

Appendix A. Consultation Letters

APPENDIX A

Agency and Tribal Consultation

Agency Consultation

SWCA
ENVIRONMENTAL CONSULTANTS
Sound Science. Creative Solutions.

Austin Office
4407 Monterey Oaks Boulevard,
Bldg. 1, Suite 110
Austin, TX 78749
Tel 512.476.0891 Fax 512.476.0893
www.swca.com

RECEIVED

SEP 10 2010

History Programs Division

September 3, 2010

Mr. Bill Martin
Texas Historical Commission
1511 Colorado
Austin, Texas 78701

**RE: A CULTURAL RESOURCES SURVEY OF PORTIONS OF THE TEXAS
CLEAN ENERGY PROJECT, CRANE, ECTOR, AND MIDLAND COUNTIES**

Mr. Martin:

The U.S. Department of Energy (DOE) is preparing an Environmental Impact Statement (EIS) for the proposed Texas Clean Energy Project (TCEP) located in Crane, Ector, and Midland Counties. SWCA, on behalf of the DOE, conducted an archaeological survey, historic structure viewshed analysis, and a limited reconnaissance survey within portions of the TCEP project area. As none of the project is located on public lands, an Antiquities Permit was not required for the survey efforts. However, the DOE would like documented consultation with your office regarding the results presented in the enclosed draft report as, well as any recommendations for further work. The draft cultural report will be included in the appendices of the draft EIS statement. Any recommendations for further work, and subsequent results of additional survey efforts will be incorporated into the final EIS statement. Your prompt attention and comments are appreciated.

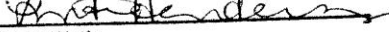
Please feel free to contact me by telephone or through email at apeyton@swca.com.

Sincerely,



Abigail Peyton, MA, RPA
SWCA Project Archaeologist
512-476-0891

**NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED**

by 
for Mark Wolfe
State Historic Preservation Officer
Date 14 October 2010



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21450-2010-I-0354

September 16, 2010

Mr. Adam Zerrenner, Field Supervisor
Austin Ecological Services Field Office
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758-4460

NO ACTION	
Date:	9/27/10
Consultation #:	21450-2010-I-0354
Approved by:	<i>Lucia Pollock</i>
Adam Zerrenner, Field Supervisor U.S. FISH & WILDLIFE SERVICE, AUSTIN, TEXAS	

FS	
AFS	
ALL	
Pat	
Rec'd	22 Sept 2010
Recommendation	No Action
OASIS	
FILED	
NO.	Sept
DATE	2010

Re: Request for Informal Consultation via Section 7 and supporting an Environmental Impact Statement for the Texas Clean Energy Project, Ector County, Texas

Dear Mr. Zerrenner:

The U.S. Department of Energy (DOE) is preparing an Environmental Impact Statement (EIS) for the proposed Texas Clean Energy Project (project) in Ector, Midland, and Crane counties, Texas. The project was selected as eligible to receive \$350 million in funding through a competitive process under the Clean Coal Power Initiative program. Because this federal funding is a major federal action as defined by NEPA, approval of funding is subject to NEPA analysis and disclosure through the EIS process. The Notice of Intent to prepare the EIS was published in the Federal Register (Vol. 75, No. 105/Wednesday June 2, 2010) and is enclosed for your review.

Summit Texas Clean Energy, LLC proposes to construct and operate a coal-fueled electric power and chemicals production plant integrated with carbon dioxide (CO₂) capture and geologic sequestration located approximately 15 miles southwest of the City of Odessa in Penwell, Ector County, Texas. The linear facilities for the project include potential process water lines, transmission lines, natural gas pipelines, access roads, and a CO₂ pipeline that spans Ector, Midland, and Crane counties.

At this time we are requesting informal concurrence with the enclosed Federally-Listed Species Habitat Evaluation, including its determinations of *not likely to adversely affect* the following species and/or their critical habitat: bald eagle, black-capped vireo, and sand dune lizard. If your agency concurs with our evaluation, please complete the signature block provided below and return this letter to our office via fax at (304) 285-4403 or email at Summit.EIS@NETL.DOE.GOV. DOE would appreciate your response by October 15, 2010. If you have any questions, please do not hesitate to call at (304) 285-4426.

Sincerely,

Mark L. McKoy

Mark L. McKoy
Environmental Manager
U.S. DOE

Enclosed:
Notice of Intent
Federally Listed Species Habitat Evaluation

3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507

31.798375 - 102.295499

Note: Based on prior experience with the USFWS Austin Ecological Services Field Office, the No Action response indicates USFWS has no conflict with the submitted report, which details DOE's findings that no adverse effects to federally listed species or their habitat are likely to occur as a result of the TCEP.



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RESPONSE REQUESTED:

- Yes, USFWS concurs with DOE's findings and does not wish to receive further information.
- No, USFWS does not concur with DOE findings and requests proceeding with the section 7 consultation process.

Signature: _____

Name (Please Print): _____

Title: _____

Date: _____

Tribal Consultation

Tribal Consultation Request Letter

A tribal consultation request letter was submitted in August 2010 by the U.S. Department of Energy (DOE) to each of the individually addressed original contacts for the tribes listed in Table B-1. An example of the submitted consultation letter, response request form, and map enclosure are provided following Table B-1. During subsequent consultation attempts with the tribes, several of the tribal contacts were determined to have changed, and current contacts are identified in Table B-1. Additional and more detailed tribal consultation records, including activity logs and communication records, are included in the project administrative record.

Table B-1. Tribal Contacts for TCEP Tribal Consultation

Original Contact	Current Contact	Alternate Current Contact
Mr. Nathan Tselee NAGPRA Coordinator Apache Tribe of Oklahoma P.O. Box 1220 Anadarko, OK 73005 Phone: 405-247-9493 Fax: 405-247-3153	Mr. Louis Maynahonah, Sr. Tribal Chairman Apache Tribe of Oklahoma P.O. Box 1220 Anadarko, OK 73005 Email: apache_business_committee@yahoo.com Phone: 405-247-9493 Fax: 405-247-3153	
Mr. Wallace Coffey Comanche Nation P.O. Box 908 Lawton, OK 73502 Phone: 580-492-4988 Fax: 580-492-3796	Mr. Jimmy Arterberry Tribal Historic Preservation Officer Comanche Nation P.O. Box 908 Lawton, OK 73502 Email: jimmya@cne-mail.com Phone: (580) 595-9960 or (580) 595-9618 Fax: 580-595-9733	
Mr. Jeff Houser Fort Sill Apache Tribe of Oklahoma Route 2, Box 121 Apache, OK 73006 Phone: 580-588-2298 Fax: 580-588-3133	Mr. Jeff Houser Fort Sill Apache Tribe of Oklahoma Route 2, Box 121 Apache, OK 73006 Phone: 580-588-2298 Fax: 580-588-3133	
Mr. Billy E. Horse Kiowa Tribe of Oklahoma P.O. Box 369 Carnegie, OK 73015 Phone: 580-654-2300 Fax: 580-654-2188	Mrs. Jame Eskew Tribal Representative Kiowa Tribe of Oklahoma P.O. Box 369 Carnegie, OK 73015 Email: mrsekew@yahoo.com Phone: 580-654-2300 Fax: 580-654-2188	Mr. Ronald Daws-TwoHatchet Chairperson Kiowa Tribe of Oklahoma P.O. Box 369 Carnegie, OK 73015 Phone: 580-654-2300 Fax: 580-654-2188
Mr. Tom Castillo Lipan Apache Tribe P.O. Box 8888 Corpus Christi, TX 78468 Phone: 361-215-5121	Mr. Tom Castillo Homeland Administrator Lipan Apache Tribe P.O. Box 8888 Corpus Christi, TX 78468 Email: homeland@lipanapache.org Phone: 361-215-5121	

Original Contact	Current Contact	Alternate Current Contact
<p>Mr. Mark R. Chino President Mescalero Apache Tribal Government 108 Old Mescalero Blvd. Mescalero, NM 88340 Phone: 575-464-4494</p>	<p>Mr. Mark R. Chino President Mescalero Apache Tribal Government 108 Old Mescalero Blvd. Mescalero, NM 88340 Phone: 575-464-4494 and The Mescalero Apache Reservation of New Mexico P.O. Box 176 Mescalero, NM 88340 Phone: 505-455-4494</p>	<p>Mescalero Apache Tribal Government Tribe Administration 101 Central Mescalero Ave. Mescalero, NM 88340 Phone: 575-671-4494 Fax: 505-671-9191</p>
<p>Mr. Gary McAdams President Wichita and Affiliated Tribes Anadarko, OK 73005 Phone: 405-247-2425 Fax: 405-247-2430</p>	<p>Mr. Stratford Williams President Wichita and Affiliated Tribes P.O. Box 729 Anadarko, OK 73005 Phone: 405-247-2425 Fax: 405-247-2430</p>	
<p>Mr. Frank Paiz Governor Ysleta del Sur Pueblo Tribe P.O. Box 17579-Ysleta Station El Paso, TX 79917 Phone: 915-859-8053 Fax: 915-859-4252</p>	<p>Mr. Javier Loera War Captain/Tribal Historic Preservation Officer Ysleta del Sur Pueblo Tribe P.O. Box 17579-Ysleta Station El Paso, TX 79917 Email: jloera@ydsp-nsn.gov Phone: 915-859-8053 Fax: 915-859-4252</p>	<p>Mr. Frank Paiz Governor Ysleta del Sur Pueblo Tribe P.O. Box 17579-Ysleta Station El Paso, TX 79917 Phone: 915-859-8053 Fax: 915-859-4252</p>



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August 19, 2010

Name
Title
Organization
Address
City, State Zip

Dear Name:

The U. S. Department of Energy (DOE) is preparing an Environmental Impact Statement (EIS) for the proposed action of providing Federal funding for the proposed Texas Clean Energy Project (TCEP). The project would involve planning, design, construction, and operation, by Summit Texas Clean Energy, LLC, of a coal-fueled electric power and chemicals production plant integrated with carbon dioxide (CO₂) capture and geologic sequestration. The TCEP will consist of a 600-acre power plant facility and approximately 85 miles of associated linear utility features located in Crane, Ector, and Midland Counties, Texas.

The DOE would like to solicit your input on the project to determine if your tribe has any concerns or issues about the project. In particular, we are interested in learning whether or not this project has the potential to impact any significant archaeological, religious, or cultural sites. DOE is requesting that you (or your designated representative) submit to my office any concerns or issues you may have or notify my office if you are aware of any significant archaeological, religious, or cultural sites within the areas of potential impact.

To assist in your review, the enclosed maps illustrate the potential areas where construction impacts may occur. Impacts to archaeological resources (if present) could occur as a result of site development and other land-disturbing activities from the project. Please also take into account any traditional properties in the vicinity that may be visually impacted by the proposed project.



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Please contact me via telephone (800-432-8330, ext. 4426), fax (304-285-4403) or email (Summit.EIS@netl.doe.gov) with any concerns. Thank you for your participation in this important project.

In addition, please sign the signature line below and return a signed copy to my attention if you (or your representative) want to continue to receive information about the project or if you wish to provide review comments on the Section 106 or NEPA documents.

Sincerely,

A handwritten signature in black ink that reads "Mark L. McKoy". The signature is written in a cursive, slightly slanted style.

Mark L. McKoy
Environmental Manager

Enclosure:
Project location map



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RESPONSE REQUESTED:

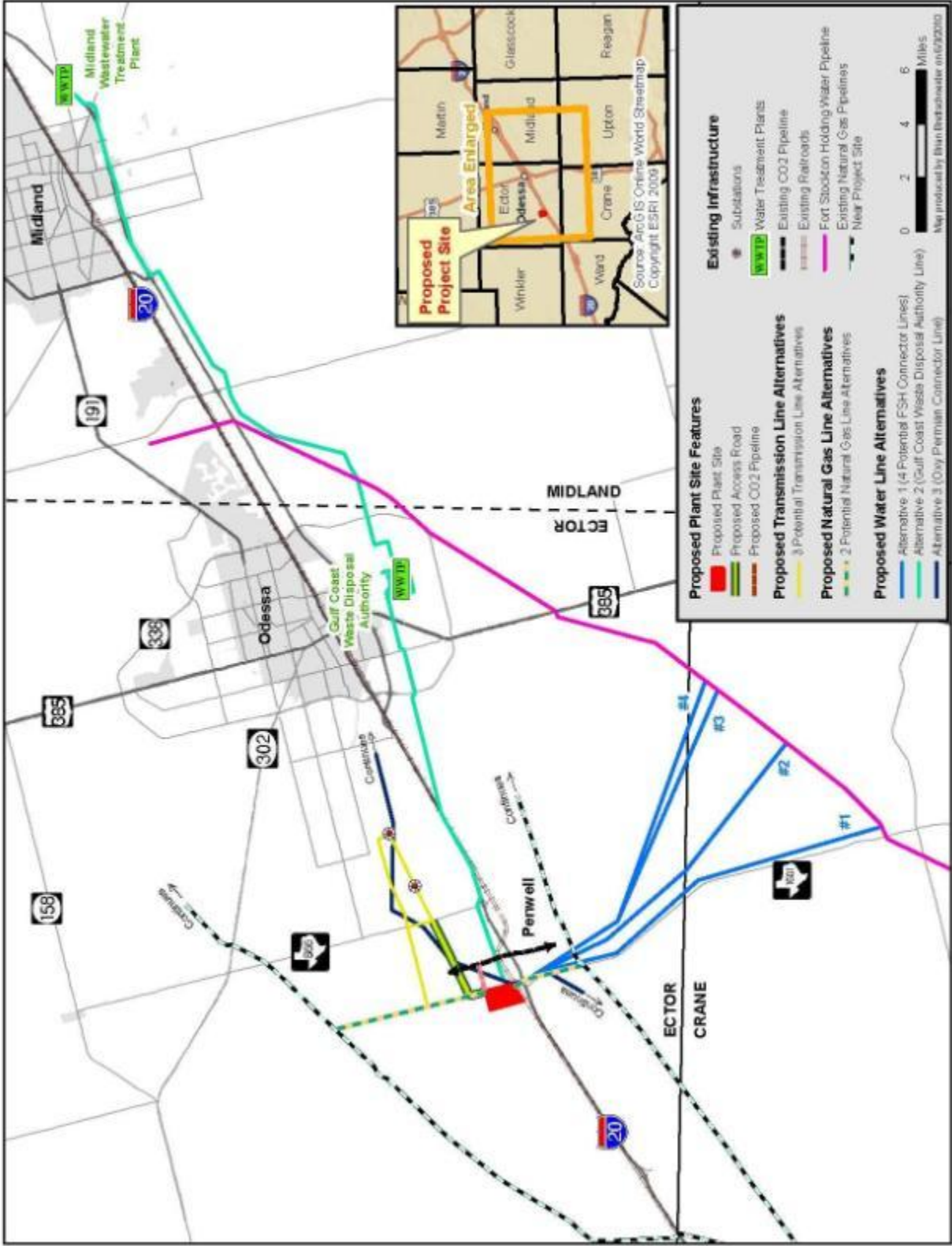
Yes, we wish to continue to receive information and participate in the consultation process.

No, we do not wish to continue to receive information or participate in the consultation process.

By: _____

Title: _____

Date: _____



Tribal Responses



Ysleta del Sur Pueblo

Tribal Council – Javier Loera – (War Captain/Tribal Historic and Preservation Officer)

117 South Old Pueblo Road * P.O. Box 17579 * El Paso, Texas 79917 * (915) 859-8053 * Fax: (915) 859-4252

August 31, 2010

Mr. Mark L. Mckoy
Environmental Manager
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507

Dear Mr. Mckoy:

This letter is in response to the correspondence received in our office in which you provide the Ysleta del Sur Pueblo the opportunity to comment on the U.S. Department of Energy's (DOE) preparation of an Environmental Impact Statement (EIS) for the proposed action of providing Federal funding for the proposed Texas Clean Energy Project (TCEP) located in Crane, Hector, and Midland Counties, Texas.

While we do not have any comments on the proposed (EIS) and believe that this project will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it; we would like consultation should any human remains or artifacts unearthed during this project be determined to fall under Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. Copies of our Pueblo's Cultural Affiliation Position Paper and Consultation Policy are available upon request.

Thank you for allowing us the opportunity to comment on the proposed project.

Sincerely,

Javier Loera
War Captain/Tribal Historic and Preservation Officer
Ysleta del Sur Pueblo
E-mail: jloera@ydsp-nsn.gov



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August 20, 2010

Mr. Arturo Senclair
Governor
Ysleta del Sur Pueblo Tribe
P.O. Box 17579-Ysleta Station
El Paso, TX 79917

Dear Mr. Senclair:

The U. S. Department of Energy (DOE) is preparing an Environmental Impact Statement (EIS) for the proposed action of providing Federal funding for the proposed Texas Clean Energy Project (TCEP). The project would involve planning, design, construction, and operation, by Summit Texas Clean Energy, LLC, of a coal-fueled electric power and chemicals production plant integrated with carbon dioxide (CO₂) capture and geologic sequestration. The TCEP will consist of a 600-acre power plant facility and approximately 85 miles of associated linear utility features located in Crane, Ector, and Midland Counties, Texas.

The DOE would like to solicit your input on the project to determine if your tribe has any concerns or issues about the project. In particular, we are interested in learning whether or not this project has the potential to impact any significant archaeological, religious, or cultural sites. DOE is requesting that you (or your designated representative) submit to my office any concerns or issues you may have or notify my office if you are aware of any significant archaeological, religious, or cultural sites within the areas of potential impact.

To assist in your review, the enclosed maps illustrate the potential areas where construction impacts may occur. Impacts to archaeological resources (if present) could occur as a result of site development and other land-disturbing activities from the project. Please also take into account any traditional properties in the vicinity that may be visually impacted by the proposed project.

received
8-23-2010
original: gavier labra



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RESPONSE REQUESTED:

Yes, we wish to continue to receive information and participate in the consultation process.

No, we do not wish to continue to receive information or participate in the consultation process. - *See Attached Letter*

By: *Javier Loera (JAVIER LOERA)*

Title: *THPO / WAR CAPTAIN of Tribe (NAGPRA Rep.)*

Date: *August 31, 2010*

