



Agenda

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ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, September 17, 2015 at 4:30 PM

CITY COUNCILORS CONFERENCE ROOM

CITY HALL - 200 LINCOLN AVENUE, SANTA FE, NM

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: August 20, 2015

E. MATTERS FROM THE FLOOR

F. ACTION ITEMS

1) Case #AR-27-2015. Historic Downtown Archaeological Review District. Archaeological Monitoring Plan for Proposed CenturyLink Project on Paseo de Peralta. Ron Winters for CenturyLink. (Lisa Roach)

2) Case #AR-28-2015. River and Trails Archaeological Review District. Archaeological Reconnaissance Report for 1.56 acres at 1490 Camino Corrales. Ron Winters for Gary Lowenthal. (Lisa Roach)

G. DISCUSSION ITEMS

1) Discussion Draft of the Santa Fe Archaeological Review Districts Overlay Zoning Ordinance (Section 14-3.13)

H. MATTERS FROM THE COMMITTEE

I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

J. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to date.

SUMMARY INDEX
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING
Thursday, September 17, 2015

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF MINUTES: AUGUST 20, 2015	Approved	2
MATTERS FROM THE FLOOR	Information/discussion	2
<u>ACTION ITEMS</u>		
CASE #AR-27-15. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL MONITORING PLAN FOR PROPOSED CENTURYLINK PROJECT ON PASEO DE PERALTA. RON WINTERS FOR CENTURYLINK	Approved	2-4
CASE #AR-28-15. RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL RECONNAISSANCE REPORT FOR 1.56 ACRES AT 1490 CAMINO CORRALES. RON WINTERS FOR SANTA FE COUNTY	Approved	4-5
<u>DISCUSSION ITEMS</u>		
DISCUSSION DRAFT OF THE SANTA FE ARCHAEOLOGICAL REVIEW DISTRICTS OVERLAY ZONING ORDINANCE	Information/discussion	6-11
MATTERS FROM THE COMMITTEE	None	11
ADMINISTRATIVE MATTERS AND COMMUNICATIONS	Information/discussion	11-12
ADJOURNMENT		13

**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING
City Councilors Conference Room
September 17, 2015**

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on September 17, 2015, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair

Derek Pierce

Gary Funkhouser

Members Excused

Tess Monahan, Vice-Chair

James Edward Ivey

Others Present

Lisa Roach, Historic Preservation Division

Lani McCulley, Administrative Secretary, Historic Preservation Division.

Zachary Shandler, Assistant City Attorney

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 City of Santa Fe Historic Preservation Division.

C. APPROVAL OF AGENDA

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

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

D. APPROVAL OF MINUTES: AUGUST 20, 2015

MOTION: Derek Pierce moved, seconded by Gary Funkhouser, to approve the minutes of the meeting of August 20, 2015, as presented.

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

E. MATTERS FROM THE FLOOR

Ron Winters said on a previous project, this Committee approved a monitoring plan at 128 E. Marcy for an electrical line that was going to wrap around the south side of the building at that address, commenting the building currently is empty, but there will be a gelato place there. He said this project is in flux. He said because of what they encountered they changed some of the scope of work. They are now attempting to run the electrical line through existing conduit. He said in the beginning when he talked to them, they talked about doing disturbance on the inside of the building, and he told them if that happened, he still wanted to be there. He said last week he was there and saw that they had cut a section out of the floor, jack-hammered a concrete slab and were preparing it to add a new sewer line. He told them there was no problem and he asked the supervisor to call him which he did. He said on Monday and Tuesday he monitored the excavation for the sewer line inside the building, which measured approximately 95 feet. He said that was not what they originally indicated, noting they may be running the electrical line as well. However, he monitored the whole thing, and he did find artifacts.

Chair Eck asked if they will know in a timely way that they will or won't need to redo the electrical part of it so that you can do the electrical part of it so you can do one report.

Mr. Winters said yes, within the next couple of weeks. He said he will explain this in the introduction to the report, whether it is electrical and sewer or just sewer. He said he didn't come back and resubmit because he was on top of it and monitored it and he wanted to advise the Committee of this fact. He said he was first contacted by the architect, and the builder told him they were constantly revising the blueprints and the scope of work and that's how this came about.

F. ACTION ITEMS

- 1) **CASE #AR-27-15. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL MONITORING PLAN FOR PROPOSED CENTURYLINK PROJECT ON PASEO DE PERALTA. RON WINTERS FOR CENTURYLINK. (LISA ROACH)**

BACKGROUND & SUMMARY

At the request of Rochelle Abeyta of CenturyLink, Ron Winters prepared an archaeological monitoring plan for the proposed installation of fiber optic cable involving a combination of utilizing existing conduit, boring for 250 linear feet under Canada Rincon and St. Francis Drive, and excavation of 1,300 linear feet of utility

trench along Paseo de Peralta. As the trench walls are exposed, they will be examined for cultural deposits and features. Any exposed cultural resources will be documented; new conduit will be laid; and the trench will be backfilled and repaved.

STAFF RECOMMENDATION

Staff recommends approval of the monitoring plan, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), and serves as a satisfactory alternative means of compliance with the requirements of Archaeological Clearance Permits (14-3.13(B)(4)(a) and the requirements of performing Reconnaissance (14-3.13(C)(4).

Chair Eck thanked Ms. Roach for the staff report and asked if she has anything to add.

Ms. Roach said she has nothing to add.

Ron Winters said the contract was awarded on this and the monitoring plan was submitted. He said he understands from CenturyLink there are problems with funding, so it may or may not happen. He said he is keeping this on the agenda to get it approved. If it changes drastically in terms of the configuration he will come back to the Committee, reiterating it is a matter of getting additional funding and that will be worked out.

Chair Eck said then it may or may not happen and it may need to change.

Mr. Winters said if it changes dramatically in terms of where they're going, what they're doing or how they're doing it. He asked for permission to bore under the arroyo and under St. Francis, which is the same kind of issue, or actually worse than what they found on Paseo de Peralta. He said the rest of it will be trenched.

Gary Funkhouser

Mr. Funkhouser had no comment.

Derek Pierce

Mr. Pierce said whenever boring involved, he always likes to assure himself that it is the minimum necessary, and believes this is, so he has no issues with it.

Mr. Winters said there is a small area on Camino Las Crucitas where they can set up to bore and go under the arroyo and under the street and the pop back up on the northeast.

Chair Eck

Chair Eck said he agrees with Mr. Pierce. He said this appears to be a very clear place where the logic used in the past to approve this also applies. They don't want to disrupt a major State highway.

Mr. Winters said he won't ask for boring unless it's absolutely necessary and there is a situation that warrants boring.

MOTION: Gary Funkhouser moved, seconded by Derek Pierce, with respect to Case #AR-27-2015, to approve the Archaeological Monitoring Plan for the proposed CenturyLink project on Paseo de Peralta, as requested by Ron Winters for CenturyLink, finding it serves as a satisfactory alternative means of compliance with the requirements of Archaeological Clearance Permits (14-3.13(B)(4)(a) and the requirements of performing Reconnaissance (14-3.13(C)(4), and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.7.

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

2) **CASE #AR-28-15. RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL RECONNAISSANCE REPORT FOR 1.56 ACRES AT 1490 CAMINO CORRALES. RON WINTERS FOR SANTA FE COUNTY. (LISA ROACH)**

BACKGROUND & SUMMARY:

At the request of property owner Gary Lowenthal, Ron Winters conducted archaeological reconnaissance on 1.56 acres at 1490 Camino Corrales, in advance of residential improvements on the property, which lies within the immediate vicinity of historic Santa Fe Trails ruts. Background and archival research and visual examination were conducted and the property was found to hold little potential for contributing additional information on the prehistory or history of Santa Fe. No further research is recommended.

STAFF RECOMMENDATION:

Staff recommends approval of the reconnaissance report, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), the requirements of Archaeological Clearance Permits (14-3.13(B)(2)(a) and the requirements of performing Reconnaissance (14-3.13(C)(5).

Chair Eck thanked Ms. Roach for the staff report and asked if she has anything to add.

Ms. Roach said she has nothing to add.

Mr. Winters said if he doesn't find something, he feels he isn't doing his job. He said he did find IO's. He said he found the blue glass shown on page 35 and part of a Nehi bottle. He said he also found a spent bullet. He talked to Charlie Haecker, National Park service, and Mr. Haecker determined it was a 50 caliber probably from a carbine 1870-1880, which he can relate directly to the adjacent trail. It was exciting to find it because it fits in the late use of the Trail.

Chair Eck said he saw an illustration of freight wagons on top of a hill near the church where they are blasting at the sky with their weapons because they finally made it.

Gary Funkhouser

Gary Funkhouser had no comment.

Derek Pierce

Derek Pierce had no comment.

Chair Eck

Chair Eck said he assumes the entirety of what Mr. Winters said about the bullet comes from Mr. Haecker's observation.

Mr. Winters said it was, noting Mr. Haecker told him that during the Trail work he did recently in Colorado he found the same thing just off the Trail.

Chair Eck said, with regard to metal detectors and trails, he is surprised Mr. Haecker found a lot of stuff, because every time he has been on any major portion of the trail there have been people with metal detectors. He said one famous situation was between Michael Romero Taylor and a Park Service Ranger at the facility in northeastern New Mexico where there is an interpretive sign, kiosk and parking area. Mr. Taylor met someone ½ mile from the parking area with a metal detector coming from the other direction. It took Mr. Taylor a while to get the Ranger to understand this was a problem.

Mr. Winters said Mr. Haecker didn't say how far off the trail he was looking.

MOTION: Derek Pierce moved, seconded by Gary Funkhouser, with respect to Case #AR-28-2015, to approve the Archaeological Reconnaissance Report for 1.5 acres at 149 Camino Corrales, requested by Ron Winters for property owner Gary Lowenthal, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), the requirements of Archaeological Clearance Permits (14-3.13(B)(2)(a) and the requirements of performing Reconnaissance (14-3.13(C)(5).

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

G. DISCUSSION ITEMS

1) DISCUSSION DRAFT OF THE SANTA FE ARCHAEOLOGICAL REVIEW DISTRICTS OVERLAY ZONING ORDINANCE. (SECTION 14-3.13).

A copy of the draft of the Santa Fe Archaeological Review Districts Overlay Zoning Ordinance, Section 14-3.13, is incorporated herewith to these minutes as Exhibit "1."

Chair Eck said the subcommittee went through all of the material in broadstrokes and Ms. Roach has captured all of that and Mr. Shandler has taken most of what was said and written and put it into something that is readable. He hopes the Committee members can plow through this and have an overall view of what they've done. He said, going forward, the plan is to have the Committee at succeeding meetings to go through the draft, a bit at a time, and get a broader consensus view of what we have addressed, what we need to address, phrased what we need to phrase and haven't gone down the wrong road in the path each has taken. He said he would like to finish this before Thanksgiving.

Ms. Roach said one of the structural topics we should talk about today, is Mr. Shandler took 14-5.3 and 14-3.13 and combined them into one. She is unsure that is the best approach. She said his intention was to put it all in one place and make it easy to understand which is a valuable intention. However her concern is if we remove 14-5.3 which talks about overlay zoning districts then the ARC districts are not represented in that section only, and only representing archaeological requirements in the Permit Section of the Code. She said her feeling is that 14-5.3 and 14-3.13 are both are necessary and "maybe we should split it back off."

Chair Eck said this is the product we produced, and thinking about what we're going to do is something the Committee needs to undertake, and Committee members can weigh-in on whether it is a good idea to combine them or split them out.

Mr. Funkhouser said he sees her point.

Ms. Roach said basically that just pertains to 14-3.13(B), and that might need to go back to 14-5.3.

Chair Eck said the meat of the matter would go back to 14-5.3, but perhaps a mention of how it affects the rest of this document here in a truncated form would still be useful, and Ms. Roach said we could make a reference to Districts individually.

Mr. Pierce asked if it could work the other way and if in 14-5.3 just have the reference back to 14-3.13, and say that Archaeological Districts are defined and please see this section.

Chair Eck said he would have to read all of the other section to get a sense of how it's presented. He said, "Because if it makes logical sense to talk about all districts defined by whatever criteria all in one place, then where you are thinking it should go, it probably should go there. But I don't remember enough of the other *[inaudible]*. The reason I say that is that, just numerically, 14-3.13 comes before 14-5.3. So we're talking about what to do within districts before they're ever defined."

Zachary Shandler, Assistant City Attorney, arrived at the meeting

Ms. Roach reviewed the discussion to this point for Mr. Shandler and talked about the efficacy of combining 14-5.3 and 14-3.13. She said we are concerned that removing the language about the Archeological Review Districts in 14-5.3 and having it just be under 14-3.13 might be a problem in making sure the districts are represented in the overlay zoning district definitions.

Mr. Shandler said he agrees with her, and some portions should be preserved there.

Chair Eck said 14-3.13 actually comes before the section where the Districts are defined, so it seems like some mention of the definition is still appropriate. He said nobody sits and reads these things in numerical order.

Ms. Roach said we can look at it and see what portion should be "retained over there, and continue to have some reference ahead to 14-5.3 here."

Chair Eck said if anything changes at some point in the future, it should be fairly easy to immediately modify the other affected sections without too much trouble.

Ms. Roach said this is not a redline draft. She said this is a preliminary draft with comments for ease of digestion.

Chair Eck said we need to work through this as quickly as possible.

Ms. Roach said another global reference that the subcommittee didn't get to were the funding and time limits which appear now in (K)(2) and (K)(3). She said they didn't touch that, so those should be dealt with in more detail. She said they didn't talk a lot about human remains in the subcommittee discussion. She said Michelle Ensey had a lot of really specific things to say about it and she [Roach] took a crack at incorporating references to State law as much as possible and trying to correct some errors we have in our Code. She said there still may be some errors we need to deal with, particularly the notion in our Code that remains are only significant if 75 years or older. She said that is certainly not how the State looks at remains.

Mr. Pierce said that seems rather counter intuitive, because if they are younger than that, somebody is going to care.

Ms. Roach said the police will care.

Chair Eck said it is the phrasing more than the intent of the various language we've seen, because it's really defining just the pathways down which you need to go to resolve your situation, rather than overtly talking about significance.

Ms. Roach agreed. She said there also are problems with (K)(5) and (K)(6), and it may need some redundancy.

Chair Eck said whatever we end up with in a more final draft, "Michelle will cheerfully look at it and say, no, you missed my point completely, or yes, you got it. It's no big deal, we just hand it back to her."

Ms. Roach said we definitely need feedback from Ms. Ensey when the time comes.

Mr. Funkhouser asked Ms. Roach if she has a mailing list of people from whom we would like to invite to provide feedback.

Ms. Roach said she made a short list of people to contact at the beginning of the process from whom we were asking for specific feedback. She said they might have more feedback now that there is something in writing.

Chair Eck said it would be good to produce the list in a physical form so everybody can look at it.

Ms. Roach said she made a more extensive list as the result of the Geodatabase project.

Chair Eck said the more comprehensive the list is, the better.

Ms. Roach said she thinks it might be wise to invite everyone who is on the City list of approved archaeologists to comment.

Mr. Funkhouser said there is a typo on page 4, (E)(2) which provides, "*Applicants who need an archaeological clearance permit shall request to be on the Architectural Review Committee's Agenda.*" He thinks it should be "Archaeological Review Committee's Agenda."

Ms. Roach will make that correction.

Responding to Mr. Shandler, Chair Eck said, "Since we have page numbers and line numbers presented, we can attack it by page or line or by the citation labeling, whichever you think works best. But in order to get through this in a timely way, it would be nice if we could announce that we're talking about these parts on these dates. We could be overly-ambitious and then fail to get to some of them and then take that up the next time, continually trying to prod ourselves for production. My gut is that if we went through from the beginning to the end of 14-3.13(C), that would be a good target. That would take us to page 3, line 32."

Ms. Roach said what she could do if we decide to retain a reference to 14-5.3 in (B) and also retain some language in 14-5.3, she could rework this draft to accommodate that, and send it back out with the next packet, with the understanding that the discussion would focus on 14-3.13 (A), (B) and (C).

Chair Eck said, "Under (B) there are a couple of permutations that could be offered and if you have examples of both that would be wonderful."

Responding to the Chair, Ms. Roach said this is her last Committee Hearing and her last day is Thursday, September 24th.

Ms. Roach asked if we would like to identify the sections for discussion now for each meeting, or at each hearing identify what we will do at the next hearing.

Chair Eck suggested, "Let's see what we do. If we pre-determine large chunks and we find out we can't do it, then we just shot ourselves in the foot."

Mr. Pierce said some things we'll sail through and others will take considerable discussion.

Chair Eck said, "I'll try to self-appoint to be the bellwether for things that things that seem to be sailing through too easily, and be pedantic and make people reiterate and rethink and whatever. Because just sailing through could be a bad thing. If we've discussed it, beat it to death and begrudgingly said okay we can't screw it up any worse than it is, let's leave it alone, that's fine."

Mr. Pierce said the case load could impact what we are able to get done at a meeting.

Chair Eck said, "Yes, totally. If we've got 4 cases, we're probably not going to stay here until.... Lisa, your sense of case load."

Ms. Roach said there are 3 on the next agenda, and there's usually 2 or 3 cases.

Chair Eck asked Ms. Roach her thoughts as to how controversial those cases are.

Ms. Roach said she knows of nothing hugely controversial coming up.

Chair Eck said we need to find about the cases at the next meeting before we decide "how ambitious we are."

Ms. Roach said the Purpose and Intent Section may need to be "blown up a little bit," which was just reserved previously for permits, so they moved the Purpose and Intent from 14-5.3 and 14-3.13. She said we could say, "The purpose of the District generally is this, and then the purpose of the permit..."

Chair Eck said if the Committee doesn't find much to change in the statement and purpose, there's probably 2-3 commentators out there for sure that will, so "one way or another we are going to hear something I'm sure."

Ms. Roach said, "Where we've ended up with this draft is a very different place than the last group ended up with their draft, and so they'll chime in and say, well what about all this work we did, what have you done with it."

Ms. Roach said we have to bear in mind that the sponsor wants it to be streamlined, so if we want it to keep moving we'd better keep that in mind.

Chair Eck said he is guilty of having promised the sponsor that it wouldn't be 40 pages or something like that, commenting it could be shorter than 14 pages, since everything on page 14 is largely lined-out.

Ms. Roach said Section H is where a lot of external policy things were inserted. She said this is the alternative means of compliance section essentially where she inserted monitoring procedures, such as the request for alternative to the 2% testing requirement Downtown, which was External Policy 3. And where possible, she made reference to where the external policies were in the notes. She said not all policies made it into the Code, noting she can identify those.

Chair Eck said, "I will shamelessly ask you to provide anything and everything that you have thought about before you leave us so we do not lose results of your thoughts."

Ms. Roach said the standard practice has been that we use the Laboratory of Anthropology site numbering and asked if we need to say that.

Chair Eck said, "We'll let the Committee beat on that."

Ms. Roach said she didn't put it in the draft.

Mr. Funkhouser said the reports now fall under State standards.

Ms. Roach said a lot of it is making references to the State standards which covered a lot of the stuff that was in the external policies, and we don't have to worry about it.

Chair Eck said, unfortunately, a lot of the external policies were created to solve a problem created by one person at one time. He said, "But then I would have to also say that's why all of the State regulations exist, because they were put in place, all 50 pages, because of the actions of certain few people in a certain few instances that couldn't be straightened out because we didn't have the tools to use. So we spent thousands of people hours revamping those regulations to make it possible to have a tool to use."

Ms. Roach said, "We may as well not reinvent that wheel."

Ms. Roach said, "Section 14-2.7 is where the Archaeological Review Committee is defined and I didn't include that in the draft, but I can include it. There were a couple of external policies that should have been inserted into 14-2.7, or it can be reduced quite a bit. I was just referring to State standards, particularly where it talked about recording. So, I don't know if that *[inaudible]*. Do you guys want me to include it in the revised draft for next time, or not."

Mr. Pierce said, "It reminds me of one thing that I saw that you might be able to clear up pretty quickly, and that is the qualifications for individuals in the, not the Downtown, but the Suburban and River Trails follow the State standards. However, we should be careful which State standards, because there are different levels – project director, supervisor."

Ms. Roach asked if she referred to it incorrectly.

Chair Eck said we just might need to craft the language to make it clear that we're not opening the floodgates in one territory we're looking at.

Mr. Pierce said the SHPO Directory is a graduated thing with certain qualifications to meet this level and this level. He said we want to specify which level we're talking about. He said that is on Page 5, part 4, Meeting Professional Qualifications set forth in the State Historic Preservation Division. He said we're really talking about a supervisory level archaeologist or a Principal Investigator [PI].

Chair Eck said, "We're basically talking about a PI, and so I think that's something the Committee really does need to talk about when we get there."

Ms. Roach said she will make a note.

Chair Eck said, "To answer that, I think each and every Committee member is going to need to scratch their head and read both the State standards and our external policy to see how to be sure we're saying it correctly."

Mr. Funkhouser said we don't want to refer to the Secretary of Interior Standards because of that.

Mr. Pierce said we would be excluding people that we have allowed to date to do that.

Mr. Funkhouser said the Interior Standards is a Masters Degree and experience, not a Master's Degree or experience.

Chair Eck said, "To some extent, the State refers to those standards as well, and in the revisions they're contemplating to those regulations, there has been some discussion of changing the way the Secretary of the Interior's guidelines are referred to. So it's possible, after those are changed it would be simple. We wouldn't have to worry about it, but it's also possible we need to worry about it, because we don't know how they're going to change."

H. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

A copy of *2016 Archaeological Review Committee Hearing Schedule*, is incorporated herewith to these minutes as Exhibit "2."

Ms. Roach gave a status report on the Geodatabase project, noting it has to come to a rapid conclusion. She said it does appear that we are going to have all of the shapes in the shape file, and she is hoping all of the files will be scanned and linked. She said all of the data entry might not be completely done by the deadline of September 30, 2015, noting that has been taking a little longer. She said we are looking at about 200 case files in the Historic Downtown over the life of the Ordinance that are now all going to be represented in the Geodatabase, at least to the shape and the documents.

Ms. Roach said she thinks there will be 70-80% of the data in there and then they will work with the [inaudible] to get the rest of the data in there in the next phase. She said it's going to be a really fabulous tool, and she is excited to have been involved. She said tomorrow she will be developing a draft grant application for the next phase, commenting she thinks they will be issuing a call for proposals in October. She wants to talk to Mr. Pierce about how to best share reports that you might not have in ARMS. She said they have been systematic about trying to get as many NMCRIS numbers associated with our AR numbers as possible, but they need to "be gone through with a fine tooth comb and identify what is missing." She said once we have them all it can easily provide them data. She said, "So, let's talk and find out what would be most beneficial for you."

Mr. Pierce said he is certainly willing to do that.

Mr. Funkhouser asked, in terms of the Geodatabase grant, if we have crossed any thresholds that would prohibit us from getting a grant this soon again. We won't miss some deliverable date.

Ms. Roach said we won't miss the deliverable date. She said it won't be completely, 100% finished, but we will have done everything we possibly can.

Mr. Pierce said he hasn't read the applications very closely, but it sounds like, from what Ms. Roach described, "I'm going to call that a successful outcome."

Ms. Roach believes so, noting she talked with Carla about it and she seems to think so too, so she thinks we're in good standing.

Mr. Pierce said we need to be sure we get invoices in for payment by the deadline.


Ms. Roach said she is expecting the final invoices from Earth Analytic on Monday and she will submit those to the accounting people as soon as she receives them. She said Carla assures her that the invoices don't have to be paid by September 30, 2015, but they have to be processed by that date.

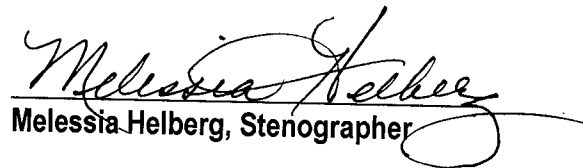
I. ADJOURNMENT

There was no further business to come before the Committee.

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

VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:25 p.m.



David Eck, Chair

Melessia Helberg, Stenographer

14-3.13 Archaeological Clearance Permits

(A) Purpose and Intent

The City of Santa Fe Archaeological Clearance Permits were created for the purpose of preserving Santa Fe's valuable archaeological resources, providing the means for identifying sites and mitigating any adverse effects of development. These requirements pertain to both private and public development activities and are in addition to pertinent State and Federal requirements. The purpose of the permitting process is to:

Comment [SZA1]: This paragraph is new language that Lisa Roach wrote for the ARC pamphlet.

- (1) recognize the value of archaeological resources from all periods of history and prehistory, including prehistoric Native American settlements, Spanish colonization and settlement and settlement and developments under Mexican and American governments;
- (2) provide the means for identifying archaeological sites by requiring surveys and test excavations, depending on the district, through the development review and construction permit process;
- (3) provide the means by which archaeological sites may be evaluated for their potential contribution to cultural, educational, historic, economic and scientific concerns;
- (4) establish a procedure for treatment of archaeological resources on private and public land, thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological resources and providing for the treatment of those resources that can be preserved; and
- (5) provide methods for the emergency treatment of archaeological resources found through unexpected discovery.

Comment [SZA2]: These five parts are cut and paste from 14-5.3

(B) Archaeological Review Districts

- (1) Districts Established. Three archaeological review districts are established to be known as the historic downtown, the river and trails, and the suburban archaeological districts.
- (2) Boundaries. The boundaries of the historic downtown, the river and trail and the suburban archaeological review districts are as shown on the official zoning map. The boundaries are determined by the following criteria:

- a. Historic Downtown Archaeological Review District. The center of Santa Fe since 1610 and occupied by Native Americans prior to that time, land within the historic downtown archaeological review district has a high potential of containing significant cultural remains and is part of the historic core of Santa Fe and shall include the boundaries of the five historic design review districts in Subsection 14-5.2.
- b. River and Trails Archaeological Review District. An area of prehistoric Native American occupation, settled by early Spanish colonists, and being primary transportation routes important to the settlement of Santa Fe, the river and trails archaeological review district has a high potential of

Comment [SZA3]: This new language is added to make it easier for Land Use Department to know that anything in the Historic Districts should be sent to Historic Preservation and Historic Preservation is more likely to be aware of the Arch requirements for the Downtown District

Comment [RLG4]: HP staff feel that this is probably more complicated than it is worth, as this would substantially expand the HD district and the most restrictive set of standards unnecessarily.

Exhibit "1"

containing significant cultural remains and is part of the Santa Fe river floodplain, escarpment, or ridges above the escarpment, and land adjacent to those areas, and contains historic trails such as Santa Fe Trail, Galisteo Road and Agua Fria;

- c. Suburban Archaeological Review District. Land within the suburban archaeological review district has a moderate potential of containing significant cultural remains and contains all parts of the City that are not a part of the historic downtown or river and trails archaeological review districts

Comment [SZAS]: This new language is to make clear that the Suburban District is the catch-all district for the remainder of the City

(3) Map Revisions. The archaeological review districts may be revised upon a recommendation of the archaeological review committee as approved by the governing body. In revising the district boundaries the committee shall follow the criteria set forth in this subsection.

Comment [SZAS6]: These paragraphs are cut and paste from Section 14-5.3

(4) SHPO Notification. Whenever the Archaeological Review Committee is considering a case on city property, public right-of-way or otherwise on State jurisdiction, the Committee's recommendation shall be forwarded to the New Mexico State Historic Preservation Office (SHPO) for final approval before work proceeds.

Comment [RLG7]: This is an attempt to rewrite the language in 14-5.3 to make it more clear when things go to SHPO

(C) Applicability of Archaeological Clearance Permit Process

- (1) An applicant requesting the following permits may also need to request an archaeological clearance permit:

- a) Building permit;
- b) Grading permit;
- c) Excavation permit; or
- d) Secondary permit.

- (2) If an applicant has requested one of above-stated permits, the applicant shall determine which of the following thresholds is applicable, based upon Archaeological Review District:

Comment [SZAS8]: This is an attempt to clearly state which permits may trigger an arch permit

- a) If in the Historic Downtown Archaeological District and the permitted activity will involve ground disturbance of more than two thousand five hundred (2,500) square feet, then the activity will need an archaeological clearance permit.
- b) If in the Suburban Archaeological Review District and is done in conjunction with a subdivision plat or rezoning application and the permitted activity will occur in a lot that is over ten (10) acres, then the activity will need an archaeological clearance permit.
- c) If in the River and Trails Archaeological Review District and is done in conjunction with a subdivision plat or rezoning application and the permitted activity will occur in a lot that is over two (2) acres or will occur

in any lot that has any part lying within the area identified as the Santa Fe Trail, then the activity will need an archaeological clearance permit.
(3) If an applicant is requesting any type of permit to conduct utility work, the applicant shall determine which of the following thresholds is applicable, based upon Archaeological Review District:

- a) If in the Historic Downtown Archaeological District and the permitted activity will involve a utility installation of sixty (60) feet or more, then the activity will need an archaeological clearance permit.
 - b) If in the Suburban Archaeological Review District and the permitted activity will involve a utility installation of five hundred and fifty (550) feet or more, then the activity will need an archaeological clearance permit.
 - c) If in the River and Trails Archaeological Review District and the permitted activity will involve a utility installation of five hundred and fifty (550) feet or more, then the activity will need an archaeological clearance permit.
- (4) If a development activity will take place on City-owned property, the following thresholds apply:
- a) If in the Historic Downtown Archaeological Review District and the development activity will involve ground disturbance of more than two thousand five hundred (2,500) square feet or utility installation of sixty (60) linear feet or more, then the activity will need an archaeological clearance permit.
 - b) If in the River and Trails or Suburban Archaeological Review District and the development activity will take place on a City Park parcel that is one (1) acre or more, then the activity will need an archaeological clearance permit.
 - c) If in the River and Trails or Suburban Archaeological Review District and the development activity will take place on a City-owned parcel that is two (2) acres or more, then the activity will need an archaeological clearance permit.

Comment [SZA9]: The feet determination are cut and paste from current code language

(D) Exemptions

- (1) No archaeological clearance permit is required for an individual City Park project on a parcel that is less than one (1) acre in the River and Trails or Suburban Archaeological Review District.
- (2) No archaeological clearance permit is required for an individual City project on a parcel that is less than two (2) acres in the River and Trails or Suburban Archaeological Review District.
- (3) No archaeological clearance *permit* is required for a demolition *permit* except as follows: For demolition requests for *structures* which are more than seventy-five years old and which are part of a project requiring an archaeological clearance *permit*, staff for the Archaeological Review Committee shall issue a report to the

Comment [SZA10]: I recommend meeting with Public Works Department staff to determine whether this exemption is or is not still needed

- historic districts review board as set forth in Section 14-3.14. The report shall state whether demolition will damage possible archaeological *artifacts*. If the Board determines that damage may occur, then it may refer the case to the Archaeological Review Committee requesting that requirements for an archaeological clearance *permit* be met before a demolition *permit* is issued.
- (4) Applicants who are requesting archaeological approval from federal agencies are exempted from requirements of the Archaeological Review Districts Ordinance, except that applicants must submit evidence to city staff of the application to the federal agency. In addition the applicant shall submit to city staff the inventory report and other reports made to the federal agencies.
- (5) Applicants requesting a lot split subdivision are exempted from the requirement of archaeological review districts and for archaeological clearance permits.
- (6) In the River and Trails or Suburban Archaeological Review Districts, applicants with inheritance transfer subdivisions are also exempted.
- (7) Applicants whose land is in areas where archaeological inventory, excavation, or other treatment has previously been completed, are exempted from the inventory, excavation, or other treatment as required, upon submitting evidence for such work to city staff. An exemption from any one requirement for a clearance permit does not exempt the applicant from other requirements of the Archaeological Review Districts Ordinance.
- (8) In the Historic Downtown Archaeological Review District, no clearance permit is required for projects for which a construction permit application was made before September 30, 1987. In the river and trails and suburban districts, no clearance permit is required for projects for which application has been made for review by the Planning Commission before September 30, 1987.

(E) Procedures to Obtain an Archaeological Clearance Permit

- (1) Pre-Application Conference. Prior to submission of any application for an archaeological clearance permit, an applicant shall request a pre-application conference, to be conducted pursuant to Section 14-3.1(E).
- (2) Requests for Archaeological Clearance. Applicant who needs an archaeological clearance permit shall request to be on the Architectural Review Committee's agenda. An Archaeological Clearance Permit must be issued by the Archaeological Review Committee prior to the issuance of a building, grading, excavation or secondary permit where applicable.
- (3) Inventory and Testing Procedures in the Historic Downtown District. Inventory shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth by the State Historic Preservation Division and City requirements. Inventory requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, inventory shall consist of:

Comment [SZA11]: The goal is to re-format the code so it is step-by-step-by-step

Comment [SZA12]: The subcommittee still wanted City requirements for those working in the Downtown District

- (1) Statement of cultural history and setting, based upon previously completed and accepted archaeological and documentary research, including a summary of relevant cultural/historical periods with bibliographic references and a summary table and map of previous archaeological activities in the vicinity;
 - (2) Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;
 - (3) Visual survey of the property for evidence of archaeological features, artifacts or culturally altered landscapes at least seventy-five years old. Visual surveys must adhere to the State of New Mexico Standards for Survey and Inventory, NMAC 4.10.15 ; and
 - (4) Test excavations encompassing a minimum of two percent of the total lot area. At least eighteen (18) square feet shall be dug by hand after which further excavations may be made by mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered, or until the maximum depth to which excavations can be safely made. Test excavations must adhere to the State of New Mexico Standards for Excavation and Test Excavation, NMAC 4.10.16;
 - (5) Inventory report, which complies with State of New Mexico Standards and including NMCRIS Investigation Abstract Form, Laboratory of Anthropology Site Record Forms (if applicable), Historic Cultural Properties Inventory Forms (if applicable), and other relevant State documents.
- (4) Inventory Procedures for River and Trails and Suburban Districts. Inventory shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth by the State Historic Preservation Division. Inventory requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, inventory shall consist of:
- (1) Statement of cultural history and setting, based upon previously completed and accepted archaeological and documentary research, including a summary of relevant cultural/historical periods with bibliographic references and a summary table and map of previous archaeological activities in the vicinity;
 - (2) Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;
 - (3) Visual survey of the *property* for evidence of *archaeological features, artifacts, or culturally altered landscapes* at least seventy-five years old. Visual surveys must adhere to the State of New Mexico Standards for Survey and Inventory, NMAC 4.10.15.

Comment [RLG13]: External Policy 13

Comment [RLG14]: Wherever possible, utilize state standards by reference.

Comment [RLG15]: Eliminate the City's approval of archaeologists and historians for the River and Trails and Suburban Districts.

Comment [RLG16]: External Policy 13

(4) Inventory report, which complies with State of New Mexico Standards and including NMCRIS Investigation Abstract Form, Laboratory of Anthropology Site Record Forms (if applicable), Historic Cultural Properties Inventory Forms (if applicable), and other relevant State documents.

(5) Committee Meeting to Approve Inventory Report. Upon the completion of the inventory, the applicant shall request an agenda item for approval of the report and the report shall be submitted by the applicant to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.

(6) Archaeological Clearance Permit Issuance or Treatment Required.

- a) At a hearing the Committee shall review the applicant's Inventory Report and vote to approve or disapprove the recommended significance status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance permit;
- b) If the project site is determined by the Committee not to be significant, then no further treatment is required and an archaeological clearance permit shall be issued.
- c) If the project site is determined by the Committee to be significant and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is required and an archaeological clearance permit shall be issued.
- d) If the project site is determined by the Committee to be significant, then the Committee may vote to require a Treatment Report to be submitted to the Committee prior to the issuance of the archaeological clearance permit.

(G) Special Santa Fe Trail Requirements in River and Trails District

- (1) The remnants of the Santa Fe Trail are shown on the map located in the City Land Use Department and incorporated herein by reference.
- (2) For development within such an area as set forth by subsection (1) above, the applicant is required to submit an Inventory Report which identifies on an aerial map of at least a scale of one inch equals four hundred (400) feet the precise location of the trail remnants, and which recommends measures for the on-site preservation of the trail remnants. The committee shall approve the inventory report before the issuance of an archaeological clearance permit.

Comment [SZA17]: This is an attempt to move up the SF Trail Requirements earlier in the Code so applicants are better aware of them

(3) In no case shall the remnants of the Santa Fe Trail be disturbed by the *development*, except upon the approval of the Archaeological Review Committee. Criteria for approval by the Committee for allowing disturbance of the trail remnants shall be as follows:

(a) The trail remnants have been mapped and photographed and such information has been provided to *city* staff; and

(b) The portion of the trail remnants to be disturbed is ten percent or less of the total square footage of tracks on the *applicant's* site; or

(c) The square footage of the trail remnants constitutes more than sixty percent of the total square footage of the *lot* and preservation of all of the trail remnants would constitute a "taking" of the *lot*.

(H) Procedures to Obtain an Archaeological Clearance Permit for Utilities or Request for Alternative Means of Compliance

(1) Pre-Application Conference. Prior to submission of any application for an archaeological clearance permit, an applicant shall request a pre-application conference, to be conducted pursuant to Section 14-3.1(E).

(2) Requests for Staged Approval. Applicants who need a staged, phased or partial approval shall request to be on the Archaeological Review Committee's agenda to request approval of a staged plan for archaeological compliance. The applicant is encouraged to notify staff and the Archaeological Review Committee early in the development process if such a request is anticipated.

(3) Requests for Archaeological Monitoring. Applicants who need an archaeological clearance permit for utility installations or wishes to make a request for monitoring as an alternative means of compliance shall request to be on the Architectural Review Committee's agenda to request approval of a Monitoring Plan. The Committee must approve the Monitoring Plan prior to the commencement of ground disturbing activities. The Committee may approve a Monitoring Plan for a project that requests utility boring on a case-by-case basis, but utility boring should be minimized in the Historic Downtown District.

(a) Monitoring Plan. Monitoring Plan shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth by the State Historic Preservation Division and City requirements if in the Historic Downtown District. As a minimum, a Monitoring Plan shall satisfy the State of New Mexico Standards for Archaeological Monitoring, NMAC 4.10.17.

Comment [SZA18]: This is an attempt to give utilities its own paragraph

Comment [RLG19]: External Policy 2

Comment [SZA20]: This is new language about "boring" on a case-by-case basis

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(b) Monitoring Report. Upon approval of the Monitoring Plan by the Archaeological Review Committee, archaeological monitoring activities may proceed, and a Monitoring Report shall be prepared and submitted to the Committee for review and approval. As a minimum, a Monitoring Report shall satisfy the State of New Mexico Standards for Archaeological Monitoring, NMAC 4.10.17.

(c) Archaeological Clearance Permit or Treatment Required. At a hearing the Committee shall review the applicant's Monitoring Report and vote to approve or disapprove the recommended significance status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance permit. Courses of action include the following:

- i. If the project site is determined by the Committee not to be significant, then no further treatment is required and an archaeological clearance permit shall be issued.
- ii. If the project site is determined by the Committee to be significant and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is required and an archaeological clearance permit shall be issued.
- iii. If the project site is determined by the Committee to be significant, then the Committee vote to require a Treatment Report to be submitted to the Committee prior to the issuance of the archaeological clearance permit.

(3) Requests for Alternatives to the Two Percent Testing Requirement in the Historic Downtown Archaeological Review District.

- a) The Archaeological Review Committee shall consider on a case-by-case basis scheduling alternatives for the two percent testing requirement in the Historic Downtown Archaeological Review District if the following conditions are met:
 - i. At least one percent of the lot must be test excavated prior to the request being made, provided that the remainder of the required excavations shall be made during trenching for foundations or utilities. If this is not possible, the archaeologist may present another alternative for review and approval by the Archaeological Review Committee;
 - ii. The applicant must receive written approval from the Archaeological Review Committee to utilize any scheduling alternative.

Comment [RLG21]: External Policy 3.

(I) Treatment Requirements. If the project site is determined by the committee to be significant and to contain further potential data, then the recommended Treatment Plan shall be reviewed by the Archaeological Review Committee and shall include the following procedures:

Comment [SZA22]: The treatment language is cut and paste from the existing Code.

Comment [RLG23]: External Policy 4

- (1) If surface remains exist, then collections shall be made; and/or
- (2) If subsurface cultural remains do exist, then the test pits shall be expanded, artifacts shall be collected, and an excavation shall be made of archaeological features such as hearths, living surfaces, or other non-portable cultural remains. In addition further archival research shall be conducted concerning human occupation and the land use of the project site; or
- (3) The site shall be treated with a protective open space designation, such that no subsurface disturbance takes place. This procedure is intended as an alternate to surface collection and/or excavation. The choice of alternatives is made by the applicant. The Committee may recommend but not require that this course of action be taken. In accordance with the New Mexico Cultural Properties Preservation Easement Act (NM Stat § 47-12A-3 (1995)), a Cultural Properties Preservation Easement shall be dedicated and recorded on a scaled plat of survey, prepared by a licensed New Mexico surveyor with the open space described by metes and bounds and labeled on the final plat. A note shall be placed on the final plat to state, "No Activity Which Disturbs Ground Surface Shall Occur Within the Boundaries of the Cultural Properties Preservation Easement Reflected on this Plat." The Committee shall approve the final plat prior to issuance of an Archaeological Clearance Permit.
- (4) Following approval by the Committee of the Treatment Plan and subsequent implementation of treatment activities, a Treatment Report is required, containing a description of the collection, excavation, research, and other procedures, and a summary of the findings. The report shall be submitted by the applicant to and approved by the committee before an archaeological clearance permit is issued. A final report is due within one year of the date of the issuance of the clearance permit. Upon request of the archaeologist, the committee may grant a one-year's extension.

(J) Approval Criteria / Archaeological Significance

Sites identified as significant shall be those that have yielded or may be likely to yield information important to the study of prehistory or history. These shall be those:

- (1) With cultural remains that are more than seventy-five (75) years old; and
- (2) With cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory; or
- (3) With cultural remains that are directly associated with the lives of persons significant in local history; or

- (4) Areas where a high frequency, density, diversity, or a substantial number of prehistoric cultural remains are present; or
- (5) Areas having cultural remains known to rarely occur in the Santa Fe area; or
- (6) Any site containing human remains over seventy-five (75) years old.

(K) Other General Provisions

- (1) Appeals. Any aggrieved person may appeal a final action of the Archaeological Review Committee to the governing body pursuant to Section 14-3.17.

- (2) Maximum Funding Limit.

- (a) In the Historic Downtown Archaeological Review Districts, in no case shall the applicant be required to spend more than one percent of the valuation of the property shown on the building permit in providing reports and other information requested by the Archaeological Review Committee.
- (b) In the River and Trails Archaeological Review District, in no case shall the applicant be required to spend more than three thousand dollars (\$3,000) dollars plus one hundred dollars (\$100) per acre for the treatment of an *archaeological site*.
- (c) In the Suburban Archaeological Review District, in no case shall the applicant be required to spend more than four thousand dollars (\$4,000) plus one hundred dollars (\$100) per acre for the treatment of an *archaeological site*.
- (d) The definition of treatment of an *archaeological site* is as set forth in this chapter. The procedures for treatment are set forth above.

Comment [RLG24]: The Subcommittee did not review these limits, but they should be adjusted.

- (3) Maximum Time for Excavations and for Excavation of Significant Sites. In the historic downtown archaeological review district, in no case shall the archaeologist be required to spend more than 15 eight hour equivalent days in carrying out test excavations, or an additional 20 eight hour equivalent days in carrying out additional excavation of significant sites.

Comment [RLG25]: Are these limits appropriate?

- (4) Ownership of Artifacts. All artifacts discovered as a result of an inventory, testing or further treatment, with the exception of human remains, are the property of the property owner. Property owners are encouraged to donate artifacts to the Museum of New Mexico or a similar repository.

- (5) Human Remains.

- (a) If human remains are discovered, compliance with Section 18-6-11.2 NMSA 1978 is required in addition to the requirements of this section. Persons making the discovery shall contact the City Police Department to ensure compliance with State law, the City Land Use Department to ensure compliance with City law, and the New Mexico State Historic Preservation Office to ensure compliance with State and Federal law.
- (b) If the human remains are determined to be prehistoric, or from the historical period and older than seventy-five (75) years, then the site is

Comment [RLG26]: As per Michelle Ensey's comments.

considered to be significant. In this case, All unmarked human remains, regardless of their age, discovered on private or public property, fall under the jurisdiction of the New Mexico State Historic Preservation Office. A Treatment Plan and Report meeting the requirements of this section and NMAC 4.10.11 shall be approved by the Archaeological Review Committee and the SHPO prior to the initiation of treatment activities.

Comment [RLG27]: As per Michelle Ensey's comments

- (c) Any Treatment Plan dealing with human remains shall include consideration of local Native American or other religious concerns, if applicable.
- (d) If the remains represent an unplatted cemetery from the historical period, they may not be disturbed unless a District Court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

Comment [RLG28]: Incorrect citation, as per Michelle Ensey's comments.

(6) Unexpected Discoveries.

- (a) Any cultural remains that are discovered during development activities shall be reported to City staff. Development activities shall immediately cease within the area of the discovery for a maximum of twenty-four (24) hours from the time of discovery. Weekend hours may not be included in the twenty-four (24) hour time period. No development activity shall continue in any way that endangers the cultural remains. Every effort shall be made by the City to prevent unnecessary development delays. Designated City staff and one archaeologist from the Archaeological Review Committee shall visit the site and shall determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:
 - i. Designated City staff and one archaeologist from the Archaeological Review Committee shall determine a buffer area in which development activities shall temporarily cease; and
 - ii. The property owner shall present a Treatment Plan to the Committee for their approval. The Treatment Plan shall meet the requirements of this section.
- (b) Failure to report such finds can result in a suspension of all construction permits.
- (c) If human remains are discovered, City officials and the SHPO must be contacted immediately. If remains are determined to have been deposited less than seventy-five (75) years ago, determination of jurisdiction shall be made by the New Mexico Office of the Medical Investigator. If the remains are determined to be prehistoric or isolated burials of early historical age, consultation with the Archaeological Review Committee and the SHPO shall be undertaken to identify an appropriate Treatment Plan. The Treatment Plan and all treatment activities shall be performed by an archaeologist with a State of New

Comment [RLG29]: As per Michelle Ensey's comments.

Mexico Permit to Excavate Unmarked Human Burials and shall conform with all standards outlined in NMAC 4,10,11.

- (7) Emergency Actions. Nothing in this Section 14-3.13 shall be construed as preventing or delaying emergency actions as needed to protect human health or well-being, or public or private property. However, if cultural remains are uncovered or disturbed as a consequence of such emergency actions, the disturbed remains will be treated as unexpected discoveries in accordance with that subsection above once a state of emergency has ceased to exist.

Comment [RLG30]: New language to make reference to State law concerning the excavation of human remains.

(8) Archaeological Fund and Projects.

- (a) An archaeological fund shall be established to receive revenue from construction permits, the general fund, and other sources.
- (b) The Archaeological Review Committee may recommend expenditure of money from this fund for the following projects:
 - i. Additional analysis or other treatment of a site of citywide significance when the funding limit for treatment of a site as set forth in this section has been reached;
 - ii. Additional analysis or other treatment of a site designated as an "unexpected discovery" by the Archaeological Review Districts Ordinance, when the funding limit for treatment of a site has been reached and the site is determined to have citywide significance;
 - iii. Analysis of artifacts from a site of citywide significance collected prior to adoption of the Archaeological Review Districts Ordinance; or
 - iv. Archaeological surveys or studies of a citywide scope.
- (c) For the purpose of this section, citywide significance means:
 - i. An outstanding example of a certain category of site or of a type not adequately documented; or
 - ii. A site associated with a person or event of special historical significance to Santa Fe.

~~14-5.3 ARCHEOLOGICAL REVIEW DISTRICTS~~

~~(Ord. No. 2011-37-5-6)~~

~~(A) Purpose~~

~~To promote the economic, cultural and general welfare of the people of Santa Fe, the governing body deems it essential that the qualities relating to the unique cultural traditions, prehistory and history of Santa Fe, which attract tourists and residents alike, be~~

Comment [SZA31]: One pitch to the Council is the re-write combines to code sections 14-3.13 and 14-5.3 together so people don't have to go searching and searching for requirements. It combines the two sections together.

Comment [RLG32]: Is it a good idea to remove this section from the Overlay Zoning Districts? We may need to retain the two components – district boundary definitions in the Overlay Zoning section, and archaeological clearance permits in the Permits section.

1 preserved by establishing three archaeological review districts. The purpose of these
2 districts is to:

3 (1) — recognize the value of archaeological resources from all periods of history and
4 prehistory, including prehistoric Native American settlements, Spanish colonization and
5 settlement and settlement and developments under Mexican and American governments;

6 (2) — provide the means for identifying archaeological sites by requiring surveys and test
7 excavations, depending on the district, through the development review and construction
8 permit process;

9 (3) — provide the means by which archaeological sites may be evaluated for their
10 potential contribution to cultural, educational, historic, economic and scientific concerns;

11 (4) — establish a procedure for treatment of archaeological resources on private and
12 public land, thereby mitigating the information loss from the sometimes unavoidable
13 destruction of archaeological resources and providing for the treatment of those resources
14 that can be preserved; and

15 (5) — provide methods for the emergency treatment of archaeological resources found
16 through unexpected discovery.

17 **(B) — Application to State and Its Agencies, Political Subdivisions or**
18 **Instrumentalities**

19 — Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978 (Historic Districts and
20 Landmarks), the provisions of this section apply to the state and its agencies, political
21 subdivisions and instrumentalities, as well as to any other entity or activity in the
22 archaeological review districts.

23 **(C) — Establishment of Districts; Boundaries**

24 **(1) — Districts Established**

25 — Three archaeological review districts are established, to be known as the historic
26 downtown, the river and trails and the suburban archaeological review districts.

27 **(2) — Boundaries**

28 — The boundaries of the historic downtown, the river and trail and the suburban
29 archaeological review districts are as shown on the official zoning map. The boundaries are
30 determined by the following criteria:

1 ~~(a) Historic Downtown Archaeological Review District~~

2 ~~_____ The center of Santa Fe since 1610 and occupied by Native Americans prior to that~~
3 ~~time, land within the historic downtown archaeological review district has a high potential~~
4 ~~of containing significant cultural remains and is part of the historic core of Santa Fe;~~

5 ~~(b) River and Trails Archaeological Review District~~

6 ~~_____ An area of prehistoric Native American occupation, settled by early Spanish~~
7 ~~colonists, and being primary transportation routes important to the settlement of Santa Fe,~~
8 ~~the river and trails archaeological review district has a high potential of containing~~
9 ~~significant cultural remains and is part of the Santa Fe river floodplain, escarpment, or~~
10 ~~ridges above the escarpment, and land adjacent to those areas, and contains historic trails~~
11 ~~such as Santa Fe Trail, Galisteo Road and Agua Fria;~~

12 ~~(c) Suburban Archaeological Review District~~

13 ~~_____ Land within the suburban archaeological review district has a moderate potential of~~
14 ~~containing significant cultural remains and is not a part of the historic downtown or river~~
15 ~~and trails archaeological review districts.~~

16 ~~(3) Map Revisions~~

17 ~~_____ The archaeological review districts may be revised upon a recommendation of the~~
18 ~~archaeological review committee as approved by the governing body. In revising the district~~
19 ~~boundaries the committee shall follow the criteria set forth in Subsection 14-5-3(C)(2).~~

20 ~~(D) Archaeological Clearance Permit Required~~

21 ~~_____ An archaeological clearance permit is required for certain types of development~~
22 ~~activity within the archaeological review districts, as described in Section 14-3-13. (Ord. No.~~
23 ~~2014-31-5-9)~~

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Comment [SZA33]:

2016 ARCHAEOLOGICAL REVIEW COMMITTEE HEARING SCHEDULE

HEARING (4:30 p.m.)	SUBMITTAL DEADLINE (3:00 p.m.)	AGENDA POSTED PACKET TO PRINT	PACKET DISTRIBUTION
<u>THURSDAY</u>	<u>TUESDAY</u>	<u>THURSDAY</u>	<u>FRIDAY</u>
January 7	December 22	December 31	January 1
January 21	January 5	January 14	January 15
February 4	January 19	January 28	January 29
February 18	February 2	February 11	February 12
March 3	February 16	February 25	February 26
March 17	March 1	March 10	March 11
April 7	March 22	March 31	April 1
April 21	April 5	April 14	April 15
May 5	April 19	April 28	April 29
May 19	May 3	May 12	May 13
June 2	May 17	May 26	May 27
June 16	May 31	June 9	June 10
July 7	June 21	June 30	July 1
July 21	July 5	July 14	July 15
August 4	July 19	July 28	July 29
August 18	August 2	August 11	August 12
September 1	August 16	August 25	August 26
September 15	August 30	September 8	September 9
October 6	September 20	September 29	September 30
October 20	October 4	October 13	October 14
November 3	October 18	October 27	October 28
November 17	November 1	November 10	November 11
December 1	November 15	November 22 (Tuesday)	November 23 (Wednesday)
December 15	November 29	December 8	December 9

Sketch "2"

NOTE: Time and date of hearing may be subject to change. Please contact the Historic Preservation Division (955-6605) to confirm dates.