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MEMORANDUM

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**L-00000AA-01-0116**

TO: Docket Control  
FROM: Laurie A. Woodall *LAW*  
Chairman Line Siting Committee  
DATE: September 18, 2001  
RE: LA PAZ Generating Facility and Transmission Line, Docket 116

Attached are 25 copies of a public comment (correspondence) received from Arizona State Parks, dated August 14, 2001.

Please distribute these copies, we have retained the original in our file.

Thank you.

216388(9/18/01)

Arizona Corporation Commission

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In reply, please refer to  
SHPO-2001-1129 (7511)  
RECEIVED no adverse effect

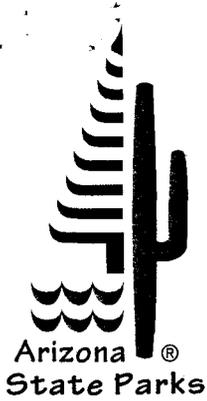
August 14, 2001

2001 SEP 19 A 8:03

Laurie A. Woodall, Chairperson, Power Plant and Transmission Line Siting Committee  
Assistant Attorney General, Environmental Enforcement Section  
Office of the Attorney General  
1275 West Washington  
Phoenix, Arizona 85007

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RE: Certificate of Environmental Compatibility: The Proposed Bowie Power Station and Transmission Line, Graham and Cochise Counties, Arizona

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Dear Ms. Woodall:

Thank you for having the committee's applicant (i.e., Bowie Power Station LLC) initiate consultation with this office regarding the above-mentioned state plan and associated certificate of environmental compatibility. The proposed construction plan includes a generation station, a transmission line, and a switchyard facility on private land and portions of Arizona State Land Department land. Historian Bill Collins and I have reviewed the documents submitted and offer the following comments pursuant to the State Historic Preservation Act (i.e., A.R.S. § 41-861 to 41-864) and the committee's factors to be considered (i.e., A.R.S. § 40-360.06.A.5).

According to the cultural resources survey report, a historic-period linear site (AZ CC:10:109 ASM), a historic-period and currently in-use railroad track (Arizona Eastern Railroad), and 12 isolated artifact and/or feature occurrences were identified within the geographic area affected by the plan. The report was professionally prepared and well written.

The eligibility status of AZ CC:10:109 (ASM) and the railroad is unclear at this time. We suggest treating them as if they were eligible for inclusion in the State Register of Historic Places rather than conduct additional studies to positively determine their eligibility status. We agree that the isolated artifact and/or feature occurrences are not eligible for inclusion under any criterion.

Both AZ CC:10:109 (ASM) and the railroad are situated within the proposed transmission line corridor, and can be easily avoided by ground-disturbing activities. The transmission lines will visually impact both properties, but this impact will likely be small. No preservation treatment of the isolated artifact and/or feature occurrences is necessary.

Based on the above, this office conditionally concurs with a finding of no impacts (i.e., no adverse effect) for this plan provided that ground-disturbing activities avoid AZ CC:10:109 (ASM) and the railroad and that the visual impacts to these properties be minimized to the extent possible. Please also taken into account any comments from Arizona State Land Department regarding historic properties.

If a federal permit is required for any developments on the subject parcel (e.g., a Section 404 permit from the Army Corps of Engineers, or a National Pollutant Discharge Elimination System [NPDES] permit from the U.S. Environmental Protection Agency), the project proponents should be aware that the undertaking will need to be reviewed by the

appropriate federal agency and this office pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 C.F.R. 800. If federal assistance or permitting is anticipated, we strongly urge the applicant to contact the agency as soon as possible to obtain information on the consultation process. Federal involvement entails compliance and review considerations different from the State Historic Preservation Act.

We offer the following conditions for the committee's consideration:

- 1) The applicant will avoid conducting ground-disturbing activities within the boundaries of AZ CC:10:109 (ASM) and the in-use railroad grade other than the use of established vehicular crossings.
- 2) The applicant will minimize visual impacts to the existing railroad to the extent possible. This could be accomplished by using the largest feasible spacing between transmission line towers, and thus minimizing the number of towers situate adjacent to the railroad.
- 3) If a federal agency determines that all or part of this state plan represents a federal undertaking subject to review under the National Historic Preservation Act, the applicant will participate as a consulting party, on committee's behalf, in the federal compliance process (i.e., 36 C.F.R. 800) to reach a finding of effect and to resolve adverse effects, if any.
- 4) Should cultural features and/or deposits be encountered during ground-disturbing activities related to the proposed plan, the applicant will comply with A.R.S. § 41-844, which requires that work cease in the immediate area of the discovery and that the Director of the Arizona State Museum be notified promptly.

We appreciate the committee's cooperation with this office in considering the effects of state plans on cultural resources situated in Arizona. If you have any questions, please contact me at (602) 542-7137 or electronically via [mbilsbarrow@pr.state.az.us](mailto:mbilsbarrow@pr.state.az.us).

Sincerely,



Matthew H. Bilbarrow, RPA  
Compliance Specialist/ Archaeologist  
State Historic Preservation Office

cc.

Kris Dobschuetz, Environmental Planning Group, 4350 E Camelback Rd, Suite G-200, Phoenix, AZ 85018  
Steve Ross, Arizona State Land Department, 1616 W Adams St, Phoenix, AZ 85007  
Bill Collins, SHPO