



Agenda

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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, December 7, 2017 at 5:00 PM

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: November 2, 2017

E. MATTERS FROM THE FLOOR

F. ACTION ITEMS

1. Case #AR-35-2017. John Cater requests to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.
2. Case #AR-23-2017. Water Street between Sandoval and Galisteo Streets. Historic Downtown Archaeological Review District. Ron Winters, agent for Centurylink, owner, requests approval of an Archaeological Monitoring Report for 115 linear feet of trenching for fiber optic cable.
3. Case #AR-37-2017. South Meadows Road and NM599. River and Trails Archaeological Review District. Ron Winters, agent for Carlos Garcia, owner, requests approval of an Archaeological Inventory for 19.99 acres for proposed development.
4. Case #AR-38-2017. Adam Okun requests to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.
5. Case #AR-39-2017. Adam Sullins requests to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.

G. DISCUSSION ITEMS

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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December 7, 2017

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**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING
City Councilors Conference Room
December 7, 2017**

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 5:00 p.m., on December 7, 2017, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair
Tess Monahan, Vice-Chair
Cortney Anne Wands

Members Excused

James Edward Ivey
Derek Pierce

Others Present

Nicole Ramirez-Thomas, Historic Preservation Division – Committee liaison
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

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: Tess Monahan moved, seconded by Cortney Wands, to approve the Agenda as submitted, with an amendment to move Items #4 and #5 to be heard as #1 and #2 under Action Items, and then continue with the regular Agenda.

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

D. APPROVAL OF MINUTES – NOVEMBER 2, 2017

MOTION: Tess Monahan moved, seconded by Cortney Wands, to approve the minutes of the meeting of November 2, 2017, as presented.

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

E. MATTERS FROM THE FLOOR

A Memorandum dated December 7, 2017, to the Planning Commission, with attached print-out of the Conterra kmz file of the subject site, is incorporated herewith to these minutes as Exhibit "1."

Adam Okun, Okun Consulting Solutions, said he has been contacted by Conterra to do some cultural resource investigations for a Fiber Optic project for the Public Schools. He said it will be a mix of aerial/overhead lines attached to existing poles, with some boring in small segments. He said he and Ms. Ramirez-Thomas were discussing a strategy for this large project to bring it to the attention of this Committee, to make sure we get this project off to a good start from the beginning.

Ms. Ramirez-Thomas said Conterra gave her kmz files, noting she is still insisting on getting the Engineer's drawings before anything happens. Ms. Ramirez-Thomas passed around a copy of the kmz files [Exhibit "1"]. She noted the general project area, noting areas of proposed ground disturbance are noted in red. She said Conterra is looking for something that says where they can bore and where trenching would be required. She understands downtown will have to be trenched, and other areas, such as by Capital High, boring is more appropriate. She said Conterra wanted you to see the what the project is and start this discussion and get it on everyone's radar. She noted the project is substantial in length, and 90% will be above ground. She said the actual trenching and boring will be very limited.

Mr. Ramirez-Thomas continued, saying said they discussed the funding and feasibility of doing that much above ground. She said there is a challenge in that above-ground lines don't last as long as things buried underground. She said we need an official Franchise Agreement between the City and Conterra, which is being looked at right now.

Chair Eck said a lot of this is in the public right-of-way, so it is subject to SHPO.

Ms. Ramirez-Thomas said that is correct and it may be subject to Section 106 of the National Historic Preservation Act.

Chair Eck said he wants to see the engineering drawings. He said this information definitely give a sense of the wide variety of situations Conterra will encounter.

Chair Eck asked what more the Committee can do at this point.

Ms. Ramirez-Thomas said this is it at this time. She said they still are working on understanding one another. She said they know they need to present things early and frequently so thing will stay on track.

Mr. Okun said when he gets more information, he will start working on a monitoring plan to figure out which areas will be monitored and which will be surveyed. It looks like it will be a mix of survey and monitoring, so when that is more nailed-down he will work with Ms. Ramirez-Thomas to come back to this Committee with a plan.

Ms. Ramirez-Thomas asked, prior to the formal presentation of the Monitoring Plan, if it would be good for the Committee to go over the Engineer's Drawings and the Plan for some consensus. She said the last time Mr. Okun was here, he wanted to know how much leeway they have in moving the line if necessary. We can discuss those details at that time.

F. ACTION ITEMS

4. **CASE #AR-38-2017. ADAM OKUN REQUESTS TO BE LISTED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS IN THE RIVER AND TRAILS AND SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICTS.**

BACKGROUND & SUMMARY:

Adam Okun requests to be listed on the City of Santa Fe List of Approved Archaeologists in the River and Trails and Suburban Districts.

STAFF RECOMMENDATION:

Staff defers to the Archaeological Review Committee for approval of the application for listing.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add. He noted there is a CD and lots of attachments.

Ms. Ramirez-Thomas said no.

Mr. Okun said his application is based on a lot of work he has done around the fringes of Santa Fe, and Santa Fe County and surrounding land jurisdictions. A lot of his experience is in the middle and northern Rio Grande Valley, the general Santa Fe area, with some within the City, but he hasn't been permitted by the City. He asked the City to consider his wide range of experience as detailed in the application.

Tess Monahan

Ms. Monahan said she defers to her colleagues because she is a Realtor member of the Committee, but it certainly looks to her that he has documented everything adequately, including the chart.

Ms. Monahan asked Mr. Okun if he had to be permitted by the County to do work in the County.

Mr. Okun said there is no County permit, and he works under his general SHPO permit which is a statewide permit.

Cortney Anne Wands

Ms. Wands said she had no questions or comment, and recommended approval.

Chair Eck

Chair Eck had no comment, and also recommending approval.

MOTION: Cortney Wands moved, seconded by Tess Monahan, to approve the request by Adam Okun to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.

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

5. CASE #AR-39-2017. ADAM SULLINS REQUESTS TO BE LISTED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS IN THE RIVER AND TRAILS AND SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICTS.

BACKGROUND & SUMMARY:

Adam Sullins requests to be listed on the City of Santa Fe List of Approved Archaeologists in the River and Trails and Suburban Districts.

STAFF RECOMMENDATION:

Staff defers to the Archaeological Review Committee for approval of the application for listing.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add, and Ms. Ramirez-Thomas said no.

Mr. Okun said he is here on behalf of Mr. Sullins who works for his company, and who could not be here today.

Tess Monahan

Ms. Monahan had no comment.

Cortney Anne Wands

Ms. Wands had no comment.

Chair Eck

Chair Eck had no comment.

MOTION: Tess Monahan moved, seconded by Cortney Wands, with respect to Case #AR-39-2017, to approve the request by Adam Sullins to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.

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

1. **CASE #AR-35-2016. JOHN CATER REQUESTS TO BE LISTED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS IN THE RIVER AND TRAILS AND SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICTS.**

BACKGROUND & SUMMARY:

John Cater requests to be listed on the City of Santa Fe List of Approved Archaeologists in the River and Trails and Suburban Districts. At the Archaeological Review Committee hearing on November 2, 2017, the Committee requested the applicant provide a chart of experience before taking final action to list Mr. Cater on the List of Approved Archaeologists for the City of Santa Fe.

STAFF RECOMMENDATION:

Staff defers to the Archaeological Review Committee for approval of the application for listing.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add.

Ms. Ramirez-Thomas noted that she didn't include the rest of the printout from his CD since she had included the requested table.

Tess Monahan

Ms. Monahan had no comment.

Cortney Anne Wands

Ms. Wands had no comment.

Chair Eck

Chair Eck had no comment.

MOTION: Tess Monahan moved, seconded by Cortney Wands, with respect to Case #AR-35-2017, to approve the request by John Cater to be listed on the City of Santa Fe list of approved archaeologists in the River and Trails and Suburban Archaeological Review Districts.

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

2. **CASE #AR-23-2007. WATER STREET BETWEEN SANDOVAL AND GALISTEO STREETS. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR CENTURYLINK, OWNER, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL MONITORING REPORT FOR 115 LINEAR FEET OF TRENCHING FOR FIBER OPTIC CABLE.**

BACKGROUND & SUMMARY:

Request for approval of a final report for the monitoring of 115 linear feet of trenching for the installation of fiber optic cable. The archaeologist monitored the excavation and ~~fund~~ found 30 artifacts in the sidewalls and backfill of the trench. An archaeological site was not recorded as the artifacts were scattered throughout the trench.

STAFF RECOMMENDATION:

Staff recommends approval of the report as it complies with 14-3.13(B)(4)(a) Archaeological Clearance Permits, Applicability, Utility Mains and 14-3.13(C)(4)(d) Archaeological Clearance Permits, Procedures for the Historic Downtown District, Treatment.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add.

Ms. Ramirez-Thomas said no.

Mr. Winters said this is similar to the one on Montezuma off Guadalupe. He said 2 sherds pushed it back between 1800 and 1880, and other than that the stuff was very light. He reiterated it was not in a defined feature, just a general scatter throughout.

Tess Monahan

Ms. Monahan said she always likes to get pieces of history.

Cortney Anne Wands

Ms. Wands said Mr. Winters may want to double check his sites within 500 feet, listed on packet pages 31 and 32.

Mr. Winters asked if he included too many or not enough.

Ms. Wands said not enough, and it seems like all of the sites listed are over 500 feet, and the sites within 500 feet aren't there, mainly those to the south. It doesn't include sites to the north under 500 feet, but includes sites to the south that are more than 500 feet.

Ms. Ramirez-Thomas asked if it is more like the circumference is off.

Ms. Wands said it may have been that most of the area was off, and it was shifted south.

Mr. Winters will look at that and clean it up.

Ms. Wands said she knows that some of the places in that area have burials, but are not within the project area.

Mr. Winters said, "As you know, it gets a little ridiculous downtown trying to tease out one, especially when it is just a big circle, and you tease out, is this in or is this out." He said he will look at that "and fix it closer."

Ms. Wands said in the Methodology, on packet page 37, he says, "Artifact analysis was conducted in the field." However, he had two outside analysts to conduct an analysis for "faunal and ceramic," although it wasn't in the field.

Mr. Winters said he will make that correction.

Ms. Wands said on packet page 53, the NIAF is actually a negative report because "you don't have a site."

Mr. Winters said it's not that he didn't find anything, but he didn't identify it, so he will correct that.

Chair Eck

Chair Eck said in the Introduction, and he thinks it occurs elsewhere, Mr. Winters uses the future tense, and the monitoring report should describe it as having been done. He said Mr. Winters might want to check his present and future tenses against past tenses throughout the report.

Mr. Winters said he will do so.

MOTION: Tess Monahan moved, seconded by Cortney Wands, with respect to Case #AR-23-2017, to approve the Archaeological Monitoring Report for 115 linear feet of trenching for fiber optic cable on Water Street between Sandoval and Galisteo Streets in the Historic Downtown Archaeological Review District, as requested by Ron Winters for CenturyLink, with the aforementioned corrections integrated into the Report, finding it complies with 14-3.13(B)(4)(a) Archaeological Clearance Permits, Applicability, Utility Mains and 14-3.13(C)(4)(d) Archaeological Clearance Permits, Procedures for the Historic Downtown District, Treatment, and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.17.

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

3. CASE #AR-37-2017. SOUTH MEADOWS ROAD AND NM 599, RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR CARLOS GARCIA, OWNER, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL INVENTORY FOR 19.99 ACRES FOR PROPOSED DEVELOPMENT.

A copy of two drawings done by Ron Winters, Agent for Carlos Garcia, are incorporated collectively herewith to these minutes as Exhibit "2."

BACKGROUND & SUMMARY:

The archaeologist performed a survey of 19.99 acres in the River and Trails District. A known eighteenth century Spanish Colonial site was recorded. A portion of the site is located on Bureau of Land

Management land. The site was recorded three times prior to the current investigation and was recommended as eligible under Criterion D to the National Register of Historic Places and as eligible to be listed on the State Register of Cultural Properties. The archaeologist notes that the site is subject to adverse effects which include a bladed road that bisects the site. Avoidance of the site during construction and post development is recommended. No unknown archaeological sites were found. Five isolated occurrences were recorded.

STAFF RECOMMENDATION:

Staff recommends approval of the report as it complies with 14-3.13(B)(2) Archaeological Clearance Permits, Applicability River and Trails Archaeological Review District and 14-3.13(C)(5). Procedures for River and Trails Area, Suburban Area and Utility Mains. Staff suggests a Memorandum of Understanding be established between the property owner and the BLM to ensure protection of the site.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add.

Ms. Ramirez-Thomas said she has nothing to add at this time, but probably will have additional comments as the Committee discusses the case.

Mr. Winters said he provided a handout of drawings of the area [Exhibit "2"] to the Committee. He said Monica Montoya, Land Use Consultant, provided the drawing showing the proposed easement. He said there is an existing easement on the property showing it 180 ft. north and 60 feet to the east. Both the Post recommendation in 2012, and Mr. Winters' recommendation after remapping the site, recommended pushing it further to the east by 130 feet.

Mr. Winters continued, saying as you have seen, this site has been looked at numerous times, noting he included the 3 site maps in the Report. The original recording is by Lange, but unfortunately doesn't have the scale. He said Townsend remapped the site in 2004, and Post in 2001 and 2012, and he included those maps. He found some discrepancies, but his documentation is closer to Townsend's in 2004. He said one issue he found with Post's 2012 map, was that Feature #4, which is the most important feature on the site believed to be structural remains, is shown by Mr. Post on private land within our project area. In fact, it is on BLM land.

Mr. Winters continued, saying another thing he did in recording this site to get precise documentation, he pit flagged everything visible on the surface – every artifact and feature. And then he point provenienced all of them. He said all the cobbles you see in the concentrations are what is there. He said all of the artifacts, the 215 sherds, the 23 lithics and the 6 features were documented and mapped accordingly prior to his documentation. So he assessed their condition, noting in a few cases there were less river cobbles than originally recorded, which were transported from River bed to the site.

Mr. Winters continued, saying Ms. Ramirez-Thomas was at the site, and an observation they were making is that it appears the artifact concentrations relate to these features, #6 being the artifact concentration #3. Artifact concentration #1 is described on "their" maps as a midden relating to feature #4. He said Artifact concentration #2 doesn't seem to relate to either one or both. He said he and Ms. Ramirez-Thomas wonder if there was a feature where the road is now that took out another feature that no longer exists.

Mr. Winters continued, saying he was disturbed to see more ATV activity along the southern ATV Track where Feature #5 is, where they have driven through it, and then below, off the site on the terrace edge where there is recent damage. He said in 2012 Post recommended avoidance or protection if they didn't do the project, but it appears nothing has been done to the site since then. He said Ms. Montoya wants to ask the Committee's opinion about this. He said his recommendation is avoidance/protection or mitigation – testing and data recovery. He said Ms. Montoya told him when she spoke with the BLM they told her there was a 15 foot buffer. However, he thinks whoever she spoke with mis-read the map. He said on Post's map of 2012, it is a 50 meter buffer which is quite different. So he thinks she was misinformed in that regard. He said, "First and foremost, I think it is an important site and I think it needs to be studied or completely protected until at some point, funds are needed if required to do something other than that."

Monica Montoya, Montoya Land Use Consulting, Inc., said her client Carlos Garcia owns the portion of the parcel or the area about which Mr. Winters is speaking about this evening, specifically, a lot of the work or a lot of the finds in the area he mentioned. She said, "Our property boundary is right 'here,' and so we're particularly interested in what their options are for potentially using this area for the development, not so much perhaps buildings, but perhaps maybe open space. You know, meet our open space requirement for development, etc. And we definitely respect the Archaeology Ordinances of the City, and if they cannot, we just would like to know what our options are."

Ms. Montoya continued referring to Exhibit "2," said, "And so as Ron mentioned, the easement that he is proposing kind of comes off the page and it is confusing... tell me if I'm getting it right, Ron... kind of something like 'this.' 'This' is our parcel right 'here,' our parcel and then the proposed easement area is in 'here.' And so we originally proposed...."

Ms. Helberg, Stenographer, asked for more specificity in speaking to the site instead of using terms such as 'this,' or 'here.'

Chair Eck said, "What we're seeing in this map is an illustration of just the southwesternmost corner of the parcel proposed for development. And the key information is that the actual corner of the parcel is in the site, and the proposed easement to protect that portion of the site would cut off approximately a square portion of the southwest corner of the parcel. And the precise measurements of those, I couldn't begin to guess."

Mr. Winters suggested asking Ms. Helberg to look at packet page 42 of the Report, as depicted in Figure #16, which describes what we have just been talking about.

Ms. Montoya said, "Essentially, not being an expert and the wonderful work that you guys do, I'm just wanting to be able to report to Carlos what his options are for that area of land. What does it mean. Does it mean we just need to rope it off, or cut it off and leave it in its natural state forever, however we do that. Or are there options for mitigating what is there. That is basically it. What are our options."

Ms. Ramirez-Thomas said, "I do think the easement, because it is a formal easement, would help go toward your open space requirements, so I think that could be a potential. I don't know exactly what zoning is 1A out of that open space requirement, if it has to be usable or if the easement itself is enough. The other thing that I did suggest in my recommendation was that maybe there should be some agreement between that property owner and the BLM, because they kind of share the site. It doesn't seem like anybody is managing it. And I brought this up to Bob Estes, and he said certainly this is a possibility and we would have to talk to the BLM. But I didn't know how you all felt about that either."

Ms. Montoya asked Ms. Ramirez-Thomas what she is proposing the agreement would consist of. What kind of arrangement, and what exactly are the terms she is looking for.

Ms. Ramirez-Thomas said it could be done a few ways. BLM could be the site steward, if it is willing, through an MOU. There are lots of ways it can be structured. There is some element with this kind of site, and the owners would be presented with a challenge to ensure it is protected properly. She said a substantial part of the site is on BLM land and the BLM would make sure no ATV tracks are going through the site. There is the option to mitigate through data recovery of site, but she doesn't know if it is the best option.

Ms. Montoya said she will look into an agreement with the BLM, but it doesn't seem BLM is caring very well for the site right now. She said in reading Ron's report, not much is being done to protect the significant artifacts which exist. She doesn't know how to proceed with such an agreement, and would ask for direction from the City. She asked if they go to the BLM office, does the agreement have to go through City committees, how much time it would take and what would be the impact on their application moving forward. She said they will commit to do whatever the Committee wants them to do on their site within their property boundaries. However, they can't commit to anything on property that is outside their property and control.

Mr. Winters asked if there is a certain amount of square footage that has to be set aside, because of the size of the development – is it a percentage – in terms of open space.

Ms. Montoya said they may not need it, and they may be able to do that elsewhere on the site. She said the requirement for open space is that 25% of the site is left for openness, without buildings, parking and such.

Mr. Winters said Ms. Ramirez-Thomas had said that this potentially could be a part of them honoring their open space commitment.

Ms. Montoya said as long as there isn't a Code requirement requiring it be accessible to the residents of the community, but she doesn't know the answer to that.

Ms. Montoya continued, saying they have made commitments to the neighbors of the area for an equestrian trail, but she doesn't know if that is a possibility if they do remediation along "this" property line. She is asking for the Committee's expertise – what can they can do in the area and what are their options. Option #1 leave it alone, and #2 if there is remediation, what could that be.

Chair Eck said the area referred for the equestrian trail was along the westernmost edge of the property, noting Figure #16 depicts something labeled as an access and utility easement. He said when there are multiple easements involving the same piece of real estate, it seems as if all of them are compromised to some extent. So if we approved an archaeological easement, we have established a conflict with 2 utility easements. He noted the existence of the informal access on the road that goes through the site, and the other informal access by the ATV traffic which may not encroach directly on the proponent's parcel at the moment within site boundaries, but it's probably only a matter of time.

Chair Eck continued, saying an equestrian route through the site would not be a good idea, because horse folks would soon reduce that part of the site to nothing, and would create the potential for an erosion problem.

Ms. Montoya asked if remediation of the site is an option.

Chair Eck said yes, but said it the least likely option with which they would be happy, because testing and data recovery is quite expensive and lengthy. He said to do it correctly there needs to be an orderly production of research designs and deliberations on what constitutes acceptable levels of effort. It could take months to arrive at that, and months to implement. He said a year from now you could have the end result, although it could be faster. It certainly is an option, but the money is going to be a factor.

Ms. Montoya wants to be able to give her client his options and let him decide what would be best.

Ms. Monahan asked what kind of preservation would be required to respect and protect the sites that are marked. She asked if the site has to be fenced, or taped off and unusable. She said if this is the case, how could anybody develop anything.

Chair Eck said there is always a balance between protection and accessibility. He said the protection might not be compatible with long term preservation to have any possibility of traffic and human interference with what is out there. He said artifacts tend to go home in peoples pocket, and traffic will promote destruction and erosion. So to preserve it as is, he thinks it would have to be fenced.

Mr. Winters said his recommendation is for fencing.

Chair Eck said that could lead to complications. He said if the entirety of the property is fenced, then a fence around this little corner would not be an obvious thing. But if it is not fenced entirely, the appearance of a little square fence is like "waving a sign saying, something's right here." That would lead to interest and probable trespass, and probably destruction of what is on the neighboring property which is 90% BLM and 10% other property owners to the south, about which we know nothing.

Mr. Winters said it is BLM as well. He said on packet page 37, when he first did a survey, he did the southern boundary and the western boundary which all are BLM parcels.

Ms. Ramirez-Thomas said it may not always be BLM property.

Ms. Montoya said the County is working with the BLM to build a pedestrian trail along the Santa Fe River on BLM property. She doesn't know how that trail impacts the archaeology findings, but does know that pedestrian trail is anticipated which might add to the Committee's concern of protecting what is out there in terms of public pedestrian traffic along the Santa Fe River, and how that can be protected.

Mr. Winters said that is Mr. Post's survey and his recommendation for the site in 2012 to the BLM was to build a fence.

Chair Eck said the net result of all the surveys and recommendations is that so far, nobody has done anything to protect it.

Ms. Monahan said no guidance has been provided, and it seems inappropriate to deprive a landowner from doing anything with the property because nobody can decide what to do.

Ms. Ramirez-Thomas pointed out that this is a small part of the property, less than 5% of the acreage.

Ms. Montoya said it is an area of 150 x 180, which 2,700 sq. ft., noting the entire Tract #2 square footage is 19.99 acres, so it is about ½ acre out of the total some 20 acres.

Ms. Ramirez-Thomas asked if the dirt road through the site will remain.

Ms. Montoya said there are some squatters on the southeast corner of Tract 1, which is on Mr. Winter's plat, on report page 42. She said buildings are shown on the southeast corner, and the squatters are there illegally. She said Mr. Garcia will deed that property to them when he develops. She said they believe all of the roads created in Tract 1, including that road on the Southwest corner of Tract 1, were created by those squatters.

Mr. Winters said there are a lot of abandoned vehicles, shacks and junk at the site.

Chair Eck asked if this site will be divided into 3 tracts with 3 individual owners, or if the 3 tracts somehow are going to be combined.

Ms. Montoya said, ".... the goal is to develop the 19.99 acres and create a subdivision for the squatter property on the Southeast corner, so yes, there will be a subdivision. There will be 3 lots. That is the correct answer to your question." She said the squatter property on the Southeast corner for the squatters will become the 3rd parcel.

Ms. Ramirez-Thomas said then this will be multi-family.

Ms. Montoya said yes, they have approval from the Governing Body for a multi-family development of 355 apartment units.

Chair Eck said if it's not chain link fence with concertina wire and surveillance cameras, you "can kiss this place goodbye. It's going to get trashed instantly."

Mr. Winters said he imagined chain link fence when he made the recommendation for a fence, not a barbed wire fence.

Ms. Montoya said so they will have the apartment community as well as the pedestrian trail along the Santa Fe River in the BLM property eventually.

Ms. Helberg clarified that there is only one family of squatters.

Mr. Winters reiterated that his recommendation is secured fencing on the site limits, and there are only a couple of options – archaeological monitoring or data recovery. His first preference is for secure fencing of the site limit and archaeological monitoring. He said, "The problem with data recovery and testing is you're only capturing 'this' much of it, where you've got all of 'this' going on that is as much or more important than what is happening over 'here.' He said the sherds tell us that they are contemporaneous. He said, "My real preference would be that the whole thing gets chain link fenced, but that's something you have to coordinate with the BLM."

Chair Eck said, "And whether they would be amenable to such a thing. But earlier in your *[inaudible]* maybe the BLM could be kind of a steward. Well yes, if the whole thing got fenced as a single thing and they watched over it, then that would be some degree of protection. But they have to be ready, willing and able to do so."

Ms. Montoya asked if the Pedestrian Plan has been before this Board for approval, or do they need to come before this Board for approval.

Chair Eck said pieces of things that relate to the work along the River have come to this group, but he doesn't recall the trail specifically. He knows it exists as a Plan because it impinges upon some State Trust Land downstream. And for the same reasons that you expressed concern for that kind of traffic and the attractiveness of this area, we had the same problem. The trail currently is slated to be a long way from any identified archaeology, although he doesn't where the trail is planned here, and whether or not it is a long way.

Ms. Ramirez-Thomas said it would be a good distance, and would imagine it would slope down and then along the terrace. She said it is pretty high above the terrace of the River.

Chair Eck said distance is always something to be desired. He said all of the roads sort of negate the advantage of distance. He said once they are out there, people will follow a trail if it is possible.

Chair Eck said, "Just an opinion, I think I share your general preference for protective fencing as an attempt to preserve this thing. But it would be a lot more effective if it was a cooperative effort between several land owners."

Ms. Ramirez-Thomas said perhaps the place to start is to talk with the BLM.

Chair Eck said it would require getting a BLM archaeologist out there on the ground with her and Mr. Winters.

Ms. Montoya said then for the purposes of her development, our options are to fence the site or do data recovery for their portion.

Chair Eck said right now that sounds like the only two options.

Ms. Monahan asked if the area could be fenced during the term of construction which would protect it from trucks, cement trucks and all of that traffic. She said it isn't going to be developed overnight, and then as it is developed consider what other solution would present itself, if any.

Too many people talking at the same time.

Ms. Monahan said it would be a phase-in kind of protection, commenting the youth and the cost would dictate how great the protection would have to be.

Ms. Montoya asked if the Committee would rather see the artifacts secured and protected – take what is there and move it somewhere else. Or would the Committee rather see it realistically being unprotected if someone climbs the wall making messes behind the wall.

Ms. Ramirez-Thomas asked the timeline for the development.

Ms. Montoya said probably the Fall to Christmas 2018. They are just now working on their Development Plan for approval in May-June. So, probably a year from now they will break ground.

Ms. Ramirez-Thomas asked how long the build-out will be.

Ms. Montoya said the plan is to do it in 2 phases. Potentially in phase 2, they might develop Tract #2 first, and then the Tract #1 development around 'this' area might be next year. So there is definitely time.

Mr. Winters said he would note, as long as the site has been there and as many times as it has been recorded, the only intentional vandalism to the site in Artifact Concentration #1, is there is a small oval that Townsend identified as a collectors' pile, and Mr. Post calls it a concentration. There are a lot of

sherds in one little concentrated area. This is the only thing of note where it looks like somebody has realized that this is an artifact and "who knows what they've taken," but it looks like it was just piled up in a little collector's pile. He said beyond that, the damage that has been done is just out of ignorance and unintentional. He said as an archaeologist, his preference is to leave in its natural state. He said there are thousands of sherds in boxes in museums.

Ms. Monahan said then he prefers to leave the site as is, unless it contributes to bigger vision and understanding.

Chair Eck said, because a site of this nature and time period is relatively rare in our immediate area of experience, it definitely is worth preserving. He said the down side of preservation, is if we can't guarantee long-term integrity, we're not doing anybody any favors. This is why the other side of the coin appears, the one Mr. Winters is offering as his second choice, testing and data recovery, would remove it forever from concern. It is a final act, because archaeology, by its nature, absolutely and utterly destroys what we investigate.

Ms. Ramirez-Thomas said the number one question for her is whether this can be used as part of the open space credit, and asked Ms. Montoya if she is willing to do that – give this up for open space.

Ms. Montoya said she would if it doesn't require a variance.

Ms. Ramirez-Thomas said she has a question regarding the planned utility easements for this corner for this plat and how adjustable that could be.

Mr. Winters said the whole nature of an archaeological easement is that no ground disturbing activity will occur in that area. He said if that is the final decision, those utilities can't go through there.

Ms. Montoya asked if there are any utilities there.

Mr. Winters and Ms. Ramirez-Thomas said no.

Chair Eck said no, commenting those typically are drawn on the plats and something conceptual for use at some future time. So if they could somehow be redrawn to go around the archaeological easement without crossing it, then it would seem they could coexist side by side. But when they are in the exact same place, the most extreme example is in the Southwesternmost corner, where all 3 come together and it would be nightmare trying to *[inaudible]* disturbance.

Mr. Winters said he agrees with the Chair that they were just drawn in without any consideration. He said, in fact, the easement was on the plat, although smaller than he recommended, but it was there, and they still just "drew these linear down the western edge and I don't think that was ever gone through."

Ms. Ramirez-Thomas asked the year of the Plat.

Ms. Montoya said she has the original, but she didn't bring it with her.

Mr. Winters said it is shown on report page 8, Figure #2, noting May 24, 2013 is the date on the official plat.

Ms. Ramirez-Thomas we are presuming that this archaeological easement is a City easement, and the language is different now to make it clear that it is a City of Santa Fe easement. She doesn't think it is a State easement.

Mr. Winters said he asked Monica if she knew who put it on there, and she didn't hear back from the surveyor, but it was on there when he got this.

Ms. Montoya said she can investigate that a little further if she can get in touch with the surveyor. She said there also is a 15 ft. utility easement right along the south boundary line. She said one of the options for sewer service to the development is via an existing sewer line within the Santa Fe River. She said it is possible that they will have to re-think this, but she is assuming the most effective way to bring sewer to the development would be through that easement along the west property line. She said, "We'll have to re-think that, obviously."

Mr. Winters said it could be shifted to the east side.

Ms. Montoya said, "Yes, that's something we'll have to investigate. That's something we're going to have to do, it's a decision of this Committee."

Ms. Monahan said it is such a complicated question.

Ms. Montoya agreed, saying it seems a little odd, from their standpoint because they can do all kinds of things to preserve what is on their site. Number one, is a 6 ft. wall will look weird around that corner as the Chair stated. It will look odd and it won't keep anyone out of there and it doesn't protect the most significant site which is on the BLM land, the structure.

Chair Eck said, "And in fact, in order to fence the portion that is on the plat, suggested as an archaeological easement in Ron's Figure, you would have to build a fence through the site, and that has to be something that is considered carefully and monitored. And, if you were building a wall, you would essentially have to dig the whole wall foundation."

Mr. Winters said he would monitor a fence construction. He said the unfortunate thing, if you look at that from the BLM north, is it really misses both the artifact concentration #2 and Feature #4.

Chair Eck said, "So, it's a fairly buildable alignment."

Mr. Winters said, "Exactly."

Chair Eck said, "A fence could go there with minimal impact."

Mr. Winters said yes. "What I would say, if you are doing chain link, you put the poles so they are not right in close proximity to Feature #4. But just in terms of logistics, there is a narrow corridor through that site in both directions, so it would work."

Ms. Montoya said it will work, but it's not going to keep people out of there and protect the site, which is, as you mentioned, what the Ordinance is intended to do.

Ms. Ramirez-Thomas said the realignment would have to be monitored as well.

Ms. Montoya said, "Right. It's going to have to be excavated and it has to get approval from this Committee as well for the monitoring. Actually, if we did the sewer line outside of the area that is recommended for protection...."

Chair Eck said, "Yes, then the concerns are greatly lowered, but it still has to be monitored."

Ms. Ramirez-Thomas said, "But yes, there's not so much worry about the site. It's to give you a heads-up that the sewer line will need to be.... unless it's less than 550 feet, but I doubt it, because it's coming up from the River."

Ms. Montoya said, "I'm sure it isn't. From our property, it probably is, yes, at least 180 feet from our property line into the site."

Chair Eck said, "In all likelihood, it will require monitoring."

Ms. Monahan said there is a road bisecting the property, which is a degraded site anyway. None of that is preserved. She asked, "Why couldn't that activity go through the road. It's not a County road. It's not a public road, but it is a road. It's already been ruined."

Chair Eck said, "But perhaps not, but yes, you're thinking like a manager. It's already been damaged, is there a way we can go through here without causing additional damage."

Ms. Monahan noted it isn't documented as having any sites on it.

Mr. Winters said, "In the road cut, in the sidewall, there are sherds you can see, I've documented and mapped in. There is a very large sherd that I actually reburied, covered up, figuring it was exposed to the sidewall of the road cut 'there' and 'there.' So there are a few where it slopes into... it's deeply trenched. Nicole will tell you it's quite deep, especially as it gets closer to the River."

Chair Eck asked, "Where does it go, is there another road along there..."

Too many people talking at the same time

Ms. Ramirez-Thomas said, "It could have been... like straight down the bank, like one of those River roads, but I didn't even see where it would come out on the other side."

Mr. Winters said the other side is so *[inaudible]*.

Ms. Ramirez-Thomas said, "There is a gravel quarry over 'there.' So you might be able to go down into the River and then along that other side, and then come up through 'there.' That's what I'm thinking that the road does, but it's just one of those River roads."

Ms. Monahan said it could have been one of those sites that people took from *'inaudible.'*

Too many people talking at the same time.

Mr. Winters said the squatters in the corner may use it to come out of there.

Ms. Montoya said, "It's a mess back there. It really is."

Ms. Ramirez-Thomas said she was shocked and surprised.

Chair Eck asked, "Is it appropriate for you [Ms. Ramirez-Thomas] to speak to BLM about this to see if there is some way the City and the BLM could cooperate on something that could be more encompassingly protective and keep you limited to, yes this area is set aside as open space, but the actually accomplished protection is more than that you yourselves do. And if we get an answer that is no, we can't cooperate with you to do anything about this, it's all on you the City. And you, the owner/developer may have a different picture than I've got right now."

Ms. Ramirez-Thomas said she will speak to Bob Estes at SHPO, to make sure it is okay for her to talk with the BLM, or if we all need to get together and have a meeting at the State Historic Preservation Office. She mentioned it to Mr. Estes, and he said to talk to talk to *[inaudible]*, and then we'll make a decision. So we'll figure that out and then we will know. If, for example, BLM said no way they are fencing their area, then we know they don't want to participate and we have to figure out the best option. Is it the best option to fence a portion of the site, or to do some kind of testing and data recovery on the portion of the site that is on BLM's property.

Chair Eck said then it will be in the "good hands" of the Federal Government.

Ms. Montoya said at a minimum it could be put in a safe place where it can be enjoyed 100 years from now, and not end up in a trash bag.

Chair Eck said it is possible to establish an easement for the protection of the site right now. And in the future, perhaps move into something else. Then, ultimately, we could vacate the easement contingent upon some appropriate data recovery, and then it becomes just more space on the property that is open space to be used by the residents, or whatever.

Responding to Ms. Ramirez-Thomas, Mr. Winters said, "This is what I was recommending to do to preserve it now to get your project going, and then decide in the future about the money and time and do we want to go ahead and do this, but protect it, immediately."

Ms. Montoya said having worked for government for 25 years, she knows how things work. She asked the timeline to get back to her after speaking with the BLM to tell her what "we should and shouldn't be doing." She understands the condition to be to fence the area and monitor it, action #1. Or, #2, remediate. These are their two options to proceed in the event there is no response from the BLM in a reasonable time.

Ms. Ramirez-Thomas said, "So, let's say that by the next meeting, which is January 11, 2018, that we'll have some sense of.... I think it is unlikely that BLM just completely won't respond. I think they'll just say, yes we're going to do this, or no we're not. So I don't think it would take that long to do."

Chair Eck said the BLM can agree to concepts and commitments to pursue things, but they wouldn't necessarily have any money to do anything for 5 years or who knows. However, as long as they are willing to cooperate with you and the City, then that is enough assurance for the Committee to make a decision as to "okay, let's go down this path." However, if we get a no, then you may be correct that the best thing for you to do ultimately is to fund the testing and data recovery on that portion on your property. Meanwhile, if it costs nothing to wait for the BLM's answer and participate in planning, then it is a good deal for you.

MOTION: Tess Monahan moved, seconded by Cortney Wands, with respect to Case #AR-37-2017, to approve the Archaeological Inventory, and the archaeological easement as presented, for 19.99 acres for proposed development at South Meadows Road and NM599 in the River and Trails Archaeological Review District, as requested by Ron Winters for Carlos Garcia, finding it complies with 14-3.13(B)(2) Archaeological Clearance Permits, Applicability River and Trails Archaeological Review District and 14-3.13(C)(5), Procedures for River and Trails Area, Suburban Area and Utility Mains.

DISCUSSION: Ms. Montoya asked that the condition also state for the record, that the options are, for the record, to fence and monitor the site, or to remediate with recovery.

Ms. Monahan said she believes that is articulated in the Report.

Chair Eck said establishing the archaeological easement is the important thing from our perspective now. He said if she wants to vacate it next month, that's fine, or to go to for the data recovery option, that is fine, and "we would be more than happy for a data recovery and testing effort, but it has to make sense for the applicant and the economics involved."

Responding to Ms. Montoya, Chair Eck said data recovery and testing would not reach six figures in any situation he can imagine.

Mr. Winters said more importantly, money is a factor, but it is also the time element, because there are multiple steps involved.

Ms. Ramirez-Thomas said, "So by the time that you are ready to break ground next fall, it could still be kind of going on...."

Mr. Winters said it could be in the winter as well.

Ms. Montoya said that could work for them.

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

Ms. Ramirez-Thomas said she will send a follow-up email for clarification, to include the Chair.

Mr. Winters said he wants to participate in any meetings.

G. DISCUSSION ITEMS

There were no discussion items.

H. MATTERS FROM THE COMMITTEE

There were no Matters from the Committee.

I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

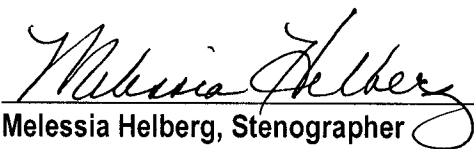
Ms. Ramirez-Thomas said the next meeting will be on January 11, 2018, at 4:30 p.m., in the Councilors Conference Room.

J. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Cortney Wants moved, seconded by Tess Monahan, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 6:30 p.m.


Melessia Helberg, Stenographer

 11 January 2018
David Eck, Chair

City of Santa Fe, New Mexico

memo

DATE: December 7, 2017

TO: Planning Commission

FROM: Current Planning Division

RE: Additional Information

The attached information is not in your December 7, 2017 Planning Commission packet. The information is in the following order:

Case #2017-112. Contenta Ridge Apartments Development Plan.

- Correspondence.

Exhibit "1"

Conterra KMZ

December 2017 Design Plan Segment Off of Llano Street



Legend

- Aerial
- Aerial ph 1
- Camel Rock Casino
- Canal
- Casa Grande Trading Post
- Feature 1
- Feature 10
- Feature 11
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- HWY
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- O/H Guy
- PH
- Physicians Medical Center of Santa Fe
- RR
- Santa Fe
- Santa Fe National Forest
- School
- Ski Santa Fe
- UG

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Conterra KMZ

December 2017 Design Plan Segment Off of Galisteo Street



Legend

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Conterra KMZ

December 2017 Design Plan Segment Off of Coronado Street



Google Earth
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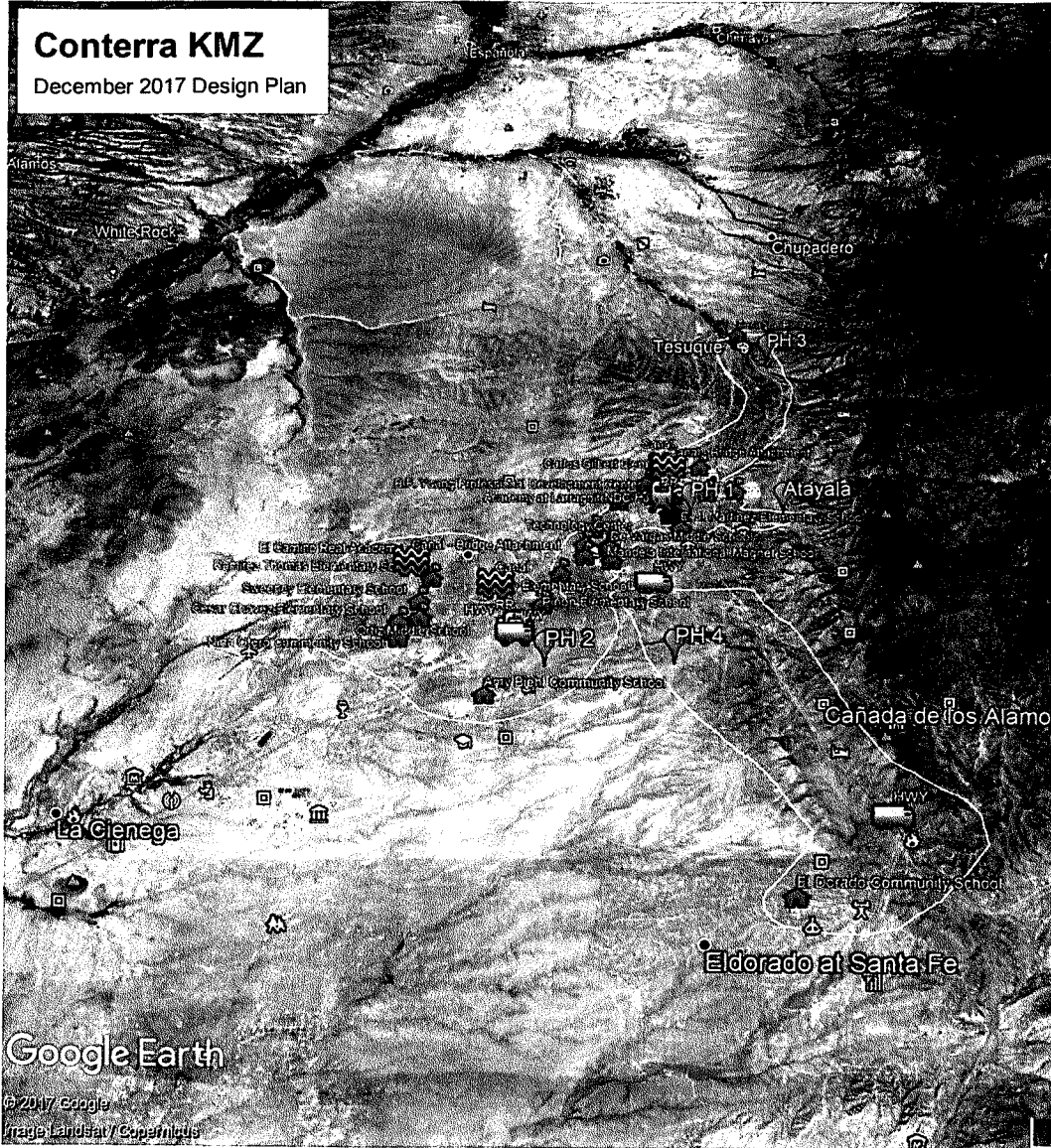
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Conterra KMZ

December 2017 Design Plan



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






Google Earth

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Image Landsat / Copernicus

Conterra KMZ

December 2017 Design Plan Segment Off of Camino de Cruz Blanca and Camino Cabra

Legend

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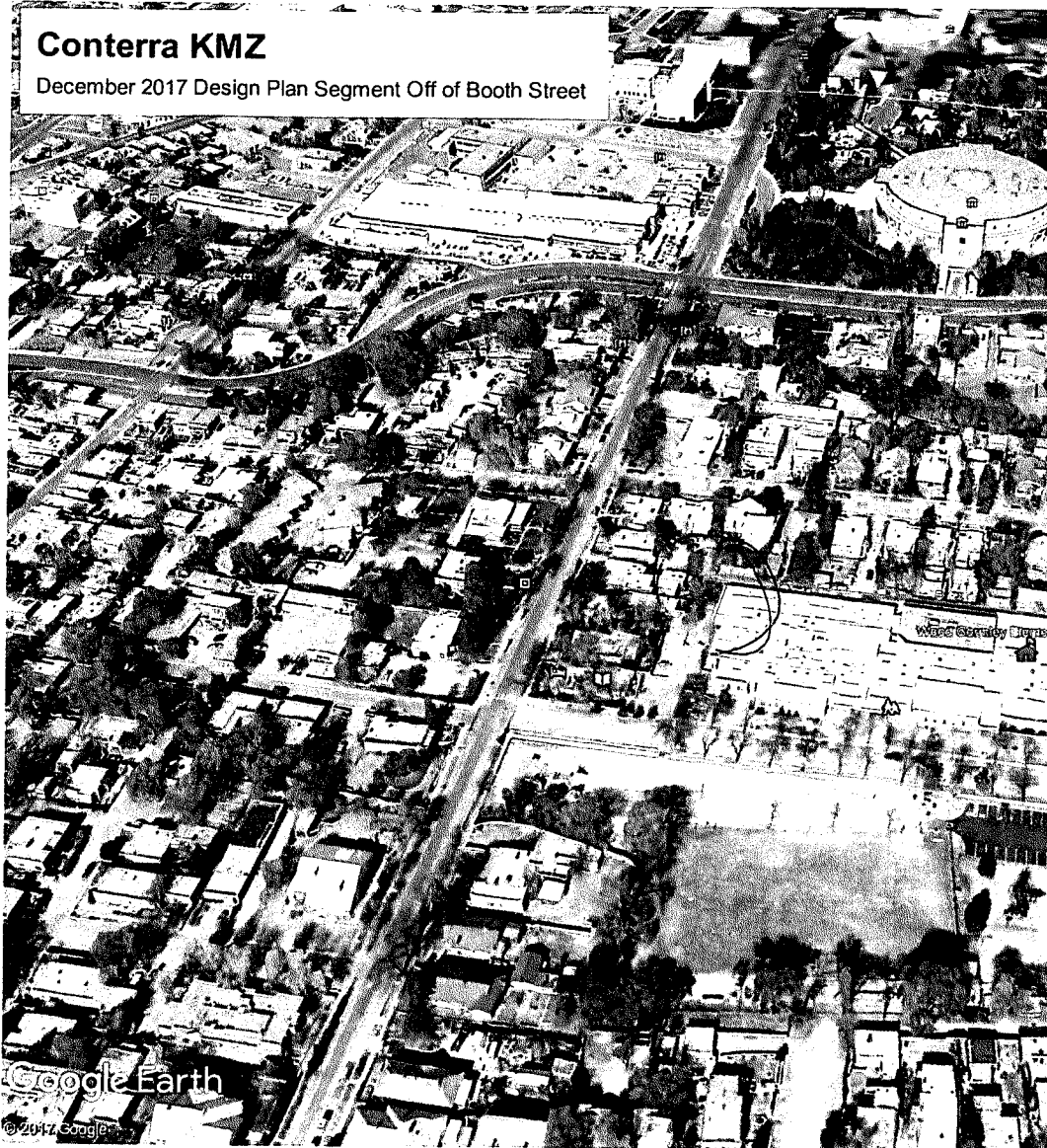
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Conterra KMZ

December 2017 Design Plan Segment Off of Booth Street



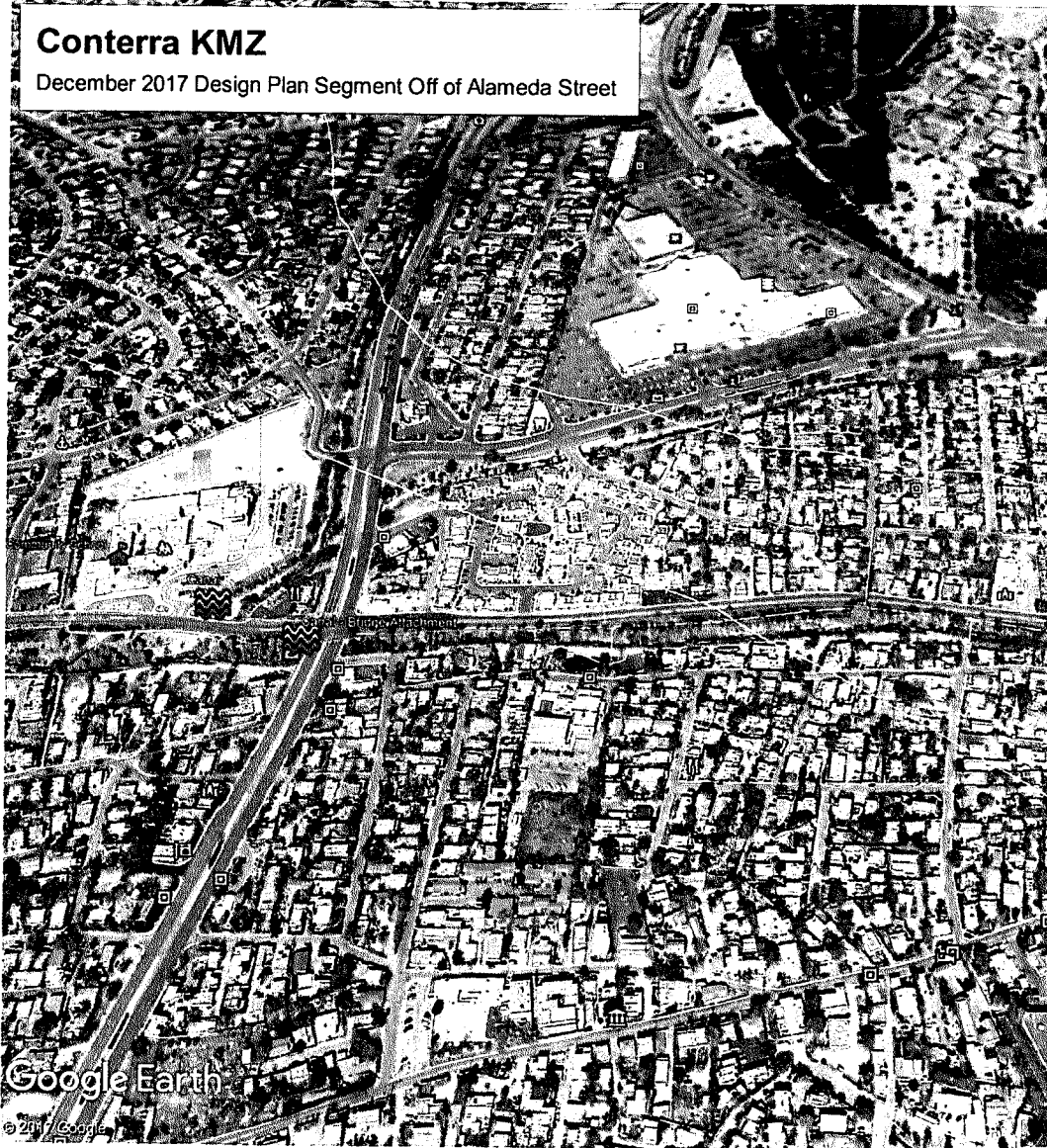
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Conterra KMZ

December 2017 Design Plan Segment Off of Alameda Street



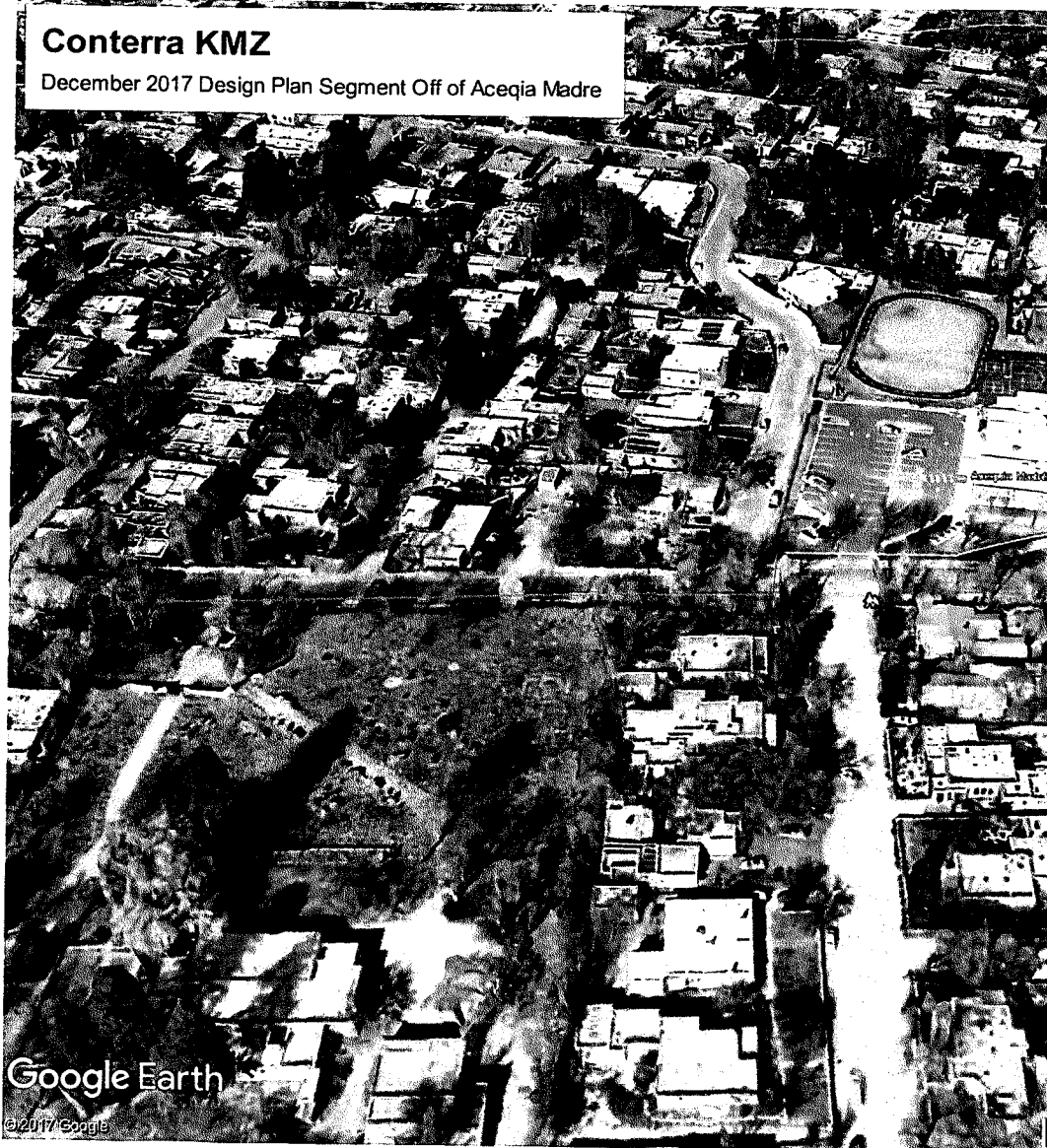
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Conterra KMZ

December 2017 Design Plan Segment Off of Aceqia Madre



Google Earth

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Legend

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Conterra KMZ

December 2017 Design Plan Segment in Tierra Contenta



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Conterra KMZ

December 2017 Design Plan Segment at Cottonwood Road



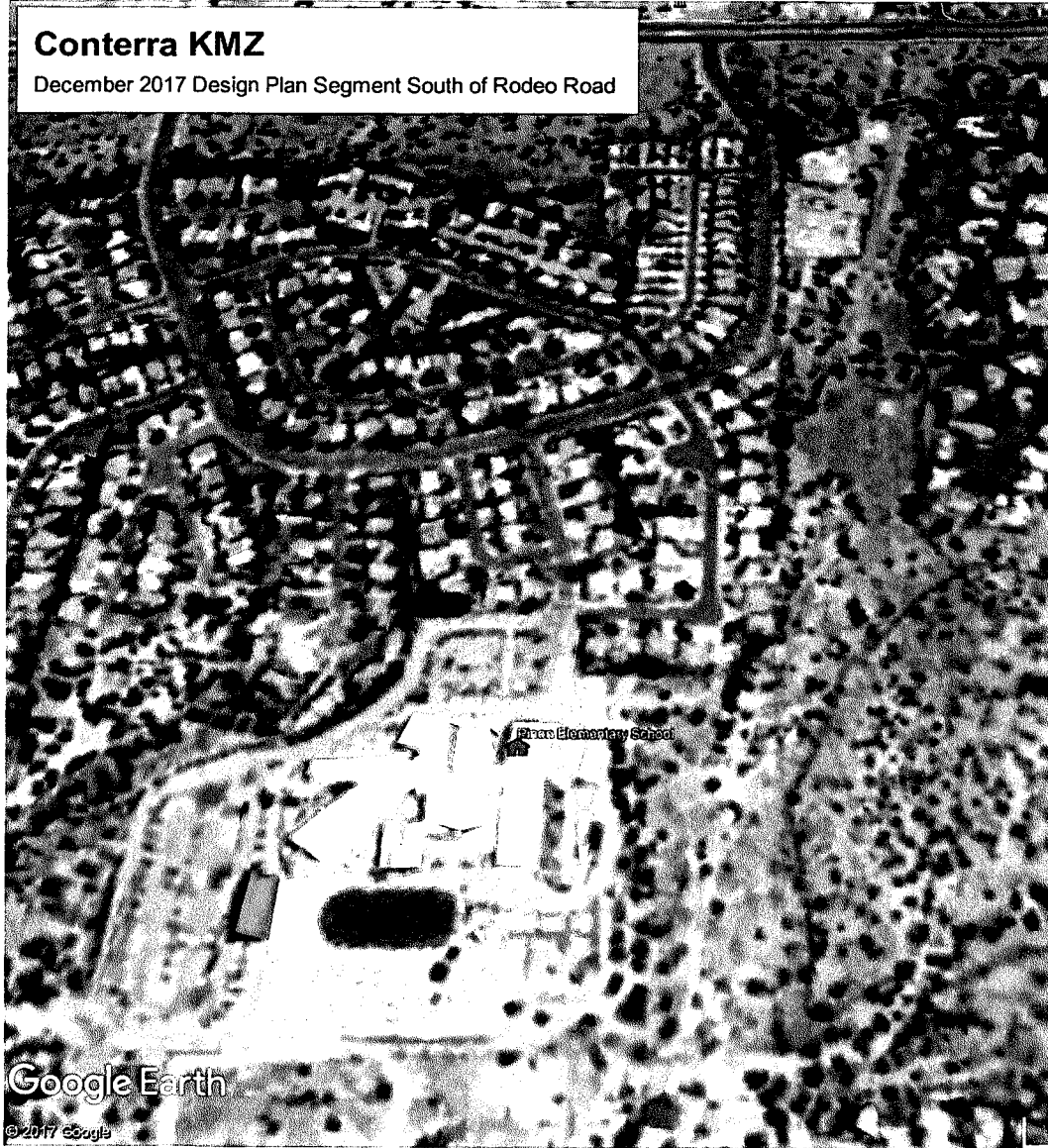
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Conterra KMZ

December 2017 Design Plan Segment South of Rodeo Road



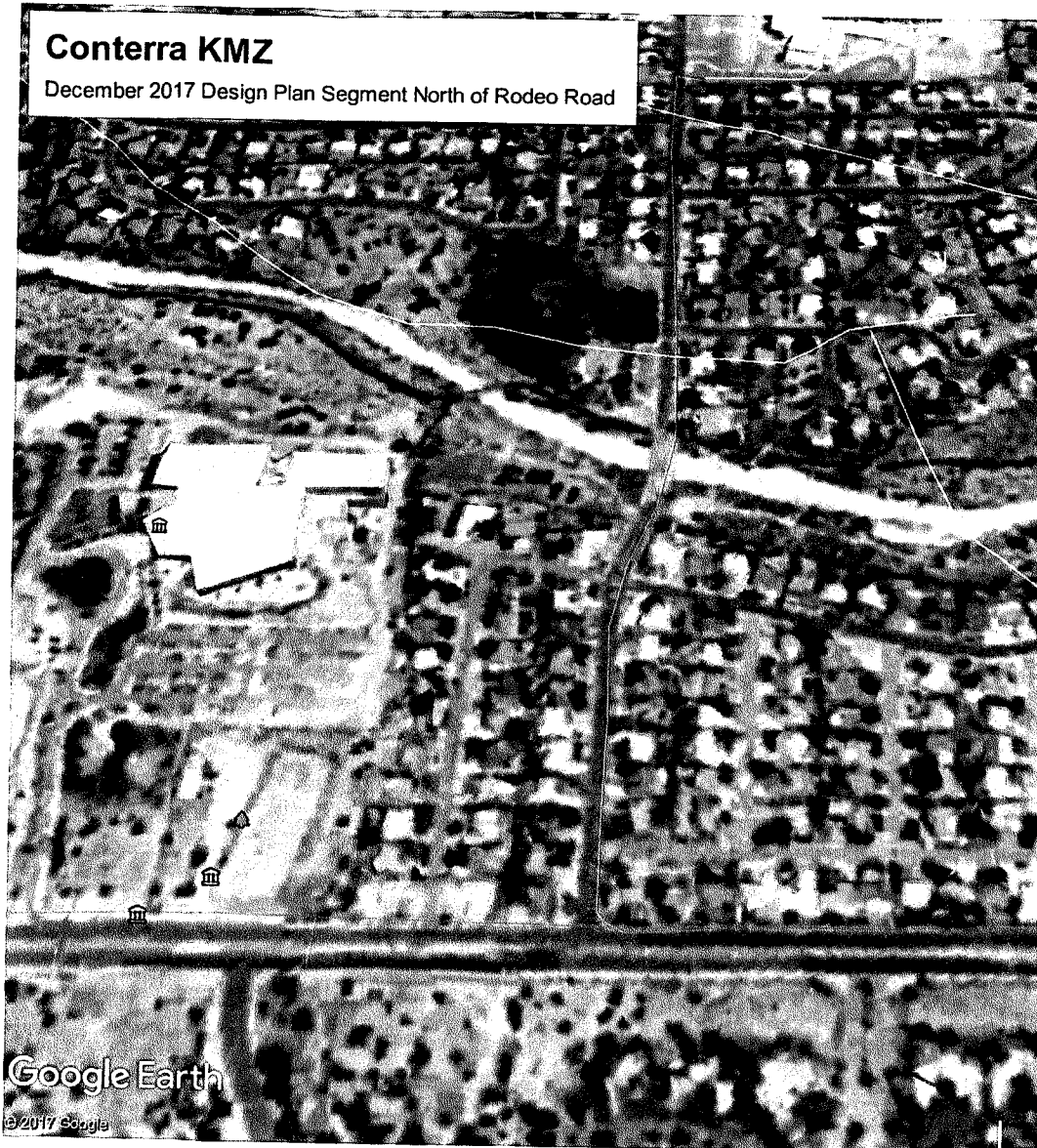
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Conterra KMZ

December 2017 Design Plan Segment North of Rodeo Road



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LA20883
 SOUTH MEADOWS ROAD
 OFF OF NM 599
 NOVEMBER 17, 2017
 RON WINTERS



SCALE = 50'

- SHERO
- SHERO (MULTIPLE)
- L - LITHIC
- SW - SPINDLE WHORL
- CORBELE
- FI - FEATURE
- CHolla
- YUCCA
- J JUNIPER
- P PINON

BLM PROJECT PARCEL

SITE BOUNDARY

DEET ROAD

ARTIFACT CONCENTRATION 3

ARTIFACT CONCENTRATION 2

ARTIFACT CONCENTRATION 1 (HIDDEN)

TERRACE EDGE

DRAINAGE

EXHIBIT "2"

