

NEW MEXICO CULTURAL PROPERTIES REVIEW COMMITTEE

Regular Committee Meeting Friday, August 11, 2023

1:00PM

Hybrid Meeting (Zoom or in person meeting in the HPD Conference Room, Santa Fe, NM)

Minutes

1. CALL TO ORDER

Chair: This meeting will come to order. The time is 1:01 p.m.

The CPRC is a statutory body established in 1969 under the Cultural Properties Act and it is charged with identifying and advising on the protection of the State's cultural properties. CPRC meetings are run by parliamentary procedure so please follow those rules and any action that we take by the committee during this meeting will be done by roll call vote. And with the added dimension of meeting virtually and in person I ask for everyone's patience as we follow these procedures in a virtual setting. One caveat is that any discussion on an agenda item may be suspended, and no Committee action will be taken in the event there is an interruption in the audio/video impacting our ability to move forward and will only resume when the issue is fixed. So, welcome everyone.

Chair: Will Irene please take roll call?

Committee Members Present:

Mr. Ronald Toya (Chair)---In Person
Dr. Kelly Jenks (Vice Chair)---Via Zoom
Dr. Audra Bellmore (Secretary)---Via Zoom
Dr. Matthew Bandy---In Person
Mr. Robert Martinez---Via Zoom
Dr. Hannah Mattson---Via Zoom
Mr. Francisco Uviña ---Via Zoom
Ms. Elizabeth Suina---In Person

Committee Members Absent:

Mr. Garron Yepa

Chair: Let the record show that a quorum is present.

Others Present:

Jane Egan, DCA - Office of the Secretary, Special Assistant
Pilar Borneo, NM Office of the Attorney General, Assistant Attorney General
John Van Ness
Glen Mallory
Jeremy Loven
Gwyneth Duncan
Amalia Kenward
Kirsten Trusko
Brett Trusko
Bill Easham
Pat Gallagher
Professor Brett Schasco
Kendrick McCabe

Staff Present:

Dr. Jeff Pappas, State Historic Preservation Officer/Director
Michelle Ensey, Deputy State Historic Preservation Officer
Harvey Kaplan, Tax Credits and Architectural Review
Jessica Badner, State Archaeological Permits & New Mexico State SiteWatch Coordinator
Steven Moffson, Historian
Irene Rubio, Business Ops Specialist

2. APPROVAL OF AGENDA

Chair: Are there any additions or corrections to the agenda?

Member Dr. Mattson: There is just one minor change under archaeology permit matters. Under project specific f. under item ii. Sun Zia is the project so it is EPG who will be receiving the permit.

Chair: I will accept a motion and a second to approve the agenda with the change.

Member Dr. Bandy: I move the motion to approve the agenda as amended.

Chair: Do I have a Second?

Member Mr. Uviña: I second the motion to approve the agenda.

Chair: We have a motion and a second. Any further discussion? Not hearing any, at this time we would do a roll call vote to approve the agenda. Talking to Pilar Borneo we are now going to do it a little different this time. We will be using **aye** and **no** for replies as a committee and Pilar will be here to guide us through it. Thank you, Pilar, for your guidance. We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any oppositions, the **ayes** have it, and the motion is carried unanimously, and we now have an agenda. The next item is the approval of the minutes from our previous meeting.

3. APPROVAL OF MINUTES FOR THE PREVIOUS COMMITTEE MEETING

June 9, 2023

Chair: Are there any changes to the minutes from June 9, 2023? Not hearing any, I will accept a motion and a second to approve those minutes.

Member Mr. Yepa: I make a motion to approve the Minutes of the June 9, 2023, Committee Meeting.

Chair: Do I have a Second?

Member Mr. Martinez: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously. Next item on the agenda is the chairman's report.

4. CHAIRMAN'S REPORT

Mr. Ronald Toya

We made the field trip to Belen for the archaeology dig, it was a great way to spend the day. People are very involved in the project, and they are quite a way along and was so nice to see the excitement about it. Having discussions with them was nice because people were saying we think it is the way it goes but there is no evidence, so no one jumped to conclusions on this project. It is all evidence based. It was a nice discussion, they know what they are doing, and they have a lot of community support. Does anyone else want to comment on that?

Member Dr. Bandy: It was nice to see a successful archeology project like that.

Chair: continued with his report. That was one item and the other was working on historical markers which we will be talking about a little later. We had a good meeting about this, and Rob will be presenting on this a little later. That's it for the chairman's report.

5. STATE HISTORIC PRESERVATION OFFICER'S REPORT

Dr. Jeff Pappas

Before I begin, I would like to mention that member Francisco Uviña just received a new tenure track position in the school or architecture planning at the University of New Mexico, so I want to congratulate him on his position and wish him the best of luck as he pursues his tenure track which is in research and writing over the next 3 to 4 years. Congratulations Francisco. Member Uviña replied Thank you everyone. I would also like to thank Michelle for putting together the trip out to Belen. She has been working with the contractors and others down there. Thanks Michelle and I am sorry I missed the trip.

HPD HR Actions: Jessica Badner has accepted a full-time archaeological reviewer position at HPD and will split her time between SiteWatch and the permit program. Jessica's previous part-time position at HPD is being reclassified to a full-time archaeological reviewer. Once approved by the state personnel office we are hoping to have that position posted within the next six weeks.

Cultural Properties Restoration Fund: In mid-September, HPD will announce a new grant program, the Cultural Properties Restoration Fund. It is an older program that is now been funded by the legislature, through the Conservation Legacy Act which was passed by the legislature last year. We will be receiving some significant monies into that Grant Program to begin grant projects for next July which is up to a million dollars right now. Eligible applicants include state agencies and departments and subdivisions, land grants, acequia associations, and universities. **Mr. Uviña** asked if the building is a religious structure on the register, can they apply? **Dr. Pappas** responded: It was put into the regulation that the buildings do not have to be registered. It does not matter if it is a religious structure. They just must be considered

historic and how that is achieved is with consultation with the CPRC. So, the CPRC will be responsible for making those determinations. **Chairman Toya** commented: There are regulations in place have those regulations been looked at recently for change? **Dr. Pappas** responded no they have not. I would gladly make the regs available to the entire committee, given the fact that you are all going to have a significant role to play. We just got the entire portfolio of the grant program and application review by legal counsel, so it's passed that just this week. Now that we know what we have put on paper has been accepted by general counsel I will share that with the committee. We will probably have it posted by mid-October to start work next July. If you have questions, please contact Karla McWilliams.

NMCRIS and HPD Database: HPD is in the process of finalizing a new contract for additional upgrades to the NMCRIS database. As you know, this is a multi-year project to equip NMCRIS for full e-compliance (electronically rather than paper) with our state and federal partners. Also, this contract will explore the plausibility of developing additional databases for our various programs, specifically tax credits and SiteWatch and all other programs that require a database. Expect more improvements through FY24. **Dr. Bandy** asked, since there are still paper requirements how will that work? **Dr. Pappas** responded that we are currently working on a solution to that since the Feds are requiring electronic items now. We will be working with State Records on this and will be keeping you all updated. **Dr. Bandy** said he has been using NMCRIS and he likes the improvements.

Historic Markers: Later today, Dr. Christensen prepared a presentation on the markers program for the CPRC. This represents a concerted effort at HPD to bring some much-needed attention to the program. Rob has got some really good ideas and is eager to share them with you. He has reached out to DOT on this and will keep you updated on some of the changes we would like to see made and look forward to him sharing these with you all.

Archaeology Fair: Last weekend in the Lincoln, NM, HPD hosted the 2023 Archaeology Fair to coincide with Old Lincoln Days, an annual celebration sponsored by New Mexico Historic Sites. Michelle Ensey organized the event and was joined by the Natural Resources Conservation Service, Fish and Wildlife, the Jornada Institute, New Mexico State Parks, among others. We typically have our archeology fair in October, but we wanted to partner with historic sites for this one. It worked out really well. Mr. Chair and Committee that is all for my report.

Chairman Toya: The one thing I forgot to mention was that we had our Award Ceremony last May and we need to gear up for our next one and start looking at possible nominees for the awards program and then we talked about making some new roads with the THPO's and we can put that on the agenda for October or December's meeting.

6. OFFICIAL SCENIC HISTORIC MARKERS PRESENTATION

Dr. Christensen: provided the CPRC with a presentation.

I would like to take a couple of minutes here to review a few things on the Markers Program that we are trying to make a comprehensive assessment on where it is and how to move forward with the program. So, what I would like to do today is to take 5 or 10 minutes to go through then statute that governs how we assess Markers and talk about some of the ways we are working with that to try and get more out of the program. This is a really visible part of what we do here, and a lot of people see Markers all the time, to start off the regulation of the markers is very brief to quote, "reviewing the accuracy and adequacy of proposed marking of cultural properties." Is the entire piece of legislation that governs the Markers Program.

Dr. Pappas: The statutory authority that establishes the Historic Markers Program is in the Cultural Properties Act that governs the way we interpret this statute. Statutorily it is very brief just one sentence in the Cultural Properties Act: the CPRC is responsible for "reviewing the accuracy and adequacy of proposed marking of cultural properties." but that is where it comes from and then the regulation spells out the specific steps that we take to run the program.

Chairman Toya: I wanted to say I am glad Dr. Christensen is working on this we need someone to identify where we with the markers program and pull it together. Rob and Jeff have already met with DOT, and I am sure Rob will be mentioning that further in his presentation. The regulations the long-term members have all received these. It's a page and a half and we need to get a copy for all the members so that everyone has those regulations. As Rob and Jeff have pointed out that one word "significance" keeps coming up. That always comes up as a criterion for discussion what is the significance to New Mexico. That is why Rob is taking on this to address the whole program and make sure we know what significance means in each situation and try to apply the standards uniformly across the board. I didn't mean to jump in there Rob please continue.

Dr. Christensen: What it does is establish a threshold for significance: in a variety of categories, marker subjects should be "significant in . . . New Mexico, the southwest, and the nation", particularly in light of how some communities and their members have been marginalized from larger histories they were in fact very important for – creating the need for the Women's Marker initiative, for example. I would advocate that in cases where reaching this threshold may be in question

that a subject's actual contributions be considered carefully rather than just their place in a pre-existing narrative. There have been times where Markers cannot be installed at the location that the CPRC has approved and has created difficulties on the Department of Transportation's end. My goal moving forward is to try to get clear sites with them so when Marker proposals come before the committee, we will know exactly what we are dealing with and have a safe spot designated. Andrew Gallegos has been helpful in meeting with us recently and by talking to him on some other ways we might be able to improve the existing stance. This is one of the major knots we have to untangle. There are a lot of Markers we will be revisiting. For example, HPD is currently reviewing all the marker text which makes reference to Native Americans or is sited on tribal land to update their language to better reflect current values and norms.

Dr. Pappas: If I can add to that. The Woman's Marker quorum was established in statute. The appropriations bill came out in 2009, which gave the program around \$235,000.00 to research and to present text to the CPRC on important woman in New Mexico history. What that appropriation didn't come with though is a new regulation to govern that. So, we are working on the existing regulation to govern the Woman's Markers. This has been confusing to some in the woman's quorum and a little bit confusing for the committee as well to. But we will work on all existing regulations to establish the significance to all the Markers, even those that are presented by the woman's quorum. Now that we have additional capacity here to review these our Tribal Liaison Gregorio will be working with Rob to review the State Historic Markers that reference American Indian, Native American indigenous communities in the state. Working together with the tribes and THPO's reviewing the text to ensure it is accurate and acceptable to the tribal entities. From what we have found during this initial inventory of the 650 give or take Historic Markers that are currently on the landscape in New Mexico over 200 have tribal references. This is text that can go back to the 1960's through the 1980's. There is a need on behalf of the state to revisit those markers so we can begin to improve them.

Dr. Christensen: The significance of historical events is constantly in flux as new interpretive angles emerge and new perspectives are given additional weight. Particularly because the markers represent an official state text inscribed across the state with taxpayer funds, it is imperative that we make sure that markers reflect not just factual accuracy but also the sort of values that we want to represent our state and the people in it. The statute is available on the HPD website for your convenience.

Discussion:

Member Mr. Martinez: Based on our last meeting I recently had an email communication with Dr. Gonzales and working with Dr. Christensen I am really impressed and happy to have these two people working on this. Updating the Markers is very important as far as language goes and historical perspectives. Broadening the perspectives to better serve the communities and all travelers that review them.

Member Dr. Jenks: Do we know what the geographical representation of these signs is? If so, I would like to review it.

Dr. Pappas: We will be working with DOT to see if we can get the areas that do not have any markers reviewed. Also, the text inserts that go into the wooden frames for the markers have a lifespan of approximately 6 to 10 years. We have to figure out how we can effectively and efficiently replace those text plates. DOT previously only created the frames and now they will also be creating the text inserts. We are also working with DOT on creating funding to have these monitored and worked on timely.

Member Dr. Bandy: Is there some sort of monitoring program?

Dr. Christensen: Currently we do not, DOT does manage the dates of the signs. What we have been currently relying on is for people to report when there is damage. We are working on ideas on how to make this more efficient.

Member Mr. Uviña: Can anyone submit a Markers proposal.

Dr. Christensen: That is correct, the document is on the HPD website, it will then come to me for review. I will work on this and possibly propose it to the subcommittee for review.

Member Ms. Suina: I am curious as to if all the tribes have a Marker and if not, can or are we reaching out to them for possible applications or recommendations?

Dr. Christensen: Currently due to the Woman's Marker initiative all the tribes have at least one and I am looking forward to working with them to get additional Markers.

7. NATIONAL REGISTER PROPOSAL

Mr. Steven Moffson: provided the CPRC with a presentation.

a. La Luz del Oeste (Bernalillo County)

La Luz del Oeste is a residential development located on Coors Avenue above the west bank of the Rio Grande on Albuquerque’s West Mesa. Between 1967 and 1974, architect Antoine Predock designed blocks of townhouses, tennis courts, fountains, a pool, paths, and public spaces on 24 acres. Development embraces nature and follows the natural contours of the land. The townhouse blocks are nestled in the hillside with views of the community’s 46 acres of desert scrub, the bosque (vegetation) along the river, and the Sandia Mountains. The arc-shaped plan of townhouses includes units with two-story and split-level plans. The townhouses are built with adobe, concrete, and brick, expanses of plate glass, and covered in brown-tinted stucco. Each house has front and rear walled courtyards. Garages are mostly separate from the houses. The architect landscaped the community with wide medians on principal streets, Berm and Tumbleweed, grass lawns and fountains between most blocks, and landscaped cul de sacs. The community includes tennis courts, a swimming pool, and a playground.

La Luz del Oeste is significant at the state level Under National Register Criterion A in the area of community planning and development because it is an excellent example of community that was part of the New Town movement—which includes Irvine, California (begun 1959) and Reston, Virginia (begun 1964). La Luz shares with these communities tightly clustered houses, separate automobile and pedestrian routes, distinct public (parks and plazas) and private spaces, and conservation of undeveloped landscape. La Luz del Oeste is significant at the state level under National Register Criterion C. in the area of architecture because the buildings represent the modern Environmental movement with their basic building materials—adobe and concrete—and split-level designs oriented on open land conserved by the community with views of Rio Grande bosque and the Sandia Mountains

Discussions:

Guest Glenn Mallory: I have lived in la Luz since 1999 and have found it a remarkable place to live. Every time I look out a window, I see a shadow or a form that appears to be new that I haven’t yet discovered. It is absolutely remarkable architectural accomplishment. The fact that it has endured 55 years and remains totally intact and true to its original design intent. When it comes to unobstructed views and wild surrounding it is remarkable and an exceptional place in every sense. I appreciate the consideration for nomination or listing of this on the National Historic Register.

Guest John R Van Ness: I am a new resident of La Luz we have resided here a couple of years. It is a remarkable place and enjoys the open landscape. Which was carefully thought of by Predock and his associates. It is a great place to walk your dog, which I do every day around the property and down to the bosque. It has been a self-governing community. We have LOA (landowners association) which has overseen the preservation and the operation of the community for over 50 years now. I think that is rather remarkable through several generations of residence here. Finally, I would like to thank Steven Moffson for his remarkable work on putting together the application. It was great to work with Steven and we are very appreciative of everything he has done.

Member Mr. Uviña: Thank you Glenn and John for your comments. Steven, I think I heard that Predock had received his bachelor’s degree in Columbia is that correct? **Mr. Moffson** said it was Columbia University in New York. **Mr. Uviña** I believe he received his undergraduate degree at UNM and then continued his graduate studies in Columbia. **Mr. Van Ness** stated that he got a bachelor’s degree at UNM but initially studied engineering at UNM. He was then interested in architecture, and they had suggested Columbia and that is where he received his bachelor’s degree in architecture.

Member Dr. Bandy: I make a motion to approve the nomination to update the state register with the nomination and to forward the nomination to the National Register of Historical places.

Chair: Do I have a Second?

Member Mr. Uviña: I second the motion.

Chair: We have a motion and a second. Any further discussion? Will Irene, please call the roll.

Mr. Ronald Toya	YES
Dr. Kelly Jenks	YES
Dr. Audra Bellmore	YES
Dr. Matthew Bandy	YES
Mr. Robert Martinez	YES
Dr. Hannah Mattson	YES
Mr. Francisco Uviña	YES
Ms. Elizabeth Suina	YES

Chair: Thank you, motion carried unanimously.

8. SUBCOMMITTEE MATTERS - TAX CREDIT MATTERS

Mr. Francisco Uviña: Mr. Chair and members of the CPRC, this Wednesday the Architectural Subcommittee reviewed and discussed the applications for the State Income Tax Credit for Preservation of Cultural Property. After reviewing that material and the Tax Credit Memorandum, I would like to make the following motions:

a. State Income Tax Credit Projects – Part 1 Amendment Applications:

- i. 35 Tennis Court NW, La Luz, Albuquerque

Member Mr. Uviña: I move to approve the Part 1 Amendment for **35 Tennis Court NW, La Luz, Albuquerque**, as submitted.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

b. State Income Tax Credit Projects – Part 1 Applications

- i. 444 Amherst Drive NE, Albuquerque
- ii. 2 Arco Court NW, La Luz, Albuquerque
- iii. 4209 Broadmoor Avenue NE, Albuquerque
- iv. 1411 Columbia Drive NE, Albuquerque
- v. 121 East Santa Fe Avenue, Santa Fe
- vi. 512 Eleventh Street NW, Albuquerque
- vii. 409 Fontana Place NE, Albuquerque
- viii. 1801 Plaza Street, Las Vegas
- ix. 17 Tennis Court NW, La Luz, Albuquerque
- x. 5 Tumbleweed NW, La Luz, Albuquerque

Member Mr. Uviña: I move to approve the Part 1 Application for **444 Amherst Drive NE, Albuquerque**, with the condition that the replacement garage door be a wood stile-and-rail door with the same panel proportions and layout as the existing door.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 application for **2 Arco Court NW, La Luz, Albuquerque**, with the condition that the roofing is not to be visible at the top of the parapets, from the street and walkways.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 Applications as submitted for **4209 Broadmoor Avenue NE, 512 Eleventh Street NW, and 409 Fontana Place NE**, all in **Albuquerque**.

Chair: I have a motion to approve those three properties do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 Application for **1411 Columbia Drive NE, Albuquerque**, with the condition that the new water filtration system and the work on the lawn sprinkler manifolds and valves, and new connections to the drip system, be ineligible for credit. Those expenses shall be reported separately in the Part 2 Application.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 Application for **121 East Santa Fe Avenue, Santa Fe**, on the condition that an estimate and description be submitted for the rain gutters, prior to the commencement of that work.

Owner Brett Trusko: Does that mean we have to wait 3 months? By the way I encourage you to walk by the house. It is a beautiful house. I am looking forward to restoring it to its original grander.

Mr. Kaplan: You do not need to wait 3 months you could submit to the staff.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 application for **1801 Plaza Street (the Wesche-Dold Building), Las Vegas**, with the following conditions:

1. The new stucco system shall be cementitious, not synthetic, or elastomeric. Product information is to be provided to staff prior to commencement of that work.
2. A contractor's estimate for the repair of the front balcony is to be provided to staff prior to commencement of that work.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 Application for **17 Tennis Court NW, La Luz, Albuquerque**, with the following conditions:

1. The cleaning of the brick shall be undertaken with blasting media softer than the steel shot proposed, for conformance with this program's Standards regarding cleaning with the gentlest means possible. Product information is to be provided to staff prior to commencement of this work.
2. Stucco repairs are to use cementitious rather than synthetic or elastomeric materials. Product information is to be provided to staff prior to commencement of this work.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Dr. Bandy: Out of curiosity what is the rationale for not wanted synthetic or elastomeric materials?

Mr. Uviña: These stuccos are not historic. The cement stucco was historic which was originally placed on these buildings which will have with moisture and will last. Synthetic or elastomeric materials allow moisture through the walls which will deteriorate.

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Member Mr. Uviña: I move to approve the Part 1 Application for **5 Tumbleweed Court NW, La Luz, Albuquerque**, with the condition that that the roofing is not to be visible at the top of the parapets, from the street and walkways.

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

c. State Income Tax Credit Projects – Part 2 Applications

- i. 217 Hermosa Drive NE, Albuquerque
- ii. 1508 Roma Avenue NE, Albuquerque
- iii. 620 Spruce Street NE, Albuquerque
- iv. 8 Tumbleweed Court NW, La Luz, Albuquerque
- v. 9 Tumbleweed Court NW, La Luz, Albuquerque

Member Mr. Uviña: I move to approve the Part 2 Application for the following five properties, for the eligible expenses and tax credit stated:

Project Address:	Eligible Expenses	50% Tax Credit
217 Hermosa Drive NE, Albuquerque	\$2,643.65	\$1,321.83
1508 Roma Avenue NE, Albuquerque	\$9,317.55	\$4,658.78
620 Spruce Street NE, Albuquerque	\$19,300.00	\$9,650.00
8 Tumbleweed Court NW, La Luz, Albuquerque	\$22,142.63	\$11,071.32
9 Tumbleweed Court NW, La Luz, Albuquerque	\$35,579.22	\$17,789.61

Chair: I have a motion do I have a second?

Member Dr. Bellmore: I second the motion

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the ayes have it, and the motion is carried unanimously.

This concludes tax credit matters.

Chair: Thank you for your work and the work of the committee.

9. COMMITTEE MATTERS

a. Open Meetings Resolution

Ms. Pilar Borneo briefed the committee on the changes to the Open Meetings Resolution for 2023-2024:

- i. Public notices shall be publicized.
- ii. Common misconception on days of notice. Reviewed the rules and statutes for your committee and I recommend 10 days' notice. Notice should include a copy of the agenda or a notice on how a copy can be obtained. If the agenda is not included in the meeting notice it will need to be available 72 hours prior to the meeting (this is a requirement in the OMA).
- iii. Special meetings (time sensitive items that need to be addressed before the regular meeting), shall be called with 72 hours' notice with a copy of the agenda.
- iv. Emergency meetings are for health and safety or substantial loss. Notice is 24 hours.
- v. Notice informational criteria.
- vi. Notice of ADA on where they can get information for special accommodations.
- vii. Section 8 has an exception by means of section 10-15-1 (C) which has Covid restrictions and has remote exemptions allowing board members to attend virtually when it is difficult or impossible for a board member to attend in person. The Governor had an executive order relating to the public health crisis which has been lifted since March. The Office of the attorney general is advising all the boards and commissions that are to return to pre-Covid 19 policies and procedures. This specific section is important to note that in order for board members to participate by means of virtual ways they should have a reason to show it is difficult or impossible to attend. Any attorney or I in the office would be happy to discuss what constitutes difficult or impossible if needed.
- viii. Procedure in 9 when a meeting can be closed to the public. Section (H). If there is a need we can review each one and discuss how to proceed.

Chair: Any comments from the committee?

Discussion:

Dr. Jenks: It would be helpful if there was more clarity on what constitutes difficult or impossible. I am not in northern NM so this can create problems for me to stay overnight and miss work at NMSU. I know that in the past it has been the expectation and more expensive for the state to reimburse for hotels and can be a little bit challenging. As much as I like coming up and participating in meetings it would be helpful for me to get a better sense of what the expectations of that will be.

Ms. Borneo: My office has discussed this in length because we have got several concerns from members of our boards and committees. Truly the exception does have to be a financial hardship or truly affect your profession. I do anticipate that this may come up in the next legislative session. Covid 19 opened our eyes to as we could do these hybrid meetings. As of right now it really does have to be a very difficult or impossible standard. This committee does get reimbursement from the state so a financial burden would not be an issue for many.

Dr. Jenks: The time from coming to the meeting and returning is more of an issue for work.

Ms. Borneo: I think this will be more of a case-by-case event for each meeting. Analyzing each meeting whether it would fall on a certain circumstance. We can review in private each meeting to make that determination, so it doesn't necessarily fall on the public. I would be happy to give you my information so that way you can reach out to me and discuss that. My concern is if we don't comply with this, we certainly don't want any members of the public to have issues with certain actions that the board and seek reversal of those actions. That can cause some problems. That is why at the Attorney Generals Office we are being a little stricter on this. We certainly don't want to redo the work that the board has already done. So, we are trying to comply with the law on the Open Meetings Act as much as possible.

Chair: I will be working with the Attorney Generals Office and Jeff to get more clearance and guidance on this. I for one like in person meetings but the reality is the world has changed. This is a volunteer organization; it's public service and I believe I am the only one that is retired that is on this committee. Everyone else either has a job or a business to

run and this committee takes more time than you think. The subcommittee meets for hours and needs to review items regularly.

Dr. Pappas: If I could, the challenge for the Director and the Chair would be that all these positions are subject to area experts, so it is difficult to find people who qualify to fit these disciplines. For example, Dr. Jenks is a Historic Archaeologist. With that, would that influence or impact the way you think of her participation given that it is difficult for us to find this expertise in this particular discipline to serve on the committee that is required to have that.

Ms. Borneo: It certainly can, I believe, this would be a good argument to bring before the legislature. I am not fully certain how my office or division is going to approach this subject with the change in the language of the statute. The issue is at this point in time this is the language of the statute and until this language changes we have my office has their hands tied. I do also want to note though that with the understanding that the members of this board are specialized and there are not that many within the state, that is certainly a consideration. This only applies when there is a quorum of the board. The subcommittees can continue to meet virtually. The OMA only applies when the entirety of the committee is together.

Mr. Martinez: What is the reason these meetings are required in person. This has been functioning.

Ms. Borneo: The OMA requires it to make the records a lot clearer. No technical glitches. Legally the Governor issued the executive orders and since then has been lifted. Since the emergency has subsided, we go back to the original requirements.

Mr. Martinez: Does that mean that the public no longer has access to attend the meetings virtually?

Ms. Borneo: That certainly is something that is up in the air that we do not have an answer for. The argument can be made that by holding these hybrids or virtually it does allow more public participation, than in person. This can be presented to the legislature. Before Covid 19 we did not have the resources to do these virtual settings and are now comfortable with this. Determining how we can do these meetings in the future will be discussed in the legislature in the next few years. Until these are changed, we have to comply with the way it is written.

Dr. Pappas: Does that mean for the next meeting we have no hybrid options?

Ms. Borneo: We are not stating that as of yet to not have hybrid options. Currently there are still ramifications on Covid 19 and people not being able to appear. Until there is another statement at the legislature, we do need to move towards that. Certainly, the next meeting might be a little to sudden to switch right back to normal procedures. I just want the committee to be aware that if the legislature, we do need to move towards that and make those accommodations appear in person.

Dr. Pappas: We have 6 meetings a year that are scheduled. Would it be possible to continue this until the legislature makes a decision.

Ms. Borneo: Yes.

Chair: Thank you for clarifying all the changes and we will continue with the virtual meeting at our next meeting and work with the AG office and Jeff to move towards the in-person settings. Many of our areas are specialized last year we had many of our members with children's programs and because of zoom we had a quorum, and they were able to participate.

Ms. Suina: Currently we do not differentiate on our minutes if members attend virtually or in person. Should we start doing that?

Ms. Borneo: There is nothing in the rules that necessarily state that but for clarification purposes I would agree in doing so.

Ms. Jane Egan: Speaking as the Cabinet Secretary's liaison for the board, commission, and foundations. Many statutes talk about the diversity of the committee of both geographical and other areas. You happen to meet in Santa Fe. Other boards often move around to accommodate those around the state. It is necessary to have a certain degree of flexibility if you are talking about diversity, so you have other than people that are retired who then can appear in person. For instance, when I am attending the Farm and Ranch or Space History board meetings that is the whole day or many times I am staying overnight. What I have found with the boards that particularly the understanding that getting the business done, respecting the statute, respecting the fact that we are an enormous state, and the boards, commissions and foundations must reflect that state. It can't just be where it's convenient.

Chair: We are part of the state, we are going to work towards whatever the rules and regulations say, and we have a transition period here. I hope we don't lose anyone.

Dr. Pappas: This is where the transition is. The budget for this year was set years ago. So, we would have to BAR into the budget for this. This is part of the transition. We would have to come up with the pay for that.

Ms. Borneo: The language is very vague and that would be something to consider. This is why we can discuss this on a case-by-case basis. Please contact my office to clarify.

Ms. Jenks: The subcommittee meetings are representatives of companies that are not in the area but are represented throughout the state. I want to make sure zoom is still an option. We do not want to make it difficult for them to participate.

Ms. Borneo: Yes, as long as there is not a quorum, they are not subject to the Open Meetings Act.

Dr. Bandy: I personally and I think most members of the committee have seen the importance of this hybrid option and to have members of the public attend that would normally be unable to represent themselves or have questions.

Chair: The will accept a motion at this time to approve the Open Meetings Act Resolution for 2023 at this time.

Mr. Bandy: I move that we accept the Open Meetings Act Resolution for 2023.

Mr. Martinez: I second the motion.

Chair: We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the ayes have it, and the motion is carried unanimously.

b. Code of Conduct & Ethics

Ms. Borneo: Something to be aware of in the committee. Not accepting any gift, favors, loans for some type of exchange for official duties. Also, members must be aware that if they have pecuniary or financial interest, they must recuse yourself from voting or participation. If there is a discussion the best practice is to leave the room when discussing that specific topic to avoid the look of impropriety. Not to participate in any level of discussion and not be involved in any part of it.

Dr. Jenks: In the case if we have a student who is applying for a permit. Even though we have no financial or any other type of gain on this can you clarify if we need to recuse ourselves. It's a small community and we know many of the permittees.

Ms. Borneo: It really needs to have a financial benefit. Or if you just know them and you feel that it may be an issue with bias and a member of the public may question this, then recuse yourself. If you know the person it is not an issue, but if you have any private or independent knowledge, or bias about the person that might affect that application, that may be a reason for recusal.

Ms. Ensey: What if they have knowledge of that person and the information on the permit application is vague or missing or claim to have certain experience. Should they recuse themselves because they have that knowledge.

Ms. Borneo: That is information that can be brought up since you are talking about part of the application. As long as there is no bias and that it is an evidence-based process.

Chair: This does not require a vote. Please send your signed document to Irene.

c. Election of Chairman, Vice-Chairman, and Secretary

Chair: This is required annually. In the past we have taken a motion to select the slate as is. Does anyone want to be considered for any one of these positions before we take a formal action? If no nominations I will accept a motion at this time to accept the current slate of officers for one more year.

Ms. Borneo: Each position needs to have a vote. The person that will be nominated for the position will abstain from the vote.

Member Dr. Bandy: I make a motion that Ron Toya continues as Chair for the committee.

Vice Chair: We have a motion do I have a second?

Member Mr. Martinez: I second the motion.

Vice Chair: We have a motion and a second. Any discussion? Hearing none, Irene will you call the roll please.

Mr. Ronald Toya	Abstain
Dr. Kelly Jenks	YES
Dr. Audra Bellmore	YES
Dr. Matthew Bandy	YES
Mr. Robert Martinez	YES
Dr. Hannah Mattson	YES
Mr. Francisco Uviña	YES
Ms. Elizabeth Suina	YES

Vice Chair: Thank you, the motion passes unanimously.

Member Dr. Bandy: I make a motion that Dr. Kelly Jenks continues as Vice Chair for the committee.

Chair: We have a motion do I have a second?

Member Mr. Martinez: I second the motion.

Chair: We have a motion and a second. Any discussion? Hearing none, Irene will you call the roll please.

Mr. Ronald Toya	YES
Dr. Kelly Jenks	Abstain
Dr. Audra Bellmore	YES
Dr. Matthew Bandy	YES
Mr. Robert Martinez	YES
Dr. Hannah Mattson	YES
Mr. Francisco Uviña	YES
Ms. Elizabeth Suina	YES

Chair: Thank you, the motion passes unanimously.

Member Dr. Bandy: I make a motion that Dr Audra Bellmore continues as Secretary for the committee.

Chair: We have a motion do I have a second?

Member Mr. Martinez: I second the motion.

Chair: We have a motion and a second. Any discussion? Hearing none, Irene will you call the roll please.

Mr. Ronald Toya	YES
Dr. Kelly Jenks	YES
Dr. Audra Bellmore	Abstain
Dr. Matthew Bandy	YES
Mr. Robert Martinez	YES
Dr. Hannah Mattson	YES
Mr. Francisco Uviña	YES
Ms. Elizabeth Suina	YES

Chair: Thank you, the motion passes unanimously.

10. PERMIT MATTERS

Dr. Hanna Mattson: Mr. Chair and members of the committee the archaeology subcommittee met this morning to discuss archaeology permit matters and we would like to put forth the following recommendations:

- a. **Applicants for Listing in the SHPO Directory under Cultural Anthropology:**
 - a. Kendrick McCabe

Member Dr. Mattson: with regards to item a. Applicants for Listing in the SHPO Directory under Cultural Anthropology, I move that Kendrick McCabe not be listed.

Member Dr. Jenks: I second the motion

Chair: We have a motion and a second. Any discussion?

Guest Kendrick McCabe: Review the denial.

Member Dr. Mattson: Hello Kendrick, we discussed your application in the subcommittee meeting this morning and we were hoping for some clarification on different projects you have done that you listed on your professional experience. Whether those were done in a professional capacity or an academic capacity.

Guest Kendrick McCabe: The project that I did up at the University of Alaska was in an academic capacity. The others were in a professional capacity and Parametrix the one I am currently assigned to will be in a professional capacity.

Chair: How would the committee like to proceed?

Dr. Bandy: Reviewed the application with questions for Mr. McCabe. Since there are 4 months of requirements needed the application would need to be resubmitted once this is achieved.

Chair: Do we have any other discussions: Not hearing any. We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

- b. **Applicants for Listing in the SHPO Director under Supervisory Archaeologist/Crew Chief:**
 - i. Douglas S. Lynne
 - ii. Elizabeth Lemus
 - iii. Gabriela Martinez

Member Dr. Mattson: In regard to item **b**. Applicants for Listing in the SHPO Directory under Supervisory Archaeologist / Crew Chief I move that all three applicants, **Douglas Lynne, Elizabeth Lemus, and Gabriela Martinez** be so listed.

Member Dr. Bandy: I have recused myself from this item because Elizabeth Lemus is one of my employees.

Chair: I have a motion do I have a second?

Member Dr. Jenks: I second the motion

Chair: Let the record show that **Dr. Bandy recused himself**. We have a motion and a second all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously with one recusal.

c. Applicants for Listing in the SHPO Directory under Principal Investigator/Project Director:

i. Thatcher Seltzer-Rogers

ii. Thomas Carr

Member Dr. Mattson: with regards to item **c**. Applicants for Listing in the SHPO Directory under Principal Investigator/Project Director, I move that **thatcher Seltzer-Rogers and Thomas Carr** not be listed.

Chair: I have a motion do I have a second?

Member Dr. Bandy: I second the motion

Chair: We have a motion and a second. Any discussion? Hearing none, all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

d. Applicants for Listing on the OAS Unmarked Human Burial Permit:

i. Thatcher Seltzer-Rogers

Member Dr. Mattson: with regards to item **d**. Applicants for listing on the OAS Unmarked Human Burial Permit, I move that **Thatcher Seltzer-Rogers** be so listed.

Chair: I have a motion do I have a second?

Member Dr. Bandy: I second the motion

Chair: We have a motion and a second. Any discussion? Hearing none, all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

e. Applicants for a 2023-2025 General Archaeological Investigation Permit for State Lands:

i. Bat Conservation International

Member Dr. Mattson: with regards to item **e**. Applicants for listing a 2023-2025 General Archaeological Investigation Permit for State Lands, I move that **Bat Conservation International** receive their permit.

Chair: I have a motion do I have a second?

Member Dr. Bandy: I second the motion

Chair: We have a motion and a second. Any discussion? Hearing none, all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

f. Applicants for a Project-Specific Permit for State Lands, a Project-Specific Unmarked Human Burial Excavation permit on Private Lands:

i. PaleoWest, LLC (Chronicle Heritage): Research Design and Treatment Plan for Site La 122140, Harding County, New Mexico.

ii. Sun Zia: A Historic Properties Treatment Plan for The Sun Zia Southwest Transmission Line Project Phase One Line In New Mexico.

Member Dr. Mattson: with regards to item **f**. Applicants for a Project-Specific Permit for State Lands, a Project-Specific Unmarked Human Burial Excavation permit on Private Lands I move that **PaleoWest** also known as **Chronicle** and **EPG** which is listed on the agenda as **Sun Zia** receive their permit upon submittal of requested revisions and reviewed by staff or the subcommittee.

Chair: I have a motion do I have a second?

Member Dr. Bandy: I second the motion

Chair: We have a motion and a second. Any discussion? Hearing none, all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

This concludes Permit Matters

11. DATE OF NEXT MEETINGS (if there is a conflict notify Irene Rubio for possible rescheduling)

- a. **October 13, 2023**
- b. **December 15, 2023**
- c. **TBD**

Dr. Pappas: I would like to thank the Chair and the Committee for another year of your leadership. This has been a good year for the CPRC.

Chair: I appreciate everyone's time and service to the CPRC and to the State of New Mexico.

12. ADJOURNMENT

Chair: If there are no other items for discussion, I will accept a motion and a second to adjourn.

Member Dr. Bandy: I motion to adjourn.

Chair: Do I have a Second?

Member Mr. Martinez: I second the motion to adjourn.

Chair: We have a motion and a second. Any discussion? Hearing none, all in favor say **aye**. All those who oppose say **no**. Not hearing any opposition, the **ayes** have it, and the motion is carried unanimously.

Chair: Motion carried unanimously, and we are now adjourned at 3:19 pm