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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, APRIL 18, 2013 – 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
 - March 7, 2013
 - March 21, 2013
- E. ACTION ITEMS
 - 1. Case#AR-07-13. Consideration of reconnaissance report covering approximately 9,688 sq. ft. of proposed ground disturbance at 925 and 927 Old Santa Fe Trail, located within the River and Trails Archaeological Review District. The request is made by Tom McIntosh, for Charles Brewer, owner, and John Midyette, architect.
- F. ADMINISTRATIVE MATTERS
- G. COMMUNICATIONS
- H. MATTERS FROM THE COMMITTEE
- I. BUSINESS FROM THE FLOOR
- J. ADJOURNMENT

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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING - INDEX

Cover Page		1
Call to Order and Roll Call	Meeting was called to order at 4:30 PM, City Council Chamber, rear of room meeting space. A quorum was declared by verbal roll call.	2
Approval of Agenda	Motion: James Edward Ivey moved, seconded by Gary Funkhouser, to approve the Agenda as presented. The motion was approved unanimously by voice vote.	2
Approval of Minutes March 7, 2013 No Corrections March 21, 2013 No Corrections	Motion: James Edward Ivey moved for approval as presented, seconded by Gary Funkhouser, to approve the minutes of March 7, 2013, motion carried by unanimous voice vote. Motion: James Edward Ivey moved to approve minutes of March 21, 2013 as presented, seconded by Gary Funkhouser, to approve the minutes of March 21, 2013, motion carried by unanimous voice vote.	2-3
Action Items Case #AR-07-13 Chairperson Eck: We will leave this as it is right now, you will come back with a Plat, it gets on the agenda along with your request to disturb and define the percentage of this easement and we consider that at the same time that we review the Plat.	Member Ivey moved that for <u>Case #AR-07-13</u> Consideration of reconnaissance report covering approximately 9,688 sq. ft. of proposed ground disturbance at 925 and 927 Old Santa Fe Trail, located within the River and Trails Archaeological Review District, that the recommended changes be made to the report and that we, the Board accept the recommendations for all sites as being significant under the criteria expressed in the city code and recommended treatment for all but two of them by means of monitoring. The two sites recommended for easements, the Board accepts those recommendations for easements for those two specific sites and that these easements be recorded on a Plat for future reference and brought to a following hearing for Board Review. Second by Member Funkhouser, motion carried by unanimous voice vote. Mr. O'Reilly: Due to the decision of the Archaeological Review Committee Hearing today the Building Permit Division can issue a building permit for the wall and fence as long as it does not cross the	2-19

ARCHAEOLOGICAL REVIEW COMMITTEE HEARING - INDEX

	easement. Mr. O'Reilly: Mr. Chair, if the Archaeological Ordinance doesn't apply to trimming vegetation so if the applicant would like to trim trees in that area that is fine. The Land Use Department would ask that you not pull any stumps that would destroy the ground in that easement area until you have the final approval from the city.	
Administrative Matters	Report on the Archaeological Fund, Land Use Director, Matthew O'Reilly	19-20
Communications	None	20
Matters from the Committee	None	20
Business from the Floor	None	20
Adjournment	The Archaeological Review Committee Hearing adjourned at 7:40 pm	20

ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

MINUTES
April 18, 2013
4:30 pm – 7:40 pm

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by Chairperson Eck, at approximately 4:30 pm, on April 18, 2013, in the City Council Chambers, City Hall Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair
Gary Funkhouser
James Edward Ivey

Not Present

Derek R. Pierce, Excused
Tess Monahan

Staff Present

John Murphy, Land Use Department
Matthew O'Reilly, City Land Use Director

Others Present

Tom McIntosh, ARCOM
Charley Brewer, Owner
John Midyette, Architect
Anna Serrano for Fran Lucero, Stenographer

C. APPROVAL OF AGENDA

Motion: James Edward Ivey moved, seconded by Gary Funkhouser, to approve the Agenda as presented. The motion was approved unanimously by voice vote.

D. APPROVAL OF MINUTES

March 7, 2013
No corrections.

Motion: James Edward Ivey moved for approval as presented, seconded by Gary Funkhouser, to approve the minutes of March 7, 2013, motion carried by unanimous voice vote.

March 21, 2013

No corrections.

Motion: James Edward Ivey moved to approve minutes of March 21, 2013 as presented, seconded by Gary Funkhouser, to approve the minutes of March 21, 2013, motion carried by unanimous voice vote.

E. ACTION ITEMS

1. Case #AR-07-13. Consideration of reconnaissance report covering approximately 9,688 sq. ft. of proposed ground disturbance at 925 and 927 Old Santa Fe Trail, located within the River and Trails Archaeological Review District. The request is made by Tom McIntosh, for Charles Brewer, owner, and John Midyette, architect.

John Murphey: Staff report included in packet. Nothing additional to report.

Tom McIntosh: The project at 925 Old Santa Fe Trail was a bit of a surprise, less than 5 acres. The very minimum I felt I could record was 8 archaeological sites. There are 30 some isolates on the project. The project area is heavily exposed, less than 10% over story of piñon and juniper, there are also willows in the lower arroyo area. The 5 acres is actually two tracts within the De Vargas Development Company Subdivision. It slopes about 2/3 of the north, half of the lot slopes up to 10% down in to the Arroyo Tenorio which is a major drainage part of the Arroyo Chamiso system. Of the eight archaeological sites, none of them reached earlier than Territorial period. Six of the sites were swales that are believed to be related to wagon wheel impact; wagon traffic – horse drawn, ox drawn and mule drawn traffic. Traffic at times was no earlier than the beginning of the Territorial period. The earliest artifact that I found out there was a shell casing from an 1866 Springfield: which appeared to be a 70 grain, so it may have been 1865. There was no real indication or any indication at all that any of the artifacts or any of the features were associated with the Santa Fe Trail corridor or the Santa Fe Trail itself. The amount of wagon traffic and the multi directional spread of the ruts and swales are visible in the 1935-36 Soil Conservation Survey. Aerial photographs indicate that it was a mix match of parking lot scenario, recovered wagons and trails were going in almost every direction. Pinning these sites down and associating them with the Santa Fe Trail corridor; two of the sites are continuations of what have previously been described as Santa Fe Trail and one of which has an easement.

John Midyette, Architect and Charlie Brewer, Owner

Mr. Midyette worked with the original owner who was the great grandson of Amelia White and when she gave the property to the School of American Research before she passed away she gave Dean House and his three sons the five parcels up there. The three to the left, School of American Research, and you probably already know that they were purchased last year or relatively recently. I have been involved with this property, I did the original little house that is on there now in 1973 for Dean and his wife and he loves Santa Fe. Kiki was Swedish; Washington and Maine was her cup of tea, so they never finished the project. Prior to building the house as Tom has said, the property was used extensively, kids would go up there to park, they would dirt bike across it so there was a lot of activity and we had a really hard time getting that stopped. Right before the first of the year I spoke with Dean and he indicated he would probably be interested in selling the property and that is when Charley bought it.

Tom McIntosh: Mr. Chair, I believe the address is 925 and 929 Old Santa Fe Trail, and you mentioned 927.

Chair Eck noted, "That is the way it appears in the packet."

Mr. Midyette: It was confusing, we originally had it as 929 and it seems like Steve Post referred to the lot in his most recent report as 925-927. This survey plat was done when we did the line adjustment. Dick Smith did that and it shows 925 to 929 and the city has it as 925 to 929. It should be 925 and 929 from the plat registered with the county; they have done both.

Chair Eck stated they would let it be for now; this is one of the things that will need to be clarified for final review.

Member Funkhouser: Reference was made to page 5 under C. Research Questions – note that first sentence is not a complete sentence.

Member Funkhouser will have questions on implementation and would like to wait until all members have made their comments.

Member Ivey: No comments.

Mr. Midyette addressed the Chair and showed a full scale plat that indicated 925 and 929 Old Santa Fe Trail.

Chair Eck started his discussion by referring to the Staff Memo. "There seems to be a discrepancy in the square footage of what exists and what is intended between the staff memo and your report."

Mr. Murphey stated that he took it from the Architect's correspondence provided to the city; they have the existing house as 2,847 square feet and the proposal is 5,724 square feet.

Mr. Midyette: That is correct for the house but it does not include the portals. The heated area is the 5,000 sq. ft. and there is about 1,800 sq. ft. of portal.

Chair Eck: This gets it up to the 6,500 square foot number that was in the report. I am looking at the larger number which has more to do with amount of disturbance more likely to occur because it is a bigger area which might become irrelevant when we start talking about monitoring the easements, etc. That is my first item.

In the abstract, abstracts typically get written last, I wondered if you were in a hurry because it doesn't have your usual grammar. 3rd paragraph, first line: there is a missing *and* between condiment bottle glass and sanitary cans.

4th paragraph: The condition of four *of* the trail segment...(sentence continues).

Your inclusion of a figure in the abstract floored me. There is a figure reference, it is usually not there and I was sort of surprised to see it but I think it also in reproduction didn't do you a favor because parts of your legend have disappeared.

Mr. McIntosh: Yes, I see the key, I did notice that later. There was a map that I really wanted to include but I didn't have a place to put it so this in fact was an afterthought. I noticed that Steve Post had put a 7 ½ minute quad map in his abstract.

Chair Eck: Table of Contents, there are a number of pagination issues. Item C. Research Questions is actually on page 5 not page 6. Beginning with Elliott under Archaeological Context ending with Winters; same. It should run, 39, 40, 41, 42, 43 instead of the numbers indicated.

Item B in the Table of Contents: Research Orientation in the text it is Research Design, no preference, just make them the same.

Page iii, there is another figure, I am not sure how you would refer to it but it seems like it should be referred to someplace. The easiest way to take care of all that is to include a list of all figures after the table of contents. Laundry list it and it won't be an issue anymore.

Page 2: Caption for Figure 2 - the word Historic in the first line is misspelled. In the last paragraph of that sentence there is a reference to check dam reported by the Post, it would be useful to put in an LA number. Page 4: Research Design = Orientation in B. Heading.

Page 4: In the second paragraph preceding that, 2nd paragraph on that page reference to Reed 1993a; I think there is only one Reed in the references cited, drop the a.

In the quote at the bottom of page 4, *Here at the resemble branches* should be – *Here they resemble branches of*

Page 5 – Figure 4: ~~portion~~ should be portion

Page 7 – line 1: Consideration is given to household discard features (sentence continues).

1st paragraph of the indented quote – 3rd sentence: The mean annual precipitation is ~~423~~ 12 to 15 inches,

The Chair commented that when he stood at Amelia White Park, he felt that the drainage that crosses the north side of this property is flowing out the direction that the description says it is. Does it actually flow from northwest to southeast towards Museum Hill? It is flowing from southeast to northwest; how does it get to the Arroyo Tenorio, Arroyo de los Chamisos?

Mr. McIntosh: It comes out of the Chamisos and it flows away from the Chamisos. It has been referred to as part of the Chamisos system in the Pitel report.

Chair Eck: Does the drainage divide the two? USGS wasn't too helpful. The little symbols for intermittent streams don't connect. I fully expected the water exiting this property would go northwest and end up downtown.

Mr. McIntosh: That is correct. Did I contradict that sir?

Chair Eck: No, I just was not seeing how this could be part of the Arroyo de los Chamisos because it is flowing southwest.

Mr. McIntosh referred to the USGS, page 123 in the report. You can see the Arroyo Chamisos coming out of the Sangres to the northwest and flowing northwest out of the Sangres. It does end up looping around but as it loops around Arroyo Tenorio it breaks and continues.

Chair Eck: In conditions of high water the water would be going both ways.

Mr. McIntosh: Yes, I think so. It will end up downtown and at Wal-Mart.

Chair Eck: Thank you for the explanation; that erases a bunch of my questions. I got lost trying to convince myself that water runs uphill.

Page 9 – Figure 5 Caption: A large drainage flows North from the SW quarter of the project area. Doesn't it flow north from the SE corner of the project area?

Mr. McIntosh: It is north from the SW quarter. (Santa Fe Trail is here and the drainage in question is coming out of what is the SE corner of the property flowing NW.)

Mr. McIntosh will correct this direction in the caption.

Chair Eck:

Page 10 – Figure 6 Caption: You have a 2 foot interval side-by-side.

Page 16: Paragraph 1, last sentence. Twenty-two of these did not survive the trip – are we referring to the carros – or the oxen? I don't think that the carros did not survive because of the lack of oxen.

Mr. McIntosh concurred with this correction.

Page 16: Paragraph 2, 4th sentence – Reference to Hammond and Rey. I could not find it in references cited. There are a bunch of these, I think cut and paste.

Page 17: 1st full paragraph – last line (Rose, Dean and Robinson 1981) are not in the references cited.

4th paragraph, last line - Citation to Kessell – Cited in 1979 and it is noted as 1989; I would like to know which one is right. One or the other, or maybe you have two citations.

Last line on page 17: Reference to (Post 2002), it is not in the references cited.

Page 20: 1st full paragraph, last sentence – reference to you, McIntosh, 2000 is not there. Reference to Carrillo 1997 is not there.

Page 22: 1st full paragraph, last sentence – reference to (Garrand 1955) is not present and the reference to (Torres 2006) is not present.

4th full paragraph, last sentence, reference to Acklen is actually Acklen et. al. as it appears elsewhere.

Page 25: 1st full paragraph, 9th line, ~~Tomsita's~~ should be: Tomasita's

Page 27: 1st paragraph of David Snow contribution – reference to (Ebright 2010) is not present in his references cited.

Page 33, 1st indented quotation – (LaFarge 1959), could not be found in the references cited.

Page 34, 1st line – reference to William White's 1898 map of Santa Fe (Figure) – blank?

1st full paragraph after the indented quotation: Reference in bold face to Fig. 2. I don't think it is to Fig. 2, that is something else.

Next paragraph there is an embedded reference to Fig. 6, same.

Page 36, 1st line the word entirely is missing y

Page 38, Figure 11 – You make reference to a two-square mile area in the text above that figure. Is that two-square mile area delineated on the map or is it just described?

Mr. McIntosh: It is projected by using sections as a mile. It is a projection (as shown).

Chair Eck: In this paragraph at the top of the page, there is a reference to the study area being bounded on the north by Old Pecos Trail.

Mr. McIntosh: Yes, by the intersection of Santa Fe Trail and Old Pecos Trail. On the north by Pecos Trail between Santa Fe Trail and Armenta. That is actually the northwest, maybe. The project; the research area, the two-square miles was meant to be identical to the Pitel report so I could capture that.

Page 39, last paragraph before Michael Elliott: Reference to Post 1999 – Same reference appears in the heading at the top of page 40 but not in the references cited.

Page 40, 4th paragraph, 2nd sentence – There is a floating square bracket that doesn't seem to belong in front of the word 'presence'.

Page 42, 1st paragraph of David Snow – (Snow 1995d), I think that second reference needs to disappear.

Mr. McIntosh: You are right, correct.

Chair Eck: Two paragraphs later, reference to Snow 1986 isn't there and neither is Wiseman 1977.

Page 43: Heading 5. – Dr. Abbott's name is misspelled: ~~Alysa~~ - correct spelling: Alysia

There is a quotation embedded in that paragraph; I don't know which is right but it doesn't match the quotation which seems to be the same on following page 45, very last paragraph has the same information. I suspect the second version is correct because it seems to read better.

Page 44, Figure 13 Caption: The reference, would that be to a personal communication or to some other means of referring to information on that plat?

Mr. McIntosh: It is the source of the graphic.

Last paragraph on page 44: Two citations to Pitel and Tigges, Tigges has a different spelling. *2 g's and 1 s*

Page 45, 4th paragraph – Of three previously surveyed land ~~partals~~ – should be *parcels*.

Page 46, last paragraph. Reference to (the University of Utah Department of ~~Anthropology~~ (Anthropology has an extra t in the document).

Citation to (Rock 1987) does not appear in the references cited.

Last sentence: Lindsy is spelled different elsewhere, which one is right?

Page 47: A.1 Temporal Period for A.2, listed as Pueblo.

Mr. McIntosh: Right, and I have that circled also. That would be Territorial, associating artifacts with a swale is iffy. I stand to be corrected.

Page 48: Figure 15. Artifacts and Features; if they could be labeled it would help. I wondered about the different boundaries depicted here as opposed to those on your individual. Ultimately it would be nice if they were all the same, I don't know which one is right, which one you would prefer, it doesn't matter. But when you produce clusters with the associated maps, if those things look exactly like the figure presenting the project area, it would be optimum. When there is discrepancy it usually leaves the question.

Mr. McIntosh: This was the initial view of the thing. These were the clusters, I did not make that clear. I will make this conform with the site plan as you suggest.

Chair Eck: On that same figure up to the very north of the parcel where it is labeled Arroyo Tenorio, there is a check dam symbol there.

Mr. McIntosh: Right

Chair Eck: In your description it said check dam, you said it is mostly not in the parcel so there is something amiss in the location.

Mr. McIntosh: Right.

Chair Eck: Maybe the whole arroyo and the associated check down should slide north of it.

Mr. McIntosh: To clarify the Arroyo Tenorio, the property on the north is bounded in the center of the Arroyo Tenorio, so the north line would be the Arroyo.

Chair Eck: And the Arroyo is wider than a line on your map so it might be southern.

The citation at the end of the figured caption exhibits the interesting variation on Tigges.

Page 55: Figure 21 - 2nd sentence for the caption; it starts off with a digit which is usually not the way to do it, it should be a word. ~~Centimeters~~ misspelled: centimeters is correct spelling.

Page 58, the last line: Referencing drive-up meeting places, I am not sure that the last sentence reads exactly the way you want it to, it might be missing a word or two, and it seems to be missing a verb.

Page 60, Here is where I went back to that figure showing your findings and started getting lost. In the discussion of artifacts it says Feature B, and I wasn't sure what Feature B was.

Mr. McIntosh: It should be site A2.

Chair Eck: Page 61, first line. Tigges again.

Page 65, Table 2, in the preceding tables the numbers were headed by FS as you refer to FS here and there. There is no heading which leads to later variations where the numbers are sometimes associated with a physical location. I don't know how you handle that. It seems like you have physical things and artifacts come later in the table.

Mr. McIntosh: I am not clear.

Chair Eck: For instance, go to page 67, the heading for the number column changes to UTM as a lay point and then the number refers to an edge of depression as opposed to an artifact.

Mr. McIntosh: I was trying to incorporate the location point of which were UTM weight points which these numbers are and I normally use the weight points as my FS numbers. This time I wanted to incorporate location points, LPs, which those are but admittedly I don't believe they fit well in to an artifact table.

Chair Eck: How about this, you consistently head that column with the label UTM and at the very first mention of an FS – parenthetical way point number – and it will thence be clear to the reader what you are doing.

Mr. McIntosh: So you are OK with the UTM?

Chair Eck: Yes, it is just confusing as it is.

Chair Eck: Page 71, Figure caption – What is the building in the background?

Mr. McIntosh: It is the back of the School of American Research. That is the big building there where they have all the artifacts.

Chair Eck: So are we looking west or northwest?

Mr. McIntosh: I had trouble with the directions. North is off where the big trees are and this is NE. (referring to picture on page 71).

Chair Eck: Page 74, second line. I think Rex Wilson would benefit from a parenthetical 1981 to complete a reference.

Chair Eck: You discuss the 50 caliber 1866 Springfield cartridge casing; that is pretty cool. Can we add it to the IO list. It would be very cool if you could include that in the illustration.

Chair Eck: Page 78, Site map. You mention a check dam and I realize you are dismissing it as a rather modern informal check dam but it would be nice to have it on the map.

Chair Eck: Page 85, third paragraph, last line above picture – champagne. Next paragraph, Lanman & Kemp, no date. Were you hunting on the internet for Lanman & Kemp?

Mr. McIntosh: Yes.

Chair Eck: Maybe mention no date, inter-net search or something to tie it to why there is no date.

Chair Eck: Next paragraph, Ferraro and Ferraro it not in the reference cited.

Page 86, paragraph after the Figure, James 1956 is not in the references cited.

Page 88, last 2 words of the ceramics discussion you should capitalize El Delirio. It is capitalized elsewhere, be consistent.

Page 93, Figure shows the check dams post recorded. The check dams you found later - lesser.

Mr. McIntosh: There are photographs. I didn't know if to report those sites, since they did not appear on the 1936 aerial, I was not sure that they would even qualify as historic. I don't know.

Chair Eck: I am not encouraging you to record them as sites and having heard that you now have LA numbers for the sites you have defined. One suggestion I was going to have is to have two sites and a bunch of features within two sites rather than 8 sites, a different way of packaging.

Mr. McIntosh: We were trying to keep these site boundaries as tight as possible because in the beginning as John and I talked at one point of the entire project area could be considered a site with a bunch of features in it. Many of the features and artifacts, the

isolates have no real connection with anything. Because the proposed fencing, building of the fences in the perimeter areas we went with the tight boundaries and of course that can be changed.

Chair Eck: I wouldn't change it at this point.

Mr. McIntosh: Do you approve of site boundaries personally?

Chair Eck: I think you have to represent the best interest of your client first and making a giant site that engulfs 80% of the property might not look so good. But on the other hand you could also argue for major portions of that site to be of such condition and nature that they don't contribute anything. You can still put an easement for instance on a couple of features within a site.

Chair Eck: Page 97, first paragraph, 2nd sentence does not match the rest of the paragraph because you acknowledge a 50-caliber Springfield cartridge and mention something about the military but the sentence actually says artifacts related to military phases of Santa Fe Trail were not observed. Is that because the cartridge is too late to match that tight time frame?

Mr. McIntosh: No, I don't know. There was a military base there that is indicated on maps that granted where caliber were constructed without equipment, in 1846. I don't believe that is the Santa Fe Trail, I think that is my point. There was a military encampment on or near the project area in 1846, but I don't believe that it can be associated with Santa Fe Trails. I will clarify that, I can see the confusion.

Chair Eck: Fifth paragraph, Site A-1, I am not sure I am following the logic with the loss of integrity due to it being buried in windblown deposits. Elsewhere there is a description where in fact windblown deposits have obscured A-1.

Mr. McIntosh: Yes, I believe they have. To a certain extent it soothes infilling of sultry fine sand in filling which has probably come off the adjacent driveway, the parking lot of the Amelia White Park. There is so much disturbance around there, vehicular and foot traffic that dust in my mind has been blowing up in that area for decades, if not longer. That little portion of the site is a small portion, was swale and recorded by Winters on the adjacent property. As a continuation of that, it is pretty obvious that only a little pie shape corner of that, much of it has been in filled.

Chair Eck: I am following the disturbance part of the argument for it having lost some integrity. Actually on page 43, last paragraph where you mention roughly one half meters _____ sand was blown in to the swale segment.

Mr. McIntosh: Maybe .05 meters, it should be 10 centimeters.

Chair Eck: I think I am making a philosophical argument here that burial of something doesn't really affect its integrity, it is the other stuff that affected its integrity. Almost all archaeological finds are buried somewhat. It just caught my eye because it didn't seem to follow the rest of your discussion.

Mr. McIntosh: I will rework the integrity part of A-1.

Chair Eck: Page 98, 5th paragraph which is number 4. The last line of that description, again I had trouble with the direction because the property is a little offset. It says, "it may be a continuation of the protected site recorded 40 meters north on the southwest corner of the Howell's property." Isn't the Howell's property to the West?

Mr. McIntosh: Yes, there is a preservation easement recorded on the SW portion of the Howell property. David Snow did the preservation easement. That is different than the preservation easement on 919 property. Can I clarify that for you.

Chair Eck: If you read it and you decide it makes sense leave it the way it is, if you read it and think others are confused, try to have it make sense.

Chair Eck: Last two paragraphs on page 98; there is a body of text that seems to be repeated and I am not sure if you intended to repeat it or if it just got mixed up. In the middle of the 6th paragraph, at the end of your discussion of Site A.4, you have a sentence that begins with "both segments are in a highly erosive environment and have lost much of their integrity." Perhaps the same conditions pertain on A.4 as is A.5, the very next paragraph, that language is repeated almost verbatim and I wanted to be sure you were saying it twice on purpose.

Mr. McIntosh: I will clarify that but I think it was on purpose. Those two sites, A.4 and A.5, originally I was going to record them as one site. They are sort of a braided scenario swale down there. A.4 has two distinct swales, A.5 is right adjacent to it, within maybe 30 or 4 meters, but it does have two less distinct braids as well. They are on the slope and almost identical on location. I will reword that to make it not look like a cut and paste sort of a thing.

Chair Eck: Page 101 in your references cited, the Cordell reference lacks the year 1989 per the text.

Chair Eck: Reference to the deBuyes, I think deBuyes is misspelled. I don't think there is an e after the -y. Correct spelling is deBuys.

Chair Eck: Page 104: I noticed this because of a couple missing references that we talked about earlier, but there is also apparently an out of sequence mis-alphabetized series, you go from Scott to Schroeder to Scheick. Tweak the order and you will be in good shape.

Chair Eck: Page 111, I am wondering if an afterthought bit you because there are actually no references cited from any of the references in Appendix C.

Member Funkhouser: In reference to an ordinance related to the Santa Fe Trail, is there a black and white map that I can read?

Mr. McIntosh: It references a specific map which is the Tigges and Pitel map which is almost like a strip map that is in the city offices.

Mr. John Murphey: I tried to put a copy of that in my appendices but that map does not print out well.

Member Funkhouser: Apparently that is the only copy available that I am aware of.

Chair Eck said that it would be great if someone could scan that in a large format scanner and get it digitized. Chair Eck said he would offer the Commissioners scanner to make a reverse image of it and try to get it in the references.

Mr. John Murphey: The entire map?

Chairperson Eck: Yes, the entire map. We could then provide it to people in a more useable format.

Member Funkhouser: It is important for it to be black lines on white instead of white on black which never prints.

Member Funkhouser: There are references made in the code regarding a Master map, it talks about the Santa Fe Trail, as referenced on city map _____, I thought it was approved.

Mr. John Murphey: Yes, that is correct; at one time there were a number of maps for different purposes, for different agencies in the Planning Department, in the hall. So the Tigges and Pitel map is one of those. It is no longer a static exhibit at city hall, I have a paper copy.

Member Funkhouser: Part of that is my confusion regarding the number of sites in the area. I just have questions regarding the managing and design and I have some questions on how they monitored swales and the impact to the larger geographic and geological information. What does the impact involve?

Chair Eck: Part of this has to do with the fact that we have reoccurring problems with the easements. It will be interesting to see the easements on a Plat as they are being proposed. They need to be defensible as in they need to be something you can really protect. Putting an easement at somebody's back door, which has happened, almost inevitably leads to the loss of property that you had in the easement. We want to think about it, we want to see it. I don't disagree with your suggestion that an easement is an appropriate way to go. We are suffering from bad experiences of easements.

Mr. McIntosh: The idea of the easements came from two directions. 1) I didn't go sub-surface on any of the sites except for A-1 which was a shovel test. That was one motivation to go with the easement. Also, the two easements were there, the swale easement and there is one site for swale easement. The reason I suggest one there is because that particular swale continues to Amelia White Park which is in Class I condition.

Chair Eck: The only problem is that it is crossed by the foot path on the perimeter of the park.

Mr. McIntosh: We are talking about the west end of the park. Dr. Abbott put an easement on the east end of the park. This swale is not impacted on the Amelia White Park, there is no sidewalk crossing it. I could say, diagonal swale that comes from the southwest corner of Amelia White Park, you don't see it until you are midway in to the park as you are looking a little bit northeast. It is diagonal and crosses the property line

right about where the existing structure is.

Mr. McIntosh: (Shown on the map – A2) Where the boundary is, it goes right into the Amelia White Park. It seemed appropriate to request an easement on that because it is relatively a pristine swale.

Member Funkhouser: What is the alternative? Let me get in to that discussion, Tom has suggested the easement in the two locations which we don't see significantly impacting what we are trying to do other than the one you are talking about.

Mr. McIntosh: For now, right.

Member Funkhouser: If you chose not to do an easement there, what would you do to mitigate the archaeological history; would you excavate it more, what would you do? Obviously we are not Archaeologist, but we don't see what you all are seeing there. We are not questioning it; the question being as you brought up before, "how do you preserve the easement for the future?"

Mr. Midyette provided a picture showing the property demonstrating how it would be protected.

Mr. McIntosh: I argue that our project is in the Santa Fe Trail corridor, more of a staging area, a traffic area for local and multi-state, possibly international traffic from the Mexican period. Up around Ft. Union those swales are well defined, nothing like what we are seeing in our area. I think that the 1936 Soil Conservation Aerial gives the best indication. The 1951 Aerial also gives a good indication.

Member Funkhouser: What you are looking at is a series of track segments through a rather larger piece of time. So often what happens is that everyone assumes we are looking at contemporaneous and it is not. It probably is about 100 years of changes. Another thing is you have Santa Fe Trail outsiders coming in and you have local use that you keep up. I did a lot of work up at Ft. Union and you can see changes in the pattern from one set of development of the Fort to another and they cut through an overlay each other and buildings overlay them. I recommended strongly to the park that they work out a detailed plan of the things and start color coding or some other indication to show periods because they had a huge amount of information about traffic and land use activity between different building projects.

Mr. McIntosh: Who makes the determination if this is Santa Fe Trail or it is not?

Member Funkhouser: You have said it casually and I have made my comments because that is a terrible thing to get in to.

Mr. McIntosh: I absolutely agree. Thank you for your input that I cannot provide. You have experience in observational history I do not have.

Member Funkhouser: It is far better to treat it all as historic trail segments until such time as somebody can tell you otherwise, and that is not going to happen. Because otherwise protection falls apart, the whole concept of the trail is eligible for any kind of protective arrangements.

Mr. McIntosh: Go with Santa Fe Trail or go with local trail?

Member Funkhouser: I say you have to stick with Santa Fe Trail as it is the category that is protected, local trail is not and you don't know which is which.

Mr. McIntosh: I cannot provide one shred of archaeological evidence tying that to the Santa Fe Trail.

Member Funkhouser: What constitutes archaeological evidence, that it is part of the Santa Fe Trail? What constitutes that evidence for most of these things?

Mr. McIntosh: That is a good question. Just because there is no method to tie it to; if I had groups of artifacts or journals; that map was not created by an Archaeologist that was a planner. Archivists, Historians, Planners, yes; they may come up with something that they feel strongly, but archaeologically there is nothing that ties that to the Santa Fe Trail. There is nothing that doesn't tie it to the Santa Fe Trail.

Member Funkhouser: The protective language; it seems to me that the intent is to protect potential Santa Fe Trail segments and until such time that we are able to say a thing or not, we should act like it is. Otherwise there is no protection.

John Murphey: More matter of fact, under procedures of Santa Fe Trail in Section A it says; "the tracks of the Santa Fe Trail are shown on the map of the river in trails district attached hereto", and then shows the exhibit map. We are assuming at one time that there was some designation that these represent the Santa Fe Trail.

Chair Eck: This is key, if we start building arguments for a given segment on a given piece of property, not being part of the Santa Fe Trail because they don't see any artifacts that associate with the Santa Fe Trail, it is the same argument as me saying that the nice travelled county road that passes the farm that I grew up on wasn't there in 1870. It doesn't look like that anymore but it was there and I know that and there are not artifacts that associated with 1870 anywhere.

John Murphey: It is not there now.

Chair Eck: Sure it is, it is under the gravel.

Mr. McIntosh: I did not go sub-surface on these things. I don't know. If I could cut a back hoe trench through one of those, if we were at that level of testing and find some actual vertical wets.

Chair Eck: You won't.

Mr. McIntosh: I have heard that Winter's found some right next door.

Chair Eck: He found a few indications of what you might say are the edge of a travel surface. It isn't like you can cut a trench across it and see a nice profile.

Mr. McIntosh: How can you record it if it is not there?

Member Funkhouser: You use the color designation for the heavily compromised or non-existent trail. There are segments of non-existent trails marked on the map.

Mr. McIntosh: Pointed out the different areas on the map related to non-existent and those related to his project. All of these are indicated in 1991 as lightly compromised trail twenty-years ago or non-existent; heavily compromised or non-existent.

Chair Eck: I agree with you, you can see a nice swale for some distance. Member Ivey's expression that we have to treat it carefully until such time that someone can demonstrate that is exactly analogous to the eligibility argument. Until you can demonstrate that something is not eligible, it is. This is the model we have.

Member Funkhouser: We are kind of stuck in that because of the nature of the way the political and academic processes works; we are stuck with that as our default. I don't see any other way around it.

John Murphey: I am not sure we have a problem calling it the Santa Fe Trail if you want to call it that. All the sites are considered significant because they all provided information. We could do a nomination for it or something like that. I think the client is OK with calling it the Santa Fe Trail and monitoring them may be a way to put those easements. My opinion is as stated and I stand corrected if you as the commission want to go in that direction. I understand the new logic to the site that is not proven otherwise is potentially eligible for listing. We are in the city jurisdiction where we are not listing anything.

Mr. McIntosh: Are we discussing basically this one track that is the A2, as to whether we put a conservation easement or not?

Chair Eck: Yes, that is where we are focused.

Mr. McIntosh: As far as B1 goes, he had suggested that we might do a conservation easement there at the dump site. I am not sure that the dump site wasn't part of the research that Amelia White and the students, when they did broken pots way back. Again, I am not an archaeologist. If the A2 site and Charles and I have discussed that in certain parameters, we are willing to fence that off and make an easement out of it. We are going to put a coyote fence on the property that is there now. (*Continued review of the plat describing the area.*)

John Midyette: It is right off the main house. The property line that you are looking at from your map (*shows the area*), shows what I am looking at is right in here (described on the map). To answer your question; it is or it isn't, the safe side is to say yes as opposed to no until somebody can prove it is not. From what I am hearing you say, greater minds than me can't make a decision on it. To move forward, we don't have a problem putting conservation easement on that part. And we will fence it to get a delineation of that so that it is not just on paper, we will do it in the field too.

Member Funkhouser: When we keep on with this policy we wind up sticking people 50 years from now with the same problem.

John Midyette: (Pointed out on map) - If it was out in the middle here, we would have a real problem. The fact that it is here, we can deal with it. The rest of it, this is really what we are going to disturb. We are going to fence around part of this here. Other than that we really don't have a problem. (Shows the existing house and where the new house will be built).

Member Funkhouser: Both of which have been disturbed a lot.

John Midyette: There is nothing in the report. We don't have a problem in going in with those two.

Member Funkhouser concurred that he was fine with this response.

Mr. McIntosh: Jake, I am happy to put in a couple of paragraphs to remark on what the consensus amongst the group is to temper my objection to calling these.

Member Ivey: What I think we should continue to point out is the way the protection language is set up puts us in to this type of situation frequently and it would not hurt to keep pointing out that even in cases where there is reasonable question about the age or association of fragments of things, still because of the way that things are set up we have to protect them.

Mr. McIntosh: I don't think that the city code has the same language as the state has as far as when there is no determination of eligibility. A site is considered eligible.

Chair Eck: The state doesn't have that either, that is Federal. That is my background and then layered on this is the fact that the Santa Fe Trail has been listed as a National Registered Property and State Registered Property and so if anything is part of it or could be part of it or cannot be demonstrated to not be part of it should get the protection.

Chair Eck: On a site by site basis, we are to vote to approve or disapprove recommended significant status and its' required recommended treatment. In the past we have lumped them together and said in general we agree or disagree with the recommendations in the report, but what this says is site by site.

Member Ivey asked if they were accepting the categorization of the sites and the determination/recommendations for the treatments in every case.

Chair Eck: Yes.

Member Ivey moved that for Case #AR-07-13 Consideration of reconnaissance report covering approximately 9,688 sq. ft. of proposed ground disturbance at 925 and 927 Old Santa Fe Trail, located within the River and Trails Archaeological Review District, that the recommended changes be made to the report and that we, the Board accept the recommendations for all sites as being significant under the criteria expressed in the city code and recommended treatment for all but two of them by means of monitoring. The two sites recommended for easements, the Board accepts those recommendations for easements for those two specific sites and that these easements be recorded on a Plat for future reference and brought to a following hearing for Board Review. Second by Member Funkhouser, motion carried by unanimous voice vote.

Discussion:

Mr. McIntosh: The second dump site is significant in the fact that it did provide some information but the information is not unique, it was demonstrated elsewhere. When I say a single use dump site I am not sure that it is that. I honestly do not know what level of integrity I am seeing there.

John Midyette: Basically what you have said is that you accept the report with the changes and corrections that the Board made and that you accept the recommendations at the sites of which they are 7, 2 of which will be documented by a conservation easement and submitted to the Board. Should we get in to any development in any of the A1 thru A4 we would have to monitor the activity there. We will get a Plat of the two easements back to the city and the Board. My question on that is; we want to build a coyote fence here (shown on map) and masonry and coyote fence here, if you look at part of that we wanted to dig a foundation on the fence line here and plant that, what do we do here? Can we just monitor that when we cross there? It isn't in the middle of that easement it is on the edge of it, but we want to put a foundation on the property line with the park there.

Member Ivey: A while ago you told us there was no problem with the easement.

John Midyette: There is no problem with the easement; we can do the easement there. But we want a fence across the property line. We want to bring a 6' masonry wall up to this line here and then do a 6' coyote fence on the property line. We are looking at a foot-and-a-half of space between the property lines where we do the wall which is potentially part of that easement. We do want to be able to build a wall and a fence on the property line through that.

Chair Eck: What appears on that property line right now?

Mr. McIntosh: Barb wire fence. It was noted that the neighbor is in process of building a fence through their easement which was mitigated by monitoring.

John Midyette: We don't have a problem monitoring this area here with Tom, but I don't want to get in to a position where we can't build a wall there.

Chair Eck: This amounts to a request to disturb less than x-% of an easement.

John Murphey: 10%

Chair Eck: So clearly it is less than 10%?

John Midyette: Yes.

Chair Eck: On that premise, is what I believe the approval as mentioned above to be monitoring under that provision of disturbing less than 10% of an easement?

John Murphey: That is the way the former case was resolved, they came to us to disturb the easements and the monitoring clause was agreed to.

Chair Eck: We will leave this as it is right now, you will come back with a Plat, it gets on the agenda along with your request to disturb and define the percentage of this easement and we consider that at the same time that we review the Plat.

John Murphey: What is our timing here? The next meeting is May 16th with an April 30th deadline.

John Midyette: The issue is we want to get the fencing done and protect the property. The easement Plat is fairly easy to do.

Mr. O'Reilly: Due to the decision of the Archaeological Review Committee Hearing today the Building Permit Division can issue a building permit for the wall and fence as long as it does not cross the easement.

Chair Eck: I have a procedural question. I was of the understanding that until this is signed that they could not get a building permit.

Mr. O'Reilly: That is the way the Building Permit policy works 99.9% of the cases, but the fact is that the Archaeological Review Committee has just approved this case. The Land Use Director sees no problem with issuing them a permit for the fence as long as they don't do any of the work in an area where they are going to later ask permission to disturb the easement. Once the Plat is recorded then the contractor will be free. Assuming the Plat is recorded and this committee approves the disturbance of the easement than the Land Use Department will allow construction of the remainder of the fence in that area. At that time we should have approval and presumably a Plat signed by the City of Santa Fe.

The members agreed to this explanation.

Mr. Brewer: I can't cut any trees or brush? I haven't.

Mr. O'Reilly: Mr. Chair, the Archaeological Ordinance doesn't apply to trimming vegetation so if the applicant would like to trim trees in that area that is fine. The Land Use Department would ask that you not pull any stumps that would destroy the ground in that easement area until you have the final approval from the city.

John Murphey: Will provide the appropriate wording to Tom McIntosh for the next meeting.

F. ADMINISTRATIVE MATTERS

Final copies of the Archaeological Report will be presented at a future hearing. It was requested that this be reviewed at the May 16th hearing. Chair Eck said yes, place them first.

Mr. Murphey stated that the Land Use Director was present per request of the committee to discuss the status of the so called Archeological Fund which was discussed several hearings ago. There were a number of questions and Mr. O'Reilly was present to answer those questions.

Matthew O'Reilly, Land Use Director:

Section 14-3.13d5 creates an Archaeological Fund. It is a fund that receives revenue through the building permit process. \$10 of each primary permit for residential and commercial construction goes in to the Archaeological Fund. Secondary permits or secondary electrical, mechanical, those kinds of things are not charged the \$10. The fund currently has a balance of roughly \$110,000. The ordinance allows the Archaeological Review Committee to make recommendations for expenditure of money from the fund for certain projects. *(I am happy to read those to you if the committee would like to hear that unless the committee already knows).* Basically the procedure would be for the Arch to make a recommendation to expend money from the fund. How the money is actually approved or spent depends on how much it is. The Land Use Director has the authority through his Department budget to spend up to \$5,000.00 (five-thousand dollars) to sole source archaeological work from the fund. If the amount was \$5,000.00 or less there would be no need for any approvals other than the Archaeological Review Committee and the Land Use Director. For expenditures over \$5,000.00 but less than \$50,000.00, city procurement regulations would require the City Manager to approve that and likely we would need to put out an RFP and get multiple bids for something like that. For amounts over \$50,000.00 the same procurement rules would apply, it would be required to have an RFP but in a case like that the City Council would have to approve expenditure of that money. Again, it would first be required for this Committee to make a positive recommendation to spend the money.

Chair Eck and the members expressed their thanks for this information.

Chair Eck: Do we know off hand how much money we have spent in the past?

Mr. O'Reilly: The last time that any money was spent from this fund was in late 2009 or early 2010 and it was to do some additional archaeological studies for a property inside the Casas de Cipriano subdivision, lots 8 & 9. It was an archaeological study that was done by the previous applicant that required more detail. The city of Santa Fe hired a different Archaeologist to complete that work and it was under \$5,000. The report was presented to this committee and approved.

The city takes in an average of about 1,300 primary permits. By primary, this means major construction permits, not small secondary permits a year. That means that we take in to the Archaeological Fund roughly about \$13,000.00 a year.

G. COMMUNICATIONS

None

H. MATTERS FROM THE COMMITTEE

None

I. BUSINESS FROM THE FLOOR

None

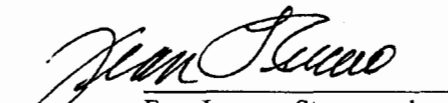
J. ADJOURNMENT

There being no further business to come before the Archaeological Review Committee Hearing, the meeting was adjourned a 7:40 pm.

SIGNATURE PAGE


David Eck, Chair

20 June 2013


Fran Lucero, Stenographer