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Agenda

ARCHAEOLOGICAL REVIEW COMMITTEE MEETING

THURSDAY, January 20, 2011 –4:30 p.m.

LAND USE CONFERENCE ROOM

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: December 16, 2010.

E. OLD BUSINESS

F. NEW BUSINESS

1. Case #AR-01-11. Approval of a Reconnaissance Report for 8.140 acres at 6537 Airport Road, Santa Fe, New Mexico. (River & Trails and Suburban Review District). Requested by Ron Winters for Celina Paul. (David Rasch).
2. Case #AR-02-11. Approval of a Reconnaissance Report for 11.50 acres at Jaguar Road between Cerrillos and South Meadows, Santa Fe, New Mexico. (River & Trails and Suburban Review District). Requested by Ron Winters for City of Santa. (David Rasch).
3. Case #AR-03-11. Approval of Preliminary Treatment Report for Pavilion Office Complex, NM 599, Santa Fe, New Mexico. (Suburban Review District). Requested by Steven Post for Richard Cook. (David Rasch).

G. ADMINISTRATIVE MATTERS

H. COMMUNICATIONS

I. MATTERS FROM THE COMMITTEE

J. BUSINESS FROM THE FLOOR

K. ADJOURNMENT

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ARCHAEOLOGICAL REVIEW COMMITTEE
Land Use Conference Room
January 20, 2011

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**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE
Land Use Conference Room
January 20, 2011**

A. CALL TO ORDER

A meeting of the Archaeological Review Committee was called to order by Jeremy Kulisheck, Vice-Chair, and Acting Chair, at approximately 4:30 p.m., on January 20, 2011, in the Land Use Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

Jeremy Kulisheck, Vice-Chair
Gary Funkhouser
Tess Monahan
David Eck

Members Absent

James Edward Ivey

Others Present

David Rasch, Staff Liaison
Janet McVickar, Outgoing Chair
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

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

C. APPROVAL OF AGENDA

Matthew O'Reilly said the Board will be having a special guest who will be arriving to speak very soon, and asked the Board to take a break when he arrives.

MOTION: Tess Monahan moved, seconded by David Eck, to approve the Agenda as published.

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

D. APPROVAL OF MINUTES

December 16, 2010

The following corrections were made to the minutes:

Page 4, Paragraph 5, line 1, correct as follows: "...ancient terrace ~~treads~~ trends as.."

Page 6, Paragraph 4, line 1, under Item 1, correct as follows: "...Steve ~~Kazan~~ Koczan that..."

Page 9, last paragraph, line 1, correct as follows: "...at the Forest Service, but..."

MOTION: David Eck moved, seconded by Tess Monahan, to approve the minutes as amended.

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

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. **CASE #AR-01-11. REQUEST FOR APPROVAL OF A RECONNAISSANCE REPORT FOR 8.140 ACRES AT 6537 AIRPORT ROAD, SANTA FE, NEW MEXICO. (RIVER & TRAILS SUBURBAN REVIEW DISTRICT). REQUESTED BY RON WINTERS FOR CELINA PAUL. (DAVID RASCH)**

Mr. Winters said the dates on page 22-23 of the Report are incorrect. The dates should be December 23, 2010, not December 13, 2008.

Mr. Winters commented that on the northern edge of the project area there is a dense forest of *cholla*, noting there is a photograph in the Report.

Mr. Rasch said when you see a forest of *cholla*, doesn't it mean it's over-grazed.

Mr. Eck said it is disturbed, and *cholla* seems to like places where the soil has been disturbed, even to a shallow depth. He said when you find a forest of *cholla* you probably are looking at an archaeological site.

Tess Monahan said on page 20, Mr. Winters said the property is owned by Celina Paul, but then you say the current property owners are Nino and Nancy Padilla.

Mr. Winters said the records at Santa Fe County indicate that the current owners are Nino and Nancy Padilla, noting Celina Paul was Mr. Padilla's aunt and she passed away, and the records haven't been changed.

Mr. Eck said his main question was to verify the dates, and all 2008 dates should become 2010, and all 13 dates should become 23, and Mr. Winters said this is correct.

Mr. Winters said Mr. Eck's wife did the survey just east of this project area. He said he found no evidence of the terracing she found.

Mr. Eck said he looked at the 1951 aerial photo in some detail, and the terracing seems to end almost at the property line. He said perhaps the *cholla* might be the edge of a field that didn't leave a footprint.

Mayor Coss arrived at the Archaeological Committee meeting at this time.

Mayor Coss thanked Ms. McVickar for her 11 years of service on the Committee and presented her with a framed Muchas Gracias certificate.

Mayor Coss thanked all of the members of the Committee for their service and said he is always amazed at the amount of work put into City committees by the citizens.

Ms. McVickar said it has been a pleasure to serve the City in this capacity, although there have been a few cases which were contentious and tense. However, by and large, it has been a really good experience and she has learned a lot about the archaeology within the City limits. She said she has really enjoyed working with the people on the Committee, and the increasing circles beyond as necessary. She said it has been wonderful, but she is certainly happy to pass it on to new people and to have "new blood," which she believes is good.

Ms. McVickar welcomed Gary Funkhouser as a new member, saying she is sure he will do a good job. She thanked the members of Committee and said she has enjoyed working with them.

Mr. Eck spoke about the burrito stand called the oasis, referenced on page 22. He said he believes it appeared after 2004, because it wasn't there when they did the survey, so it is a very recent, important cultural survey.

Mr. Winters said he spoke with the owner who told him when they put in a development to tell them to put in an entrance to his business.

Mr. Funkhouser said he has no comment.

Vice-Chair Kulisheck said it is a fine report. He said on page 4, in the first sentence, it should be "Espanola," not "Espanoloa."

MOTION: Tess Monahan moved, seconded by David Eck, with respect to Case #AR-01-11, to approve the Reconnaissance Report for 8.140 acres at 6537 Airport Road, Santa Fe, New Mexico, in the River & Trails and Suburban Review District, requested by Ron Winters for Celina Paul, with the aforementioned corrections..

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

2. CASE #AR-02-11. REQUEST FOR APPROVAL OF A RECONNAISSANCE REPORT FOR 11.50 ACRES AT JAGUAR ROAD BETWEEN CERRILLOS AND SOUTH MEADOWS, SANTA FE, NEW MEXICO. (RIVER & TRAILS AND SUBURBAN REVIEW DISTRICT). REQUESTED BY RON WINTERS FOR CITY OF SANTA FE. (DAVID RASCH)

Vice-Chair Kulisheck noted the report was conducted on behalf of the City, but since this is a State undertaking, this Committee will be issuing a recommendation to the State Historic Preservation Office, rather than issuing an approval.

Mr. Winters said he didn't make it obvious in the report that originally an acequia was recorded in this area in 2000, and as recently as 2005 by McIntosh. He had two different GPS coordinates for the acequia, and the correct one was the 2005 location. He said this may have been because they weren't using a GPS unit in 2000, and were taking it from the map. He said he relocated the acequia which no longer exists within his project area. He said in the photo, you can see by the vegetation, it does exist west of the project area. He said on the western edge of his project area it appears the acequia has been bladed, but it does exist beyond that going to the west, but sadly it is no longer continuous, because of the development to the east and the planned development to the west.

Mr. Winters said on page 19 he "flipped" the descriptions of the photos.

Mr. Eck said, as a State undertaking, in order for the Committee to fully evaluate and make clear recommendations to the State Historic Preservation Officer, we really need to see the NMCRIS investigation abstract form, but it isn't in the packet. He said the questions he has probably are addressed in that form, but if not, he is sure Mr. Winters will fix it.

Vice-Chair Kulisheck asked if a NIAF form is included was included with this report.

Mr. Rasch said no, because the City Ordinance doesn't require it, noting we want to include that in the rewrite.

Vice-Chair Kulisheck said it would be required by the State, which makes it different from the case heard previously.

Mr. Eck said there is a place on the form for the name of the representative of the agency to indicate by signature and date that it was reviewed and accepted by the City, and that is conveyed to SHPO with that indication, so it is important that it is incorporated.

Mr. Rasch said Ms. Barrett didn't have this form in the past to sign, and Ms. Barrett would write a letter to the State. He said this form would be better than writing a letter.

Mr. Eck said Mr. Rasch can write a letter of transmittal, but the letter can be very short and simple.

Vice-Chair Kulisheck said he can provide this form to Mr. Winters.

Mr. Rasch said, in the future when there is an application where this Committee is a recommending body, he will require the NMCRIS form to be submitted.

Mr. Post said he thought we were required to turn this form in, regardless.

Mr. Eck said this is his feeling as well.

Mr. Post said it "isn't written, but expected."

Mr. Rasch said he will check the external policies, and if there isn't one, the Committee can establish a policy until the rewrite is complete.

Vice-Chair Kulisheck said he is comfortable with that, and we can have that discussion at another time.

Mr. Eck said he couldn't find a definition of the length and width of the inventory, both of which should be defined on a NIAF, which matches the acreage computation.

Mr. Winters said this is correct.

Mr. Eck said, just so it is clear, if it is a State undertaking, State guidelines require that you inspect, at minimum, a 50 foot width, regardless of whether it is a 5 ft. trench and only 10 ft. of visible space between pavement. He said he suspects a lot of what Mr. Winters looked at was pavement.

Mr. Winters said it was concrete and asphalt, and he did use a 50 ft. width, and that's how he computed the acreages. He said it isn't in the report if Mr. Eck says it isn't.

Mr. Eck said as long as you present the length and width and it totals to the acreage mentioned, then "we're cool." He thanked Mr. Winters for ceding the State's guidelines for previous research. In certain parts of Santa Fe, he encouraged Mr. Winters to "ratchet it down to 500 meters, because a mile is going to give you even more gray hair than you and I both have."

Mr. Winters said sometimes in the Historic Downtown he does one kilometer.

Mr. Eck said that is twice what is required under State regulations.

Ms. Monahan noted on page 4, it should be "Espanola" not "Espanoloa."

Mr. Funkhouser said he had no additional comments.

Vice-Chair Kulisheck said he would like to continue on the thread of State requirements, and the things he believes this report should contain before it is forwarded to the State with our recommendation for approval. He said he thinks it would be helpful, and believes it is a State requirement, to attach a two-page L.A. form update which indicates the property was destroyed within the project area. It should be simple. He believes this is required when it can't be relocated.

Vice-Chair Kulisheck said he would emphasize it is not necessary to complete an acequia form. He said SHPO Note 6 requires this if an acequia is archaeological, in the sense it is abandoned. He would not require that form even if the State requires it.

Vice-Chair Kulisheck said on page 1, Introduction, he would like Mr. Winters to add language in the last paragraph noting that in addition to being completed to meet City Code, it also was completed to meet State Statute regulations, and was conducted in conformance with that as well.

Mr. Eck said that language already is included in the last paragraph.

Vice-Chair Kulisheck said he is looking for compliance with State Statute as opposed to being conducted with the guidelines and standards, and not just following those standards, but in compliance with the law and done by the City of Santa Fe to comply with the CPA [Cultural Properties Act] and CPPA [Cultural Properties Protection Act].

Vice-Chair Kulisheck said on pages 16 and 18, Mr. Winters gives the City definition, and asked if the State has defined an archaeological site, noting previously, SHPO rejected doing a definition of sites.

Mr. Eck said it is very general, but it is in the definitions at the beginning of the Cultural Properties Act and the Cultural Properties Protection Act.

Vice-Chair Kulisheck said if this is the case, Mr. Winters is fine with the City definition and there is no need to reference the State definition.

Vice-Chair Kulisheck said on page 17, under Archival Research Results, he would like Mr. Winters to include in the text the explanation in the beginning about the acequia being intact and where it has been destroyed. He believes that would be really valuable. He said in looking at Figure 7, you realize it is intact west of the project area, but not within the project area. He said Mr. Winters doesn't specify what he explains at the beginning and would like him to put that into words in this section, which would be very helpful.

Vice-Chair Kulisheck would like an explanation of the reason Mr. Winters didn't "hazard a guess," as to why the acequia is no longer correct.

Mr. Winters said it is because South Meadows Road destroyed it.

Vice-Chair Kulisheck would like him to include language to the effect, "The reason the acequia is no longer here is because of construction in the road right-of-way."

Mr. Winters said to the east, where it apparently existed in 2000, is a development with a wall and landscaping and such. He said the GPS coordinates for the east were actually on the west side of the project area, which are the limits of his project area. He said where he did locate it, it was also outside the project area, but south of where they said. He said the map and the original survey weren't good, or very clear where it was located, based on where the new South Meadows went in, but he used the GPS coordinates for it. It still wasn't where they said it was. He said when he used the coordinates in the 2005 report he found it, but again, not existing in the project area.

Mr. Rasch asked how the acequia came to be destroyed if there wasn't a clearance.

Mr. Winters said this is a good question. He said in 2005, when they met with Phil Bove, there was a provision to preserve the acequia, but it looks like it hasn't been done. He said it is on the Centex property to west, although they bladed through it right next to the property line, they wiped it out there, but 20 feet beyond that it still exists. He said the language was hard to understand where they were preserving it exactly, because it's not continuous. However, as the Acequia Association would tell you, it is never abandoned, however it doesn't exist because of South Meadows Road.

Vice-Chair Kulisheck said the history of the development goes beyond his tenure on the Committee. He asked, regarding the 2005 clearance done by Tom McIntosh, if that was conducted for the roadway.

Mr. Winters said no, it was conducted for the Centex development where the acequia remains intact for the most part.

Vice Chair Kulisheck asked if the Viklund and Vanzi clearance was conducted for the development on the far side of the road.

Mr. Winters said it was done for an extension of Rufina Street, and it came from east to west and then turned north about where South Meadows is today, the northern portion..

Vice-Chair Kulisheck asked if that clearance provided for the preservation of the acequia at that time in 2000.

Mr. Winters said they said "no further work, but it was recorded and supposedly protected."

Vice-Chair Kulisheck said we shouldn't continue this discussion in this context, because he doesn't want to delay Mr. Winters and cause Mr. Post to have to wait. However, he would like to have a conversation later in the meeting about this.

Vice-Chair Kulisheck said there is an appendix that "you guess coordinates for the location of where the site was once located," and asked Mr. Winters if he attached a map as well.

Mr. Winters said no, and he should include it. He said this is actually where he found it, noting it doesn't exist at the 2000 coordinates. He said this is the 2005 recordation and where he found it, and it is what he used. He said a map probably would help.

Vice-Chair Kulisheck said it would be helpful to include a map showing where the acequia once crossed Mr. Winters' project area.

Vice-Chair Kulisheck, referring to page 23, Summary and Recommendations, said he would like Mr. Winters to modify the language to indicate this Committee is recommending to the State Historic Preservation Office, rather than approving this report.

Vice-Chair Kulisheck asked the Committee members to consider, if the report is recommended for approval, that we do so in such a way that we don't recommend that Mr. Winters come back to this Committee, in spite of the fact that there are major changes to be made. He said the changes aren't sufficient that he needs to come back.

Mr. Eck said a necessary attachment to NIAF for a State undertaking is the copy of the ARMS server map output showing the locations of the sites, which might be useful to help demonstrate these relationships of "who said where it was as well as when."

Mr. Winters said he got used to not including that, working in the City, noting we don't like that information to get to the public necessarily, but he will do so in the appendix, not in the body of the Report.

MOTION: David Eck moved, seconded by Tess Monahan, with respect to Case #AR-02-11, that the Committee recommends approval of the Reconnaissance Report for 11.50 acres at Jaguar Road between Cerrillos and South Meadows, Santa Fe, New Mexico, in the River & Trails and Suburban Review District, requested by Ron Winters for City of Santa Fe, with the aforementioned corrections; and as corrected via David Rasch, this Report need not come back to this Committee for further consideration.

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

3. CASE #AR-03-11. APPROVAL OF PRELIMINARY TREATMENT REPORT FOR PAVILION OFFICE COMPLEX, NM 599, SANTA FE, NEW MEXICO. (SUBURBAN REVIEW DISTRICT). REQUESTED BY STEVEN POST FOR RICHARD COOK. (DAVID RASCH)

Mr. Post said the Preliminary Report is not yet finished, but he tried to provide sufficient information for the Committee to assess the level of work which has been completed, and what some of the information might mean relative to trail morphology, trail chronology, the place the trail holds in the history of transportation in the Southwest Santa Fe area, etc. He said obviously he isn't finished, and wanted to emphasize that point.

Mr. Post said he thinks the results of the study were positive and provided some of the first information on subsurface characteristics of laterals or arterials of a historic road system in Southwest Santa Fe, as well as on some of the stratigraphic he exposed. He said, while not dramatic, it was interesting to show that perhaps in the future it is worthwhile running some trenches across some of these road beds to acquire at least some information about its subsurface characteristics. He is unsure that dating them would be done at any point outside archival information. He said he tried to put a version of the 1935 aerial photo into the report, with the idea that in the final report he will include a much higher resolution and better version of the 1935 aerial photo, from which to make some additional inferences about processes of road growth in that part of town, relative to the Camino de los Carros.

Mr. Post said he believes we could consider OSL [Optically Stimulated Luminescence] in some of these instances, noting it is something which wasn't proposed as part of the data recovery plan, but could have potential. He said he regrets not including it at the time, but it was a little more than he wanted to manage in terms of data recovery. He said if he gets a second chance, he would like to plan for OSL as a possibility. One of the problems with OSL is they have a 6-12 months turnaround, unlike radiocarbon, which can be done in 30 days. He said it becomes sort of onerous for the client in a way, but it could impact the research avenue in the future. Also, acequias might be another avenue used. He used TSL for the Railyard project and had some success, especially dating historic era acequia deposits.

Ms. Monahan said she appreciated the update and she was interested in the findings, although she didn't understand a lot of what he described. She has no additions or questions.

Mr. Funkhouser said it is an amazingly complete report. He asked, in terms of the regular widths, such as on page 1, where it says, "Maintain a regular width from 5.5 to 7 meters," and the first sentence on page 9 in the last paragraph, "the ruts are 6 to 10 wide."

Mr. Post said the pre-field investigation is from another previous document, and he quoted it without altering it, and, in the abstract is more of an updated description. He said he can see where this could be confusing. It is from the original description provided in the data recovery plan, and the reevaluation of the site report that was reviewed in March or April last year.

Mr. Eck said he has a methodological question. He asked, thinking along the lines of OSL or something new, if metal detection would be of any use along an alignment of such things.

Mr. Post said it is worth a shot, but since he didn't propose it, he would be loath to hold the client to it. On the other hand, he wishes he had.

Mr. Eck said he would volunteer, for free, to go and try it.

Mr. Post said he might be interested in getting a metal detector and going to the site and running a test. He said he is sure he has access to the property to go to that location.

Mr. Eck said he believes it is worth a try and maybe we'll learn something. He spoke about his experiencing in finding a 1/4 real with a date of 1820.

Mr. Post said that would be Colonial or the early Mexican period.

Mr. Eck said it was the early Mexican period when the Mexican government was still stamping reales with the image of a Spanish King. He said such things get lost and you get lucky and you find jingles or bits and pieces of tack that get lost, within easy protection distance.

Mr. Rasch asked how deep can metal be detected with a detector.

Mr. Eck said 6-8 inches with a modern detector, and 2-3 inches with one of the older ones.

Mr. Post said it might detect a spike or a horseshoe 8-12 inches down.

Mr. Eck said then, depending how much post abandonment fill there is, you may have a good chance of detecting things still in the road bed.

Mr. Post said he doesn't believe the Committee is done looking at these things because of the new areas to be annexed, so there will be more opportunities for that type of investigation. He said in this case, the stratigraphic was *more informative, or provided more information than he expected or has seen reported in other instances.* He thinks the metal detection is a good route.

Vice-Chair Kulisheck said it is an excellent report, and he enjoyed it. It has been rewarding to see it go from the proposal to fruition. He thanked Mr. Post for visiting some of the federal definitions, and asked if he had any luck getting guidance from the feds on recording. He said he was unable to find anything.

Mr. Post said he went to the Federal Data Standards that he found, which is the guidance he found, and he didn't take the time to set an appointment. He said he hasn't yet gotten into the actual standards, noting he referenced only the appendix for the swale or trail characterizations – that 5 or 6 criteria. He said he did put this in the report with the idea of continuing to use it in the future, in the hopes that it helps all of us to create uniformity and how we characterize things from the start, as well as giving guidance on how to better assess the roads, in terms of their potential and make good decisions about when we should do more work or maybe we don't need to.

Vice-Chair Kulisheck said Mr. Post's preliminary conclusion is that this may not be a segment of the Camino de los Carros or a tributary which used by a particular property or group of properties, as opposed to being a portion of the Camino itself. He was not here when the eligibility of this particular property was discussed initially, and asked if there would be an opportunity to revisit this particular property, given that it may not be eligible.

Responding to the Vice-Chair, Mr. Post said this particular point is moot as far as he is concerned, although it can remain eligible until the work has been completed, and then it's going to be erased eventually. He said he doesn't know that it's not eligible, and said it could be a post 1930's road, or perhaps an 18th Century Road that fell into disuse, and has sat dormant. He doesn't know if he will ever answer that question, but he didn't want to go much further until he had a chance to look a little more at the archival information that might be available.

Vice Chair Kulisheck asked if the acceptance of this report allows the proponent to move forward with development, or at least satisfies the requirements for the Committee.

Mr. Rasch said yes, if the Committee accepts this Data Report for Treatment Recovery, this clearance will be granted and they can go forward.

Vice-Chair Kulisheck said then when we receive the complete report, it will be an information only item, and Mr. Rasch said this is correct.

Vice-Chair Kulisheck said he would ask Mr. Post to modify the language on pages 31 and 32, where he says, "grant archaeological clearance for the site." He thinks what is being granted is clearance for the work on this portion of the project area to proceed. He said that seems like more appropriate language to him.

Mr. Post said, "That's a tough one, because as you recall, I mentioned that the sites haven't been fenced yet and won't be fenced until construction starts. They're not required to fence immediately. I think the City might want to see, before they start blading the LA 118721 away, that some of the sites are fenced. I didn't want to say a grant clearance for too big an area, because I wanted it to be left open for consideration that the other sites get fenced before the landowner starts running rampant. And I wasn't sure how to guide ya'll through that process."

Vice-Chair Kulisheck said his understanding of the language in the previous clearance, the treatment plan is that the treatment plan already stipulates that that fencing must take place before any disturbance in any of those sites takes place. And that treatment plan also withholds or prohibits any sort of mechanical activity in the vicinity of this site until this testing is complete. He thinks the way to finesse that, is to say that this satisfies the terms of the treatment report, that work is allowed to proceed in this area, provided that the other stipulations that are in the treatment plan are followed, i.e. the fencing. You can just say the provisions are followed, or you can be explicit with the fencing of sites "x, x, x, x," if you would prefer the explicit language. He said being explicit as to what this treatment plan approves is helpful to the proponent. He agrees that language which specifies that they don't forget about the treatment plan for the other 5 sites, and that language still is in force, and they need to get those fences up.

Mr. Post agreed, suggesting language, "Provided that stipulations regarding the 5 sites have been completed prior to commencing construction," or similar language. He will look at it again, saying he appreciates the feedback on this.

Responding to Mr. Post, Vice-Chair Kulisheck said he is more concerned about giving them the wrong idea.

Mr. Post said he is concerned about the City having the wrong idea, and in giving the client the wrong information.

MOTION: Tess Monahan moved, seconded by David Eck, with respect to Case #AR-03-11, that the Committee approve the Preliminary Treatment Report for the Pavilion Office Complex, NM 599, Santa Fe, New Mexico, in the Suburban Review District, requested by Steven Post for Richard Cook, with the aforementioned corrections.

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

MOTION: David Eck moved, seconded by Tess Monahan, to amend the agenda to hear Business from the floor next on the agenda, and to approve the agenda as amended.

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

J. BUSINESS FROM THE FLOOR

Proposed Addition to the First National Bank

Steven Post said he has something to call to the attention of the Committee regarding the First National Bank proposed additions to its existing structure totaling more than 400 sq. ft. He said the proposed 400 sq. ft. addition is less than the 2,500 sq. ft. that would trigger the ordinance, if the Bank should apply for an Archaeological Clearance Permit. However, he would like to call to the Committee's attention that an archaeological study of that property has already been completed by Alysia Abbott and Cordelia Snow. He said that document was submitted to the Archaeological Review Committee for review in 2004 or 2005, and an archaeological site of fairly substantial archaeological deposits was identified beneath the surface in that parking lot, not necessarily in the area that they are proposing for the addition, commenting he doesn't know the location of that addition. He said David probably does, because it was on the Historic Design Review Board agenda recently. He just wanted to alert the Committee to the possibility that this project might need an Archaeological Clearance Permit to proceed because they already have a known site on the property.

Mr. Rasch said they didn't get a clearance when Alysia did that work.

Mr. Post said the project died, because it was held up by various administrative issues, one of which was FDIC Section 106 applicability.

Mr. Eck said any of the additions they might be proposing would fall in one of the areas that it was not possible to test at the time, owing to the traffic flow through the driveway space and the considerable depth of concrete and pavement and who knows what.

Mr. Rasch said most of the additions are on existing footprint, and second and third floor additions. The only new footprint is that they are adding a portal in front of the recessed portal on the sidewalk on Palace, so the 400 sq. ft. is mostly second and third story. He said there is a new portal in front of the recessed one on Palace which is all covered by sidewalk, and we've never done investigation under that sidewalk area, but the square footage is under the threshold.

Vice Chair Kulisheck said then it is Mr. Rasch's opinion that this would not warrant a triggering of the Ordinance.

Mr. Rasch said this is correct. However, if it was going into the parking lot, then we would want to complete that investigation. He doesn't believe that the larger addition is ever going to happen and probably is permanently dead. He said there are also other issues.

G. ADMINISTRATIVE MATTERS

David Rasch said he probably is going to be the Committee liaison for the time being, and doesn't know when he will be getting another staff member. So, he needs to learn a lot more about how to serve this Committee well as a liaison.

SHPO approval for projects on City land

Mr. Rash said he would like to talk more about when there is State approval with City land. He said it appears to him that this Committee recommends approval to the State, and the archaeologist is following both the State and City requirements, but the Committee is looking at it in terms of the City's requirements, but they're still following both. The report has to have both in it.

Vice-Chair Kulisheck said, hypothetically they could prepare two reports, one for the City and the other for the State. He said since the Committee is making a recommendation to the State, it would make sense for us to look at the report which will be sent to the State. He when an archaeologist is doing work for the City, they need to remember it is a State report, but it also has to meet City Code as well. He said we should try to get the work out to the people doing that work before they submit.

Mr. Rasch said he will be looking at the reports closely.

Mr. Funkhouser said "that's not even accorded to the Agency," noting he has the DOT on-call contract and he had a job at 599 and 62 for the interchange which was on City property. He said the DOT

didn't have any idea what the relationship is between the City and the State. He said he has to hire Mr. Winters to go with him because he has a contract out there. He said it was also unclear about how to deal with the report. He said, however, the DOT is going to handle that somehow.

Vice-Chair Kulisheck said typically we don't see State DOT reports here because there is federal involvement, and this Committee does not review and make recommendations regarding federal undertakings – we don't touch them, and they are varied from the ordinance.

Mr. Rasch said, however, the Committee could call something up under Section 106, as a recommendation to the State or the feds.

Vice-Chair Kulisheck said "I don't follow that."

Mr. Rasch said he thought any interested party, where federal funds are involved, could call it up to review it, but not have jurisdiction.

Vice-Chair Kulisheck said he doesn't believe we could call it up, but as a Committee we could comment as a member of the public or request to be a consulting party on it, so yes, we do have that option to add the City as a consulting party. He said we have no procedure in the Ordinance for doing that, but he is sure we would just do it.

Mr. Rasch said it would be like an informational session.

Vice-Chair Kulisheck said we probably would do it as an administrative matter from the Committee, and prepare correspondence to submit to the federal agency requesting consulting party status or providing comment as a member of the public. He said he just went through this with some people, so he knows how to move through this.

Vice-Chair Kulisheck said, if this Committee ever decided to do that, he would want to know if approval would be needed from the Governing Body to do so, and that would need to be resolved. He said it hasn't been an issue, but if the occasion arises, we can ask Mr. Rasch to figure that out.

Mr. Rasch said the multiple jurisdictions have also been an issue.

City Public Works

Mr. Rasch said the City HPD and State HPD have different roles and don't talk well together. In terms of the City. He said Resolution 2001-57, was approved unanimously by the Governing Body. The Resolution states, "The Public Works Department projects shall follow the Historic Ordinance if they're located in the Historic Districts, and staff is hereby directed to explicitly identify that in the new Code rewrite, and we're doing that, even though we've always believed that any jurisdiction should follow its own rules. It's an ethical thing – if you don't follow your own rules, why should anyone else. It is always hard to get people to do that.

Mr. Rasch said this has been done with Historic, and perhaps it should be done with Archaeological in the rewrite, or at least find a Councilor who might want to sponsor such a Resolution, so when Public Works goes in and blades an area to build a road, they check for archaeological first, just as they have to do with Historic currently. He said a quick fix would be to get a Councilor to sponsor such a Resolution, and/or include it for the long term in the Archaeological rewrite. This is a potential solution to stop that from occurring again.

Ms. Monahan said then this Committee would have to be lobbying the Mayor and Council.

Mr. Rasch said he believes this Committee can do that legally.

Vice-Chair Kulisheck said then in that case the Committee would be issuing approval rather than a recommendation.

Mr. Eck said we would be doing both.

Mr. Rasch said the Historic Resolution gives authority to City Staff and the Historic Preservation Division to determine if the case, as proposed by Public Works, could be approved by staff, or would need to go to a public hearing with this Committee. He said they are amending the Historic Ordinance this year to provide that it shall go to the Board and it is not in staff purview to make a determination.

Vice-Chair Kulisheck asked if "staff decision" means Mr. Rasch as staff.

Mr. Rasch said no, it would be the Director, noting there are many ways it could be crafted. He said he doesn't believe it is appropriate to build a road over an acequia.

Vice-Chair Kulisheck said it appears a clearance was crafted for that and recommendations were included in that clearance to avoid the acequia. He said he will set aside the issue of whether this Committee has jurisdiction over the acequia as a historical property, and assume that we do, because that is a separate issue. He asked why wasn't the clearance recommendation followed at the time. He asked if it was because the Public Works Department thought it wasn't required to follow it.

Mr. Rasch said yes, commenting that the cross-communication between departments isn't as good as we would like it to be.

Vice-Chair Kulisheck said it apparently wasn't at the time construction took place. He asked if this Committee needs to notify Phil Bove about this case.

Mr. Rasch said yes, and he will follow-up with Mr. Bove. He said Public Works does not run permits through the City, the permits are run through CID which is a jurisdictional thing. So, City Public Works gets its permits from the State, and doesn't go through Land Use where the City's clearances lie. He said members of the public have to come through the City, and have to go to Historic and Archaeological.

Vice-Chair Kulisheck said there is a whole separate issue from the fact that Public Works destroyed an acequia which has not been abandoned by the Acequia Association and the reason Mr. Bove needs to be notified.

Mr. Rasch said the permitting software has a "hold" on properties fronting an acequia and he is notified, but they don't "click" into that system. He said the State hasn't done that for Mr. Bove, which may another solution – get the State Construction Industries Division to do what the City is doing with Phil Bove. He said because of staff cuts and such, CID is now looking at having municipalities take over their own permitting state-wide for all properties, so the City would be permitting State and City properties within the City as well.

Mr. Funkhouser said that would "come home" where it needs to be.

Vice-Chair Kulisheck thanked Mr. Rasch for following up on that issue.

National Preservation Month

Mr. Rasch reminded the Committee that National Preservation Month is May, and we do nominations for archaeological awards and we do give awards to former members who have left the Committee in that year. He likes to get the nomination forms out in March and finalized by April, so the recipients know sometime in May. He will provide those forms to the Committee.

Election of a Chair

Vice-Chair Kulisheck asked if the Committee is comfortable electing a new Chair and Vice-Chair at this time, or if it would like to defer this until Jake Ivey is in attendance. He assumes he can continue to act as the Chair until that time, and Mr. Rasch said yes.

Ms. Monahan said she believes we should go ahead and have the election tonight, commenting she doesn't believe Mr. Ivey would have any objection to whomever we elect.

Jeremy Kulisheck said he would like to nominate Tess Monahan as Vice-Chair.

Ms. Monahan said she is willing to serve, noting she is a Real Estate Agent and has no archaeological background.

Mr. Kulisheck said he would like Ms. Monahan to serve because of her long tenure on the Committee.

Mr. Rasch said the Vice-Chair would stand in for the Chair, but basically it's about knowing how to run a meeting.

Vice-Chair Kulisheck said he is willing to serve as Chair if there are no other volunteers to serve.

Mr. Eck said he hasn't been here long enough, but must acknowledge when the Mayor asked him to serve after he had expressed interest, he made it clear that he had in mind that at some point I would be the Chair. He is willing to serve as Chair if that is what the Committee would like. However, at this point in time he feels it might be premature.

Vice-Chair Kulisheck said with that in mind, and that he can relinquish the Chairmanship after a short period of time, he definitely volunteers to serve as Chair.

Mr. Rasch said the Chair votes only in the case of a tie, or to affect the outcome – to create a tie so the motion dies. He said a lot of people like to vote.

Vice-Chair Kulisheck said he is stepping up because he is the Committee member with the longest tenure other than Ms. Monahan who doesn't want to serve as Chair.

MOTION: David Eck moved, moved, seconded by Gary Funkhouser, to accept the nomination of Tess Monahan to serve as Vice-Chair and Jeremy Kulisheck to serve as Chair, and that this Committee approve the nominations.

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

H. COMMUNICATIONS

There were no Communications

I. MATTERS FROM THE COMMITTEE

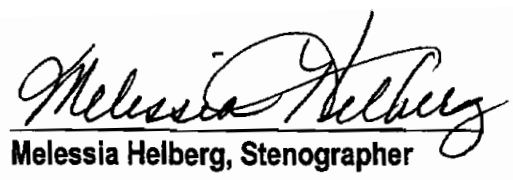
There were no Matters from the Committee.

K. ADJOURNMENT

MOTION: There was no further business to come before the Committee, and Tess Monahan moved, seconded by Gary Funkhouser, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:10 p.m.

Jeremy Kulisheck, Acting Chair


Mellessia Helberg, Stenographer