

REPORT
OF THE ALBUQUERQUE/BERNALILLO COUNTY
ARCHAEOLOGICAL RESOURCES PLANNING
ADVISORY COMMITTEE



.. REPORT
OF THE ALBUQUERQUE/BERNALILLO COUNTY
ARCHEOLOGICAL RESOURCES PLANNING ADVISORY COMMITTEE

February 1986

THE ALBUQUERQUE/BERNALILLO COUNTY ARCHEOLOGICAL RESOURCES
PLANNING ADVISORY COMMITTEE

Members appointed by the Mayor and the City Council

Meres G. Brown
Carol J. Condie, Ph.D., Chair
Lawrence Kline
David E. Stuart, Ph.D.
James Walker

Members appointed by the County Commission

Charles M. Carrillo
Raymond Elosua
C. "Canoe" J. Gandilhon
Mark Harlan, Ph.D., Vice-Chair
Jess Tafoya

Committee Coordinator/Staff

Jay A. Eberle
City of Albuquerque
Municipal Development Department

Cover Photograph of Flute Player and Mask Petroglyph
from upper Piedras Marcadas Canyon
by
Steven Donahue

ACKNOWLEDGMENTS

The Committee wishes to extend its most sincere thanks to the following people, who gave us expert advice and assistance, critiqued one or more of the many drafts of the report, or were helpful to us in other ways: Cynthia Bruce, Municipal Development Department; Mary Davis, Municipal Development Department; Rex Funk, Open Space Division; Victoria Prinz, Municipal Development Department; Kit Sargeant, New Mexico Archeological Council; and Don Smithburg, Assistant to the CAO in the administration of Mayor Harry E. Kinney.

We owe a particular debt to Terri Butler, of the Mayor's Office, who recorded our sometimes interminable meetings, and to Audrey Candelaria, who provided expert word processing for the many drafts of the report.

We are grateful for the support of Mayor Harry E. Kinney and for his long-time concern for the prehistory and history of the Albuquerque area, and for the support of Mayor Ken Schultz.

Finally, special thanks are due Patrick Padilla, who introduced the enabling resolution to the Bernalillo County Commission, and Vince Griego, who met with the preliminary committee numerous times, encouraged us throughout, and introduced the enabling resolution to the Albuquerque City Council.

The Committee would like
to make a special acknowledgement
to the late Hyla Bacon
for her work on this committee.

TABLE OF CONTENTS

FORWARD: AN OPEN LETTER TO OUR FELLOW CITIZENS iv

EXECUTIVE SUMMARY v

I. INTRODUCTION - ARCHEOLOGY IN BERNALILLO COUNTY 1

 A. PREHISTORY AND HISTORY IN BERNALILLO COUNTY 3

 B. KNOWN AND PROJECTED ARCHEOLOGICAL SITES 5

II. PLANNING AND MANAGEMENT CONSIDERATIONS 7

 A. ARCHEOLOGY IN THE PLANNING PROCESS 9

 B. EXISTING AND PROPOSED POLICIES AND GOALS
 IN ALBUQUERQUE AND BERNALILLO COUNTY 10

 1. Albuquerque/Bernalillo County Comprehensive
 Policies Plan 10

 2. Goals for Albuquerque 1983-84 11

 3. Archeological Resources Planning Advisory Committee
 Recommendations for Revision of the Comprehensive Plan . . . 14

 C. CITY AND COUNTY EXPERIENCE IN ARCHEOLOGICAL PROGRAMS 17

 D. PROGRAMS NOW IN PROGRESS AND UNDER CONSIDERATION 17

 1. Pilot Environmental Data Base Project 17

 2. Potential Computerized Archeological Data Base 17

 E. ARCHEOLOGICAL PROGRAMS IN OTHER STATES 17

III. PROGRAM DEVELOPMENT 19

 A. PUBLIC EDUCATION AND PARTICIPATION 21

 B. IDENTIFICATION OF ARCHEOLOGICAL SITES: NON-PROJECT SURVEYS 23

 C. IDENTIFICATION OF ARCHEOLOGICAL SITES: PROJECT (CLEARANCE) SURVEYS 25

 D. SITE EVALUATION AND TREATMENT 26

 E. CURATION AND RECORD KEEPING 28

 F. PLANNING AND DEVELOPMENT REVIEW PROCESS 29

IV. PROGRAM ADMINISTRATION, STAFFING, AND OVERSIGHT	35
A. ADMINISTRATION	37
B. QUALIFICATIONS FOR THE CITY/COUNTY ARCHEOLOGIST	37
C. ARCHEOLOGICAL OVERSIGHT COMMITTEE.	38
V. PROGRAM PHASING AND IMPLEMENTATION	41
VI. PROGRAM COSTS AND FUNDING	45
VII. APPENDICES	49
A. ARCHEOLOGY IN BERNALILLO COUNTY	51
A-1. Generalized Map of Known Sites	53
A-2. Reported Sites: ARMS Breakdown by Culture and Period	55
A-3. Archeological Status of Known Sites: ARMS Breakdown by Culture and Period	57
A-4. ARMS Bibliography of Archeological Surveys Conducted in Bernalillo County	61
B. PLANNING AND MANAGEMENT CONSIDERATIONS	69
B-1. Summary of Federal Law, New Mexico State Law, and Albuquerque City Ordinance	71
B-2. Examples of California Antiquities Legislation	77
B-3. Legal Tools to Preserve Archeological Sites	79
B-4. Tax Incentives for the Donation of Archeological Properties	91
C. PUBLIC EDUCATION AND PARTICIPATION	93
C-1. Archeology and the Mayor: A Public Interpretation Program for the Citizens of Baltimore	95
C-2. What You Can Do to Safe-guard Your Archeological Legacy	101
D. IDENTIFICATION OF ARCHEOLOGICAL SITES	103
D-1. Regulations for the Access and Use of the Archeological Records Management System	105
D-2. Confidentiality of Site Location Information	109

E.	SITE EVALUATION AND TREATMENT	113
E-1.	National Register Criteria for the Evaluation of Historic Properties	115
E-2.	Evaluation of Site Significance	117
E-3.	Questions to be Considered in Evaluating Site Significance and Determining Site Treatment	121
E-4.	Management Plan for Archeological Conservancy Property	123
F.	CURATION AND RECORD KEEPING	127
F-1.	Excerpt from Antiquities Act of 1906	129
F-2.	Excerpt from 43 CFR 3, Protection of American Antiquities, 1954	131
F-3.	Excerpt from Archeological Resources Protection Act of 1979	133
F-4.	Capitalization of Collections, Museum of New Mexico Policy	139
F-5.	ARPAC Recommendations for Albuquerque and Bernalillo County Curation Policy	141
F-6.	ARPAC Sample Repository Requirements	143
G.	PLANNING AND DEVELOPMENT REVIEW PROCESSES	145
G-1.	Excerpt from New Mexico Standard Specifications for Public Works Construction	147
G-2.	The Review of Development Processes in the City of Albuquerque	149
H.	RESOLUTIONS ESTABLISHING THE ARCHEOLOGICAL RESOURCES PLANNING ADVISORY COMMITTEE	153
H-1.	Council Bill No. R-174, City of Albuquerque	155
H-2.	County Ordinance No. 84-44, County of Bernalillo	159

FORWARD : AN OPEN LETTER TO OUR FELLOW CITIZENS

It comes as a surprise to most people to learn that Albuquerque is the longest-inhabited metropolitan area in North America. New Mexico's ancient heritage spans a period of more than 600 human generations, and the Albuquerque area shared in every major prehistoric and historic event. No other state contains such an incredible legacy from the past. In Albuquerque and Bernalillo County alone, it is estimated that 12,000 to 15,000 archeological sites existed as recently as 60 years ago. At least 60%--and more likely 80%--of those have already been destroyed completely or have been built over. Unfortunately, of the approximately 800 sites actually located less than one-half of 1% have received serious archeological investigation.

We need to take stock before further damage is done. It is imperative that we find a way to permit development to proceed but at the same time to permit the recording, study, and sometimes preservation, of archeological sites. Most of all, we need to find a way to encourage the public to participate in discovering the lessons and insights of the past. The public needs to be told of our remarkable heritage, of the fact that a large percentage of the County's prehistoric sites are already covered by modern Albuquerque, that much history may literally lie underneath our very own backyards in Bernalillo County, and that as much as two-thirds of New Mexico's archeological legacy has already been irretrievably lost.

By requesting the formation of the Archeological Resources Planning Advisory Committee, the City and County have both demonstrated that civic pride in our region's cultural heritage is far from extinct. With proper planning, funding, and good fortune, at least a few of our very ancient Paleo-Indian sites, one of the larger concentrations of Native American rock art in the nation, several remarkable Rio Grande period pueblos, and representatives of various other periods and types of sites will be preserved for posterity, interpreted for the public, and become part of Albuquerque/Bernalillo County's cultural attractions for both residents and visitors.

It is not too much to hope that, if we proceed now, enough can be preserved within our expanding urban environment to draw school children, scholars, even tourists from around the world, to experience the extraordinary saga of 12,000 years of human history.

The accompanying committee report outlines the steps for initiating an active program through which the City and County governments can plan for and manage archeological sites. Although the City and County must balance the needs of community development with site preservation, these two interests can work together in developing a stronger community and increasing the quality of life for all citizens. We hope that the efforts of this committee will serve to further public awareness of the heritage left in our community's care and provide the beginnings of a program to allow future generations to share, enjoy, and participate in the discovery of that heritage.

Sincerely,



Carol J. Condie, Chair

Mark Harlan, Vice-Chair

EXECUTIVE SUMMARY

PURPOSE

The joint City/County Archeological Resources Planning Advisory Committee was created in response to the need for developing a better understanding of the problems and opportunities associated with planning for, recording, and preserving our rich archeological heritage. The Committee was made up of five archeologists and five lay persons—half appointed by the Board of County Commissioners and half by the Mayor with the advice and consent of the Albuquerque City Council.

SCOPE

This report is the product of ten months of committee meetings and report preparation. It identifies major issues, suggests goals and policies, and offers recommendations for the development of a program for planning and managing the area's archeological resources. The recommendations are intended to allow decision makers and staff to incorporate program elements smoothly into existing City and County planning and review processes and to accommodate long-range management needs.

BACKGROUND

The Albuquerque/Bernalillo County area has a history of human occupation dating back at least 12,000 years. Approximately 800 archeological sites have now been identified in Bernalillo County. Some of these sites provide the only available source of information on the prehistoric peoples that lived in the Albuquerque area. Other sites help to augment the area's 400 year old written historic record. All of them provide the foundation for interpretive museum exhibits and educational programs and offer a potential focus for tourist activities.

Our area contains archeological sites of major state and national importance. The petroglyph sites on the volcanic escarpment west of Albuquerque provide the most spectacular example of rock art to be found within an urban area. Furthermore, it is one of the largest concentrations of prehistoric Native American rock art sites in the United States. Other parts of the West Mesa are among those few areas in North Central New Mexico where Paleo-Indian sites may be found dating back 12,000 years and Desert Archaic sites dating to perhaps 7000 years.

Also here are a cluster of the earliest agricultural villages in the United States (1500 years old) and prehistoric pueblo sites dating back 300 to 900 years—some may contain as many as 1500 rooms. Historic sites from every period in Albuquerque's development lie buried beneath river silt on the valley floor and under residential areas of Albuquerque. A relatively small portion of the county has been formally surveyed and few of the known sites have been excavated or preserved. An estimated 60% to 80% of the archeological sites in the Albuquerque area have already been destroyed.

Archeological sites have not been included in City/County preservation efforts, in part, because they are less visible than historic buildings and

because they require different planning and management techniques. Most sites do not require preservation or protection in perpetuity, but only until valuable information can be extracted, freeing the land for development and other uses. In most cases, the impacts of development can be mitigated. For sites that have potential for interpretation and public use, or that require long term protection, a variety of techniques can be employed for acquiring and managing the site. Planning can play a key role in resource protection. By integrating archeological resource considerations into the planning and development process, site information can be gathered without unduly delaying development. The cost of retrieving information from sites can generally be reduced if sites are identified prior to beginning development.

RECOMMENDATIONS FOR PROGRAM DEVELOPMENT

To develop the ambitious program outlined in this report will require appropriate administration, staffing, and oversight. The program itself will involve a wide variety of agencies, County and City departments, and individuals. But if the program is to be effective, it will be necessary to assign responsibility for development and implementation of the program objectives delineated in this report. The Committee has identified three immediate steps to be taken to begin program development and implementation:

1. Establish a nine-member joint City/County Archeological Oversight Committee to aid in program development.
2. Assign responsibility for program development, implementation and administration to the Municipal Development Department, Planning Division.
3. Establish the position of City/County Archeologist.

Development of a program for planning and managing City and County archeological resources must be incremental. As with any new program, certain objectives must be accomplished early to provide the foundation for developing other elements. The program outlined below represents a comprehensive approach to resource planning and management. The implementation of program objectives will depend on availability of funds and on the commitment and ingenuity of both staff and decision makers.

Some of the program elements may take years of careful planning and work before they are fully realized, but other elements can be accomplished quickly and at minimum expense. Some program elements may be achieved by hiring consultants. The implementation of the following Committee recommendations should occur out during the first two years of program development.

Year one program elements should be carried out with matching grant funds provided by the State Historic Preservation office and the City of Albuquerque (Council Bill No. R-361).

Program Development-Year One

1. Establish an Archeological Oversight Committee.
2. Hire an archeological consultant to begin implementation of Year One Program elements.

3. Begin development of a public archeology program.
4. Establish a centralized data base of existing site information for use by planners and decision makers. Establish a mechanism to transmit local data to the State ARMS system.
5. Develop a comprehensive evaluation framework for determining site significance.
6. Establish guidelines and procedures for conducting archeological compliance surveys and reporting requirements.
7. Establish a ranked list of outstanding sites suitable for permanent preservation and public interpretation. Pursue public and private sector alternatives to provide for permanent preservation.

Program Development--Year Two

1. Hire a permanent City/County Archeologist.
2. Begin development of the Rank 2 Facility Plan for archeological resources.
3. Establish and implement archeological compliance requirements.
4. Begin implementation of the public program. Continue development of program planning.
5. Identify non-project survey priorities and begin implementation of the non-project survey program.

PROGRAM GOAL AND OBJECTIVES

The committee developed the following over-all goal to guide the development of a program for planning and managing archeological sites.

TO PRESERVE, DURING GROWTH AND CHANGE, THE UNIQUE ARCHEOLOGICAL RECORD OF MORE THAN 12,000 YEARS OF HUMAN PRESENCE IN THE ALBUQUERQUE/BERNALILLO COUNTY AREA FOR THE ECONOMIC, CULTURAL AND EDUCATIONAL BENEFIT OF ITS INHABITANTS.

Six objectives and accompanying actions were identified for achieving this goal. Recommendations for program implementation along with alternatives are identified in the text of the report.

OBJECTIVE 1: TO PROVIDE FOR ACTIVE PUBLIC INVOLVEMENT AND PARTICIPATION IN THE DISCOVERY AND UNDERSTANDING OF OUR HERITAGE.

Action 1: Involve the public in all aspects of a local public archeology program.

Action 2: Develop interpretive exhibits and, where feasible, interpretive parks or archeological preserves.

OBJECTIVE 2: TO PROVIDE FOR THE IDENTIFICATION OF ARCHEOLOGICAL SITES IN ALBUQUERQUE AND BERNALILLO COUNTY FOR PLANNING AND MANAGEMENT.

Action 1: Develop a centralized inventory of existing information on archeological sites.

Action 2: Conduct on-the-ground non-project surveys (i.e., surveys in areas that are not threatened with immediate disturbance) in the city and county to identify archeologically sensitive areas for long-range planning.

OBJECTIVE 3: TO ASSURE THAT ALL DISCOVERABLE ARCHEOLOGICAL SITES HAVE BEEN IDENTIFIED AND POTENTIAL PROJECT IMPACT MITIGATED PRIOR TO ANY SURFACE-DISTURBING ACTIVITY.

Action 1: Require 100% (i.e., complete coverage) on-the-ground surveys in all areas proposed for activities that will cause surface disturbance or will open a new area to public access.

Action 2: Devise an immediate response mechanism for emergency discoveries.

OBJECTIVE 4: TO EVALUATE THE SIGNIFICANCE OF ARCHEOLOGICAL SITES AND DETERMINE APPROPRIATE LEVELS OF TREATMENT.

Action 1: Develop a comprehensive evaluation framework for determining the significance of archeological sites.

Action 2: Determine treatments for individual sites.

OBJECTIVE 5: TO PROVIDE FOR THE CARE AND PRESERVATION OF ARTIFACTS AND SITE DOCUMENTS IN PERPETUITY AND TO INSURE THAT THEY REMAIN IN BERNALILLO COUNTY AS A PART OF OUR CULTURAL LEGACY.

Action 1: Identify or establish local curation facilities.

OBJECTIVE 6: TO ENSURE THAT ADEQUATE REVIEW AND CONSIDERATION ARE GIVEN TO ARCHEOLOGICAL SITES AT THE EARLIEST POSSIBLE STAGES IN PLANNING AND DEVELOPMENT REVIEW PROCESSES.

Action 1: Create a Rank 2 Facility Plan for archeological sites.

Action 2: Include an archeological element in all City and County plans of Rank 2 and 3.

Action 3: Establish a compliance process to ensure that archeological sites are not destroyed without due consideration for their significance and the documentation of their information content.

Action 4: Require the identification and treatment of archeological sites in public infrastructure improvement projects.

Action 5: Acquire archeological sites as parks or open space.

Action 6: Designate significant archeological sites as City landmarks or protect them through historic overlay zoning.

COSTS AND FUNDING

Archeological program costs vary with their level of intensity. Normal costs for the type of program envisioned for the City and County logically fall into two distinct areas of responsibility:

1. Basic program costs, to be borne by the County and City, would include the City/County Archeologist's salary, office space and equipment, secretarial and other normal back-up assistance, and overhead. Predicted costs of maintaining a City/County Archeologist's office are the City/County Archeologist's salary of \$30,000-\$35,000 (not including overhead).

2. Costs incurred when development or other ground-disturbing activities are planned on private land, to be borne by the landowner or the developer, would include compliance surveys, site testing programs, and possibly, site excavation programs. These costs will vary depending on size of project and other factors.

Responsibility for costs of program activities including excavation, interpretation, and stabilization of sites intended for public interpretive exhibits is less easy to assign. Various funding sources are identified in the text of the report.

I. INTRODUCTION



BLANK PAGE
(Please continue on to following page.)

A. PREHISTORY AND HISTORY IN BERNALILLO COUNTY

One look at a map of New Mexico reveals why the Albuquerque/Bernalillo County area has been both a crossroads and a population center for countless millennia. It is no accident that Interstate 25 and Interstate 40 traverse their present routes for they correspond to ancient tracks that have always intersected in Albuquerque.

When giant Pleistocene animals drifted over the Llano Estacado (or Southern Plains) into the Rio Grande Valley 9000-12,000 years ago, family groups of hunters followed them. We now call them Paleo-Indians and find reminders of their presence in the long, elegantly fluted Clovis points scattered west of the Rio Grande between Isleta and Belen and in the smaller Folsom points that have been found in nearly 30 campsites and scatters from the West Mesa to the Sandia foothills. One site in Tijeras Canyon contained tools of the Paleo-Indian Cody Complex, typified by the wicked-looking Cody knife (its modern mimic, the X-Acto blade).

While the Paleo-Indian hunters of big game were moving rapidly over North America as the game migrated, another way of making a living was being developed in the desert west. It is almost certain that a Paleo-Indian family would eat plants and small animals rather than arrogantly starve to death waiting for the next bog-trapped mammoth or giant bison. But those people archeologist call the Desert Culture or Desert Archaic became supreme experts at making the animals and plants of the western deserts and hills yield food and clothing and tools. They dug wild onions and other roots, harvested nuts and seeds from the pinon down to the small rice grass and even tinier sage seeds, devised ingenious traps and snares for rabbits and birds, and killed a deer or an elk when they could. We know them by their flat slab grinding stones and pill-shaped handstones or manos, their cobble-filled cooking pits, their shouldered or notched spear points made in a wide diversity of styles, and by the stone chopping and scraping tools they used in cutting, peeling, and slicing food or in making tools and equipment.

Both sides of the Rio Grande, the West Mesa, and west up the Rio San Jose were once littered with Desert Archaic campsites. A few have been excavated. A handful remain. The sites are not impressive--not, that is, until the significance of what they mean sinks in. In the continuum of human history, these sites represent the beginnings of observing plants, of understanding that differences in water, soil, altitude, latitude, and growing season mean differences in quality and yield. These sites, most of them occupied for a day or two as the people followed their seasonal round, reflect the first tentative experiments in the Southwest with plant selection and encouragement. Similar experiments--all of them stretching over thousands of years--took place the world over and finally resulted in the huge specialized farms and overflowing grocery shelves we take for granted today.

In the Southwest, the process lasted from 9000 or 10,000 B.C. to A.D. 300 or 400. When domesticated corn reached the Southwest from southern Mexico about 2000 B.C. it was merely added to the wild larder. One or two people were undoubtedly delegated to stay behind and tend the corn plot, but relying on gardens was still far too risky to make settled life look good. Squashes and beans later filtered up from Mexico, as did new varieties of corn (A.D. 370, the earliest date in North America for one of these new types, Mais de Ocho, comes from Boca Negra Cave on the West Mesa).

Commitment to sedentary village life finally began to seem worth the gamble. After eons of familiarizing themselves with the needs and habits of plants, small groups started constructing those most estimable of architectural inventions--pit houses, warm in winter, cool in summer. The people never stopped hunting small game and gathering wild plants nearby, but they placed more and more faith in their fields. From Mexico they learned to make pottery. From somewhere to the north came the bow-and-arrow about A.D. 400. Because they made some of the most exquisite basketry found anywhere in the world, these people were named "Basketmakers" by early archeologists.

The time from A.D. 600 to 850 is called Late Basketmaker-Pueblo I. Perhaps as a result of larger families and increasing population, perhaps as the result of new fads in architecture, people in some areas began building their houses above ground, sharing common walls and arranging the houses in rows. In some villages, semi-subterranean ceremonial rooms, which later people called kivas, harkened back to the ancestors' pit houses. In the Bernalillo County area, the pit house held on, though a few surface structures were scattered here and there among the older style dwellings. Excavated sites include the Denison Site north of Isleta, the Sedillo Site in west Albuquerque, the Artificial Leg Site in Corrales, the Big Boulder Site in Tijeras Canyon, and, on the gravel terraces north of Tramway on Sandia land, LA 3289, 3290, 3291, and the Nighthawk Site.

Between A.D. 850 or 900 and 1100-1150, population and technology exploded. Most villages were small, but in a few places like Chaco Canyon huge multi-storied apartment buildings of expertly dressed stone went up around plazas sprinkled with kivas. Many new design styles in painted pottery appeared. Ancient trade networks with Central Mexico were revived and expanded. Exotic goods like macaws, Pacific shells, and cast copper bells were brought up from Mexico to be exchanged for turquoise from Cerrillos and other still-famous mines. Called variously Pueblo II, Pueblo III, and the Basin Classic, this lifeway of intense farming covered an area of 50,000 square miles at its zenith. In the Albuquerque area, permanent villages devoted to agriculture appeared for the first time--LA 66 near the Five Points Church, LA 194 west of Albuquerque, LA 489 just south of Los Padillas, and LA 10792 in Tijeras Canyon.

But the high living was soon over. People began to trickle out of the small villages by A.D. 1080-1100. By A.D. 1140 the San Juan Basin was vacant. By A.D. 1150 the entire population of New Mexico had deserted the low-lying areas and moved high among the ponderosas. Probably they were seeking rain adequate to support even tiny fields of corn, beans, and squash. That a drastic change for the worse had occurred is apparent in the sites of this period: small, immature cobs of corn, increases in the bones of wild game, hamlets of only six to 10 rooms, pit houses (for warmth) at elevations of 7000 ft. and higher. It was a time of poverty and pinched resources, both domestic and wild. Only a few sites are known in the Bernalillo County area for this A.D. 1100-1300 period (Pueblo III, Highland, Coalition), and those are clustered in such favored spots as Tijeras Canyon, Cedar Crest, the Rio Grande, and the Rio Puerco. Eight of the known 42 sites have already vanished under Albuquerque residences.

Between A.D. 1240 and 1260, the drought and cold apparently lessened briefly. Up in the ponderosa belt people took heart and began construction of the big villages we now think of as Classic Pueblo III. But soon the climate changed

again. The time between A.D. 1275 and 1299 brought one of the most severe droughts the Southwest had ever witnessed. This time people decided to chance the dangers of living along the large permanent streams, the only secure water supply. Along streams like the Rio Grande, the Pecos, and the Little Colorado, they erected the largest towns ever before constructed. As long as the rivers stayed within their banks, times were good. Trade networks were re-opened, new pottery styles appeared (including the famous Rio Grande glaze wares), terracing and other new agricultural techniques were tried, and the beautiful spiral-grooved axe of tough jade-like sillimanite was invented. In kiva murals we see evidence of new additions to the old Pueblo religion--masked dancers in superb costumes performing complicated and elaborate ceremonies. That the age-old reluctance to trust major rivers was well-founded is attested by the numerous times villages were washed out in the 1300's and 1400's and had to be reconstructed on higher ground. In spite of the frequent moving of entire towns, people apparently felt they had few choices left, for in 1540 Coronado found them in the big towns along the rivers--towns like Puaray and Kuaua near Bernalillo, LA 581 in Tijeras Canyon, LA 290 south of Corrales, and Alameda (under Alameda Elementary School). The extensive petroglyphs decorating the basalt faces and boulders of Piedras Marcadas on the West Mesa date to this time, the Riverine, or Pueblo IV-V period.

Historic European settlement of Bernalillo County began soon after 1598, when Onate brought colonists to New Mexico and prepared to stay. By the 1700's, Alameda, Los Griegos, Los Candelarias, Los Ranchos, Los Duranes, Atrisco, Armijo, Old Town Albuquerque, Arenal, Parjarito, Los Padillas, and Carnue had all been settled. From the mid-1800's to the early 1900's the mountain villages of Tijeras, San Antonio, and Carnuel were settled, and in Albuquerque the new neighborhoods of Barelas, Huning Highlands, Martineztown, San Jose, Sawmill, and New Town Albuquerque were added.

In the microcosm of Bernalillo County 12,000 years of human life is represented. The story is not one of ever-increasing certainty and security, of mastery over the elements, of conquest over hunger and disease, of always more perfect societies and political institutions. --But it is a story of countless human minds matching wits with anything nature and neighboring groups handed out, a story of the relentless human will to survive.

B. KNOWN AND PROJECTED ARCHEOLOGICAL SITES

Very little systematic archeological survey has occurred in Bernalillo County. Nevertheless, 804 archeological sites have been discovered and reported to date (see Appendices A-1 to A-5).

A projection of the number of undiscovered sites in Bernalillo County (on the basis of known site frequencies for portions of Bernalillo County as well as for other areas of New Mexico) ranges from 11,000 to 15,500. If Federal, Indian, and State lands (640 square miles) are subtracted from Bernalillo County's 1170 square miles, undiscovered sites on the remaining 530 square miles could range from 4600 to 6600. However, most of the sites in the 260 square miles of Bernalillo County that has been heavily built up have already been destroyed. It is estimated that at most only about 40% of the sites that once existed in Bernalillo County still remain. Thus, the probable number of existing sites on the undeveloped 270 square miles ranges from 2740 to 3780.

BLANK PAGE
(Please continue on to following page.)

II. PLANNING AND MANAGEMENT CONSIDERATIONS



BLANK PAGE
(Please continue on to following page.)

A. ARCHEOLOGY IN THE PLANNING PROCESS

With the information retrieved from archeological sites archeologists can answer questions concerning the lifeways of different cultures and the relationships between humans and their environment--answers that can ultimately be useful to improved understanding of our own lives. Decisions on the significance of sites (which sites should be partially or completely excavated, which should be preserved, etc.) are based on carefully developed research questions and project designs rooted in the context of what is already known about a culture and about the specific sites. Even sites that are very significant but are considered inappropriate for public interpretation may require preservation only until valuable information can be extracted--thus freeing the land for other uses, including development. Integrating archeological survey and site evaluation with the planning and development processes prevents undue delays in development and unfortunate losses of archeological information.

When development is necessary, measures can be taken to reduce the information loss--for example, artifact collection and analysis, subsurface testing, and partial or complete excavation. Costs to developers caused by project delay when testing or excavation is determined to be necessary can be reduced if sites are identified early in the planning process prior to the initiation of development. For sites that have interpretive potential for public use or that require long-term protection, a variety of techniques can be employed for City/County acquisition of legal rights to the site (see Appendices B-3 and B-4): open space dedication, transferable development rights, tax incentives for donation of the property, and outright purchase of the property.

Archeological sites differ in fundamental ways from historic structures--some obvious, some not. The differences require changes in planning and in management:

1. Not all sites are visible on the surface. Structural Pueblo or historic sites often reveal their presence above ground, but pithouses may be indicated only by a shallow depression, a thin scatter of potsherds and stone flakes--or by nothing. Paleo-Indian and Archaic sites may be buried deeply enough that no hint remains on the surface.
2. Architectural structures can frequently be re-used in ways that maintain their historic integrity. Archeological sites usually cannot. Their significance may reside in the information they contain rather than in their potential for re-use of any kind, even as exhibits.
3. To an even greater extent than for standing architectural structures, investigation, analysis, and interpretation of archeological sites requires specialized professional expertise.
4. Information on specific locations of unprotected archeological sites is exempted from the Freedom of Information Act because so many sites throughout the U.S.--and the Southwest in particular--have been damaged by pothunters and looters.

5. Some sites should be preserved for future study. In recent years, improved analytical techniques and more refined research questions have increased the information that can be derived from archeological sites. On the assumption that the future will bring similar advances, archeologists often recommend leaving sites undisturbed wherever feasible. Because the number of archeological sites is finite, maintaining a representative sample of undisturbed sites creates a data bank for future archeological research. In addition, significant sites maintained in their undisturbed condition as archeological preserves and as open space areas hold the potential for development into interpretive parks at some future date. That potential is lost unless the scientific integrity of the site is preserved and protected.

B. EXISTING AND PROPOSED POLICIES AND GOALS IN ALBUQUERQUE AND BERNALILLO COUNTY

1. Albuquerque/Bernalillo County Comprehensive Policies Plan (approved by the City Council and the Board of County Commissioners, April 1975)

It has been formally recognized since 1975 that archeological sites rank among those resources that make the Albuquerque/Bernalillo County area unique. Policies that have been adopted include the following:

Urban Areas

THE GOAL IS A QUALITY URBAN ENVIRONMENT WHICH PERPETUATES THE TRADITION OF IDENTIFIABLE, INDIVIDUALISTIC COMMUNITIES WITHIN THE METROPOLITAN AREA AND OFFERS VARIETY AND MAXIMUM CHOICE IN HOUSING, WORK AREAS AND LIFE STYLES WHILE CREATING VISUALLY PLEASING ARCHITECTURE, LANDSCAPING AND VISTAS TO ENHANCE THE APPEARANCE OF THE COMMUNITY.

POLICIES

- b. Selected buildings and areas which explain our past and which give Albuquerque identity, individuality and cultural richness shall be preserved, enhanced and reused where appropriate.

POSSIBLE TECHNIQUES

- 1) Continue and support inventory of historical and cultural properties of significant local interest.
- 2) Develop detailed area plans specifying buildings and areas of preservation.
- 3) Acquire historical and cultural properties of significant local interest through public or private efforts where necessary to prevent demolition or other loss.
- 4) Support creation of a broadly-based non-profit organization which could sponsor and initiate preservation efforts.

- 5) Investigate new techniques for preservation such as "homesteading" and tax incentives.

Rural Areas

THE GOAL IS TO MAINTAIN THE SEPARATE IDENTITY OF RURAL AREAS AS ALTERNATIVES TO URBANIZATION, BY GUIDING DEVELOPMENT COMPATIBLE WITH THEIR OPEN CHARACTER, NATURAL RESOURCES, AND TRADITIONAL SETTLEMENT PATTERNS.

POLICIES

- f. Presently uninhabited archeological or historic sites should be identified and protected. Those of general educational significance should be restored where adequate access and control makes such restoration feasible.

POSSIBLE TECHNIQUES

- 1) Extend inventory of archeological and historic sites.
- 2) Investigate methods such as establishing antiquity zoning to protect significant sites.
- 3) Seek State or Federal funds for restoration.

Education and Recreation

THE GOAL IS TO PROVIDE A WIDE VARIETY OF EDUCATIONAL AND RECREATIONAL OPPORTUNITIES AVAILABLE TO CITIZENS FROM ALL CULTURAL, AGE AND EDUCATIONAL GROUPS

POLICIES

- d. Efforts should be made to integrate educational programs with the natural and cultural environments.

POSSIBLE TECHNIQUES

- 1) Preserve areas of scientific, natural, historic and cultural interest for educational as well as recreational purposes...; include studies in primary, secondary and post secondary educational programs.

2. Goals for Albuquerque 1983-84

During 1983 and 1984 the Albuquerque Goals Committee met to provide direction toward a better community and to re-evaluate the area goals defined 15 years ago, now embodied in the Comprehensive Plan. The Goals Committee involved hundreds of Albuquerque and Bernalillo County citizens who served on the Goals Steering Committee, on 14 task forces and on numerous subcommittees. In addition, they held many public hearings.

The result was Growth in the Quality of Life: Final Report of the Goals for Albuquerque Committee 1983-84, Vol. I & II, which represents the aspirations of the entire community. Two sections of Volume I and one section of Volume II of the report contain goals and objectives devoted to the preservation of Albuquerque's prehistoric and historic sites. Responsible public and private agencies and the suggested time-frame for implementation are given in parentheses under each objective. The sections below are from that report.

Volume I
ENVIRONMENT AND CITY BEAUTIFICATION

RATIONALE:

Albuquerque is in a unique and beautiful setting. Albuquerque is growing rapidly. It is urgent that we preserve and continue to create a quality environment and an aesthetically pleasing city. This Task Force sees the need for specific plans to create a beautiful Albuquerque that will endure for future generations. The accomplishment of these plans is essential to insuring a quality of life that will provide for the physical and psychological welfare of the citizens of Albuquerque.

Areas of concern identified by the Task Force are: open space, scenic easements, clean water, litter control, air quality, solid waste, historic and prehistoric preservation, urban enhancement, landscaped environment, neighborhood parks, streetscapes (medians), citizen participation, educational programs, and the revitalization of Downtown. These areas of immediate concern; but as the city grows and changes occur, it will be necessary to adjust these concerns....

Much of Albuquerque area's history has already been lost through negligence and unwise decisions. Strong steps should be taken to safeguard the remaining historic and prehistoric aspects of our metro area.

GOAL VII. Promote preservation of prehistoric, historic and archeological sites as well as historic architecture.

OBJECTIVES:

1. Establish City/County Ordinances regarding surveys, recording, and preservation of archeological sites.
(1984 -- City Council)
2. Establish the position of City Archeologist.
(1984 -- City Council)
3. Develop incentives to encourage preservation and renovation of historic structures.
(Ongoing -- State Historic Preservation Bureau, Historic Landmark Bureau, Albuquerque Historical Society, TACA, APS, NM Archeological Council, City Council)

4. Develop public awareness and interest in preservation and restoration efforts through educational programs.
(Ongoing -- Media, TACA, APS, NM Archeological Council, City Council)
5. Publish inventory of historic sites and structures.
(1985 -- Historic Preservation Planner, City, UNM)

GOAL V. Give the many faceted field of cultural resources greater identity, emphasis and support.

OBJECTIVES:

1. Expand cultural resources to include physical heritage (archeological, paleontological and historical sites), the arts and ethnic traditions.
(9/84 -- Municipal Development Department, City Council)
2. Include a cultural resources section in the Comprehensive Plan.
(9/84 -- Municipal Development Department, City Council)
3. Establish a comprehensive cultural resources department.
(9/84 -- Municipal Development Department, City Council)

Volume II
CULTURAL RESOURCES

1. Physical Heritage

The Goal is to identify, manage or acquire significant archeological and paleontological sites for scientific research, public education and recreational use, and to provide for the protection, viable reuse or enhancement of significant historic buildings and districts, and to encourage conservation of existing viable neighborhood patterns in the metropolitan area.

POLICIES

Policy a. Adopt the policy that the City shall support and manage an active program for identifying and making appropriate disposition of significant archeological and paleontological sites and items in the metropolitan area.

Implementation Techniques

Technique 1) Develop a Cultural Resources Department to manage the archeological and paleontological sites program (APSP); the Cultural Resources Department will work closely with the Municipal Development Department.

Technique 2) Identify a task force to assist the City in developing and carrying out a comprehensive APSP for the metropolitan area.

Policy b. Where educational, scientific or public use merits are significant, make provisions for the identification, protection, preservation, excavation, relocation, interpretation or acquisition of qualifying archeological or paleontological sites or items in the metropolitan area.

Implementation Techniques

Technique 1) Develop an inventory of significant sites.

Technique 2) Develop detailed plans to specify the appropriate disposition, as enumerated in policy b, of sites and items.

Technique 3) Acquire sites and items of significant interest where necessary to prevent loss; this acquisition can be through public or private effort.

Technique 4) Support broadly-based non-profit organizations which could sponsor and initiate preservation efforts.

Technique 5) Investigate new techniques for carrying out disposition plans.

Technique 6) Investigate methods such as establishing "antiquity zoning" to protect significant sites.

3. Archeological Resources Planning Advisory Committee Recommendations for Revision of the Comprehensive Plan

In March 1985 the Archeological Resources Planning Advisory Committee was asked to review and suggest revisions to the Comprehensive Plan. The Committee reviewed both the Comprehensive Plan and Goals for Albuquerque before making recommendations for revision of the Comprehensive Plan. The Committee felt that the 1975 Comprehensive Plan had provided excellent general direction. It felt, however, that the nature of archeological sites requires treatments that are sometimes at variance with those appropriate for standing architectural structures. The Committee, therefore, suggested the following revisions:

GOAL: TO PRESERVE, DURING GROWTH AND CHANGE, THE UNIQUE ARCHEOLOGICAL RECORD OF MORE THAN 12,000 YEARS OF HUMAN PRESENCE IN THE ALBUQUERQUE/BERNALILLO COUNTY AREA FOR THE ECONOMIC, CULTURAL, AND EDUCATIONAL BENEFIT OF ITS INHABITANTS.

Policy A: Fund, support, and maintain an active program for identifying and evaluating prehistoric and historic archeological sites and promoting their use for the public benefit.

Implementation techniques

1. Adopt archeological legislation and necessary implementing regulations or policies.

2. Establish an Archeological Oversight Committee to advise the program from the beginning.
3. Establish the office of City/County Archeologist to:
 - a. Develop a regionally oriented public archeology program.
 - b. Assist the City and County and landowners with State, Federal, and local antiquities legislation compliance.
 - c. Provide timely aid to developers and professional planners.
 - d. Compile and make archeological site data available to qualified users.
 - e. Conduct archeological surveys, therefore ultimately providing a complete inventory of archeological sites in the City and County.
 - f. Respond to unexpected finds.
 - g. Develop legislation to promote the protection of archeological sites on public and private land.
4. Require that archeological clearance surveys be performed in areas proposed for development or disturbance.
5. Request the Archeological Oversight Committee and the City/County Archeologist to set standards for professional reports and record keeping, and to compile a list of qualified archeological consultants to be called on for compliance surveys or other program needs.

Policy B: Develop and periodically review guidelines for determining the significance of identified archeological sites.

Implementation techniques

1. Request the Archeological Oversight Committee, in consultation with the City/County Archeologist, to develop, monitor the application of, and revise guidelines to be followed in evaluating the significance (importance) of archeological sites.

Policy C: Specify appropriate treatments for significant sites and remedies for those that cannot be preserved.

Implementation techniques

1. Establish a local repository for the permanent curation of archeological survey, testing, and excavation records and for artifacts removed from archeological sites within the County and the City.
2. Request the Archeological Oversight Committee and the City/County Archeologist to develop short-term and long-term plans for site use and management.
3. Make use of Historic Overlay Zoning or develop special archeological preserve zoning.

4. Request the Archeological Oversight Committee to review proposed archeological site acquisitions (donations, purchases, etc.) and make recommendations to the City and County.
5. Develop incentives, including but not limited to deferred or lowered tax assessment, for private owners to preserve sites or to encourage donation of sites to the City and County.
6. In the rare cases in which all other compensatory incentives fail, request the Archeological Oversight Committee to review and report to the City and County all recommendations for acquisition of archeological sites through direct purchase.

Policy D: Promote public understanding and appreciation of the area's archeological heritage.

Implementation techniques

1. Instruct the City/County Archeologist to establish a formal relationship with the Albuquerque Museum and to establish liaisons with other appropriate local and regional museums and educational institutions, including improved coordination with the Albuquerque Public Schools, to encourage student utilization of City/County interpretive facilities.
2. Encourage all forms of public involvement in the public program.
3. Develop an active publication program oriented to the public.
4. Provide for archeological site interpretation.
5. Acquire and develop archeological sites as parks and research preserves.

Policy E: The City and County recognize that many of the archeological sites in the area may relate to the direct or distant ancestors of Native American groups, and that some sites or locations may currently be in use as shrines. The City and County, therefore, will adhere to the following:

1. Any policy developed for archeological resources will apply only to lands under the jurisdiction of Bernalillo County and the City of Albuquerque. There will be no attempt to intrude policies on Indian lands.
2. Instruct City/County Archeologist to establish a liaison relationship with nearby Tribal governments to inform them that the archeological program is underway (when the time comes).
3. Pursue inter-governmental (City/County/Tribal) cooperation.

C. CITY AND COUNTY EXPERIENCE IN ARCHEOLOGICAL PROGRAMS

In meeting the requirements of various federally funded projects (see Appendix B-1), both the City and the County have been involved in the identification of archeological sites and mitigation of impacts on sites. Archeological requirements for federally funded City and County transportation projects have been handled by the New Mexico State Highway Department. In response to federal Environmental Impact Statement requirements, the City Department of Parks and Recreation, the Aviation Department, and the Water Resources Department have contracted for archeological site inventories and assessment of project impacts on a project by project basis.

D. PROGRAMS NOW IN PROGRESS AND UNDER CONSIDERATION

1. Pilot Environmental Data Base Project

Archeological site inventories and impact assessment for City, County, and private projects have not routinely been included in the planning and development process. The City of Albuquerque Planning Division recently began development of an environmental data base for comprehensive planning of two study areas in Bernalillo County. This information, which includes known archeological sites, will be used to protect critical resources from encroachment by incompatible land uses. No determination has yet been made, however, on the most appropriate way of analyzing archeological site information, since neither the City nor County possesses the staff and technical expertise for evaluating site information for ongoing planning.

2. Potential Computerized Archeological Data Base

Site information contained in the computer files at the Laboratory of Anthropology, Museum of New Mexico (Archeological Records Management System [ARMS]) is available to local communities for use in planning. The Laboratory of Anthropology has agreed to provide a computer tape of the ARMS Bernalillo County site files for entry into the City's computer, but the State requires that a management process for utilizing the data and ensuring confidentiality of site location information be instituted first. This information would enable city planners to identify site locations and assess densities of archeological sites in various planning areas. The site files can be updated easily, thus providing a long-term planning resource.

E. ARCHEOLOGICAL PROGRAMS IN OTHER STATES

A variety of archeological planning and management programs have been activated in other states. Many of them are strictly compliance programs designed to coincide with federal laws and regulations. Little or no public involvement occurs. In California, statewide legislation provides the legal context for the development of environmental review processes at county and municipal government levels (see Appendix B-2). Several local governments have enacted specific procedures for the mitigation of impacts to archeological sites in public and private land development projects. New York City and Wichita include archeological site considerations in the environmental

review process. Oklahoma City and Philadelphia include archeological regulations in City Historic Preservation and Landmark ordinances. Boston and Dallas are both currently developing city programs for archeological planning and management.

Baltimore and Alexandria, on the other hand, have developed public archeological programs under city tourism departments (see Appendix C-1). Alexandria's program began as a volunteer effort, but in 1974 became an official city function with a staff of three full-time archeologists and a museum educator. A new museum has recently been completed, housing interpretive facilities, a public resource center, and an archeological laboratory. Alexandria's success is largely the result of a vigorous public involvement program. Nearly 2800 members of the public have participated during the past ten years. During this period, the program attracted nearly \$250,000 in grants for planning and survey work. Today it operates on an annual city budget of about \$120,000. The program director is currently cooperating with other city departments in developing a computerized geographic data base and setting up formal procedures for environmental impact assessment.

III. PROGRAM DEVELOPMENT



BLANK PAGE
(Please continue on to following page.)

The Archeological Resources Planning Advisory Committee has developed five program objectives. Under each objective are actions to be taken in carrying out the objective. Finally, recommendations for implementing the actions are made. When alternatives exist, they are discussed. The objectives, actions, and recommendations provide the basis for the development of an archeological program through which the County and the City may plan for and manage archeological sites under their respective jurisdictions.

The over-all goal of the program is:

TO PRESERVE, DURING GROWTH AND CHANGE, THE UNIQUE ARCHEOLOGICAL RECORD OF MORE THAN 12,000 YEARS OF HUMAN PRESENCE IN THE ALBUQUERQUE/ BERNALILLO COUNTY AREA FOR THE ECONOMIC, CULTURAL, AND EDUCATIONAL BENEFIT OF ITS INHABITANTS.

The program is intended to accomplish the following:

1. Provide for active public involvement and participation in the discovery and understanding of our heritage.
2. Provide for the development of a process for identifying, evaluating, and managing archeological sites, and promote public and private sector preservation of those sites considered to possess outstanding scientific or interpretive potential.
3. Insure that site information and artifacts are properly cared for and that they remain in Bernalillo County as a part of our cultural legacy.
4. Establish mechanisms for consideration of archeological sites in making land use decisions.
5. Reduce the potential for public and administrative conflicts concerning preservation and land use decisions.
6. Shift the decision-making locus for City/County archeological management decisions from the State and Federal levels to the local level whenever possible.

A. PUBLIC EDUCATION AND PARTICIPATION

OBJECTIVE: TO PROVIDE FOR ACTIVE PUBLIC INVOLVEMENT AND PARTICIPATION IN THE DISCOVERY AND UNDERSTANDING OF OUR HERITAGE.

The Committee strongly believes that the primary objective of an archeological program must be to involve the public in the discovery of our community's historic and cultural roots (see Appendices C-1 and C-2). The archeological heritage of Albuquerque and Bernalillo County offers a major source of understanding for area residents and visitors.

ACTION 1: INVOLVE THE PUBLIC IN ALL ASPECTS OF A LOCAL PUBLIC ARCHEOLOGY PROGRAM.

The experience of other areas has shown that the public can profitably play a key role in an archeological program. The active involvement of the public

under the guidance and supervision of trained archeologists provides interested people first-hand experience in understanding the past, as well as teaching those who are interested something of the techniques of preservation, analysis, and interpretation of archeological sites.

Recommendations

1. Maintain on-going media contact to keep the public informed on progress of the archeological program and opportunities for public involvement.
2. Involve local archeological groups (both professional and avocational) in development of a public program.
3. Support the efforts of existing archeological and historical organizations, such as Albuquerque Archaeological Society, Archaeological Society of New Mexico, New Mexico Historical Society, New Mexico Archeological Council, Albuquerque Historical Society, and the auxiliary associations of Albuquerque Museum, Indian Pueblo Cultural Center, and Maxwell Museum of Anthropology.

ACTION 2: DEVELOP INTERPRETIVE EXHIBITS AND, WHERE FEASIBLE, INTERPRETIVE PARKS OR ARCHEOLOGICAL PRESERVES.

Three museums in the Albuquerque/Bernalillo County area provide interpretive exhibits on history, culture, and archeology--Indian Pueblo Cultural Center, Albuquerque Museum, and Maxwell Museum of Anthropology. The Indian Pueblo Cultural Center's primary effort is exhibiting contemporary Pueblo culture and arts and crafts; Albuquerque Museum's major focus is art and history from 1540 to the present; Maxwell Museum has presented major exhibits on area archeology in the past, but its primary concern now is with University of New Mexico faculty research interests. There is currently no museum that is mandated to provide exhibits on the archeology of the Albuquerque/ Bernalillo County area. Three existing area parks relate to local prehistory--Indian Petroglyph State Park, Coronado State Monument (in Sandoval County), and the "Carnue" excavation in Singing Arrow Park.

Recommendations:

1. Develop both changing and permanent museum exhibits on the area's prehistory and history. (No City/County facility now exists. Albuquerque Museum may prove to be the most appropriate institution for interpretation of local archeology.)
2. Support and initiate docent programs and traveling exhibits to schools and community centers--assuming that an appropriate institutional facility becomes available.
3. Support the publication of popular books and brochures on the area's archeological sites for both the local public and for inclusion in Convention Center or Tourist Bureau advertising packages.
4. Develop conferences, tours, and classes for the public.

5. Promote private and public sector acquisition of outstanding archeological sites to be maintained as archeological preserves or developed as interpretive parks.

B. IDENTIFICATION OF ARCHEOLOGICAL SITES: NON-PROJECT SURVEYS*

OBJECTIVE: TO PROVIDE FOR THE IDENTIFICATION OF ARCHEOLOGICAL SITES IN ALBUQUERQUE AND BERNALILLO COUNTY FOR PLANNING AND MANAGEMENT.

In order to adequately plan for and manage archeological sites, they must, obviously, first be identified through a search of existing site information and survey data and, when information is lacking, through field surveys at various levels of intensity.

Identification of archeological sites in the County and the City is not now required during planning and development review processes. Consequently, the existence of archeological sites is usually brought to the attention of developers and decision makers late in the approval process--when mitigating the impacts of development on sites is the most disruptive and most expensive for the developer. Even when developers have attempted to gain early archeological information and clearance for development, there has been no clearly identifiable responsible agency for them to consult.

ACTION 1: DEVELOP A CENTRALIZED INVENTORY OF EXISTING INFORMATION ON ARCHEOLOGICAL SITES.

The Laboratory of Anthropology, of the Museum of New Mexico, maintains a computerized data base, the Archeological Records Management System (ARMS). Archeological site location and survey information is available to qualified individuals and local governments for planning and research.

The City of Albuquerque is now developing the Albuquerque Geographic Information System (AGIS), which will provide computerized mapping and access to land-based information for various planning purposes. The system will be phased into operation gradually over the next two to five years (beginning in 1985).

The ARMS data base is compatible with existing city computer capabilities. Transfer of information from the State ARMS to the City AGIS is technically a fairly straightforward process.

Information transfer will require: 1) A program for translating ARMS locational information based on UTM coordinates to the State Plane coordinates used in AGIS; 2) Limiting access to ARMS data by access codes to insure confidentiality of site location information; and 3) Provision for constant updating of site information and for transferring new data from Bernalillo County projects to the ARMS computer.

*Non-project surveys are those used to gain information for long-range planning purposes in areas not threatened with immediate disturbance. They are normally not 100% on-the-ground clearance surveys (see Item C...PROJECT (CLEARANCE) SURVEYS, below).

Recommendations:

1. Develop a City/County repository of site information for use with the Albuquerque Geographic Information System.

Other methods of obtaining such information are possible (e.g., contracting with outside consulting firms to collect site and survey information, or obtaining the data from the State Historic Preservation Office and the Laboratory of Anthropology), but they would not permit the types of data analysis often needed for current planning and review processes. This recommendation would provide an efficient and timely means of access to site information for all planning activities.

ACTION 2. CONDUCT ON-THE-GROUND NON-PROJECT SURVEYS (i.e., SURVEYS IN AREAS THAT ARE NOT THREATENED WITH IMMEDIATE DISTURBANCE) IN THE CITY AND COUNTY TO IDENTIFY ARCHEOLOGICALLY SENSITIVE AREAS FOR LONG-RANGE PLANNING.

Non-project surveys (i.e., surveys in areas that are not threatened with immediate disturbance) should be conducted to identify archeologically sensitive areas.

Recommendations:

1. Develop specific guidelines for crew spacing, mapping, photographing, record-keeping, and reporting.
2. Seek partial funding for non-project surveys from the State Historic Preservation Office (50/50 match). The County and City should work closely with the State Historic Preservation Officer on developing a plan for surveys.
3. Seek funding from the City and County, from granting organizations, through fundraising activities, etc.
4. Program surveys to coincide with the level of specificity appropriate to the planning stage (e.g., Rank 2 plans, Rank 3 plans, etc.).
5. The City/County Archeologist's office may be able to carry out all non-project surveys single-handed, but it would also be appropriate to involve trained local groups such as Albuquerque Archaeological Society. This is not an appropriate activity for the public or for untrained volunteers.

All of the above recommendations should be developed as part of a comprehensive plan for programming non-project archeological surveys.

C. IDENTIFICATION OF ARCHEOLOGICAL SITES: PROJECT (CLEARANCE) SURVEYS*

OBJECTIVE: TO ASSURE THAT ALL DISCOVERABLE ARCHEOLOGICAL SITES HAVE BEEN IDENTIFIED AND POTENTIAL PROJECT IMPACTS MITIGATED PRIOR TO ANY SURFACE-DISTURBING ACTIVITY.

ACTION 1: REQUIRE 100% (i.e., COMPLETE COVERAGE) ON-THE-GROUND SURVEYS IN ALL AREAS PROPOSED FOR ACTIVITIES THAT WILL CAUSE SURFACE DISTURBANCE OF ANY KIND OR THAT WILL OPEN A NEW AREA TO PUBLIC ACCESS.

Surface disturbance ranges from such major land-altering activities as building construction, strip mining (including gravel extraction), and road construction down to trenching and vegetation removal. Opening an area for apparent non-disturbing activities such as hiking can also result in damage to sites through vandalism, non-permitted use of off-road vehicles, etc.

Recommendations:

1. Project (clearance) surveys, required as part of the City/County permitting process, may be performed by the City/County Archeologist's office if scheduling appropriate to the applicant's time frame permits.
2. If the City/County Archeologist is unable to perform clearance surveys within the applicant's time frame, clearance surveys can be performed by archeological contractors hired by the applicant from a pool maintained by the City/County Archeologist. Contractors would be required to agree to and meet the following stipulations and procedures:
 - a. Each contractor comes up in rotation. Continued membership in the pool will be determined by quality of survey, testing, and excavation, quality of reports, meeting report deadlines, etc.
 - b. Standard agreed-on per acre and site density rates, overhead, and profit margin. The rates would be renegotiated annually.
 - c. Contractors must be permitted by the County and the City. The City and County should develop permitting requirements based on standards listed in the Archeological Resources Protection Act of 1979.
 - d. Contractors must adhere to the guidelines established by the City/County Archeologist and the Archeological Oversight Committee for clearance surveys.

*Project, or clearance, surveys are performed when land is slated for immediate disturbance. The purpose of project surveys is to identify sites that would otherwise be damaged or destroyed by the proposed action.

Pre-determined rates for clearance surveys will relieve developers and others of the expense and time required by the competitive bidding process. Use of contractors in the pool will assure quality and accountability since each contractor's work will be under continuing review by the Archeological Oversight Committee and the City/County Archeologist.

ACTION 2: DEVISE AN IMMEDIATE RESPONSE MECHANISM FOR EMERGENCY DISCOVERIES.

Recommendations:

1. The City/County Archeologist should be responsible for responding immediately to emergency site discoveries--i.e., buried sites uncovered during trenching, basement, foundation, swimming pool excavation, etc. Retrieval of site information must be carried out as expeditiously as possible to cause minimum delay for the project.

D. SITE EVALUATION AND TREATMENT

OBJECTIVE: TO EVALUATE THE SIGNIFICANCE OF ARCHEOLOGICAL SITES AND DETERMINE APPROPRIATE LEVELS OF TREATMENT.

Arriving at an assessment of a site's "significance" (or importance) is prerequisite to determining appropriate treatment for the site.

Significance criteria may be those established for the National Register of Historic Places (sites associated with events or persons important to the nation's past, important architectural structures, or sites thought likely to yield important information on history or pre-history [see Appendix E-1 for complete text of National Register criteria]). However, the City and County may want to add other criteria, such as "sites important to a neighborhood" or "sites that hold high potential for outdoor exhibits."

It will no doubt be appropriate to nominate some sites to the National Register of Historic Places. It is important for the public to understand, however, that no site can be listed on the National Register without the landowner's approval (and signature) and that placement of a site on the National Register does not require that the site be preserved forever. Federal agencies are required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project that will affect properties determined eligible for the National Register.

ACTION 1: DEVELOP A COMPREHENSIVE EVALUATION FRAMEWORK FOR DETERMINING THE SIGNIFICANCE OF ARCHEOLOGICAL SITES.

The first step in assessing the significance of archeological sites is to assemble all existing data on known sites in Bernalillo County. Next the information must be analyzed in the context of other sites in New Mexico and the Southwest. Assessments can then be made of the contribution specific types of sites can offer to our understanding of the past. An outgrowth of this process should be development (and continual updating) of a ranked list of outstanding sites considered appropriate for public interpretation. (The

resource protection planning process [RP3] presented in Appendix E-2 provides a model framework.)

Recommendations:

1. Instruct the City/County Archeologist to develop and administer a comprehensive site evaluation framework.
2. Instruct the Archeological Oversight Committee to review and advise on significance evaluation.

ACTION 2: DETERMINE TREATMENTS FOR INDIVIDUAL SITES.

How an individual site is treated will be determined by the assessment of the site's significance and such considerations as the landowner's wishes, the proposed land use, etc. Possible questions to be considered in determining treatment are listed in Appendix E-3.

Site treatment may involve different levels of data recovery, including mapping, photography, recording, collection of artifacts, controlled testing, or excavation. Preservation in place is also a treatment option. Even significant sites, however, may require preservation only until valuable information can be extracted. If long-term preservation is the preferred treatment, several options are possible:

1. The site can be incorporated into a development as undisturbed and protected open space, remaining in private ownership. In this case, the City and County could assist the owner in developing a long-term management plan addressing the specific protection needs of the site and allowing for scientific access.
2. The site can be acquired by a private preservation group or a university, to be held and maintained as a research preserve. Again, a management plan for long-term use and access would be required.
3. The site could be acquired by the City, County, State, or Federal government as open space or for eventual development into an interpretive park.

Planning and land use considerations such as ease of access, research and interpretive potential, proximity of the site to potential users, and surrounding land use must all be taken into consideration. In general, the guidelines included in Treatment of Archeological Properties: A Handbook (Department of the Interior) should be followed.

Recommendations:

1. Site treatment should normally be negotiated between the landowner and the City/County Archeologist.
2. Site treatment plans should be coordinated with other appropriate County and City departments: Open Space, Planning, Parks and Recreation, etc.

3. The Archeological Oversight Committee may be asked to serve as initial arbitrator when the landowner and the City/County Archeologist are in disagreement over appropriate treatment.
4. In all cases in which treatment involves acquisition, the Archeological Oversight Committee should make a specific recommendation to the City Council or County Commission.

E. CURATION AND RECORD KEEPING

OBJECTIVE: TO PROVIDE FOR THE CARE AND PRESERVATION OF ARTIFACTS AND SITE DOCUMENTS IN PERPETUITY AND TO INSURE THAT THEY REMAIN IN BERNALILLO COUNTY AS A PART OF OUR CULTURAL LEGACY.

The Federal government has recognized since 1906 the importance of maintaining artifacts collected or excavated from archeological sites as intact collections (Appendices F-1 to F-3). Likewise, the Museum of New Mexico has enacted a stringent policy against allowing archeological collections and donated collections to become scattered through selling or trading items from the collections (Appendix F-4). It is critical that artifacts and other site documents remain in Bernalillo County. Everyone is aware that many of New Mexico's unparalleled paleontological specimens were carried away to distant museums in the 1800's and early 1900's. Fewer people realize that many of our archeological collections have also been lost. For instance, the Wetherills shipped Chaco Canyon artifacts out of New Mexico by the boxcar load. Other major collections from New Mexico now reside in museums and private collections not only in other states, but even in other countries. Some archeologists estimate that as much as two-thirds of our archeological heritage has already been lost. The importance of implementing stringent requirements from the beginning of the Albuquerque/Bernalillo County program cannot be stressed too strongly. (Details on what curation entails are located in Appendices F-5 and F-6.)

ACTION 1: IDENTIFY OR ESTABLISH LOCAL CURATION FACILITIES.

Without a curation facility where site documents and artifacts can be centralized and safeguarded permanently, an archeological testing and excavation program is worthless. Requirements for curation in perpetuity vary according to the nature of the artifacts, but in general a curation facility must be able to provide areas for storage of stone and ceramics (which are little affected by changes in temperature, moisture, and light) and for perishables (organic material such as basketry; textiles; bone, horn, and wood tools, etc.), which must be protected against insects and fluctuations in temperature, humidity, and light. It is likely that only a small percentage of any archeological collection will consist of perishables. The curator in charge of site collections must have training in artifact conservation adequate to stabilize the collections and prevent deterioration.

Recommendations: Four alternatives for accomplishing Action 1 exist.

1. Until local facilities can be established, arrange for the curation of materials with the Museum of New Mexico, Laboratory of Anthropology, in Santa Fe.

2. Find space in an existing City or County building that can be appropriately secured or remodeled to provide space for curation and study.
3. Expand existing museum facilities to accommodate archeological collections.
4. Build a new structure for the curation and study of archeological collections.

The most cost-effective option, which would also provide for long-term program needs, is alternative 3. Two public museums might be utilized, Maxwell Museum of Anthropology or Albuquerque Museum. The current focus of the Maxwell Museum on UNM faculty research may preclude involvement in a locally oriented public archeology program. The Albuquerque Museum has not been involved in archeology and only marginally in the interpretation of the area's prehistory, but it constitutes the only established facility devoted to serving the people of Albuquerque and Bernalillo County. The Committee believes it offers the most appropriate option.

F. PLANNING AND DEVELOPMENT REVIEW PROCESSES

OBJECTIVE: TO ENSURE THAT ADEQUATE REVIEW AND CONSIDERATION ARE GIVEN TO ARCHEOLOGICAL SITES AT THE EARLIEST POSSIBLE STAGES IN PLANNING AND DEVELOPMENT REVIEW PROCESSES.

Development in the City and County is occurring at the rate of approximately 2000 acres per year. If the current growth rate continues, all of the archeological sites still present on lands under City and County jurisdiction will be destroyed within the next 10 years (between 60% and 80% of the once-existing sites are already gone).

Fortunately, State enabling legislation permits local City/County land use initiatives. Further, only minor modifications in existing City and County procedures will be required to assure that consideration of archeological sites occurs at appropriate stages of planning and development.

State enabling legislation: Included in the powers delegated to counties and municipalities by the State of New Mexico is the right to ensure orderly development and conservation of resources through the planning and regulation of land-use activities.

The New Mexico Historic Districts and Landmarks Act of 1978, as amended (1983) provides the legal basis for the preservation of archeological sites under county and municipal jurisdictions. The Act states:

The legislature of the State of New Mexico hereby declares that the historical heritage of this state is among its most valued and important assets, and that it is the intention of [this law] to empower the counties and municipalities of this state with as full and complete powers to preserve, protect and enhance the historic areas and landmarks lying within their respective jurisdictions as it is possible for this legislature to permit under the constitution of the United States and of New Mexico... (3-22-2 NMSA)

Under this Act, the preservation of archeological sites is deemed to be in the public interest. The cost imposed on society by the destruction of prehistoric and historic archeological sites justifies the use of the police power granted local governments to regulate the privileges of ownership, including 1) the establishment of historic districts by zoning, 2) the authorization to expend funds, 3) to enter agreements, and 4) where necessary, to exercise the power of eminent domain.

City and County Planning: The County and City employ a system of integrated plans to achieve coordination among City and County agencies, to implement goals and policies, and to ensure orderly development. The plans, identified by rank, consist of Rank 1 (the Albuquerque/Bernalillo County Comprehensive Plan--the basic long-range City and County policy for development and conservation of the entire metropolitan area), Rank 2 (Area Plans and Facilities Plans) and Rank 3 (Sector Development Plans, which deal with an area of one square mile or more). All County and City land-use and environmental quality regulations must conform to the policies of the Rank 1 Comprehensive Plan. (For revisions to the Comprehensive Plan recommended by the Committee, see Section II. B-3.)

ACTION 1: CREATE A RANK 2 FACILITY PLAN FOR ARCHEOLOGICAL SITES.

Facility plans, which are Rank 2 plans, treat one specific type of natural resource, utility, or public facility. These plans, which cover the entire metropolitan area, specify important development standards in relation to sites of key land use, utility, and public facility development.

Recommendations:

1. Develop a facilities plan for archeological sites in the City and County. The plan should provide guidelines and procedures for implementing the goals and policies recommended in Section II.B.3., above, revision of the Comprehensive Plan. The Facility Plan should include:
 - a. An evaluation framework for determining site significance.
 - b. Identification of survey priorities and archeologically sensitive areas.
 - c. Guidelines and procedures for conducting archeological surveys.
 - d. Identification of existing sites of local, state, and national importance.

ACTION 2: INCLUDE AN ARCHEOLOGICAL ELEMENT IN ALL CITY AND COUNTY PLANS OF RANK 2 AND 3.

Area Plans, which are Rank 2 plans, cover major geographic parts of the metropolitan area, typically 15 or more square miles, and specify important development standards. The impacts of proposed land uses on identified sites and archeologically sensitive areas should be specified. Outstanding archeological sites considered appropriate for use as archeological preserves or interpretive parks should be identified.

Sector Development Plans, which are Rank 3 plans, treat an area, typically one square mile or more, that possesses common characteristics. These plans, which are defined by the Zoning Code, create special zoning regulations for the Sector, and may also specify fairly detailed development requirements.

Site Development Plans and Landscape Plans, which are Rank 3 plans, are required under certain established zones when certain types of development are planned.

Recommendations:

1. Amend the Development Process Manual to explicitly include consideration of archeological resources in the planning process for all Rank 2 and Rank 3 plans.
2. Include in the amendment all information on existing sites (including assessment of site significance, if known) and requirements for 100% archeological survey.
3. The City/County Archeologist and the applicant (and, if deemed appropriate, the Archeological Oversight Committee) will jointly arrive at an acceptable plan for site treatment.

ACTION 3: ESTABLISH A COMPLIANCE PROCESS TO ENSURE THAT ARCHEOLOGICAL SITES ARE NOT DESTROYED WITHOUT DUE CONSIDERATION FOR THEIR SIGNIFICANCE AND THE DOCUMENTATION OF THEIR INFORMATION CONTENT.

A permitting process should be established that will call for a pre-development survey of parcels and appropriate treatment of any archeological sites present. The appropriate point for permit approval would be with the City's Development Review Board and the County Planning Commission. The County and City should not attempt to implement a compliance process until the Archeological Oversight Committee and the City/County Archeologist have had adequate opportunity to establish appropriate compliance guidelines and until other necessary program elements have been installed.

Because the subdivision of land within Albuquerque's platting and planning jurisdiction is generally controlled by the Albuquerque/Bernalillo County Comprehensive Plan and specifically regulated by the Subdivision Ordinance, the Committee suggests that the Subdivision Ordinance be altered to include review of archeological sites. It may be appropriate to establish a minimum acreage for compliance requirements.

Recommendations:

1. Amend the Subdivision Ordinance to require the City/County Archeologist's signature (to indicate that archeological compliance has been accomplished).
 - a. Require review of known sites.
 - b. Require archeological survey and report.

ACTION 4: REQUIRE THE IDENTIFICATION AND TREATMENT OF ARCHEOLOGICAL SITES IN PUBLIC INFRASTRUCTURE IMPROVEMENT PROJECTS.

The City and County should take the lead in preserving the area's archeological sites by providing for their protection on public lands or when County or City projects may damage sites on private land.

Recommendations:

1. Include consideration of archeological sites in project scoping or in the preliminary design phase of public works projects.
2. Include consideration of archeological sites as a separate clause of construction contracts (see Appendix G-1).

ACTION 5: ACQUIRE ARCHEOLOGICAL SITES AS PARKS OR OPEN SPACE.

When archeological site preservation or interpretation is the preferred option, site acquisition for use as a park or open space should be actively explored. Such consideration should be made in conjunction with other Parks and Open Space considerations. Management costs for archeological sites must be included as a cost element of site acquisition.

Recommendations:

1. Include the conservation of archeological sites as an explicit purpose of open space (as recommended by the Open Space Advisory Board and the Open Space Task Force in Supplement to the Major Open Space Element of the Albuquerque/Bernalillo County Comprehensive Plan, September 7, 1984).

ACTION 6: DESIGNATE SIGNIFICANT ARCHEOLOGICAL SITES AS CITY LANDMARKS OR PROTECT THEM THROUGH HISTORIC OVERLAY ZONING.

Procedures currently exist for Landmarking property and using Historic Overlay Zoning to protect historic and cultural properties in the City of Albuquerque. These procedures, which involve the review and decision-making authority of the Landmarks and Urban Conservation Commission, are contained in Chapter 14 of the Development Process Manual (see Appendix G-2).

Landmark status, intended only for structures or sites that possess great architectural, historic, or cultural significance, has, to date, been bestowed on only 15 buildings in the City. One Historic Overlay Zone designation--for the Huning Highlands neighborhood--has been made. Although no archeological sites have been Landmarked or designated as Historic Overlay Zones, nearly all archeological sites could be considered eligible for Landmarking under the present wording of the Landmarks Ordinance. However, two problems exist: 1) The Landmarks Commission lacks the expertise to review all archeological sites, and 2) the Landmarks Commission has jurisdiction only within the boundaries of the City of Albuquerque.

Recommendations:

1. Confer Landmark status or the protection of Historical Overlay Zoning on significant archeological sites under the following circumstances:

- a. When long-term preservation is the preferred treatment for the site, or
 - b. When the site is determined to be suitable for interpretation or other public use.
2. Resolve the problem of the Landmarks and Urban Conservation Commission's lack of special expertise, and restricted jurisdiction in dealing with archeological sites through the following measures:
 - a. Ask the Archeological Oversight Committee to advise the Landmarks Commission on archeological sites.
 - b. Establish Landmarking and Historic Overlay Zones at the County level of government.
 - c. Urge the establishment of a joint City/County Landmarks Commission.

BLANK PAGE
(Please continue on to following page.)

IV. PROGRAM ADMINISTRATION, STAFFING, AND OVERSIGHT



BLANK PAGE
(Please continue on to following page.)

To develop the ambitious program outlined in this report will require appropriate administration, staffing, and oversight. The program itself will involve a wide variety of agencies, County and City departments, and individuals. But if the program is to be effective, it will be necessary to assign responsibility for development and implementation of the specific goals delineated in this report. The Committee recommends appointment of an Archeological Oversight Committee (to serve without pay). It is critical to the success of the program that the City/County Archeologist be a staff position, since continuity and responsible administration are otherwise impossible. The Committee therefore recommends establishment of the staff position of a City/County Archeologist, to be located in the Planning Division of the Municipal Development Department.

A. ADMINISTRATION

Public decisions involving land use, planning, development review, and resource preservation are normally made by several different City and County departments, commissions, boards, and elected officials. The City Municipal Development Department, Planning Division, is responsible for coordinating information between City departments for planning purposes and is also under contract with Bernalillo County to carry out county planning functions. The Committee recommends that archeological resource planning be carried out and administered under this department.

B. QUALIFICATIONS FOR THE CITY/COUNTY ARCHEOLOGIST

The position calls for a well-qualified and imaginative administrator. Straight academic experience (teaching or pure research) is less important than practical administrative experience, commitment to public involvement, and ability to work with professionals in the public sector and in other County and City departments. It is important, however, that the City/County Archeologist be able to direct original research and to evaluate the research of others.

Because the position of City/County Archeologist requires an exceptional person, the Committee feels strongly that no exceptions can be made to the Education, Publications, and Experience requirements. It may be unrealistic to expect that many candidates will be found who meet all of the characteristics listed under "Desirable general qualifications." Nevertheless, a candidate who possesses several of them is likely to prove more effective than one who possesses only one or none.

The Committee recommends that the City and County advertise the City/County Archeologist's position nationwide in order to secure the most highly qualified candidates.

Education: A Ph.D or M.A. degree in Anthropology, preferably with a concentration in North American archeology.

Publications: Publications that demonstrate the candidate's scholarship and research capabilities in archeology are essential. At least two of the publications must be sole-authored and must be published in recognized scholarly journals or be monographs published by recognized presses.

Experience: Three years' full-time employment (preferably in the Southwest) after completion of the Ph.D. or M.A. in one or a combination of the following:

1. Director, Associate Director, or Assistant Director of a permit-holding, actively contracting institution or company.
2. Director, Associate Director, or Assistant Director on major archeological projects (one year or more in duration), including funded research and grants. Required responsibilities in this position include direct supervision of personnel, budget development, and work scheduling.
3. Federal Archeologist (at the level of U.S. Forest Archeologist, BLM Resource Area Archeologist, BIA Area Archeologist, or positions above these levels).
4. City or County Archeologist in a similar program elsewhere.

Acquaintance with New Mexico: It is imperative that applicants for the position exhibit familiarity with and sensitivity to New Mexico's cultural groups, both past and present.

Desirable general qualifications

1. Experience in museum or other programs that demonstrate ability to translate technical information to the public and ability to conceive and execute programs for public involvement.
2. Ability to work smoothly with all levels of administration and the business community.
3. Ability in Spanish or other Southwestern languages (Tanoan, Keresan, Zuni, Uto-Aztekan, Athapaskan).
4. Experience in proposal writing and grant acquisition.
5. Involvement in affairs of a local community (i.e., history of participation on civic and professional committees, etc.).

C. ARCHEOLOGICAL OVERSIGHT COMMITTEE

The field of archeology is highly specialized. Because few individuals are knowledgeable in all aspects of history and prehistory, it is important that archeology and history be represented on the Archeological Oversight Committee. Further, it is critical that the public and the development community be represented. The Committee recommends that a permanent, joint City/County Archeological Oversight Committee be established prior to initiation of any other aspects of the program to aid in development of the program, policy-making, development of site significance and treatment, resolution of problems that may arise, and generally serve to oversee the program. The Archeological Oversight Committee should be advisory to the City/County Archeologist and to the other City and County bodies that make land-use decisions.

The Committee recommends that the Archeological Oversight Committee consist of the following nine positions, four to be appointed by the Bernalillo County Commission, four by the Albuquerque City Council, and one to be appointed jointly:

- two archeologists (Ph.D or equivalent)
- two private sector planners/developers
- one historian
- four additional members

Committee members should be selected for their expertise in the following areas:

- prehistoric archeology
- historic archeology
- history
- planning and land development
- construction
- museology (especially artifact curation and conservation)
- museum education and public programs

The Committee recommends that the Archeological Oversight Committee observe the following:

Tenure: Two years, to be staggered to ensure continuity. (Initially, four committee members should be appointed for one-year terms, five members for two-year terms.)

Succession: No member shall serve more than two consecutive terms.

Conflict of Interest: Any member who has a conflict of interest over a specific issue will be expected to excuse him or herself from any debate or vote on that issue.

Limitations: The Archeological Oversight Committee will not intrude on the day-to-day routine operation of the City/County Archeologist's office, but will restrict itself to major policy, problem, and oversight issues.

BLANK PAGE
(Please continue on to following page.)

V. PROGRAM PHASING AND IMPLEMENTATION



BLANK PAGE
(Please continue on to following page.)

Development of a program for planning and managing City and County archeological resources must be incremental. As with any new program, certain objectives must be accomplished early to provide the foundation for developing other elements. The program outlined above represents a comprehensive approach to a public involvement program and to resource planning and management. The implementation of program objectives will depend on availability of funds and on the commitment and ingenuity of both staff and decision makers.

Some of the program elements may take years of careful planning and work before they are fully realized, but other elements can be accomplished quickly and at minimum expense. Some program elements may be achieved by hiring consultants. The implementation of the following Committee recommendations should be carried out during the first two years of program development.

Program Development--Year One

1. Establish an Archeological Oversight Committee.
2. Hire an archeological consultant to begin implementation of Year One program elements.
3. Begin development of a public archeology program.
4. Establish a centralized data base of existing site information for use by planners and decision makers. Establish a mechanism to transmit local data to the State ARMS system.
5. Develop a comprehensive evaluation framework for determining site significance.
6. Establish guidelines and procedures for conducting archeological compliance surveys and reporting requirements.
7. Establish a ranked list of outstanding sites suitable for permanent preservation and public interpretation. Pursue public and private sector alternatives to provide for permanent preservation.

Program Development--Year Two

1. Hire a permanent City/County Archeologist.
2. Begin development of the Rank 2 Facility Plan for archeological resources.
3. Establish and implement archeological compliance requirements.
4. Begin implementation of the public program. Continue development of program planning.
5. Identify non-project survey priorities and implement survey program.

BLANK PAGE
(Please continue on to following page.)

VI. PROGRAM COSTS AND FUNDING



BLANK PAGE
(Please continue on to following page.)

Although archeological costs vary with the level of intensity, they are very low when compared with total costs of nearly any type of project for which archeology may be required. Cost of archeological survey, for instance, normally involves only salaries for on-the-ground survey personnel, research, and report writing; mileage; expenses for such items as maps, film and processing, computer file searches, report printing, etc.; and overhead. Site testing (sinking small test pits to determine whether subsurface deposition is present) is a little more time-consuming and, therefore, a little more expensive. Complete or partial excavation can become quite costly, depending on the size of the site, complexity of the site, artifact recovery (which requires artifact curation and analysis), cost of special laboratory analyses (e.g., radiocarbon dating, tree-ring dating, etc.), length of time available for excavation and analysis, etc.

Normal costs for the type of program envisioned for the City and County logically fall into two distinct areas of responsibility:

1. Basic program costs, to be borne by the County and City, would include the City/County Archeologist's salary, office space and equipment, secretarial and other normal back-up assistance, and overhead. Predicted cost of maintaining a City/County Archeologist's office is the City/County Archeologist's salary of \$30,000-\$35,000 (overhead not included).
2. Costs incurred when development or other ground-disturbing activities are planned on private land, to be borne by the landowner or the developer, would include compliance surveys, site testing programs, and possibly, site excavation programs. These costs will vary depending on size of project, etc.

However, responsibility for costs of one anticipated activity of the City/County archeological program--excavation, interpretation, and stabilization of sites intended for public interpretive exhibits--is less easy to assign. Various funding sources that can be investigated at the appropriate time include state and federal grants, private foundations, local firms and national or multi-national companies that maintain local outlets, and various federal or quasi-federal granting agencies (such as National Science Foundation, National Endowment for the Humanities, National Endowment for the Arts, National Trust for Historic Preservation, etc.). The State Historic Preservation Office of the New Mexico Historic Preservation Division will be able to make additional suggestions. It should also be remembered that excavation of sites for public exhibits provides an excellent opportunity for involvement of the public (working on a volunteer basis under qualified archeologists).

Among other supplementary funding mechanisms the County and City may wish to consider are earmarking for the City/County archeological program small percentages of such existing taxes and fees as real property taxes, building permits (e.g., a small per acre fee), hotel and motel room taxes, etc.; establishment of a permanent City/County archeological fund; and establishment of a City/County archeological membership organization.

BLANK PAGE
(Please continue on to following page.)

VII. APPENDICES



BLANK PAGE
(Please continue on to following page.)

APPENDIX A
ARCHEOLOGY IN BERNALILLO COUNTY

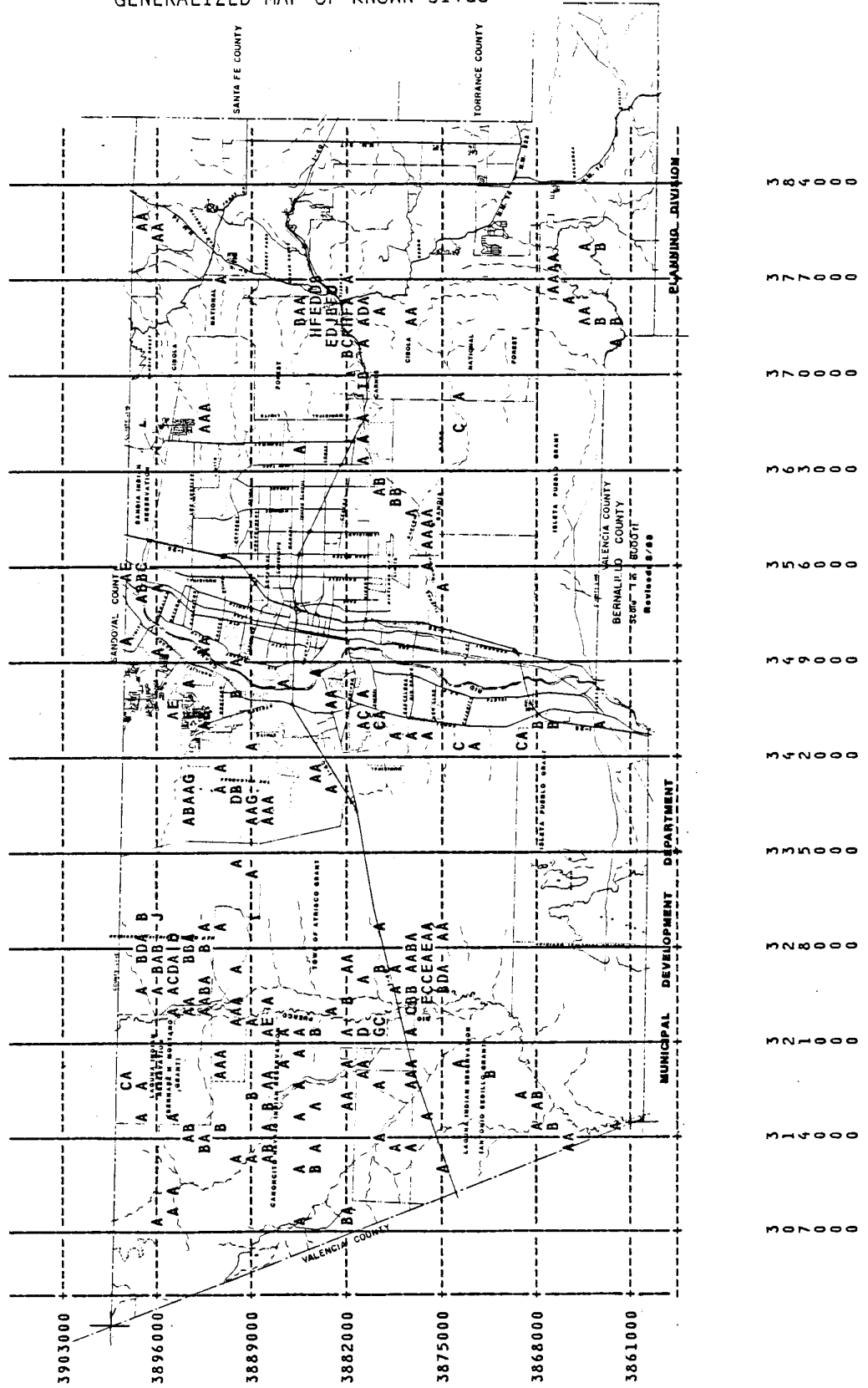
BLANK PAGE
(Please continue on to following page.)

APPENDIX A-1
GENERALIZED MAP OF KNOWN SITES

DECEMBER 5, 1983

LABORATORY OF ANTHROPOLOGY
MUSEUM OF NEW MEXICO
BERNALILLO COUNTY

PLOT OF NORTHEAST LEGEND: A = 1 OBS, B = 2 OBS, ETC.



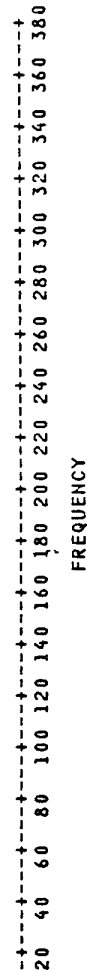
BLANK PAGE
(Please continue on to following page.)

APPENDIX A-2
 REPORTED SITES: ARMS BREAKDOWN BY CULTURE AND PERIOD

JULY 17, 1985

FREQUENCY BAR CHART

CULTURE	FREQ	CUM. FREQ	PERCENT	CUM. PERCENT
ARCHAIC	25	25	3.34	3.34
ANASAZI	380	405	50.80	54.14
NAVAJO	9	414	1.20	55.35
ANGLO	16	430	2.14	57.49
APACHE	1	431	0.13	57.62
HISTORIC PUEBLO	13	444	1.74	59.36
HISPANIC	22	466	2.94	62.30
UNKNOWN	282	748	37.70	100.00



JULY 17, 1985

FREQUENCY BAR CHART

PERIOD	FREQ	PERCENT	CUM. PERCENT
ARCHAIC-UNKNOWN	24	3.21	3.21
BM II: AD 1-500	1	0.13	3.34
BMIII: AD 500-700	12	1.60	4.95
BM3-PI: AD 500-900	33	4.41	9.36
P I: AD 700-900	25	3.34	12.70
PI-III: 700-1100	8	1.07	13.77
PI-III: 700-1300	17	2.27	16.04
PII: AD 900-1100	21	2.81	18.85
PII-III: AD 900-1	39	5.21	24.06
PIII: AD 1100-13	46	6.15	30.21
PIII-IV: AD 1100-	16	2.14	32.35
P IV: AD 1300-16	88	11.76	44.12
P IV-V: AD 1300-PR	19	2.54	46.66
P-GOVERN: 1753-18	1	0.13	46.79
WWI-WWII: 1920-19	2	0.27	47.06
WWII-PR: 1945-PR	16	2.14	49.20
S CONICT: 1539-16	4	0.53	49.73
P PUEB REBELLION	3	0.40	50.13
US TERR1846-1912	14	1.87	52.01
STHOOD/WWII: 1912	15	2.01	54.01
HISTORIC UNKNOWN	70	9.36	63.37
HISTORIC-LONGTER	9	1.20	64.57
OTHER	2	0.27	64.84
UNKNOWN	263	35.16	100.00

FREQUENCY

MAY 11, 1984

APPENDIX A-3
 ARCHEOLOGICAL STATUS OF KNOWN SITES: ARMS BREAKDOWN BY CULTURE AND PERIOD

TABLE OF CULTURE BY ARCHSTAT

CULTURE	ARCHSTAT		ARCHEOLOGICAL STATUS		EXCAVATE		OTHER	UNKNOW	TOTAL
	UNDISTURBED	COLLECTED	TESTED	D, PERCENT	MOSTLY EXCAVATED	SALVAGED			
ARCHAIC	14	8	1	1	0	0	0	1	25
	1.88	1.07	0.13	0.13	0.00	0.00	0.00	0.13	3.36
	56.00	32.00	4.00	4.00	0.00	0.00	0.00	4.00	
	5.93	1.90	11.11	10.00	0.00	0.00	0.00	2.00	
ANASAZI	45	289	3	8	5	6	2	20	378
	6.04	38.79	0.40	1.07	0.67	0.81	0.27	2.68	50.74
	11.90	76.46	0.79	2.12	1.32	1.59	0.53	5.29	
	19.07	68.81	33.33	80.00	100.00	75.00	28.57	40.00	
NAVAJO	8	1	0	0	0	0	0	0	9
	1.07	0.13	0.00	0.00	0.00	0.00	0.00	0.00	1.21
	88.89	11.11	0.00	0.00	0.00	0.00	0.00	0.00	
	3.39	0.24	0.00	0.00	0.00	0.00	0.00	0.00	
ANGLO	9	5	1	0	0	0	1	0	16
	1.21	0.67	0.13	0.00	0.00	0.00	0.13	0.00	2.15
	56.25	31.25	6.25	0.00	0.00	0.00	6.25	0.00	
	3.81	1.19	11.11	0.00	0.00	0.00	14.29	0.00	
APACHE	0	1	0	0	0	0	0	0	1
	0.00	0.13	0.00	0.00	0.00	0.00	0.00	0.00	0.13
	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	
	0.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	
HISTORIC PUEBLO	5	8	0	0	0	0	0	0	13
	0.67	1.07	0.00	0.00	0.00	0.00	0.00	0.00	1.74
	38.46	61.54	0.00	0.00	0.00	0.00	0.00	0.00	
	2.12	1.90	0.00	0.00	0.00	0.00	0.00	0.00	
HISPANIC	8	10	1	0	0	2	0	1	22
	1.07	1.34	0.13	0.00	0.00	0.27	0.00	0.13	2.95
	36.36	45.45	4.55	0.00	0.00	9.09	0.00	4.55	
	3.39	2.38	11.11	0.00	0.00	25.00	0.00	2.00	
UNKNOWN	147	98	3	1	0	0	4	28	281
	19.73	13.15	0.40	0.13	0.00	0.00	0.54	3.76	37.72
	52.31	34.88	1.07	0.36	0.00	0.00	1.42	9.96	
	62.29	23.33	33.33	10.00	0.00	0.00	57.14	56.00	
TOTAL	236	420	9	10	5	8	7	50	745
	31.68	56.38	1.21	1.34	0.67	1.07	0.94	6.71	100.00

TABLE OF PERIOD BY ARCHSTAT

PERIOD FREQUENCY PERCENT ROW PCT COL PCT	ARCHSTAT ARCHEOLOGICAL STATUS										TOTAL
	UNDISTURBED	COLLECTED	TESTED	EXCAVATED D, PERCENT	MOSTLY XCAVATED	SALVAGED	OTHER	UNKNOWN			
ARC:5000 BC-AD 1	14 1.88 58.33 5.93	8 1.07 33.33 1.90	0 0.00 0.00 0.00	1 0.13 4.17 10.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13 4.17 2.00	0 0.00 0.00 0.00	24 3.22
BM II:AD 1-500	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13 100.00 2.00	0 0.00 0.00 0.00	1 0.13
BMIII:AD 500-700	0 0.00 0.00 0.00	9 1.21 81.82 2.14	0 0.00 0.00 0.00	1 0.13 9.09 10.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13 9.09 2.00	0 0.00 0.00 0.00	11 1.48
BM3-PI:AD500-900	1 0.13 3.03 0.42	30 4.03 90.91 7.14	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	2 0.27 6.06 25.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	33 4.43
P I:AD 700-900	4 0.54 16.00 1.69	18 2.42 72.00 4.29	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	3 0.40 12.00 37.50	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	25 3.36
PI-II: 700-1100	1 0.13 12.50 0.42	6 0.81 75.00 1.43	0 0.00 0.00 0.00	1 0.13 12.50 10.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	8 1.07
PI-III: 700-1300	1 0.13 5.88 0.42	16 2.15 94.12 3.81	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	17 2.28
PII:AD 900-1100	5 0.67 25.00 2.12	13 1.74 65.00 3.10	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	2 0.27 10.00 4.00	0 0.00 0.00 0.00	20 2.68
TOTAL	236 31.68	420 56.38	9 1.21	10 1.34	5 0.67	8 1.07	7 0.94	50 6.71	745 100.00		

TABLE OF PERIOD BY ARCHSTAT

PERIOD FREQUENCY PERCENT ROW PCT COL PCT	ARCHSTAT ARCHEOLOGICAL STATUS										TOTAL
	UNDISTURBED	COLLECTED	TESTED	EXCAVATED D, PERCENT	MOSTLY XCAVATED	SALVAGED	OTHER	UNKNOWN			
P II-III: AD 900-1	2 0.27 5.13 0.85	28 3.76 71.79 6.67	1 0.13 2.56 11.11	1 0.13 2.56 10.00	1 0.13 2.56 20.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	6 0.81 15.38 12.00	39 5.23	
P III: AD 1100-13	6 0.81 13.04 2.54	33 4.43 71.74 7.86	0 0.00 0.00 0.00	2 0.27 4.35 20.00	1 0.13 2.17 20.00	1 0.13 2.17 12.50	0 0.00 0.00 0.00	3 0.40 6.52 6.00	46 6.17		
P III-IV: AD 1100-	2 0.27 12.50 0.85	12 1.61 75.00 2.86	1 0.13 6.25 11.11	1 0.13 6.25 10.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	16 2.15		
P IV: AD 1300-16	7 0.94 7.95 2.97	73 9.80 82.95 17.38	0 0.00 0.00 0.00	1 0.13 1.14 10.00	3 0.40 3.41 60.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13 1.14 14.29	88 11.81		
P IV-V: AD 1300-PR	2 0.27 10.53 0.85	16 2.15 84.21 3.81	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13 5.26 14.29	19 2.55		
P-GOVERN: 1753-18	0 0.00 0.00 0.00	1 0.13 100.00 0.24	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	1 0.13		
WNT-WWII: 1920-19	1 0.13 50.00 0.42	1 0.13 50.00 0.24	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	2 0.27		
S CONTACT: 1539-16	0 0.00 0.00 0.00	4 0.54 100.00 0.95	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	0 0.00 0.00 0.00	4 0.54		
TOTAL	236 31.68	420 56.38	9 1.21	10 1.34	5 0.67	8 1.07	7 0.94	50 6.71	745 100.00		

TABLE OF PERIOD BY ARCHSTAT

PERIOD	ARCHSTAT ARCHEOLOGICAL STATUS										TOTAL
	UNDISTURBED	COLLECTED	TESTED	EXCAVATE D, PERCENT	MOSTLY EXCAVATED	SALVAGED	OTHER	UNKNOWN			
FREQUENCY ROW PCT COL PCT	0	1	0	0	0	2	0	0	0	3	
P PUEB REBELLION	0.00	0.13	0.00	0.00	0.00	0.27	0.00	0.00	0.00	0.40	
	0.00	33.33	0.00	0.00	0.00	66.67	0.00	0.00	0.00		
	0.00	0.24	0.00	0.00	0.00	25.00	0.00	0.00	0.00		
US TERR1846-1912	1.34	0.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.88	
	71.43	28.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
	4.24	0.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
STHOOD/WMII:1912	7	7	1	0	0	0	0	0	0	15	
	0.94	0.94	0.13	0.00	0.00	0.00	0.00	0.00	0.00	2.01	
	46.67	46.67	6.67	0.00	0.00	0.00	0.00	0.00	0.00		
	2.97	1.67	11.11	0.00	0.00	0.00	0.00	0.00	0.00		
WMII-PR:1945-PR	14	2	0	0	0	0	0	0	0	16	
	1.88	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.15	
	87.50	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
	5.93	0.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
HISTORIC UNKNOWN	35	24	1	0	0	0	2	8	70	9.40	
	4.70	3.22	0.13	0.00	0.00	0.00	0.27	1.07	11.43		
	50.00	34.29	1.43	0.00	0.00	0.00	2.86	11.43	16.00		
	14.83	5.71	11.11	0.00	0.00	0.00	28.57	16.00	16.00		
HISTORIC-LONGTER	6	2	0	0	0	0	0	1	9	1.21	
	0.81	0.27	0.00	0.00	0.00	0.00	0.00	0.13	11.11		
	66.67	22.22	0.00	0.00	0.00	0.00	0.00	11.11	2.00		
	2.54	0.48	0.00	0.00	0.00	0.00	0.00	2.00	2.00		
OTHER	0	1	1	0	0	0	0	0	2	0.27	
	0.00	0.13	0.13	0.00	0.00	0.00	0.00	0.00	0.00		
	0.00	50.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00		
	0.00	0.24	11.11	0.00	0.00	0.00	0.00	0.00	0.00		
UNKNOWN	118	111	4	2	0	0	3	24	262	35.17	
	15.84	14.90	0.54	0.27	0.00	0.00	0.40	3.22	9.16		
	45.04	42.37	1.53	0.76	0.00	0.00	1.15	9.16	48.00		
	50.00	26.43	44.44	20.00	0.00	0.00	42.86	48.00	48.00		
TOTAL	236	420	9	10	5	8	7	50	745	100.00	
	31.68	56.38	1.21	1.34	0.67	1.07	0.94	6.71	6.71		

APPENDIX A-4
 ARMS BIBLIOGRAPHY OF ARCHEOLOGICAL SURVEYS
 CONDUCTED IN BERNALILLO COUNTY

ALLAN WILLIAM C
 1975 PUBLIC SERVICE CO OF NM 46 KV TIJERAS CANYON POWERLINE
 OFC. OF CONTRACT ARCH.,UNM
 10 JUN 975 SURVEY NO. = 8012

ALLAN WILLIAM C
 1975 SOUTHERN UNION CO PIPELINE IN TIJERAS CANYON NM
 14 JUL 975 SURVEY NO. = 8014

ANCHUETZ KURT F
 1979 4.1 MILES OF KERR-MCGEE CORP PROPOSED ROAD MOD & IMPROVEMENTS
 OFC. OF CONTRACT ARCH.,UNM
 27 JUN 979 SURVEY NO. = 8018

BANKS KIMBALL M
 1981 PROPOSED MONTESSA PARK SLUDGE TREATMENT AND STORAGE FACILLITY
 WAPORA
 25 JUN 981 SURVEY NO. = 8066

BEAL JOHN D
 1976 THE VOLCANOES WEST OF ABQ FOR EARTH ENVIRONMENTAL CONSULTANTS
 SCHOOL OF AMER. RESEARCH
 NOV 976 SURVEY NO. = 8033

BEAL JOHN D
 1976 7 CITY PARKS WITHIN THE CITY OF ALBUQUERQUE
 SCHOOL OF AMER. RESEARCH
 30 NOV 976 SURVEY NO. = 8031

BEARDSLEY JOHN W
 1975 IDEAL BASIC INDUSTRIES CEMENT DIVISION 16 ACRE QUARRYING PROJECT
 OFC. OF CONTRACT ARCH.,UNM
 24 JUN 975 SURVEY NO. = 8013

BETANCOURT JULIO L
 1978 3.5 MILE POWER LINE ROW ON CIBOLA NATL FOREST
 OFC. OF CONTRACT ARCH.,UNM
 11 SEP 978 SURVEY NO. = 8015

BIELLA JAN V
 1979 2 TRANSECTS FOR MOUNTAIN BELL
 SCHOOL OF AMER. RESEARCH
 26 SEP 979 SURVEY NO. = 8035

BLEVINS BYRON B
 1977 THE ARCHEOLOGICAL SURVEY OF TIJERAS CANYON
 FOR. SERV. CULT. RES. RPT.
 RPT #18 SURVEY NO. = 614

CHAPMAN RICHARD C
 1979 A GAS CO OF NM PIPELINE SANDIA INDIAN RESERVATION
 SCHOOL OF AMER. RESEARCH
 27 JUN 979 SURVEY NO. = 8034

CLIFTON DON
 1982 ALTERNATE ROUTE 4 JUAN TABO EXTENSION SOUTH NMSHD PROJECT M-4065 (3)
 NM STATE HIGHWAY DEPT
 04 APR 982 SURVEY NO. = 606

CLIFTON DON
 1982 ISLETA BOULEVARD ALBUQUERQUE NM
 NM STATE HIGHWAY DEPT
 JUL 982 SURVEY NO. = 8057

CONDIE CAROL J
 1981 CHILILI LAND GRANT
 QUIVERA RESEARCH
 RPT #32 SURVEY NO. = 8065

CONDIE CAROL J
 1982 A PITHOUSE SITE ON SANDIA PUEBLO LAND
 QUIVERA RESEARCH
 RPT #45 SURVEY NO. = 8064

CONDIE CAROL J
 1982 GAS CO NM - 3518 FT OF PIPELINE RT OF WAY ON BLM LAND NEAR RIO PUERCO BERNLLO CO
 QUIVERA RESEARCH
 RPT #41 SURVEY NO. = 289

CONDIE CAROL J
1982 4 ACRES OF LAND ON CANONCITO NAVAJO LANDS
QUIVERA RESEARCH SURVEY NO. = 8063
RPT #46

CONDIE CAROL J
1983 SANDIA PUEBLO LANDS BERNALILLO COUNTY NEW MEXICO
QUIVERA RESEARCH SURVEY NO. = 619
APR 983

CONDON GLENN
1976 PROPOSED SKI TRAILS SANDIA SKI BASIN FOR SANDIA PEAK SKI CO
LAB. OF ANTHRO., NOTES SURVEY NO. = 8058
LAB NOTE #243

CONNORS DEBORAH T
1976 12 PROPOSED DRILL SITES LOCATED ON THE LAGUNA IND RES
NMSU, LAS CRUCES SURVEY NO. = 8068
RPT #63

ENLOE JAMES G
1979 PUBLIC SERVICE CO OF NM SANDIA CREST DISTRIBUTION LINE
OFC. OF CONTRACT ARCH.,UNM SURVEY NO. = 8023
11 OCT 979

ENLOE JAMES G
1979 PUBLIC SERVICE CO TIERRA MONTE & SANDIA HEIGHTS DISTRIBUTION LINES
OFC. OF CONTRACT ARCH.,UNM SURVEY NO. = 8019
07 JUN 979

FARWELL ROBIN E
1977 4 SITES ALONG NEW MEXICO STATE HIGHWAY I-40 TIJERAS CANYON NEW MEXICO
LAB. OF ANTHRO., NOTES SURVEY NO. = 612
LAB NOTE 140

FISHER REGINALD G
1931 SURVEY OF THE PUEBLO PLATEAU SANTA FE SUB-QUADRANGLE A
U.N.M. BULL., ANTHRO. SERIES SURVEY NO. = 608
VOL 1 NO 1

GAUTHIER RORY
1977 THREE TRACTS IN THE MANZANO MOUNTAINS FOR KNME-TV
OFC. OF CONTRACT ARCH.,UNM SURVEY NO. = 520
19 MAY 977

GAUTHIER RORY P
1978 CONOCO'S BERNABLE ROAD MODIFICATIONS AND IMPROVEMENT
OFC. OF CONTRACT ARCH.,UNM SURVEY NO. = 598
18 JAN 978

GREEN DEE F
1974 SANDIA PEAK TRAM COMPANY LAND EXCHANGE NM-19261
FOR. SERV. CULT. RES. CLEAR. RPT. SURVEY NO. = 8069
JAN 974

HARLAN MARK E
1979 640 ACRES IN PARADISE HILLS FOR BELLAMAH CORPORATION
OFC. OF CONTRACT ARCH.,UNM SURVEY NO. = 8022
28 DEC 979

HEWETT NANCY ET AL
1981 THE PROPOSED PNM 500 KV TRANSMISSION LINE,SAN JUAN BASIN, NM /81(IV)054F
DIV. OF CONS. ARCH.,S.J. CO. MUS. ASSOC. SURVEY NO. = 5417
RPT #271A

IRELAND ARTHUR K
1981 TIMBER SALE & FOREST DEVELOPMENT AREAS ON THE PUEBLO OF ISLETA
BUREAU OF INDIAN AFFAIRS SURVEY NO. = 8067

JOHNSON CARL B
1976 LLANO DE ALBUQUERQUE IN THE VICINITY OF THE PROPOSED WM AIRPORT
AGENCY FOR CONS. ARCH.,E.N.M.U. SURVEY NO. = 8070
10 NOV 976

JOHNSON CARL B
1976 THE PROPOSED LOCALITY OF A THERMAL TEST FACILITY ON SANDIA BASE
AGENCY FOR CONS. ARCH.,E.N.M.U. SURVEY NO. = 8089
26 JUL 976

KEESLING HENRY S
1980 PUEBLO OF SANDIA GRAVEL PIT OPERATIONS
BUREAU OF INDIAN AFFAIRS SURVEY NO.= 615
02 FEB 980

KLAGER KAROL J
1979 COVER LETTER TO ARMY CORPS OF ENGINEERS
OFC. OF CONTRACT ARCH.,UNM SURVEY NO.= 8020
12 APR 979

KLAGER KAROL J
1979 6.2 MILES OF HIGHWAY ROW IN THE SANDIA CREST AREA FOR FED HWD
OFC. OF CONTRACT ARCH.,UNM SURVEY NO.= 8024
03 JUL 979

KLAGER KAROL J
1980 7200KV POWERLINE IN THE VICINITY OF CORRALES NM FOR PNM
OFC. OF CONTRACT ARCH.,UNM SURVEY NO.= 8021
10 JAN 980

LENT STEPHEN C
1978 PNM'S 115KV & 12.5KV POWERLINES
OFC. OF CONTRACT ARCH.,UNM SURVEY NO.= 8017
17 MAY 978

LENT STEPHEN C
1981 MONITORING OF MAPCO PIPELINE TEXAS NEW MEXICO AND SOUTHERN COLORADO
OFC. OF CONTRACT ARCH.,UNM SURVEY NO.= 67

MOOREHEAD RANDY
1980 1 PROPOSED WELL LOCATION & ACCESS ROAD FOR SHELL OIL CO/W MESA FEDL /80(I)080F
NMSU, SAN JUAN SURVEY NO.= 6350
80-SJC-426

NAYLOR BILLY J
1978 2 PROPOSED WELL LOCATIONS & ACCESSES FOR TRANS OCEAN OIL INC/FEDERAL/ 78(IV)006F
NMSU, SAN JUAN SURVEY NO.= 4599
78-SJC-101

PECKHAM STEWART L
1973 PROPOSED HIGHWAY CONSTRUCTION PROJECTS ON NM14 FROM US66 NO TO SAN ANTONITO
LAB. OF ANTHRO., NOTES SURVEY NO.= 613
LAB-NOTE 314

RAYL SANDRA L
1980 PROPOSED ANEMOMETER STATION SITE 04 ABQ INTERNATIONAL AIRPORT
SCHOOL OF AMER. RESEARCH SURVEY NO.= 8036
19 SEP 980

RODGERS JAMES B
1978 KIRTLAND AIR FORCE BASE NEW MEXICO
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 607
08 NOV 978

RODGERS JAMES B
1978 LA BOCA NEGRA PARK PROJECT
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 8088
30 NOV 978

RODGERS JAMES B
1978 PROPOSED SANDIA FOOTHILLS ACQUISITION AREA
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 8062
10 AUG 978

RODGERS JAMES B
1979 SOUTH HILLS SUBDIVISION FOR BUTTRUM CONSTRUCTION CO
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 8059
23 FEB 979

RODGERS JAMES B
1979 THE HERITAGE CONSERVATION AND RECREATION SERVICE PROJECT
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 8061
18 JAN 979

RODGERS JAMES B
1980 KATHRYN NICOLE HOUSING SUBDIVISION
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE SURVEY NO.= 8087
11 AUG 980

RODGERS JAMES B
1980 WEST MESA AIRPORT PROJECT FOR CHAMBERS CAMPBELL ISAACSON & CHAPLIN
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE
20 OCT 980 SURVEY NO.= 8060

RODGERS JAMES B
1981 SHOOTING RANGE STATE PARK ARCHAEOLOGICAL PROJECT
CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE
23 JUL 981 SURVEY NO.= 8086

RODGERS JAMES B
1983 RECONNAISSANCE ELENA GALLEGOS PARK BERNALILLO COUNTY NEW MEXICO
SCIENTIFIC ARCHEOLOGICAL SERVICES
14 SEP 983 SURVEY NO.= 800

RODGERS JAMES B
1983 VOLCANO PARK (SOUTHERN) BERNALILLO COUNTY NEW MEXICO
SCIENTIFIC ARCHEOLOGICAL SERVICES
02 SEP 983 SURVEY NO.= 801

ROREX ALLEN S
1979 1 WELL LOCATION AND ACCESS ROAD CONDUCTED FOR SHELL OIL COMPANY
NMSU, SAN JUAN
79-SJC-258 SURVEY NO.= 8090

ROWLAND KATHY
1982 APPROX 48 ACRES NEAR TIJERAS NM FOR IDEAL BASIC INDUSTRIES
OFC. OF CONTRACT ARCH.,UNM
20 JUL 982 SURVEY NO.= 8028

SCANLON THOMAS S
1981 3 PROPOSED ROUTES FOR THE JUAN TABO EXTENSION IN ABQ
NM STATE HIGHWAY DEPT
12 AUG 981 SURVEY NO.= 8039

SCHAAFSMA CURTIS
1973 MAPCO CLEARANCE REPORT FROM BLOOMFIELD TO HOBBS
UNPBL
MAY 973 SURVEY NO.= 8260

SCHAAFSMA CURTIS
1975 ISLETA PUEBLO
SCHOOL OF AMER. RESEARCH
28 MAR 975 SURVEY NO.= 8030

SEAMAN TIMOTHY
1976 THE 4 CORNERS-AMBROSIA-WEST MESA TRANSMISSION LINE, NM NM /76(IV)007F
LAB. OF ANTHRO., NOTES
LAB NOTE #203 SURVEY NO.= 318

TAYLOR W L
1983 SR14 AT YRISARRI BERNALILLO CO NM
NM STATE HIGHWAY DEPT
21 JUN 983 SURVEY NO.= 8056

WASE CHERYL L
1978 PROPOSED QUARRY SITE FOR IDEAL CEMENT TIJERAS NM
OFC. OF CONTRACT ARCH.,UNM
AUG 978 SURVEY NO.= 8016

WHITMORE JANE
1978 THE VOLCANOES AREA WEST OF ALBUQUERQUE NM FOR EARTH ENVIR CON
SCHOOL OF AMER. RESEARCH
31 MAY 978 SURVEY NO.= 8032

WINTER JOSEPH C
1980 A PROPOSED 1.771 MILE LONG 7200V POWER LINE FOR PUBLIC SERVICE COMPANY OF NM
OFC. OF CONTRACT ARCH.,UNM
29 APR 980 SURVEY NO.= 8276

WINTER JOSEPH C
1980 PROPOSED 5 ACRE LA LADERA HILLS PARK
OFC. OF CONTRACT ARCH.,UNM
02 MAY 980 SURVEY NO.= 618

WINTER JOSEPH C
1981 ADDENDUM TO 15KM ROW FOR THE CHEVRON PIPELINE ON ISLETA RESERVATION
OFC. OF CONTRACT ARCH.,UNM
17 JUL 981 SURVEY NO.= 8026

WINTON JOHN D
 1980 PROPOSED INTERCHANGE AT 98TH ST & I-40 ON THE WEST MESA IN ABQ
 NM STATE HIGHWAY DEPT
 09 DEC 980 SURVEY NO.= 8037

WINTON JOHN D
 1981 4 PROPOSED NORTH SOUTH COORS CONNECTION ALTERNATES
 NM STATE HIGHWAY DEPT
 29 APR 981 SURVEY NO.= 8040

WOZNIAK FRANK E
 1981 LAGUNA PUEBLO LANDS FOR THE GAS COMPANY OF NM
 OFC. OF CONTRACT ARCH.,UNM
 09 DEC 981 SURVEY NO.= 8027

WOZNIAK FRANK E
 1981 15 KM ROW FOR THE CHEVRON PIPELINE ON ISLETA RESERVATION
 OFC. OF CONTRACT ARCH.,UNM
 20 JUL 981 SURVEY NO.= 8025

WOZNIAK FRANK E
 1982 ADDENDUM TO: ANTONIO SEDILLO GRANT - LAGUNA PUEBLO - FOR GAS CO OF NEW MEXICO
 OFC. OF CONTRACT ARCH.,UNM
 03 MAY 982 SURVEY NO.= 186

WOZNIAK FRANK E
 1983 100 ACRES ON THE CANONCITO NAVAJO RES FOR THE BIA
 OFC. OF CONTRACT ARCH.,UNM
 21 MAY 983 SURVEY NO.= 8029

ALEXANDER R/HWCI REPORT
 LANO=3645
 1964 UNPBL

BEAL J/VOLCANOES NOV
 LANO=46426
 1976 SCHOOL OF AMER. RESEARCH

BLEVINS B/SRV TJRS #18
 LANO=15083
 1977 FOR. SERV. CULT. RES. RPT.

CLIFTON D/JUAN TABO EXT
 LANO=35109
 1982 NM STATE HIGHWAY DEPT

CONDIE C/CHILILI LG #32
 LANO=29965
 1981 QUIVERA RESEARCH

CONDIE C/RIGHT-OF-WAY
 LANO=34947
 1982 QUIVERA RESEARCH

CONDIE C/SANDIA PBL #47
 LANO=37543
 1983 QUIVERA RESEARCH

CONDIE C/TAYLOR RANCH
 LANO=33223
 1984 QUIVERA RESEARCH

DART A/SAN ANTONIO #167
 LANO=24
 1980 LAB. OF ANTHRO., NOTES

FARWELL R/TJRS CYN #140
 LANO=12843
 1976 LAB. OF ANTHRO., NOTES

FISHER R PUEBLO PLATEAU
 LANO=724
 1931 U.N.M. BULL., ANTHRO. SERIES

FISHER R/PBL PLAT VI #1
 LANO=194
 1931 U.N.M. BULL., ANTHRO. SERIES

GAUTHIER R CONOCO BERNA
 LANO=10395
 1978 OFC. OF CONTRACT ARCH.,UNM

GAUTHIER R/MANZANO 5/19
 LANO=38910
 1977 OFC. OF CONTRACT ARCH.,UNM

HEWETT N/NO 271B
 LANO=35077
 1981 DIV. OF CONS. ARCH.,S.J. CO. MUS. ASSOC.

IRELAND A/ISLETA TIMBER
 LANO=28329
 1981 BUREAU OF INDIAN AFFAIRS

JOHNSON C/LIN ABQ 11/10
 LANO=45559
 1976 AGENCY FOR CONS. ARCH.,E.N.M.U.

JUDGE J/TIJERAS PBL #3
 LANO=581
 1974 FOR. SERV. CULT. RES. RPT.

KEESLING H/SANDIA GRAVL
 LANO=37628
 1980 BUREAU OF INDIAN AFFAIRS

KLEINER S/H21 H22 8/20
 LANO=12924
 1975 AGENCY FOR CONS. ARCH.,E.N.M.U.

KOCZAN S/CLTN PER #138
 LANO=13812
 1979 LAB. OF ANTHRO., NOTES

LAMBERT M/PAA-KO MON 19
 LANO=162
 1954 SCHOOL OF AMER. RSCH, MONOGRAPHS

LENT S/PNM 115KV 5/17
 LANO=44179
 1978 OFC. OF CONTRACT ARCH.,UNM

MAXWELL T/WEST MESA#339
 LANO=26999
 1984 LAB. OF ANTHRO., NOTES

MERA H/LAB TECH BULL 9
 LANO=290
 1940 LAB. OF ANTHRO., TECH. SERIES

ORTIZ A HNBK NA IND V 9
 LANO=725
 1979 SMITHSONIAN INSTITUTION

PECKHAM S/CONOCO URANI
 LANO=10397
 1971 LAB. OF ANTHRO., M.N.M.

PECKHAM S/HWY SLVG VOL3
 LANO=3289
 1957 NM STATE HIGHWAY DEPT

PECKHAM S/S ANTNT #314
 LANO=11612
 1973 LAB. OF ANTHRO., NOTES

RODGER J/SHIG RNG 7/23
 LANO=45529
 1981 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/ELNA GALGS PK
LANO=45498
1983 SCIENTIFIC ARCHEOLOGICAL SERVICES

RODGERS J/KIRTLAND BASE
LANO=2014
1978 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/KTHRN SB 8/11
LANO=45583
1980 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/LA BOCA 11/30
LANO=45590
1978 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/S HILLS 2/23
LANO=19244
1979 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/SND FTHL 8/10
LANO=19224
1978 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

RODGERS J/VOLCANO PARK
LANO=45268
1983 SCIENTIFIC ARCHEOLOGICAL SERVICES

RODGERS J/WM ARPT 10/20
LANO=27591
1980 CTR. FOR ANTHRO. STUDIES, ALBUQUERQUE

SCHAAFMA C MAPCO PIPEL
LANO=25828
1972

SCHORSCH R BM3 PITHOUSE
LANO=18125
1962 EL PALACIO

SEAMAN T/4CRNRS AMB 203
LANO=13471
1976 LAB. OF ANTHRO., NOTES

SKINNER A/SEDILLO V72 #1
LANO=3122
1965 EL PALACIO

SNOW D/TIJERAS CANYON
LANO=10793
1972 UNPBL

TAYLOR W/YRISARRI 6/21
LANO=44160
1983 NM STATE HIGHWAY DEPT

TWITCHELL RE/NM HISTORY
LANO=8872
1912

WARD A ARCHED DE CARNUE
LANO=12315
1975 AWANYU

WHITMORE J/VOLCANOES
LANO=29564
1978 SCHOOL OF AMER. RESEARCH

WINKLER J/WETHERILL PRO
LANO=717
1961 UNPBL

WINTER J/SITE#7 SANDIA
LANO=37640
1982 OFC. OF CONTRACT ARCH.,UNM

WINTER J/5 ACRE LA LADA
LANO=715
1980 OFC. OF CONTRACT ARCH.,UNM

WINTON J/M-S COORS 4/29
LANO=30547
1981 NM STATE HIGHWAY DEPT

WOZNIAK F/ADD TO SED GR
LANO=35720
1982 OFC. OF CONTRACT ARCH.,UNM

WOZNIAK F/CNCT NAV 5/21
LANO=44163
1983 OFC. OF CONTRACT ARCH.,UNM

WOZNIAK F/SEDILLO GRANT
LANO=34108
1981 OFC. OF CONTRACT ARCH.,UNM

BLANK PAGE
(Please continue on to following page.)

APPENDIX B
PLANNING AND MANAGEMENT CONSIDERATIONS

BLANK PAGE
(Please continue on to following page.)

APPENDIX B-1
SUMMARY OF FEDERAL LAW, NEW MEXICO STATE LAW, AND ALBUQUERQUE CITY ORDINANCE

EXISTING LEGISLATION

Both the federal and state levels of government have recognized the importance of archaeological resources and have enacted legislation for the protection and preservation of these resources. The City of Albuquerque has enacted two ordinances providing for the designation of landmarks and use of overlay zones for historic as well as prehistoric resources within city jurisdiction. In the following summary, the condensation of pertinent federal and state legislation is provided by James P. Bieg in The Power to Preserve, N.M. Historic Preservation Bureau, June, 1980.

A. Federal Law

Archaeological resources are given the same consideration provided to other types of historic properties under the various provisions of the National Historic Preservation Act and the National Environmental Policy Act. Several statutes refer explicitly and exclusively to archaeological resources.

Antiquities Act of 1906 (Public Law 59-209, 34 STAT. 225; 16 U.S.C. 431-433) Provision is made for the protection and preservation of archaeological sites on federal land. Accompanying guidelines printed in 43 Code of Federal Regulations Part 3 and 25 CFR Part 132, establishes a permitting process for archaeological investigation on these federal lands.

Archaeological Resources Protection Act of 1979 (Public Law 96-95, 93 STAT. 721; 16 U.S.C. 470). This law sponsored by New Mexico Senator Pete Domenici (with endorsement and support of New Mexico Congressmen Manuel Lujan Jr. and Harold Runnels), augments and strengthens the 1906 Antiquities act. The new law makes it illegal to excavate and remove archaeological materials from sites on federal lands. It also makes the sale, purchase, exchange, transportation, receipt or offer to sell illegally removed objects a federal offense and establishes severe penalties.

National Historic Preservation Act of 1966 (Public Law 89-665, 80 STAT. 915; 16 U.S.C. 470). The basic authority for federal historic preservation activities is established in this law. Under Section 106, any federal agency which has jurisdiction over any federally sponsored, assisted or licensed undertaking must take into consideration the effect of the undertaking on any site which is included in or eligible for inclusion in the National Register. This act also provides matching funds to conduct surveys for locating sites which potentially could be placed on the National Register. These funds are available through the State Historic Preservation Office.

National Environmental Policies Act of 1969, as Amended 1975 (Public Law 91-190, 31 STAT. 852; 42 U.S.C. 4321-4347). This law declares that it is the policy of the federal government to include the consideration of important historic, and cultural aspects of our national heritage in all federal laws, functions, programs, and resources. The law requires an Environmental Impact Statement for all federally sponsored or licensed projects which significantly affect the environment.

Department of Transportation Act of 1966 as Amended 1968 (Public Law 89-670 Sec. 4(f), 80 STAT. 931; 23 U.S.C. Section 138 and 49 U.S.C. Section 1653(f)). Protection is provided to archaeological sites affected by federally controlled transportation projects. Protection is extended to sites of national, state or local significance. Construction shall not adversely affect sites unless there is no feasible and prudent alternative and all possible efforts have been made to minimize harm. Matching funds are available to the State Highway Department for archaeological research on highway rights-of-way.

Reservoir Salvage Act of 1960 (Public Law 86-523, 74 STAT. 220; 16 U.S.C. 469-469c). This law requires that before any federally licensed dam is constructed, the Secretary of the Interior shall authorize a survey of the area and conduct research as necessary.

Archaeological and Historic Preservation Act of 1974 (Public Law 93-291, 88 STAT. 174; a-1 and 44 F.R. 1817, March 26, 1979). Provisions are made for the recovery of scientific, prehistoric, historic and archaeological data which may be lost due to a federal or federally licensed project. The federal agency involved must either request the Secretary of the Interior to recover, preserve, or protect the endangered data, or with funds appropriated for the project, undertake the recovery itself. Up to one percent of the funds appropriated for the project may be used for the recovery.

B. New Mexico State Law

The New Mexico State Legislature has enacted laws for the protection of prehistoric sites. The first law regulating excavation and the destruction of prehistoric sites was the 1931 Preservation of the Scientific Resources of New Mexico Act, commonly referred to as the Antiquities Act (Chapter 42, 1931 laws, Section 1-6). This law was repealed in 1969 with the enactment of the Cultural Properties Act.

Cultural Properties Act (Section 18-6-1 to 18-6-17 NMSA 1978). The Cultural Properties Act states that: "The public has an interest in the ruins, sites, structures, objects and similar places and things for their scientific and historical information and value; that the neglect, desecration and destruction of historical and cultural sites, structures, places and objects results in an irreplaceable loss to the public..." (18-6-2).

Section 18-6-3, subsection B., defines a cultural property as: "a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

Section 18-6-4 creates the Cultural Properties Review Committee. The committee appointed by the Governor, consists of the State Archaeologist, the State Historian and five other professionals from the fields of history, anthropology, architecture or art. The primary function of the committee is to review proposals for the preservation of cultural properties and to prepare a New Mexico

Register of Cultural Properties. The committee's powers and duties include the issuance of regulations pertaining to the preservation and maintenance of registered cultural properties and the issuance of permits for the excavation of archaeological sites.

On State Lands

The law establishes a permitting process and requirements for the survey, excavation and reporting of prehistoric sites and the curation of objects of antiquity on State lands. The act establishes the Office of a State Archaeologist who is the curator of the Laboratory of Anthropology of the Museum of New Mexico and is a member of Cultural Properties Review Committee. Section 18-6-9 provides penalties for damage to archaeological sites on state lands. Offenders are charged with a misdemeanor and are subject to a \$500 fine and/or 90 days in prison and shall forfeit all articles discovered.

On Private Lands

The law discourages field archaeology on privately owned lands except in accordance with the provisions and spirit of the Cultural Properties Act (18-6-10, A.). Subsection B declares "an act of trespass and misdemeanor for any person to remove, injure or destroy registered cultural properties situated on private lands... without the owner's prior permission."

Subsection C. permits the Committee to recommend procedures for the preservation of cultural properties not registered. These include:

- (1) Providing technical assistance to the property owner.
- (2) Acquiring the property or an easement by gift or purchase.
- (3) Advising the county or municipality on zoning the property as an historic area or district.
- (4) Advising the county or municipality on the use of agreements, purchases or the right of eminent domain to obtain control of the cultural property.
- (5) Acquiring the property for the state by the right of eminent domain.

Section 18-6-11 provides a permit requirement for archaeological excavations of private land which use mechanical earth moving equipment by persons other than the owner. This section was struck down in the 1981 New Mexico Supreme Court ruling in Turley vs. The State of New Mexico. The court exempts individuals from the permitting requirement if they are agents for or are in the employment of the property owner.

Enabling Law

The Historic Districts Act, 1978, states that: "The legislature of the State of New Mexico hereby declares that the historical heritage of this state is among its most valued and important assets, and that it is the intention of Section 3-22-1 through 3-22-5 NMSA 1978, to empower the counties and municipalities of this state with as full and complete powers, to preserve, protect and enhance the historic areas lying within their respective jurisdictions as it is possible for this legislature to permit under the constitution of the United States and of New Mexico..." (3-22-2NMSA).

The powers granted counties and municipalities include: the establishment of historic districts by zoning and, the authorization to expend funds, to enter agreements, and where necessary, exercise the power of eminent domain. The City of Albuquerque may enact legislation regarding the preservation of prehistoric and historic archaeological sites under the powers granted it by "home rule."

It should be noted, that under both state and federal law, prehistoric and historic archaeological sites are included in the definition and subject to the laws pertaining to "historical heritage."

C. Albuquerque City Ordinances

In 1978, the City of Albuquerque enacted two ordinances which provide for the preservation of historic and prehistoric properties. These ordinances establish a Landmarks and Urban Conservation Commission and Historic and Urban Conservation Overlay Zoning.

Enactment No. 21-1978, Establishing a Landmarks and Urban Conservation Commission; Providing for designation of Landmarks; And regulating alteration and demolition of landmarks...

The ordinance establishes a seven member commission whose powers and duties include conducting studies designed to identify and evaluate areas worthy of conservation and making recommendations regarding historical or cultural significance to the City Council. At least one member of the commission must have demonstrated expertise in at least one of the areas of architecture, law, real estate, history, construction or archaeology.

The ordinance also spells out in Section 7.A., criteria for land mark designation:

Real property may be designated a landmark if it has historical or other cultural significance or integrity, suitable for perservation, has educational significance and in addition...

9. It has yielded or is likely to yield information important in history or prehistory, or
10. It is included in the National Register of Historic Places or the New Mexico Cultural Properties Register.

Section 8. requires that a certificate of appropriateness be approved prior to any demolition, exterior alteration or new construction within the boundaries of an historic zone, urban conservation overlay zone or landmark site. A Certificate of Appropriateness will be granted if:

The architectural character, historic value or archaeological value of the structure itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished.

Enactment No. 22-1978, Establishing Historic and Urban Conservation Overlay Zones.

Section 39 B. HO, Historic Overlay Zone:

1. General. This overlay zone may be used in any area which is suitable for preservation and which has historical, architectural or cultural significance and which in addition...
 - c. Has yielded or is likely to yield information in history of prehistory.

Distinctive characteristics and general preservation guidelines are identified by the City Council in the resolution applying the overlay zone to a given area within the established city boundaries. Specific development guidelines for each Overlay Zone are the responsibility of the Landmarks and Urban Conservation Commission.

Under current city law, the Historic Overlay Zone may be applied to archaeological sites and archaeological sites may be designated City Landmarks. New construction within the boundaries of an archaeological site which has been so designated is regulated and requires the issuance of a Certificate of Appropriateness. However, the awkward wording of the conditions under which a certificate will be granted is somewhat problematic. The law states that "the architectural character, historic value, or archaeological value of the structure itself... will not be significantly impaired or diminished." (underlining added) from this, it appears that a certificate of appropriateness can be issued only if the site is an above the ground structure. The sentence should be amended to read: "... or archaeological value of the structure or site itself..."

BLANK PAGE
(Please continue on to following page.)

APPENDIX B-2
EXAMPLES OF CALIFORNIA ANTIQUITIES LEGISLATION

Santa Cruz County. County Code (Chapter 14.12) provides for imposing specific requirements for treatment of "Native American Cultural Sites" during the development permitting process. Permit applicants may be required to pay the full costs of any preservation or mitigation measures required for site preservation or investigation. The Planning Director is responsible for arranging on-site inspection.

Fresno County. An open-space easement indenture sets procedures for the mitigation of archeological sites by the county in accordance with the California Environmental Quality Act. The procedure is primarily useful for subdivision projects and was not intended to substitute indefinitely for a county ordinance protecting archeological sites.

City of Santa Clara. City Resolution 3194 includes consideration of archeological sites and establishes local procedures for the implementation of the Environmental Quality Act of 1970. Environmental impact reports, prepared by the planning department or by private contractors, are reviewed by a local commission and by the city manager or a designee. A fee is charged to the developer for city preparation and review of the report.

City of Larkspur. City Ordinance 571 requires impact mitigation procedures for recorded sites and for unrecorded sites encountered during construction. The ordinance requires issuance of an archeological investigation permit prior to the commencement of work or prior to the issuance of any building or grading permit if an archeological site has been encountered. The planning director or a designee is responsible for selecting one of several qualified archeological advisory organizations to inspect the site and prepare a report within 15 days. If mitigation measures are required, the city may work with the permittee to find independent funding for the mitigation.

BLANK PAGE
(Please continue on to following page.)

APPENDIX B-3
LEGAL TOOLS TO PRESERVE ARCHEOLOGICAL SITES

U.S. Department
of the Interior
Heritage Conservation
and Recreation Service

11593 Special Issue
Fall 1980

Information Related to Responsibilities of the Secretary of Interior
Section 3, Executive Order 11593

Legal Tools to Preserve Archeological Sites

by Geoffrey M. Gyrisco
Archeologist
District of Columbia State
Historic Preservation Office

The Preservation Planning Series, produced by the Division of State Plans and Grants, is designed to provide technical information on important identification, evaluation, and protection issues in preservation planning.

This article deals with a seldom discussed topic: Ways to preserve archeological sites. Whenever a development/archeological site conflict arises, the odds are that most planners and environmental compliance officials will turn to archeological salvage on the theory that this merely relocates the important "values" of a site from point A (its original location) to point B (a repository). Of course, nothing of the sort actually occurs and frequently a great loss of historical materials is suffered. Mr. Gyrisco's paper describes a host of preservation options other than salvage or fee simple acquisition. We commend these to preservationists and to land-use planners as important alternatives for archeological site preservation, which in many cases are far less costly than data recovery.

We welcome comments on this subject, and invite suggestions for topics to be addressed in future issues of this series. We would also be pleased to consider unsolicited manuscripts on subjects appropriate to preservation planning. All inquiries should be sent to Preservation Planning Branch, Division of State Plans and Grants, Heritage Conservation and Recreation Service, Washington, DC 20243.

The preservation of archeological sites and historic structures was merged in the joint federal-state historic preservation program established under the National Historic Preservation Act of 1966. As a result, archeological resources on federal lands or in the path of federally licensed or funded projects are now considered in project planning.

Many existing state and local laws, programs, and tax incentives, devised primarily with architectural and natural resources in mind, are



Photo: Mark Barnes

Foundations of the spinning house, Corotoman Site, Lancaster County, Virginia

broadly written and are applicable to archeological resources. This article surveys these mechanisms including special forms of zoning; easements; farm, forest, and open-space retention programs; land banks and land trusts; greenline parks and greenbelts; and nature preserves. Easements are described in detail as they are most immediately and widely applicable techniques for preserving archeological sites. With effective use of these mechanisms, state and local governments and private organizations and persons can do much to protect archeological resources.

Historic District Ordinances

Although local historic preservation ordinances will not be the most used tools for protecting archeological sites in the immediate future, they may prove very useful in the distant future. The problem is the limitation of state enabling legislation.

Zoning, including historic district zoning and landmark designation, is a police power reserved for the states by the US Constitution. The states delegate this power, through enabling statutes to the localities. A glance at a few of these enabling statutes shows that while the designation provisions are broadly written, provisions regarding protective mechanisms are very narrowly written. Local governments have powers to designate historic buildings, sites, and districts, under which archeological remains, though not specifically mentioned, could be included. However, the narrowly written powers to prevent unsympathetic alterations or destruction apply to buildings only. This limitation is unfortunate as there are 589 landmark and historic district commissions in the United States (National Trust 1979a: 4) that could be working to protect archeological resources. In some states, such protection is available, depending on the particular enabling legislation.

Unlike rural historic districts, urban historic districts often have an adverse impact on archeological resources. While historic district zoning reduces demolition, thereby protecting archeological resources and their context; such zoning often attracts people with higher incomes, who stimulate extensive rehabilitation, which frequently results in massive ground surface disturbance. This occurs in both the front and back yards as utilities are renewed, basements waterproofed, entrances altered, new kitchens and porches added in back, and the property relandscaped. The archeological remains need to be perceived and protected as part of the historic resources of the district. Alteration of the ground surface needs to be controlled just as do alterations to the building's fabric.

A unique historical landmark ordinance recently passed in Oklahoma City provides a means to designate and protect both archeological remains and historic structures. Those wishing to work on the exterior of a historic structure or to develop a property containing a designated archeological resource must obtain a "certificate of appropriateness" from the Historical Landmark Commission. In order to get a certificate, the applicant must provide for permanent preservation of the resource or for completion of the necessary and appropriate study and work as recommended by a qualified archeologist. The archeological work, curation, and exhibiting of recovered archeological materials must meet standards set by the State Historical Society (City of Oklahoma City, n.d.: Division 6, Section 25-197 (f) (1)).

A minor defect apparent in the Oklahoma law is that archeological resources are regarded as a separate category. Although some special procedures may be necessary, it would be preferable to integrate archeological resources into a unified concept of historic resources. This approach is stressed in *The Secretary of the Interior's Standards for Historic Preservation Projects* (1979). In such a unified concept archeological resources might be seen as being the foundation of the historic structure and the roots of the historic setting while the historic structure is that part of the archeological site that protrudes above the ground.

Another weakness in the Oklahoma law concerns membership in the commission. While there is provision for an architect, real estate broker, historian, planner or landscape architect, attorney, and four citizens, there is no provision for an archeologist to be a commission member. These defects could be remedied, however, in carrying out the ordinance. The ordinance is very simple and straightforward, but a lot of work and regulations will be required to survey, designate, and regulate archeological remains. Even as it now stands, the Oklahoma City ordinance is a landmark in historic preservation law; a similar ordinance is under consideration in Tyler, Texas.

Over several decades, the legal justification for historic district zoning has gradually shifted from the protection of commercial values, as in the Vieux Carre, to the protection of property values, and recently, to the protection of aesthetics alone (Kyre 1976: 239-240). Protection of archeological values is a logical next step. Local governments can exercise considerable protection of archeological remains, which will be later shown in examining how the California Environmental Quality Act operates.

Other Types of Zoning

Other types of zoning could also provide protection for archeological

resources. For example, flood plain zoning offers incidental protection to archeological sites often occurring in flood plains, and large lot zoning would slightly reduce the damage to archeological resources. However, cluster zoning and planned unit developments (PUD) could be very useful if developers were either willing or forced to consider archeological resources. Sites could be preserved in the open space. To be effective as a preservation tool, an archeological survey would be necessary before the site plan of the development is designed.

An extreme form of cluster zoning—performance zoning—is being used to preserve farmland in Buckingham Township, Bucks County, Pennsylvania. Performance zoning permits a gross density of 0.5 dwellings per acre, but requires that 90 percent of the land be set aside as permanent open space (Richman and Kendig 1978: 4). Bonus or incentive zoning goes one step further, and enables density increases and thus profit increases in exchange for specific public benefits. "Prince George's County, Maryland, for example, grants 10 percent to 30 percent increase in dwelling unit density in exchange for separated pedestrian systems, common recreation areas, preserving stands of trees or historic buildings and more" (Einsweiler 1978:



Photo: Courtesy of The Nature Conservancy, taken by Betsy Jewett.

The Nature Conservancy will protect historic Brownsville, Virginia, and the surrounding 1,400 acres in Northampton County, using the property as a headquarters and research and visitor's center for the organization's Virginia Coast Reserve.

278). The preservation of archeological sites should be included.

Local Antiquities Ordinances

A few cities and counties have passed ordinances specifically protecting archeological sites, though not as part of comprehensive historic preservation ordinances. While Los Alamos County, New Mexico, has a protective ordinance (Le Blanc 1979: 6), most appear in California, which since the 1960s has been on "the regulatory frontier" (Bossleman, Callies and Banta 1973: 38). Under pressure from Native Americans in 1967, Inyo County started regulating the excavation of Indian burials. Excavation was limited to professional archeologists holding county permits, and to cemeteries not in active use. In 1967 Marin County passed a law to regulate the excavation of shell middens by requiring that 60 days be allowed for salvage. Although the law may seem weak by California standards of today, it would be a novel restriction in most other parts of the country.

In 1977, the city of Larkspur, California, passed a law stating that "it shall be unlawful for any person to excavate or disturb, in any fashion whatsoever, any archeological resource prior to issuance of an archeological investigation permit" (Larkspur Municipal Code 15.42030(a)). Mitigation of the adverse effect of construction on archeological resources may be required before a building permit is issued. Mitigation measures include relocation of the construction away from archeological resources or excavation by a qualified archeologist.

Easements

Easements avoid the legal and political limitations of historic district zoning while providing tighter control over specific properties. The potential of easements to protect archeological sites is great but, their use is infrequent. In Maryland, for example, where the law simplifies the donation of easements, the Maryland Historical Trust has solicited and received many open-space and facade easements. The Trust has not acquired any easements on property of primarily archeological importance because archeologists have not actively solicited archeological easements. The situation is

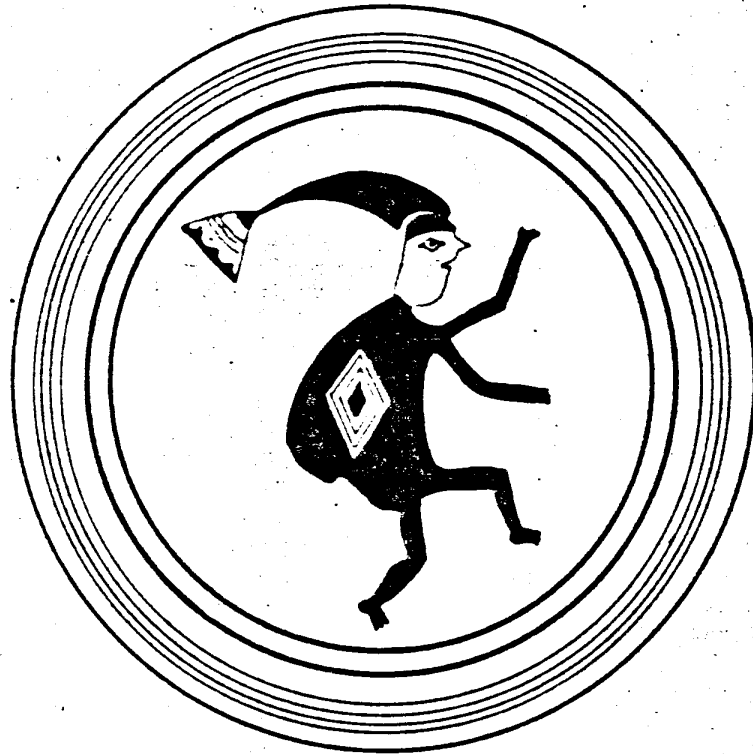


Photo: Mark Barnes

Mimbres bowl from Woodrow Ruin, New Mexico

similar across the country, except for the special case of California, where many easements on archeological sites have been donated under the California Environmental Quality Act. The importance of actively soliciting easements and the snowball effect of such activity has been shown by the Maine Coast Heritage Trust, which acquired easements on 50,000 acres in 4 years (The French and Pickering Creeks Conservation Trust 1974: 27-31). Given the usefulness of easements in protecting natural and historic resources, archeologists should be actively cooperating with natural conservation and architectural preservation groups in the acquisition of easements.

"An easement is an interest or a right in property which is less than the full, or fee simple, interest" (Maryland Historical Trust 1975: 3). It places restrictions on future alteration or development, protecting historic and natural resources from damaging changes. Easements are widely applicable because they can

be individually written to avoid placing hardships on the property owner. They may be acquired by purchase, exchange, will, or eminent domain, but usually they are acquired by gift. Easements are recorded in deed books, or in some states, in special deed books devoted solely to the recordings of easements (Brenneman 1975-1976: 238). They are generally in perpetuity to qualify the donor for federal income tax deductions.

Federal, state, and local tax benefits can be substantial and provide significant incentives for a landowner to donate an easement. Easements may be acquired by the federal government, state governments, and state institutions, local governments, national nonprofit charitable organizations such as the National Trust and the Nature Conservancy, or local ones such as land trusts like the Berkshire County Land Trust and Conservation Fund, universities, historic preservation organizations, and historical societies. In addition to tax benefits, easements can

offer some protection in eminent domain proceedings because the states cannot condemn an easement held by the federal government, and usually local governments cannot condemn an easement held by the state or the federal government.

Aside from the fact that easements must usually be bought or given by a willing donor they have some other shortcomings. Easements must be enforced, and in some areas this has been a problem. According to the National Park Service, for example, there has been trouble enforcing the scenic easements covering the land of hundreds of property owners along the Blue Ridge Parkway (Brenneman 1975: B6; Coughlin, Plaut, and Strong 1978: 242). In any case, the management costs of easements should not be overlooked, though they may be less than the costs of fee simple ownership. Additionally, in states with laws designed to facilitate title searches, easements die if they are not rerecorded every 20 or 30 years (Brenneman 1975-1976).

Negative Easements and Positive Easements

There is not necessarily any important distinction in the array of terms—conservation easements, preservation easements, conservation restrictions, preservation restrictions, scenic easements, and the like—but there are important differences between easements under common law and those granted under recent state statutes. Negative easements “in gross” under common law have questionable durability (Brenneman 1975-1976: 232). “A positive easement is one that gives an affirmative right to use land. A negative easement is one which restricts the owner in the use of that land.” An appurtenant easement is one that is intended to benefit and does in fact benefit the owner of a parcel of land in the use of that land, such as a right-of-way (The French and Pickering Creeks Conservation Trust 1974: 86): “An easement ‘in gross’ is an easement that is not related to the ownership of land as such.” A scenic easement is a classic example of the easement in gross (The French and Pickering Creeks Conservation Trust 1974: 87). The common law does not look kindly on negative easements in gross and they are likely to be cut

short by nonassignability from one holder to another, the failure of the benefit to “run” with the land, and other difficulties (Brenneman 1975-1976: 232). To remove this difficulty, many states have recently passed laws specifically providing for negative easements in gross to be used in the preservation of natural and historic resources. Archeology may not be specifically mentioned in these laws, but it can generally fit easily into the provisions for historic preservation or open-space easements or both. Thus, organizations and governments may acquire easements that are merely agreements by the property owner not to do something to his property and to likewise bind all his successors in perpetuity.

Does all this affect easements on archeological sites? It does. Virginia has a state statute providing for easements, the “Open Space Land Act” of 1966 (Code of Virginia, Chapter 13, Title 10-151 to 10-158). Under this act, the Goodwins donated to the Virginia Historic Landmarks Commission an “open space easement in gross” over the Corotoman Site, the site of the mansion house of Robert “King” Carter. The Goodwins merely agreed not to do certain things that would damage the site. Most importantly they agreed:

In order to preserve for future generations information to be gained from properly conducted archeological excavations of the above described premises, that portion of the above described premises lying below the zone of cultivation shall not be disturbed without the prior written approval of the Grantee. (Lancaster County, Virginia, Deeds, Book 186, p. 64.)

The Goodwins did not give the state the right to excavate the site. In New Mexico, the Mimbres Foundation has used *positive* easements under common law three times to protect sites in the Mimbres Valley. These provide that “the Foundation has the right to conduct full and exclusive archeological exploration and scientific studies upon the real estate described” and “the Foundation shall take title to and shall be the owner of any artifacts . . . and all other items of historical, archeo-

logical or scientific value or significance to the foundation” as well as have the right of access. Since it provides for the excavation and ownership of the archeological remains by the holder of the easement, it is much like a traditional timber or mining rights easement. To avoid any traditional interpretation of abandonment, the agreement further provides that “the Foundation may leave sites unexcavated for future exploration and such shall not be construed as an abandonment of this easement.” This type of easement is useful for acquiring sites on undevelopable locations in the middle of large tracts of range land and other locations where the landowner is willing to give up more rights over a site than provided for by a negative easement (LeBlanc 1979). Some landowners may wish to retain ownership of the artifacts when donating an easement, in order to take an additional tax deduction on the donation of the artifacts if the site is excavated, as in the case of Averbuch, discussed below.

Another example of an easement on an archeological site is at the Stricker Pond Site, near Madison, Wisconsin, a Late Woodland (c. 1200) village. Previously surveyed and tested, the site was called to the developer’s attention. He was persuaded not to develop a strip of land along the edge of an adjoining area required for a park by ordinance. Most of what was left of the site was thus preserved. He gave an easement on this additional strip of land to the city of Middleton. Except in California, such examples of easements arranged primarily because of the archeological importance of the property are rare.

Under the California Environmental Quality Act, cities and counties may wield considerable power to protect archeological sites, as in Orange, Santa Barbara, and San Diego counties, or use very little as in Kern and Riverside counties. In San Diego County, for example, before developers can get the necessary permits, they must mitigate the adverse impact of their projects on archeological sites. Because excavation is expensive, mitigation consists of micromapping the surface and removing all visible material that would be destroyed by the influx of



Photo: Walter Smaling, Jr.

Effigy pot recovered during excavation of the Averbuch Site in Tennessee

people, some subsurface testing, and deeding of the area as open-space. The county collects five or more easements per week in this way. The developers have accepted this system, regarding archeology as a secondary problem and expense, overshadowed by problems such as sewer service and geology.

Many easements acquired to protect natural and above-ground historic resources offer considerable incidental protection to archeological sites. For example, the Nature Conservancy's Sample Conservation Easement says, "there shall be no filling, excavating, dredging, mining, removal of topsoil, sand, gravel, rock, minerals or other materials nor any building of roads or change in the topography of the land in any manner excepting the maintenance of foot trails" (Nature Conservancy 1976: 11). Clearly, such an easement could offer much protection. The area covered by such easements are substantial. The Forest Service has acquired easements on 10,000-12,000 acres in the Sawtooth National Recreation Area in Idaho; the US Fish and Wildlife Service has obtained over 16,000 easements protecting wet areas for waterfowl reproduction; and the

state of Wisconsin holds scenic easements of 17,000 acres beside the Great River Road, along the Mississippi River (Coughlin, Plaut, and Strong 1978: 231-232). Under the Wild and Scenic Rivers Act, a large-scale program of easements to control growth along the Clearwater River in Idaho is being used to protect archeological sites. The holder of the easement and the landowner must give permission before a site can be dug (Higgins 1972). A sample Deed of Scenic, Open Space, and Architectural Facade Easement used by the National Trust states that "no topographical changes, including but not limited to excavation . . . shall occur upon the property." While this offers some protection, no doubt additional protection could be provided if an assessment were made of the archeological potential of the property and the easement tailored to the situation and made more specific. The Goodwins' easement on Corotoman explicitly mentions the archeological importance of the site and that the protected area is "below the zone of cultivation." While this is a commendable attempt to define the protected areas, the phrasing is poor. Modern agricultural practices, such as subsoiling, may greatly extend the zone of cultivation downward,

thus permitting the site to be destroyed despite the easement.

Tax Aspects of Easements

There are substantial federal, state, and local tax incentives for the donation of easements, or land, particularly in areas under development pressure. In these cases, the value of the easement as determined by the before-and-after method is usually large. If the easement is given to a government or a 501(c)(3) charitable organization recognized by the Internal Revenue Service, it can be claimed as a charitable deduction on federal income taxes. Charitable contributions in excess of the statutory limits may be carried over and used during the next 5 years. In order to receive a federal income tax deduction, the easement must be in perpetuity. A gift of an easement may usually be used as a state income tax deduction. Particularly important in areas of rapidly rising land values, when property is sold, federal capital gains tax will be reduced through the gift of an easement.

A major threat to large landholdings and farms in the East and near big cities in the West, are state and federal estate taxes. Estate taxes based on the highest and best use of the land frequently force heirs to

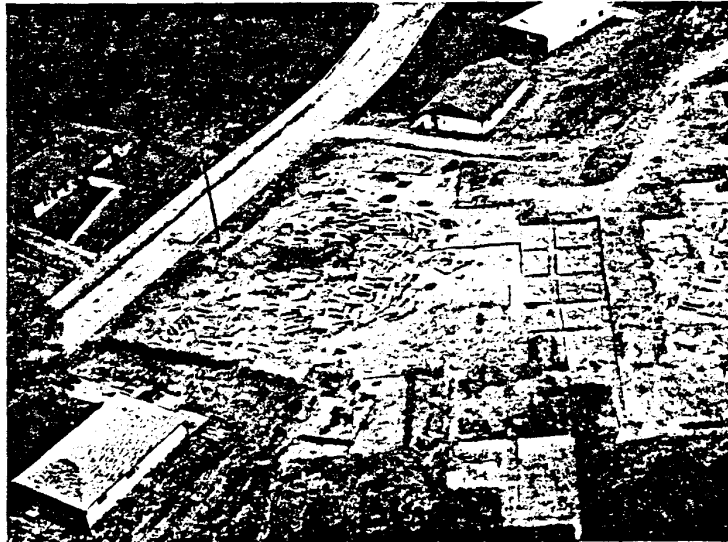


Photo: Courtesy of the Department of Anthropology, University of Tennessee.

Graves excavated in a housing subdivision. The developer donated the artifacts to the state, and deducted the cost expended in the field to recover the data from his income taxes. Averbuch Site, Tennessee.



Photo: Mark Barnes.

The city of Palm Springs, California, purchased Tahquitz Canyon, a desert oasis surrounded by literally hundreds of archeological sites, as part of a greenbelt around the city. The purchase was assisted by a HCRS matching grant.

give up farming and other open-space uses and sell out to developers. The gift of an easement can prevent this—a major selling point in acquiring gifts of easements. Many eastern states have special tax programs to encourage the preservation of agricultural land, forest land, and open space. Finally, local property tax reduction can be a major financial incentive to donate an easement, in the case of open-space easements on land with good development potential. The owner can enjoy the open space with archeological sites preserved on it, and a lower tax bill.

There are some special conditions in some states, such as Vermont, where the easement must be held by the state or a local government to qualify for a property tax reduction (Bradley 1976: 2). For a discussion of the tax aspects of easements, with examples, see *Charitable Gifts of Land: Their Tax Implications* by Bradley (1976).

The only established way a value can be placed on the easement for an archeological site is through the standard "before-and-after" or "with-and-without" formula. That is, what was the value of the prop-

erty without the restriction, what is the value of the property with the restriction, the difference between the two being the value of the easement (Goetsch 1975-1976: 397).

Tax Deduction for Donation of Artifacts

In the case of the Averbuch Site, Tennessee, a large village and cemetery site excavated under contract with Interagency Archeological Services, US Department of the Interior, the developer donated the excavated archeological material to the state. The IRS accepted as the value of the material the total amount expended in the field to recover the data. This is a solution to the problem of determining the value of archeological artifacts. The IRS has not yet ruled on the use of the potential cost of excavation or the potential commercial value of the artifacts in an unexcavated site as the basis of determining the value of an easement.

Tax Reform Act of 1976

Both the accelerated depreciation incentive and demolition penalty provisions of the Tax Reform Act of

1976 to encourage the preservation of historic properties apply only to depreciable income-producing or commercial structures. Virtually no archeological site will be directly affected by these provisions. Benefits of the Tax Reform Act, however, may and have been denied for failure to comply with "The Secretary of the Interior's Standards for Historic Preservation Projects." The "Secretary's Standards" repeatedly require that "every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project" (1979: 3). The guidelines recommend: retaining archeological resources intact whenever possible, minimizing ground disturbance, surveying and evaluating the archeological potential of the area, monitoring ground disturbances, avoiding the use of heavy machinery and the installation of utilities where they may disturb archeological resources, obtaining professional archeological guidance, and undertaking archeological investigations in accordance with the data recovery guidelines (36 CFR 66).

State Environmental Protection Acts

Some state environmental protection acts afford a modest amount of protection for historic resources, as in Massachusetts, while some afford considerable protection, as in several local California jurisdictions. The Massachusetts Environmental Policy Act, 1973, offers protection for known sites in large state funded or licensed projects in wetlands (Massachusetts Association of Conservation Commissions 1978: 49).

In 1970, Vermont's Act 250 established a permit process requiring that most large-scale development be reviewed by a district environmental commission appointed by the governor. "The commission must, among other things, establish that the projected project 'will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare irreplaceable natural areas'" (Stokes and Getty 1979: 11). In conception and effect, Act 250 is one of the strongest instruments of land-use control in the nation and it should offer protection to archeological sites.

The California Environmental Quality Act (CEQA) requires and enables local governments to regulate private land through discretionary actions such as building and grading permits and tract map approval. Environmental impact reports may be required, and permits may be issued with conditions attached. The resulting protection for archeological resources varies from substantial to negligible depending upon the jurisdiction. Orange County, one of the jurisdictions providing the strongest protection, exceeds CEQA requirements in that the developer must pay for the background research, surface and subsurface survey, and monitoring of grading. The developers redesign projects and pay for the mapping and collection of surface scatters. By law, the county must pay the full cost of salvage excavation when it would cause an unreasonable burden on the developer. This occurs about twice a year and building permit fees pay for the work. The system runs smoothly because development is so lucrative that archeology is a minor expense.

Farm, Forest, and Open-space Retention Programs

Many eastern states have recently enacted a variety of laws to encourage the retention of farms, forests, and open space. While agriculture may be a major threat to archeology in other parts of the country, in much of the East, keeping land under cultivation may offer the best medium-range preservation solution. In fact, those concerned with the preservation of prime farmland and those concerned with the preservation of archeological sites share a common problem: development is drawn just as disproportionately to prime farmland (Sampson 1978: 4), as it is often drawn to areas of high site density.

Agricultural districts, such as those in New York, are formed voluntarily to protect agricultural areas. Agricultural districts may require large lot zoning, set limits on government improvement such as municipal water and sewer systems, facilitate transfer of development rights, and allow for assessment of real estate used for agriculture at its use value rather than market value.

In Maryland all counties and cities may grant a tax credit (abatement) of up to 75 percent, and in suburban jurisdictions of up to 100 percent, on land that has been established as open space and on which the owner has given a perpetual open-space easement. In two of the fastest growing suburban counties, Prince Georges and Montgomery, the easement and tax credit may be temporary, granted for periods of 5 years or more. A tax credit of 75 percent may be provided if the owner conveys a perpetual easement to the Maryland Agricultural Land Preservation Foundation, restricting the use of the land to agricultural land and woodland (Maryland Historical Trust 1975: 32-34).

Vermont is one of many states with provisions for use-value assessment of agricultural and forest lands, with no easement required. In this case there is a stiff penalty for developing the land—10 percent of fair market value of the property. Use-value assessment is an important tool in preserving farmland, but even with stiff provisions for recapture of lost taxes if the land is developed, it alone will not prevent

urbanization. If land values are rising, developers can use such provisions as a tax shelter. Also, reducing taxes for some means raising taxes for others. This can be politically risky. The cost of increased services required if the land is developed may convince some to accept use-value assessment (Stokes and Getty 1979: 8-9). For further discussion of the use of differential assessment as an incentive for open-space preservation and farmland retention, see Coughlin, Berry, and Plaut (1978).

For a different purpose, but operating on the same principle, and perhaps useful also for archeology, is California's provision for reduced assessments on National Register and state register listed properties through a 20-year contract in which the owner agrees to preserve the property (Shull 1975-1976: 346).

Development Rights Purchase and Transfer

The transfer of development rights has considerable potential for historic preservation in both urban and rural areas and for the preservation of archeological sites, as well as for other historic natural resources. In separating the right to develop a particular parcel of land from the ownership of that parcel of land, we are able to preserve the existing use of the land. The right to develop a parcel of land can be moved from the original parcel of land, where further development is prohibited, to another parcel of land. This second parcel of land may then be developed at a higher intensity than would otherwise be permitted by the zoning ordinance. Transferable Development Rights (TDR) programs have been established in Buckingham Township, Bucks County, Pennsylvania, on the rapidly expanding suburban fringe of Philadelphia (Richman and Kendig 1978) and in two New Jersey municipalities (Pizor 1978). Because of their complexity, however, these are among the few places where transferable development rights have been applied in rural areas (Stokes and Getty 1979: 16).

Governments are purchasing development rights to preserve farmland in several states. Millions of dollars are being spent to preserve thou-

sands of acres of farmland in Suffolk County, Long Island, New York, through the purchase of development rights (Klein 1978). Connecticut is raising \$500 million to purchase development rights on agricultural land through a 1 percent transfer tax. Massachusetts has started a \$5 million pilot project (Scheller 1979: 70). Seattle and its surrounding area recently approved a plan to purchase the development rights on up to 12,000 acres of farmland (National Trust 1979a: 4). If the development rights are purchased by the state, farmers can afford to sell their farms to the next generation of farmers. The preservation of farmland offers considerable incidental protection to archeological remains. If the funds were available, a similar method could be used specifically to protect archeological sites, though for smaller areas.

Land Banks and Land Trusts

"Land banking involves government purchase of large tracts to be put in reserve to control their future development and meet such future community needs as industry, housing, and open space" (Stokes and Getty 1979: 13). Land can be ac-

quired well in advance of need, when prices are low. The public benefits from the land's increasing value and orderly development (Coughlin, Plaut and Strong 1978: 225). The land bank gives local governments far more control over the land than they would have through the planning and zoning process alone, and it allows them to coordinate the need to preserve archeological sites with other community needs in assigning different uses to different parts of the tract.

A *land trust* is a private non-profit community organization that typically purchases or receives by donation critical tracts of land. The land can either be managed for conservation or recreation or can be resold subject to development restrictions. Citizens in Lincoln, Massachusetts, formed the non-profit Rural Land Foundation to purchase and protect a historic 109-acre farm from intensive development. It transferred the most significant 54-acre open-space section to the nonprofit Lincoln Land Conservation Trust to be managed for conservation and recreation and developed the remainder in such a way as to

retain its rural character. The profits from the development covered the expense of keeping the 54 acres open. Working in tandem, the two Lincoln organizations have undertaken other open space protection projects as well. The trust limits itself to holding and managing the land while the foundation takes on the role of a responsible developer. (Stokes and Getty 1979: 13-14.)

If an archeological survey were done before the land was divided into preservation and development areas, archeological values could be considered as other historic and natural values are in the operation of a land trust.

Greenline Parks and Greenbelts

"Greenline parks," such as the Adirondack Park, New York, and Cape Cod National Seashore, Massachusetts, intermix public land with private land controlled by easements and zoning. Greenline areas are coherent resource areas that are comprehensively planned, regulated, and managed by an authority set up specifically to preserve its recreational, ecological, historical, and cultural values. The advantages of a greenline approach are lower costs in establishing and expanding the park and greater political support since less land is taken and the possibility remains of preserving living historic communities. The chief disadvantages are overuse of the limited public lands, landowner opposition, and difficulties in enforcing regulations (Kusler and Duddleson 1978: 117, 125-126). Greenline parks offer incidental protection to archeological remains by reducing development. Archeology should be a consideration in deciding what land and easements should be purchased.

Greenbelts can offer considerable direct protection to archeological sites as well as indirect protection through control of urban sprawl.

The city of Palm Springs, California, purchased Tahquitz Canyon, a desert oasis surrounded by literally hundreds of archeological sites, as part of a greenbelt around the city. The purchase was assisted by a Heritage Conservation and Recreation Service matching grant-



Photo: Courtesy of The Nature Conservancy, taken by Dave Bohn.

Santa Cruz Island Archeological District, Santa Barbara County, California. When The Nature Conservancy purchased the island, the difference between the \$50 per-acre paid and the estimated \$5,000-per-acre market value gave the owner a tax deduction stretched over several years

in-aid. The community is working to ensure protection of the sites and development in conjunction with the Department of Anthropology, University of California, at Riverside (Barnes 1979: 10).

Nature Preserves

Nature preserves offer one of the best opportunities for cooperative preservation of natural and historic resources. The owners of the Young-Hirundo sites in Maine, deeded them to the University of Maine at Oruno, as part of a bird sanctuary (Barnes 1979: 9).

Since its founding in 1951, the Nature Conservancy has protected 1.6 million acres of land involving more than 1,300 sanctuaries. Not only has this program provided incidental protection to archeological sites, but also it has preserved areas of outstanding archeological importance. The conservancy recently completed the \$2.5 million acquisition of Santa Cruz Island, California, which contains over 3,000 known Chumash Indian sites. These sites are of great archeological importance because the once numerous Chumash sites on the 120 miles of coast between Santa Barbara and Los Angeles have been reduced to a mere four sites. The owner of approximately 90 percent of Santa Cruz Island and the conservancy worked out an agreement paying the owner \$50 an acre for his portion of the 60,000-acre island in a bargain sale. The difference between \$50 per acre that was paid and the estimated \$5,000-per-acre market value gave the owner a tax deduction stretched over several years (Barnes 1979: 14-16).

Conclusions

Because important ecological, scenic, architectural, and archeological resources so often occur in combination, much can be gained through cooperation. For example, the French and Pickering Creeks Conservation Trust, about 25 miles west of Philadelphia, is gathering easements to protect the scenic and architectural values of the region. Such a program could also be used to protect the archeological remains relating to the early iron industry around Hopewell Village. In addition to preserving resources that occur together, archeologists, gener-



Photo: Courtesy of the National Register of Historic Places.

Santa Cruz Island Archeological District, Santa Barbara County, California. The Nature Conservancy recently completed the \$2.5 million acquisition of the island, which contains over 3,000 known Chumash Indian sites.

ally knowing little about legal tools such as easements, need the expertise of lay persons and lawyers that natural conservation and architectural preservation organizations can provide. The recently formed Archeological Conservancy (236 Montezuma, Santa Fe, New Mexico 87501), modeled on the Nature Conservancy, has already been able to acquire some major sites and is negotiating for several more. Providing expertise in legal techniques may be one of the biggest contributions fellow preservationists can make to help preserve archeological sites.

Likewise, those concerned with architectural preservation and natural conservation need to recognize archeology as another related heritage value with an important constituency working to preserve the resource. Architectural preservationists are increasingly aware of the importance of preserving the whole—the setting and district as well as the key buildings, the later

additions as well as the original structures and the houses of workers as well as those of the wealthy. And archeological remains are a part of that whole, enhancing understanding and enjoyment of the complex of historic and natural resources of an area. Archeological remains provide evidence of how the other resources came to be the way they are, and on how they were used by previous generations. Legal protection for historic resources must not stop at the ground level.

Many methods used to preserve natural resources and historic structures can and should be used to preserve archeological sites. The minor role these legal tools have thus far played in archeology is evidence of the emphasis on salvage at the expense of the conservation ethic in American archeology. Not only can archeologists learn from what natural conservationists and architectural preservationists have done, but also there is much to be gained

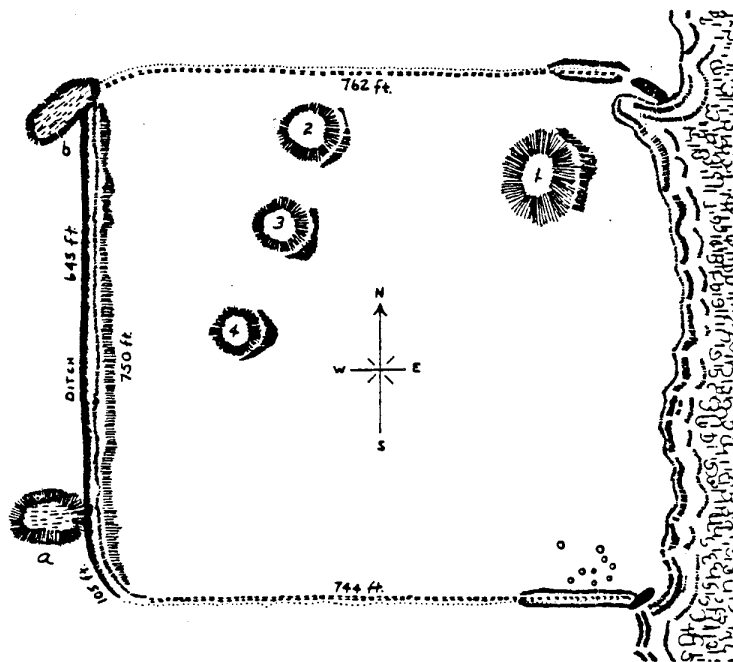


Photo: Courtesy of the Archaeological Conservancy.

A 19-century map of the Middle Mississippian Powers Fort in Butler County, Missouri. Along with adjacent virgin bald cypress swamp, the fort was recently acquired by the Archaeological Conservancy.

through cooperative projects that will preserve all the important irreplaceable resources of an area, including the archeological resources.

Bibliographical Note

For further reading and study of rural conservation issues, the National Trust's information sheet on rural conservation (Stokes and Getty 1979) contains a short, selected annotated bibliography. The Urban Land Institute's *Environmental Comment* publications (1978a, 1978b) on transferable development rights and the preservation of prime agricultural land contain selected annotated bibliographies on these topics. The Heritage Conservation and Recreation Service's multivolume *National Urban Recreation Study* is a valuable source of further information on legal tools for the preservation of open space in rural and urban areas. Volume I, containing technical reports 1-5, includes discussions of greenline parks, differential assessment, easements, and zoning. Volume III, containing technical re-

port 13, includes an extensive bibliography on open-space and recreational land. The Executive Report volume contains a shorter version of this bibliography.

HCRS' new publication *New Directions in Rural Preservation* contains essays on preservation issues and techniques, and tools related to historic, natural, and recreation resources in rural areas. It is scheduled to be available in November 1980.

Acknowledgments

I would like to thank Mark Barnes for permission to use excerpts from a forthcoming article, Joe Getty for a draft copy of the information sheet on rural conservation, John Jameson for information on the California Environmental Quality Act, Bert Salwen for guidance on content, and Jeanette Blake, Gregory Andrews, Robert Edwards, William Green, Steven LeBlanc, Ronald May, Robert Seway, Glenn Tiedt, and Valerie Talmage who all made important contributions.

References

- Barnes, Mark
1979. "Preservation of Archeological Sites Through Acquisition." Manuscript. Forthcoming in *American Antiquity*.
- *Bosseiman, Fred; Callies, David; and Banta, John
1973. *The Taking Issue*. Washington, D.C.: Council on Environmental Quality. Available from the US Government Printing Office, Washington, DC 20402. GPO Stock No. 041-011-00017-3; price \$4.
- Bradley, Darby
1976. *Charitable Gifts of Land: Their Tax Implications*. Available from the Vermont Natural Resources Council, 26 State Street, Montpelier, VT. 05602. \$1.50.
- Brenneman, Russell
1967. *Private Approaches to the Preservation of Open Land*. New London, Conn.: The Conservation and Research Foundation.
1975. "Should Easements be Used to Protect National Historic Landmarks? A Study for the National Park Service." Hartford, Conn.: Copp, Brenneman, Tighe, Koletsky, and Berall.
*1975-1976. "Historic Preservation Restrictions: A Sampling of State Statutes." *Connecticut Law Review* 8 (2): 231-247. \$4.50.
- City of Larkspur, California
1977. Ordinance 571: An Ordinance of the City of Larkspur Providing a Procedure for the Study and/or Preservation of Valuable Archeological Resources in the City of Larkspur. Larkspur Municipal Code 15.42.
- City of Oklahoma City
n.d. Article VII Historical Landmark Ordinance (new). *Oklahoma City Code*. Manuscript.
- Comptroller General of the United States
1979. *The Federal Drive to Acquire Private Lands Should be Reassessed*. Report No. CED-80-14. Washington, D.C.: US General Accounting Office.
- Cosotonis, John J.
1974. *Space Adrift: Landmark Preservation and the Marketplace*. Urbana, Ill.: University of Illinois Press.
- Coughlin, Robert E.; Plaut, Thomas; and Strong, Ann L.
1978. The Use of Land Acquisition Methods for the Preservation of Urban Open Space. *National Urban Recreation Study*. Volume 1, technical report 4. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- Coughlin, Robert E.; Berry, David; and Plaut, Thomas
1978. Differential Assessment of Real Property as an Incentive to Open Space Preservation and Farmland Retention. *National Urban Recreation Study*. Volume 1, technical report 3. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- Einsweiller, Robert C., Inc.
1978. Use of Regulatory Powers in Protecting Urban Open Space. *National Urban Recreation Study*. Volume 1, technical report 5. Washington, D.C.: Heritage

- Conservation and Recreation Service, US Department of the Interior.
- Fox, Timothy
1979. *Land Conservation and Preservation Techniques*. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- n.d.1. *Land... The Gift that Continues to Give*. Washington, D.C., and Jefferson City, Mo.: Heritage Conservation and Recreation Service, US Department of the Interior and the Missouri Department of Natural Resources.
- n.d.2. *Land... Contributions to North Dakota's Future*. Washington, D.C., and Mandan, N. Dak.: Heritage Conservation and Recreation Service, US Department of the Interior and the North Dakota State Parks and Recreation Department.
- n.d.3. *Protecting Wyoming's Heritage... Gifts of Land For Conservation*. Washington, D.C., and Cheyenne, Wyo.: Heritage Conservation and Recreation Service, US Department of the Interior and the Wyoming Recreation Commission and Wyoming Game and Fish Department.
- *French and Pickering Creeks Conservation Trust, Inc.
1974. *Proceedings of the Conference on the Voluntary Preservation of Open Space*. Pottstown, Penn.: French and Pickering Creeks Conservation Trust, Inc. \$5.
- *Gammage, Grady Jr.; Jones, Phillip N.; and Jones, Stephen L.
1975. *Historic Preservation in California: A Legal Handbook*. Stanford, Calif.: Stanford Environmental Law Society and the National Trust for Historic Preservation. \$3.95.
- *Goetsch, Charles G.
1975-1976. "Conservation Restrictions: A Survey." *Connecticut Law Review* 8 (2): 383-409. \$4.50.
- Heritage Conservation and Recreation Service
1978a. Bibliography. *National Urban Recreation Study*. Volume 3, technical report 13. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- 1978b. *Executive Report: National Urban Recreation Study*. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- 1978c. Urban Open Space—Existing Conditions, Opportunities, and Issues. *National Urban Recreation Study*. Volume 1, technical report 1. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
1979. *The Secretary of the Interior's Standards for Historic Preservation Projects*. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- Higgins, Joseph F.
1972. Easements for Wild and Scenic Rivers: Advance Planning Aids Administration of Clearwater Systems. *Journal of Forestry* (December).
- Klein, John V. N.
1978. "Preserving Farmland on Long Island." *Environmental Comment* (January), pp. 11-13.

- Koch, Lisa A.
1977. "State and Federal Tax Incentives for Historic Preservation." *Cincinnati Law Review* 46:833-845.
- Kusler, Jon A.; and Duddleson, William
1977. Alternative Federal Strategies for Strengthening State and Local Urban Outdoor Recreation and Open Space Programs Including the Establishment of Greenline Parks. *National Urban Recreation Study*. Volume 1, technical report 2. Washington, D.C.: Heritage Conservation and Recreation Service, US Department of the Interior.
- *Kyre, Kenneth (Editor)
1976. "Bibliography of Legal Periodicals Dealing with Historic Preservation and Aesthetic Regulation." *Wake Forest Law Review* 12(1): 275-281. \$5.75.



Photo: Courtesy of the Archeological Conservancy.

This mica eagle claw is the type of artifact found at Hopewell Mounds, near Chillicothe, Ohio.

- LeBlanc, Steven
1979. "A Proposal for an Archeological Conservancy." Manuscript. Prepared by the Mimbres Foundation. Available from The Archeological Conservancy, 236 Montezuma, Santa Fe, NM, 87501.
- Maryland Environment Trust
1977. *To Preserve a Heritage: Conservation Easements*. Revised edition. Baltimore, Md.: Maryland Environmental Trust. Available from the publisher at Suite 1401, 501 St. Paul Place, Baltimore, MD 21202.
- Maryland Historical Trust
1975. *Preservation Easements*. Annapolis, Md.: Maryland Historical Trust.
- Massachusetts Association of Conservation Commissions
1978. *Environmental Handbook for Massachusetts Conservation Commissioners*. 1978 edition. Medford, Mass.: Massachusetts Association of Conservation Commissions. Available from publisher at Lincoln Filene Center, Tufts University, Medford, MA 02155.
- McGimsey, Charles R. III
1972. *Public Archeology*. New York: Seminar Press.
- National Trust for Historic Preservation
1979a. "Number of Landmarks and Historic Commissions Mushroom." *News Service* 11 (3): 4.
- 1979b. Editorial: "Elections '79." *Preservation News* 19 (12): 4.
- Nature Conservancy
1976. *The Nature Conservancy*. Arlington, Va.: The Nature Conservancy. Available from the publisher at 1800 N. Kent Street, Arlington, VA 22209.
- Pizor, Peter J.
1978. "New Jersey's TDC Experience." *Environmental Comment* (April), p. 11.
- Pohle, Linda; and Tiedt, Glenn F.
n.d. *How to Donate Land in Colorado*. Denver, Colo.: Colorado Open Land Foundation. Available from the publisher at P.O. Box 925, Denver, CO 80201.
- Priewert, Fred A.
n.d. *Land... The Lasting Legacy of Open Space*. Des Moines, Ia. and Washington, D.C.: Iowa Conservation Commission and Heritage Conservation and Recreation Service, US Department of the Interior.
- Richman, Hershel J.; and Kendig, Lane H.
1978. "Transferable Development Rights—A Pragmatic View." *Environmental Comment* (April), pp. 4-7.
- Sampson, R. Neil
1978. "Development on Prime Farmland." *Environmental Comment* (January), pp. 4-6.
- Scheller, William G.
1979. "Preserving Agricultural Land: How Massachusetts is Attacking a Growing Land-Use Problem." *Sierra* 64 (1): 70.
- Shull, Joe A.
1975-1976. "The Use of Tax Incentives for Historic Preservation." *Connecticut Law Review* 8 (2): 334-347.
- *Stokes, Samuel N.; and Getty, Joe
1979. "Rural Conservation." *Information* 19. Available from the National Trust for Historic Preservation. Single copies free from regional offices; bulk orders, \$1.50 each from National Trust Bookshop.
- Stover, Emily Jane, Editor
1975. *Protecting Nature's Estate: Techniques for Saving Land*. Albany, N.Y. and Arlington, Va.: New York State Office of Parks and Recreation and the Nature Conservancy. Published in conjunction with the Bureau of Outdoor Recreation, US Department of the Interior.
- Urban Land Institute
1978a. "Preservation of Prime Agricultural Land." *Environmental Comment* (January).
- 1978b. "The Future of Transferable Development Rights." *Environmental Comment* (April).
- *Available from the National Trust for Historic Preservation Bookshop, 1600 H Street, NW, Washington, DC 20006. Payment must accompany order; please add \$1.50 for postage and handling. National Trust members may deduct 10 percent from purchase cost.

BLANK PAGE
(Please continue on to following page.)

APPENDIX B-4
TAX INCENTIVES FOR THE DONATION OF ARCHEOLOGICAL PROPERTIES

Important incentives are available in the form of tax deductions for individuals, partnerships and corporations who donate archeological properties to qualified charitable organizations.

It is difficult to generalize about the applicability of these benefits since many independent variables may affect the impact of a donation and an individual or corporate tax return. Each case should be studied by a tax professional. Under no circumstances should the recipient organization offer tax advice to the donor.

The following variables may affect the eligibility of a deduction. This is by no means a complete list:

- 1) The historic cost or "basis" of the property
- 2) The present fair market appraised value of the property
- 3) Whether or not the owner maintains the property as his/her personal residence
- 4) Whether or not the owner makes his/her living from the sale of real estate.
- 5) Whether the recipient organization is considered a public or private charity
- 6) The owner's taxable income level
- 7) The owner's level of contributions to other charitable organizations
- 8) The owner's tax liability
- 9) Any outstanding debt on the property
- 10) How long the donor has held the property
- 11) Whether or not the acquisition is made under the threat of condemnation. Acquisitions made under threat of condemnation may allow the owner to defer any capital gain into the subsequent purchase of another piece of like income property under some circumstances.

Two basic mechanisms may be available for individuals, partnerships and corporations interested in contributing archeological properties:

- 1) Straight Donation - Generally, if the donor is not involved in making a living in the real estate business, a donated property would be eligible for a deduction at full appraised fair market value, determined by an independent appraisal, when donated to qualified charitable organization without adjusting that amount for any capital gain.
- 2) Bargain Sale to charity or partial purchase/partial donation. This mechanism allows the charitable organization to purchase the property for an amount less than fair market value. The difference between the purchase price and the appraised fair market value of the property may be eligible for use by the donor as a deduction. The deductible amount must be reduced, however, by any capital gain realized by the sale. The capital gain reduction is computed only of the cash portion of the transaction.

The following example illustrates a hypothetical bargain sale:
 Cost analysis of bargain sale to charity - for an individual

Assumptions:

1. Appraised value		\$25,000
2. Basis of historic cost	5,000	
3. Tax rate bracket: 30%		
	combined federal and state	
4. Sale price		15,000

Basic deduction

Appraised value		25,000
less sale price		<u>15,000</u>
basic gift		<u>10,000</u>
Tax savings of basic gift		X30%

unadjusted tax deduction 3,000

Capital gain

Sale price - basic X sale price/appraised value = capital gain

$$15,000 - 5000 \times \frac{15,000}{25,000} = 12,000$$

Tax on capital gain

capital gain		12,000
tax rate on capital gain		
(40% capital gain tax X 30%		
combined fed and state tax)		<u>X 12%</u>

Capital Gain tax 1,440

Net after tax proceed

Tax savings		3,000
sale price		15,000
less tax due on capital gain		1,440
net after tax proceeds from sale		16,560

Again, due to the number of variables to be considered in partial or total donations of archeological properties, only a tax professional who is intimately familiar with a donor's tax return will be able to offer any tax advice. Only by studying all aspects of a proposed donation can the tax consequences of that donation be assessed. Under no circumstances should the City, County, or a recipient non profit organization be in a position to offer tax advice to the donor.

APPENDIX C
PUBLIC EDUCATION AND PARTICIPATION

BLANK PAGE
(Please continue on to following page.)

Appendix C-1
ARCHAEOLOGY AND THE MAYOR: A PUBLIC INTERPRETATION PROGRAM FOR
THE CITIZENS OF BALTIMORE

Elizabeth Anderson Comer, Director
Baltimore Center for Urban Archaeology

Paper presented at the
38th National Preservation Conference
Baltimore, Maryland
October 26, 1984

It all began with a newspaper article describing an exciting archaeology program in Annapolis. Here, visitors were welcomed to a warehouse site and given a guided tour of the archaeological excavation.

The Mayor of Baltimore, William Donald Schaefer (known perhaps for his promotional escapade in which he dove - clutching tightly to his rubber duckie - into the dolphin tank of the National Aquarium in Baltimore, having lost a bet on the completion date), was intrigued by the possibility of a similar project in Baltimore. His reasons were perhaps more pedestrian than those of the Annapolis folks. He viewed an archaeological excavation as an opportunity to focus on and promote a specific area of the City. So, in April, 1983, Baltimore hired its first City Archaeologist and began the development of public archaeology in Baltimore.

Considering the size of Baltimore, the eleventh largest city, and the extent of development over the last two decades within the City, only a very small amount of archaeology had taken place. Perceived as a nuisance by the City and developers, archaeology was being viewed for the first time as a positive force.

Earlier in the year, a group of historic sites east of the Jones Falls had been linked by a self-guided walk called the Fallswalk. Features included the Phoenix Shot Tower, the Carrol Mansion, the Star Spangled Banner Flag House, and the Public Works Museum. However, the Fallswalk had not gotten off on the right foot, probably because the surrounding area, while of historic interest, was bounded by low-income housing projects and severed from the main part of downtown by a very heavily traveled street. Clearly, the Fallswalk needed a shot in the arm, a new promotional angle.

Perhaps a working archaeological excavation would draw people to the area as well as increase an awareness of the historic sites, both below and above ground. Indeed, the planned construction of a major boulevard through the area - Interstate 83 - had resulted in Section 106 historic research and archaeological testing, demonstrating that remains of early Baltimore were intact below the surface.

A city-owned parking lot, where an early Baltimore brewery and later a casket company stood, was selected. Historical research told us that the brewery was built by a wealthy Philadelphian, Thomas Peters, who came to Baltimore in the 1780's. It was later owned by the third Mayor of Baltimore, Edward Johnson, early in the 19th century, and the Star Spangled Banner was sewed together by Mary Pickersgill on the malt house floor in 1814.

After the brewery ended operation in the 1870's the National Casket Company occupied the site until the 1960's. With urban renewal, the site became a City parking lot for 56 cars. As a microcosm of 200 years of Baltimore's industrial history, the selected site provided an opportunity to enfranchise the public with their past through archaeology. This would be accomplished through a combination of levels of involvement, from placard reading, to guided tours, to actual excavation experience through volunteering.

Because the focus of the excavations would be the public, we tackled each part of the excavation planning from that point of view. Media consultant Philip Arnoult and Dr. Mark Leone became integral parts of the formation of the public program. Mr. Arnoult trained the archaeologists to give tours and transfer their knowledge and enthusiasm to the public. Having successfully

staged a public program in Annapolis, Dr. Leone provided input into tour content and the formation of historical arguments for Baltimore.

The project historian did additional historical research to find photographs, letters, and diaries that could be incorporated into the placards, brochures, etc. This information formed the body of historic data from which the tour was developed. Specific historical facts were translated into arguments which, when linked to a feature of artifact, formed discrete parts of the tour.

As the program was developed, teaching became a major thrust - teaching not only visitors through tours but teaching volunteers and students on a tutorial basis. In order to realize this focus, a field school, consisting of students from local colleges and universities, was developed. They subsequently received credit from their home departments for their participation.

It soon became obvious that a larger core of excavators was needed and a summer jobs corps program, sponsored by the Mayor's Office, provided eight Blue Chip-In students. These high school and college students brought to the program unique backgrounds and skills. For example, a commercial art student and a mathematics major worked together to create wonderful maps and drawings. By the end of the summer, the Blue Chip-In workers became superb excavation technicians and, in turn, taught new volunteers.

As the beginning excavation date drew near, promotion became a concern. The public clearly needed to be told about this program. First, we planned a grand opening, complete with the Mayor, the press, balloons, and root beer floats. The word was sure to get out and it did. The grand opening on June 15th was indeed grand. The media - T.V., radio, and newspapers - focused a great deal of attention on "The Dig."

Additionally, we printed and distributed brochures and flyers soliciting volunteers and inviting visitors to "The Dig." "I DIG BALTIMORE" hats were ordered and distributed. The site was signed by a 260 foot BALTIMORE ARCHAEOLOGY sign and the entrance was surmounted by a sign: "The Great Baltimore Brewery Dig - Welcome." A billboard was erected over a major downtown street. Visitor information was sent to 1400 travel agencies throughout the country.

The value of the in-kind services provided by the City was, at no point, more obvious than during site preparation. Approximately \$15,000 worth of heavy equipment for site preparation and testing was provided through the Department of Public Works - Bureau of Highways. Additionally, DPW provided 30 shovels, 20 paintbrushes, 5 picks, 2 wheelbarrows, whisk brooms, buckets and so on. The surveying department of the City surveyed and gridded the site and made a site map. The Department of Recreation and Parks cleaned the area and provided benches.

While the various departments and resources of the City were available to the program at no cost, cash was needed to pay salaries. Grants from the Maryland Humanities Council, two local foundations - Baker and France - and the National Trust for Historic Preservation supplemented the cash secured from the City. The cash budget for the project amounted to approximately \$60,000, with contributed in-kind services worth \$75,000.

Local companies were given the opportunity to contribute to the program. Several hardware stores gave 30 Marshalltown trowels and a storage shed. A construction firm donated a typewriter and portable toilets. A public relations firm designed the flyer and brochure and a radio station printed them. Even the U.S. Army was helpful. They provided four MASH tents to cover the excavation and excavators.

The site was open to the public while excavations were taking place. Wednesday through Sunday from 8 A.M. to 4 P.M., visitors were taken to the placard tent and then given a 12 - 15 minute guided tour.

This tour consisted of a series of arguments linking the archaeology and the past to the present. One such argument linked the high status artifacts found in the privy to the availability of capital in early America and the development of banks and investment houses. The skyline of Baltimore, punctuated by the towers of commerce in the 1980's, products of the financial revolution which took place, was then woven into the argument.

Volunteers were given a guided tour and then asked to complete an information form. Data about previous archaeological experience in the form of fieldwork, classes, or simply a reading familiarity were requested. Each new volunteer was teamed with an experienced excavator.

Early on, a core group of volunteers was formed. These were the folks that came faithfully each Thursday or Sunday, for example. Inevitably, their first question each week was: "What happened while I've been gone? Did you answer that question - or figure this out?"

Sometimes a volunteer or visitor would return to the site a week later with the answer to a question or the identity of an artifact. The daily radio updates assisted in this process also. "The Dig Update" aired at the same time each day over WCBM, a major Baltimore station. The live report included an artifact count and information on a newly discovered artifact or feature. Several particularly puzzling artifacts were described on the radio and listeners came to the site or called with identification ideas.

The media coverage of "The Dig" throughout the summer was astounding - five local TV news reports, a talk show, a national TV report, approximately 30 articles appearing in newspapers from Philadelphia to San Francisco, three magazine articles, and a radio show on NPR's "All Things Considered."

Several thousand visitors and 302 volunteers became a part of the excavations by summer's end. And, by summer's end, the archaeology at the "Great Baltimore Brewery Dig" had provided an excellent picture of industrial development in Baltimore.

When the archeology moved out of the field in September and into the laboratory, the volunteers moved with it. As during the field phase, lab volunteers schedule specific hours drop in during open lab times outlined on the monthly schedule each is sent. These volunteers will become the core for tour guides and excavators during future excavations.

Because the brewery excavation site will not be disturbed by development, it presented an opportunity to continue the public program in a permanent park setting. Perceived as an integral part of the Fallswalk through history, we convinced the City to abandon plans to return it to the parking lot function

and, instead, work on a park design.

A design charette was held in which urban planners, landscape architects, and outdoor museum specialists visited the site and formulated design ideas. The park will integrate the exposed walls and features with interpretation markers. The theme of arguments, tying the archeology to specific historical lessons, will be continued and a visit will, in many ways, be like the guided tour but without the archeologist.

The first home of the public archeology program, named the Baltimore Center for Urban archeology, was the Office of the Mayor. While this was a very fortuitous placement within the City system to get a program off and running, it was realized that a more permanent address was needed. If an administration change took place, the City Archeologists would be cleaned out with the rest of the personal staff.

Thus, choices for a permanent home for the public archeology program ranged from City departments, such as Planning, to local museums, such as the museum of Industry. The Municipal Museum of Baltimore, the Peale Museum, one of the oldest museums in the country, was the final choice.

This museum enjoys private and City support and provides the BCUA with a recognizable name as well as stability within the City budget, as a funded line item. The support staff, collections, and library of the Peale Museum are very useful to the archaeologists. The Peale, in turn, benefits from an association with the highly visible public archeology program.

At the same time the City of Baltimore began to develop the archeology program, the Mayor decided to create a Museum Zone, incorporating the Carroll Mansion (home of Charles Carroll of Carrollton, the richest man in America in the early 19th century and a signer of the Declaration of Independence) and several late 18th - 19th century residential structures. Located just across the street from the brewery site, the BCUA museum will include laboratory, museum, storage and office space.

The BCUA conducted an excavation in the basement and rear yard areas of the rowhouses locating five privies or wells and recovering an enormous amount of data from the kitchen and cooking areas.

The research design here focused on the determination of ethnicity from food and kitchen utensil remains. The privies and wells located have been stabilized and covered; they will be excavated in the future as part of a public archeology program of excavations in the museum courtyard. While all Baltimore Center Urban Archaeology excavations encourage public involvement and interest, none has captured the imagination of the general public as much as Mount Clare.

The BCUA, the Department of Recreation and Parks, and the National Society of Colonial Dames of America in the State of Maryland have come together for an extremely ambitious and exciting program of archeology and restoration.

The grounds at Mount Clare contain the traces of a magnificent 18th Century landscape. The falling garden consisted of five intact terraces descending more than 120 feet from the bowling green to the lower level. Plans for restoration at Mount Clare will replant the orchard, the kitchen garden, the terrace flower parterres and restore the bowling green and

forecourt - returning the setting of this mansion to the 18th century.

In just three weeks, the Baltimore Center for Urban Archaeology will be focusing on yet another part of the City.

Baltimore's world famous Harborplace, a waterfront redevelopment by the City and the Rouse Company, will be expanding into the last undeveloped waterfront block with construction of a \$120 million hotel, office, retail, parking complex. A pre-construction public archeological excavation will take place during November and December of 1984.

Originally harbor, the site was filled to make slips and wharves between the 1780's and 1818. The possibility that wooden-hulled ships were used as cribbing to create the wharves cannot be overlooked. In the 1800's the newly created lot was developed into an area of three- and four-storey brick structures, incorporating maritime businesses on the first floors and boarding rooms for a constantly shifting clientele of merchant seamen and itinerant dock workers from around the world, on the upper floors.

The public excavation of this site will provide an opportunity for the Rouse Company to anchor this development in the theme of archeology. Preliminary plans call for the incorporation of archaeological data into parking lot level names and locations, interpretative exhibits throughout the complex, exhibits in the elevators, and audio-visual displays for the lobby.

Because a newspaper article provided the impetus for public archeology in Baltimore, the mention of a recent article in a Cleveland newspaper is appropriate. It seems that the City of Cleveland would like to enfranchise the populace with access to their own history through a public archeology program. The Plain Dealer stated, "It worked in Baltimore, why not Cleveland?"

APPENDIX C-2
WHAT YOU CAN DO TO SAFE-GUARD YOUR ARCHEOLOGICAL LEGACY

It is up to you, the inheritor of an age-old legacy, to safeguard that legacy for future generations. In many instances, the decision to protect New Mexico's heritage will require little or no additional action on your part. It will simply mean choosing among alternative courses of action.

CHECKLIST

You can refuse to permit artifact collecting or digging in archeological sites on land you own or lease.

If you are approached by an individual claiming to be an archeologist and requesting permission to investigate sites on your land, require proper identification and make a phone call to verify it. Professional archeologists and their sponsors support this policy of positive identification and will not be offended by your demands.

You can require in leases that pipelines and other kinds of land-altering projects avoid archeological sites. In all leases, including hunting leases, you can enforce "no artifact collecting" terms.

When you are making improvements on your land, watch for sites and avoid damaging them. A site can be protected by leaving the area uncultivated or uncleared of brush. Altering the route of a planned road or the location of a proposed structure can save an endangered site.

In areas of your land where sites are located, consider using nondestructive clearing methods.

Discourage buying, selling, and trading of artifacts. The market of artifacts encourages commercial relic hunting and has caused the loss of valuable and ancient sites not only in New Mexico but throughout the United States.

If you have in the past collected artifacts, be sure you catalogue your collection. Your catalogue should include a map showing where each artifact came from and list of all objects that were found together.

If there is a site on your land that is in danger of destruction, notify the Office of the State Archeologist. Help us preserve as much information as possible from sites that cannot be saved.

Join your County Historical Commission and become part of an organized network of volunteers dedicated to the understanding and protection of historical and prehistoric resources.

Join the Archaeological Society of New Mexico or The Albuquerque Archeological Society. These organizations hold archeological field schools, supervised by professional archeologists, which offer the opportunity to experience scientific archeological investigation at many different levels. You will also receive bulletins and newsletters which provides articles on the latest findings in New Mexico archeology.

If you are not already an "armchair" archeologist, you may want to explore this delightful occupation through books available at your local library or bookstore. These include works on what archeology is, how archeologists work, and what is known about prehistoric and historic Indians of New Mexico.

Explore preservation options that provide tax benefits. You may wish to take advantage of tax deductions for donating a small parcel of land containing a site to a non-profit preservation organization. New Mexico landowners have options which give them a positive role in preservation planning.

The above checklist was adapted from A Legacy In Pieces: Your Land and the Texas Past, a publication of the Texas Historical Commission.

APPENDIX D
IDENTIFICATION OF ARCHEOLOGICAL SITES

BLANK PAGE
(Please continue on to following page.)

APPENDIX D-1
REGULATIONS FOR THE ACCESS AND USE OF THE
ARCHAEOLOGICAL RECORDS MANAGEMENT SYSTEM (ARMS)

STATUTORY AUTHORITY

The following regulation is created pursuant to Section 5C, K and N, Section 6E, Section 8C and 8D, and Section 11.1A and B of the Cultural Properties Act of 1969 as amended (18-6-5, 18-6-6, 18-6-8 and 18-6-11.1 NMSA 1978) and pursuant to Section 101(b)(3) of the National Historic Preservation Act of 1966 as amended (80 STAT. 915, U.S.C. 470) and pursuant regulations (36 CFR 61 and 36 CFR 800).

SECTION 1. PURPOSE

The purpose of this regulation is to ensure that data contained in the Archaeological Records Management System (ARMS) maintained in the Historic Preservation Division of the Office of Cultural Affairs are available to all qualified entities as herein defined, and that the dissemination of such data not create a risk of loss of archaeological resources in the State of New Mexico. It is the further purpose of this regulation to ensure that criteria and procedures for dissemination or confidentiality of such data are consistent with the purposes of ARMS, such purposes being the ready retrieval and rapid analysis of archaeological data by and for scholars and managers, the inclusion in the file of all recorded archaeological sites in New Mexico regardless of ownership, the maintenance and expansion of the data file as a basis for compliance of state and federal historic preservation statutes, for determinations of site significance, and for Statewide archaeological plans.

SECTION 2. DEFINITIONS

- (a) "Committee" means the Cultural Properties Review Committee
- (b) "ARMS" is the archaeological records management system which is a body of computerized archaeological site and survey information, including precise locations of such sites as maintained in a map index.
- (c) "Repository" means the Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico.
- (d) "State Historic Preservation Officer" means the State official who administers the Cultural Properties Act and National Historic Preservation Act, and has the legal responsibility to maintain inventories of historic properties.
- (e) "State Archaeologist" means the member of the Committee and Museum of New Mexico staff who carries out responsibilities authorized by the Cultural Properties Act, and has authority to develop policies for the establishment and use of data bases in cooperation with the committee and in consultation with the SHPO and curator.
- (f) "Qualified User" means any individual or representative of a public or private entity, including but not limited to corporations, partnerships, trusts, associations, educational institutions,

fouondations and museums; or any Indian tribe, band or nation; or any agency of any of the 50 states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands; or any agency of the federal government, who meets one or more of the following minimum standards:

1. has a degree in archaeology, anthropology, or a closely related field, or city planning or equivalent training.
2. is a bona fide representative of an agency or institution or private entity which holds a federal or state antiquity permit for performing archaeological work within the State
3. is a bona fide representative of an agency or institution or private entity charged with protection and preservation of cultural resources (for example, an environmentalist or City planner)
4. is an acedemic researcher with institutional affiliation.

(g) "Curator" means the registrar of site survey records in the Historic Preservation Division of the Office of Cultural Affairs charged with the responsibility of maintaining, expanding and disseminating the information contained in the ARMS.

Section 3. PROCEDURES

Qualified users wishing to consult the file directly should make arrangements in advance, by written request to the curator. Such request should include:

1. the name and institutional affiliation of the requester
2. if the requester is a student researcher, a letter from his/her supervising professor
3. a statement of purpose of research
4. definition of the specific sites or geographic or topical area of interest
5. indication of ultimate disposition of the site information obtained from the file.

SECTION 4. RESTRICTIONS

Information from the site file will be made available only to qualified users who can be expected to use it in a profesionally responsible manner. Data are released by the curator to qualified users on the basis of a determination that such information will futher the purposes of the Cultural Properties Act of 1969 and will not create a risk of loss of archaeological resources.

It is the responsibility of the curator to determine the extent of information to be released and type of access to be granted. When the curator cannot make a determination as to whether an application meets the definition of "qualified user", or in a case in which access to ARMS is denied by the curator and appealed by the applicant, the question shall be referred to the State Archaelogist and SHPO. In a case in which the State Archaeologist and SHPO cannot agree as to whether an applicant meets the definition of "qualified user", or a case in which the State Archaeologist and SHPO deny access to ARMS and such deinal is appealed, the question shall be referred to the committee. The determination of the committee shall be final. Direct access to ARMS shall be permitted only under the supervision of authorized personnel of the repository.

Requests for copies of a segment of the ARMS file, or of the entire file, in media such as tape, diskette, card deck or through terminal access shall be made in writing to the curator. The curator and SHPO shall concur in granting such request. If these officials fail to agree to grant such request, or in a case in which they deny such request and such denial is appealed, the question shall be referred to the committee. The decision of the committee shall be final.

SECTION 5. CHARGES AND AGREEMENTS

Except as noted below, all use of ARMS is subject to payment of a reasonable nondiscriminatory use fee. The fee schedule will be made available to users at the time of application. Such fee will be charged at each request or quarterly at the option of the requester. All fees received will be placed in a separate account and expended solely for the maintenance and operation of the ARMS.

Direct costs of complying with requests for information will include supplies, duplication costs, computer costs, postage and significant expenditures of time by personnel of the repository.

Institutions with which the curator enters into cooperative agreements may not be subject to use fees. The curator may, subject to the approval of the SHPO, enter into cooperative agreements with other institutions which agree to make available to the repository all or an agreed part of their site files.

SECTION 6. PENALTIES

Failure to comply with the terms of this regulation will be grounds for revocation of access, and may also be subject to penalties as described in 15-1-9 NMSA 1978.

SECTION 7. PETITIONS AND APPEALS

Any entity denied access to ARMS may appeal such denial as described above.

Appeals from a decision of the curator shall be made in writing to the SHPO. The State Archaeologist and the SHPO shall respond jointly in writing within ten days of receipt of such appeal. Such response shall embody a decision, request for further information, or request an appearance by the appellant.

Appeals from a decision of the State Archaeologist and SHPO shall be made in writing to the chairman of the committee via the SHPO. Consideration of such appeal shall be placed on the agenda of the next regular meeting of the committee. The SHPO will inform appellant of the date, time, and place of such meeting.

All appeals shall include a statement of reasons of such appeal.

BLANK PAGE
(Please continue on to following page.)



APPENDIX D-2
CONFIDENTIALITY OF SITE LOCATION INFORMATION

OFFICE OF THE GOVERNOR
SANTA FE
87503

May 18, 1979

BRUCE KING
GOVERNOR

Mr. Curtis Schaafsma
Laboratory of Anthropology
Museum of New Mexico
P.O. Box 2087
Santa Fe, New Mexico 87503

Dear Mr. Schaafsma:

The First Session of the 34th New Mexico Legislature enacted a bill permitting custodians of archeological site information to keep such information confidential if its release could create the risk of loss of archeological resources. I signed the bill into law on March 16, 1979. It reads as follows:

"Any information in the custody of a public official concerning the location of archeological resources, the preservation of which is in the interest of the state of New Mexico, shall remain confidential unless the custodian of such information determines that the dissemination of such information will further the purposes of the Cultural Properties Act, as set forth in Section 18-6-2 NMSA 1978 and will not create a risk of loss of archeological resources.

B. As used in Subsection A of this section, 'archeological resources' means a location where there exists material evidence of the past life and culture of human beings in this state and includes sites of burial and habitats of human beings."

This language, effective June 15, 1979, will become a new section of the Cultural Properties Act of 1969.

In light of the legislative intent and the provisions of the above law (Laws 1979, Chapter 66), it is the current policy of this administration not to release archeological and historical site location information when dissemination of such information would be likely to cause damage to sites or loss of scientific data obtainable from such sites.

Mr. Curtis Schaafsma

May 18, 1979

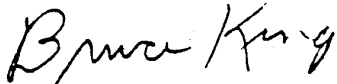
Page -2-

Agency officials may request the State Historic Preservation Officer to assist them in establishing reasonable and nondiscriminatory methods of evaluating the danger of site loss through release of information on site locations. The State Historic Preservation Officer will request occasional reports on the subject from agency officials, with a view to monitoring the effectiveness of the law.

I am taking this occasion to inform affected State agency officials of this position. At the same time, I am writing to directors of private non-profit anthropological organizations to ask their assistance and cooperation in this matter.

Please don't hesitate to call on me or my staff for any further information you may need.

Sincerely,

A handwritten signature in cursive script that reads "Bruce King".

BRUCE KING
Governor


BK:DWK:mjs

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE December 11, 1984

REF. NO. _____

TO: Jack E. Leaman, City/County Planner, Planning Division
FROM: Barbara J. Merryman, Assistant City Attorney 
SUBJECT: Opinion Regarding Protection of Archeological Site Information

This legal opinion is in response to your memorandum of November 19, 1984 requesting a legal opinion as to definition of public officials contained in the New Mexico Cultural Properties Act (Section 18-6-1 et seq.).

Question: Do City employees in possession of cultural resources information qualify as public officials under the New Mexico Cultural Properties Act?

Answer: No. The New Mexico Cultural Properties Act does not contain the definition of "public official". When an act does not contain a definition, one must look to the common meaning of the term in order to construe the statute. Black's law dictionary defines an official as "an officer; a person invested with authority of an office." (4th Ed., 1968). The term public officer has been construed on numerous occasions by the New Mexico courts, beginning in 1936. The elements of a public officer or official are well established in New Mexico: 1) the specific position held must be created by law; 2) there must be certain definite duties imposed by law on the officer; and 3) the duties must involve the exercise of some portion of the governmental power. Pollack vs. Montoya, 55 N.M. 390, 392, 234 P.2d 336 (1951). A position which has the three elements stated above is presumably an office while one which lacks any of them is a mere employment. The Pollack case has been cited with approval as recently as State ex rel. Attorney General vs. West Judicial, 96 N.M. 254, 629 P.2d 330 (1981).

The elements cited by New Mexico Supreme Court in Pollack are those generally utilized to distinguish a public officer or official from an employee. See, Public Officers and Employees, 63A Am. Jur. 2d 645, Section 9; Officers, 67 C.J.S.206, Section 3.

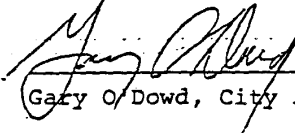
Since the positions held by most City employees would not meet the three criteria stated above, as a general proposition City employees would not be considered public officials under the New Mexico Cultural Properties Act.

Jack E. Leaman
December 11, 1984
Page 2

In order to fulfill the commitment that the City has to the State lab of anthropology to protect the mapped information regarding archeological sites, a possible solution to the problem would be to have the state material handed over to the custody of someone clearly a public official under the criteria established by the New Mexico courts. Mayor Kinney, Mr. Kleinhenz, and the Planning Commission would all meet the criteria established by the Pollack court. They could then issue a directive that the material is for internal use only.

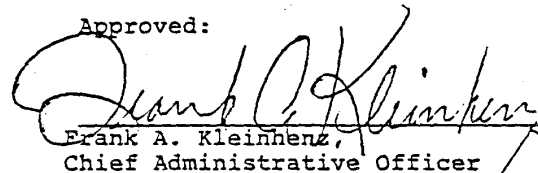
BJM:phm

Approved:



Gary O. Dowd, City Attorney

Approved:



Frank A. Kleinhenz,
Chief Administrative Officer

APPENDIX E
SITE EVALUATION AND TREATMENT

BLANK PAGE
(Please continue on to following page.)

Criteria For Evaluation

The following criteria are designed to guide the States, Federal agencies, and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and National Historic Landmarks) for the National Register.

The quality of *significance* in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past

50 years *shall not be considered eligible* for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or
- D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. a property achieving significance within the past 50 years if it is of exceptional importance.

from: "How To Complete National Register Forms"
National Register of Historic Places
National Park Service
Department of the Interior

BLANK PAGE
(Please continue on to following page.)

U. S. Department
of the Interior

Heritage Conservation
and Recreation Service

Division of State Plans
and Grants

APPENDIX E-2
EVALUATION OF SITE SIGNIFICANCE

Resource Protection Planning Process

September 1980

FOREWORD

The Division of State Plans and Grants prepares technical assistance publications (the Preservation Planning Series) pertaining to implementation of the Historic Preservation Fund. The Fund provides matching grants to the States for identification, evaluation, and protection of historic properties. Insofar as survey and preservation planning are concerned, these activities occur at four levels of implementation: individual survey and planning projects; local and State survey and planning program implementation; and Federal survey and planning program oversight. The Preservation Planning Series addresses important identification, evaluation, and protection issues at each of these levels.

The Resource Protection Planning Process (RP3) is intended to serve as a model approach for State Historic Preservation offices and other planning agencies working toward two major goals: (1) to integrate the identification, evaluation, and protection elements of preservation programs; and (2) to ensure that preservation concerns are fully considered in land use decisionmaking. RP3 is a dynamic process that imparts greater consistency and direction to preservation planning. Its implementation will significantly contribute to the identification of opportunities and resolution of conflicts concerning the conservation of cultural resources.

Because State and local community problems, goals, objectives, and concerns substantially vary, the implementation of RP3 will require adaptation in specific situations. As experience is gained through application of RP3, additional publications geared to the specific interests of such groups as SHPOs, local planning agencies, and federal land managers will be issued. We welcome comments and suggestions regarding both the form and content of this publication that will aid us in preparing materials to meet the needs of the different audiences involved in preservation planning.

Lawrence E. Aten
Chief, Division of State
Plans and Grants

Purpose: To develop a comprehensive historic resource management process which identifies and organizes information about a State's historic, archeological, architectural, and cultural resources into a form and process readily usable for producing high reliability decisions, recommendations, and/or advice about the identification, evaluation, and protection of these resources.

Objectives:

1. To make preservation decisionmaking a normal function or element of land use decisions rather than an exceptional one;
2. To reduce administrative conflicts concerning historic preservation decisions;
3. To decrease the need for Federal decisionmaking about historic preservation;
4. To decrease the frequency of Federal intervention in State and local historic preservation decisions;
5. To establish the practical basis for decentralization of preservation program authority to the States;
6. To convert the Federal role in historic preservation to oversight, conflict resolution, and research and development;
7. To provide a focus for public participation in preservation decisionmaking.

The recommended approach for developing a resource protection planning strategy is to:

1. Divide the planning area (State) into appropriate resource study units and define eligible/important resources;
2. Identify ideal or preferred conservation, reuse, research, and interpretation objectives for the historic resources included in the study unit;
3. Assess the achievability of the ideal objectives;
4. Prepare an operational plan for the resources included in the study unit which identifies achievable objectives, priorities, and strategies for use in land use planning;
5. Cycle new information back into Step 1 resulting in redefinition of study units and preservation objectives if necessary.

The resource protection planning process assumes that the cultural landscape was created by non-random processes and that by identifying the significant roles in past settlement played by one or more key factors (e.g. political, or cultural systems, technology, environmental change, physiography, transportation networks, etc.) a practical framework can be developed for subdividing historic resource information and for

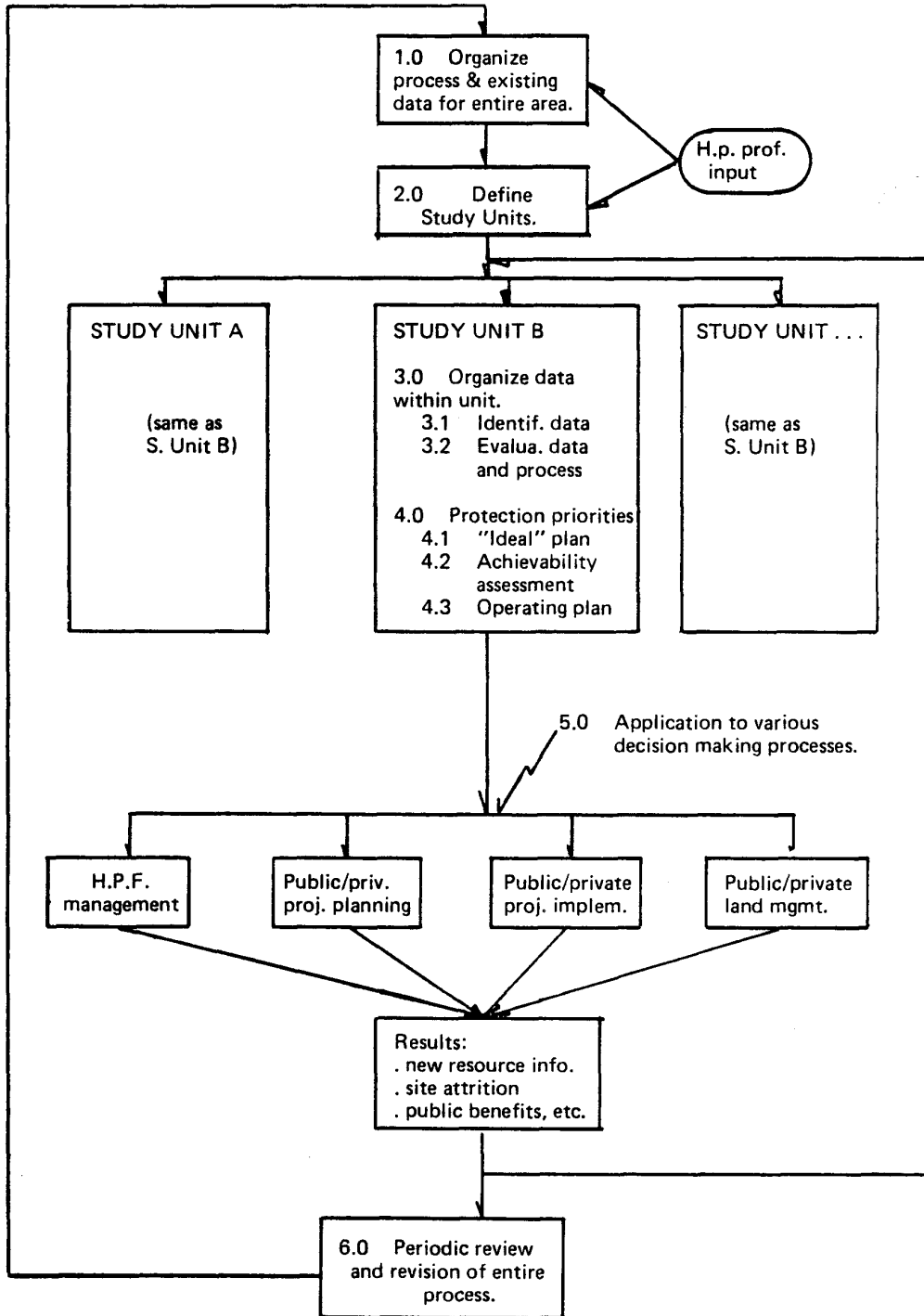
establishing an underlying logic to historic resource planning for a State. All major classes of resources may be handled concurrently in this process.

The definition of study units serves to subdivide the mass of historic resource data for the State into smaller units of related kinds of resources. This allows the development of priorities and strategies with respect to sets or classes of historic resources which, in turn, makes decisionmaking about individual properties relative to their context and more reliable.

Initiation of resource protection planning is independent of the status of surveys and inventories. Practical resource planning can begin at any time, no matter how much or how little data may be available. The basic needs are for commitment to a holistic or contextual approach, and for realization that initial preservation planning priorities and strategies can be crude formulations which are improved on an incremental basis over time. Initial implementation of resource protection planning can be undertaken in most States within one year or less. This is a desirable time frame because the need to participate more actively in land-use planning is urgent and because it is not so long a period that momentum toward completion will be lost. This is a feasible period because the tasks in the implementation sequence are clearly defined and the level of effort devoted to each task, as determined by dollars and personnel available in the State, can be adjusted readily to ensure completion within a year.

Following this summary are general description of this approach, and more detailed description of the implementation sequence.

Figure 3: Resource Protection Planning Flow Chart



APPENDIX E-3
QUESTIONS TO BE CONSIDERED IN EVALUATING SITE
SIGNIFICANCE AND DETERMINING TREATMENT*

The first step in assessing the significance of archeological resources is to assemble all existing data on known sites in Bernalillo County. Next, this information must be analyzed in order to establish a comprehensive framework or context in which the significance of individual sites can be evaluated. It is only by evaluating resources in the context of what is known about existing resources and how a particular resource can contribute to our understanding of the past, that its significance or value can be determined. The cultural context involves three elements: 1) a conceptual framework, 2) geographical distribution and 3) chronological limits. After this contextual framework has been established and all known resources have been assigned to specific study units within the framework, then an operating plan must be created for all units within the framework. The formulation of operating plans is based on the answers to a series of questions in the areas of 1) identification, 2) evaluation, and 3) protection.

Identification Phase:

- 1) What types of sites are included in the study unit, and what is their distribution and density?
- 2) How many examples of each type exist? How many examples may have existed at one time? What is the present condition of the surviving examples?
- 3) What surveys have been done in the past? How complete were those surveys? What data gaps exist in the study area and what types of surveys would be required to eliminate those data gaps?
- 4) What priority should be given to future surveys in the study unit?

Evaluation Phase:

- 1) What types of resources in the study unit are considered important and why?
- 2) What research topics are important to increasing knowledge about the study unit, and what data requirements or characteristics should the types of resources possess to address these topics?
- 3) What physical conditions do the types of archeological resources have to be in to be considered important within the contexts of the two questions above?

The answers to these two sets of questions should lead to a determination of significance for individual resources.

Protection or Treatment phase:

- 1) What uses or treatments are compatible with preserving or enhancing each resource?
- 2) Is each resource unique? Is it representative?
- 3) How many of each type of resource presently exists and in what condition? What kind of sample should be physically preserved?
- 4) What land uses are compatible, and under what conditions, with each type of property?
- 5) What land uses are incompatible, under what conditions, with each type of property?

- 6) If salvage archeology is the only possible solution, how can data be obtained in a way that preserves significant aspects of the site?

Site treatment may involve different levels of data recovery including mapping, photography, recording, collection or artifacts, controlled testing, or excavation. Preservation in place or the sacrifice of the property without data recovery are also treatment options. In general, the guidelines included in Treatment of Archeological properties: A Handbook should be followed.

* The above information was excerpted from the Resource Protection Planning Process (RP3) developed by the U.S. Department of the Interior, National Park Service.

APPENDIX E-4
MANAGEMENT PLAN FOR ARCHAEOLOGICAL CONSERVANCY PROPERTY

I. Purposes

Archaeological and historical sites are acquired by The Archaeological Conservancy for the purpose of preserving them from damage and destruction, in order that through a long future they may be studied to increase our understanding of the lives of their occupants and of the past in general. To this end excavation or other research on the sites will be carefully controlled to assure minimum destruction and maximum increase in knowledge.

Field schools or other training programs will not be allowed to excavate Archaeological Conservancy sites.

II. General Policies

The president of The Archaeological Conservancy (AC) will implement the following policies:

1. Provision will be made by the AC at all sites for adequate ground cover, minimum erosion and disturbance (from planting, mowing, grazing, etc.) and for fencing and supervision when appropriate and necessary. The President will consult with local farmers and with county agricultural agents as to suitable ground cover, methods of plowing and planting to avoid disturbance below the existing plow zone, and the best frequency of harvesting or mowing. In arid areas suitable measures will be taken to prevent or retard erosion.

2. Permission will be required for all visits to sites, such as those by interested students, local groups, or professionals. Requests for such visits will be made in writing to the President of the AC.

3. Research will not be discouraged when appropriate to a problem-oriented research program but permission will be required with the conditions stated below.

III. Procedures for Applying for a Research Permit

1. Formal application will be made in writing to the President, with a detailed research plan and an endorsement of the research by the institution or organization employing or funding the investigator.

2. A comprehensive research design will be submitted, comparable to that required by the NSF or the NEH, including (a) the relation of the proposed work to previous investigations at the site and in the area, (b) specific area(s) of the site designated for investigation, (c) the proposed field procedures, (d) techniques for acquiring and analyzing data, (e) a timetable for the field report, the analysis, and the reporting of the results, (f) a detailed budget for field work, analysis, and publication, and for costs of curation of artifacts and samples for analysis, that is, cleaning, cataloging, storage and permanent curation, and (g) such other details as the President may specify. The research design should be oriented to problem solving rather than mere data gathering. A curriculum vitae of the principal investigator (and any other professional staff) should be included.

3. In the event of more than one request at a single site at the same time, the President may require the applicants to coordinate their plans before the applications receive further consideration, or he may appoint a review committee to consider them and select only one for approval.

4. Review Committee. The President will appoint a three-member committee to evaluate the qualifications of the researcher(s) and to review the application and determine if it is acceptable. The committee should include, insofar as is possible and practical, (a) a representative of the state or local archaeological society or other organization and (b) an authority on the archaeological and/or history of the area and problems of the research being proposed, who is not involved in the project or associated with its sponsors, and could also include a non-professional avocational archaeologist, historian, or other appropriate specialist, who is interested in the local or regional archaeology and history, or a nationally recognized authority on archaeological research design and excavation procedures. One of the members will be designated by the President as chairman. Members of the Board of the AC may serve on review committees.

5. Each review committee member will receive a copy of the proposal and within 30 days will discuss it with the other committee members in person, by mail, and/or telephone conference call, and the committee will agree on a recommendation (at least two members must agree). The chairman will notify the President of the Committee's recommendation, which may be (1) the acceptance of the proposal as submitted, (2) acceptance subject to modifications specified by the committee, or (3) rejection, with specific reasons stated. The President will communicate to the applicant the results of the review; in the case of (2) the same committee will review the revised application, if one is submitted. In the case of (3) the President may, but need not necessarily, invite rewriting and resubmission.

IV. Research Procedures

1. Compliance. The President may appoint a member of the Review Committee to monitor the research project during the field work and report to the President periodically or at its conclusion.

2. The site must be left in a safe and secure condition during interruptions in the work and at its completion, at the expense of the investigator.

3. Preliminary Report. Within 90 days after the conclusion of any field season the principal investigator will provide a written report of results to the President. This report will include a map of the site indicating the location(s) of any field work, and a discussion of results. It may include a request for modification of the original proposal if a subsequent field season has already been approved.

4. Final report. Within a reasonable period of time following completion of the analysis of the data (usually a year or less), one or more papers or scientific reports will be presented at professional meetings and will subsequently be published. Copies of papers presented at meetings and of their published versions, as well as of other published reports, will be sent to the President, and if requested to members of the Board of AC, and to any other organization or institution that the President may specify.

V. Ownership and Disposition of Collections

1. Ownership. The collections from a field program will include all artifacts, samples or specimens for analysis (faunal or floral identification, pollen study, dating, etc.) and all related documentation whether written or taped and including maps, diagrams, drawings, and photographic negatives and one print of each. The collection remains the property of the AC until it is transferred to an appropriate repository, usually within the state where the site is located. Collections will not belong to either the excavators or their institutions, although the latter may (but not necessarily will) become the permanent repository.

2. Borrowing Collections. The excavator, through his/her institution or sponsoring organization, may borrow a collection until analysis is complete and when doing so must inform the President of the location in which it will be kept, and of any change in its location. Portions of the collection may not be loaned to others, except that for analysis and identification specimens and artifacts may be sent temporarily to appropriate laboratories.

3. Duplication of Documents. The excavator may duplicate any and all documents relating to the collection for his/her permanent use and possession.

4. Final Repository. The collections will be deposited in a public institution, preferably but not necessarily in the state in which the site is located. A repository will be designated by the President after recommendations are made by the Review Committee. Proper procedures for storage, curation, preservation, and retrieval of the collection must be followed by the permanent repository. The documentation must remain in the same repository as the rest of the collection and be stored in accordance with proper archival standards. In the case of gross breaches of proper storage and/or other procedures by the repository, as judged by the President of the AC, the collection may be recalled by the AC for deposit elsewhere. The deaccessioning of any of the collection by the repository will result in reversion of that part of the collection to the AC for deposit in another institution.

VI. Public Education

At the conclusion of a research project the investigator should assist local museums and organizations in correcting any information they are disseminating to the public in the light of new data and conclusions. Publication of a report on or description of the research in a popular medium is encouraged but not required.

Approved
July 1982

BLANK PAGE
(Please continue on to following page.)

APPENDIX F
CURATION AND RECORD KEEPING

BLANK PAGE
(Please continue on to following page.)

[Public—No. 209.]

An Act For the preservation of American antiquities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: **Provided,** That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: **Provided,** That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purposes of carrying out the provisions of this Act.
Approved, June 8, 1906 (34 Stat. L. 225).

BLANK PAGE
(Please continue on to following page.)

APPENDIX F-2
EXCERPT FROM 43 CFR 3, PROTECTION OF AMERICAN ANTIQUITIES, 1954

3.8 Applications referred for recommendation.

Applications for permits shall be referred to the Smithsonian Institution for recommendation.

3.9 Form and reference of permit.

Every permit shall be in writing and copies shall be transmitted to the Smithsonian Institution and the field officer in charge of the land involved. The permittee will be furnished with a copy of the regulations in this part.

3.10 Reports

At the close of each season's field work the permittee shall report in duplicate to the Smithsonian Institution, in such form as its secretary may prescribe, and shall prepare in duplicate a catalogue of the collections and of the photographs made during the season, indicating therein such material, if any, as may be available for exchange.

3.11 Restoration of lands.

Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands upon which they have worked to their customary condition, to the satisfaction of the field officer in charge.

3.12 Termination

All permits shall be terminable at the discretion of the Secretary having jurisdiction.

3.13 Report of field officer.

The field officer in charge of land owned or controlled by the Government of the United States shall, from time to time, inquire and report as to the existence, on or near such lands, of ruins and archeological sites, historic or prehistoric ruins or monuments, objects of antiquity, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.

3.14 Examinations by field officer.

The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the act and this part, and may fully examine all work done under such permit.

3.15 Persons who may apprehend or cause to be arrested.

All persons duly authorized by the Secretaries of Agriculture, Army and

Interior may apprehend or cause to be arrested, as provided in the act of February 6, 1905 (33 Stat. 700) any person or persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity on lands under the supervision of the Secretaries of Agriculture, Army, and Interior, respectively.

3.16 Seizure.

Any object of antiquity taken, or collection made, on lands owned or controlled by the United States, without a permit, as prescribed by the act and this part, or there taken or made, contrary to the terms of the permit, or contrary to the act and this part, may be seized wherever found and at any time, by the proper field officer or by any person duly authorized by the Secretary having jurisdiction, and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.

3.17 Preservation of collection.

Every collection made under the authority of the act and of this part shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the Secretary of the Smithsonian Institution and then only to another public museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of the act and this part, shall cease to exist, every such collection in such public museum shall thereupon revert to the national collections and be placed in the proper national depository.

APPENDIX F-3
EXCERPTS FROM ARCHAEOLOGICAL RESOURCES PROTECTION ACT

FEDERAL REGISTER / VOL. 49, NO. 4 / Friday, January 6, 1984 / Rules and Regulations.

PART 1312-PROTECTION OF ARCHEOLOGICAL RESOURCES: UNIFORM REGULATIONS

Sec.

- 1312.1 Purposes.
- 1312.2 Authority.
- 1312.3 Definitions.
- 1312.4 Prohibited acts.
- 1312.5 Permit requirements and exceptions.
- 1312.6 Application for permits, and information Collection.
- 1312.7 Notification of Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance.
- 1312.8 Issuance of permits.
- 1312.9 Terms and conditions of permits.
- 1312.10 Suspension and revocation of permits.
- 1312.11 Appeals relating to permits.
- 1312.12 Relationship to section 106 of the National Historic Preservation Act.
- 1312.13 Custody of archaeological resources.
- 1312.14 Determination of archaeological or commercial value and cost of restoration and repair.
- 1312.15 Assessment of civil penalties.
- 1312.16 Civil penalty amounts.
- 1312.17 Other penalties and rewards.
- 1312.18 Confidentiality of archeological resource information.
- 1312.19 Report.

Authority: Pub. L. 96-95, 93 Stat. 721 (16 U.S.C. 470aa-11) (Sec. 10(a)).
Related authority Pub. L. 59-209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86-523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470a-t), as amended, 84 Stat. 204 (1970) 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95-341, 92 Stat. 469 (42 U.S.C. 1996).

(OMB Control No.: 1024-0037)

Dated: December 15, 1983.

C.H. Dean, Jr.
Chairman.

-.1 Purpose.

(a) The regulations in this part implement provision of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-11) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for for the preservation of archeological resource collections and data, and through provisions for ensuring confidentiality of information about archeological resources when

disclosure would threaten the archeological resources.

-.2 Authority.

(a) The regulations in this part are promulgated pursuant to section 10(a) of the Archaeological Resources Protection Act of 1976 (16 U.S.C. 470ii), which requires that the Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority jointly develop uniform rules and regulations for carrying out the purposes of the Act.

(b) In addition to the regulations in this part, section 10(b) of the Act (16 U.S.C. 470ii) provides that each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations in this part, as may be necessary for carrying out the purposes of the Act.

-.3 Definitions

As used for purposes of this part: (a) "Archeological resource" means any material remains of human life or activities which are at least 100 years of age, and which are of archeological interest.

(1) "Of archeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.

(2) "Material remains" means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

(3) The following classes of material remains (and illustrative examples), if they are at least 100 years of age, are of archaeological interest and shall be considered archeological resources unless determined otherwise pursuant to paragraph (a)(4) or (a)(5) of this section:

(i) Surface or subsurface structures, shelters, facilities, or features (including, but not limited to, domestic structures, storage structures, cooking structures, ceremonial structures, artificial mounds, earthworks, fortifications, canals, reservoirs, horticultural/agricultural gardens or fields, bedrock mortars or grinding surfaces, rock alignments, cairns, trails, borrow pits, cooking pits, refuse pits, burial pits or graves, hearths, kilns, post molds, wall trenches, middens);

(ii) Surface or subsurface artifact concentrations or scatters;

(iii) Whole or fragmentary tools, implements, containers, weapons and weapon projectiles, clothing, and ornaments (including, but not limited to, pottery and other ceramics, cordage, basketry and other weaving, bottles and other glassware, bone, ivory, shell, metal, wood, hide, feathers, pigments, and flaked, ground, or pecked stone);

(iv) By-products, waste products, or debris resulting from manufacture or use of human-made or natural materials;

(v) Organic waste (including, but not limited to, vegetal and animal remains, coprolites);

(vi) Human remains (including, but not limited to, bone, teeth, mummified flesh, burials, and cremations);

(vii) Rock carvings, rock paintings, intaglios and other works of artistic or symbolic representation;

(viii) Rockshelters and caves or portions thereof containing any of the above materials remains;

(ix) All portions of shipwrecks (including, but not limited to, armaments,

apparel, tackle, cargo);

(x) Any portion or piece of any of the foregoing.

(4) The following material remains shall not be considered of archeological interest, and shall not be considered to be archeological resources for purposes of the Act and this part, unless found in a direct physical relationship with archeological resources as defined in this section:

(i) Paleontological remains:

(ii) Coins, bullets, and unworked minerals and rocks.

(5) The Federal land manager may determine that certain material remains, in specified areas under the Federal land manager's jurisdiction, and under specified circumstances, are not or are no longer of archeological interest and are not to be considered archeological resources under this part. Any determination made pursuant to this subparagraph shall be documented. Such determination shall in no way affect the Federal land manager's obligations under other applicable laws or regulations.

(b) "arrowhead" means any projectile point which appears to have been designed for use with an arrow.

(c) "Federal land manager" means:

(1) With respect to any public lands, the secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands, including persons to whom such management authority has been officially delegated:

(2) In the case of Indian lands, or any public lands with respects to which no department, agency or instrumentality has primary management authority, such term means the Secretary of the Interior;

(3) The Secretary of the Interior, when the head of any other agency or instrumentality has, pursuant to section 3(2) of the Act and with the consent of the Secretary of the Interior, delegated to the Secretary of Interior the responsibilities (in whole or in part) in this part.

(d) "Public lands" means:

(1) Lands which are owned and administered by the United States as part of the national park system, the national wildlife refuge systems, or the national forest system; and

(2) All other lands the fee title to which is held by the United States, except lands on the Outer Continental Shelf, lands under the jurisdiction of the Smithsonian Institution, and Indian lands.

(e) "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for subsurface interests not owned or controlled by an Indian tribe or Indian individual.

(f) "Indian tribe" as defined in the Act means any Indian tribe, band, nation, or other organized group or community, including any Alaska village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688). In order to clarify this statutory definition for purposes of this part, "Indian tribe" means:

(1) Any tribal entity which is included in the annual list of recognized tribes published in the Federal Register by the Secretary of the Interior pursuant to 25 CFR Part 54;

(2) Any other tribal entity acknowledged by the Secretary of the Interior pursuant to 25 CFR Part 54 since the most recent publication of the annual list; and

(3) Any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and any Alaska Native village or tribe which is recognized by the Secretary of the Interior as eligible for services provided by the Bureau

of Indian Affairs.

(g) "Person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, or of any Indian tribe, or of any State or political subdivision thereof.

(h) "State" means any of the fifty states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(i) "Act" means the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-11).

- .4 Prohibited acts.

(a) No person may excavate, remove, damage, or otherwise alter or deface any archeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under -.8 or exempted by -.5(b) of this part.

(b) No person may sell, purchase, exchange, transport, or receive any archeological resource, if such resource was excavated or removed in violation of:

- (1) The prohibitions contained in paragraph (a) of this section; or
- (2) Any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

- .5 Permit requirements and exceptions.

(a) Any person proposing to excavate and/or remove archeological resources from public lands or Indian lands, and to carry out activities associated with such excavation and/or removal, shall apply to the Federal land manager for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued. The Federal land manager may issue a permit to any qualified person, subject to appropriate terms and conditions, provided that the person applying for a permit meets conditions in -.8(a) of this part.

(b) Exceptions:

(1) No permit shall be required under this part of any person conducting activities on the public lands under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of archaeological resources, even though those activities might incidentally result in the disturbance of archaeological resources. General earthmoving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal as used in this part. This exception does not, however, affect the Federal land manager's responsibility to comply with other authorities which protect archeological resources prior to approving permits, leases, licenses, or entitlements for use; any excavation and/or removal of archeological resources required for compliance with those authorities shall be conducted in accordance with the permit requirements of this part.

(2) No permit shall be required under this part for any person collecting for private purposes any rock, coin, bullet, or mineral which is not an archeological resource as defined in this part, provided that such collecting does not result in disturbance of any archeological resource.

(3) No permit shall be required under this part or under section 3 of the Act of June 8, 1906 (16 U.S.C. 432), for the excavation or removal by any Indian tribe or member thereof of any archeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under

this part;

(4) No permit shall be required under this part for any person to carry out any archeological activity authorized by a permit issued under section 3 of the Act of June 8, 1906 (16 U.S.C. 432), before the enactment of the Archeological Resources Protection Act of 1979. Such permit shall remain in effect according to its terms and conditions until expiration.

(5) No permit shall be required under section 3 of the Act of June 8, 1906 (16 U.S.C. 432) for any archeological work for which a permit is issued under this part.

(c) Persons carrying out official agency duties under the Federal land manager's direction, associated with the management of archeological resources, need not follow the permit application procedures of -.6. However, the Federal land manager shall insure that provision of -.8 and permittee has failed to meet any of the terms and conditions of the permit or has violated any prohibition of the Act or -.4. The Federal land manager shall provide written notice to the permittee of the suspension, the cause thereof, and requirements which must be met before the suspension will be removed.

(2) The Federal land manager may revoke a permit upon assessment of a civil penalty under -.15 upon the permittee's conviction under section 6 of the Act, or upon determining that the permittee has failed after notice under this section to correct the situation which led to suspension of the permit.

(b) Suspension or revocation for management purposes. The Federal land manager may suspend or revoke a permit, without liability to the United States, its agents, or employees, when continuation of work under the permit would be in conflict with management requirements in effect when the permit was issued. The Federal land manager shall provide written notice to the permittee stating the nature of and basis for the suspension or revocation.

-.11 Appeals relating to permits.

Any affected person may appeal permit issuance, denial of permit issuance, suspension, revocation, and terms and conditions of a permit through existing administrative appeal procedures, or through procedures which may be established by the Federal land manager pursuant to section 10(B) of the Act and this part.

-.12 Relationship to Section 106 of the National Historic Preservation Act

Issuance of a permit in accordance with the Act and this part does not constitute an undertaking requiring compliance with section 106 of the Act of October 15, 1966 (16 U.S.C. 470f). However, the mere issuance of such a permit does not excuse the Federal land manager from compliance with section 106 where other wise required.

-.13 Custody of archeological resources.

(a) Archeological resources excavated or removed from the public lands remain the property of the United States.

(b) Archeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.

(c) The Secretary of the Interior may promulgate regulations providing for the exchange of archeological resources among suitable universities, museums, or other scientific or educational institutions, for the ultimate disposition of archeological resources, and for standards by which archeological resources shall be preserved and maintained, when such resources have been excavated or

removed from public lands and Indian lands.

(d) In the absence of regulations referenced in paragraph (c) of this section, the Federal land manager may provide for the exchange of archeological resources among suitable universities, museums, or other scientific or educational institutions, when such resources have been excavated or removed from public lands under the authority of a permit issued by the Federal land manager.

-.14 Determination of archeological or commercial value and cost of restoration and repair.

(a) Archeological value. For purposes of this part, the archeological value of any archeological resource involved in a violation of the prohibitions in -.4 of this part or conditions of a permit issued pursuant to this part shall be the value of the information associated with the archeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

(b) Commercial value. For purposes of this part, the commercial value of any archeological resource involved in a violation of the prohibitions in -.4 of this part or conditions of a permit issued pursuant to this part shall be its fair market value. Where the violation has resulted in damage to the archeological resource, the fair market value should be determined using the condition of the archeological resource prior to the violation, to the extent that its prior condition can be ascertained.

(c) Cost of restoration and repair. For purposes of this part, the cost of restoration and repair of archeological resources damaged as a result of a violation of prohibitions or conditions pursuant to this part, shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

- (1) Reconstruction of the archeological resource;
- (2) Stabilization of the archeological resource;
- (3) Ground contour reconstruction and surface stabilization;
- (4) Research necessary to carry out reconstruction or stabilization;
- (5) Physical barriers or other protective devices, necessitated by the disturbance of the archeological resource, to protect it from further disturbance;

- (6) Examination and analysis of the archeological resource including recording remaining archeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;

- (7) Reinterment of human remains in accordance with religious custom and State, local, or tribal law, where appropriate, as determined by the Federal land manager.

- (8) Preparation of reports relating to any of the above activities.

APPENDIX F-4
CAPITALIZATION OF COLLECTIONS, MUSEUM OF NEW MEXICO POLICY

(Approved 6-30-82)

WHEREAS, the collections of the Museum of New Mexico are largely the result of private donations over a period of 57 years, and

WHEREAS, it is neither practical nor advisable to record and update materials for individual collection items,

BE IT RESOLVED that the Museum of New Mexico, in not capitalizing its collection, recognizes them as culturally, historically and aesthetically significant objects that are held in perpetuity rather than as fixed assets to which accurate monetary values can be assigned.

BLANK PAGE
(Please continue on to following page.)

APPENDIX F-5
ARPAC RECOMENDATIONS FOR CURATION POLICY FOR ALBUQUERQUE AND BERNALILLO COUNTY

All collections from land owned/managed by the City or the County are the property of the City or the County on behalf of the citizens of Albuquerque and Bernalillo County.

Collections retrieved from private land are the property of the private landowner, but may be donated to the City of County for permanent curation.

No collectionS from lands outside City and County boundaries will be accepted under the City/County Archeological Curation agreement.

No provenienced artifact, collection, or part of a collection will be sold, traded or otherwise disposed of. However, collections or parts of collections may be placed on temporary loan for a stipulated period of time to qualified institutions or individuals for exhibit, study, or analysis with the written permission of the Archeological Oversight Committee.

Permanent curation means storage under conditions that will assure the perpetual safety and intergrity of the collections and their accompanying documents, including museum-quality security, temperature and humidity control, and protection from insects, diseases, vandalism, or any other agent that may lead to deterioration or loss.

The repository will maintain a record system that will track location and condition of all collections and their accompanying documents.

BLANK PAGE
(Please continue on to following page.)

APPENDIX F-6
ARPAC SAMPLE REPOSITORY REQUIREMENTS

Artifacts must be delivered to the Registrar prepared for immediate storage, as follows:

1. Processed and packed into standard boxes provided by the repository.
 - A. Two completed labels will be provided with each box (one to serve as the box label, the other to be placed inside the box).
2. Non-perishable artifacts will be washed, sorted, and placed in boxes or inert plastic bags provided by the repository. They may be sorted by provenience or by type class. Each artifact or group of artifacts must be labeled with a field specimen (FS) number.
3. Perishable artifacts/specimens must be placed in acid-free containers and accompanied by sub-container forms.
4. Illustrated artifacts or specimens must be placed in a separate sub-container within the site, provenience, or analytical class container and must be accompanied by a separate sub-container form.

Two legible copies of all relevant site documents must accompany artifacts (one to be filed with the repository collection archive, one to be filed in the City/County archeological site library). Documents to be submitted include a) field notes and supplementary field forms, b) site maps, sketches, profiles, etc., c) photographs and photo data sheets, d) FS sheets, e) artifact analysis forms, f) dating lab and special analysis lab reports, g) site report MS or publication(s).

The donor or owner of record will sign an agreement with the repository relinquishing all ownership claims to the collection. The donor may also stipulate whether or not his/her name may appear as donor should the artifact(s) be exhibited.

BLANK PAGE
(Please continue on to following page.)

APPENDIX G
PLANNING AND DEVELOPMENT REVIEW PROCESS

BLANK PAGE
(Please continue on to following page.)

APPENDIX G-1
EXCERPT FROM NEW MEXICO STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION, 1979 EDITION

Prepared by: New Mexico Chapter, American Public Works Association

Archaeological Salvage and Reports:

17.9 Where objects of historical, archaeological, and paleontological value, including ruins, sites, buildings, artifacts, fossils, and other objects of antiquity are encountered within the areas on which the Contractor's operations are performed, the Contractor shall postpone operations in the area, shall preserve such objects from disturbance or damage, and shall immediately notify the Engineer of their existence and location.

Upon receipt of such notification, the Engineer will arrange for the disposition of the objects or for the recording of data relative thereto and will notify the Contractor when it is proper for him to proceed with the work in the affected area. In this regard, the Engineer may consult the Museum of New Mexico or other appropriate agency as to the nature and disposition of such objects. If the Contractor is directed by the Engineer to perform any work in salvaging said objects, the Contractor shall do so in accordance with "Changes in the Work" provision of Section 10.

BLANK PAGE
(Please continue on to following page.)

APPENDIX G-2
THE REVIEW OF DEVELOPMENT PROCESSES IN THE CITY OF ALBUQUERQUE

The accompanying summary of development processes requiring City review was taken from the Development Process Manual (DPM).

The Development Process Manual

The publication of the Development Process Manual (DPM) is in response to a mutual need by both the private and public sectors to coordinate and clarify the complexities of the development process of the City of Albuquerque. The Albuquerque/Bernalillo County Comprehensive Plan and other adopted plans are the foundation of the development process guiding the procedures described in Volume 1 and the design criteria and standards presented in Volume 2. More detailed regulations are contained in the Comprehensive City Zoning Code, the Subdivision Ordinance and other ordinances related to specific issues of development. In addition, building construction is regulated by City adopted uniform building and technical codes.

1. Subdivision

The subdivision of land within the platting and planning jurisdiction of Albuquerque is generally controlled by the Albuquerque/Bernalillo County Comprehensive Plan and specifically regulated by the Subdivision Ordinance(s). The process of reviewing subdivision proposals is intended to produce coordination of land development in accordance with City policies for provision of public open space, adequate transportation, water, sewerage, drainage and other public improvements and facilities. Through coordination with other development regulations, principally the Zoning Code, this review process also attempts to provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city. This process is also intended to be intergrated with the design and review process of infrastructure improvments to insure that public facilities are available and provide sufficient capacity to serve a proposed subdivision.

2. Required Plans and Elements

City regulations require the submittal of various types of plans dependent on the zone and nature of the proposed development.

Site Development Plans: "An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, exact structure locations, structure (including sign) elevations and dimensions, pedestrian and vehicular circulation, parking facilities, loading facilities, any energy conservation features in the plan (e.g. appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservation building construction), and proposed schedule for development. Similar, related data may be required when relevant to the City's evaluation." (Section 7-14-5.B.R.O. 1974)

Landscaping Plans: are intended to ensure that all structures are complemented by adequate plants and ground cover in accordance with drainage considerations. (Note: all site development plans must be accompanied by a

landscaping plan.)

Areas Zoned IP Industrial Park: require development plan approval to ensure that on-site and off-site circulation, building location, parking areas, landscaping, open space, etc. meet City standards and regulations.

Plot Plans: are intended to portray proposed uses, structures, and location in sufficient detail to allow the Zoning Enforcement Officer and other to evaluate the proposal prior to the issuance of a building permit. Plot plans must accompany any application for plancheck or building permit. Principally, the plot plan is reviewed to ensure compliance with the Zoning Code; however, it may be used by other City agencies, such as Traffic Engineering and Refuse Removal, to review site related data required by other City ordinances. The plot plan may include other elements on the same sheet to satisfy other requirements.

3. Sector Development Plans

"A plan, at a scale of one inch to 200 feet or one inch to 400 feet, which covers a large area satisfactory to the Planning Commission and specifies standards for the area's and subarea's character, allowed uses, structure height, and dwellings per acre; the plan may specify lot coverage, floor area ratio, major landscaping features, building massing, flood water management, transportation and other such features. Such plan constitutes a detailed part of the master plan and must be essentially consistent with the more general elements of the master plan: The Albuquerque/Bernalillo County Comprehensive Plan."

4. Public Infrastructure Improvements

Under a policy effected by the Albuquerque City Commission on December 28, 1962 home builders and developers are given the option of constructing public infrastructure improvements by a City-approved contractor of their own choice. The improvements are ultimately accepted and maintained by the City. The policy requires payment of engineering fees to the City, inspection of the work by the City, and completion of the work to the City's satisfaction.

5. Private Infrastructure Improvements

The requirements of the Subdivision Ordinance concerning infrastructure improvements apply whether ownership of these improvements is vested in the City or private owners.

Private infrastructure improvements are located in private ways or in easements and are maintained by private entities, such as homeowner associations. If public infrastructure improvements are to be located in a private way, an easement must be provided.

6. Building Permit Process: Pre-design, Plancheck, Building Permit, Inspection, Certificate of Occupancy.

These processes apply to typical phases of the construction process regulated by local ordinances and policies for new public, commercial and multi-family buildings or alterations to those structures. Specific permits and steps are required depending on the nature and complexity of the project. The property owner or designated representative must engage the services of a registered

architect and/or registered professional engineer licensed to practice in the State of New Mexico to prepare and seal all plans and specifications.

7. Zone Map Amendment

The Albuquerque/Bernalillo County Comprehensive Plan divides the metropolitan area into (5) density categories and sets development policies appropriate for each. The policies are implemented through zoning.

The purposes of zoning are: to lessen congestion in the streets; to prevent spreading of fire and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. In order to achieve these purposes, lands within the City have been divided into zones, and uses in those zones have been divided into two classes, permissive and conditional. If a use is not listed in a particular zone as permissive or conditional, it is not allowed in that zone under any circumstances.

The established zoning is considered to be correct and appropriate unless an applicant can sufficiently justify why an amendment should be made. A zone map amendment must be requested when proposed uses are not listed as permissive or conditional in the current zoning of the property. In addition, a zone map amendment is made when property is annexed to the City, establishing the zoning for that area. Zone map amendments must be justified according to the policies stated in Resolution 270-1980.

8. Annexation

Annexation is the legal process by which a City adds territory. Annexation to the City of Albuquerque is usually accomplished by petition from one or more of the property owners. The City Council must consent to all annexation requests. Requests for annexation must be accompanied by request for Zone Map Amendment to establish the zone category of the newly annexed land. Policies regarding annexation are included in the DPM.

9. H-1, H-1 Buffer Zone, Landmarked Buildings, Historic and Urban Conservation Overlay Zones and Certificates of Appropriateness.

Albuquerque's historic resources are preserved and controlled in a variety of ways. Chapter 14 of the DPM deals exclusively with regulations relating to the control of land uses and development in designated historic areas.

BLANK PAGE
(Please continue on to following page.)

APPENDIX H
RESOLUTIONS ESTABLISHING THE ARCHEOLOGICAL RESOURCES PLANNING COMMITTEE

BLANK PAGE
(Please continue on to following page.)

**CITY of ALBUQUERQUE
SIXTH COUNCIL**

COUNCIL BILL NO. C/S R-174 **ENACTMENT NO.** 182-1984

SPONSORED BY: VINCENT E. GRIEGO

1 RESOLUTION
2 ESTABLISHING AN ARCHAEOLOGICAL RESOURCES PLANNING ADVISORY
3 COMMITTEE.
4 WHEREAS, the City of Albuquerque and the County of Bernalillo are rich
5 in prehistoric and historic archaeological resources; and
6 WHEREAS, the rapid growth of the Albuquerque Area is impacting these
7 resources at a greater rate than resources in other areas of the state are being
8 impacted; and
9 WHEREAS, the identification, protection and management of these
10 resources are considered to be in the public interest as stated in Federal and
11 State legislation and City and County Policies; and
12 WHEREAS, a plan for implementing City and County policy has not been
13 set forth as regards to these resources; and
14 WHEREAS, there is no mechanism at the City or County planning level to
15 document the locations of archaeological sites and assess their significance so
16 that their management can be considered in planning and development situations.
17 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
18 OF ALBUQUERQUE:
19 SECTION 1. A ten member, joint City/County Archaeological Resources
20 Planning Advisory Committee (ARPAC) shall be established. Five members shall
21 be appointed by the Mayor with the advice and consent of the City Council, and
22 five members shall be appointed by the Bernalillo County Commission. The
23 committee chairperson shall be selected by and from the committee
24 membership.
25 SECTION 2. The Committee shall include five members knowledgeable
26 in Archaeological Resource planning and management and should be drawn from

Underscored Material - New
[Bracketed Material] - Deletion

1 the following groups.

- 2 -The New Mexico Archeological Council
- 3 -The Albuquerque Archeological Society
- 4 -The Archeological Conservancy

5 The remaining five members shall be interested lay persons including
6 members of the development community.

7 SECTION 3. Powers and Duties. This committee shall be responsible
8 for making recommendations addressing at least the following concerns:

9 A. The evaluation of known archaeological resources within the city
10 and county and how this knowledge can be utilized for the public benefit.

11 B. Identification of planning issues and needs and the formulation of
12 goals for an archaeological management plan for Albuquerque/Bernalillo County.

13 C. The concerns of local Native American groups.

14 D. The requirements and adequacy of existing legislation and policies
15 pertaining to local archaeological resources management and how these can be
16 applied, expanded, revised; or strengthened by additional legislation.

17 E. The development of management alternatives which include the
18 following elements: Planning and management processes, management criteria,
19 the determination of site significance and authenticity, professional review
20 requirements, quality control procedures and accountability.

21 F. Identification of costs and financial responsibility.

22 SECTION 4. City Community and Economic Development Department
23 staff shall be responsible for providing staff support for the committee and for
24 the submission of a final report with committee findings and recommendations.

25 SECTION 5. The final report along with committee findings and
26 recommendations shall be submitted to the Mayor, the City Council and the
27 County Commission six months from the appointment of the Committee.
28 Committee findings and recommendations shall be included in the proposed
29 Albuquerque Preservation Plan being prepared by the City Preservation Planner.

30

31

32

33

1 PASSED AND ADOPTED THIS 29th DAY OF OCTOBER, 1984
2 BY A VOTE OF 7 FOR AND 0 AGAINST.


3
4
5
6
7
8
9

YES: 7
EXCUSED: MATHER, SCHULTZ


Thomas W. Hoover, President
City Council

10 APPROVED THIS 9th DAY OF November, 1984.

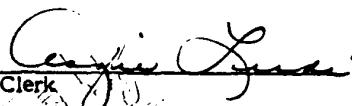
11
12
13


Harry E. Kinney, Mayor
City of Albuquerque

14
15
16

17 ATTEST:

18
19


City Clerk

20
21
22
23
24
25
26
27
28
29
30
31
32
33

Underscored Material - New
[Bracketed Material] - Deletion

BLANK PAGE
(Please continue on to following page.)

APPENDIX H-2
COUNTY ORDINANCE NO. 84-44, COUNTY OF BERNALILLO

ESTABLISHING AN ARCHAEOLOGICAL RESOURCES PLANNING ADVISORY COMMITTEE.

WHEREAS, the County of Bernalillo and the City of Albuquerque are rich in prehistoric and historic archaeological resources; and

WHEREAS, the rapid growth of the Albuquerque Area and Bernalillo County is impacting these resources at a greater rate than resources in other areas of the state are being impacted; and

WHEREAS, the identification, protection and management of these resources are considered to be in the public interest as stated in Federal and State legislation and County and City Policies; and

WHEREAS, a plan for implementing County and City policy has not been set forth as regards these resources; and

WHEREAS, there is no mechanism at the County or City planning level to document the locations of archaeological sites and assess their significance so that their management can be considered in planning and development situations.

BE IT RESOLVED BY THE COUNTY COMMISSION, THE GOVERNING BODY OF BERNALILLO COUNTY:

Section 1. A ten member, joint County/City Archaeological Resources Planning Advisory Committee (ARPAC) shall be established. Five members shall be appointed by the Bernalillo County Commission and five members shall be appointed by the Mayor with the advice and consent of the City Council. The committee chairperson shall be selected by and from the committee membership.

Section 2. The committee shall include five members knowledgeable in archaeological resource planning and management and should be drawn from the following groups:

- The New Mexico Archaeological Council
- The Albuquerque Archaeological Society
- The Archaeological Conservancy

The remaining five members shall be interested lay persons including members of the development community.

Section 3. Powers and Duties. This committee shall be responsible for making recommendations addressing at least the following concerns:

A. The identification of archaeological resources within the County and City and how this knowledge can be utilized for the public benefit.

B. Identification of planning issues and needs and the formulation of goals for an archaeological management plan for Bernalillo County/Albuquerque.

C. The concerns of local Native American groups.

D. The requirements and adequacy of existing legislation and policies pertaining to local archaeological resources management and how these can be applied, expanded, revised; or strengthened by additional legislation.

E. The development of management alternatives which include the following elements: planning and management processes, management criteria, the determination of site significance, and authenticity, professional review requirements, quality control procedures, and accountability.

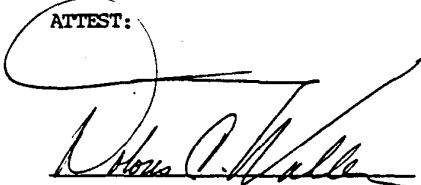
F. Identification of costs and financial responsibility.


Section 4. City Community and Economic Development Department staff shall be responsible for providing staff support for the committee and for the submission of a final report with committee findings and recommendations.

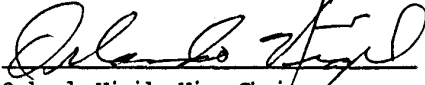
Section 5. The final report along with committee findings and recommendations shall be submitted to the County Commission, the Mayor, and City Council six months from the appointment of the Committee. Committee findings and recommendations shall be included in the proposed Albuquerque Preservation Plan being prepared by the City Preservation Planner.

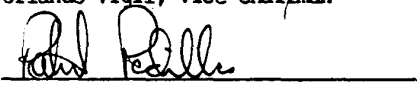
ATTEST:

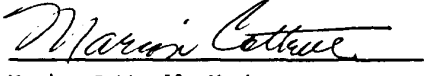
COUNTY OF BERNALILLO


Dolores C. Waller, County Clerk


Lenton Malry, Chairman


Orlando Vigil, Vice Chairman


Patrick Padilla, Member


Marion Cottrell, Member


Wray Simmons, Member