



Agenda

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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, April 5, 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:

March 1, 2012
March 15, 2012

E. ACTIONS ITEMS

1. Case#AR-07-12. Approval of cultural resources survey and archaeological testing investigation covering 0.347 acres at 237/239 East DeVargas Street for proposed construction of building at El Castillo Retirement Residences, located within the Historic Downtown Archaeological Review District. The request is made by Ron Winters for Al Jahner, El Castillo Retirement Residences.
2. Case#AR-08-12. Approval of monitoring plan for project to install an approximately 125'-long fiber optic telecommunication line along Washington Avenue north of intersection with Palace Avenue, located within the Historic Downtown Archaeological Review District. The request is made by Robert Dello-Russo, Office for Archaeological Studies for Century Link Corporation.
3. Case#AR-09-12. Approval of archaeological study covering 3.3 acres at 1515 West Alameda for proposed improvements at Torreon Park, located within the River and Trails Archaeological Review District. The request is made by Stephen S. Post for the Public Works Department, City of Santa Fe.

F. ADMINISTRATIVE MATTERS

G. COMMUNICATIONS

2012 "Archaeology Award"

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.

**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE
City Councilors Conference Room
April 5, 2012**

A. CALL TO ORDER

A meeting of the Archaeological Review Committee was called to order by Jeremy Kulisheck, Chair, at approximately 4:30 p.m., on April 5, 2012, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

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

Others Present

John Murphey, Senior Planner, Historic Preservation Division
David Rasch, Planner Supervisor, 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: Tess Monahan moved, seconded by David Eck, to approve the Agenda as published.

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

D. APPROVAL OF MINUTES: March 1, 2012 and March 15, 2012

The following corrections were made to the minutes of March 1, 2012:

Summary Index, correct as follows: "...~~Abbotek~~, Inc. Abboteck, Inc..."
Global change "Abbot" to "Abbott"

The following corrections were made to the minutes of March 15, 2012:

Page 4, Paragraph 3, under Chair Kulisheck, line 1, correct as follows: "... Arroyo de las los Chamisos..."

Page 4, Paragraph 3, under Chair Kulisheck, line 4, correct as follows: "...~~separation~~ occupation on it..."

Page 5, paragraph 1, last line correct as follows: "...could be a preservation issue, but..."

MOTION: David Eck moved, seconded by Tess Monahan, to approve the minutes of the meeting of March 1, 2012, as amended, and the minutes of the meeting of March 15, 2012, as amended.

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

E. ACTION ITEMS

1. **CASE #AR-07-12. APPROVAL OF CULTURAL RESOURCES SURVEY AND ARCHAEOLOGICAL TESTING INVESTIGATION COVERING 0.347 ACRES AT 237/239 EAST DeVARGAS STREET, FOR PROPOSED CONSTRUCTION OF BUILDING AT EL CASTILLO RETIREMENT RESIDENCES, LOCATED WITHIN THE HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY RON WINTERS FOR AL JAHNER, EL CASTILLO RETIREMENT RESIDENCES.**

The staff report was presented by John Murphey.

BACKGROUND AND SUMMARY: At the request of El Castillo Retirement Residences, Ron Winters conducted an archaeological survey of approximately 0.347 acres at 237/239 East De Vargas, located within the Historic Downtown Archaeological Review District. The site is associated with a 19th century residence (Valdez Compound) situated in the Barrio de Analco. The proposed project is to construct a building attaching to the north elevation of the Manuel Valdes House. The survey conducted in February and March of 2012, included four test units. Numerous domestic artifacts were encountered, mostly dating from the 1880s to the 1960s. The archaeologist did not recommend any further investigation. These findings are presented in the accompanying report, "An Archaeological Inventory and Testing of 0.347 at 237/239 De Vargas Street, Santa Fe, New Mexico" (Winters, Ron, March 6, 2012). This report satisfies 14-3.13(B)(1)(a)

STAFF RECOMMENDATION: Staff recommends approving the report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and the requirements of Archaeological Clearance Permits for city-sponsored projects (14-3.13(B)(1(a)).

Ron Winters said there is very little of this ground which is undisturbed or is not built upon. He said in the trenching he was able to do on the east end of the property, as you saw, not far below the surface he hit river cobble all the way down. He said in the testing on the north side of the house and on the southwest corner of the property, he turned up quite a few artifacts. He said he discussed the property with DeDe Snow after the fact, and she said a lot of the area was filled in because of the drop-off to the River and the artifacts were consistent with the initial building of the property, the Manual Valdez house. Ms. Snow said it is fortunate that he didn't hit burials because across the street on E. DeVargas there was a cemetery at one time. He said he believes David Snow did a utility line down the street and uncovered numerous burials, but there were none in the area where he worked.

Comments by the Archaeological Review Committee

Jake Ivey

Mr. Ivey said on Page 10, Paragraph 2 under The Historic Period, he says "...Pedro de Peralta, possibly as early as 1606." He said Peralta didn't get here until 1610, and suggested a correction as follows: "...Pedro de Peralta ~~as early as 1606~~ under Onate's authority."

Mr. Ivey suggested the following changes on Page 14, in the last paragraph:

Line 8, Delete the second Barrio de Analco.

6th line from the bottom, correct as follows: "... originally part of the tract..."

Line 5, correct as follows, "...Chapel of San Miguel built in 1620 in the early 1600's."

Mr. Ivey said, other than these corrections, Mr. Winters did his usual brilliant job.

David Eck

Page 4, paragraph 1, reference to Folks 1975, he couldn't find it in the list of references.

Page 4, paragraph 3, line 5, reference to Kelly 1980, he couldn't find it in the list of references.

Page 4, last paragraph, line 4, reference to Maker et al. 1978, he couldn't find it in the list of references.

Page 22, last paragraph, line 1, correct as follows: "... historic sites are defined as a ~~locus~~ loci."

Page 23, Paragraph 2, last line, reference to Deyloff et al. 1999, is not in the references cited, but there is a Deyloff 1999, and perhaps et al. is superfluous or if there is a missing reference.

Mr. Eck said on Page 29, Description of survey, Mr. Winters does present a profile of "trench," but wonders if he has profiles of "hand units."

Mr. Winters said no, he didn't. He said as mentioned previously there was a lack of stratigraphy and the determination that it was in fact fill, but no there are none..

Mr. Eck said if there are any makers marks to support the dates in paragraph 1 on page 29, or if these are very general dates to artifact types.

Mr. Winters said there were no makers marks.

Page 29, paragraph 2, line 6, correct as follows: "..cobbles ~~the~~ dominated..."

Page 29, paragraph 3, line 3, are there references for the dates mentioned in association with the general artifact classes.

Mr. Winters said he is unsure, noting all of the materials were very small pieces, and it appeared to be, but he wouldn't positively ID it.

Mr. Eck asked if he still had it when he spoke with DeDe.

Mr. Winters said they talked about that and he will show it to her, because she certainly knows.

Mr. Winters said on page 30, paragraph 3, he mentions a .22 Remington rimfire cartridge, noting the head stamp on those is usually diagnostic and asked if it was fired, or unfired. He said the reason is that we have more live ammunition than you might imagine out of the cemetery at San Miguel Chapel – unfired rounds. He said in the next paragraph there is a reference to a .38 Special Western center-fire cartridge, and asked if it was fired or unfired.

Gary Funkhouser

Mr. Funkhouser would like Mr. Winters to include something about his discussion with DeDe Snow, noting that it was hard for him to visualize the differences, even though it was on the flood plain.

Mr. Winters said he was surprised that within a very short distance there was river cobble, and not too far away there were artifacts. He will include a page/paragraph about his discussion with DeDe Snow.

Mr. Funkhouser said that would put in context the reason for the variable distribution across the property.

Tess Monahan

Ms. Monahan had no additional comments.

Chair Kulisheck

Chair Kulisheck said he would like to amplify Mr. Funkhouser's comment, that it is absolutely critical to have an additional section in the report which provides an interpretation of the excavation results. he said on page 22 there is a site definition, and then he looks at the results of the excavations, and what he found meets the definition of what you say is a site on page 22. Yet, you don't designate a site, he presumes, because he believes the materials here were redeposited from elsewhere. He said that interpretation needs to be in this report, and it needs to be clear in relation to the absence of the definition of a site. He said he chooses not to define a site that begs to be explained, and there needs to be a section in the report which is explicit about that, rather leaving us "wondering that." He said Mr. Winters does say that there is evidence of disturbance for testing at 2, 3 and 4, and certainly at trench 1. He said with the absence of no stratigraphic drawings it would be useful to say, "There are no stratigraphic drawings because none of these units had any stratigraphy."

Mr. Winters said he thought he had a deadline of March 3, 2012, and submitted this to the Planning Division accordingly, and then learned the deadline was much later, and he had that discussion with DeDe Snow after the fact. He said there is no problem in including that language in the report.

Chair Kulisheck said DeDe is confirming his conclusions, and in reading this, Mr. Winters probably reached that conclusion before he spoke with DeDe based on the quality of the deposits that he excavated. He said, "What is missing from this report, is your discussion of those observations, and I would like to infer that from the report. He said that is a critical, section in the report, because it erases the confusion, the concern, the uncertainty the reader has that perhaps you came down on deposits that do have some significance, some integrity. He asked him to write a separate section and spell out the reason this is not a significant locality.

MOTION: Jake Ivey moved, seconded by David Eck, with respect to Case #AR-07-12, to approve the cultural resources survey and archaeological testing investigation covering 0.347 acres at 237/239 East DeVargas Street for proposed construction of building at El Castillo Retirement Residences located within the Historic Downtown Archaeological Review District, requested by Ron Winters for Al Jahner, El Castillo Retirement Residences, with the suggested changes and amendments.

DISCUSSION: Chair Kulisheck asked Mr. Winters if he understands the corrections, and Mr. Winters said yes. Chair Kulisheck asked if there is a need to enumerate them, and Mr. Winters said, "Not at all. No."

Chair Kulisheck said, if necessary, Mr. Winters can refer back to the minutes.

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

At this time, Mr. Dello-Russo was not in attendance for Item E(2), so Chair Kulisheck proceeded with Item E(3), and said the Committee will hear Item E(2) when, if, Mr. Dello-Russo arrives at the meeting.

3. CASE #AR-09-12. APPROVAL OF ARCHAEOLOGICAL STUDY COVERING 3.3 ACRES AT 1515 WEST ALAMEDA FOR PROPOSED IMPROVEMENTS AT TORREON PARK, LOCATED WITHIN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY STEPHEN S. POST FOR THE PUBLIC WORKS DEPARTMENT, CITY OF SANTA FE.

The staff report was presented by John Murphey.

BACKGROUND AND SUMMARY: At the request of the Public Works Department, City of Santa Fe, Stephen S. Post conducted an archaeological survey of approximately 3.3 acres at Torreon Park, located within the River and Trails Archaeological Review District. The park is a multi-use recreation area situated on the north side of the Santa Fe River and serving Torreon Addition and adjacent subdivisions. Proposed improvements include an upgrade of irrigation system, construction of concrete and asphalt pathways, installation of play equipment, park furniture and other modifications. The survey, conducted from February 29 to March 6, 2012, identified one archaeological site (LA 172388) situated in the northern undeveloped portion of the tract. The site is a refuse concentration of discarded household goods – cans, glass containers, dishware, personal items. The archaeologist determined the site does not retain historical integrity. These findings are presented in the accompanying report, "An Archaeological Study of 3.3 acres for the Torreon Park, Located at 1515 West Alameda, Santa Fe, New Mexico" (Post, Stephen S., March 19, 2012). This report satisfies a stipulation in the ordinance that requires a clearance for City of Santa Fe park projects over one acre in size (14-3.13(B)(3)(c)).

STAFF RECOMMENDATION: Staff recommends approving the report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and the requirements of Archaeological Clearance Permits for city-sponsored projects (14-3.13(B)(3)(c)), and forwarding this recommendation to the New Mexico Historic Preservation Division, as per NMAC 4.10.15.

Mr. Post said most of the information is in the report. He said he would like to summarize that the archaeological stuff and historical study of the City park, the landscape portion of the Park, as you might expect, yielded nothing in terms of surface artifacts. He said when they moved into the undeveloped portion of the park, up slope and to the north, he encountered an artifact scatter and historic artifacts concentration that he records and also discusses that the characteristics of that artifact concentration is such that it could be as much as 50 years old, but maybe not 75 years old. So, in the case of this particular site LA 172388, it probably meets the significant requirements of State requirements, but might barely meet the requirements of the City Ordinance which requires 75 years.

Mr. Post said, "While I allow that the site does meet that criterion for age for the State statute, it is unlikely that the deposits have sufficient integrity to yield more information about the site, and that the site is not associated with people, places or events significant in local history, in my estimation."

Mr. Post said one of the interesting aspects of this project, was the absent Jones Ditch, Ditch #22, which is visible on the 1914 Hydrographic Survey, and shows up on the 1936 aerial photograph, and is mentioned in some of the archival documents to which he has alluded and presented in the archival section. However, on the surface, upon examination of the area where he would expect to find the ditch based on the available information, there is no evidence that it remains. He said obviously this neighborhood developed substantially between the late 1930's and the early 1960's, essentially wiping out most of the stretch of that Ditch once it leaves the downtown locale along San Francisco Street, as described by Dave Snow. He said Snow also suggested there is a section of the Ditch to the north and east crossing Temblón Street/Avenue, and that he had recorded in past.

Mr. Post said, given the size and the visibility of the ditches Mr. Snow describes, he expected to find something similar down in the lower elevations coming through this Torreon Park property, had it not been potentially filled in, or bladed or destroyed, subsequent to its abandonment.

Mr. Post said, "Upon reviewing the results of the archival and archaeology study, I recommend that the City of Santa Fe accept the recommendations and pass the report on to the State Historic Preservation Division for final review.

Comments by the Archaeological Review Committee

Gary Funkhouser

Mr. Funkhouser said on page 1, in the last paragraph, line 6, correct as follows: "... from traditional Hispanic..."

Tess Monahan

Ms. Monahan had no comments.

Jake Ivey

Mr. Ivey had no comments.

David Eck

Mr. Eck said on page 8, paragraph 3, the reference to Kelly (1980) is not listed in the references.

Mr. Eck said on page 41, under Survey results, line 3, says, "...UTM coordinates are provided on the LA form." However, the LA form actually doesn't contain any coordinates.

Mr. Post said the form is filled out on line and he can't change that until it comes back, noting this form is sort of "a placeholder and I apologize for that, but it's the best I can do until I get the comments back from SHPO and validate the submittal."

Mr. Eck said, then we are just stuck with the way the system behaves, and Mr. Post said yes.

Chair Kulisheck

Chair Kulisheck said on Page 2, paragraph 1, in the Abstract, correct the last line as follows: "... (4.10.15 Standards for Survey and Inventory NMAC) and the City of Santa Fe Ordinance 14-3.13 Archaeological Clearance Permits).

Mr. Post said he will fix that, and add language from paragraph 3, page 62, "Should unexpected discoveries be made during installation of the improvements at Torreon Park, all work should stop and the City of Santa Fe Historic Preservation Division and the New Mexico Historical Historic Preservation should be notified and a mitigation plan agreed upon."

Chair Kulisheck said it's fine to put it in the Abstract but it is where it needs to be on page 62.

Chair Kulisheck thanked Mr. Post for his diligence in searching for Ditch #22, although it appears to have been destroyed. He also thanked Mr. Post for not encumbering the citizens of Santa Fe with a pile of trash. He appreciates his recommendation regarding the eligibility of LA 172388.

Funkhouser with small fixes, seconded Ivey.

MOTION: Gary Funkhouser moved, seconded by Jake Ivey, with regard to Case #AR-09-12, that the Archaeological Review Committee accept the archaeological study and recommend approval to the State Archaeologist at the State Historic Preservation Division, of the archaeological study covering 3.3 acres at 1515 West Alameda for proposed improvements at Torreon Park, located within the River and Trails Archaeological Review District, requested by Stephen S. Post for the Public Works Department, City of Santa Fe, with the small fixes, finding that it conforms with the provisions of City Ordinance.

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

Mr. Dello Russo arrived during the presentation of the previous case

2. **CASE #AR-08-12. APPROVAL OF MONITORING PLAN FOR PROJECT TO INSTALL AN APPROXIMATELY 125 FT. LONG FIBER OPTIC TELECOMMUNICATION LINE ALONG WASHINGTON AVENUE NORTH OF INTERSECTION WITH PALACE AVENUE, LOCATED WITHIN THE HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. THE REQUEST IS MADE BY ROBERT DELLO RUSSO, OFFICE FOR ARCHAEOLOGICAL STUDIES FOR CENTURY LINK CORPORATION.**

The staff report was presented by John Murphey

BACKGROUND AND SUMMARY: At the request of CenturyLink, OAS proposes to conduct archaeological monitoring for the installation of a telecommunications line. The proposed project will extend approximately 125 ft. along Washington Avenue, starting from its intersection with Palace Avenue. The proposed trench will be approximately 18 in. wide and 4 ft. deep, and run along mostly the west side of the street. The line will be placed on top of an earlier line casement. Near its south end, the trench will extend approximately 5 ft. below a brick sidewalk to connect to an existing pull-box. The trench is located proximate to LA 71605, LA 111322, LA 114246 and LA 114241. OAS anticipates 50-60 ft. of trench will be monitored by one archaeologist per 8-hour day, totaling approximately two days of fieldwork. Previous findings, monitoring procedures, personnel and post-field reporting methods are described in the accompanying letter. As a project subject to Archaeological Clearance Permits, OAS is requesting approval of the monitoring plan.

STAFF RECOMMENDATION: Staff recommends approval of the proposed monitoring plan, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3) and Archaeological Clearance Permits (14-3.13(B)(4)(a)).

Mr. Dello Russo said he has no additional comments, other than he agrees with what Mr. Murphey said about lots of infrastructure stuff going on.

Chair Kulisheck said he would like to discuss that later under Administrative Matters

Comments by the Archaeological Review Committee

David Eck, Jake Ivey, Gary Funkhouser and Tess Monahan had no comment on the request.

Chair Kulisheck

Chair Kulisheck said Mr. Dello Russo has done a lot of great work establishing the stratigraphy of this area, and what is happening there. He asked Mr. Dello Russo to ask Steve Lentz, as he is doing the

monitoring, to keep an eye toward the stratigraphy he is seeing and how it might relate to some of the other stratigraphy that you have recorded in the surrounding blocks.

Mr. Dello Russo said he will do that, noting he has been doing that on the Century Link project on Palace Avenue which they are just finishing.

MOTION: Tess Monahan moved, seconded by Gary Funkhouser, with respect to Case #AR-08-12, to approve the monitoring plan for a project to install an approximately 125 foot long fiber optic telecommunication line along Washington Avenue north of the intersection with Palace Avenue, located within the Historic Downtown Archaeological Review District, requested by Robert Dello-Russo, Office for Archaeological Studies for Century Link Corporation, as presented.

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

It was the consensus among the Committee to move next to *Business from the Floor*, and then return to *Administrative Matters* and the rest of the agenda as approved.

I. BUSINESS FROM THE FLOOR

A copy of a letter dated April 5, 2012, with attachment, to the City of Santa Fe, Historic Preservation Division, from Cherie L. Scheick, Program Director, Southwest Archaeological Consultants, Inc., regarding *The Old Gaughy Property, 125 Guadalupe Street*, is incorporated herewith to these minutes as Exhibit "1."

Mr. Murphey said, regarding this matter, it is his understanding, under the Open Meetings Act, that the Committee cannot vote on this matter today, but the Committee can come to a consensus and/or give direction to staff, as well as suggest a time limitation for the presentation.

Chair Kulisheck asked the individuals regarding this matter to introduce themselves and say what business they would like to bring before this Committee.

Cherie Scheick, President, Southwest Archaeological Consultants, Inc., and they are bringing a request to this Committee to do an emergency monitoring on a project which was conducted in 2003.

Wayne Lloyd, Architect, said he is here to answer any technical questions.

Ms. Scheick said, "This property is located at 125 Guadalupe Street, also known as the Awakening Gallery. And in 2003, we did a 2.3% test of the property and during that testing, we uncovered ten (10) features and four (4) of those are burials. And the owners then, which were the Gaughys decided to adjust everything that they had suggested doing on the property. We stopped testing. We recommended to the Committee who accepted it, that we put an archaeological easement over the property and the Gaughys did all their building on top and bringing in fill, etc., or we thought they did what they were supposed to do, as directed by the Committee."

Ms. Scheick continued, "And recently, the property went into foreclosure and it is currently being purchased by Susan Curtis from the cooking school, to turn it into a, obviously, turn it into a cooking school. And she has to be out of her property in June. And the property was closing and the architect's plans were drawn up, and unfortunately, on the plat the easement was never identified. And, so when I got call from Randy Hicks, 3 days ago, saying they had just found a piece of paper in the files of the present owner.... it was a release for the 6 boxes of artifacts in a few test pits that we dug, we retrieved 5,023 artifacts. Obviously, we hit a huge midden, and that midden extends all the way up Johnson Street and over the entire property."

Ms. Scheick continued, "And they asked about that. Their question was, what's their responsibility, because they couldn't find the boxes of artifacts, and we explained that the new purchaser had no responsibility. But during the course of the conversation, we also discussed the archaeological site that was still under the property, and the easement of which no one knew anything about. The bank didn't know about it. The current owner didn't know about it. Wayne didn't know about it, so there's a problem. They've already started their remodeling. What they need to do.... the very first thing... we've got this divided into, actually at John's suggestion, because we met with Michelle [Ensey] day before yesterday."

Chair Kulisheck clarified that she was speaking of Michelle Ensey of the State Historic Preservation Division.

Ms. Scheick continued, "... met with Michelle Ensey of the State Historic Preservation Division the day before yesterday, because of burials that we already know are there. We removed 3, left the 4th in the ground, because that's when we stopped. We just kept hitting burials. And, we met with Michelle Ensey yesterday and she sort of agreed to what we all outlined, and that was, is to try to allow them to go ahead with the water line. They're trying to find the water line and figure out where it is.... The sewer. The sewer on this one. And there's a map on the back of this [Exhibit "1"] that shows you where they know these two existing sewer lines come in, or portions of lines, and they ran cameras, and the cameras got basically halted in both ends, and so we don't know what's going on in between. We don't know if it's old. We don't know if it's collapsed or what it is. And they need to find those lines, and that's the first part of the [inaudible here because the plat was placed over the microphone].

Ms. Scheick continued, "Also, you guys, I should back up and tell you that the closing is on hold until we can decide what's going to be done about the archaeology. Obviously it's very complicated because it has an easement on it, and..., well not recorded, but was supposedly on it."

Ms. Scheick continued, "What they want to do is dig two 3 x 3 foot holes where the camera stops in what we think is the existing trench line. They're supposed to do that tomorrow."

Wayne Lloyd said, "Well, we'd like to do it tomorrow. I was not the architect for the 2003 addition. I called the architect who did that, because I know him, and he resigned the project when they started construction, because he didn't think the contractor was qualified, so he didn't want to be involved. The contractor wasn't bondable. So he was not involved during construction, therefore, he knew very little. All he could tell me was that he knew they didn't follow his plan to the letter that they were drawn. The original plans.... there's a new building that sit here and that's where the bathrooms are."

Mr. Lloyd continued, "The original drawings were drawn up to have the water and the sewer line right outside this east wall going to Johnson Street and tying in there. What our plumber has been able to detect, because there's two clean outs, between this building and this building. They've put a camera in that sewer line. They've run it that far, and they know from sound that that's where it stops. They've done a similar thing on this side, and we know there's a sewer line on Johnson Street. I haven't gotten the invert information yet to know how deep that is. But they ran a camera this way and stopped here. What they're assuming is that this pink line is where the sewer is running. But, unless we can cut concrete and dig down here and hopefully run that camera through and cut it here and run it through, then we'll know where that is."

Mr. Lloyd continued, "We were told that, to the degree we can stay in the same trenches, that makes everyone's life a little easier and less archaeological digging. But we don't know if this is 2 feet below grade or 6 feet below grade. It has to get low enough by the time we get over there to tie to whatever depth the sewer line is."

Chair Kulisheck said, "Before we proceed with more detail, one of the things that I think I would like to establish as the Chair, and let the Committee solicit as well, I understand this is a surprise because there was no indication to the owners that they were dealing with an archaeological property or that there was an easement in place, and that's an administrative error that took place before the time of pretty much everybody in this room. But regardless, we still have responsibility for having to deal with it."

Chair Kulisheck continued, "And so, I understand why this is a surprise. The question is, why is this an emergency."

Mr. Lloyd said, "Well, for several reasons. One, is the cooking school is moving out of an existing building that they were hoping to be able to delay or extend their lease. I did the cooking school 22 years ago. It happens to be owned by someone who, now that they know they were looking at other space, they were unwilling to extend their lease on a month-to-month basis, so they will actually have to shut down their business."

Mr. Lloyd continued, "I guess additionally, and less, well I'm not sure it's any less important, is it's holding up construction. It's holding up my work and perhaps that's insignificant. Over the last 3 years, I've gone from, at one point I had 29 people in the office. I've got 3 now, so the economic impact to, not just me or the contract or the City of Santa Fe and their gross receipts, we're digging in two spots that, at least where the camera stops, it's already been dug before. So we're digging in areas that should have already been dug. That will tell us where the sewer line is, then we can come back two weeks from now with a monitoring plan that allows us to go to set up the new sinks that are required for this."

Ms. Scheick said, "Actually, we're not coming back for the monitoring plan. We're requesting monitoring now, but the problem where I see the emergency or the rush is that if we want to get this project done for them, there is a second phase of that project and the second phase of the project is the new utilities that they want to put in, which is going to kick the archaeology back open, and so that archaeology needs to be done. And we're going to have to hand dig trenches, which is what Michelle [Ensey] suggested, at HPD, because of the possibility of burials, well the very high probability of burials."

Ms. Scheick continued, "And so, trying to get all of that and the consultation and the plan back to you guys to do the new excavation, and then get it approved and through the process is technically that's longer than what the cooking school has before she has to shut down."

Chair Kulisheck said, "So, this is my question for staff, on just one more thing, before I proceed to the Committee. Thank you Committee members for your patience. One question I have for staff is, is there any accommodation within the Ordinance for what would be considered an emergency situation."

Mr. Murphey said, "There is accommodation for a true emergency. There is an accommodation that is provided through alternative procedures."

Mr. Funkhouser asked what would be a true emergency.

Mr. Murphey said it would be life safety and health.

Chair Kulisheck said, "Life safety and health, so that's the space that we have to work in here. Committee members, any comments."

Ms. Monahan said, "I just have a question about the diagram, and so if you open this up and you put the camera in and it can only go 3 feet, do you then have to dig another hole. The likelihood of it being collapsed is pretty high."

Mr. Lloyd said, "Yes, I would suggest that maybe they extended this a little too far before they indicated a turn, but my guess is there's something happening here and here in the sewer line that's taking a turn that has allowed it to stop. So, by digging down here, we should at least know which way that's going. I can imagine it's doing a 90 degree turn and going into Guadalupe Street, not with the sewer line out here. But if it stops, we know then, that it's gone, at least in the direction, is that pointing towards this one or not. So we think that will give us a lot of information, but it's not assured, no."

Ms. Monahan said, "So when you discover that, and it doesn't reflect this, then what do you do. Do you have to come back?"

Mr. Lloyd said, "I guess that's up to you all."

Ms. Scheick said, "If it's not in the previously disturbed trench, then whatever they want to put in is going to be up to you guys and how we handle that in what should have been an archaeological easement. Because according to the Ordinance, you know, obviously, there's no subsurface disturbance in an archaeological easement, so they're basically going to have to ask to lift certain portions of that so that they can use the property. Now we know where we've got different fill levels. Under the building, we have from zero to 15 centimeters before we hit human remains."

Ms. Scheick continued, "We think they brought in fill, and part of this trenching is going to help with that too, so the emergency we're seeing is not necessarily an emergency by definition, but what would allow them to know where they can go and what they can do, so that the potential owner can decide if

she's going to go ahead with the purchase of the property, if she can do her cooking school. That's the real thing tomorrow. That's the piece of information she needs. They've put the closing on hold. After that, we follow the letter of the ordinance. And we'll come back for the next meeting with what we think should be done, in terms of the testing and what we think should be done in terms of trying to bring in or remove portions of that easement under the property for utility trenches. We're not recommending that the easement be taken off the property. There's just too much there. I don't even know if that's possible."

Chair Kulisheck said, "If you could just reiterate for me again what is on hold pending this work."

Ms. Scheick said, "The closing. She's not closing on the property until she knows that something is going to allow her to move forward with the building."

Chair Kulisheck said, "Meaning that she can access and repair this sewer line."

Mr. Lloyd said, "Yes. And right now Los Alamos National Bank owns this and there's a representative here from Los Alamos National Bank, but they would like to close as well."

Mr. Rasch said, "We also have an H-Board application that will have to be approved before permit is granted. So, it's not just archaeology, but it's also architecture that could have an eventual snag."

Ms. Monahan asked is meant by alternative accommodations.

Mr. Murphey said, "As I understand it, the Board could grant, with a motion, but with consensus, to move forward with the monitoring, with the idea that at the next meeting a traditional monitoring plan would reported back, and then go into this more involved... I really think we're talking about data recovery through these sink applications. Right now, we're just talking, as I understand it, putting in two holes to continue the camera work."

Ms. Scheick said, "To gather information that they need to make decisions on."

Chair Kulisheck said, "I think what I'm understanding from you John, is that we have the power to grant them that, even though is not an emergency, by the definition of the Ordinance."

Mr. Murphey said, "I'm at a loss there."

Chair Kulisheck said, "What I'm understanding from you is that we do not have the power to make a motion because this is not posted."

Mr. Murphey said, "That's correct."

Chair Kulisheck said, "And so the public does have the ability, if they so chose, to voice their opinion on it to this Committee."

Mr. Murphey said, "You're absolutely correct."

Ms. Monahan said, "But that would be part of the procedure, following their discovery."

Chair Kulisheck said, "Yes, that they would proceed only with these cuts and then the remainder of the undertaking would be subject to normal procedure. That's my understanding. Yes. Is that your understanding, Tess."

Ms. Monahan said, "Yes, that's what I think."

Chair Kulisheck asked if we are confirmed to that, and Ms. Monahan said yes.

Ms. Scheick said, "Let me ask a question. If we do those two holes and discover that sewer is there, we weren't planing on opening it up right now."

Mr. Lloyd said there is no need to. However, there is a need to know where it is so we can do the best, or most efficient layout of the kitchen equipment, so we have as little as possible new digging to connect those lines.

Mr. Ivey said, "John you said, not by motion, but by consensus. You too were concerned about the fact that it was not listed in this [agenda], so the public did not know it was coming up."

Mr. Murphey said that is the City Clerk's concern.

Chair Kulisheck said, "The City Clerk's concern is also my concern yes."

Ms. Helberg said, "That is required under the Open Meetings Act. It is her concern because that is the way the Open Meetings Act is."

Chair Kulisheck said we would be allowing some work to proceed without the public's ability to comment on it.

Mr. Ivey said, "Without what amounts to public review," and Mr. Murphey said this is correct.

Ms. Monahan said it seems to her that it is necessary to have this information in the next public hearing that we have, and it seems logical to allow them to go forward and discover what they need to discover, and trust, should this divert from what you think is there, that you will stop and we'll be able to review it. "I think it's probably a good idea to go forward."

Joaquin Sanchez, Los Alamos National Bank said, "I think it would be really nice. We didn't know about the easement. This is foreclosure property and we just don't have any of this information. But just having these two test pits, holes or whatever, would really help Susan Curtis, whether it is bad news and she doesn't want to proceed to close. We're willing to share that information. We've got to have it for someone else to come in and look at the property to buy and figure this out. It is really important."

Ms. Scheick said, "Because of the high potential for human remains, we have recommended that the monitoring be done by our bio-archaeologist, so she is the one who will be there."

Mr. Ivey said, "I think the odds of that thing following the little pink dotted line are only 50-50. Inevitably, our best guess is not as we'd like it to be, but it ought to be close. I'm just saying, don't be optimistic."

Ms. Monahan asked when the easement will be recorded.

Ms. Scheick said, "I don't know. That's not up to me."

Mr. Sanchez he hasn't seen the easement so he doesn't know.

Chair Kulisheck asked Mr. Rasch to comment.

Mr. Rasch said, "The easement was placed in 2003."

Ms. Scheick said, "The Gaughys were recommended, I think we had something, that they put that easement on the property before they should ever sell it. And then it wasn't sold. It went into foreclosure."

Mr. Rasch said, "The letter of that approval really hasn't expired. Typically, any action of this committee, as of now, March 1, 2012, any action you take expires in 3 years. So I would think that the action has expired. However, if wording was that the easement shall be in place upon sale, and the sale hasn't happened yet, I think that easement still could be put in place or vacated, is another option, through excavation.

Chair Kulisheck said, "Then we actually do not have a mistake that has been made if the property has not yet been sold, and so the easement has not yet been put in place."

Mr. Sanchez said, "They deeded the property to us, [the bank] so in a sense it was conveyed. It wasn't a foreclosure, it was just here's... we'll sign it over. I think, basically, technically they had been made [inaudible]."

Chair Kulisheck said, "It should have happened at the time of that conveyance, then. Okay, then it is a correction that needs to be made."

Mr. Rasch said it can happen at any time that you request, but it's overdue.

Chair Kulisheck asked staff to work with the others to be sure that correction takes place.

Mr. Eck said, "I think that I can go along with a consensus to allow the small reexcavations to occur. I wouldn't feel comfortable if I didn't know that very qualified individual would be standing there watching like a hawk while it's going on, however."

Mr. Funkhouser said, "I agree with that."

Chair Kulisheck said, "I have kind of two opinions here. One of them is, I'm concerned that something that could have been taken care of through normal protocol is not being taken care of through that protocol. But, at the same time, I have the perception that the reason that that did not take place is not a consequence of bad faith on the part of the proponents. It is my perception that you all had no idea what we were getting into, and only at the 11th hour, you find yourself in this predicament. In that regard, despite the fact that this is not an emergency and it could be taken care of through normal protocol, I understand the encumbrance that this places on the proponents. And I think that the balance of the risk to damaging the archeological record, the archaeological property that sits beneath this property, and the risk that this is an action that is contrary to the interests of the public, I think is pretty low. And I think that's also what I'm hearing from the Committee – that we have a risk that is low."

Chair Kulisheck continued, "It is my feeling, however, that the excavation that takes place should only take place insofar as it exposes already disturbed materials. And if, what in the judgment of the archaeologists, is intact materials is encountered, then excavation should cease. I think also that Mr. Ivey's observation should be well considered, that this may not resolve the issue for the prospective buyer and for the owner of the property. And that, although they would like to make this closure so that they can get on with it and start doing what they need to do, this may not do the trick, and you may have to come back to us anyway."

Ms. Scheick said, "They will."

Chair Kulisheck said, "My understanding is what the Committee is saying, is it's okay for you to dig where you say you are going to dig now. It is not *carte blanche* to keep digging until you find what you're looking for."

Mr. Lloyd said, "Understood."

Chair Kulisheck said, "Only what is being proposed is what is being agreed to by this Committee. What I just spelled out, is that... let me ask the Committee members, does that comport with your understanding."

Mr. Ivey said, "What you're talking about is putting a hole in on the other side of where you have perceived blockages, and punching a hole into a sewer line and sticking another remote camera system into it, and running it down that alignment so you can determine what that alignment is as far as you can, and if it does variations does that matter to you, so long as the sewer itself is intact."

Mr. Lloyd said, "We want to plot those variations if there are any, so in fact, if this line comes over here, maybe it just goes straight from here to that drain, that actually helps us, because the blue is where we need to come back and dig new trenches, assuming that's where the line is. But yes, the plumber tells me that when his camera stops, he's able to read that's it's exactly whatever that is, 3 feet away from that wall. So we'll start our 3 foot section as close as we can to that last reading and go that way 3 feet, so that whatever is clogging that camera, we get to see what that clog is."

Mr. Ivey said, "Then you're doing a hole 3 feet beyond where your last stoppage was."

Mr. Lloyd said, "Well, we need to overlap enough to know that that's where the sewer is, so we need to find that sewer."

Mr. Funkhouser asked, "Is there a normal failure pattern that would account for this pattern."

Mr. Lloyd said, "None that I can think of. Like I said, the original drawing shows the sewer line outside the building right there. This is all brick paving."

Mr. Ivey asked if this is a standard 3-4 inch ceramic sewer line.

Mr. Lloyd said it plastic. He said, "This whole building was built in the last 10 years."

Ms. Scheick said, "What we think happened, you guys, Wayne and I have had conversations about this. We're saying that although there were certain things recommended to the Gaughys, and obviously when Steve Robinson quit the project, it wasn't done the way it was supposed to be done."

Mr. Lloyd said, "They took liberties that aren't at all on the [inaudible]."

Ms. Scheick said, "We know right now that when we first dug under the building, there was a huge concrete slab. The concrete slab came up, I can't remember how thick the concrete slab was, but Wayne was saying that it went under, around the brick, that you found a piece of, it looked like old slab that is about a foot thick. So what we're thinking they did, and it would be really nice if we could prove that, we think what they did was they may actually have brought fill in and went as shallow as they could with the sewer, but we don't know that."

Mr. Lloyd said this floor level is higher than this floor level. These are ramps down. This used to be the end of the building at one point. This all got added on. This is all just brick on sand. There's at least.... the north end of the building used to end at this point. There's at least a 20 foot addition going north towards Johnson Street, so that now all that exists along Johnson Street is the sidewalk. The reason I don't think it's logical to think that this sewer line is in the top one foot of the ground, is that rarely a sewer line in the street is in the top one foot of the ground. It's deeper, unless they came over here and then just dived down to it. There is a number of electrical floor outlets in this area, at least eight (8). Conduit has to run to each one of those, so we're thinking the electrical conduit can stay in that top one foot, and if this is one foot higher than this, that could have all been done in fill. The sewer line probably isn't in the fill."

Mr. Rasch said, "This building is a Quonset hut type and it's listed as contributing."

Chair Kulisheck asked if there are other ordinances or City rules – is this Archaeological Ordinance the only constraint on them just cutting the exploratory holes to find the sewer lines.

Mr. Rasch said, "I'd say no. As a matter of fact, typically for H-Board hearings, we allow this type of discovery to inform the applicant further before they actually come before our board."

Mr. Ivey said having clarified the situation and the problems, he has no further issues.

It was the consensus among the Committee, despite the fact that this is not an emergency as defined by City Ordinance, but in understanding of the encumbrances on the proponents, and with the understanding that a consensus of this Committee is not an official approval, that the proponents will excavate exploratory holes in the locations that they have shown the Committee and given to the Committee in the letter [Exhibit "1"] that has been introduced, that a correction will be made in the diagram in Exhibit "1" to show that this is a sewer line and not a water line, and that excavations will only take place in those locations and the excavations will proceed only if they are determined or deemed to be through previously disturbed deposits as determined by the monitoring archaeologists, and that if any deposits are encountered that are deemed to be archaeological in nature, that the excavations would be halted, further, that there is unanimous consensus among the Committee that this is an acceptable plan of action, and that the Committee will be seeing the proponents again before this Committee with a formal monitoring and data recovery proposal regarding this undertaking if the sale does take place, and finally if for any reason the sale does not go through, the proponent would provide the Committee with a letter detailing the results of what was found, if we do not find out about it later as the consequence of a later proposal.

Chair Kulisheck asked the proponents if the consensus statement by this Committee is what they are requesting.

Mr. Lloyd said, "It is exactly what we are requesting, and we appreciate it."

Ms. Scheick asked, "Did you understand that they're saying not necessarily a 3-foot square hole, because if that 3-feet exceeds previous disturbance, that we have to stop, which is why we recommend a hand excavation."

Mr. Lloyd said, "That's why we have to overlap it, because we know at one point it's there, so we want to go down and get that."

Chair Kulisheck said, "Then everyone is in agreement and we all understand and we're talking about the same. Okay, is there consensus from the Committee."

The Committee indicated its unanimous consensus with the consensus statement.

F. ADMINISTRATIVE MATTERS

Mr. Murphey noted he has received the letters of reappointment of David Eck and Gary Funkhouser from the Mayor's Office, noting that he received Mr. Ivey's letter of reappointment previously.

Mr. Murphey said at a February 2012 meeting, the Committee reviewed a monitoring plan for utilities along Montezuma Avenue and Sandoval Street, some of the members expressed interest in getting a copy of that. He provided a copy of that monitoring plan on disk to the Committee.

Mr. Murphey said Chair Kulisheck said he would like to talk about utilities, and he isn't prepared to speak to that, but he can.

Chair Kulisheck asked him to talk about people who are digging without asking.

Mr. Murphey said there are people who are digging without asking and people digging while asking for favors. He said a lot of utilities want to trench in a previously disturbed utility trench, and they can provide their own archival records indicating when the trench was constructed. He said that would not require monitoring under a strict reading of the Ordinance. He said another approach being requested is boring, and asked how that should be treated, noting the Ordinance is silent on boring.

Chair Kulisheck asked staff if it is possible for people to confine their new disturbance to the area of existing disturbance.

Mr. Murphey said he would say no, because there are all types of infill situations that they come across and have not anticipated. He said for the most part, they did stay within the predicted trench line which was over a previous casing.

Chair Kulisheck said the Ordinance says its new, and asked if there is discussion about exemptions for existing.

Mr. Rasch said no, and that's what we need in the rewrite.

Chair Kulisheck said this would be a good question to pose to the City Attorney before we go ahead and require this of applicants for existing utility lines – ask the City Attorney whether we have grounds to do so.

Chair Kulisheck said, with regard to boring, that sounds like disturbance, and would be subject to the Ordinance.

Mr. Rasch said, however, it doesn't meet the threshold for length and depth.

Chair Kulisheck said if it doesn't meet the threshold, then it is exempt from the Ordinance. However, if we believe it would cause disturbance of such a nature that it should be in the Ordinance, then it needs to be there.

Mr. Ivey asked if the Ordinances covering excavations in old trenches is only for property owned by the City.

Mr. Rasch said no, it is for any utility extension.

Mr. Ivey asked the reasons these concepts don't apply in the case with which we just dealt – the reexcavation of an already excavated trench.

Ms. Monahan said she believes they were just using an abundance of caution.

Chair Kulisheck said he believes the issue is that they were dealing with an archaeological easement.

Mr. Rasch said there is also a historic structure on top of the trench. He said they also are proposing to connect the two buildings, so there is going to be footing, and that connection is a problem and the H-Board may require an exception.

Mr. Funkhouser said there is an abundance of utility work coming up in the near future, and asked if this is something we can address before most of that happens.

Mr. Murphey said he wants to have definite guidance from the City Attorney, and then later from this Committee, to cover some of these scenarios. He said there are other hybrids he hasn't brought to the Committee, noting there is a lot going on.

Chair Kulisheck said the Ordinance is clear that if there is the potential for new disturbance there must be monitoring, if the disturbance meets the threshold. The only thing that would be resolved is when we can infer there will not be disturbance, because that is inferred but not stated in the Ordinance. He said his advice is if there is potential to meet the threshold, even if it is hybrid, then adhere to the Ordinance.

Mr. Murphey said it is parsing the word new is where we are.

G. COMMUNICATIONS

1) 2012 "ARCHAEOLOGY AWARD"

The Board discussed the Archaeology Awards, and the following suggestions were made:

- a) Janet McVickar for her selfless service that went above beyond what was required as the Chair and a member of this Committee.
- b) The School of Advanced Research for its outstanding clearance report which went way above and beyond what is necessary.
- c) Matthew Barbour for his professionalism, insight and willingness to take on recent historical archaeology which has been neglected, noting he has done exemplary work in this area.
- d) Stephen Post acknowledging his contributions and accomplishments on behalf of, and to the City and the OAS.

Mr. Murphey said he will email a ballot to the Committee with all of the nominations.

H. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

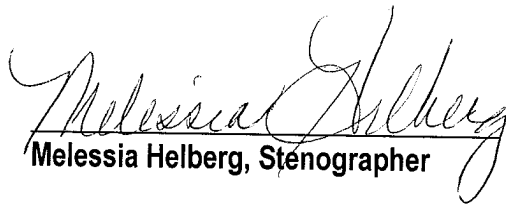
J. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Jake Ivey moved, seconded by Tess Monahan, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:15 pm.

Jeremy Kulisheck, Chair



Melessia Helberg, Stenographer

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Attn: Archaeological Review Committee

April 5, 2012

The Old Gaughy Property

125 Guadalupe Street

In late March 2012, Southwest Archaeological Consultants (Southwest) was contacted by a representative of Susan Curtis, the prospective buyer of the 125 Guadalupe Street property in Santa Fe, about a letter he found in files related to this property. The letter was an artifact release form that Southwest had given the previous owners, Jean Paul and Michelle Gaughy, for six boxes of artifacts recovered from test excavations conducted on the property. The release form prompted a discussion of the archaeological site on the property. Until that time, the potential buyers were unaware of the associated archaeological easement. Apparently, the Gaughys had failed to record the easement on the property plat. This knowledge came as a surprise as the property was soon to be closed on and remodeling plans had already been drawn up.

During archaeological testing in 2003, Southwest identified midden deposits covering the entire lot. Test excavations of 2.3 percent of the lot yielded 10 features (including 4 burials) and 5,092 artifacts. We removed 3 of the burials and the fourth was left in place after consulting with the State Archaeologist. Only the lower levels of Stratum VII, the midden deposit, were intact; the overlying layers contained a mix of pre-Columbian and historic artifacts. This mixed deposit ranged from 0 cm to 15 cm beneath the existing building and up to roughly 40 cm on the outside of the building. The intact portion of Stratum VII averaged 30 cm thick and represents a small portion of a large, intensively used midden. From a 1920 newspaper article, we know this midden measures at least 100 m east to west. Two other projects along Johnson street also have recovered burials (SHPO, ARMS 1982 [LA18990]; 1990 [LA114252]). One of these projects (SHPO, ARMS 1982 [LA18990]) describes the same midden deposit found on the present project property. The ceramic sequence suggests trash accumulated on the project property sometime between A.D. 1275 and circa 1300, around the same time as the earliest occupations at the large pueblos of Arroyo Hondo (LA12; Habicht-Mauche 1993) to the east and Pindi (LA1; Stubbs and Stallings 1953) and Agua Fria (LA2; Lang and Scheick 1989) to the west-southwest.

The combined evidence suggested to us that the pre-Columbian remains recorded for this project represent trash deposits and burials from a substantial habitation. Almost certainly this midden derived from a significantly large pueblo. The number of artifacts, from only three test units and limited excavations associated with the burials, and the variety of artifact types indicate a wide

5/12/12 "1"

range of habitation activities took place, which supports this argument. LA1051 is about 300 m northeast of the project lot and quite likely extends west and south of the Sweeney Center. We know the Guadalupe Street project's midden extends east along Johnson Street. There is a high probability this midden is associated with LA1051. Support for this comes from the excavation of a burial (LA148141) just south of the Presbyterian at the corner of Grant and Griffin streets.

Following discovery of the fourth burial, the Gaugy's decided to reformulate their architectural plans to eliminate further damage to the site, thereby preserving the undisturbed lot portion. To maintain the integrity of those remains, the ARC agreed to an archaeological easement placed on the property in May 2003. Unfortunately, the easement does not appear on the plat for this lot. Therefore, no one involved in the current property sale knew about the archaeological easement at 125 Guadalupe Street.

After considerable phone calls and much confusion, Southwest personnel attended a meeting April 3, 2012, to discuss the matter with Michelle Ensey from HPD, John Murphy from the City of Santa Fe, and Wayne Lloyd the prospective buyer's architect. This followed Mr. Lloyd's recommendation to his client to delay closing until a resolution could be found. Unfortunately, the prospective buyer was already in the first stages of remodeling because her cooking school was scheduled to leave their current building. This first step in remodeling was to relocate the current water line using a small camera. The camera hit obstacles on both the north and south ends and as a result a contractor was hired to investigate what those obstacles might be and identify the water line's trajectory under the building. The contractor was to excavate two 3 by 3 ft. square holes where the camera had stopped. This work was postponed after the buyers discovered the existence of the archaeological easement.

The second part of remodeling involves additional subsurface work beneath the building floor to bring water to the cooking area. Also necessary are additional electrical lines. Proposed locations are outside areas tested by Southwest in 2003.

The purpose of this request in front of the ARC involves the first remodeling step. Southwest recommends monitoring the hand excavation of the two 3 by 3 ft holes needed to locate the waterline and excavation of the associated trench fill. We recommend this level of work because these holes should be within the previously disturbed waterline trench. This would allow the buyer to close on the property and move forward on the remodeling. Southwest recommends a bioarchaeologist do the monitoring because of the high potential for human remains. The goal is to place the 3 by 3 ft. squares over the known pipe locations where the camera hit obstacles. As long as the contractor stays within existing trenches, we believe monitoring is sufficient and this phase of the remodeling project does not qualify as new archaeological work within the easement.

In anticipation of phase 2 remodeling, Southwest proposes developing a data recovery plan for the new archaeological work within the easement to mitigate the proposed utilities' impacts during the next phase of remodeling. Given the circumstances surrounding this project, Mr. Murphy suggested during the April 3, 2012 meeting, we present this matter from the floor at the next available ARC meeting.

