



# Agenda

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## ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, MARCH 21, 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

February 21, 2013

### E. ACTION ITEMS

1. Case#AR-04-12. Consideration of monitoring report covering activity at 919 Old Santa Fe Trail, located within the River and Trails Archaeological Review District. The request is made by Ron Winters for Mary Anne Stickler Trustee, property owner.

- F. ADMINISTRATIVE MATTERS
- G. COMMUNICATIONS
- H. MATTERS FROM THE COMMITTEE
- I. BUSINESS FROM THE FLOOR
- J. ADJOURNMENT

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ARCHAEOLOGICAL REVIEW COMMITTEE  
March 21, 2013**

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<b>CASE #AR-04-12. CONSIDERATION OF MONITORING REPORT COVERING ACTIVITY AT 919 OLD SANTA FE TRAIL, LOCATED WITHIN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY RON WINTERS FOR MARY ANNE STICKLER, TRUSTEE, PROPERTY OWNER</b>	Approved w/corrections	2-5
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**MINUTES OF THE  
CITY OF SANTA FE  
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING  
City Councilors Conference Room  
March 21, 2013**

**A. CALL TO ORDER**

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on March 21, 2013, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

**B. ROLL CALL**

**Members Present**

David Eck, Chair  
Gary Funkhouser  
James Edward Ivey  
Derrick Pierce

**Members Excused**

Tess Monahan, Vice-Chair

**Others Present**

John Murphey, Historic Preservation Division  
David Rasch, Historic Preservation Division  
Melessia Helberg, Stenographer

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

**C. APPROVAL OF AGENDA**

**MOTION:** Gary Funkhouser moved, seconded by Derrick Pierce, to approve the Agenda as presented.

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

**C. APPROVAL OF MINUTES – FEBRUARY 21, 2013**

The following corrections were made to the minutes:

Page 2, paragraph 2 under E(1), line 1, correct as follows: "...proposed ~~letter~~ memo..."

Page 3, paragraph 1, line 1, correct as follows: "Hundley" to "Huntley"

Page 3, paragraphs 11 and 13, change "end holdings" to "in-holdings."

Page 10, paragraph 2, correct as follows: "...to be an indentation under..."

**MOTION:** Gary Funkhouser moved, seconded by Derek Pierce, to approve the minutes of February 21, 2013, as amended.

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

**D. ACTION ITEMS**

1. **CASE #AR-04-12. CONSIDERATION OF MONITORING REPORT COVERING ACTIVITY AT 919 OLD SANTA FE TRAIL, LOCATED WITHIN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY RON WINTERS FOR MARY ANNE STICKLER, TRUSTEE, PROPERTY OWNER**

**STAFF RECOMMENDATION:** Staff recommends approval of the monitoring report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), and the specific procedures for treatment of Santa Fe Trail segments under Archaeological Clearance Permits (14-3.13(C)(6)).

Chair Eck noted there is a staff report in the packet, with attachments, including the application and Mr. Winter's report, and asked Mr. Winters if he has anything to add to the staff report.

Mr. Murphey said it was a difficult process, because the work was started three times without notifying Mr. Winters, and he had gone to the site twice and actually halted the work once. He said this brings up some of the issues regarding once an easement is placed what actually happens there. He said the Parks and Trails folks were going to be here this evening, but are not here.

Mr. Winters said, as with the Ft. Marcy incident, given what we went through on this case to begin with, and for them not to follow through, this was an even more frustrating project. He said

because he didn't trust them, he was policing the site to see the progress. He said he and John Murphey found two incidents subsequent to the first incident when the architect called him advising that they had dug the holes for the fence posts.

### **Jake Ivey**

Jake Ivey said he has no comment about the report, other than that there are no page numbers in the report.

### **Derek Pierce**

Mr. Pierce said the requirement when remnants of the Old Santa Fe Trail will be impacted, is that it must be mapped and photographed, and the portion of the tract to be disturbed must be less than 10%.

Mr. Murphey said this is correct.

Mr. Pierce said that is a requirement for each case. He asked what happens if they come back multiple times wanting to disturb 5% or 8% at a time. He asked about the cumulative effects.

Mr. Murphey said, "My understanding is that 'you only do it once.' The Applicant, the owner, comes in, they need to disturb the easement, such as in this case, to put footings in for a duct and a fence. And we grant that, given the monitoring and everything else, and that's done once."

Mr. Pierce said Mr. Winters, now and in the past, used the phrase of policing his own work. He said he would applaud him for doing that, noting it is obvious that Mr. Winters has a commitment to cultural resources which goes well beyond his "professional business interest."

Mr. Winters said this isn't the only time this has happened, noting there was a case where he drove by a site and noted that there was equipment in the trail ruts, no orange fencing up, and he took care of that. He said it is important to let people know that once they receive approval, that isn't the end of the process.

Mr. Pierce said he has a "larger picture comment," but will reserve that for Matters from the Committee.

### **Gary Funkhouser**

Mr. Funkhouser said he would “second” Mr. Pierce’s comments, commending Mr. Winters for taking the initiative, on his own time, to check on the resource. He said, “It’s great. We appreciate it.”

Chair Eck agreed, saying in one case, some arm of government and its contractors were running amok on an historic property. In another, people apparently can’t read and continued to do whatever they wanted in the back yard. He also thanked Mr. Winters.

Mr. Winters said the resources are limited, and he has insight into the project they may not.

Mr. Murphey said, “To state the obvious, we don’t have an archaeological inspector. We have a person that does Historic Preservation, but there is no one who follows up with Archaeology.”

Chair Eck said, if we ever enjoy a vibrant economy again, he thinks it would be a very good idea to have a City Archaeologist, and Mr. Funkhouser agreed.

### **Chair Eck**

Chair Eck offered the following corrections:

On page 2, paragraph 2, line 4, the deck is on the north side, not the south side, which wasn’t corrected from the last time.

Page 2, paragraph 7, correct as follows: “A motion was ~~filed~~ made by....”

**MOTION:** Derek Pierce moved, seconded by Jake Ivey, with respect to Case #AR-04-12, to approve the request for approval of the monitoring report covering activity at 919 Old Santa Fe Trail, located within the River and Trails Archaeological Review District, by Ron Winters for Mary Anne Stickler, Trustee, property owner, subject to the aforementioned corrections, finding it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), and the specific procedures for treatment of Santa Fe Trail segments under Archaeological Clearance Permits (14-3.13(C)(6)).

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

Chair Eck said this isn't public property and it is difficult to speak about penalties. He said, for example, if this had occurred on State Trust Land, the Commissioner would have the authority to assess a 100% penalty for having done the wrong thing, and having done it repeatedly a 500% penalty. He realizes this Board can't assess a penalty. He said, "But, I'm sick and tired of hearing about easements that are routinely ignored. I've had it. I'm not thrilled about ever hearing another proposed easement again. I'd rather they did data recovery and destroyed the thing, than to pretend that they're doing it to protect it."

## **F. ADMINISTRATIVE MATTERS**

A copy of the *City of Santa Fe 2013 Heritage Preservation Award Nomination Form*, is incorporated herewith to these minutes as Exhibit "1."

### Heritage Preservation Awards

Mr. Murphey said next month is Heritage Preservation Month and the City will be giving its Heritage Preservation Award for archaeology. Mr. Murphey gave each person a nomination form. He said at the next hearing, we would develop a list of candidates, and officially vote at the April 18<sup>th</sup> hearing, or wait until the first hearing in May.

Mr. Pierce noted that the State HPD did not get a single nomination for archaeology, noting all of the nominations were for built environment things. He said he hopes that won't be the case this time. He said there is a lot of archaeology out there on preservation that should be recognized.

Chair Eck said this Committee's purview, given the six categories, is generally we speak only of Category 3 which is Archaeology. However, if we happen to know something about others, I'm sure they would be happy to know about those.

Mr. Murphey said this is correct. He said we would make a photocopy and fill it out for something else. He said the Committee's purview is any archaeology that has happened within the calendar year 2012, that happened within the City limits of Santa Fe.

Mr. Ivey noted that Matthew Barbour, a previous winner, is now running the Jemez State Monument, noting his work was excellent.

## Archaeological Fund

Mr. Murphey said he is getting closer to getting some real information about the Archaeological Fund, and when he has that information, the Land Use Director will attend a hearing with that information.

### **G. COMMUNICATIONS**

There were no communications.

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

Derek Pierce said, "Given with what we saw with this case this evening, which unfortunately is not uncommon and seems to happen all the time, I'm wondering whether this Committee would like to consider if it's even worthwhile issuing monitoring stipulations, given that the City lacks resources to follow up or use any kind of enforcement. Is it time to consider going to data recovery when we're talking about projects that are within a site boundary."

*The Committee discussed monitoring stipulations and commented as follows:*

- Mr. Funkhouser said he doesn't believe it is that they can't read or can't remember, he thinks the problem is just "disregard it and assume that there will be no punishment."
- Mr. Pierce said in this case, we did succeed, once they were red-tagged, commenting the tragedy is that it took three times to stop the behavior.
- Mr. Ivey said a red-tag powerful threat, but it takes a particular set of circumstances for it to be applied.
- Chair Eck said, when applied, as in this situation, it works and it caused them to stop for one day while Mr. Winters checked the back-dirt from the holes and look into the holes. However, it really didn't cost them anything. He said you really get people's attention when they are liable for the costs of delay. He said we have no way to impose that. The only thing would be to have a good contract with the people doing the work and then "ding" them for the delay.
- Mr. Funkhouser said the red-tag process isn't a true field exercise, and asked what Mr. Murphey has to do in terms of red-tagging a project.



Mr. Murphey said he has to check with the Land Use Director, then get with Gary Moquino, Code Enforcement, noting Gary Moquino physically puts on the red tag.

- Mr. Funkhouser said City money and time is being expended to do this.
- Chair Eck said it would be nice if the City could collect its costs to red-tag.
- Mr. Pierce said he is beginning to question the value to monitoring stipulations as a treatment recommendation when, in fact there is no follow up.

Mr. Murphey asked if he is speaking specifically to easements.

Mr. Pierce said not necessarily, noting he doesn't believe the Ft. Marcy case involved an easement.

- Chair Eck said, "And the recent situation we discussed regarding testing, is just a formal introduction of holes in the ground that someone then monitors and tells us about what they saw. They saw a 'boat load' of artifacts and physically disturbed deposits, but really didn't get any information out of that either. Much like monitoring, it is almost a passive... or assumption that unless you find the 'Taj Mahal,' you stick in the units and slam in the backhoe trenches and you're done."
- Mr. Ivey said the artifacts were in fact trenched, but we don't know where.
- Mr. Ivey said he doesn't like the idea of letting the fact that a bunch of stupid people violating the terms of the agreement will force us into making agreements. They win."
- Mr. Pierce said other people pay the price for their malfeasance. He said there are organizations who have relationships with contractors who know exactly what to do, PNM for instance.
- Mr. Funkhouser said he isn't a big proponent of monitoring.
- Mr. Ivey said it looks like a bad situation and maybe we can hope that it will improve, but I would prefer not to back out of present arrangements... "consider it a pressure toward improvement."
- Mr. Funkhouser said it is an issue of not being able to monitor these things, and cited the situation of the culinary school. He said we need a City Archaeologist.

- Chair Eck said we are starting to have more examples of people “messaging up” the easement thing, than following the easement spirit.
- Mr. Funkhouser said then there is the issue of that being a legacy being passed along to people who want to purchase a property and do something with it. It is a huge burden that they assume.
- Chair Eck said it might be better to revisit the question of whether they can whittle it away at 8% per time until it’s largely gone. He said we’d like to say no, but he has heard people stand up and speak to the Governing Body about things that were not approved by the people who are supposed to make those decisions. And the Governing Body overrules them, because “Golly Grandma needs a house in her back yard because she needs care,” and then three weeks later it is on the market as a lot split, and Grandma had nothing to do with it, she never even saw it. He said those kinds of things happen all the times. He fully expects we will have people come and whittle away at easements, because it is an excessive burden “placed on my ability to use this property that I paid some obscene amount for in downtown Santa Fe.”
- Mr. Ivey said they believe that you are infringing on their rights.
- Chair Eck said it’s a taking.

Mr. Murphey said, regarding the cultural preservation easements, he has noticed in the past we go ahead give them their pink slip in anticipation they are coming back to us, and often they don’t. He said in putting together the data base, he is seeing tons of easements which were never filed. He said a simple recommendation would be to not give them a pink slip until they come back to ARC with a filed copy of the easement.

- Chair Eck would like to do that, and asked if that can be done administratively, and Mr. Murphey said yes.

Chair Eck he understood the changes to the River State Park were to rebuild the walkway to make it handicapped accessible. He said on further investigation, the HDRB heard it and passed on it at some point in the past. However, there are trenches 2 feet deep, 1 foot wide, for hundreds of feet across parts of the park, and he wonders how all of that happened, and if it ever came to this Committee, and why there isn’t a monitor making sure what they’re doing hasn’t disturbed anything truly important.

Chair Eck said he happens to know that artifacts are coming out of the trench – charcoal, burnt bone, unburnt bone, sawed bone, metal artifacts, ceramic artifacts, glass artifacts including half of a very nice glass doorknob. He asked Mr. Rasch if the City proposed to do something to the Santa River State Park that involves digging trenches.

Mr. Rasch said he doesn't know, and asked if there is an archaeologist on the project.

Chair Eck said he doesn't know.

Mr. Rasch said he thought there was.

Mr. Murphey said his understanding is that portions of this project came to ARC sporadically, and we told them they had to do a little more with a methodology. He said we started to see stuff at the Skate Park farther upstream, most recently the Bishop's dropped garden structure. He said, however, he has no idea about the particular section near the Chair's Office at the Land Office.

Chair Eck said he remembers the issue at the skate park, because it came before this Committee.

Mr. Rasch said he doesn't understand why the trench is 2 feet deep.

Chair Eck said it is substantial trenching. He said they are using a Ditch Witch and a baby backhoe in tandem, noting it is too deep for him to see the stratigraphy.

Mr. Rasch asked the Chair if he saw them do utilities, and asked if they are putting in a utility line.

Chair Eck said there are bits and pieces of old irrigation system which have been thrown out of the trenches, but most irrigation systems are aren't that deep.

Mr. Rasch said they are going 18 inches for irrigation systems, noting this was done at the Plaza.

Chair Eck said then that is within the realm of the ditch.

Mr. Rasch said we need to tell the project manager that their monitor has to be there, commenting he thought there was an archaeologist on site.

Chair Eck said that's good, but he hasn't seen an archeologist. He said the artifacts need to be documented.

Mr. Rasch said they will be putting back the historic stone curbing.

Chair Eck said that has been done next to his office, but he doesn't know how far down the River that has been done. He said the fill may come from trash which people dumped in a divot along the River when they were doing the CCC work and building the retaining walls. He said they probably welcomed any and all fill at that time. He said below that it is pretty dark and where he thinks the artifacts are coming from, and it appears to be the local native soil and not imported from very far away. It is dark and organic.

Mr. Murphey said he can call Brian Drypolcher to see if there's a monitor for the Santa Fe River Park and report back to this Committee.

Chair Eck would like somebody to run a critical eye over it and characterize the deposits and materials on the north side of the River, south side of Alameda. He said all of the trenching is between the little footbridge and Don Gaspar, but there is no trenching on the part that is next to the land office to now.

The Board discussed various projects which may or may not have received archaeological clearance, including the redo of the road by the State in front of the Scottish Rite temple where there was a large cemetery and the Fairview Cemetery and whether or not all of the bodies were removed from those cemeteries, and where those were relocated.

Mr. Pierce asked if there is an ETA for the Railyard report.

Mr. Murphey said he hasn't heard back from them, noting he gave them the direction given by the Board.

Mr. Pierce reiterated he will be absent for the April 18<sup>th</sup> meeting.

## **I. BUSINESS FROM THE FLOOR**

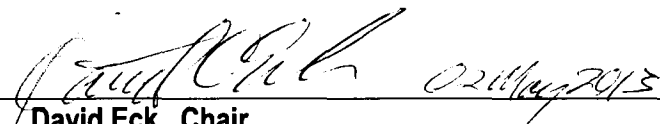
There was no business from the floor.

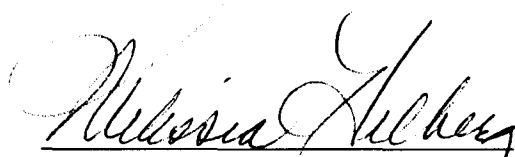
**J. ADJOURNMENT**

There was no further business to come before the Committee.

**MOTION:** Derrick Pierce moved, seconded by Gary Funkhouser, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:30 p.m.

  
David Eck, Chair

  
Melessia Helberg, Stenographer

# City of Santa Fe

## 2013 Heritage Preservation Award Nomination Form

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Name of Nominee: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Project (if applicable): \_\_\_\_\_

1. Please choose an award category (one category only)

- Historic Preservation Project
- Compatible New Construction
- Archaeology
- Cultural Preservation
- Sara Melton Award
- Mayor's Award for Exceptional Contribution to the Preservation and/or Understanding of the City's History

2. Briefly explain why a Heritage Preservation Award is deserved.

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3. Please include photographs, drawings, or additional text to further support the nomination.

4. Has nominee received a City of Santa Fe of Santa Fe Heritage Preservation Award in the past?

Yes\_\_\_ No\_\_\_

If so, when and for what? \_\_\_\_\_

Nominated by: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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Return completed nomination to David Rasch, City of Santa Fe, Historic Preservation Division,  
P.O. Box 909, Santa Fe, NM 87504, or [darasch@santafenm.gov](mailto:darasch@santafenm.gov)  
by **5 pm, April 19, 2013**

*Exhibit "1"*