



Department of Energy

Washington, DC 20585

June 16, 2026

Joseph Bell
Executive Director and State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

cc:

J.C. Perez, Jim Wells County Historical Commission

SUBJECT: U.S. Department of Energy, Office of Energy Dominance Financing, Section 106 Consultation, American Electric Power, Falfurrias to King Ranch 138 kilovolt (kV) Transmission Line Rebuild Project, Brooks, Jim Wells, and Kleberg Counties, Texas

Dear Mr. Bell,

Pursuant to its authority under Title XVII of the Energy Policy Act of 2005, as amended, which established a Federal loan guarantee program, the U.S. Department of Energy (DOE) Office of Energy Dominance Financing (EDF) is evaluating whether to provide a Federal loan guarantee to American Electric Power (AEP, or the Applicant) for the Falfurrias to King Ranch 138 kilovolt (kV) Transmission Line Rebuild Project (the Project) located in Brooks, Jim Wells, and Kleberg Counties, Texas.

The purpose of this letter is to formally initiate consultation with the Texas State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 United States Code [U.S.C.] 306108), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, "Protection of Historic Properties." This letter presents a description of the undertaking, the Area of Potential Effects (APE), and the efforts to identify historic properties; and seeks your concurrence with DOE's Finding of No Adverse Effect for this Project.

A cultural resources report is included as Attachment 1, and a Request for SHPO Consultation Form is included as Attachment 2.

The parties listed above that are copied on this letter are invited to participate as consulting parties to the Section 106 consultation and may provide their comments on the undertaking to DOE EDF. In accordance with the confidentiality provisions of the Section 106 regulations at 36 CFR 800.11(c), to avoid the disclosure of potentially sensitive cultural resources information to the public, DOE EDF has respectfully withheld Attachment 1 from dissemination to those members of the public invited to participate as consulting parties. DOE EDF has made this consultation letter available for public view to solicit comments from the general public on the undertaking.

Description of the Undertaking

DOE's action is the issuance of a proposed Federal loan guarantee to the Applicant for the undertaking (i.e., the Project), which involves rebuilding approximately 20.5 miles of the existing Falfurrias to King Ranch Transmission Line generally within its existing 100-foot-wide right-of-way (ROW) between the Falfurrias substation and King Ranch substation. The existing 100-foot-wide ROW is currently cleared out to varying widths (35, 65, or 100 feet), and the Project would clear out the remaining existing ROW to 100 feet throughout. The Project would replace a total of 184 existing wood pole structures with monopole steel structures, including 12 Dead End galvanized structures on drill pier foundations and 172 tangent braced post structures on direct embed foundations. The replacement structures would generally be installed within 10 feet of existing structures within the existing ROW centerline, but no more than 25 feet from existing structures. All existing transmission structures, generally 50-foot-tall wood poles, will be removed from the ROW and replaced with new transmission structures that would vary in height between 83 and 124 feet. The Project includes the use of temporary workspaces (i.e., pulling pockets) and the installment of a 16-foot-wide gravel path within the existing ROW. Existing public roads (e.g., U.S. Highway 281), private roads, and ROW will be used for construction access; no new access roads are proposed. Construction activities consistent with transmission lines typically include erosion and sediment control, crane pad grading, foundation installation, structure assembly and erection, conductor and shield wire installation, and restoration activities following construction completion. Project maps are provided in the cultural resources report that is included as Attachment 1.

Description of the Area of Potential Effects

As defined in the Section 106 regulations (36 CFR § 800.16(d)), the APE is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The dimensions of the APE are influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. Within the APE, DOE EDF distinguishes different survey areas for identifying archaeological and historic architectural resources (hereafter, the "archaeological survey area" and "architectural survey area"). The archaeological survey area is defined as the construction footprint of the Project where potential physical effects caused by ground-disturbing activities may occur, also known as the limits of disturbance (LOD). The architectural survey area includes the area in the Project LOD and may apply a distance buffer, as appropriate, within which potential non-physical effects (e.g., visual, vibrational, auditory, or atmospheric) could occur. These survey areas collectively comprise the APE for the Project.

The Project's archaeological survey area includes the approximately 20.5-mile-long and 100-foot-wide existing ROW corridor, itself comprising 230.1 acres, as well as the additional LOD for temporary workspaces (i.e., pulling pockets) and the installment of a 16-foot-wide gravel path within the ROW, for a total area of 251.6 acres. The Project's architectural survey area includes the ROW and the area within a 0.5-mile radius of the Project.

DOE EDF also acknowledges that Attachment 1 refers to the archaeological survey area as the “Direct APE” and the architectural survey area as the “Indirect APE”, and notes that in accordance with the 2019 D.C. Circuit Court decision in *National Parks Conservation Association v. Semonite*, visual effects that are caused by the undertaking are considered direct effects.

Description of Efforts to Identify Historic Properties

Tribal Outreach

In accordance with Section 106, DOE identified federally recognized Native American Indian Tribes (Tribes) that may have an interest in the Project area. DOE has notified the following four (4) federally recognized Tribes to see if they have an interest in the Project: Apache Tribe of Oklahoma; Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie), Oklahoma.

By separate letter sent concurrently with this submission to the SHPO, DOE EDF has requested Tribal respondents to provide their comments on the undertaking, provide information regarding historic properties of religious or cultural significance to Tribes that may be present in the APE, and to identify any additional Tribes that may share an interest in the Project area so DOE EDF can promptly invite them to consult. DOE EDF will consider all comments received from Tribes during the 30-day consultation period and will coordinate with the SHPO and other consulting parties, as appropriate, if additional consultation is requested or necessary.

Records Search

As part of the Section 106 process, the Applicant contracted SWCA Environmental Consultants (SWCA) to conduct cultural resource identification surveys. SWCA prepared the cultural resources report that is included as Attachment 1 and summarized below.

Prior to the initiation of fieldwork, SWCA conducted a file review for a 1-kilometer radius study area surrounding the Project. The online restricted-access Texas Historical and Archeological Sites Atlas was reviewed to identify previously recorded archeological and historical sites within the study area. In addition, previously recorded cultural resource data available online from the Texas Historical Sites Atlas were reviewed to identify the locations of historical sites, cemeteries, National Register of Historic Places (NRHP) properties, State Antiquities Landmarks, and Official Texas Historical Markers recorded within the study area. The Texas Department of Transportation (TxDOT) Historic Resources Aggregator was reviewed for resources that are listed or determined eligible for listing on the NRHP. NPS websites and data centers were reviewed to identify locations and boundaries for historic properties and historic trails. SWCA also reviewed historical topographic mapping and aerial photography within the APE and study area.

The review indicated six (6) previous cultural resource surveys within the study area, two (2) of which intersect the APE. No previously recorded archaeological sites are documented within the study area. Three (3) recorded cemeteries are mapped within the study area, none of which are within the APE; however, two (2) other cemeteries not recorded in the Atlas were found to be within the APE and were surveyed during the field effort. Two (2) Official Texas Historical Markers are within the study area, neither of which are in the APE. One (1) NRHP-listed historic district is mapped within the study area and overlaps the Project APE. Additional details and maps are provided in Attachment 1.

SWCA also conducted a probability modeling analysis using TxDOT's Potential Archaeological Liability Maps and Hybrid Potential Archaeological Liability Maps systems and LiDAR data. The results of these analyses are discussed in Attachment 1 and presented in the Appendices of that report. In summary, the results of the background review indicate that the APE has not been surveyed for archaeological resources, and the APE has moderate potential to contain significant precontact archaeological sites. However, the Project is within a rural setting that has been heavily impacted in the past century by oil and gas infrastructure, agricultural and ranching activities, and electrical transmission line construction, and subsurface cultural resources are likely to be disturbed.

Following the completion of background research, SWCA completed Phase I cultural resource surveys to identify newly recorded archaeological sites and historic architectural resources within the APE. The results of the surveys are provided in Attachment 1 and summarized below.

Archaeological Resources

A Phase I archaeological survey was conducted to identify archaeological resources within the APE that could be affected by Project-related ground disturbance. The survey was conducted by qualified SWCA archaeologists and in accordance with applicable state guidelines, which for a 100-foot-wide ROW corridor, require one pedestrian transect and a minimum of 304 survey shovel tests excavated at intervals not exceeding 328 feet (100 meters). Survey intensity and shovel test placement were informed by disturbance, landform characteristics, soil conditions, and previous cultural resources investigations in the vicinity of the APE. A total of 308 shovel tests were excavated, none of which identified cultural material or features.

During the investigation, SWCA archaeologists conducted an intensive pedestrian survey and visual inspection of 93% of the APE, including approximately 19 miles of the main alignment and pulling pocket locations. No archaeological resources were identified within this majority portion of the APE. Approximately 1.5 miles (7% of the APE) was not surveyed due to land access constraints; a probability analysis was completed for this unsurveyed area (see Attachment 1, Appendix A). At this time, DOE EDF cannot confirm whether historic properties are present within this portion of the APE. Based on the desktop review, no previously recorded cultural resources were identified within the unsurveyed area; however, portions of the segment exhibit moderate to high archaeological sensitivity.

Historic Architectural Resources

Qualified SWCA architectural historians conducted a reconnaissance-level survey of the APE and documented historic-age resources (45 years or older). A total of 173 historic resources were identified within the APE, one (1) of which is a previously NRHP-listed historic district, and three (3) of which are recommended as eligible for inclusion in the NRHP. Additional details on survey methodology and survey results, as well as detailed maps, are included in Attachment 1 and its appendices. The four (4) identified historic properties in the APE are:

1. King Ranch Historic District (**Resource 4**) is affirmed as listed in the NRHP under Criterion A for Agriculture and Exploration/Settlement at the national level of significance. **Resources 1–3** are recommended noncontributing to the district.
 - a. Within the boundaries of the NRHP-listed historic district is the area that comprises the King Ranch National Historic Landmark (NHL). The NHL is located approximately 6.7 miles northeast of the Project, well outside of the Project viewshed and the APE. As such, the undertaking has no potential to affect the NHL.
2. Los Olmos Cemetery (**Resource 25**) is recommended eligible for the NRHP under Criterion A for Ethnic Heritage/Hispanic-Mexican and Settlement and Exploration at the local level for its association with the ghost town community of Los Olmos (ca. 1830–1945). The associated parcel is the recommended NRHP boundary, and the preliminary period of significance is the date of construction to cutoff (1892–1981). The cemetery meets Criteria Consideration D for associations with the former settlement of Los Olmos, which does not have any other components.
3. The Don Pedrito Jamarillo Shrine and Cemetery (**Resource 26**) is recommended eligible for the NRHP under Criterion A for Ethnic Heritage/Hispanic-Mexican and Criterion B for Person at the local level of its associations with Don Pedro Jamarillo (1829–1907). The cemetery meets Criteria Consideration D for Jamarillo being a person of transcendent importance. The associated parcel is the recommended NRHP boundary, and all resources within the parcel are recommended contributing. The preliminary period of significance is 1907 to 1981, the date of Jamarillo’s interment to the survey cutoff.
4. The La Gloria Butane Co. (**Resource 48A**) is recommended eligible for the NRHP under Criterion A for Commerce and Criterion C for Architecture at the local level. The footprint of the building is the recommended NRHP boundary, and 1947 to 1981 is the preliminary period of significance for Criterion A; 1947, the construction date, is the recommended period of significance for Criterion C.

Description of the Undertaking’s Effects on Historic Properties

Because the Project is a rebuild of the existing transmission line, the Project would not cause any new visual intrusions, other significant or notable alterations to viewshed, or

other changes to the character historic properties' setting that would diminish the integrity of their character-defining features. Therefore, the proposed Project would have no adverse effect on the four (4) identified historic properties.

Approximately 1.5 miles of the ROW (7% of the APE) was not subject to field surveys due to access restrictions. DOE EDF cannot determine the presence, absence, integrity, and significance of cultural resources within this segment of the APE. As such, DOE EDF is considering the results of the desktop review in meeting its responsibility to identify historic properties and assess the effects of the undertaking on historic properties.

While the preferred level of effort to identify historic properties in the remaining 1.5-mile unsurveyed segment of the Project would include the completion of an intensive archaeological survey consistent with the methods applied to the rest of the Project, landowner permission to access and survey this area prior to construction is unlikely to be granted. If access is granted to conduct surveys, the Applicant will provide the results of those surveys to DOE EDF, who will then re-engage with the SHPO, Tribes, and consulting parties to consult on those results.

In lieu of the Applicant receiving permission to access and conduct surveys prior to construction, DOE EDF proposes that commitments to additional measures to avoid and minimize potential adverse effects within the unsurveyed area are sufficient to meet the reasonable and good faith effort standard and to form the basis of a Finding of No Adverse Effect. Such measures may include minimizing new ground disturbance to the extent feasible, limiting construction activities to previously disturbed portions of the existing transmission corridor where practicable, construction monitoring, and implementation of the Unanticipated Discoveries Plan (see Attachment 1, Appendix B) during construction.

In accordance with 36 CFR 800.4(b)(1), DOE EDF has considered the nature of the undertaking, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the unsurveyed portion of the APE. Although unidentified cultural resources may be present in the unsurveyed area, there are no previously recorded historic properties present and the degree of prior disturbance in the existing ROW related to the original construction of the transmission line reduces the likelihood of intact, significant archaeological resources being present. Furthermore, the nature of the Project (i.e., replacement of existing transmission structures generally within 10 feet of their current location, but no more than 25 feet from existing structures) involves minimal potential ground disturbance and the nature of potential effects on unidentified archaeological resources would be minimal.

In summary, while approximately 7% of the APE has not been subject to intensive field surveys, DOE has made a reasonable and good faith effort to identify historic properties within the APE, and concludes that the implementation of additional measures to avoid or minimize effects within the unsurveyed area are sufficient to form the basis of a Finding of No Adverse Effect.

Requesting your Concurrence and Next Steps

Based on DOE's review of the efforts to identify historic properties and conclusions drawn from this information, DOE is issuing a Finding of No Adverse Effect, consistent with 36 CFR § 800.5(d)(1). As part of the Section 106 process, DOE EDF requests the concurrence of the Texas SHPO on the Finding of No Adverse Effect, as well as any comments you may have on the APE or the Project **within thirty (30) days of receipt of this letter**.

The parties listed above that are copied on this letter are invited to participate as Section 106 consulting parties and may provide their comments on the undertaking to DOE EDF **within thirty (30) days of receipt of this letter**. In accordance with the confidentiality provisions of the Section 106 regulations at 36 CFR 800.11(c), to avoid the disclosure of potentially sensitive cultural resources information to the public, DOE EDF respectfully requests the consulting parties not share Attachment 1 with outside parties or the public.

In the event of a post-review unanticipated discovery of cultural resources and/or human remains during construction, DOE EDF will determine actions to resolve adverse effects and notify the SHPO, any Tribe that might attach religious and cultural significance to the affected property, and the Advisory Council on Historic Preservation (ACHP) within 48 hours of the discovery, pursuant to 36 CFR 800.13(b)(3).

We look forward to consulting with your office throughout the Section 106 process. If you have any questions or would like to discuss this project further, please contact me at 240-687-7266 or via email at EDF_Environmental@doe.gov.

Sincerely,

Molly R. Cobbs
Environmental Project Manager
Office of Energy Dominance Financing

Attachments:

Attachment 1. Cultural Resources Report

Attachment 2. Request for SHPO Consultation Form