

**MINUTES OF THE
STATE OF NEW MEXICO
CULTURAL PROPERTIES REVIEW COMMITTEE**

October 14, 2011

This meeting of the State of New Mexico Cultural Properties Review Committee was called to order by Chair Rick Hendricks at approximately 1:00 p.m. on the above-cited date, in the State Capitol, Room 311, 490 Old Santa Fe Trail, Santa Fe, New Mexico.

Chair Hendricks characterized the CPRC as a statutory body charged with identifying and advising on the protection of the State's cultural properties. CPRC meetings are run by parliamentary procedure. He asked that the attendees follow those rules, sign in and turn cell phones off.

A quorum was established with the following members present:

Members Present:

Rick Hendricks, Chair
Matthew Bandy [appointed 10/7/2011]
Douglas Boggess
Clarence Fielder
Reginald Richey, Vice-Chair
Ronald Toya, Secretary

Members Absent:

George Bolling

State Personnel Present:

Jan Biella, Interim SHPO
Tom Drake
Michelle Ensey
Shalie Gasper
Susie Hart
Harvey Kaplan

Terry Moody
Dorothy Moore
Robyn Powell
Mona Valicenti, Assistant AG
Dorothy Victor

[Sign-in Sheet on file at HPD]

APPROVAL OF AGENDA

Chair Hendricks asked for a motion that the following amendment be made to the order of business on the agenda:

- Move committee matter item *Mt Taylor Update* to be heard following the *SHPO's report* and then resume with the agenda as published.
- ★ Member Boggess moved to accept the Chair's amendment to the agenda. Member Fielder seconded and the motion passed unanimously.
- ★ Member Fielder moved to approve the agenda as amended. Member Toya seconded and the motion passed unanimously.

REVIEW OF MINUTES – August 12, 2011

Member Boggess provided the following correction to the August 12, 2011 minutes on page 10, line 1:

"...provided that they submit maps depicting the north arrow." Be corrected to:

"...provided that future map submittals depict the north arrow."

- ★ Member Richey moved to approve the minutes as amended. Member Fielder seconded and the motion passed unanimously.

CHAIRMAN'S REPORT

Chair Hendricks reported that since the last meeting he signed tax credit documents as required and signed a letter relative to the Guadalupe/Coyote Historic District nomination.

Chair Hendricks appointed Dr. Bandy to the CPRC's archaeological subcommittee.

- ★ Member Fielder moved to accept the Chairman's report. Member Richey seconded and the motion passed unanimously.

STATE HISTORIC PRESERVATION OFFICER'S REPORT

Jan Biella, Interim SHPO, reported that on August 15th, through collaboration with the National Park Service (NPS) and the Bureau of Land Management (BLM), HPD worked on preparing a series of almost 60 national register nominations from four projects, which will be coming before the committee next year.

One of the projects, the Galisteo Basin project, consists of 25 individual nominations which will accompany a Multiple Property Documentation Form (MPDF). The nominations are for individual archaeological sites and archaeological districts. Federal legislation recognized the importance of the Galisteo Basin sites and led to the nomination project.

Additionally, nominations will be brought before the committee for three National Historic Trails projects: El Camino Real (17 nominations), Santa Fe Trail (12 nominations), Old Spanish Trail (MPDF), and a nomination from each of the six states that contain segments of the Old Spanish Trail.

The work was overwhelming and concentrated in a short period of time, and Ms. Biella extended a heartfelt public recognition to Terry Moody and the work that she did in moving the nominations forward with severe time constraints and to other HPD staff that stepped in to write some of the nominations in order to meet the requirements of the NPS.

Ms. Biella advised the committee that she will be attending a trails conference next week with the NPS, several National Historic Trails associations, and various SHPOs. The emphasis will be on how to capture the imagination of the public with respect to historic resources and trails. The conference will strive to identify stretches of trail landscapes that are suitable for nominations.

Ms. Biella and Ms. Moody attended a historic trails and landscapes conference in Colorado which is very germane to how we're thinking about the cultural landscapes for the trails. This is an opportunity to work with cultural landscapes and an opportunity for New Mexico to lead the way.

Ms. Biella traveled to Washington, D.C., along with representatives from BLM and Devon Energy, to receive one of seventeen Secretary of the Interior's *Conservation Partnership* awards. The award for the Memorandum of Agreement (MOA) between the BLM and SHPO was one of three that were highlighted at the ceremony. The MOA, which covers one million acres in the BLM/Carlsbad area, is a very innovative and controversial project for streamlining consultation and managing cultural resources. Industry participation is voluntary. The MOA now has 35 industry partners involved in streamlining consultation processes.

- ★ Member Boggess moved to accept the SHPO's report. Member Fielder seconded and the motion passed unanimously.

Mt. Taylor Update [John Pound]

Chair Hendricks asked for a motion for closure of the meeting to enter into Executive Session.

- ★ Member Boggess moved that the meeting of the Cultural Properties Review Committee meeting be closed. The authority for closure of the meeting is NMSA 1978, Section 10-15-1(H)(7) for pending litigation. Member Fielder seconded, and the motion passed unanimously upon roll call with Members Boggess, Bandy, Hendricks, Toya, Fielder, and Richey all voting in the affirmative.

[The CPRC met in closed session from 1:10 p.m. to 1:25 p.m.]

Chair Hendricks announced that the Cultural Properties Review Committee is returning to open session at 1:25 p.m. and asked for a statement regarding the closed meeting.

Member Boggess stated that the Cultural Properties Review Committee discussed in closed session only those matters specified in the motion to close.

SITE PROPOSALS – State Register of Cultural Properties

Terry Moody, State and National Register Coordinator, briefly described to the committee the criteria for evaluation of a historic district for listing in the Register. A state register listing does not restrict an owner from making any changes to his/her property. Owners that wish to retain the historic integrity of their property may qualify for tax credits and must adhere to certain criteria.

Lovington Commercial Historic District [Lea County]

Terry Moody reported that there are 72 resources in the proposed *Lovington Commercial Historic District* of which 51 are contributing. The district's period of significance is 1908 – 1960 and is eligible to the State Register of Cultural Properties under the thematic classification of architecture, commerce, community planning, government, ranching, agriculture, and the railroad. The architecture within the proposed district varies over time.

The Lea County Courthouse and Lea County Theatre (both built in the art-deco style), the Commercial Hotel (ca. 1918), and the Lovington Fire Station (ca. 1941) are already listed individually on both the State and National Registers.

The nomination identifies the former Lea County State Bank, located at 101 N Main Street, as a contributing resource to the district, but the main elevation of the building has changed significantly over time, and the owner is in the process of remodeling the building. Ms. Moody stated that it is unknown whether the building will continue to be a contributing resource and suggested that the committee decide whether or not to identify 101 N Main St as non-contributing until it's been determined that the owner is restoring in a historically appropriate manner. Ms. Moody asked if the committee had any questions for Ms. Heather Barrett, preparer of the nomination.

Chair Hendricks asked attendees if anyone wanted to speak in support of or in opposition to the nomination.

Ms. Barrett explained that the district is comprised of a concentration of commercial structures. South of the district continues to be commercial but is spread out and contains many more modern structures and residences to the west. Member Richey asked if Main Street continues to serve as the center of town in terms of retail and activity and if the town square is still used, and Ms. Barrett responded that it is.

Member Bogess noted that he often travels through small communities in southeastern New Mexico and finds the town charming and expressed his delight in seeing the nomination in front of the committee.

Member Richey asked if Lovington is named after the famous cattle driver, Goodnight Loving, and Ms. Barrett responded that it was.

- ★ Member Richey moved to list the *Lovington Commercial Historic District* to the State Register of Cultural Properties. Member Toya seconded. There was NOT unanimous approval.

Chair Hendricks asked if the committee would consider amending the motion to reflect that the former Lea County State Bank will be a non-contributing resource to the district since it is unknown at this time what the result of the remodeling will be.

- ★ Member Richey amended his motion to include the caveat that the former Lea County State Bank be listed as non-contributing to the district at this time. Member Toya seconded and the motion passed unanimously.

Guadalupe/Coyote Historic District [Mora County]

The *Guadalupe/Coyote Historic District* nomination, prepared by Malcolm Ebricht, was brought before the committee in August 2010 and was tabled to allow for better development of the nomination. In particular, there were ambiguities regarding the status, location, and ownership of some properties. One could not identify individual properties on the USGS map that was submitted. The CPRC asked the HPD to conduct a site visit, meet with community members, take photos, and verify properties to the best of one's ability. The Mora County Assessor assisted staff in verifying ownership information.

The proposed district contains 143 resources, of which 105 are contributing and 38 are non-contributing. The period of significance of the district is 1835 – 1960, spanning the Mexican, U.S. Territorial and Statehood periods. The district includes the communities of Guadalupe, Coyote and Lucero and is comprised of 8,140 acres, stretching 10 miles from North to South.

The *Guadalupe/Coyote Historic District* is significant because it represents an intact rural cultural landscape that remains relatively unchanged, in part, due to its remote location. The road was not paved until the 1960s. Historically the district was part of the Guadalupe Land Grant (ca. 1837), one of five smaller land grants that overlapped portions of the larger Mora Land Grant. Settlement in the area began in 1851 and over time developed into a cultural landscape based on an agrarian way of life. Fort Union was significant to the community in that it provided a market for the community's produce, hay and timber.

Significant individuals within the district include George Gold, Jacob Regensberg, Ceran St. Vrain, and various others. Cemeteries are also contributing resources to the district.

The district is eligible to the register under Criterion A in the areas of settlement, agriculture and commerce, Criterion C for its vernacular architecture and Criterion D for historic archaeological sites that possess the potential to yield important information about our past.

277 letters of notification were sent to property owners. In response, there were letters submitted to the committee that were in support (land owners 16; others 18) of and in opposition (11 land owners) to the nomination.

Chair Hendricks asked for a show of hands of attendees that would like to speak in support of and opposed to the nomination.

Chair Hendricks called on those opposed to the nomination to have the opportunity to address the committee:

Lorraine Coca Ruiz

Ms. Coca Ruiz is a property owner in Coyote, and one of the Coca heirs. Ms. Coca Ruiz is objecting because this is her private property and she would like to keep it that way. There is only one house standing on the property; the rest are mobile homes which she does not believe are historic. Her parents left the property to descendents but would not be happy if changes were made. Malcolm Ebright [preparer of the nomination] has property in Coyote that is excluded from the nomination and she can respect what he wants to do with his property and wishes he would respect the Coca property. Ms. Coca Ruiz does not want her family's property to be a part of the nomination.

Nedina Draffen

Ms. Draffen, from Guadalupita, asked Ms. Coca Ruiz if her family still resides on the property and if not how long it has been. Ms. Coca Ruiz responded that they do not but some day their children may want to reside in Coyote.

Ms. Moody explained that listing on the register does not mean that one's property is open to visitors. It continues to be private property and an owner can make any changes such as adding a building, moving things off of one's property or even demolishing structures. If changes are made to the property the owner only needs to come before the committee to receive approval if they are applying for tax credits.

Ms. Coca Ruiz asked how Mr. Ebright can have his property considered non-contributing and she cannot.

Member Boggess noted that his family has two properties that have been listed on the National Register of Historic Places for a combined total of about 40 years. He addressed Ms. Coca Ruiz and let her know that nobody, whether a state or federal agency, can come onto one's private property simply because it is listed. In terms of what an owner can do there are

no restrictions. However, tax credits are available to property owners if the owner opts to maintain the property in the historic context.

Member Toya asked why Mr. Ebright's property in Coyote is not contributing. Ms. Moody said that it was built in 1974 and is not old enough to be considered historic and contributing. Mr. Ebright has several properties under Coyote Redevelopment of which half are considered contributing and the other half non-contributing. Non-contributing status was given to the structures that did not fall within the historic district's period of significance and that were not fifty years in age.

Celina Coca Montez

Ms. Coca Montez noted that there are sixteen owners of the one Coca property. The property has only one house and the rest are trailers. Ms. Coca Montez does not want the Coca property to be considered contributing to the district. Ms. Coca Montez expressed her objection to the district listing.

[Testimony of individuals in opposition was concluded]

Chair Hendricks asked for those in favor of the nomination to come forward.

Jacob Regensberg

Mr. Regensberg stated that he is a lifelong resident of Guadalupita. His ancestors arrived in 1776 and he knows the Coca family and can identify with their concerns. A historic district listing will not only preserve buildings, but will also preserve the water, air, and the area from future development such as wind generators.

Member Toya asked if the historic designation would stop wind turbines from being erected. Ms. Biella responded that she is not sure because wind turbines are generally unregulated on private property. If public funds (state or federal) are used, or if the project is located in part on public lands, then historic preservation laws must be abided by and the agency is required to take historic properties into consideration in their planning and try to minimize adverse effects on the historic resources. In Ms. Biella's experience with the office recently state listing does not protect the historic district from wind turbine development; it is not regulated.

Susan Mossman

Ms. Mossman asked Member Boggess about certain protections afforded to one's property when it is designated in a historic district and he responded that through eminent domain his family lost 1500 acres. The listing became a tool, in a sense, to allow his family to hold on to land that was increasingly difficult for most of the families in the area he comes from. The listing has provided a "speed bump" to development in a designated historic district. A federal agency will look at the listing and know that they must mitigate the adverse effects of the undertaking on the historic property.

Ernest Martinez

Mr. Martinez stated that he is representing Ron Riley who owns property in lower Coyote and is in favor of the nomination. A part of the Montoya ranch includes a cemetery and members of Mr. Martinez's family are buried in that cemetery and they would like it to be part of the historic designation and preserved. Mr. Martinez thanked the committee.

John Olivas, Mora County Commissioner

Mr. Olivas spoke in support of the historic district in Mora County. He resides in western Mora County but not within the proposed historic district, though members of his family live within the district. Mora County is an agricultural based community. There are efforts around economic development that they are searching for that are agricultural based. At one time Mora County was known as the "breadbasket of the southwestern U.S." The listing will allow it to venture back into agricultural based economy. In Mr. Olivas' opinion the entire county is historic. The economics and agricultural base continue to decline. In response to Ms. Coca's opposition, "State Register designation does not restrict the private use of the property by the owner or the property owner's ability to sell, transfer, or develop the property as the owner considers appropriate." Mr. Olivas pledged his support of the nomination.

Member Richey asked Mr. Olivas about the acequias, specifically whether they are active and is there a *mayordomo* and if there are water issues in the district?

Mr. Olivas responded that the Chairperson of the County Commission is the executive director for the acequia association. There has been discussion about industry coming into Mora County and the impact of the water use for that industry is astronomical. Coyote Creek currently runs through the area. The commission would like to revive the agricultural base that has been successful for the community.

Member Richey noted that he lives in Lincoln, NM, a listed National Historic Landmark, which is very similar to the proposed *Guadalupe/Coyote Historic District*, and has the Bonito River running through it. A historic designation has not impeded on property owner's land or property rights. The historic designation has elevated the standard and has allowed owners to protect their water, raise funds and affords respect to the air, land and culture.

Member Toya noted that it is very rewarding to serve on the CPRC and agreed with the statements made by Member Richey. Member Toya acknowledged the good of the protection of New Mexico's cultural elements with a historic designation which adds another layer of review before there's development. However, it is problematic if using the regulations to artificially stop development. The CPRC does not make energy or developmental policy on this. The CPRC identifies and protects New Mexico's cultural resources.

Rebecca Procter, NM State Parks

Dr. Procter noted that NM State Parks supports the historic district. Coyote Creek State Park is adjacent to the Guadalupita community. The State Parks' mission is to preserve and enhance cultural and natural resources. There are 35 state parks in New Mexico, and there are economic benefits to a historic district designation. Park staff responds to visitors and neighbors when they come to the parks and ask questions about the landscape they've driven through to get to the park. The park staff takes this as an opportunity to educate and promote the preservation of New Mexico's heritage.

Member Bandy asked Dr. Procter her thoughts, as an archaeologist familiar with the area, on the eligibility of the district under Criterion D since it was not well developed in the nomination. Dr. Procter responded that she does not know all the details but her impression after looking at the nomination is that criterion D is served because there is some open question on features on Coyote Creek State Park that are related to the same period of significance as the district nomination but may have less archaeological value than what is outside of the park boundary.

Gioia Tama

Ms. Tama read from a prepared statement [*on file at HPD*] and stated that she is a 41-year resident of Guadalupita and is in support of the historic district and Mr. Ebright's efforts in bringing the nomination forth. It is the CPRC's mission to protect and preserve the unique character of New Mexico. The community has survived the external influences and remains precious. Ms. Tama thanked the committee for their attention.

[Testimony of individuals in support of the nomination was concluded]

Ms. Coca Ruiz expressed her desire to have the Coca property excluded from the nomination as Mr. Ebright's is and asked committee members if the Coca property can be left out of the nomination when the CPRC votes.

Ms. Moody noted that Mr. Ebright's house is listed in the nomination as non-contributing to the district because it is less than fifty years in age. There are a few buildings on the Coca property that are also listed as non-contributing. Ms. Moody explained that staff was unable to visit the property in November.

Chair Hendricks asked if the Gilbert Coca house [see Property C 28 in the nomination] is contributing to the district and when was it built? Ms. Moody acknowledged that it is contributing to the district and Member Bandy noted that the Gilbert Coca house is ca. 1930s.

- ★ Member Fielder moved to table the nomination until more investigation can be conducted and the information verified. [There was NO SECOND and the motion failed].

Member Bandy noted that there is a precedent for listing properties as non-contributing based on landowner preference as evidenced with the Mt. Taylor Traditional Cultural Property (TCP) nomination where large areas were listed as non-contributing to the TCP. Ms. Moody explained that if the property falls within the period of significance there is not a precedent. Ms. Biella stated that the Mt. Taylor TCP nomination was written that way to minimize the impact on private property owners, but it was based on the manner in which the nomination was written [the lack of continued cultural use of private property within the TCP]. In following the national register guidelines, contributing status is based on the merit of whether it meets the criteria or not. With large district nominations the information provided may be incomplete, and nominations do change because properties change. As more accurate information is received the contributing status may change. The majority opinion rather than an individual case-by-case opinion determines listing of a historic district.

Member Richey stated that it is not just a district but a "settlement" that is more important. The vast majority of the resources are contributing.

Member Bandy stated that if the house has not been visited and an assessment of significance has not been determined then perhaps the nomination should be amended pending an assessment of significance as the committee did with the Lovington nomination. Member Richey agreed.

Dorothy Victor, HPD, stated that the site visit to the district included Frances Torres of the Assessor's office who worked closely with HPD staff to verify the properties within the nomination, and she may be able to offer additional information to the committee.

Chair Hendricks asked Ms. Torres to inform the committee about what she knows about the Coca home. Ms. Torres responded that she went into the field with HPD staff to identify properties and verify ownership. The Coca property has one old building and several mobile homes. Ms. Torres stated that she had been in the Coca home previously.

Member Richey stated that if the home is contributing or non-contributing to the historic district does not mean that the land is removed from the district. Ms. Torres stated that it is an old house and, as she understands it, is contributing.

Member Bandy stated that his understanding is that the resource must fall within the period of significance and have retained its integrity.

Chair Hendricks asked Ms. Coca Ruiz if she realized that the house would continue to be in the district and Ms. Coca Ruiz responded that she was aware of that.

Member Bandy stated that the structure, if considered non-contributing, would not be eligible for tax credits. Ms. Biella confirmed and noted that the difference between the two

district nominations heard today is that for the Lovington district there is a photograph that shows the information which is why there is a deviation from the initial status of the building. In the Guadalupita nomination an exception is being requested that is not based on the merits. Ms. Coca Ruiz stated that her brother owns the home but lives in Colorado so the state tax credit would not work for him.

Member Richey stated that the Coca's will be in a better position to preserve their land with a historic designation. If the property is placed on the National Register at some point one can apply for federal tax credits in addition to the state tax credits. One of the benefits of the designation is that owners of contributing properties can apply for tax credits for water and heating systems, which is exactly what the architectural subcommittee did this morning for a listed property. A historic listing affords the privacy and protections that the Coca's are striving for.

- ★ Member Boggess moved to place the *Guadalupita/Coyote Historic District* to the New Mexico Register of Cultural Properties. Member Richey seconded and the motion passed unanimously upon roll call vote with Members Boggess, Bandy, Richey, Toya, and Fielder all voting in the affirmative.

[Committee Break from 2:50 p.m. – 3:00 p.m.]

Official Scenic Historic Markers

Historic Marker Program Status Update

Tom Drake, HPD, provided an update on the historic markers and informed the committee that there are approximately 680 markers along New Mexico's roadways. The marker program began in 1935 and has operated in partnership between the HPD, CPRC, and the New Mexico Department of Transportation (NMDOT). The highway districts have previously taken responsibility for building, paying for and placing markers. Mr. Drake provided the committee with a list of markers that need attention. The list includes markers approved as far back as 2005 that have not been built, missing markers and those that have deteriorated or have been vandalized. It is estimated that 50-60 markers are in a state of disrepair.

A meeting is being scheduled between HPD, the DCA Secretary Gonzales and NMDOT to come up with a plan of action to address the backlog. Representative Lucky Varela and Senator Stuart Ingle have expressed interest in the marker program.

New Markers [*On File at HPD*]

Rio Felix Bridge [Chaves County]

Mr. Drake reported that the Rio Felix Bridge was completed in 1926 and used until 1984. With a 432 feet length, the Rio Felix Bridge has New Mexico's longest Pratt Truss span.

"...Constructed with three; 144-foot Pratt Truss..."

change to: "...Constructed with three 144-foot Pratt Truss..." [remove semi-colon]

"... for its design, and enhancing local..."

change to: "... for its design, enhancing local..." [remove "and"]

- ★ Member Richey moved to approve the Rio Felix Bridge text as amended. Member Fielder seconded and the motion passed unanimously.

Couse-Sharp Historic Site [Taos County]

Mr. Drake reported that buildings at the Couse-Sharp Historic Site were built between 1835-1941 and continues to be used as an artist colony.

Mr. Carl Jones, Vice-President of Board of Directors of the Couse Foundation, emphasized that this property contains some of the oldest preserved structures in Taos County and contains numerous pieces of original art. The grounds can be walked the entire year and the structures are open to the public from May – November. This is one of 30 such properties in the United States as recognized by the National Trust for Historic Preservation. Cuttings and seeds from the gardens are found all over Taos County.

Chair Hendricks commended Mr. Jones for taking the initiative in raising associated costs relating to the marker. Mr. Jones responded that they have many supporters that would be most likely to contribute to the cost of making and erecting the marker.

Chair Hendricks suggested the following amendments to the text:

"...Site's..." should read "...site's..." [should not be capitalized]

"...1830's..." should be "...1830s..." [without the apostrophe]

- ★ Member Toya moved to approve the Couse-Sharp Historic Site marker as amended. Member Fielder seconded and the motion passed unanimously.

Pancho Villa State Park and Pancho Villa's Raid / Pancho Villa State Park [Luna County]

There are two markers with revised text for the committee's review. The new text incorporates new research compiled by State Parks staff and the researchers and updates the history based on recent research. Columbus, NM is a certified local government and has capitalized on its heritage as a destination for visitors. NMDOT District 1 in southwest New

Mexico, where these markers are located, is the only district that is committing funds to addressing the marker backlog as well as these markers. Placards at the present time cost approximately \$250.00 and the cost to build and transport a new marker is approximately \$5000.00.

The first marker is located on the east side of Pancho Villa State Park and only the text plate will be replaced. The second, double-sided marker, is on the west end of the park.

- ★ Member Fielder moved to approve the three Pancho Villa texts as submitted. Member Boggess seconded and the motion passed unanimously.

COMMITTEE MATTERS

Rules & Regulations: Update on New Rule for State Register Nominations

Ms. Biella updated the committee on the developments in drafting the State Register rule. Chair Hendricks, Member Boggess, CPRC's counsel Mona Valicenti provided comments and DCA's counsel has reviewed the draft. The Administrative Law Division has reviewed the draft rule for format. It is now ready for a public hearing. The DCA Secretary Gonzales appoints a hearing officer but this has not happened yet. Ms. Biella asked the committee for any input. She reiterated what was stated at the last meeting in that she started the process by looking at the National Register process and then looked at various states rules for state register nominations. The committee has two options: 1) hear the rule at a CPRC meeting. This could be problematic with an already full agenda; or 2) hold a separate hearing. Regardless of which venue is chosen, a rules hearing must be a public hearing where public testimony is taken and the hearing notice is published in the New Mexico Register.

Chair Hendricks thought that given the public interest in the rule it might be better to have a separate public hearing.

- ★ Member Fielder moved to hold a special meeting for the hearing. Member Bandy seconded and the motion passed unanimously

Member Toya asked if the hearing had to be in Santa Fe. Ms. Biella responded that the hearing can be held anywhere in the state but in following follow DCA statute [NMSA, 1978, §9-4A-6(E)] the meeting is typically in Santa Fe.

- ★ Member Fielder amended his motion to state that the public hearing for the rule be separate from the regular CPRC meeting and will have a hearing officer. Member Bandy seconded and the motion passed unanimously.

State Plan

Ms. Biella reported that every five years the HPD is required to put together a preservation plan for the next five years. She told the committee that HPD recommended keeping the same 7 x 11 inch format as the previous state plan but there may be a need to modify the format if there is a considerable cost savings in printing in another size. Ms. Biella would like the plan to be concise to allow one to read the plan quickly and convey the preservation priorities at the same time. The plan will emphasize the core goals for each program.

Mr. Drake noted that this has been one of the most successful outreach publications.

Mr. Drake and Shalie Gasper have been working on the state plan with revisions to the historic context done by Bob Estes, HPD, so it could be read by a more general audience rather than a specialized audience and incorporate something that we've learned recently. The historic context has been moved to the front of the state plan.

Ms. Biella again stressed her sincerity in seeking committee input and asked the committee to provide comments by the end of the month or earlier. The final draft must be sent to the National Park Service by November 15th, 2011.

SUBCOMMITTEE MATTERS

Part 1 Amendments

- ★ Member Richey moved to approve the part 1 amendment for **2000 Silver Ave SE, Albuquerque**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the amendment for the **Garoffolo House, 1908 Griegos Rd NW, Albuquerque**, with the condition of staff review and approval of the redesign of the bathroom improvements. Member Fielder seconded and the motion passed unanimously.

Part 1s

- ★ Member Richey moved to approve the Part 1 applications as submitted:
 - **1517 Roma NE, Albuquerque**
 - **403 12th Street NW, Albuquerque**
 - **9 Tennis Court, La Luz, Albuquerque**
 - **404 Tulane Place NE, Albuquerque**
 - **619 Bryn Mawr Drive NE, Albuquerque**
 - **400 N. Lea Avenue, Slaughter-Hill House, Roswell**Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 1 application with continuing applicant-initiated consultation with staff for **Gene's Tire Repair, 3000 Fourth Street NW, Albuquerque**. Member Fielder seconded and the motion passed unanimously.

- ★ Member Richey moved to approve the Part 1 application with continuing applicant-initiated consultation with staff, and additional staff-requested submittals for a future CPRC meeting for the **342 Solano NE, Albuquerque**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to deny the Part 1 application for work that has been completed at **204 E. Santa Fe Avenue, Santa Fe**, but approve that future window repair and repair of the exterior historic fence are eligible for the program. Member Fielder seconded and the motion passed unanimously.

Part 2s

- ★ Member Richey moved to approve the following Part 2 applications
 - **The Locke Farm, 1620 W. Boutz, Mesilla, in the amount of \$15,851.81 for a 50% eligible credit of \$7,925.91.**
 - **The Locke Farm, 1584 W. Boutz, Mesilla, in the amount of \$5,372.50 for a 50% eligible credit of \$2,686.25.**
 - **601 11th Street, NW, Albuquerque, in the amount of \$4,935.48 for a 50% eligible credit of \$2,467.74.**
 - **Cassidy Casita, 924 Canyon Road #5, Santa Fe, in the amount of \$51,462.46 for a 50% eligible credit of \$25,000.00.**
 - **Casa Barbara, 530 Garcia Street, Santa Fe, in the amount of \$13,258.75 for a 50% eligible credit of \$6,629.37.**
 - **708 [a.k.a. 706] B Street, Silver City, in the amount of \$8,784.02 for a 50% eligible credit of \$4,392.01.**

Member Fielder seconded and the motion passed unanimously.

- ★ Member Richey moved to approve the Part 2 application for the **O.D. Wait House, 1606 Silver SE, Albuquerque, in the amount of \$8,385.46 for a 50% credit of \$4,192.73**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 2 application for **2000 Silver Ave SE, Albuquerque, in the amount of \$5,320.04 for a 50% credit of \$2,660.02**. Member Fielder seconded and the motion passed unanimously.

PERMIT MATTERS

Applicants for Listing on the SHPO Directory: Principal Investigator/Project Director and Supervisory Archaeologist/Crew Chief

- ★ Member Boggess moved to not list Sebastian A. Chamorro on the SHPO Directory as Project Investigator/Project Director but to list him as Supervisory Archaeologist/Crew Chief. Mr. Chamorro may reapply for Project Investigator/Project Director with additional documentation. Member Bandy seconded and the motion passed unanimously.

- ★ Member Boggess moved to not list John Hooper on the SHPO Directory as Project Investigator/Project Director but to list him as Supervisory Archaeologist/Crew Chief. Mr. Hooper may resubmit his application with additional documentation at a later date to be listed as Project Investigator/Project Director. Member Bandy seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for Grant Smith for listing on the SHPO Directory as Project Investigator/Project Director. Member Bandy seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for Natalie Farrell for listing on the SHPO Directory as Supervisory Archaeologist/Crew Chief. Member Bandy seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for Justin Greenwald for listing on the SHPO Directory as Supervisory Archaeologist/Crew Chief. Member Bandy seconded and the motion passed unanimously.

Applicants for a 2011 General Archaeological Investigation Permit

- ★ Member Boggess moved to approve the 2011 general archaeological investigation permit application for **Van Citters: Historic Preservation**. Member Bandy seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the 2011 general archaeological investigation permit application for **Souder, Miller & Associates**. Member Bandy seconded and the motion passed unanimously.

Project Specific Permits for Archaeological Investigations on State Land

- ★ Member Boggess moved to approve the project specific permit for Eastern New Mexico University for a proposal for paleoclimate investigations at the Blackwater Draw Site [LA 3324], in Roosevelt County. Member Bandy seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the project specific permit for the Office of Archaeological Studies for the archaeological data recovery plan for the Executive Office building in Santa Fe. Member Bandy seconded and the motion passed unanimously.

Project-Specific Permit for State Land & Mechanical Excavation Permit for Private Land

- ★ Member Boggess moved to approve the project specific permit for Marron & Associates for the data recovery plan for 31 sites on the West Mesa in Albuquerque, Bernalillo County,

pending receipt and approval by the SHPO staff and the Archaeological Subcommittee of a revised data recovery plan. Member Bandy seconded and the motion passed unanimously.

OLD BUSINESS

St. Catherine's

The owner of St. Catherine's, New Mexico Consolidated Construction Services LLC (NMCCSLLC), submitted a report to HPD and the committee to update the property record in the State Register files. The report includes recent architectural research on the structures at St. Catherine's and provides the timeline for actions that the owner has taken, reports and surveys associated with the property, proposals, and submittals by the owner to the City of Santa Fe of the proposed demolition of contributing and non-contributing structures and the restoration work at the property. The contributing buildings in the State Register District were landmarked under the City's historic preservation ordinance. The representative of the property owner was expected to provide the committee with an update in addition to the report but the owner's representative was not in attendance. Ms. Moody briefly reported what she knew.

St. Catherine's representatives have kept HPD staff updated on the proposals that have been brought before the City of Santa Fe to demolish certain buildings in the district, some of which are landmark buildings, and others are buildings that are considered non-contributing.

The owner feels that there are errors in the original nomination and is considering rewriting the nomination. It is unknown whether it will be an amended state register nomination or a new national register nomination for a historic district. Ms. Moody noted that she has not seen anything to indicate the status of the nomination at this time.

In the report, the owner provided letters and the cover page of reports associated with St. Catherine's. If the committee members are interested in seeing the full reports they can be requested. Member Richey indicated that he would like to see the reports and would also like to invite David Rasch, Preservation Planner with the City of Santa Fe, to the next meeting in anticipation that St. Catherine's representatives will be giving a presentation.

Tim Maxwell, President, Old Santa Fe Association (OSFA)

Dr. Maxwell stated that the OSFA has been concerned about St. Catherine's for several years. He wanted to relay to committee members that live out of town, and do not receive the Santa Fe news, of the current situation which may bring the fate of the school before the CPRC.

The OSFA complained to the City that the owner was neglecting the property purposely. The City has placed the owner on notice that he may be violating the City's *Demolition by Neglect* ordinance and the City is monitoring this at the moment. The owner made a request to move the three casitas that were in a previous request for demolition that the

City had refused. The City's Historic Design Review Board (H-Board) postponed the request to move the casitas about 10 days ago. Member Richey wanted to know why and Dr. Maxwell responded that it was denied because they are historic City landmark structures. The H-Board does not think there is a good enough reason to move the structures. Member Richey stated that is the crux of the matter and what is lacking is a comprehensive plan for the property. In light of the absence of a plan no reasonable person can approve or disapprove the demolition of some of the structures on the property. Without the plan how can the property be made useful? Member Boggess stated that a newspaper article he read indicated that the owner is considering selling the property to a local arts school to be used as a campus. Several ideas have been floating around.

Dr. Maxwell stated that is the OSFA argument to the City Council is that they are not against demolition if there is a plan for the property. The Mayor plans to put forth a plan to purchase the school and lease it back to the New Mexico School for the Arts so it would become the property of New Mexico public schools which Dr. Maxwell assumed would give the CPRC more purview over what happens at that site. The Mayor's proposal will not be coming before the City Council until mid-November. The Mayor has not made it clear how the purchase would be financed.

Ms. Biella noted that the owner is interested in selling portions of the land and the specific plan depends on the intended use. Depending on the buyer, some of the buildings have utility and some do not. The property is already zoned for schools. The owner retains his primary interest in having as much of the property go to the Veteran's Cemetery as possible. Ms. Biella and Ms. Moody have met with the owner's representatives numerous times and are surprised that the representative did not show up for this meeting. Ms. Biella believes the owner has a genuine recognition of some of the historic buildings and appreciation of them. Development costs and prospective buyers have added to the confusion of developing the plan. Each buyer has a different purpose. The owner may be looking at a national register nomination because of the incentives for the federal tax program for commercial properties which does not include schools if they are publicly owned.

HPD has tried to stress to the owner the importance of accurate information and it was also a concern the owner's representative that errors in previously submitted information on construction dates be corrected. The best action for St. Catherine's is to define a new use for the property that encourages preservation. HPD continues to provide technical assistance in the owner's attempt to work towards revising the original nomination or write a national register nomination. The deadline for submitting a national register nomination for a certified local government, which Santa Fe is, is 60 days; thus, the earliest a nomination could be presented to the CPRC is at the February meeting.

NEW BUSINESS

Member Richey noted that Joe Sando of Jemez Pueblo recently passed away and would like the CPRC to commemorate and honor his work. He asked staff to look into this on behalf of the CPRC and put appropriate approvals into motion with the pueblos.

Mr. Drake stated that a historic marker is allowable for the deceased but approval would have to go before the pueblos.

Ms. Moody thought a preservation award might be possible but Mr. Drake wasn't certain if a posthumous award is allowable.

Member Toya said that the All Indian Pueblo Council will be having a memorial for Mr. Sando at the end of the month and will be displaying his work.

Member Toya added that this doesn't have to be monumental and the CPRC could do something as simple as sending a letter honoring his work. Member Richey stated that a letter would be a good start but he would like something more permanent.

DATES OF NEXT MEETINGS

The dates of the next two meetings will be December 9, 2011 and February 17, 2012.

ADJOURNMENT

- ★ Member Fielder moved to adjourn at 4:15 P.M. Member Boggess seconded and the motion passed unanimously.


Rick Hendricks, Chairman