



Agenda

CITY CLERK'S OFFICE

DATE 5/17/12 TIME 2:25

PREPARED BY John W. King

REVIEWED BY [Signature]

ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, MAY 17, 2012 – 4:30 P.M.

CITY COUNCILORS' CONFERENCE ROOM

CITY HALL, 200 LINCOLN AVENUE, SANTA FE

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES:

April 19, 2012

May 3, 2012

E. ACTIONS ITEMS

1. Case#AR-11-12. Approval of protection measure for LA 147244, a resource within 2.8 acres proposed for improvement at 9 Camino Pequeno, located in the River and Trails Archaeological Review District. The request is made by Ron Winters, for B.C. Rimbeaux, property owner.
2. Case#AR-14-12. Approval of data recovery plan for limited excavation within an easement for LA 132712, at 125 North Guadalupe Street, located in the Historic Downtown Archaeological Review District. The request is made by Cherie L. Scheick, Southwest Archaeological Consultants, Inc., for Los Alamos National Bank, property owner.
3. Case#AR-15-12. Approval of reconnaissance report for proposed Trails 8 and 9 located roughly between Camino de Los Montoyas and Camino La Tierra in La Tierra Trails Open Space Area, located within the Suburban Archaeological Review District. The request is made by Gerry Raymond, Criterion Environmental Consulting, for the Public Works Department-River, Watershed & Trails Section, the City of Santa Fe, property owner.

F. ADMINISTRATIVE MATTERS

Election of officers

G. COMMUNICATIONS

H. MATTERS FROM THE COMMITTEE

I. BUSINESS FROM THE FLOOR

J. ADJOURNMENT

For more information regarding cases on this agenda, please call the Historic Preservation Division at 955-6605. Interpreters for the hearing impaired are available through the City Clerk's office at 966-6520, upon five (5) days notice.

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**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE
City Councilors Conference Room
May 17, 2012**

A. CALL TO ORDER

A meeting of the Archaeological Review Committee was called to order by Tess Monahan, Vice Chair, at approximately 4:30 p.m., on May 17, 2012, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair
Tess Monahan, Vice-Chair
Gary Funkhouser
James Edward Ivey
[Vacancy]

Members Excused

Jeremy Kulisheck [resigned]

Others Present

John Murphey, Land Use Department
David Rasch, Historic Preservation Division
Kelley Brennan, Assistant City Attorney
Melessia Helberg, Stenographer

Vice-Chair Monahan asked everyone in attendance to introduce themselves.

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 Division.

C. APPROVAL OF AGENDA

MOTION: Gary Funkhouser moved, seconded by Jake Ivey, to approve the Agenda as published.

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

D. APPROVAL OF MINUTES: April 19, 2012 and May 3, 2012

The following correction was made to the minutes of May 3, 2012:

Page 6, paragraph 1, line 1, correct as follows: "...has ~~let~~ led him to..."

MOTION: Gary Funkhouser moved, seconded by Jake Ivey, to approve the minutes of the meeting of April 19, 2012, as presented, and the minutes of the meeting of May 3, 2012, as amended.

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

E. ACTION ITEMS

1. **CASE #AR-11-12. APPROVAL OF A PROTECTION MEASURE FOR LA 147244, A RESOURCES WITHIN 2.8 ACRES PROPOSED FOR IMPROVEMENT AT 9 CAMINO PEQUENO, LOCATED IN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY RON WINTERS, FOR B.C. RIMBEAUX, PROPERTY OWNER.**

The staff report was presented by John Murphey.

BACKGROUND AND SUMMARY: At the request of the property owner, Ron Winters conducted a Class III cultural resource survey of approximately 2.778 acres at 9 Camino Pequeno, located within the River and Trails Archaeological Review District. A review of NMCRIS established only one previously recorded site within the project area, LA 147244, a segment of *Acequia de la Muralla*. The pedestrian survey, conducted on March 24, 2012, identified prehistoric and late-historic artifacts, totaling six isolated occurrences. The archaeologist found the isolated occurrences did not constitute significant cultural resources, concluding their data potential had been exhausted with the recording.

At the April 19, 2012 hearing, the Committee asked the applicant to provide additional information, establishing how LA 147244 will be protected. The property owner has supplied a letter addressing this concern.

STAFF RECOMMENDATION: Staff recommends approval of the report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and Archaeological Clearance Permits under 14-3.13(B)(2)(a). Staff defers to the Committee, as to whether the proposed protection measure is adequate.

Mr. Winters said he has no comment, other than he thinks he has addressed all of the Committee's comments from the last meeting.

Mr. Monahan asked John Murphey if he has reviewed the report and if it contains all of the revisions requested by the Committee.

Mr. Murphey said he has reviewed the report and it has been revised.

Jake Ivey

Jake Ivey said he has no comment.

David Eck

David Eck thanked Mr. Winters for making the corrections. He asked Mr. Winters if he has done a site update form for this site, since what we get tends to be a report without the associated NMCRIS forms.

Mr. Winters said he has not, but he will do so, noting he wanted comment from the Committee before doing that to see if there was anything else to be added.

Gary Funkhouser

Mr. Funkhouser said he would defer to the staff and the Committee.

Vice-Chair Monahan

Vice-Chair Monahan offered the following typographical corrections:

Page 22, paragraph 2, line 1, correct as follows: ".The ~~Wertz's~~ Wertzes were living in the..."

Page 22, paragraph 3, line 6, correct as follows: "... the ~~presidents~~ president's...."

MOTION: Jake Ivey moved, seconded by David Eck, with respect to Case #AR-11-12, to approve the protection measure for LA 147244 of a resource within 2.8 acres as proposed and as described in the letter to the Committee from B.C. Rimbeaux, property owner, for the improvement at 9 Camino Pequeno, located in the River and Trails Archaeological Review District, requested by Ron Winters for B.C. Rimbeaux, property owner, with the aforementioned corrections.

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

2. **CASE #AR-14-12. APPROVAL OF DATA RECOVERY PLAN FOR LIMITED EXCAVATION WITHIN AN EASEMENT FOR LA 132712, AT 125 NORTH GUADALUPE STREET, LOCATED IN THE HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY CHERIE L. SCHEICK, SOUTHWEST ARCHAEOLOGICAL CONSULTANTS, INC., FOR LOS ALAMOS NATIONAL BANK.**

A drawing for *Santa Fe School of Cooking* entered for the record by Wayne Lloyd, Architect, is incorporated herewith to these minutes as Exhibit "1."

The staff report was presented by John Murphey.

BACKGROUND AND SUMMARY: At the request of Los Alamos National Bank, Southwest Archaeological Consultants is proposing to do limited data recovery as part of planned subsurface work to renovate a building at this address to become a cooking school. ARC first heard a case for this address on June 21, 2001 (AR-01-08), at which time the Committee approved a report by the current archaeologist, but stipulated a Cultural Properties Preservation Easement, "enclosing the entire property, will be put into place when the property moves out of current ownership." To date, an easement has not been filed or approved by the ARC. The data recovery and mitigation plan for the proposed disturbance is presented in the accompanying report, "A Proposed Data Recovery Plan for 125 Guadalupe Street Property, Santa Fe, New Mexico," (Scheick, Cherie L. And Glenda Deyloff J., SW 549, April 30, 2012).

STAFF RECOMMENDATION: Staff recommends approval of the report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance, but defers to the Committee as to whether the proposed data recovery plan satisfies External Policy 11, "Treatment of Archaeological Resources With Protective Open Space."

Cherie Scheick said she has no comment at this time.

Jake Ivey

Jake Ivey had no comment.

David Eck

David Eck had no comment.

Gary Funkhouser

Mr. Funkhouser said on Page 2, paragraph 1, line 9, she says "...requests emergency monitoring of the two holes needed to locate the sewer line... and on line 11 says, "The ARC approved..." Mr. Funkhouser said the Committee couldn't approve anything, and could do nothing other than to form a consensus, and asked if that should be changed.

The consensus among the Committee was to change the wording to reflect that the Committee formed a consensus.

Wayne Lloyd said before this Committee takes action he has a clarification to the report that Ms. Scheick wouldn't have known about until 1-2 days ago. Referring to Exhibit "1", Mr. Lloyd said they submitted for a building permit today on the work to be done in and outside on the building. He said they consulted a mechanical engineer, an electrical engineer and a structural engineer, and through that process there is an area, based on the International Building Code, where the mechanical engineer says a floor drain isn't enough, and it has to be a floor sink. He said it is located in a space which is going to cause 6 ft. 3 in. X 2 ft. 3 in. of additional excavation beyond what Ms. Scheick is clarifying in her report.

He said everything shown on Exhibit "1" is in the report, with the exception of "this" leg where they have to install a floor sink, flush with the floor in the event the other sinks overflow and it has to be able to catch that overflow. He said the darker shaded area is the area they know will have to be excavated. He said they are 99% sure they are not going to excavate the north-south longer section of excavation which is 3 ft. x 26 ft. long. He said the red line is the existing sewer line, Areas C and D. He said they have to bring sink drains from "over here," to connect to the sewer line. He said they're going to start digging "here," because it has lines deep enough and all they need is 1/4 in. per foot on their sewer line to get there. He said they will find out very soon "at what level that's at." He said, "Assuming we have the fall, only 7 inches of fall is required across 'here,' we are fine. If it isn't deep enough because the sewer line is going to the street and it keeps getting deeper, if that is much higher than we expect it to be, we have to go 'this' way."

Ms. Scheick said, "To clarify, Area A hasn't changed, Area B hasn't changed, and Area C is problematic at this point. However, because I think what he's saying is, correct me if I'm wrong Wayne, that the extension that goes east, which is Area B. If it can intersect the sewer at the correct depth, we can do away with doing away with the trench that is labeled C on the figure."

Mr. Lloyd said this is correct, "but we do have to add 'this' Area which is Area E."

Vice-Chair Monahan asked, for clarification, if "this" section abuts Section A, and Mr. Lloyd said yes.

Vice-Chair Monahan asked if it is simply an extension south for Section A, and Mr. Lloyd said yes.

Vice-Chair Monahan asked by how many feet.

Mr. Lloyd said it is 6 ft. 3 in. X 2 feet wide, and the actual drain is 6 in., and then we have to drop 1/4 in. per foot.

Vice-Chair Monahan said then it will a little more than a foot, and Mr. Lloyd said yes.

Mr. Lloyd said he wanted to be fully disclosed, and this only came up two days ago.

Ms. Scheick said this won't change their strategy, and if they can intersect the existing sewer line "over here," it actually takes about 1/2 of the excavation area they were going to do, noting there will be less impact to the site.

Vice-Chair Monahan asked if the increased depth will cause greater surveillance.

Ms. Scheick said no. She said this is the one which was supposed to be 2 feet deep, so they end up more shallow, and Mr. Lloyd said this is correct. Ms. Scheick said, "So, we'll be shallower and shorter, with less area to impact."

Mr. Funkhouser noted a typographical error on page 5 under Remodel, in Paragraph 1, line 4, it which should be "grade," instead of "grande."

Vice-Chair Monahan noted a typographical error on Page 25, Paragraph 1, line 5, which should be "prospective" instead of "perspective" owners.

Vice-Chair Monahan said asked when they are augering, are they using a hand auger or a mechanical auger.

Ms. Scheick said it is a hand auger, about 8 cm. in diameter, hand auger. She said they are going to have a hard time with that because the ground is very hard.

MOTION: David Eck moved, seconded by Gary Funkhouser, with respect to Case #AR-14-12, to approve the data recovery plan for limited excavation within an easement for LA 132712, at 125 North Guadalupe Street, located in the Historic Downtown Archaeological Review District, as requested by Cherie L. Scheick, Southwest Archaeological Consultants, Inc., for Los Alamos National Bank, property owner, with the recommended changes, and finding that the recovery plan meets the requirements of City Code and that the excavation will not impact the easement area.

DISCUSSION: Ms. Scheick asked if the Committee would like a modified map to attach to the minutes.

Vice-Chair Monahan said it would be useful to have the map reduced so it is more easily incorporated into the record [Exhibit "1"], but she would also like the original map submitted for the record as well.

Mr. Murphey said there are two points to consider. One is whether the recovery plan meets the intent of the City Code, and if the Committee feels what is being proposed will impact the easement area as per External Policy #11. He asked the Committee members if they are comfortable with what the applicant is proposing within the easement.

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

3. **CASE #AR-15-12. APPROVAL OF RECONNAISSANCE REPORT FOR PROPOSED TRAILS 8 AND 9 LOCATED ROUGHLY BETWEEN CAMINO DE LOS MONTOYAS AND CAMINO LA TIERRA IN LA TIERRA TRAILS OPEN SPACE AREA, LOCATED WITHIN THE SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY GERRY RAYMOND, CRITERION ENVIRONMENTAL CONSULTING, FOR THE PUBLIC WORKS DEPARTMENT, RIVER, WATERSHED & TRAILS SECTION, THE CITY OF SANTA FE, PROPERTY OWNER.**

Gary Funkhouser said he is recusing himself from participation on this Case because he has worked on the project, and left the room.

BACKGROUND AND SUMMARY: At the request of the Public Works Department, River, Watershed & Trails Section, Gerry Raymond prepared a reconnaissance report for construction of two trails under the La Tierra Trails Master Trails Plan. Each trail will be an unpaved, multiuse (pedestrian, bicycle, equestrian)

path with a combined length of approximately one mile. The proposed trail improvements include removing vegetation, rocks and other obstructions. The archaeologist surveyed each trail within a 50-foot area of potential effect, totaling approximately 4.65 acres of reconnaissance. In addition to the trails, the archaeologist surveyed several realignments to existing trails (1, 16 and 35), each less than an acre. In total, seven acres were surveyed for the project. During the surveys, three isolated occurrences were discovered. The archaeologist recommends no further study. These findings are presented in the accompanying report, "Cultural Resource Reconnaissance for Proposed Trails 8 and 9 in the La Tierra Open Space Area, Northwest Quadrant, City of Santa Fe, New Mexico," (Raymond, Gerry, April 16, 2012).

At least at three earlier hearings, the Committee has communicated to the applicant a context report for the project area and a request for alternate procedures is a requirement to consider individual trail segment projects.

STAFF RECOMMENDATION: Staff defers to the Committee as to whether the report meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and Archaeological Clearance Permits under 14-3.13(B)(2)(a), and previous communications made with the applicant over procedures to review trail projects coming under the La Tierra Trails Master Trails plan. Staff recommends the report be revised to reference City of Santa Fe Archaeological Review Ordinance, instead of federal preservation law.

Gerry Raymond said these are two connector trails which the City has proposed for La Tierra open space area. He said they were short trails, each less than a mile. The survey was a 50 ft. wide corridor. He said there is no ground disturbance in terms of building a trail, noting there was a negative finding. He said the City will line the trail with rocks so it demarcates the trail. Additionally, there were 3 areas where trails come together, or meeting places of trails, where the City wanted to close the old meeting of the trails and move it a short distance, so they could direct the way they wanted it to enter the trail system and so they could erect signage directing people to the trails. These were very small areas. He said he surveyed a block area so they would have the latitude to make the connection anywhere within the area he surveyed.

Mr. Raymond said the landscape is a very low density scatter, noting there is a lot of red chert and Madera chert scattered all over the areas. He said the only place he found IO's was in a junction area, noting there were three IO's. He said it was in the area beside Camino los Montoyas.

Mr. Ivey asked if that is the northernmost point on the map, and Mr. Raymond said yes.

Mr. Raymond said there are other issues the Committee might want to bring up, but this is all he has to comment on at this time.

Jake Ivey

Mr. Ivey asked Mr. Murphey if this reconnaissance report is the one which was submitted to the Committees prior to his emails during the last two days.

Mr. Murphey said yes.

Mr. Ivey asked Mr. Murphey if the Committee is considering this to achieve the ends that we want it to.

Mr. Murphey said no.

Mr. Eck asked what is the content of the email, which he hasn't seen.

Mr. Raymond said, in full disclosure, a 74 acre survey also was done for parking lots by the Unity Church Area, and near Montoyas, through taking the trail system to the south side of #599 to a NMDOT culvert. He said they needed a 404 Permit, and that survey of 4 sites was done by him and his crew, and submitted directly to the HPD, under the assumption of the Ordinance that it was a federal undertaking because of the Section 404 permit. He said he submitted the report to HPD on April 25, 2012, and it was approved in the last week or two, and they concurred with his recommendations. He said this Committee may not be aware of this.

Responding to the Vice-Chair, Mr. Murphey said the Public Works Department has refused to direct the report to this Committee.

Mr. Eck asked, since we typically see a report without the associated form, if there is a NIAF and the requisite presented version of the ARMS map server output.

Mr. Raymond said he has to do a NIAF, or it wouldn't get in the system, so yes there is. He said part of the NIAF is doing the records search. He said the report before this Committee was done to the City of Santa Fe standards, and there are no exceptions under which it can be excluded from the Ordinance.

Mr. Eck said this also is being submitted to HPD because it is a City undertaking, so we would be speaking about approval in general and forwarding it to the HPD, so it has to meet the HPD standards.

Mr. Raymond said this is correct. He thinks there needs to be clarification of who is responsible for making the submittal to HPD, but he assumes it is the City Department that generates the project.

Mr. Murphey said that is correct.

Mr. Eck said he did an ARMS check and there is at least one more survey which was conducted in the area that should have been mentioned, and there are several more sites in the area as well. One of

which, according to the ARMS map, may very well be immediately adjacent, if not spilling into Intersection No. 1, which might be the source of the isolated occurrences.

Mr. Raymond said they need to compare maps, noting very little survey has been done on the western side at all.

Mr. Eck provided his copy of the ARMS map to Mr. Raymond.

Mr. Raymond said this was very difficult because of Scheick's survey that covers all of "this." He said what he did was to isolate the UTM's [Universal Transfer Mercator], and he drew, using the distance tool, to each one of these sites. However, they are so tight. He said he thought he did a good job.

Mr. Eck said, "I think you did there, but the system failed you, because there's the linear survey along Camino los Montoyas, which Cherie surveyed, and sites were discovered in that survey, one of which is immediately adjacent to, or partly within the intersection of No. 1. And that isn't labeled. Unfortunately, at that scale, ARMS did not label the sites."

Mr. Raymond said "this" is the Montoyas. He said he knows there was a site "this" site, but further up, "way up here."

Mr. Eck said there are two sites close together, and the westernmost one is possibly in Intersection #1, where Mr. Raymond found the isolated occurrences. He said it may be a matter of seeing what they found, and if indeed it is a scatter, he will know where they came from, and he will have the context to discuss them. He said sometimes when you get on ARMS you cannot see all of the surveys.

Mr. Raymond said what makes it hard is the layer of the survey, but he turned that off so he could see the site locations better.

Mr. Eck said sometimes one masks the other within the survey and you can't see it, so you very well may not have able to see it, but it is there.

Mr. Murphey said, with regard to early meetings, from his reading of the minutes and his participation in a recent hearing, he understood from the former Chair that on at least 3 occasions, a direction was given to the project archaeologist to do a comprehensive cultural study for the parcel, not for each particular segment. He said there was also to be a request for alternative procedures to go along with that, so these individual trail segments could be reviewed as needed. He said, unfortunately, this has put staff in a poor position with another department of the City, that is proposing these trail projects.

Mr. Murphey would like the Committee to be clear tonight if it will be taking another direction because the former Chair is no longer here. Otherwise, there needs to be a very firm statement of how the Committee is going to deal with this issue with this project that isn't coming to ARC and projects in the future.

Vice-Chair Monahan said she remembers those meetings, and the requests for a comprehensive [inaudible], and this illustrates the problem we have. The Committee gets pieces of it, and we don't see the whole picture, and it seems to her there has to be a reason why that hasn't been done.

Mr. Raymond asked the Committee to please remember his role. He said to him, this is an internal affair of City that has to be resolved, otherwise he doesn't know how to proceed, and it puts him in an awkward position. He has talked with HPD, the City staff and he would like some direction as well. He reiterated he sees this an internal affair of the City that must be resolved, and then he can get direction after those issues are resolved.

Vice-Chair Monahan asked Ms. Brennan to speak to this issue.

Kelley Brennan, Assistant City Attorney, said what would be a good result now, based on what she is hearing, which she heard only briefly before this meeting, would be a postponement to address this issue.

Mr. Rasch said it appears this doesn't meet the Archaeology Code, it is in law and not between City departments – it doesn't follow the City Code, and Mr. Raymond is required to follow City Code. The problem is that your employer is not asking you to follow the City code.

Mr. Raymond said he thinks the Code leaves these kinds of questions, or allows these kinds of issues to arise, with all due respect to the Code. He said, for example, there is an exception for a federal undertaking, and asked if that applies. He said there is no comprehensive nature to the Code and there are conflicts and open questions that aren't resolving. He said what he is trying to say is that the Code could use some work.

Mr. Murphey said he understands. However, this Committee gave Mr. Raymond and his employer direction as to how to do this so it would meet the Archeological Code and the intention of this Committee. He said even though the current report is written in federal language, it doesn't reference the City Code, which is indicative of one of the problems.

Mr. Raymond said he wants to be clear that it isn't any City department failure, it is his failure.

Mr. Eck said, on page 5, Paragraph 3, it says, "The survey was conducted pursuant to COSF City Code Article 14.3-13, as well as state statutes regarding cultural resources.."

Mr. Murphey said this is boiler place language, but within the report it references federal code, and makes determinations of eligibility following the National Register.

Mr. Ivey asked the Vice-Chair and staff if there is an apparent way for the Committee to resolve this, the Committee itself, or if this is something which need to be resolved higher or outside.

Vice-Chair Monahan said she would prefer that this Committee resolve this if possible. She said if we were privy to the federal rules which is not before us, it might us help to understand the depth and

expanse of the [inaudible]. She said we can't make a judgment about that. However, we do know that the piecemeal approvals give the opportunity for things to be overlooked, noting she doesn't think Mr. Raymond is overlooking things. It's just by doing this piecemeal it gives rise to mistakes being made, or assumptions not being carried over. She said it would nice to have it articulated in a paragraph in the report. She said if we could codify this in some way between the department and the Committee, perhaps that would be sufficient. However, she doesn't think we can resolve that tonight.

Mr. Raymond said there are two understandings of the definition of "undertaking," noting this is something the City Code doesn't address well – how you define what the undertaking is. It isn't clearly defined in the Code, reiterating it allows these kinds of issues to arise.

Vice-Chair Monahan asked if the definition is being addressed in the Code revisions.

Mr. Rasch said the definition of "undertaking," for this Committee's purpose, would be any ground disturbance.

Mr. Eck said it's a loaded term, because the strict interpretation of this from the federal view is that the whole thing is a federal undertaking, because there is an involvement in a 404 permit. He said Mr. Raymond needs to come up with something good, logical, or he needs to survey the whole thing, "because it's the whole thing." It's not a bunch of "little bitty trails."

Mr. Rasch said this came up with the Legal Department in terms of ADA compliance, and he thinks we can say, even though it is a federal undertaking, it still has to meet City Code as well. He said they can't just bypass the City.

Mr. Eck said it's not that big a deal, and if Mr. Raymond wants to throw a third layer in there and address City Code, and make sure it touches that too, then that is fine. The report just gets bigger, but there's no conflict.

Mr. Raymond said there is a conflict with the age of significance, and it makes it unwieldy in terms whether of this is eligible for federal purposes under Section 106. It is not eligible under the City Code. He said these are the kinds of issues he is talk about. He said he can make the argument that the 404 Permit means that entire undertaking defined as the open space, makes the whole project exempt. He said he spoke with HPD about this issue and they say the Corps of Engineer has no interest in managing this project, other than the issue of compliance in drainages.

Mr. Eck said normally, if they could be made comfortable with the fact that local and state requirements have been met, they just say thank you very much, here's your permit.

Ms. Brennan said, "There is a legal method for resolving conflicts between different laws that express the same things at different levels. It's the first I've heard of these concerns. I would say there probably aren't that many conflicts, because there are choices that the law tells you to make in certain situations, and that's usually a fairly easy call. It seems to me it's the question of compliance with the City

ordinance that we're talking about here, and that you have jurisdiction over, and it doesn't sound as if you can make a decision tonight based on what you have."

Ms. Monahan said this Committee has dealt with this issue before.

Ms. Brennan said she just heard about this an hour ago.

Vice-Chair Monahan said she doesn't want to leave this without getting some suggestion about how to resolve it, because we don't want to have this discussion again, and "I would like to have it to be resolved." She said perhaps there could a meeting with staff and counsel to see if we can resolve how this should be handled.

Mr. Rasch said we've already had that.

Mr. Murphey said we are sort of at a new intersection. He asked the Committee if they want to continue to move in the direction as set out by the former Chair in the recommendations he made to the applicant, or if the Committee if it is going elsewhere. He said if the Committee is going to stay with the formal guidance stated previously, then the Committee probably needs to do a postponement of this particular report, otherwise, we are just circling around.

Mr. Ivey said, through discussion, former Chair Kulisheck worked out a set of guidelines and recommendations.

Vice-Chair Monahan said those are in the minutes.

Mr. Rasch said both department directors agreed on those.

Mr. Ivey said, apparently since then, the department directors no longer intend to carry out the agreement. He said this Committee is left in the position of whether we intend to insist on the agreement as originally crafted, or do we toss the whole thing and come up with something else. He said, as he recalls, no matter what we suggested, if it wasn't very very simple, it was rejected by one or another party because it was too expensive and would involve huge personnel work hours. He said essentially we are left to either insist on the original agreement and insist the parties involve revisit their agreement or lack of it, "or what."

Vice-Chair Monahan said she would like to hear from the City as to the reasons it can't comply. She said once we have this information, the Committee then can make a decision of whether or not to permit it. She said to have no representation here and no information about the City's position, we really can't abandon the prior position, and she believes we have to stay with it until we have reason to abandon.

Mr. Ivey said, "Let us not undo what has been done."

Mr. Eck said, absent what we asked for and expected, and believe we have required, there is no way to move forward on this.

MOTION: Jake Ivey moved, seconded by David Eck, with respect to Case #AR-15-12, that this Committee finds it cannot accept the reconnaissance report as submitted, requests clarification from the agencies involved as to the lack of compliance, and to postpone this item to the Archaeological Review Committee meeting of June 7, 2012.

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

Mr. Raymond asked the difference between a postponement and a tabling.

Ms. Brennan said tabling occurs within the session of the meeting, and a postponement is from one meeting to the next.

Mr. Raymond said, "One thing even on the federal undertaking that I do, is I use the City standards to do the survey, partly in anticipation of what is going to happen. In other words, 10 meter spacing, definitions, although not properly stated in the last report perhaps, those are the definitions and the basis on which I did the 74 acre survey because I was anticipating that I would like to resolve the conflicts between the various.... and typically, when those conflicts occur, we do the most stringent of the requirements."

Mr. Eck said this is only way to comply.

Mr. Raymond said it is the only way to satisfy all of the levels.

Mr. Eck said he doesn't know why the feds would have anything to complain about, because you are doing a better job and getting wider coverage.

Gary Funkhouser returned to the meeting

F. ADMINISTRATIVE MATTERS

1) ELECTION OF OFFICERS

MOTION: Gary Funkhouser moved, seconded by Jake Ivey, to elect David Eck as the Chair of the Archaeological Review Committee.

VOTE: There were no other nominations, and the motion was approved unanimously on a voice vote.

MOTION: Jake Ivey moved, seconded by Gary Funkhouser, to elect Tess Monahan as the Vice-Chair of the Archaeological Review Committee.

VOTE: There were no other nominations, and the motion was approved unanimously on a voice vote.

G. COMMUNICATIONS

Mr. Murphey said there are no communications.

H. MATTERS FROM THE COMMITTEE

Chair Eck asked the status of filling the vacancy on this Committee.

Mr. Murphey said they had Derek's papers to pass around, but they were lost. He said he will introduce that officially at the next hearing.

Mr. Rasch said because that individual does not have the requisite masters degree, so by City Code, this Committee must determine if his experience and/or education is sufficient as an alternative. He said the Committee has to make that finding formally, before we can recommend approval.

I. BUSINESS FROM THE FLOOR

A copy of a letter, with attachments, dated May 16, 2012, to John Murphey, Archaeological Review Committee Liaison, from Robert Dello-Russon, Deputy Director, Principal Investigator, Office of Archaeological Studies, Museum of New Mexico, regarding *Mejia Electrical Distribution Line Upgrade Project, Santa Fe, Santa Fe County, New Mexico*, is incorporated herewith to these minutes as Exhibit "2."

Ethan Giedraitis, PNM, said the Mejia Substation, which is on the hill on the west side of 84/285, across from the National Cemetery, is one of the primary substations that serves the northern part of Santa Fe. He said the primary feeders, which are the larger electric lines that come out of that substation, travel down the hill toward 84/285, and tie into the existing system. He said its current location is within a road and trail area owned by the City of Santa Fe, part of which is located in the bottom of a drainage. He said every time it rains, the lines wash out, get exposed, cause the lines go down and service is lost to the northern part of Santa Fe, more often than they would like.

Mr. Giedraitis said PNM has identified a reroute for approximately 1,100 ft. of the existing feeders which would be along what is known as Ridgetop Road. He said it is a previously disturbed area, but it would be out of the drainage bottom which would preclude the erosion issues and there would be fewer outages going forward. He said this is in the Rivers and Trails District, and is greater than 550 feet.

Mr. Giedraitis said he has worked with the Office of Archaeological Studies to determine what other studies have been done in the area. He said they did background research which indicates there are at least 4 previous surveys in the area, two of which completely covered the reroute area and the existing feeders. He said there were 4 previously recorded sites in the vicinity of the existing line, two of those determined previously to be ineligible by State Historic Preservation, one was not determined, and the fourth was determined as being eligible. He said there is a table in the letter showing the distance of these archaeological sites from the current project corridor.

Mr. Giedraitis said they are in a previously surveyed area, with sites in the vicinity, but none of that is exactly where we would like to reroute the facilities or reinstall or basically replace the facilities that are there. Mr. Giedraitis said on the map in the packet, the yellow line is the proposed reroute on Ridgetop Road and the red line is the existing route. He said they would be replacing the entire line all the way from 84/285 to the substation on top of the hill, the only deviation from the existing route being the yellow line.

Mr. Rasch asked if it is adjacent to the National Cemetery.

Mr. Giedraitis said it is on the west side of the road a few hundred feet away from the Cemetery which is across the road.

Mr. Giedraitis said this is in a previously disturbed area, and in looking at the City Code, PNM was unsure as to whether or not this falls under the exemption for not requiring additional work, because it was previously inventoried and there were no resources there. He said PNM would like to get clarification from the City Attorney, staff and this Committee.

Mr. Giedraitis said PNM wants to monitor anyway, noting OAS has done work previously in the area, and feel there always is a potential for buried sites, commenting PNM believes a couple of the sites are physiographically protected, because we're below them or far above them. He said PNM likes to monitor stuff anyway, even though some of them have already been determined to be ineligible. He said if there is something in the vicinity, they don't want people taking a wrong turn and going where they shouldn't. He said PNM typically has an Environmental Inspector, but in this case, it will be full archaeological monitoring.

Mr. Giedraitis said they have contacted OAS, and determined we want them to do the archaeological monitoring, and they are in the process of developing a monitoring plan, which we would submit to HPD to make sure it is up to standards.

Mr. Giedraitis said as it gets hotter the lines will be placed under further stress and they are trying to do this as soon as possible. He said, "With the wording within the existing City Ordinance, we don't know whether or not it is necessary to obtain an approved monitoring plan through this Committee as well as HPD, or if it is one or the other based on the fact that there are sites in the area, but nothing we intend to encounter with the route as proposed."

Mr. Rasch asked for clarification, if Mr. Giedraitis if he is speaking of the City HPD or the State HPD.

Mr. Giedraitis said PNM would be submitting to the State HPD, Michelle Ensey or someone else over there, to make sure the monitoring plan would comply with State standards.

Chair Eck said normally the agency, the City in this case, also would see that report, and the City and Ms. Ensey would have a conversation. He said he is unsure whether the Committee needs to see it, or whether Mr. Murphey can look at it and take action.

Responding to Vice-Chair Monahan, Mr. Giedraitis demonstrated the site of the route on the ARMS map [140421] and on the Project Area Map, noting 140421 is "in that bend there." He said it is to the west of the bend where the existing route turns from north-south trending to northwest trending. He said the site is right at the very north edge of the Rivers and Trails Archaeological Review District.

Mr. Ivey said he will defer to the rest of the Committee, commenting he doesn't know enough about this to comment.

Chair Eck said he believes this site does meet the exception, and that we do not need a resurvey because it already has been surveyed, and the proposed monitoring is both prudent and adequate to protect the resource.

Mr. Funkhouser said he agrees. He said there is a lot of utility work coming up, and the continued monitoring of these projects is of real value.

Mr. Rasch said PNM needs to have a qualified archaeologist submit to the City to get on a Committee agenda so the Committee can approve this proposal.

Mr. Giedraitis said he feels that PNM is in compliance with the Ordinance as it stands, and they will be trying to protect resources and complying with and dealing with the State HPD. He said this is really inquiry as to whether further work or applications need to be made to this Committee to ensure compliance with the City Ordinance.

Mr. Murphey said in a case such as this, PNM will propose a monitoring plan, and often it is the same plan PNM submits to the State, but it does need to come to the City because this is extending over 550 feet of new utility.

Mr. Giedraitis said then the project is not exempted and Mr. Murphey said no.

Mr. Giedraitis said then they are limited to getting on the agenda at the next meeting, saying he was trying to get this done quickly and this is the reason he is here today.

Mr. Funkhouser asked if we could have a "standing monitoring plan" from OAS, for when they do this kind of work.

Mr. Murphey said components of many plans are recycled. However, there are specific components as to previous studies and previous archaeological sites which have to be included new in each monitoring report, and specifying who will be doing the work, the number of hours proposed to do the work and such.

Responding to the Vice-Chair, Mr. Rasch said this item can be posted in time to be on the next meeting agenda. Vice-Chair Monahan asked staff to do that.

Mr. Murphey told Mr. Giedraitis said, "Just rework that to City Code and submit it as soon as possible."

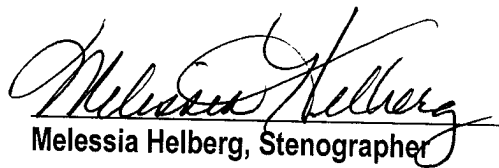
J. ADJOURNMENT

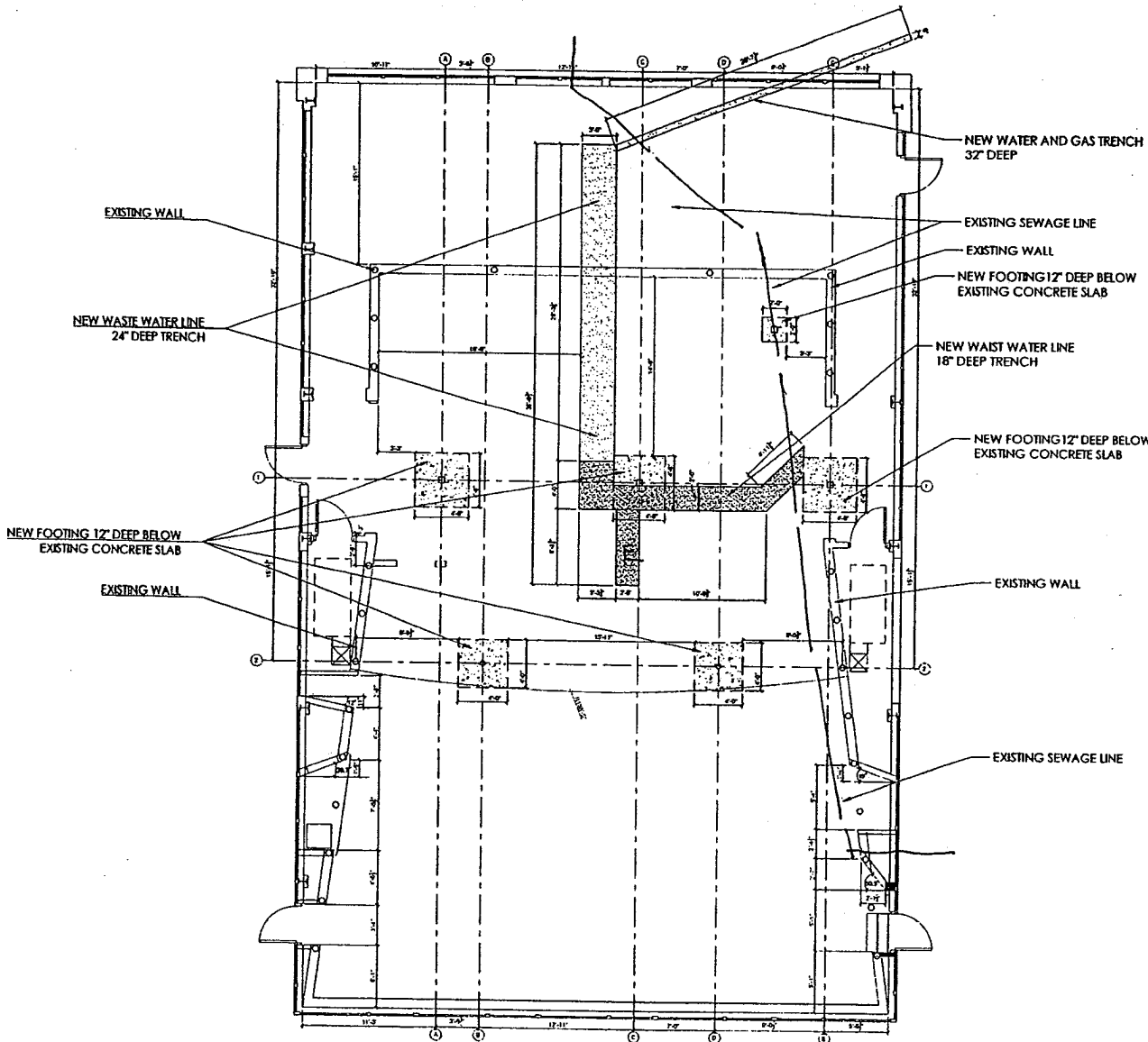
There was no further business to come before the Committee.

MOTION: Gary Funkhouser moved, seconded by Jake Ivey, to adjourn the meeting.

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

David Eck, Chair


Melessia Helberg, Stenographer



Lloyd & Associates
ARCHITECTS
 100 N. Guadalupe Street
 Santa Fe, New Mexico 87501
 (505) 984-9789 Fax (505) 986-1103
 www.lloyd-architect.com
 Telephone



SANTA FE
SCHOOL OF COOKING
 125 N. GUADALUPE STREET
 SANTA FE, NEW MEXICO

NO.	DATE	ISSUE

JOB NUMBER	1200
DRAWN BY	
CHECKED BY	
DESIGNED BY	
COPYRIGHT	© LLOYD & ASSOCIATES, ARCHITECTS
SHEET TITLE	ARCHEOLOGY EXCAVATION PLAN

SHEET NO.
ARC-1

1 ARCHEOLOGY EXCAVATION PLAN Scale 1/8" = 1'-0"

Exhibit "1"



**Office of
Archaeological Studies**

Museum of New Mexico ~ Preserving Our Heritage Since 1909

P.O. Box 2087
Santa Fe, New Mexico 87504-2087
www.nmarchaeology.org
Bataan Memorial Building
407 Galisteo Street, B-100
Santa Fe, New Mexico 87501
Joseph C. Halpin Building
404 Montezuma Street
Santa Fe, New Mexico 87501

May 16, 2012

John Murphey
Archaeological Review Committee Liaison
City of Santa Fe / Historic Preservation Division
200 Lincoln Avenue
Santa Fe, NM 87504

RE: Mejia Electrical Distribution Line Upgrade Project, Santa Fe, Santa Fe County, New Mexico.

Dear Mr. Murphey,

The Public Service Company of New Mexico (PNM) is proposing to mechanically excavate a utility corridor within the Rivers and Trails Archeological Review District of Santa Fe, New Mexico that is located on City of Santa Fe property. The proposed project is located within the northwest portion of Santa Fe within the Santa Fe Grant. The project is funded solely through private sources.

Project Overview

The existing Mejia distribution line is composed of three parallel underground electrical lines that span a distance of approximately 860 meters (2,822 feet). In order to improve the reliability of the distribution system the three lines will be replaced within the existing easement within a 520 meter (1,706 feet) length immediately adjacent to the existing electrical distribution lines. A 320 meter (1,050 feet) reroute will be excavated within a newly acquired easement. The new easement is located on higher ground, which should eliminate the frequent exposures due to erosion, and the associated outages. If the proposed upgrades are completed, the total length of the Mejia distribution line will be approximately 840 meters (2,756 feet).

Pre-field Records Check

A pre-field records check was conducted by the Office of Archaeological Studies (OAS) and David Reynolds on May 7, 2012. The entire length of the distribution line, the existing easement and rerouted easement, have been previously surveyed. Following are the results of the records check.

Previous Surveys

NMCRIS No.	Performing Agency	Acres	Date
16316	New Mexico Office of Cultural Affairs – Museum of New Mexico	2,818	9/13/1977
50208	Louis Berger Group, Inc.	1,741	11/9/1995
84891	Taschek Environmental Consulting	1.7	8/14/2003
100723	Southwest Archaeological Consultants	449	2/3/2009

Exhibit "2"

Previously Recorded Archaeological Sites within 50 meters of the Project Area

<i>LA Number</i>	<i>Site Type</i>	<i>Distance From Project Corridor</i>	<i>Eligibility Recommendations</i>
140421	Historic artifact scatter and thermal feature	17 meters (56 feet)	Not determined (HPD)
153865	Unknown prehistoric artifact scatter	30 meters (98 feet)	Not eligible (HPD)
153866	Unknown prehistoric artifact scatter	26 meters (85 feet)	Not eligible (HPD)
153824	Unknown prehistoric artifact scatter	16 meters (52 feet)	Eligible (HPD)

Of the four archaeological sites located within proximity of the project easement, LA 153865, 153866, and 153824 were recorded in 2006 by Southwestern Archaeological Consultants and the New Mexico Historic Preservation Division (HPD) completed eligibility recommendations. LA 140421 was recorded by Taschek Environmental Consulting in 2003, and HPD concurred with the “not determined” eligibility recommendation for the site.

Proposed Treatment

OAS believes that all archaeological sites noted above can be avoided by construction-related activities and vehicular traffic during the proposed distribution upgrade project. The archaeological site density is high within the project vicinity and there is a possibility of encountering previously undocumented archaeological materials.

The known sites are either distant or physiographically protected, by existing topography. However, archaeological monitoring is recommended to avoid known sites, and to properly address any archaeological artifacts, features, or sites encountered during construction.

In order to comply with the New Mexico Cultural Properties Act, OAS will prepare a monitoring plan, to be submitted to HPD for consultation prior to the initiation of any construction activities by PNM. Additionally, PNM has asked OAS to provide a copy of this plan to the ARC to remain compliant with City of Santa Fe Ordinance 14-3.13.

PNM has indicated that it is critical that this work be started as soon as possible. Please contact me at 827-6472 or at Robert.Dello-Russo1@state.nm.us if you have any questions or concerns. Thank you for your attention to this matter.

Best Regards,



Robert Dello-Russo
Deputy Director, Principal Investigator

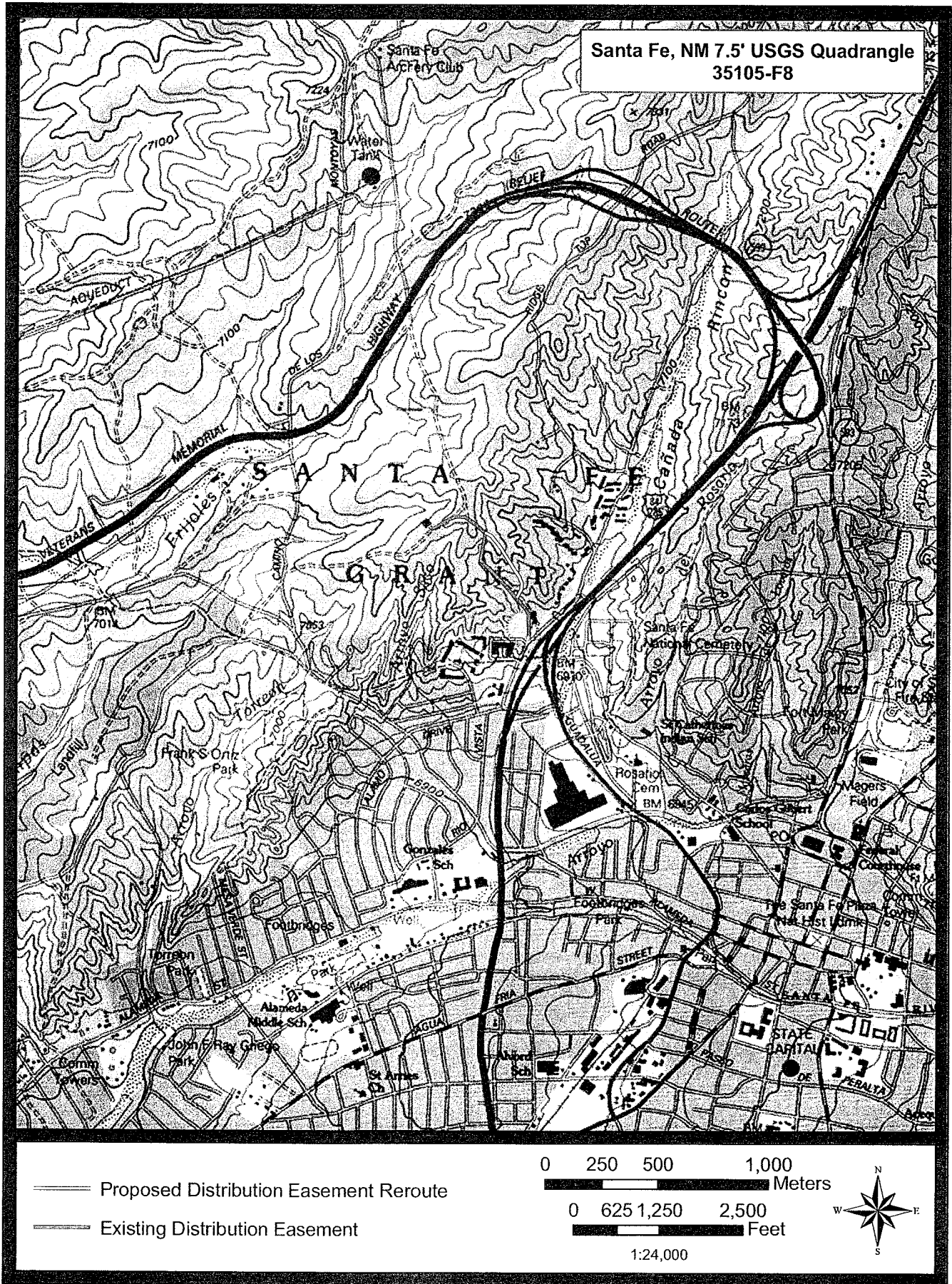
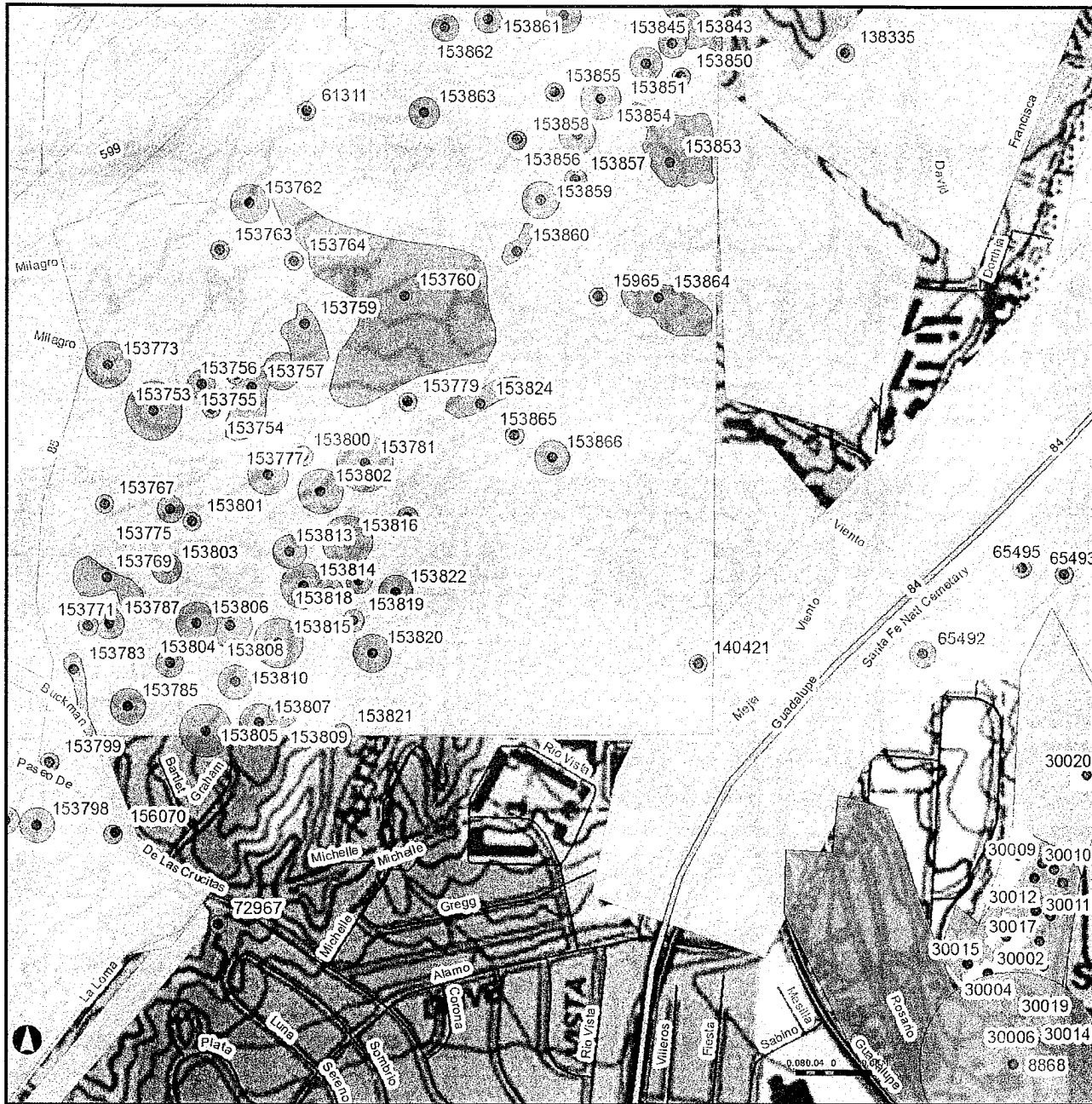










Figure 1: Project Area Map








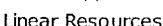

Map




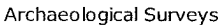







Site Labels

-  Site Labels
-  Site Boundaries (Edit)
-  Site Boundaries
-  Not Defined
-  Proposed
-  Approved
-  Building Labels
-  Object Labels

Buildings

-  Not Defined
-  Proposed
-  Approved
-  Objects
-  Not Defined
-  Proposed
-  Approved
-  Linear Resources
-  Not Defined

Archaeological Surveys (Edit)

-  Archaeological Surveys (Edit)
-  Archaeological Surveys
-  Not Defined
-  Proposed
-  Approved
-  Highways
-  Primary Limited Access or Interstate
-  Primary US and State Highways
-  Secondary State and County

- ◆ Linear Resource Labels
- ◆ Historic Structure Labels
- ◆ Historic Structures (Edit)
- Buildings (Edit)
- ▨ Objects (Edit)
- ◆ Linear Resources (Edit)
- ◆ Historic Structures
- Not Defined
- Proposed
- ▨ Approved

- Proposed
- ▨ Approved
- ◆ District Labels
- ◆ Districts (Edit)
- Districts
- Not Defined
- Proposed
- ▨ Approved
- ◆ Register Properties (Edit)
- ◆ Register Properties
- Not Defined
- Proposed
- ▨ Approved

- Local - Rural
- Ramp, other
- Detailed Streets
-
- New Mexico
- Counties
- Towns
- NGS USA Topographic Maps

NMCRIS

Background Reference Layers

DRGs: Copyright: © 2010 National Geographic Society
NGS USA Topographic Maps: Copyright: © 2010 National Geographic Society

Satellite Imagery

ESRI_Imagery_World_2D: Copyright: © 2009 ESRI, i-cubed, GeoEye
World Imagery: Copyright: © 2009 ESRI, i-cubed, GeoEye

PNM
Alvarado Square
Albuquerque, NM 87158-2104
Phone 505-241-0653
Fax 505-241-2376
www.pnm.com



May 17, 2012

John Murphey
Archaeological Review Committee Liaison
City of Santa Fe
Historic Preservation Division
200 Lincoln Avenue
Santa Fe, NM 87504

RE: Mejia Electrical Distribution Line Upgrade Project, Santa Fe, Santa Fe County, New Mexico. Request for clarification of exemption under City of Santa Fe Code 14-3.13(B)(5)(d).

Dear Mr. Murphey,

The Public Service Company of New Mexico (PNM) is proposing to replace and partially reroute three primary distribution electric feeders coming out of our Mejia Substation. In order to complete the work prior to summer peak loads, construction would need to be initiated as soon as possible. The existing Mejia distribution line is composed of three parallel underground electrical lines that span a distance of approximately 860 meters (2,822 feet). The lines current location places it in a road that is located near the bottom of an arroyo. This has caused the line to be washed out in multiple locations, and has been the cause of numerous electrical service outages. In order to improve the reliability of the distribution system the three lines will be replaced within the existing easement within a 520 meter (1,706 feet) area immediately adjacent to the existing electrical distribution lines. A 320 meter (1,050 feet) reroute will be excavated within a newly acquired easement. The reroute will place the lines on higher ground, which should eliminate the frequent exposures due to erosion, and the associated outages. After the proposed work is completed, the total length of the Mejia distribution line will be approximately 840 meters (2,756 feet).

The area where the reroute will occur has been previously inventoried on multiple occasions. There were resources found in the vicinity, but not in the existing or proposed alignment. We believe that the project is exempted from additional review under City of Santa Fe Code 14-3.13(B)(5)(d). However, PNM wishes to monitor activities to ensure that sites are avoided. PNM has contracted OAS to prepare a monitoring plan, to be submitted to HPD for consultation prior to the initiation of any construction activities. PNM requests clarification as to whether or not this activity is exempt from the need to obtain an archaeological clearance permit from the City of Santa Fe. I intend to be present at the May 17th ARC meeting to discuss this matter.

Page 2
May 17, 2012

Please find attached a letter from Robert Dello-Russo from OAS, indicating the results of the pre-field review. If you have any questions or concerns, please contact me at your earliest convenience at (505) 241-0699, or at Ethan.Giedraitis@pnmresources.com.

Best Regards,

Two handwritten signatures are present. The first signature on the left is written in dark ink and appears to be 'E.G.' or similar initials. The second signature on the right is also in dark ink and appears to be 'R.D.R.' or similar initials. Both signatures are written over a faint, circular stamp or watermark.

Ethan Giedraitis
PNM Resources

Enclosure (1)