

US EPA ARCHIVE DOCUMENT



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September 10, 2013

Mr. Jeff Robinson
Environmental Protection Agency
Region 6 Main Office
1445 Ross Avenue
Dallas, Texas 75202

Commitment Letter for Cultural Resources Avoidance by the Proposed El Paso Electric Company's Montana Power Station in El Paso County, TX

Dear Mr. Robinson:

The intent of this letter is to communicate El Paso Electric Company's (EPECs) commitment to avoid three archaeological sites recommended or determined eligible for listing on the National Register of Historic Places (NRHP) that are in the path of possible transmission line developments associated with the development of the proposed Montana Power Station near El Paso, Texas.

EPEC is proposing to build a natural gas-fired simple cycle electrical generating facility located within El Paso County, Texas, designated the Montana Power Station (Figure 1). Construction and operation of the facility will require a permit from the U.S. Environmental Protection Agency (EPA). The cultural resources survey of the plant site as well as that of related transmission line and water and natural gas pipeline developments was completed in support of EPA's obligations under Section 106 of the National Historic Preservation Act (the complete report is titled *Archaeological Survey for the El Paso Electric Montana Power Station in El Paso County, Texas*, submitted to EPEC by SWCA Environmental Consultants, Inc. in 2013).

Two newly recorded archaeological sites (41EP6784 and 41EP6901), three previously recorded sites (41EP4766, 41EP5886, 41EP6902), and 13 non-site isolated occurrences were identified within the survey area (Figure 2). A brief summary of the five recorded sites is provided in the following table:

Table 1: Summary of Recorded Sites

Site	Eligibility Status	Location in Figure 2
41EP6784	The site is a deflated hearth with a small scatter of burned caliche with no artifacts. It has limited information potential and has therefore been determined not eligible for the NRHP by the Texas SHPO.	On proposed Montana Power Station site
41EP6901	This site is recommended eligible to the NRHP by SWCA.	Southwest from Proposed Montana Power Station
41EP4766	This site no longer exists , having been destroyed by previous development. It has therefore been determined not eligible for the NRHP by the Texas SHPO.	N/A
41EP5886	This site has already been determined eligible by the Texas SHPO for listing on the NRHP.	South from Proposed Montana Power Station
41EP6902	This site is recommended eligible to the NRHP by SWCA	West of Proposed Montana Power Station

Three transmission line filings (Filings 1-3; see Figure 1) have been presented to the Public Utility Commission of Texas (PUCT). The PUCT process will select a route for each of these filings. Some potential routes for Filings 2 and 3 cross one or more of the three existing archeological sites that are determined or recommended eligible.

Details of the three existing sites that are determined eligible or recommended to be eligible are provided below:

- **Site 41EP6901 (Recommended Eligible by SWCA):** This site is a prehistoric thermal feature with an associated artifact scatter including a Paleoindian-period Folsom projectile point. The site is located in Filing 3 segment K (Routes 1–4) on a gentle 1 to 2 degree slope within a coppice dune/blowout area 1.5 m south of Montwood Drive. Feature 1 is a thermal feature consisting of charcoal-stained soil and approximately 200 pieces of burned caliche. Sixteen pieces of lithic debitage, three projectile points, and thirteen ceramic shards were recorded. Site 41EP6901 contains intact subsurface deposits in Feature 1 and a rare Paleoindian-period Folsom projectile point. It has the potential to yield important information about the prehistory of the area in terms of chronology subsistence and resource extraction activities. The site is therefore recommended eligible to the NRHP under Criterion D.
- **Site 41EP5886 (Already Determined Eligible):** This site was recorded by Geo-Marine, Inc in 2006 as a large prehistoric multi-component campsite including one possible pithouse feature, seven thermal features, and an associated artifact scatter located on a narrow north-south desert floor ridge. SWCA relocated a portion of the site within Filing 3 segment E (Routes 2, 3, and 4). Found within the survey area were four silicified sandstone flakes, seven chert flakes, one tested cobble, seven El Paso brown ware ceramic shards, and a random scatter of approximately 200–300 pieces of burned caliche. No features were observed within the survey area; the majority of the site, including the pithouse structure and features, falls just outside the eastern survey boundary. Based on trowel tests performed by Geo-Marine in 2006, several of the features have intact subsurface cultural materials that could contribute important information to the region's

prehistory. The Texas SHPO determined the site eligible for listing on the NRHP under Criterion D in March 2007.

- **Site 41EP6902 (Recommended Eligible by SWCA) :** This site was first observed during a 1978 inventory survey of Maneuver Area 2, but was not formally recorded and assigned a number until 1990. At that time, the site was given a Fort Bliss-specific identifier, FB 10542. With this SWCA site update, TARL assigned the site a Texas state-specific identifier, 41EP6902. The total site area was originally recorded as 600 square meters and consisted of a single fire-cracked rock (FCR) hearth feature and lithic debitage. TRC's 1998 update extended the site boundary to the north and includes additional FCR and burned caliche. It appears that the original site area as discovered in 1978 has been destroyed by the subsequent building of the Caliente Substation. SWCA relocated 41EP6902 during this investigation and identified two new thermal features and an artifact. The site is located in Filing 2 (Routes 1B, 2B, and 3B) within a coppice dune environment just north of the Caliente Substation on land owned by Fort Bliss. Based on SWCA's trowel tests, site 41EP6902 has intact subsurface cultural deposits to a minimum depth of 10 cm below the modern ground surface. The site has never been evaluated for NRHP eligibility, but because of these intact deposits, SWCA recommends the site eligible to the NRHP under Criterion D.

Avoidance Strategy for Sites 41EP5886, 41EP6901, and 41EP6902: EPEC has determined that all three of these sites can be avoided by project construction. Pole structures and temporary workspaces will be located outside of the site boundaries by design. Prior to construction activities, temporary barrier fencing will be placed by a qualified archaeologist around the sites beyond the site boundary. All work will occur outside of this fenced area. The following further describes the avoidance actions for each of the three sites:

- Site 41EP6901 is currently located midspan, between two existing transmission structures, next to an existing roadway. If this transmission route is selected, EPEC would take the following avoidance measures to ensure that the site is not impacted by the project.
 - EPEC will erect a temporary barrier around the boundary of the site. The temporary barrier will prevent construction equipment/activities from disturbing the site.
 - EPEC will change out the existing transmission structures that are already in place to avoid disturbing the site. There is a major paved road immediately adjacent to the existing transmission line which would facilitate construction and replacement of the structures without disturbance to the site.

Figure 3, included as an attachment to this letter, graphically depicts Site 41EP6901 and the avoidance strategy.

- Site 41EP5886 is located near an unpaved road on private property. If this transmission route is selected, EPEC would take the following avoidance measures to ensure that the site is not impacted by the project.
 - EPEC will erect a temporary barrier around the boundary of the site within the right-of-way. The temporary barrier will prevent construction equipment/activities from disturbing the site.

- EPEC will construct transmission structures that will span the site. There is a road near the site boundary which would facilitate construction of the structures without disturbance to the site.

Figure 4, included as an attachment to this letter, graphically depicts Site 41EP5886 and the avoidance strategy.

- Site 41EP6902 is located on private land near the northeastern corner of the Caliente substation. An unpaved road bisects the site and would provide access to the proposed transmission route. If this transmission route is selected, EPEC would take the following avoidance measures to ensure that the site is not impacted by the project.
 - EPEC will erect a temporary barrier around the boundary of the site within the right-of-way and along both sides of the unpaved road that passes through the site. The temporary barrier will prevent construction equipment/activities from disturbing the site.
 - EPEC will construct transmission structures that will span the southeastern corner of the site without disturbance within the site boundary.

Figure 5, included as an attachment to this letter, graphically depicts Site 41EP6902 and the avoidance strategy.

If EPEC should determine that an avoidance measure other than those outlined in this document is more appropriate for reasons of constructability or design, Texas SHPO will be consulted prior to any ground disturbing activities. At the request of either the EPA or the Texas SHPO, qualified archaeological monitors can also be present during construction to ensure that no work occurs within the barrier fencing around these three archaeological sites.

Should any newly discovered cultural resources outside these three sites be identified, such as artifacts or features (most likely concentrations of fire-cracked rock or organic soil staining), all activities in the vicinity will be immediately halted, a qualified archaeologist will examine the find to determine its legitimacy, notification will be made to EPA Region 6, and consultation will be initiated with the Texas Historical Commission (THC) to determine an appropriate course of action.

It is not anticipated that human burials will be encountered during this project. However, if identifiable human remains are encountered, all activities in the vicinity of the burial discovery will be immediately halted and EPA Region 6 and the THC will be notified. Provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25USC 3001 et seq.) and its implementing regulations (43CFR Part 10) will be observed. In-field treatment of any uncovered human remains will not occur until regulatory guidance is obtained. All tribes which expressed an interest in the project during EPA tribal consultation process for this project will be notified.

If the mitigation measures specified in this document are implemented, EPEC asserts and SWCA recommends that the development of the proposed Montana Power Station and its interdependent activities will have No Adverse Effect on historic properties. It is possible that tribal consultations to be undertaken by EPA will result in the identification of cultural resources not documented in this report. In that case, potential effects and mitigation measures will be developed in consultation with the THC and interested tribes.

Mr. Robinson, U.S. EPA Region 6

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If you have any questions or require any additional information, please do not hesitate to contact me at 915.543.5827 or roger.chacon@epelectric.com.

Sincerely,

A handwritten signature in blue ink that reads "Roger Chacon". The signature is written in a cursive, flowing style.

Roger Chacon

Manager, Environmental Department

Enclosures: Figure 1. Project vicinity map.
Figure 2 (*Confidential*). Cultural resources in relation to the proposed project area.
Figure 3 (*Confidential*). Avoidance strategy for Site 41EP6901.
Figure 4 (*Confidential*). Avoidance strategy for Site 41EP5886.
Figure 5 (*Confidential*). Avoidance strategy for Site 41EP6902.

Cc: Bill Martin, Texas Historical Commission
Matt Bandy, SWCA Albuquerque

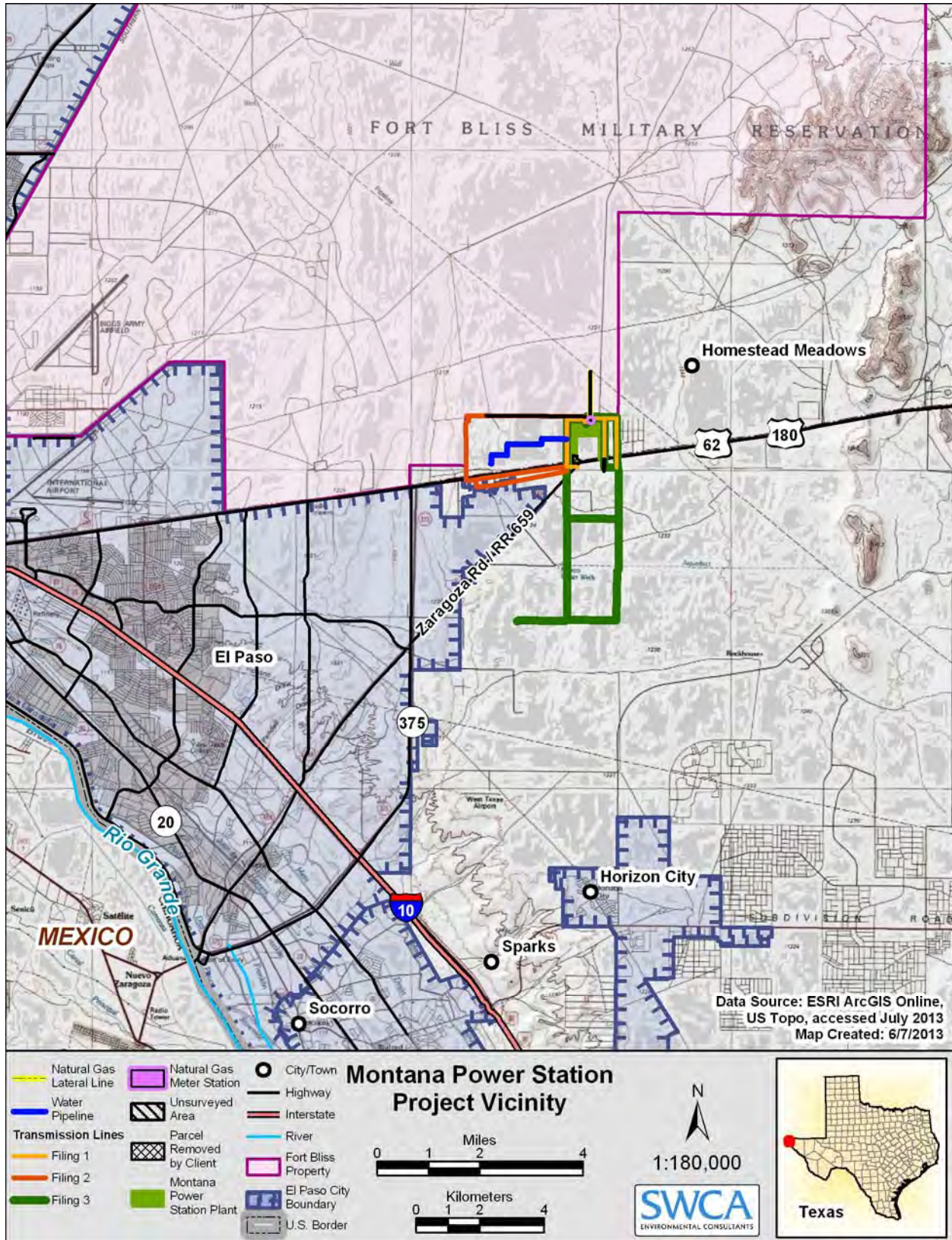


Figure 1

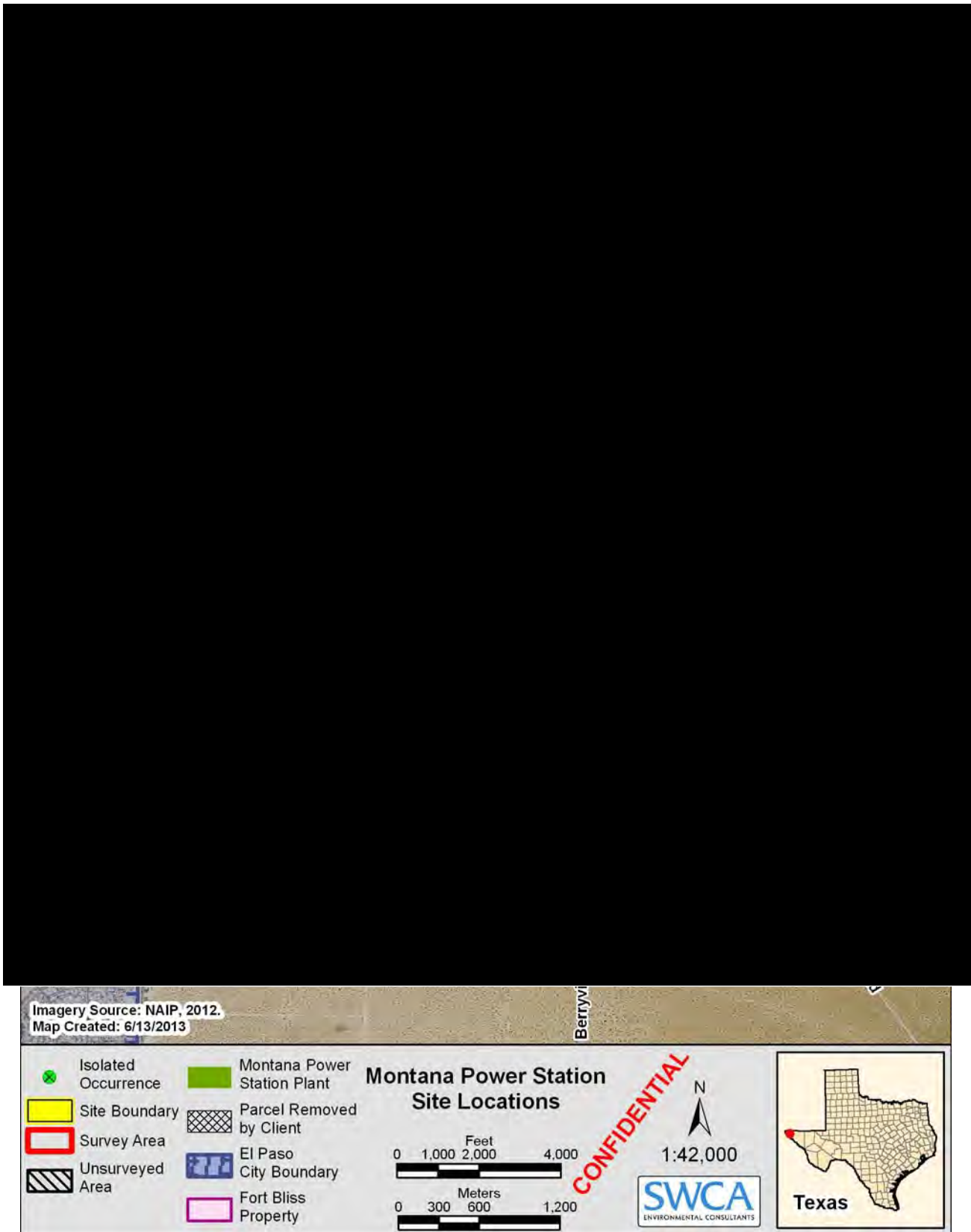


Figure 2

For Official Use Only
Disclosure of site locations
prohibited (36 CFR 296.18)

Data Source: Google Earth,
accessed June 2013
Map Created: 9/9/2013

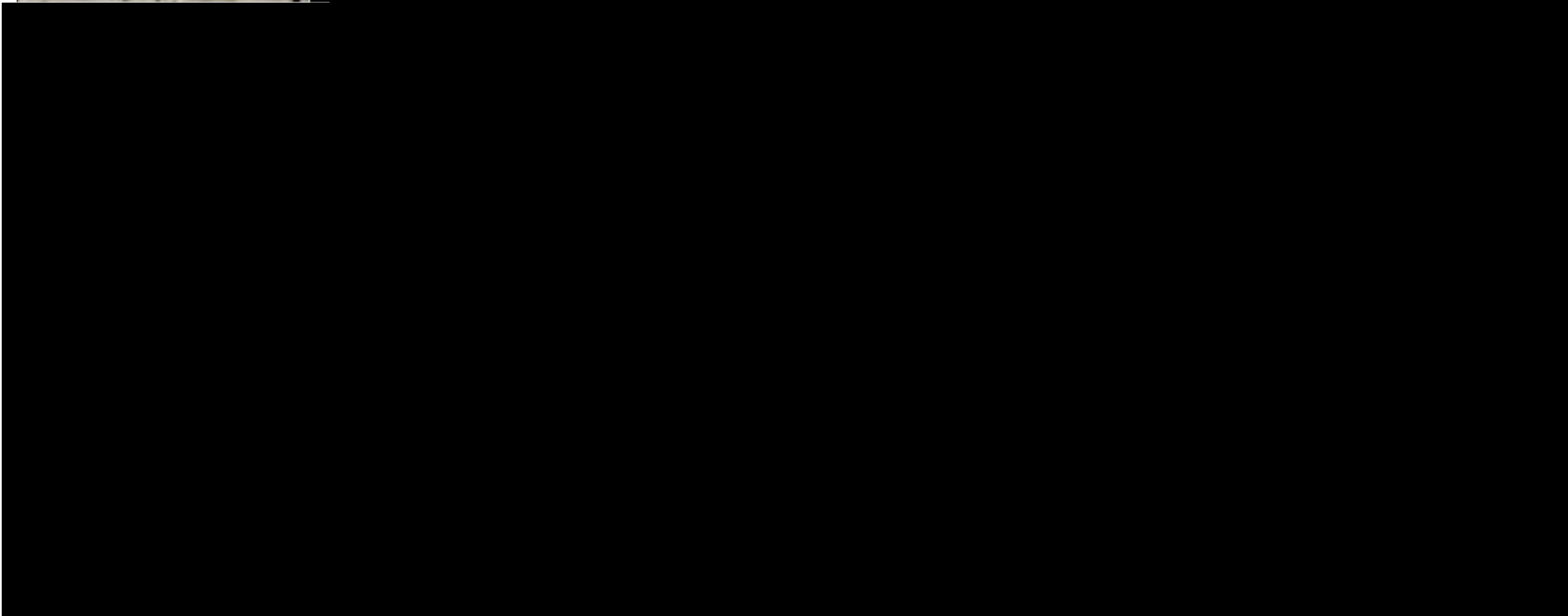


Figure 3

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Data Source: ESRI ArcGIS Online,
World Imagery, accessed September 2013
Map Created: 9/9/2013

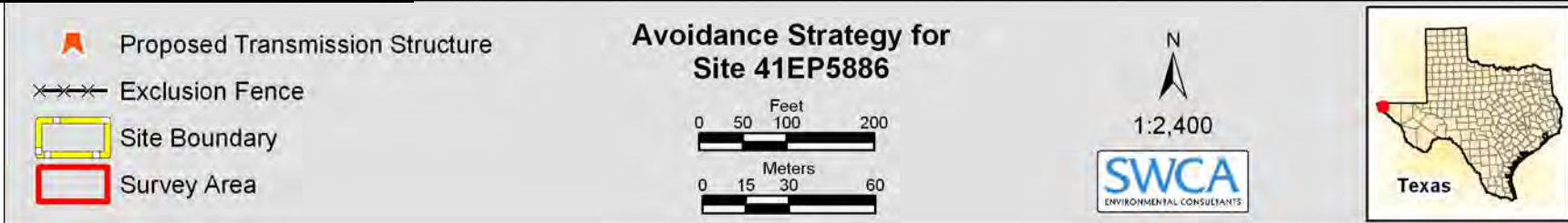
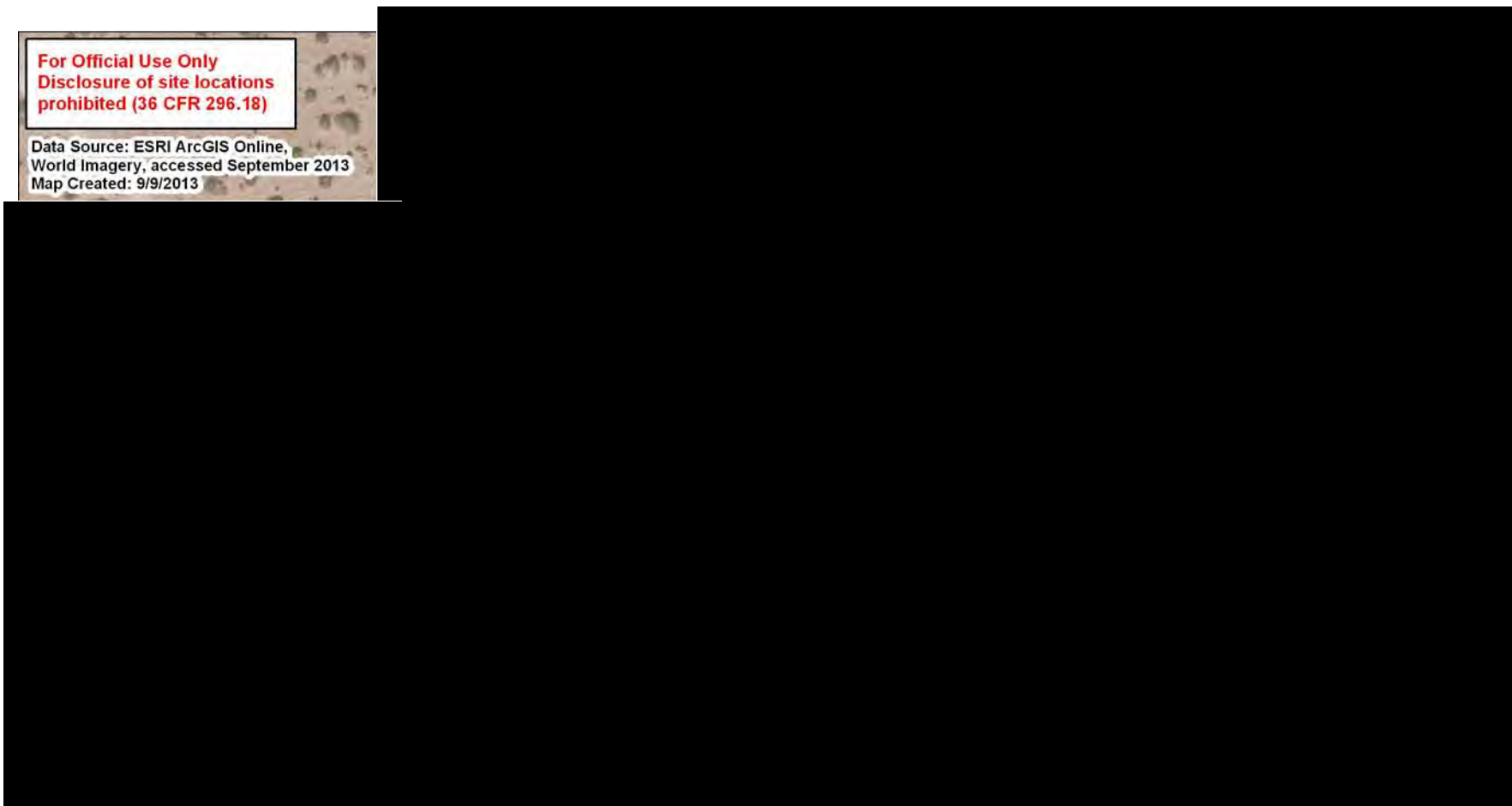


Figure 4

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Data Source: Google Earth,
accessed June 2013
Map Created: 9/9/2013

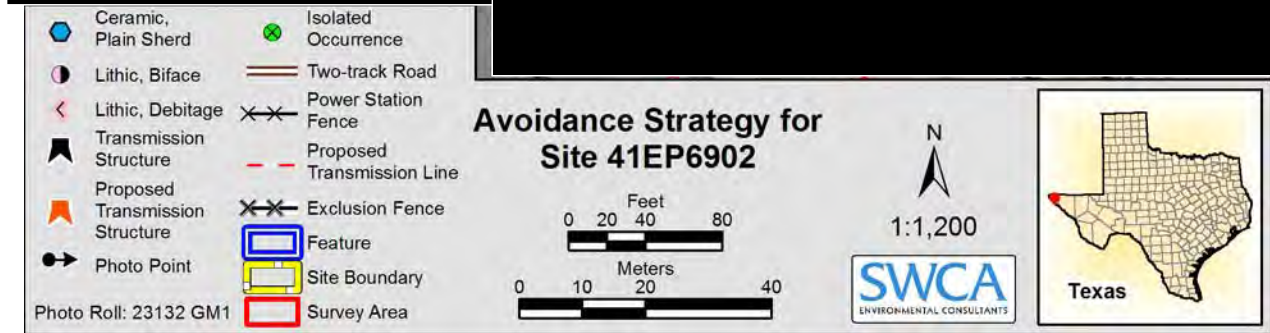


Figure 5