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OFFICE OF THE ATTORNEY GENERAL
ENVIRONMENTAL ENFORCEMENT SECTION
MEMORANDUM

AZ CORP COMMISSION
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L-00000BB-01-0118

TO: Docket Control

FROM: Laurie A. Woodall
Chairman Line Siting Committee *LAW*

DATE: September 18, 2001

RE: Bowie Power Station, Docket 118

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.

216382 (9/18/01)

Arizona Corporation Commission

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L-00000BB-01-0118

In reply, please refer to
SHPO-2001-2191 (7549) —
adverse effect

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August 14, 2001

2001 SEP 19 A 8:05

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

AZ CORP COMMISSION
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Arizona Corporation Commission
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SEP 19 2001

RE: Certificate of Environmental Compatibility: The Proposed La Paz Generating
Facility and Transmission Line, La Paz County, Arizona

DOCKETED BY
me

Dear Ms. Woodall:

Thank you for having the committee's applicant (i.e., Allegheny Energy) 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, underground pipeline, transmission line, and a switchyard facility on private land and portions of Arizona State Land Department land. 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, two prehistoric archaeological sites (AZ S:7:48 and 49 ASM) and 30 isolated artifact and/or feature occurrences were identified within the geographic area affected by the plan. The report was professionally prepared and well written.

We agree that Sites AZ S:7:48 and 49 (ASM) are eligible for inclusion in the State Register of Historic Places under Criterion D (Information Potential). Both sites contain highly diverse, low-density surface artifact scatters and exhibit moderate potential for intact containing subsurface deposits. We agree that the isolated artifact and/or feature occurrences are not eligible for inclusion under any criterion.

According to the consultant, the sites cannot be avoided by ground-disturbing activities. Site AZ S:7:48 (ASM) is situated within the propose pipeline corridor, and AZ S:7:49 (ASM) is located within the plant site; both sites are situated on private land. Based on the above, this office concurs with a determination of negative impacts (i.e., adverse effect) for this undertaking. In order to resolve the proposed plan's impacts, a data recovery program (i.e., archaeological excavations) is necessary. If the sites and a buffer zone could be avoided by all plan-related ground-disturbing activities, than we would recommend a determination of no impacts (i.e., no adverse effect), and a data recovery program would be unnecessary at this time. 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



Jane Dee Hull
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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) If Sites AZ S:7:48 and 49 (ASM) cannot be avoided by plan-related ground-disturbing activities, the applicant will continue to consult with this office, on the committee's behalf, to resolve the negative impacts. This usually entails preparing and implementing a data recovery research design and work plan.
- 2) 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.
- 3) 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.

Sincerely,



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

cc.

Gene Rogge, URS Corporation, 7720 North 16th Street, Suite 100, Phoenix, AZ 85020
Steve Ross, Arizona State Land Department, 1616 W Adams St, Phoenix, AZ 85007