that would be replaced in each segment of road.

- 410' on Lugar de Monte Vista
- 1180' on Bishops Lodge Road
- 270' on Stagecoach Drive
- 615' Terral Road
- 1245' on Brownell Howland Road

Please let me know if you have any questions. Also, Tess called Lani to let her know she will not be at the meeting Thursday.

Thank you,  
Nicole

**Nicole A. Ramirez Thomas**  
Planner Senior  
City of Santa Fe Land Use Department  
Historic Preservation Division  
[naramirez-thomas@ci.santa-fe.nm.us](mailto:naramirez-thomas@ci.santa-fe.nm.us)  
505-955-6660



**An Archaeological Monitoring Plan for the Proposed,  
City of Santa Fe Water Main Replacement Project on  
Bishop's Lodge Road between Stagecoach Drive and  
Hillcrest Drive, Brownell-Howland and Terral Road,  
and Lugar de Monte Vista, Santa Fe, New Mexico**

NMCRIS No. 135336

by

Ron Winters, M.A., RPA



Prepared for:

**Eric Ulibarri, P.E.**  
Engineer Associate  
City of Santa Fe  
Public Utilities Department  
Water Division  
801 West San Mateo Road  
Santa Fe, NM 87505

Submitted By:

**Ron Winters**  
109 Calle Paula  
Santa Fe, NM 87505

Submitted  
March 11, 2016  
Amended April 1, 2016

## INTRODUCTION

At the request of Eric Ulibarri, Engineer Associate, the archaeologist has prepared a monitoring plan for the proposed construction to be conducted by the City of Santa Fe, Water Division in suburban Santa Fe, New Mexico. The project located on City of Santa Fe property requires archaeological monitoring of the installation of subsurface water main replacement. Because the project location is on city land the archaeological monitoring plan and construction activities must comply with the requirements of the City of Santa Fe Suburban Archaeological Review District as stipulated in *City of Santa Fe Ordinance 14-3.13, Archaeological Clearance Permits and 4.10.17 NMAC Standards for Monitoring*. The monitoring will be conducted under General Archaeological Investigation Permit NM-16-141.

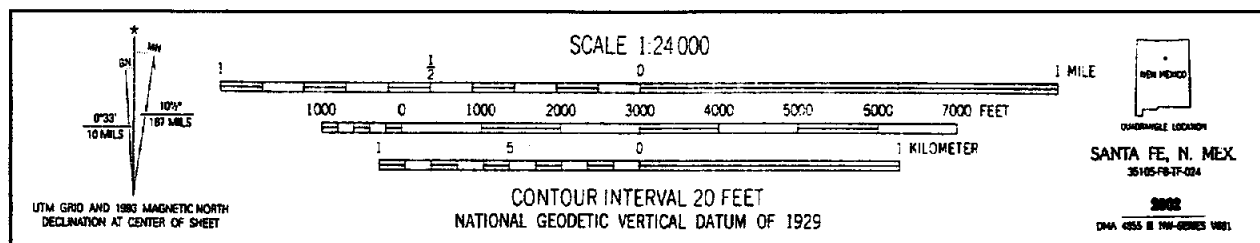
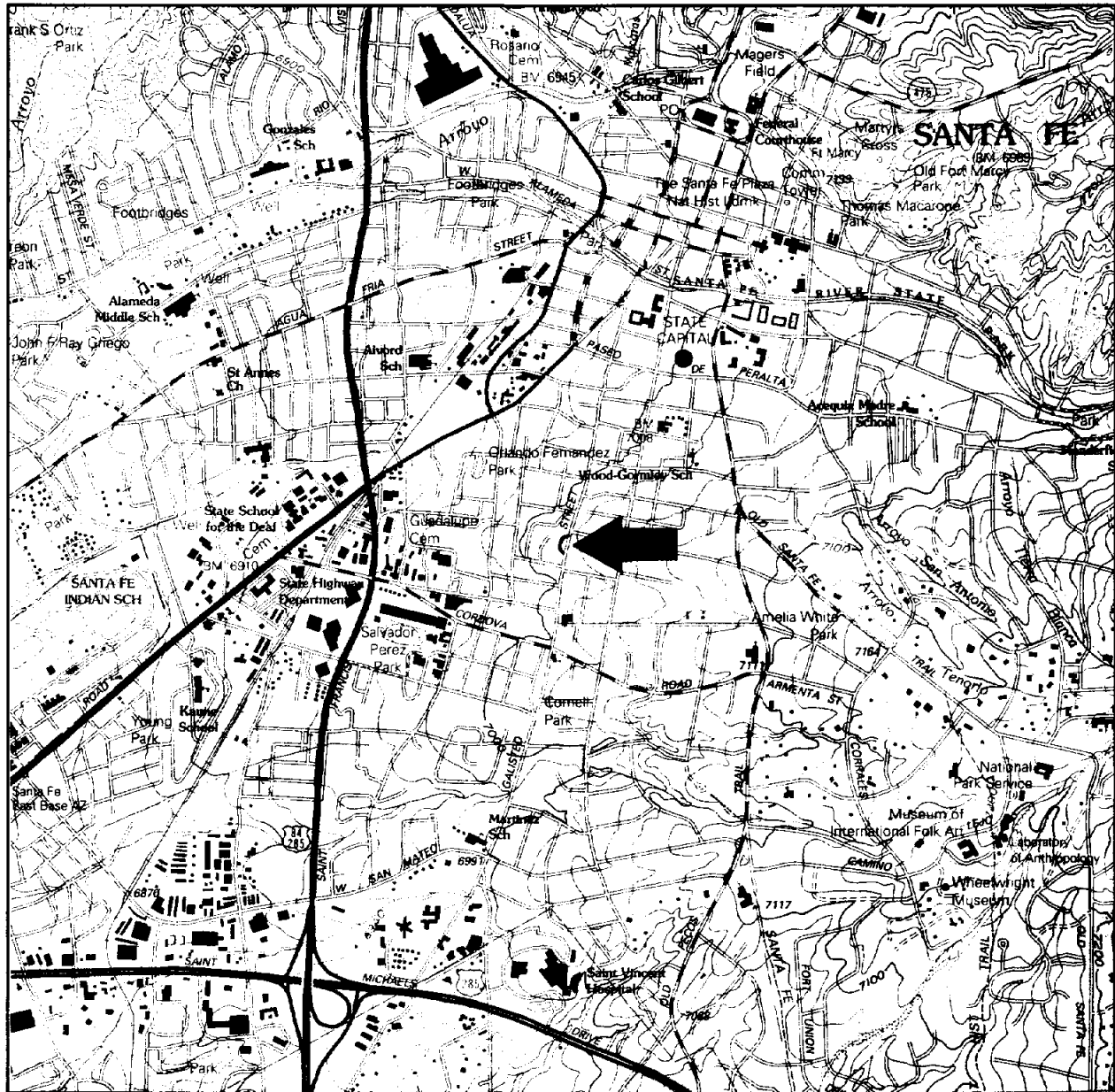
### Project Location

The project is located within the unplatted land of the City of Santa Fe Grant in Santa Fe County, NMPM; UTM Zone 13, Township 17N, Range 10E, Sections 8 and 18, Bishop's Lodge Road, NAD 83, 0415911E, 3950921N, elevation 7,100', (BOP); NAD 83, 0416088E, 3951214N, elevation 7,135', (EOP), Brownell-Howland Road, NAD 83, 0417242E, 3953194N, elevation 7,376', (BOP); NAD 83, 0417836E, 3953431N, elevation 7,535', (EOP), Terral Road, NAD 83, 0417625E, 3953254N, elevation 7,512', (EOP), USGS 7.5' NM quadrangle map, 2002 (Figure 1), Santa Fe, Lugar de Monte Vista, NAD 83, 0414498E, 3948390N, elevation 7,032', (BOP); NAD 83, 0414479E, 3948310N, elevation 7,014', (EOP), USGS 7.5' NM quadrangle map, 2002 (Figure 2). Bishop's Lodge Road, Brownell-Howland Road and Terral Road are all within the City of Santa Fe Suburban Archaeological Review District. Lugar de Monte Vista is within the River and Trails Archaeological Review District. No known archaeological sites are located within the project areas.

### Scope of Work

The City of Santa Fe Water Division proposes to replace and upgrade water main lines on Bishop's Lodge Road (Figures 1 and 3) and Brownell-Howland Road and Terral Roads (Figures 1 and 4) and Lugar de Monte Vista (Figures 2 and 5). The work consists of, but is not limited to complete in place installation of approximately 1,180 feet of 6-inch water main, 2,130 feet of 8-inch water main and installation of approximately 410-feet of 4-inch water main including water valves, valve boxes, fire hydrant removals with all appurtenances and road restoration, in accordance with the drawings, specifications and other contract documents. The locations of the project are on Bishop's Lodge Road between Stagecoach Drive and Hillcrest Drive and Brownell-Howland and Terral Roads and Lugar de Monte Vista.

As the trench is excavated, the fill and trench walls will be examined for evidence of cultural resources including features and cultural deposits. Any cultural resources that are exposed will be documented within the trench. Once the trench excavation and any cultural resource documentation is completed, the new water lines will be laid and the trenches backfilled.



**Figure 2: Project Location Map (USGS 7.5' Santa Fe Quadrangle, 2002)**



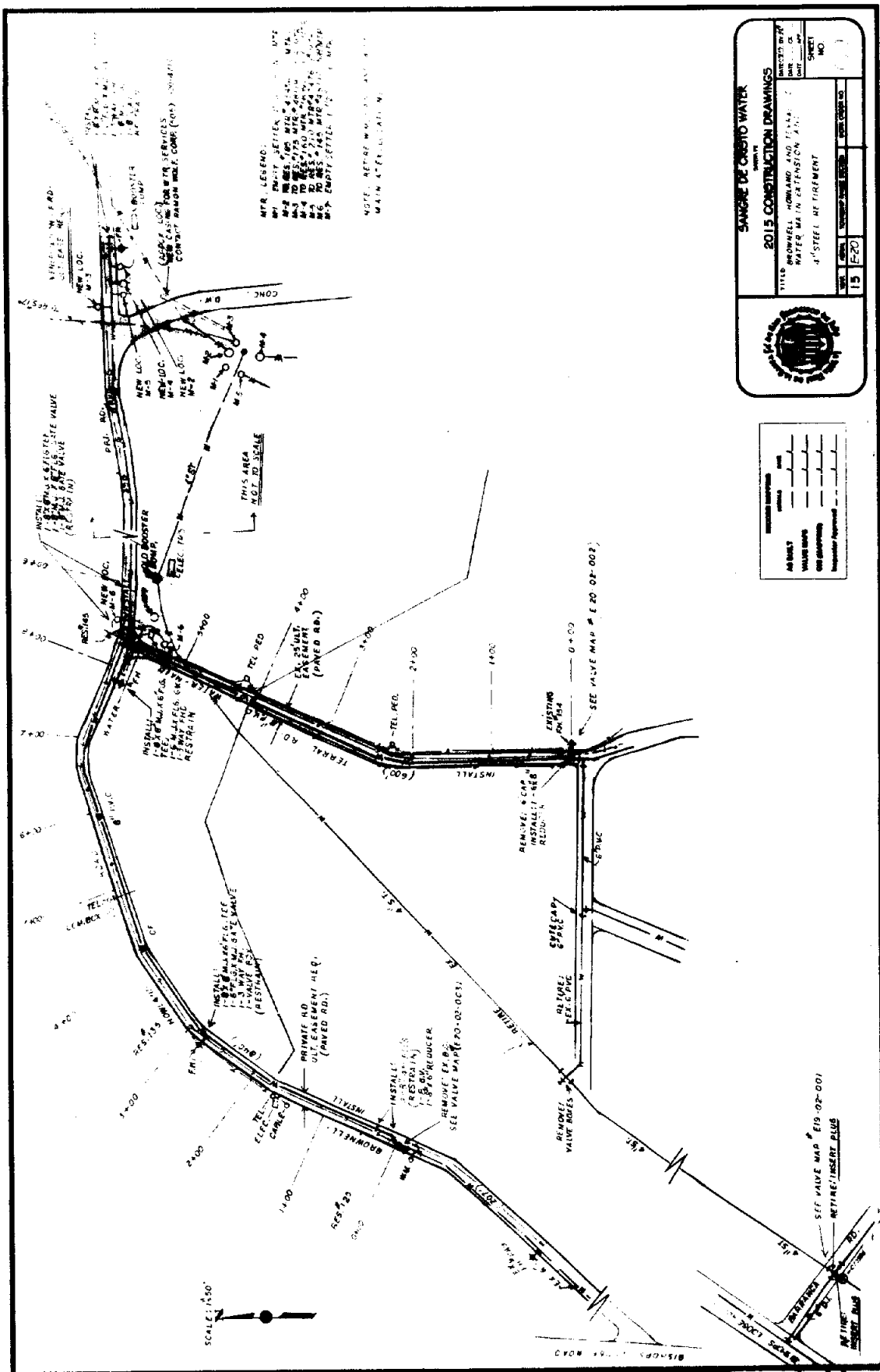


Figure 4: Construction Drawings, Brownell-Howland Road and Terral Road

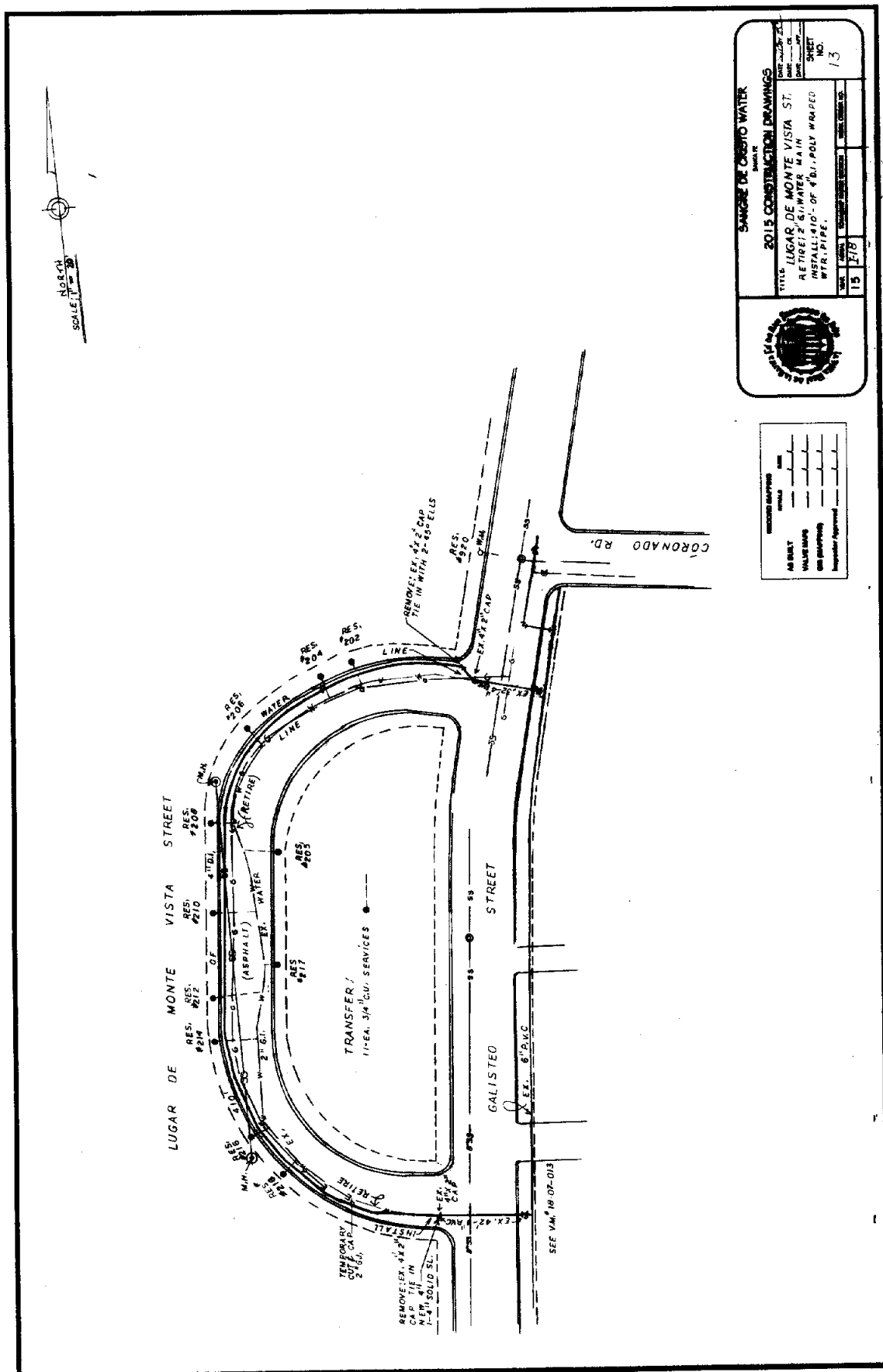


Figure 4: Construction Drawings, Lugar de Monte Vista

## PREVIOUS RESEARCH

A NMCRIS file search revealed a numerous projects and archaeological sites within 500 meters of the Bishop's Lodge Road, the Brownell, Howland and Terral Road and the Lugar de Monte Vista project areas. A total of 17 previous cultural resource investigations have been conducted within a 500-meter radius of the project locations (Table 1). Those studies are summarized below, providing a context of previous research for the current investigation. They comprise a variety of investigative types, including historical research, architectural and archaeological surveys, testing, and data recovery. A total of 24 previously recorded archaeological sites have also been recorded within a 500-meter radius of the project areas (Table 2 and 3). One New Mexico Registered Property was recorded within a 500-meter radius of the Lugar de Monte Vista project area. From these projects, expectations for the cultural-historical nature of deposits that might be present within the project area can be generally stated.

**Table 1: Summary of Previous Research Within a 500-Meter Radius of the Bishop's Lodge Road Project Area**

| Project # | Investigator     | Description  | Area (Acres)                         | Cost (\$) |
|-----------|------------------|--|--------------------------------------|-----------|
| 15317     | Lang<br>1981     | A Cultural Resources Inventory of the Fort Marcy-Magers Field Recreation Area, Santa Fe, New Mexico  | 0                                    | 7.00      |
| 15354     | Lang<br>1980b    | Additional Archaeological Sites in the Area of Arroyo de la Piedra and Arroyo Saiz, Santa Fe County, New Mexico  | 26292-26298                          | 120.00    |
| 15400     | Whitmore<br>1979 | The Cultural Resources of the Mascaras Flood Plain, Santa Fe County, New Mexico  | 0                                    | 48.48     |
| 49660     | Viklund<br>1996  | A Cultural Resources Survey of Approximately 68 Acres at Tracts A Through J of Estancia Primera  | 110504, 110505<br>Revisited<br>26296 | 68.00     |
| 120579    | Raymond<br>2011  | Cultural Resource Survey for Proposed Improvements to Pedestrian Facilities along the West Side of Bishop's Lodge Road (NM 590) between Williams Street and Murales Road in Santa Fe, New Mexico | 0                                    | 0.20      |

**Table 2: Previously Recorded Cultural Resources within 500 Meters of  
Bishop's Lodge Road Project Area**

|        |                           |   |
|--------|---------------------------|---|
| 26292  | Lithic Scatter            | Unknown (9500 BC) to Unknown (1993 AD)                            |
| 26293  | Hearth?                   | Unknown (9500 BC) to Unknown (1993 AD)                            |
| 26294  | Lithic Scatter, Hearth?   | Unknown (9500 BC) to Unknown (1993 AD)                            |
| 114238 | Cemetery                  | Anglo, US Territorial (1880 AD) to US Territorial (1900 AD)       |
| 114254 | Historic Artifact Scatter | Anglo, NM Statehood-WWII (1912 AD) to NM Statehood-WWII (1945 AD) |

**Table 3: Summary of Previous Research Within a 500-Meter Radius of the  
Brownell, Howland and Terral Road Project Area**

|       |                            |  |   |        |
|-------|----------------------------|--|---|--------|
| 28065 | Lang<br>1989               | A Cultural Resources Survey<br>of the Sierra Del Norte<br>Subdivision, City of<br>Santa Fe, New Mexico   | 76532-76548<br>Revisited 65206                      | 364.19 |
| 32704 | Lang<br>1990               | Preliminary Report on Sierra<br>Del Norte Sites for<br>Zeckerndord   | Revisited 65206,<br>76540-76548                     | ?      |
| 36702 | Viklund<br>1991            | A Cultural Resources Survey<br>of Bishop's Lodge   | 84739-84745   | 200.00 |
| 44773 | Post<br>1993               | An Archaeological Survey of<br>27.90 Acres Along the<br>Arroyo de la Piedra in the<br>Valle Conejo Subdivision,<br>Santa Fe, New Mexico  | 102412-102416,<br>102531,<br>Revisited 65206, 76546 | 27.90  |
| 50133 | Dorshow<br>1996            | An Archaeological Survey of<br>Approximately 55 Acres on<br>the Bishop's Lodge Property,<br>Santa Fe   | 111191-111194,<br>113605                            | 54.94  |
| 54159 | Moore and<br>Urban<br>1996 | An Archaeological Survey of<br>4.85 Miles (7.8 KM) of<br>Water and Sewer Line<br>Easements for Tano Santa Fe<br>Subdivision in Northwest<br>Santa Fe, Santa Fe County,<br>New Mexico | 115535-115539,<br>Revisited 61318, 61320,<br>61321  | 12.59  |
| 98843 | Boggess<br>2006            | Cultural Resource Survey of<br>19.74 Acres for the Proposed<br>Vista Grande Subdivision,<br>Santa Fe County, NM  | 0   | 19.74  |



**Table 4: Previously Recorded Cultural Resources Within a 500-Meter Radius of Brownell, Howland and Terral Road Project Area**

|        |   |  |
|--------|---|--|
| 76545  | Lithic Scatter, Historic Artifact Scatter   | Unknown Aboriginal, Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Historic (1880 AD), Pueblo, Spanish Contact/Colonial (1650 AD) to Post-Pueblo Revolt (1750 AD)  |
| 76546  | Lithic Scatter, Historic Artifact Scatter, Hearth, Road/Trail, Water Control Device (5) | Archaic, Unspecific Archaic (5500 BC) to Unspecific Archaic (200 AD), Anasazi, Classic (1325 AD) to Classic (1600 AD), Pueblo, Unspecific Historic (1500 AD) to Unspecific Historic (1880 AD), Anglo, NM Statehood-WWII (1930 AD) to NM Statehood-WWII (1939 AD)                 |
| 84739  | Lithic and Ceramic Scatter, Charcoal Stain, Hearth (3)                                  | Archaic, Middle Archaic (3000 BC) to Late Archaic (400 AD), Unknown, Unspecific/Other Prehistoric (625 AD) to Unspecific/Other Prehistoric (973 AD), Anasazi, Classic (1401 AD) to Classic (1580 AD), Pueblo, Spanish Contact/Colonial (1580 AD) to Post-Pueblo Revolt (1806 AD) |
| 84740  | Lithic Scatter  | Unknown, Unknown (9500 BC) to Unknown (1993 AD)  |
| 102412 | Lithic Scatter  | Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1550 AD)   |
| 102413 | Lithic Scatter  | Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1550 AD)   |
| 102414 | Lithic Scatter, Historic Artifact Scatter   | Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1550 AD), Anglo, US Territorial (1880 AD) to NM Statehood-WWII (1945 AD)   |
| 102415 | Lithic Scatter, Hearth  | Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1550 AD)   |
| 102416 | Lithic Scatter, Historic Artifact Scatter   | Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1550 AD), Anglo, US Territorial (1880 AD) to NM Statehood-WWII (1945 AD)   |
| 102531 | Water Control Device (2)  | Anglo, NM Statehood-WWII (1930 AD) to NM Statehood-WWII (1941 AD)  |
| 111191 | Lithic Scatter  | Unknown, Unspecific/Other Prehistoric (9500 BC) to Unspecific/Other Prehistoric (1700 AD)  |
| 111193 | Hearth  | Unknown (25000 BC) to Unknown (9999 AD)  |

**Table 5: Summary of Previous Research Within a 500-Meter Radius of the  
Lugar de Monte Vista Project Area**

| Project # | Year             | Description  | Area (Acres)   | Distance (Meters) |
|-----------|------------------|--|--|-------------------|
| 52052     | Snow, D.<br>1996 | Archaeological and Historical Investigations for the Gay Nathan Residence at the Southwest Corner of Don Gaspar and Laughlin Streets, Santa Fe, New Mexico (Lot 3A, 11614 Sq. Ft.) | 113838   | 0.27              |
| 59506     | Fletcher<br>1998 | Supplement to Cultural Resource Investigations for the Proposed Reconstruction of Cerrillos Road, City of Santa Fe, Santa Fe County, New Mexico                                    | 120957, 120958 (111411),<br>120959, 120965<br>Revisited 111411 | 32.72             |
| 82310     | Snow, D.<br>2003 | Archaeological and Historical Investigations, 407 West Buena Vista Street, Downtown Historic District, Santa Fe, New Mexico  | 0  | 0.28              |
| 118041    | Winters<br>2009  | An Archaeological Inventory and Testing of 0.156 Acres at 212 Anita Place, Santa Fe, New Mexico  | 0  | 0.15              |
| 121505    | Abbott<br>2011   | "As Far As The Eye Can Discern Lies the Valley of the Santa Fe River". City of Santa Fe, Salvador Perez Park: Historic Context and Results of Archaeological Investigations        | 171280   | 11.01             |

**Table 6: Previously Recorded Cultural Resources Within a 500-Meter Radius of the Lugar de Monte Vista Project Area**

|        |  |   |
|--------|--|---|
| 113838 | Historic Artifact Scatter, Agricultural Field, Irrigation Ditch/System, Wall | Hispanic, Post-Pueblo Revolt (1692 AD) to Post-Pueblo Revolt (1821 AD), Hispanic, US Territorial (1846 AD) to NM Statehood-WWII (1945 AD) |
| 114250 | Ceramic Scatter, Historic Artifact Scatter,                                  | Anasazi, Developmental (1100 AD) to Coalition (1250 AD), Hispanic, US Territorial (1846 AD) to US Territorial (1912 AD)                   |
| 149911 | Railroad Track/Bed   | Anglo, US Territorial (1900 AD) to NM Statehood-WWII (1945 AD)  |
| 149914 | Structure Foundation   | Anglo, NM Statehood-WWII (1912 AD) to Recent Historic (1990 AD)   |
| 149915 | Lithic Scatter, Historic Artifact Scatter, Structure Foundation              | Anglo, NM Statehood-WWII (1930 AD) to Recent Historic (1960 AD)   |
| 153441 | Reserved   |   |
| 153442 | Reserved   |   |

**Table 7: Previously Recorded NM Registered Property Within a 500-Meter Radius of the Lugar de Monte Vista Project Area**

|     |                              |                             |
|-----|------------------------------|-----------------------------|
| 891 | Don Gaspar Historic District | Don Gaspar Avenue, Santa Fe |
|-----|------------------------------|-----------------------------|

## MONITORING AND FIELD METHODS

The following methods for monitoring and field procedures has been adapted from Post 2013.

The contractor for the City of Santa Fe Water Division will mark the trench alignment located on the Bishop's Lodge Road Project Area, the Brownell, Howland and Terral Road Project Area and the Lugar de Monte Vista Project Area. Before the excavation proceeds, the trench alignment will be plotted on the project map. This alignment is expected to follow the route shown on the project graphics included in this monitoring plan (Figures 2 and 3). On-site mapping will document any deviations from the proposed alignment. The trench extent and any feature and stratigraphic profile locations will have Universal Transverse Mercator (UTM) coordinates taken with a Garmin Legend Etrex 20X handheld GPS unit.

The Water Division main installation trench will be two feet wide, four feet deep and 1,180 feet, 2,130 feet and 410 feet long respectively. Mechanical excavation will proceed in 20 cm levels until the relationship between natural stratigraphy and any exposed cultural deposits is established. If discovered and once the depth of the cultural material-bearing deposits is reached, excavation will be allowed to proceed at a quicker pace through the natural deposits. As the fill is removed from the trench, it will be visually examined for indications of cultural deposits or features. If deposits containing cultural materials are mixed with fill, the archaeologist will note the presence of the cultural materials and allow the contractor to proceed while continuing to monitor the excavation.

Determinations of fill integrity and information potential will be based on the age and nature of the cultural materials and physical characteristics of the fill. Artifacts from mixed or modern deposits will be noted and incorporated into stratigraphic descriptions. Modern deposits are those cultural material-bearing strata with artifacts that are less than 50 years old. If no intact cultural deposits or features are encountered, the trench will continue to be excavated to its required depth. As sections of the trench are cleared, the trench walls will be scraped to define stratigraphic layers. Once a section of the trench is completely excavated, a 3-meter long stratigraphic profile of a representative section of one wall will be drawn, described and photographed. Elevation control will be maintained from below the modern ground surface.

If and when *in situ* prehistoric or historic cultural deposits or features are encountered, the contractor will expose the top and horizontal extent of the cultural deposit or feature or excavate through the deposit to expose it in profile. The direction and amount of mechanical excavation will be determined by the nature, density and abundance of artifacts present. Hand excavation will then be conducted within the deposit to recover a controlled sample of artifacts from any discrete strata that may be present.

Establishing the horizontal or vertical extent of features and deposits will allow for determination of the amount of area that will be hand excavated with a systematic recovery of artifacts and sample collection. Mechanical excavation may temporarily stop to allow for hand excavation, artifact recovery and documentation if the feature is less than a meter in length. If a feature is more than a meter, mechanical excavation may continue outside of the feature limits. The feature will be documented once the planned segment of the trench of the trench excavation is

**The Santa Fe  
Archaeological  
Review Districts  
Overlay Zoning  
Ordinance Draft  
(Sections 14-2.7 and 14-3.13)**

*Exhibit "2"*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-\_\_

INTRODUCED BY:

AN ORDINANCE

AMENDING SUBSECTION 12-2.7 TO CLARIFY QUALIFICATIONS OF  
ARCHAEOLOGISTS, HISTORICAL ARCHAEOLOGISTS, HISTORIANS; AMENDING  
SUBSECTION 14-3.13 TO PROVIDE A "PURPOSE" SECTION; TO CLARIFY THE  
APPLICABILITY OF AN ARCHAEOLOGICAL CLEARANCE PERMIT; TO CLARIFY  
THE PERMIT PROCEDURES FOR PROJECTS; TO REPLACE THE TERM  
"RECONNAISSANCE REPORT" WITH "INVENTORY REPORT"; TO CLARIFY THE  
PERMIT PROCEDURES FOR UTILITY PROJECTS; TO REQUIRE ARCHAEOLOGICAL  
WORK TO BE DONE CONSISTENT WITH STATE ADMINISTRATIVE CODE  
REQUIREMENTS; TO STREAMLINE CODE PROVISIONS AND ELIMINATE  
DUPLICATIVE LANGUAGE; AND AMENDING SUBSECTION 14-5.3 TO CLARIFY  
WHEN ACTIONS ARE FORWARDED TO THE STATE HISTORIC PRESERVATION  
OFFICE.

14-2.7 ARCHAEOLOGICAL REVIEW COMMITTEE

(A) Designation

There shall be an archaeological review committee of the *city*, which shall be referred to as the "archaeological review committee" or the "ARC".

(B) Delegation

The *governing body* and the planning commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the ARC as described in this section, except for those powers retained by the *governing body* and the planning commission in the Santa Fe City Code.

(C) Powers and Duties

(1) The ARC shall meet at least once a month, unless there are no agenda items, and at such other times as the chair may determine. The ARC shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of Chapter 14. In addition, the ARC shall:

(a) in accordance with Section 14-3.13, hold hearings to review ~~reconnaissance-inventory or monitoring~~ reports, the recommended *significance* status of *archaeological sites*, the recommended treatment plan of *cultural remains* and final reports. The ARC may review and act on stages or portions of on-going archaeological studies. The ARC shall vote to approve, conditionally approve or disapprove requests for archaeological clearance *permits*;

(b) qualify or disqualify persons for inclusion on the *city's* list of approved archaeologists, historical archaeologists and historians upon review of resumes and related documents as set forth in this

1 section;

- 2 (c) establish a *city* register of recognized *archaeological sites* and shall  
3 establish criteria for such a register; and  
4 (d) hear appeals of *final actions* of the *land use director* interpreting or  
5 applying archaeological review district regulations pursuant to  
6 Section 14-5.3.

7 (2) The ARC may:

- 8 (a) advise the HDRB in regard to *applications* to that board for new  
9 construction, exterior *alteration*, demolition or on other matters  
10 relating to archaeology within the historic districts;  
11 (b) direct *applicants* to the *state* historic preservation division for  
12 information regarding *state* or federal law and regulations on the tax  
13 benefits of donating archaeological *properties* or easements;  
14 (c) recommend to the *governing body* that land containing  
15 *archaeological sites* of major interest to the *city* be purchased as part  
16 of the *city's* parks, recreation and *open space* system; and  
17 (d) recommend the expenditure of money from the *city* archaeological  
18 fund for projects meeting the criteria for archaeological fund projects  
19 set forth in Section 14-3.13 (Archaeological Permits). Expenditures  
20 of one thousand dollars (\$1,000) or less may be approved by the *land*  
21 *use director*. Expenditures over one thousand dollars (\$1,000) must  
22 be approved by the *governing body*.

- 23 (3) When both a HDRB and an ARC review are required of a single project, the  
24 reviews may occur at the same time.



1           (D)    **Membership and Procedures**

2                   (1)    Composition

3                           The ARC consists of five members. One member shall be a historian, three  
4                           members shall be archaeologists or historical archaeologists and one member  
5                           shall be a representative of the construction, *development* or real estate  
6                           community.

7                   (2)    Appointment and Term

8                           The mayor, with the consent of the *governing body*, shall appoint each  
9                           member of the ARC. Members of the ARC serve two-year overlapping  
10                          terms, maintaining the original overlap of ARC terms. Members serve until  
11                          their successors have been appointed and qualified.

12           (E)    **Qualifications for ARC Members; Qualifications for Archaeologists, Historical**  
13                   **Archaeologists and Historians; City Certified**

14                   (1)    ARC Members

15                           All archaeologists, historical archaeologists and historians appointed as ARC  
16                           members shall meet the qualifications set forth in this section.

17                   (2)    Archaeologists

18                           All archaeologists in actual direct charge of archaeological inventory or  
19                           monitoring reconnaissance—or treatment required for an archaeological  
20                           permit shall meet the following minimum qualifications, as provided in a  
21                           resume or by other means:

- 22                           (a)    hold a master's degree in archaeology, anthropology or a closely  
23                                       related field with a specialization in archaeology or have equivalent  
24                                       training or field experience the sufficiency of which is determined by  
25                                       the ARC;

- 1 (b) have at least two years' experience in directing archaeology projects,  
2 including at least six months of field experience in the southwestern  
3 United States; and  
4 (c) be listed in the *state* historic preservation division directory of  
5 archaeologists as a principal investigator or supervisory  
6 archaeologist. This requirement shall not apply to archaeologists  
7 who are currently on the *city's* list of approved archaeologists as of  
8 the effective date of Ordinance No. 2007-9 (April 23, 2007) or to  
9 archaeologists appointed as members of the ARC and;  
10 (d) hold a current New Mexico state burial excavation permit for any  
11 location where human remains of historic age are found.

12 (3) Historical Archaeologists

13 All historical archaeologists in actual direct charge of *excavation* of historic  
14 period sites shall:

- 15 (a) meet the minimum qualifications for an archaeologist set forth in  
16 Subsection 14-2.7(E)(2);  
17 (b) have a minimum of one year of experience in directing historical  
18 archaeology projects or equivalent training or field experience the  
19 sufficiency of which is determined by the ARC;  
20 (c) have demonstrated experience in the historic downtown  
21 archaeological review district; and  
22 (d) hold a current New Mexico *state* burial excavation *permit* for any  
23 location where human remains of historic age are found. (Ord. No.  
24 2012-11 § 2)

25 (4) Historians

1 All historians in actual direct charge of *archival research* and analyses of  
2 land titles or historic maps shall meet the following minimum qualifications:

- 3 (a) hold a master's degree in history or have equivalent professional  
4 experience or demonstrate equivalent training, the sufficiency of  
5 which is determined by the ARC; and  
6 (b) demonstrate the ability to carry out *archival research*.

7 (5) Waiver of Qualifications

8 Qualifications for archaeologists and historical archaeologists and historians  
9 may be waived by the ARC in its discretion for good cause shown.

10 (6) List of Qualified Individuals

11 Archaeologists, historical archaeologists and historians qualified by the ARC  
12 as meeting the qualifications provided in this section and those qualifications  
13 set forth by the State Historic Preservation Division shall be placed on a list  
14 maintained by the *land use director*. Guidelines for documenting applicable  
15 experience and education for meeting the requirements of this section are as  
16 follows: available from the land use director. ~~Archaeologists, historical~~  
17 ~~archaeologists and historians who wish to remain on the list shall provide a~~  
18 ~~current resume and related documents upon request of the land use director.~~

- 19 (a) Archaeologists, historical archaeologists or historians who wish  
20 to be included on the City's list of qualified individuals must  
21 provide the following items to City staff for review and approval  
22 by the Archaeological Review Committee:

- 23 (i) a current curriculum vitae, including names and  
24 contact information of supervisory personnel  
25 and/or clients familiar with their job

1 performance for all employment listed on the  
2 curriculum vitae;

3 (ii) proof of education, including transcripts,  
4 certified copies of degrees or training  
5 certificates, or other evidence acceptable to the  
6 Committee;

7 (iii) a table or chart summarizing in terms of days,  
8 months or years, all professional experience  
9 conducting archaeological and/or historical  
10 investigations in the Historic Downtown  
11 Archaeological Review District; and

12 (iv) certified copies of all current archaeological  
13 permits.

14 (b) Archaeologists, historical archaeologists or historians who wish  
15 to remain on the City's list of qualified individuals must provide a  
16 current vitae to City staff on an annual basis, in lieu of submitting an  
17 updated vitae with every report submittal.

18 (7) Standards

19 (a) Archaeologists, historical archaeologists and historians are  
20 responsible for reports and performance that exhibit a high standard  
21 of professionalism and competence, including the following  
22 standards:

23 (i) any inventory and monitoring ~~reconnaissance~~  
24 reports, treatment plans and final reports that are accepted by

1 the ARC with minor typographical, formatting or content  
2 errors and upon which an archaeological clearance *permit* is  
3 approved shall be returned with corrections to the *land use*  
4 *director* within forty-five days of the date the *permit* was  
5 approved. Failure to fulfill this requirement shall result in  
6 refusal by the *land use director* of any new *application* for  
7 an archaeological clearance *permit* until a corrected report  
8 has been submitted;

9 (ii) ~~reconnaissance~~ inventory and monitoring reports,  
10 treatment plans and final reports that are not approved by the  
11 ARC and resubmitted to the *land use director* without the  
12 necessary corrections shall be rejected by the *land use*  
13 *director* and no new *application* for an archaeological  
14 clearance *permit* shall be accepted by the *land use director*  
15 until a corrected report has been accepted and an  
16 archaeological clearance *permit* has been approved by the  
17 ARC;

18 (iv) (iii) rejection of three or more inventory and monitoring  
19 ~~reconnaissance~~ reports, treatment plans or final reports in a  
20 twelve-month period may result in the ARC removing the  
21 archaeologist, historical archaeologist or historian from the  
22 list of qualified archaeologists, historical archaeologists and  
23 historians for twelve months; and

24 (v) failure to submit a final report within the one-year time limit,  
25 or any extension of time provided by the ARC as set forth in

Section 14-3.13, may result in the ARC removing the archaeologist, historical archaeologist or historian from the list of qualified archaeologists, historical archaeologists and historians; and

- (vi) if an archaeologist, historical archaeologist or historian is removed from the City's list of approved archaeologists, historical archaeologists and historians, the consultant may re-apply to the Archaeological Review Committee for inclusion on the City's list of approved consultants after previous obligations have been met.

- (b) The *land use director* shall notify the following, in writing, of the actions taken in Subsection 14-2.7(E)(7)(a):

(vii) (i) the state historic preservation officer;

(viii) (ii) the affected archaeologist, historical archaeologist or historian; and

(ix) (iii) the property owner and the applicant.

- (c) The affected archaeologist, historical archaeologist or historian may submit a written appeal to the ARC of the *final actions* taken by the *land use director* in Subsection 14-2.7(E)(7)(a).

- (d) Decisions of the ARC may be appealed to the *governing body* as set forth in Section 14-3.17.

#### 14-3.13 ARCHAEOLOGICAL CLEARANCE PERMITS

##### (A) Purpose and Intent

(1) The City of Santa Fe created Archaeological Clearance Permits for the purpose of

1 preserving Santa Fe's valuable archaeological resources, providing the means for  
2 identifying sites and mitigating any adverse effects of development. These  
3 requirements pertain to both private and public development activities and are in  
4 addition to pertinent State and Federal requirements.

5 (2) The purpose of the permitting process is to:

6 (a) recognize the value of archaeological resources from all periods of history  
7 and prehistory, including prehistoric Native American settlements, Spanish  
8 colonization and settlement and the settlement and developments under  
9 Mexican and American governments;

10 (b) provide the means for identifying archaeological sites by requiring  
11 surveys and test excavations, depending on the district, through the  
12 development review and construction permit process;

13 (c) provide the means by which archaeological sites may be evaluated for  
14 their potential contribution to cultural, educational, historic, economic and  
15 scientific concerns;

16 (d) establish a procedure for treatment of archaeological resources on private  
17 and public land, thereby mitigating the information loss from the sometimes  
18 unavoidable destruction of archaeological resources and providing for the  
19 treatment of those resources that can be preserved; and

20 (e) provide methods for the emergency treatment of archaeological resources  
21 found through unexpected discovery.

22 (3) Three archaeological review districts are established to be known as the Historic  
23 Downtown, the River and Trails, and the Suburban Archaeological Review Districts.  
24 The boundaries of these districts are established as set forth in Section 14-5.3(C).

1 (B) Applicability

2 (1) An applicant submitting a request for following permits may also need to submit  
3 a request for an Archaeological Clearance Permit subject to Subsections 14-3.13  
4 (B)(3)-(5) or Subsection 14-3.13(E)(1):

5 (a) Building permit;

6 (b) Grading permit;

7 (c) Excavation permit; or

8 (d) Secondary permit.

9 (2) City staff or its contractors conducting activities on City-owned property may  
10 also need to submit a request for an Archaeological Clearance Permit subject to  
11 Subsections 14-3.13 (B)(3)-(5) or Subsection 14-3.13(E)(1), except as provided for  
12 under Subsection 14-3.13(D)(4).

13 (4) (3) Historic Downtown Archaeological Review District

14 In this district, an archaeological clearance *permit* shall be required:

15 (a) The requested activity will involve ground disturbance of more than  
16 ~~Prior to issuance of a building permit for projects with gross lot coverage of two~~  
17 ~~thousand five hundred (2,500) square feet or more involving new construction,~~  
18 ~~parking lots and/or alterations.~~

19 (b) The requested activity will involve utility installation of sixty (60)  
20 ~~feet or more. Prior to issuance of a grading permit for projects with two thousand~~  
21 ~~five hundred (2,500) square feet or more in gross lot coverage.~~

22 (c) ~~For all city projects over two thousand five hundred (2,500) square~~  
23 ~~feet in gross lot coverage.~~

24 (d) ~~For alterations, if the ground is dug up, graded, or otherwise~~  
25 ~~disturbed.~~



(c) No archaeological clearance *permit* is required for a demolition *permit* except as follows: For demolition requests for *structures* which are more than seventy-five years old and which are part of a project requiring an archaeological clearance *permit*, staff for the Archaeological Review Committee shall issue a report to the historic districts review board as set forth in Section 14-3.14. The report shall state whether demolition will damage possible archaeological ~~resources~~ *artifacts*. If the Board determines that damage may occur, then it may refer the case to the Archaeological Review Committee requesting that requirements for an archaeological clearance *permit* be met before a demolition *permit* is issued.

(2) (4) River and Trails Archaeological Review District

In this district, an archaeological clearance *permit* shall be required: ~~prior to approval of the final development plan or plat~~ for the following projects:

(a) The requested activity will be done in conjunction with a subdivision application or rezoning application, which involves a lot that is All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over two acres, or having any part lying within the area identified as the Santa Fe Trail.

(b) The requested activity will involve utility installation of five hundred and fifty (550) feet or more.

~~(b) All city projects over two (2) acres in size.~~

~~(c) All city park projects over one (1) acre in size.~~

(3) (5) Suburban Archaeological Review District

In this district, an archaeological clearance *permit* shall be required: ~~prior to approval of the final development plan or plat~~ for the following projects:

1 (a) The requested activity will be done in conjunction with a subdivision  
2 application or rezoning application, which involves a lot that is All  
3 annexations, rezonings, subdivisions, planned unit developments, or  
4 other development requiring approval by the Planning Commission,  
5 having over ten (10) acres.

6 (b) The activity requested will involve utility installation of five hundred  
7 and fifty (550) feet or more.

8 (b) ~~All city projects over two (2) acres in size.~~

9 (c) ~~All city park projects over one (1) acre in size.~~

10 (4) ~~Utility Mains~~

11 ~~An archaeological clearance permit is required for new construction of sewer~~  
12 ~~mains or main lines of other utilities such as telephone lines, gas lines, and~~  
13 ~~fiber optics, including the entire construction easement;~~

14 (a) ~~With an extension of sixty (60) feet or more if the main is in the~~  
15 ~~historic downtown archaeological review district;~~

16 (b) ~~With an extension of five hundred fifty (550) or more if the main is~~  
17 ~~in the river and trails or suburban archaeological review district.~~

18 (6) (5) Exemptions

19 (a) A City Project on a parcel that is under two (2) acres in size in the  
20 Rivers and Trails or the Suburban Archaeological Review District.

21 (b) A City Park Project on a parcel that is under one (1) acre in size in  
22 the Rivers and Trails or the Suburban Archaeological Review  
23 District. This exemption does not apply to a City Park Project on  
24 multiple parcels whose sum is over one (1) acre in size in the Rivers  
25 and Trails or the Suburban Archaeological Review District.

1                   (c) (a) Applicants who are requesting archaeological approval from federal  
2                   agencies are exempted from requirements of the Archaeological  
3                   Review Districts Ordinance, except that *applicants* must submit  
4                   evidence to city staff of the *application* to the federal agency. In  
5                   addition the applicant shall submit to city staff the inventory or  
6                   monitoring reconnaissance report and other reports made to the  
7                   federal agencies.

8                   ~~(b) Applicants requesting a lot split subdivision are exempted from the~~  
9                   ~~requirement of archaeological review districts and for archaeological~~  
10                   ~~clearance permits.~~

11                   (d) (e) In the river and trails or suburban districts, *applicants* with  
12                   inheritance transfer *subdivisions* are ~~also~~ exempted.

13                   (e) (d) Applicants whose land is in areas where archaeological inventory or  
14                   monitoring report reconnaissance, excavation, or other treatment has  
15                   previously been completed, are exempted from the inventory or  
16                   monitoring report reconnaissance, excavation, or other treatment as  
17                   required, upon submitting evidence for such work to city staff. An  
18                   exemption from any one requirement for a clearance permit does not  
19                   exempt the applicant from other requirements of the Archaeological  
20                   Review Districts Ordinance.

21                   (f) (e) In the historic downtown district, no clearance permit is required for  
22                   projects for which a construction permit application was made  
23                   before September 30, 1987. In the river and trails and suburban  
24                   districts, no clearance permit is required for projects for which  
25                   application has been made for review by the Planning Commission

before September 30, 1987. (Ord. No. 2012-11 § 7)

(7) (6) Environmental Assessments or Impact Statements

All environmental assessment or impact statements produced by or for the city for city projects shall include an archaeological element containing as a minimum, an archaeological inventory or monitoring report ~~reconnaissance~~ as required for the archaeological review districts in which the project is located.

(C) Procedures for All Projects Except Utility Projects

(1) Pre-Application Conference

Prior to submission of any *application* for an archaeological clearance *permit*, an *applicant* shall request a *pre-application* conference, to be conducted pursuant to Section 14-3.1(E).

(2) Initiation of Building Permit

~~Application for an archaeological clearance permit is considered to be initiation of application for a building permit.~~

~~(3) Hearings; Notice~~

~~The Archaeological Review Committee shall make all determinations at a public hearing. The applicant shall be notified and staff shall post the preliminary committee agenda at City Hall at least seven days in advance of the meeting.~~

(2) (4) Inventory Procedures for Historic Downtown District

The *applicant* shall meet the following procedures before an archaeological clearance *permit* is issued for projects in the historic downtown archaeological review districts:

(a) Reconnaissance-Inventory Procedures

1                   ~~Reconnaissance~~ The applicant shall hire ~~An Inventory shall be~~  
2                   ~~completed by an archaeologist to complete an Inventory Report~~  
3                   ~~hired by the applicant. The archaeologist shall be "City Certified"~~  
4                   ~~under Subsection 14-2.7(E) and shall meet meeting the professional~~  
5                   ~~qualifications set forth by the State Historic Preservation Division~~  
6                   ~~and City requirements when the project is in the Historic Downtown~~  
7                   ~~District. The archaeologist shall be "City Certified" under Subsection~~  
8                   ~~14-2.7(E) and shall meet the professional qualifications set forth by~~  
9                   ~~the State Historic Preservation Division when the project is in the~~  
10                  ~~River and Trails and Suburban Districts. in Section 14-~~  
11                  ~~2.7(E). Reconnaissance-An Inventory Report~~ requiring archaeology  
12                  dealing with historic period sites shall be completed by person  
13                  qualified as a historical archaeologist and as a historian. As a  
14                  minimum, an Inventory Report ~~the reconnaissance is a written~~  
15                  document that shall consist of:

- 16                   (i)   Statement of cultural history and setting based upon  
17                   previously completed and accepted archaeological and  
18                   documentary research, including a summary of relevant  
19                   cultural/historic periods with bibliographical references  
20                   and a summary table and map of previous archaeological  
21                   activities in the vicinity;  
22                   (ii)   (+) Archival research and analysis of land titles, historic  
23                   maps, the archaeological records management systems  
24                   (ARMS) files of the state of New Mexico, and other  
25                   existing data;

- (iii) (ii) Visual survey examination of the *property* for evidence of *archaeological features, artifacts* or *culturally altered landscapes* at least seventy-five years old. Visual surveys must adhere to the State of New Mexico Standards for Survey and Inventory, NMAC 4.10.15; A sample of surface artifacts shall be recovered; and
- (iv) (iii) Test *excavations* encompassing a minimum of two percent of the total *lot* area, when the project is in the Historic Downtown District. At least eighteen (18) square feet shall be dug by hand after which further *excavations* may be made by mechanical equipment. *Excavations* shall proceed to a depth where no *archaeological features* or *artifacts* are encountered, or until the maximum depth to which *excavations* can be safely made. Test excavations must adhere to the State of New Mexico Standards for Excavation and Test Excavation, NMAC 4.10.16. The Committee may also consider on a case-by-case basis the option of alternatives for the two percent testing requirement based on an evaluation of whether at least one percent of the lot can be test excavated, the timing of the proposed excavation, whether the remainder of the required excavations may be made during trenching for foundations or utilities and whether there is also a need for a Monitoring Plan and Report; and

(v) Sufficient documentation, which complies with State of New Mexico Standards and including NMCRIS Investigation Abstract Form, Laboratory Anthropology Site Record Forms (if applicable), Historic Cultural Properties Inventory Forms (if applicable) and other relevant State documents.

(b) Reconnaissance Committee Meeting to Approve Inventory Report

Upon the completion of the Inventory Report reconnaissance, the applicant shall request to be on the Committee's agenda for approval of the report and the ~~a reconnaissance~~ report shall be submitted by the applicant to the ~~Archaeological Review Committee~~ containing materials prepared to the specifications of the Committee.

(c) Review and Decision by Committee

At a hearing the Committee shall review the applicant's Inventory reconnaissance Report and vote to approve or disapprove the recommended *significance* status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance *permit* and the ~~building or grading permit~~.

(i) If the project site is determined by the Committee not to be *significant*, then no further treatment is required and an archaeological clearance *permit* shall be issued.

(ii) If the project site is determined by the Committee to be *significant* and the Committee determines that the data potential of the site is exhausted because a sufficient sample

has been taken and no subsurface cultural remains exist, then no further treatment is required and an archaeological clearance *permit* shall be issued.

- (iii) If the project site is determined to be *significant*, then the applicant is subject to the requirements of Subsection 14-3.13(C)(2)(d).

(d) Treatment

If the project site is determined by the committee to be *significant* and to contain further potential data, the applicant needs to hire an archaeologist to write a Treatment Plan. The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet the professional qualifications set forth by the State Historic Preservation Division and City requirements when the project is in the Historic Downtown District. The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet the professional qualifications set forth by the State Historic Preservation Division when the project is in the River and Trails and Suburban Districts. The Treatment Plan is a written document that ~~then the recommended treatment shall be reviewed and~~ shall include the following proposed plans and procedures:

- (i) A plan with procedures that if additional surface remains exist, then additional collections shall be made; and/or if subsurface *cultural remains* do exist then the test pits shall be expanded, *artifacts* shall be collected, and an *excavation* shall be made of *archaeological features* such as hearths,



1 living surfaces, or other non-portable *cultural remains*. In  
2 addition further archival research shall be conducted  
3 concerning human occupation and the land use of the project  
4 site; or

5 (ii) ~~(iii)~~ A plan that the site will shall either be treated with a  
6 protective as a public or private open space designation,  
7 such or shall be treated in such a way that no subsurface  
8 disturbance takes place. The procedure is intended as an  
9 alternate to paragraph (i) above. The designation choice of  
10 alternatives is made by the applicant should be done in  
11 accordance with the New Mexico Cultural Properties  
12 Preservation Easement Act (NMSA 1978, Section 47-12A-  
13 3), where a Cultural Properties Preservation Easement is  
14 dedicated and recorded on a scaled plat of survey, prepared  
15 by a licensed New Mexico surveyor with the open space  
16 described by metes and bounds and labeled on the final plat.  
17 A note shall be placed on the final plat to state, "No Activity  
18 Which Disturbs Ground Surface Shall Occur Within the  
19 Boundaries of the Cultural Properties Preservation Easement  
20 on this Plat." If the applicant pursues this course of action,  
21 the applicant shall submit a copy of the final plat to the  
22 Committee for its file records. The committee may  
23 recommend but not require that one alternative rather than  
24 another be chosen.

25 (e) Treatment Plan to the Committee

- 1 (i) ~~(iv)~~ Upon the completion of the Treatment Plan reconnaissance,  
2 the applicant shall request to be on the Committee's agenda  
3 for approval of the Plan and the Plan shall be submitted by  
4 the applicant to the Committee.
- 5 (ii) At a hearing the Committee shall review the applicant's Plan  
6 and vote to approve or disapprove it. If the Committee  
7 approves the Plan, the applicant can commence work on the  
8 project.
- 9 (iii) Following implementation of the treatment plan, a treatment  
10 report is required containing a description of the collection,  
11 excavation, research, and other procedures, and a summary  
12 of the findings.

13 (F) Treatment Report to the Committee

- 14 (vi) Upon the completion of the Treatment Report, the  
15 applicant shall request to be on the Committee's agenda  
16 for approval of the Report and the Report shall be  
17 submitted by the applicant to the Committee.
- 18 (vii) At a hearing the Committee shall review the applicant's  
19 Report and vote to approve or disapprove it. If the  
20 Committee approves the Report, the report shall be  
21 submitted by the applicant to and approved by the  
22 committee before the an archaeological clearance permit  
23 is issued. A final report with correct citations and  
24 typographical corrections is due within one year of the  
25 date of the issuance of the clearance permit. Upon

request of the archaeologist, the committee may grant a  
one-year's extension.

(v)(viii) A mapped and written record shall be kept by city staff of all  
surveyed areas and test excavations.

(g) Maximum Funding Limit

In the historic downtown archaeological review districts, in no case  
shall the *applicant* be required to spend more than one percent of the  
valuation of the *property* shown on the *building permit* in providing  
reports and other information requested by the Archaeological  
Review Committee. In the River and Trails District, in no case shall  
the *applicant* be required to spend more than three thousand dollars  
(\$3,000) dollars plus one hundred dollars (\$100) per acre for the  
treatment of an *archaeological site*. In the Suburban District, in no  
case shall the *applicant* be required to spend more than four thousand  
dollars (\$4,000) plus one hundred dollars (\$100) per acre for the  
treatment of an *archaeological site*.

(f) Maximum Time for Excavations and for Excavation of Significant  
Sites in the Historical Downtown District

In the historic downtown archaeological review district, in no case  
shall the archaeologist be required to spend more than 15 eight hour  
equivalent days in carrying out test excavations, or an additional 20  
eight hour equivalent days in carrying out additional excavation of  
significant sites.

(5) ~~Procedures for River and Trails Area, Suburban Area, and Utility Mains~~

~~The following procedures shall be met before an archaeological clearance~~

1 ~~permit is issued to an applicant in the archaeological review districts for the~~  
2 ~~river and trails district, the suburban district, or a utility main.~~

3 ~~(a) — Reconnaissance~~

4 ~~Reconnaissance shall be completed by an archaeologist, hired by the~~  
5 ~~applicant, meeting the professional qualifications set forth in the~~  
6 ~~Archaeological Review Districts Ordinance. Reconnaissance~~  
7 ~~requiring archaeology dealing with historic period sites shall be~~  
8 ~~completed by a person qualified as a historical archaeologist and as a~~  
9 ~~historian. The reconnaissance shall consist of:~~

10 ~~(i) — Archival research and analysis of land titles, historic maps,~~  
11 ~~ARMS files and other existing data; and~~

12 ~~(ii) — Visual examination of the property for evidence of~~  
13 ~~archaeological features, artifacts, or culturally altered~~  
14 ~~landscapes at least seventy five years old. Linear transects~~  
15 ~~at intervals not exceeding twenty five (25) feet shall be~~  
16 ~~walked. If a sample of surface artifacts is recovered during~~  
17 ~~reconnaissance, then the archaeologist in charge of the~~  
18 ~~reconnaissance shall inform the property owner of the~~  
19 ~~desirability of permanently storing the artifacts in a~~  
20 ~~statewide repository such as the museum of New Mexico.~~

21 ~~(b) — Reconnaissance Report~~

22 ~~Upon the completion of the reconnaissance, a reconnaissance report~~  
23 ~~shall be submitted by the applicant to the Archaeological Review~~  
24 ~~Committee containing materials prepared to the specifications of the~~  
25 ~~Committee.~~

1                   (e) ~~Committee Review and Decision~~

2                   The Committee shall review the ~~reconnaissance~~ report and vote to  
3                   approve or disapprove recommended ~~significance~~ status on an  
4                   ~~archaeological site~~ by site basis and, if required, the recommended  
5                   treatment of archaeological resources. The Committee's  
6                   determination for treatment shall be a condition of approval for the  
7                   archaeological clearance ~~permits~~. Treatment shall be completed  
8                   before approval by the Planning Commission of the final  
9                   ~~development plan or plat~~. For phased projects, treatment shall be  
10                  completed before approval of the final ~~development plan or plat~~ for  
11                  the phase in question.

12                  (d) ~~Treatment~~

13                  (i) ~~No further treatment is required if the archaeological site is~~  
14                  determined by the Committee not to be ~~significant~~, and an  
15                  archaeological clearance ~~permit~~ shall be issued.

16                  (ii) ~~If the archaeological site is determined by the Committee to~~  
17                  be ~~significant~~ and to contain potential data then the  
18                  recommended treatment shall be reviewed and shall meet the  
19                  following:

20                  A. ~~A sample of surface artifacts shall be collected; and~~

21                  B. ~~If there is reason to believe that subsurface remains~~  
22                  do exist, then test ~~excavations~~ shall take place. At  
23                  least eighteen (18) square feet shall be dug by hand,  
24                  after which further ~~excavations~~ may be made using  
25                  mechanical equipment. ~~Excavations~~ shall proceed to

1 ~~a depth where no archaeological features or~~  
2 ~~artifacts are encountered, or until the maximum~~  
3 ~~depth to which excavation can be safely extended.~~

4 ~~C. In addition, further archival research shall be~~  
5 ~~conducted concerning human occupation and the~~  
6 ~~land use of the site; or~~

7 ~~D. Surface artifacts shall be collected and documented.~~

8 ~~The site shall alternatively be treated as a public or~~  
9 ~~private open space, park or greenbelt or shall be~~  
10 ~~treated in such a manner that no subsurface~~  
11 ~~disturbance takes place. The choice of alternatives is~~  
12 ~~made by the applicant. The committee may~~  
13 ~~recommend but not require that one alternative~~  
14 ~~rather than another be chosen.~~

15 ~~(iii) Following implementation of the treatment plan, a treatment~~  
16 ~~report is required containing a description of the collection,~~  
17 ~~excavation, research, and other procedures, and a summary~~  
18 ~~of the findings. The report shall be submitted to and~~  
19 ~~approved by the committee before an archaeological~~  
20 ~~clearance permit is issued and before approval of the final~~  
21 ~~development plan by the Planning Commission. A final~~  
22 ~~report is due within one year of the date of the issuance of~~  
23 ~~the clearance permit. Upon the request of the archaeologist,~~  
24 ~~the committee may grant a one-year's extension.~~

25 ~~(iv) A map and written record shall be kept by city staff of all~~

surveyed areas and test excavations.

(e) ~~River and Trails and Suburban Area Funding Limit~~

(i) ~~In the river and trails area, in no case shall the applicant be required to spend more than three thousand dollars (\$3,000) dollars plus one hundred dollars (\$100) per acre for the treatment of an archaeological site.~~

(ii) ~~In the suburban area, in no case shall the applicant be required to spend more than four thousand dollars (\$4,000) plus one hundred dollars (\$100) per acre for the treatment of an archaeological site.~~

(iii) ~~The definition of treatment of an archaeological site is as set forth in this chapter. The procedures for treatment are set forth in Subsection (5)(d) above.~~

(iv) ~~The dollar amounts of the cost ceiling shall be reviewed on an annual basis and updated for cost of living increases.~~

(D) Procedures for Utility Projects or Alternative Means of Compliance

(1) Pre-Application Conference

Prior to submission of any application for an archaeological clearance permit, an applicant shall request a pre-application conference, to be conducted pursuant to Section 14-3.1(E).

(2) Requests for Archaeological Monitoring. The Committee must approve the Monitoring Plan prior to the commencement of ground disturbing activities by the private sector, the City or City contractors. An Archaeological Monitoring process occurs when:

(i) An applicant who needs an Archaeological Clearance Permit for

1 utility project or utility installations would like to submit a  
2 Monitoring Plan as opposed to an Inventory Report; or  
3 (ii) An applicant who needs an Archaeological Clearance Permit for  
4 any type of project, but would like to submit a Monitoring Plan as  
5 opposed to an Inventory Report as a form of alternative means of  
6 compliance.

7 (3) Procedures for Monitoring Plan

8 (i) The applicant shall hire an archaeologist to complete a  
9 Monitoring Plan and Report. The archaeologist shall be "City  
10 Certified" under Subsection 14-2.7(E) and shall meet the  
11 professional qualifications set forth by the State Historic  
12 Preservation Division and City requirements if in the Historic  
13 Downtown District. The archaeologist shall be "City Certified"  
14 under Subsection 14-2.7(E) and shall meet the professional  
15 qualifications set forth by the State Historic Preservation Division if  
16 in the River and Trails and Suburban Districts.

17 (ii) As a minimum, the Monitoring Plan is a written document that  
18 shall satisfy the State of New Mexico Standards for Archaeological  
19 Monitoring, NMAC 4.10.7.

20 (iii) The applicant who needs a staged, phased or partial approval  
21 shall notate this information on the plan. The applicant is  
22 encouraged to notify staff and the Committee early in the process if  
23 such request is anticipated.

24 (4) Committee Meeting to Approve Monitoring Plan

25 Upon the completion of the Monitoring Plan, the applicant shall request to be on the



1 Committee's agenda for approval of the plan and the plan shall be submitted by the  
2 applicant to the Committee. The Committee may approve a Monitoring Plan for a  
3 project that requests utility boring on a case-by-case basis, but utility boring should  
4 be minimized.

5 (5) Review and Decision by Committee of Monitoring Plan

6 At a hearing the Committee shall review the applicant's plan and vote to approve or  
7 disapprove the plan. If the Committee approves the plan, then the project can  
8 commence concurrent with the archaeological monitoring activities.

9 (6) Committee Meeting to Approve Monitoring Report

10 (i) Following implementation of the Monitoring Plan, a  
11 Monitoring Report is required to prepared for the  
12 Committee.

13 (ii) As a minimum, the Monitoring Report is a written document  
14 that shall satisfy the State of New Mexico Standards for  
15 Archaeological Monitoring, NMAC 4.10.7.

16 (iii) Upon the completion of the Monitoring Report, the applicant  
17 shall request to be on the Committee's agenda for approval  
18 of the Report and the Report shall be submitted by the  
19 applicant to the Committee.

20 (7) Review and Decision by Committee of Monitoring Report

21 At a hearing the Committee shall review the applicant's report and vote to approve or  
22 disapprove the recommended significance status and if required, the recommended  
23 treatment of archaeological resources. The determination made by the Committee for  
24 treatment shall be a condition of approval for the archaeological clearance permit

25 (i) If the project site is determined by the Committee not to be

1 significant, then no further treatment is required and an  
2 archaeological clearance permit shall be issued.

3 (ii) If the project site is determined by the Committee to be significant  
4 and the Committee determines that the data potential of the site is  
5 exhausted because a sufficient sample has been taken and no  
6 subsurface cultural remains exist, then no further treatment is  
7 required and an archaeological clearance permit shall be issued.

8 (iii) If the project site is determined by the committee to be significant  
9 and to contain further potential data, the applicant needs to hire an  
10 archaeologist to write a Treatment Plan and Treatment Report in  
11 accordance with the procedures in Subsection 14-3.13(C)(2).

12 ~~(6) — Procedures for Santa Fe Trail~~

13 ~~(a) — The tracks of the Santa Fe Trail are shown on the map located in the~~  
14 ~~city land use department and incorporated herein by reference.~~

15 ~~(b) — For development within such an area as set forth by Subsection (a)~~  
16 ~~above, the applicant is required to submit a reconnaissance report~~  
17 ~~which identifies on an aerial map of at least a scale of one inch~~  
18 ~~equals four hundred (400) feet the precise location of the tracks, and~~  
19 ~~which recommends measures for the on site preservation of the~~  
20 ~~tracks. The committee shall approve the reconnaissance report~~  
21 ~~before the issuance of an archaeological clearance permit.~~

22 ~~(c) — In no case shall the tracks of the Santa Fe Trail be disturbed by the~~  
23 ~~development, except upon the approval of the archaeological review~~  
24 ~~districts committee. Criteria for approval by the Committee for~~  
25 ~~allowing disturbance of the tracks shall be as follows:~~

- 1                   (i) ~~The tracks have been mapped and photographed and such~~  
2                   information has been provided to ~~city staff~~; and  
3                   (ii) ~~The portion of the tracks to be disturbed is ten percent or less~~  
4                   of the total square footage of tracks on the ~~applicant's site~~; or  
5                   (iii) ~~The square footage of the tracks constitutes more than sixty~~  
6                   percent of the total square footage of the ~~lot~~ and preservation  
7                   of all of the tracks would constitute a "taking" of the ~~lot~~.

8                   (7) ~~Appeals~~

9                   ~~Any aggrieved person may appeal a final action of the Archaeological~~  
10                  ~~Review Committee to the governing body pursuant to Section 14 3.17.~~

11                  (D)(E) Other General Provisions

12                  (1) Procedures for Santa Fe Trail

- 13                  (a) The tracks of the Santa Fe Trail are shown on the map located in the  
14                  city land use department and incorporated herein by reference.  
15                  (b) For development within such an area as set forth by Subsection (a)  
16                  above, the applicant is required to submit an Inventory  
17                  reconnaissance report which identifies on an aerial map of at least a  
18                  scale of one inch equals four hundred (400) feet the precise location  
19                  of the tracks, and which recommends measures for the on-site  
20                  preservation of the tracks. The committee shall approve the  
21                  Inventory reconnaissance Report before the issuance of an  
22                  archaeological clearance permit.  
23                  (c) In no case shall the tracks of the Santa Fe Trail be disturbed by the  
24                  development, except upon the approval of the archaeological review  
25                  districts committee. Criteria for approval by the Committee for

1 allowing disturbance of the tracks shall be as follows:

2 (i) The tracks have been mapped and photographed and such

3 information has been provided to city staff; and

4 (ii) The portion of the tracks to be disturbed is ten percent or less  
5 of the total square footage of tracks on the applicant's site; or

6 (iii) The square footage of the tracks constitutes more than sixty  
7 percent of the total square footage of the lot and preservation  
8 of all of the tracks would constitute a "taking" of the lot.

9 (2) Ownership of Artifacts

10 All *artifacts* discovered as a result of an inventory or monitoring report  
11 reconnaissance or further treatment, with the exception of human remains,  
12 are the property of the *property owner*. *Property owners* are encouraged to  
13 donate *artifacts* to the museum of New Mexico or a similar repository.

14 (2) (3) Human Remains

15 (a) If human remains are discovered, compliance with Section 18-6-11.2  
16 NMSA 1978 is required in addition to the requirements of this  
17 section. *Persons* making the discovery shall contact the *city* police  
18 department to ensure compliance with state law and the *city* land use  
19 department to ensure compliance with *city* law and the New Mexico  
20 State Historic Preservation Office to ensure compliance with State  
21 and Federal law.

22 (b) All unmarked human remains, regardless of their age, discovered on  
23 private or public property, fall under the jurisdiction of the New  
24 Mexico State Historic Preservation Office. A Treatment Plan and  
25 Report meeting the requirements of City Code and NMAC 4.10.11

1 shall be approved by the Committee and the State Historic  
2 Preservation Office prior to the initiation of treatment activities. If  
3 the human remains are determined to be prehistoric, or from the  
4 historical period and older than seventy five years, then the site is  
5 considered to be significant. In this case, a treatment plan and report  
6 for the remains, meeting the requirements of this section shall be  
7 approved by the Archaeological Review Committee.

8 (c) Any treatment plan dealing with human remains shall include  
9 consideration of local Native American or other religious concerns,  
10 if applicable.

11 (d) If the remains represent an unplatted cemetery from the historical  
12 period, they may not be disturbed unless a district court order is  
13 granted authorizing their removal in conformance with state law.  
14 Section 30-12-12 NMSA 1978 as amended.

15 (3) (4) Unexpected Discoveries

16 (a) Any *cultural remains* that are discovered during construction  
17 activities shall be reported to *city* staff. Construction activities shall  
18 immediately cease within the area of the discovery for a maximum of  
19 twenty-four hours from time of discovery. Sunday hours may not be  
20 included in the twenty-four hour time period. No construction  
21 activity shall continue that in any way endangers the *cultural*  
22 *remains*. Every effort should be made by the *city* to prevent  
23 unnecessary construction delays. Designated *city* staff and one  
24 archaeologist from the Archaeological Review Committee shall visit  
25 the site and shall determine the archaeological *significance* and the

1 data potential of the site. If the site is determined to be *significant*  
2 and to have data potential, then:

- 3 (i) Designated *city* staff and one archaeologist from the  
4 Archaeological Review Committee shall determine a buffer  
5 area in which construction activities shall temporarily cease;  
6 and  
7 (ii) The *property owner* shall present a treatment plan to the  
8 committee for their approval. The treatment plan shall meet  
9 the requirements of City Code. ~~Subsections (C)(4) or (5)~~  
10 ~~above, depending on the archaeological district in which the~~  
11 ~~discovery is located pursuant to Sections 18-6-11 and 18-6-~~  
12 ~~11.1 NMSA 1978 as amended.~~

13 (b) Failure to report such finds can result in a suspension of construction  
14 *permits*.

15 (c) If human remains are discovered, *city* officials and the State Historic  
16 Preservation Office must be contacted. If remains are determined to  
17 be deposited less than seventy-five years ago, determination of  
18 jurisdiction will be made by the New Mexico Office of the Medical  
19 Investigator. If the remains are determined to be prehistoric or  
20 isolated burials of early historical age, consultation with the  
21 Archaeological Review Committee shall be undertaken to identify an  
22 appropriate treatment plan. The Treatment Plan and all treatment  
23 activities shall be performed by an archaeologist with a State of New  
24 Mexico Permit to Excavate Unmarked Human Burials and shall  
25 conform with all standards outlined in NMAC 4.10.11 ~~This treatment~~

1 ~~plan shall indicate consideration of local Native American or other~~  
2 ~~religious concerns, if applicable. If the remains represent an~~  
3 ~~unplatted cemetery, they may not be disturbed less a district court~~  
4 ~~order is granted authorizing their removal in conformance with~~  
5 ~~Section 30-12-12 NMSA 1978 as amended. (Ord. No. 2013-16 § 16)~~

6 (4) Emergency Actions

7 Nothing in this Section 14-3.13 shall be construed as preventing or delaying  
8 emergency actions as needed to protect human health or well being, or public  
9 or private *property*. However, if *cultural remains* are uncovered or disturbed  
10 as a consequence of such emergency actions, the disturbed *remains* will be  
11 treated as unexpected discoveries in accordance with Subsection (D)(3)  
12 above once a state of emergency has ceased to exist.

13 (5) (6) Archaeological Fund and Projects

14 (a) An archaeological fund shall be established to receive revenue from  
15 construction *permits*, the general fund and other sources.

16 (b) The Archaeological Review Committee may recommend  
17 expenditure of money from this fund for the following projects:

18 (i) Additional analysis or other treatment of a site or an  
19 "unexpected discovery" of citywide *significance*, which  
20 contributes to the body of knowledge of archaeological or  
21 historical matters, when the funding limit for treatment of a  
22 site as set forth in this section has been reached;

23 (ii) ~~Additional analysis or other treatment of a site designated as~~  
24 ~~an "unexpected discovery" by the Archaeological Review~~  
25 ~~Districts Ordinance, when the funding limit for treatment of~~

1 ~~a site as set forth in this section has been reached and the site~~  
2 ~~is determined to have citywide significance;~~

3 (iii)(ii) Analysis of *artifacts* from a site of citywide *significance*  
4 collected prior to adoption of the Archaeological Review  
5 Districts Ordinance; or

6 (iv)(iii) Archaeological surveys or studies of a citywide scope.

7 (c) For the purpose of this section, citywide *significance* means:

8 (i) An outstanding example of a certain category of site or of a  
9 type not adequately documented; or

10 (ii) A site associated with a person or event of special historical  
11 *significance* to Santa Fe.

12 **~~(E)~~ (F) Approval Criteria / Archaeological Significance**

13 Sites identified as *significant* shall be those that have yielded or may be likely to  
14 yield information important in the study of prehistory or history. These shall be  
15 those:

16 (1) With *cultural remains* that are more than seventy-five years old; and

17 (2) With *cultural remains* that are directly associated with events or  
18 developments that have made an important contribution to local history or  
19 prehistory; or

20 (3) With *cultural remains* that are directly associated with the lives of persons  
21 *significant* in local history; or

22 (4) Areas where a high frequency, *density*, diversity or a substantial number of  
23 prehistoric *cultural remains* are present; or

24 (5) Areas having *cultural remains* known to rarely occur in the Santa Fe area; or

25 (6) Any site containing human remains over seventy-five years old.



**(G) Appeals**

Any aggrieved person may appeal a final action of the Archaeological Review Committee to the governing body pursuant to Section 14-3.17.

**14-5.3 ARCHEOLOGICAL REVIEW DISTRICTS**

(Ord. No. 2011-37 § 6)

**(A) Purpose**

To promote the economic, cultural and general welfare of the people of Santa Fe, the governing body deems it essential that the qualities relating to the unique cultural traditions, prehistory and history of Santa Fe, which attract tourists and residents alike, be preserved by establishing three archaeological review districts. The purpose of these districts is to:

- (1) recognize the value of archaeological resources from all periods of history and prehistory, including prehistoric Native American settlements, Spanish colonization and settlement and settlement and *developments* under Mexican and American governments;
- (2) provide the means for identifying *archaeological sites* by requiring surveys and test *excavations*, depending on the district, through the *development* review and construction *permit* process;
- (3) provide the means by which *archaeological sites* may be evaluated for their potential contribution to cultural, educational, historic, economic and scientific concerns;
- (4) establish a procedure for treatment of archaeological resources on private and public land, thereby mitigating the information loss from the sometimes

1                   unavoidable destruction of archaeological resources and providing for the  
2                   treatment of those resources that can be preserved; and

- 3           (5)     provide methods for the emergency treatment of archaeological resources  
4                   found through unexpected discovery.

5           **(B)     Application to State and Its Agencies, Political Subdivisions or Instrumentalities**

6                   Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978 (Historic Districts and  
7                   Landmarks), the provisions of this section apply to the *state* and its agencies, political  
8                   subdivisions and instrumentalities, as well as to any other entity or activity in the  
9                   archaeological review districts. Whenever the Archaeological Review Committee is  
10                  considering a case on city property, public right-of-way or otherwise on State  
11                  jurisdiction, the Committee's action shall be forwarded to the New Mexico State  
12                  Historic Preservation Office for final approval before work proceeds.

13           **(C)     Establishment of Districts; Boundaries**

14                  **(1)     Districts Established**

15                         Three archaeological review districts are established, to be known as the  
16                         historic downtown, the river and trails and the suburban archaeological  
17                         review districts.

18                  **(2)     Boundaries**

19                         The boundaries of the historic downtown, the river and trail and the suburban  
20                         archaeological review districts are as shown on the official zoning map. The  
21                         boundaries are determined by the following criteria:

22                         **(a)     Historic Downtown Archaeological Review District**

23                                 The center of Santa Fe since 1610 and occupied by Native  
24                                 Americans prior to that time, land within the historic downtown  
25                                 archaeological review district has a high potential of containing

1                    *significant cultural remains* and is part of the historic core of Santa  
2                    Fe;

3                    (b)     River and Trails Archaeological Review District

4                    An area of prehistoric Native American occupation, settled by early  
5                    Spanish colonists, and being primary transportation routes important  
6                    to the settlement of Santa Fe, the river and trails archaeological  
7                    review district has a high potential of containing *significant cultural*  
8                    *remains* and is part of the Santa Fe river *floodplain*, escarpment, or  
9                    ridges above the escarpment, and land adjacent to those areas, and  
10                   contains historic trails such as Santa Fe Trail, Galisteo Road and  
11                   Agua Fria;

12                   (c)     Suburban Archaeological Review District

13                   Land within the suburban archaeological review district has a  
14                   moderate potential of containing *significant cultural remains* and is  
15                   not a part of the historic downtown or river and trails archaeological  
16                   review districts.

17                   (3)     Map Revisions

18                   The archaeological review districts may be revised upon a recommendation of the  
19                   archaeological review committee as approved by the *governing body*. In revising the  
20                   district boundaries the committee shall follow the criteria set forth in Subsection 14-  
21                   5.3(C)(2).

22                   (D)     Archaeological Clearance Permit Required

23                   An archaeological clearance *permit* is required for certain types of *development*  
24                   activity within the archaeological review districts, as described in Section 14-3.13.  
25                   (Ord. No. 2014-31 § 9)

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4 APPROVED AS TO FORM:

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7 \_\_\_\_\_  
KELLEY A. BRENNAN, CITY ATTORNEY

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9 M/Legislation/Bills 2015/Archaeological Revisions

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3.16.16

**Comments on 14-2.7 Archaeological Review Committee**

(A)- No comment

(B)- Rather than cite NMSA 1978 we could cite NMAC 4.10.10.10 or other parts of NMAC that reference NMSA 1978. NMAC 4.10.10.10 is the state administrative code that describes the requirements of local legislation for CLGs.

(C) No Comment

(1)- No comment

(a) Page 2, lines 16-19: Instead of using "*inventory and monitoring*" reports we should use "archaeological investigations" (4.10.8.7A) which is the "study of sites, isolates, and other cultural properties and areas of historic and scientific interest including without limitation survey and inventory, examination, collection, limited tests, test excavation, excavation, and monitoring." To only describe the ARC review as inclusive of "inventory and monitoring" is not comprehensive.

"Significance" should be clarified. Do we mean significance in regard to the City standards only or do we mean significant as it is referred to by NRHP? The latter is the standard. NMAC 4.10.12.7 defines significance.

"*Archaeological sites*" should be changed to "cultural properties" (NMAC 4.10.8.7 G) which is "a structure, place, site, or object having historic, archaeological, scientific, architectural, and other cultural significance." "Object" is what is used to refer to artifacts or cultural resources in this definition however, "cultural resource" or "cultural property" should be used instead of "cultural remains" (NMAC 4.10.14.7E).

"Archaeological investigations" should replace "*archaeological studies*."

(c) Page 3, line 2: "*Archaeological sites*" should be replaced by "cultural properties" (NMAC 4.10.8.7G).

(2)- No comment

(b) Page 3, lines 13 and 15: Change "*archaeological properties*" to "cultural properties." Change "*archaeological site*" to "cultural properties."

(D)- No Comment

(E) Page 4, line 13: Change "*City Certified*" to "City Certification." Overall I think this section is not very clear. Maybe it is worth a discussion.

It may be helpful in this section to use Secretary of Interior standards as a guideline for what we want to say about qualifications.

(1)- No comment

(2) Page 4, line 13: Change "inventory and monitoring" to "archaeological investigations."

(a) Page 4, line 22: Replace "master's degree" with "graduate degree." It would be more correct to ask for a graduate degree in anthropology or closely related field with a focus on archaeology. Institutions in the United States do not grant archaeology degrees. The requirements of the Secretary of Interior require that archaeologists know North American archaeology and our City code requires that experience in the Southwest is a requirement.

(b) No comment

(c) It is a provision of our CLG status that the City certified resource professionals are on the SHPO directory. We could cite 14.10.10.12B.

(d) Change "human remains" to "<sup>human burial</sup>inadvertent discovery." We should discuss terminology and protocols surrounding human remains. Why do we have a burial permit as a requirement and do all of them have to have a burial permit?

(3) No comment

(a) No comment

(b) No comment

(c) No comment

(d) Same comment as (2)(d).

(4) A review of Secretary of Interior Standards might help with all of these sections in (E).

(5) No comment

(6) Page 6, lines 12-13: If we reference and follow the State of NM or SOI standards prior to this section possibly this line could be moved.

(7) No comment

(a) No comment

(i) Page 7, lines 23 and 24: Change "inventory and monitoring" to "archaeological investigations." We should discuss what we mean by treatment plan.

(iv)(iii) Page 8, line 18: Change "inventory and monitoring" to "archaeological investigations."

(v) Page 8, lines 24: What do we mean by final report? Do we mean that a final report is due within one year of project completion? Then the 45 day correction period is allowed? This section might need some rearrangement to clarify.

Side notes that may help clarify some things-

There are degrees of archaeological investigations that occur:

- Desk top survey (Class I survey) is what is used to refer to background research or initial investigation activities such as looking to see what has been surveyed and what sites have been recorded within an undertaking or area of potential effect.
- Literature review refers to a review of grey literature (reports) and other written material that is used to demonstrate knowledge of a particular area, project, or resources.
- A Class II survey indicated that Class I background research has been done, possibly a literature review if needed, and some field investigation has occurred. The field investigation is not comprehensive and does not follow the protocols of what is designated as survey and inventory. For example, instead of surveying at the standard 15 meter intervals, the survey area (undertaking or APE) is examined using larger transect intervals, spot checking methods or other strategies to investigate an area. In the above definition of archaeological investigations Class II might include a cursory examination of a project area or site, or collection of artifacts only with resurveying to determine the site boundaries.
- Class III survey is what is generally referred to as survey and inventory where the protocols require 15 meter transects or narrower. It also includes the Class I background research and possibly a literature review when needed.
- Limited tests would refer to such things as boring or other surface or subsurface sampling methods. Test excavations refer to work done on an archaeological site. They require a research design prior to testing and very little of the site should be disturbed by the tests. Sometimes artifacts found in test units are removed and curated or tested, and other times the artifacts are placed back in the test unit. This should be laid out in the research design.
- Excavation is the partial or total excavation of a site or portion of a site to its lowest level. A research design should be submitted prior to excavation activities. Artifacts are removed and curated. Samples are taken for testing, etc.
- Monitoring can take many forms but is usually only done as a last resort and done only after there has been some survey and inventory.

Some useful references:

Secretary of Interior Standards for archaeologists, historians, historic architects, and architectural historians [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)

NMAC 4.10





14-3.13

## ARCHAEOLOGICAL CLEARANCE PERMITS

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### (A) Purpose and Intent

(1) The City of Santa Fe created Archaeological Clearance Permits 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 requirements pertain to both private and public development activities and are in addition to pertinent State and Federal requirements.

Comment [RMAX]: Should we offer something about our CLG status?

(2) The purpose of the permitting process is to:

(a) recognize the value of archaeological resources from all periods of history and prehistory, including prehistoric Native American settlements, Spanish colonization and settlement and the settlement and developments under Mexican and American governments;

(b) provide the means for identifying archaeological sites cultural properties by requiring surveys and test excavations archaeological investigations, depending on the district to the extent that is appropriate for the district, through the development review and construction permit process;

(c) provide the means by which archaeological sites cultural properties may be evaluated for their potential City-wide contribution to cultural, educational, historic, economic and scientific concerns;

(d) establish a procedure for treatment of archaeological resources cultural properties on private and public land, thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological cultural resources and providing for the treatment of those resources that can be preserved; and

(e) provide methods for the emergency treatment of archaeological cultural

resources found through unexpected discovery.

(3) Three archaeological review districts are established to be known as the Historic Downtown, the River and Trails, and the Suburban Archaeological Review Districts. The boundaries of these districts are established as set forth in Section 14-5.3(C).

(B) Applicability

(1) An applicant submitting a request for following permits may also need to submit a request for an Archaeological Clearance Permit subject to Subsections 14-3.13 (B)(3)-(5) or Subsection 14-3.13(E)(1):

- \_\_\_\_\_ (a) Building permit;
- \_\_\_\_\_ (b) Grading permit;
- \_\_\_\_\_ (c) Excavation permit; or
- \_\_\_\_\_ (d) Secondary permit.

(2) City staff or its contractors conducting activities on City-owned property may also need to submit a request for an Archaeological Clearance Permit subject to Subsections 14-3.13 (B)(3)-(5) or Subsection 14-3.13(E)(1), except as provided for under Subsection 14-3.13(D)(4).

(4) (3) Historic Downtown Archaeological Review District

In this district, an archaeological clearance permit shall be required:

(a) The requested activity will involve ground disturbance of more than ~~Prior to issuance of a building permit for projects with gross lot coverage of two thousand five hundred (2,500) square feet or more involving new construction, parking lots and/or alterations.~~

(b) The requested activity will involve utility installation of sixty (60) feet or more. ~~Prior to issuance of a grading permit for projects with two thousand five hundred (2,500) square feet or more in gross lot coverage.~~

Comment [RNA2]: I think we should create a definition for ground disturbance. We do not currently have one.

1           (e) ~~For all city projects over two thousand five hundred (2,500) square~~  
2 ~~feet in gross lot coverage.~~

3           (d) ~~For alterations, if the ground is dug up, graded, or otherwise~~  
4 ~~disturbed.~~

5           (c) No archaeological clearance *permit* is required for a demolition  
6 *permit* except as follows: For demolition requests for *structures* which are more than  
7 ~~seventy-five years old~~ fifty years old and which are part of a project requiring an  
8 archaeological clearance *permit*, ~~staff for the Archaeological Review Committee~~ City  
9 of Santa Fe Historic Preservation Division staff shall issue a report to the historic  
10 districts review board as set forth in Section 14-3.14. The report shall state whether  
11 demolition will damage possible ~~the archaeological resources~~ cultural resource(s)  
12 artifacts. If the Board determines that damage may occur, then it may refer the case  
13 to the Archaeological Review Committee requesting that requirements for an  
14 archaeological clearance *permit* be met before a demolition *permit* is issued.

15       (2) (4) River and Trails Archaeological Review District

16       In this district, an archaeological clearance *permit* shall be required: ~~prior to approval~~  
17 ~~of the final development plan or plat for the following projects:~~

18           (a) The requested activity will be done in conjunction with a subdivision  
19 application or rezoning application, which involves a lot that is All  
20 annexations, rezonings, subdivisions, planned unit developments, or other  
21 development requiring approval by the Planning Commission, having over  
22 two acres, or having any part lying within the area identified as the Santa Fe  
23 Trail.

24           (b) The requested activity will involve utility installation of five hundred  
25 and fifty (550) feet or more.

(b) ~~All city projects over two (2) acres in size.~~

(c) ~~All city park projects over one (1) acre in size.~~

(3) (5) Suburban Archaeological Review District

In this district, an archaeological clearance *permit* shall be required: prior to approval of the final development plan or plat for the following projects:

(a) The requested activity will be done in conjunction with a subdivision application or rezoning application, which involves a lot that is All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over ten (10) acres.

(b) The activity requested will involve utility installation of five hundred and fifty (550) feet or more.

(b) ~~All city projects over two (2) acres in size.~~

(c) ~~All city park projects over one (1) acre in size.~~

(4) ~~Utility Mains~~

~~An archaeological clearance permit is required for new construction of sewer mains or main lines of other utilities such as telephone lines, gas lines, and fiber optics, including the entire construction easement:~~

(a) ~~With an extension of sixty (60) feet or more if the main is in the historic downtown archaeological review district;~~

(b) ~~With an extension of five hundred fifty (550) or more if the main is in the river and trails or suburban archaeological review district.~~

(6) (5) Exemptions

(a) A City Project on a parcel that is under two (2) acres in size in the Rivers and Trails or the Suburban Archaeological Review District.

(b) A City Park Project on a parcel that is under one (1) acre in size in the Rivers and Trails or the Suburban Archaeological Review District. This exemption does not apply to a City Park Project on multiple parcels whose sum is over one (1) acre in size in the Rivers and Trails or the Suburban Archaeological Review District.

(c) (e) Applicants who are requesting archaeological approval from federal agencies are exempted from requirements of the Archaeological Review Districts Ordinance, except that *applicants* must submit evidence to city staff of the *application* to the federal agency. In addition the applicant shall submit to city staff the inventory or monitoring the archaeological investigations reconnaissance report and other reports made to the federal agencies.

Comment [RNA3]: Do we want to be specific that these are for Section 106, 4f projects etc?

~~(b) Applicants requesting a lot split subdivision are exempted from the requirement of archaeological review districts and for archaeological clearance permits.~~

(d) (e) In the river and trails or suburban districts, *applicants* with inheritance transfer *subdivisions* are also exempted.

(e) (d) *Applicants* whose land is in areas where archaeological inventory or monitoring ~~report~~ reconnaissance, excavation, or other treatment investigations ~~has~~ previously been completed, are exempted from further archaeological investigations ~~the inventory or monitoring report reconnaissance, excavation, or other treatment as~~ required, upon submitting evidence for such work to city staff. An exemption from any one requirement for a clearance permit does not exempt the applicant from other requirements of the Archaeological

~~Review Districts Ordinance.~~

(f) (e) In the historic downtown district, no clearance *permit* is required for projects for which a construction *permit application* was made before September 30, 1987. In the river and trails and suburban districts, no clearance *permit* is required for projects for which *application* has been made for review by the Planning Commission before September 30, 1987. (Ord. No. 2012-11 § 7)

(7) (6) Environmental Assessments or Impact ~~Statements~~

All environmental assessment or impact statements produced by or for the city for city projects shall include a cultural resources assessment ~~a archaeological element~~ containing as a minimum, an archaeological ~~inventory or monitoring report reconnaissance~~ as required for the archaeological review districts in which the project is located.

Comment [RNA4]: Might look at this section more closely.

Comment [RNA5]: Possibly we should change define inventory or make what we want out of the EIS more clear so that cultural resources are not check listed for an EA.

(C) Procedures for All Projects Except Utility Projects

(1) Pre-Application Conference

Prior to submission of any *application* for an archaeological clearance *permit*, an *applicant* shall request a *pre-application* conference, to be conducted pursuant to Section 14-3.1(E).

(2) ~~Initiation of Building Permit~~

~~Application for an archaeological clearance permit is considered to be initiation of application for a building permit.~~

(3) ~~Hearings; Notice~~

~~The Archaeological Review Committee shall make all determinations at a public hearing. The applicant shall be notified and staff shall post the preliminary committee agenda at City Hall at least seven days in advance of~~

the meeting.

(2) (4) Inventory Procedures for Historic Downtown District

The applicant shall meet the following procedures before an archaeological clearance permit is issued for projects in the historic downtown archaeological review districts:

(a) Reconnaissance Inventory Procedures

~~Reconnaissance~~ The applicant shall hire ~~An Inventory~~ shall be completed by an archaeologist to complete an Inventory Report hired by the applicant. ~~The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet meeting the professional qualifications set forth by the State Historic Preservation Division and City requirements when the project is in the Historic Downtown District. The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet the professional qualifications set forth by the State Historic Preservation Division when the project is in the River and Trails and Suburban Districts. in Section 14-2.7(E).~~ ~~Reconnaissance~~ An Inventory Report requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, an Inventory Report ~~the reconnaissance is a written document that~~ shall consist of:

- (i) Statement of cultural history and setting based upon previously completed and accepted archaeological and documentary research, including a summary of relevant cultural/historic periods with bibliographical references

Comment [RM6]: Possibly we should rename this section "Archaeological Investigations" and provide clear guidance as to the expected procedures for each type of investigation. This would allow for a clean incorporation of many of the current internal policies and their intent.

and a summary table and map of previous archaeological activities in the vicinity;

(ii) (i) Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;

(iii) (ii) Visual survey examination of the *property* for evidence of *archaeological features, artifacts* or *culturally altered landscapes* at least seventy-five years old. Visual surveys must adhere to the State of New Mexico Standards for Survey and Inventory, NMAC 4.10.15: A sample of surface artifacts shall be recovered; and

(iv) (iii) Test *excavations* encompassing a minimum of two percent of the total *lot* area, when the project is in the Historic Downtown District. At least eighteen (18) square feet shall be dug by hand after which further *excavations* may be made by mechanical equipment. *Excavations* shall proceed to a depth where no *archaeological features* or *artifacts* are encountered, or until the maximum depth to which *excavations* can be safely made. Test excavations must adhere to the State of New Mexico Standards for Excavation and Test Excavation, NMAC 4.10.16. The Committee may also consider on a case-by-case basis the option of alternatives for the two percent



1 testing requirement based on an evaluation of whether at  
2 least one percent of the lot can be test excavated, the  
3 timing of the proposed excavation, whether the remainder  
4 of the required excavations may be made during  
5 trenching for foundations or utilities and whether there is  
6 also a need for a Monitoring Plan and Report; and

- 7 (v) Sufficient documentation, which complies with State of  
8 New Mexico Standards and including NMCRIS  
9 Investigation Abstract Form, Laboratory Anthropology  
10 Site Record Forms (if applicable), Historic Cultural  
11 Properties Inventory Forms (if applicable) and other  
12 relevant State documents.

- 13 (b) Reconnaissance Committee Meeting to Approve Inventory Report  
14 Upon the completion of the Inventory Report reconnaissance, the  
15 applicant shall request to be on the Committee's agenda for approval  
16 of the report and the a-reconnaissance-report shall be submitted by  
17 the applicant to the Archaeological Review Committee containing  
18 materials prepared to the specifications of the Committee.

Comment [RNA7]: Again, maybe replace this with archaeological investigations as it is my understanding that the ARC needs to approve all archaeological proposals, research designs, and plans.

- 19 (c) Review and Decision by Committee  
20 At a hearing the Committee shall review the applicant's Inventory  
21 submittal reconnaissance Report and vote to approve or disapprove  
22 the recommended significance status and if required, the  
23 recommended activity treatment of archaeological resources. The  
24 determination made by the Committee for treatment shall be a  
25 condition of approval for the archaeological clearance permit and the

Comment [RNA8]: Should we be more explicit about the submittal process? It technically is submitted through HP to the committee.

Comment [RNA9]: We can add an evaluation of significance comment in the ordinance but we should also outline the procedure for recommending something for significance. This brings up a broader discussion regarding what is significant to the City, the State, and the Federal government and what is the intent of our code? In regard to historic resources reviewed by the HDRB the determination of City significance is what is considered. I think we need to provide more clarity and guidance regarding significance.

~~building or grading permit.~~

- (i) If the project site is determined by the Committee not to be *significant*, then no further treatment is required and an archaeological clearance *permit* shall be issued.
- (ii) If the project site is determined by the Committee to be *significant* and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is required and an archaeological clearance *permit* shall be issued.
- (iii) If the project site is determined to be *significant*, then the applicant is subject to the requirements of Subsection 14-3.13(C)(2)(d).

(d) ~~Treatment~~

If the project site is determined by the committee to be *significant* and to contain further potential data, the applicant needs to hire an archaeologist to write a Treatment Plan. The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet the professional qualifications set forth by the State Historic Preservation Division and City requirements when the project is in the Historic Downtown District. The archaeologist shall be "City Certified" under Subsection 14-2.7(E) and shall meet the professional qualifications set forth by the State Historic Preservation Division when the project is in the River and Trails and Suburban Districts. The Treatment Plan is a written document that

Comment [RNA10]: I think we should replace treatment with "mitigation" as the intent of the word mitigation is to reduce loss or impacts.

Comment [RNA11]: Should we make the requirements for certification more blanket. This would help us incorporate External Policy 10.

**SHANDLER, ZACHARY A.**

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**From:** MCCULLEY, LANI J.  
**Sent:** Friday, March 04, 2016 4:39 PM  
**To:** SHANDLER, ZACHARY A.  
**Cc:** eckdavid@msn.com; Jake.ivey@me.com; Gary.funkhouser@state.nm.us; Derek.Pierce@state.nm.us; derekpierce1@juno.com; santafetess@msn.com; RAMIREZ-THOMAS, NICOLE A.  
**Subject:** ARC code re-write

Hi Zach,

The ARC discussed the option of putting a new phrase into the ordinance re-write as it addresses an issue in the second case of last night's hearing. This approval would need to be done prior to testing. But this was the idea:

"The Committee may consider and approve amounts of testing that varies from the 2% testing in consideration of the build environment on a case by case basis"

The concern is that the current ordinance does not specify where the 2% is located. So the ARC want to know if there is precedence for not testing where a structure may stand. Also, if it should be in the ordinance.

Do you have any ideas or comments?

Thank you,  
*Lani J McCulley*  
*Administrative Secretary*  
*Historic Preservation Division*  
*Land Use Department*  
*505-955-6605*

**RAMIREZ-THOMAS, NICOLE A.**

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**From:** RAMIREZ-THOMAS, NICOLE A.  
**Sent:** Wednesday, March 16, 2016 12:55 PM  
**To:** SHANDLER, ZACHARY A.  
**Cc:** RASCH, DAVID A.  
**Subject:** 14-2.7 Comments  
**Attachments:** Comments on 14-2.7.docx

Hi Zack,

Attached are my typed comments for 14-2.7. If this method of commenting works for you I will send you the other sections that are being rewritten next week. If you prefer something else just let me know. There are many things I do not know so feel free to provide guidance.

Thanks,  
Nicole

**Nicole A. Ramirez Thomas**  
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City of Santa Fe Land Use Department  
Historic Preservation Division  
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