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**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF )  
AJO IMPROVEMENT COMPANY IN )  
CONFORMANCE WITH THE REQUIREMENTS )  
OF ARIZONA REVISED STATUTES §§ 40-360.03 )  
40-360.06, *et seq.*, FOR A CERTIFICATE OF )  
ENVIRONMENTAL COMPATABILITY AUTHORIZING )  
THE CONSTRUCTION OF A 230KV TRANSMISSION )  
LINE AND SUBSTATION IN MARICOPA AND PIMA )  
COUNTIES, ARIZONA, BETWEEN GILA BEND )  
SUBSTATION WEST OF GILA BEND TO THE )  
PROPOSED SUBSTATION NEAR THE PHELPS )  
DODGE AJO INCORPORATED MINE A DISTANCE )  
OF APPROXIMATELY 47 MILES. )

Arizona Corporation Commission  
Docket No. L-00000G-97-0089  
Case No. 89

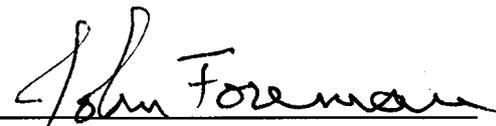
Arizona Corporation Commission  
**DOCKETED**  
JAN 12 2009

DOCKETED BY 

**NOTICE OF FILING**

John Foreman, Chairman of the Arizona Power Plant and Line Siting Committee, gives notice of the filing of the attached letter in the above referenced matter. Ann Valdo Howard, the author of the letter, was consulted by telephone on January 12, 2009, and advised the letter would be filed with Docket Control of the Arizona Corporation Commission so that the parties to this matter and the staff of the Commission would be advised of the letter and its contents so that appropriate action could be taken.

DATED: January 12, 2009

  
John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

Pursuant to A.A.C. R14-3-204,  
The Original and 25 copies were  
filed January 12, 2009 with:

RECEIVED  
2009 JAN 12 A 11: 36  
AZ CORP COMMISSION  
DOCKET CONTROL

1 Docket Control  
2 Arizona Corporation Commission  
3 1200 W. Washington St.  
4 Phoenix, AZ 85007

5 Copy of the above mailed this  
6 12<sup>th</sup> day of January, 2009 to:

7 C. Webb Crockett  
8 Patrick J. Black  
9 Fennemore Craig  
10 3003 North Central Avenue  
11 Suite 2600  
12 Phoenix, Arizona 85012

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14 Tara Williams

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December 19, 2008

L-00000G-97-0089

MIR  
PAD / CPA  
DEC 23 2008  
RECEIVED

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

Re: DOCKET NO. L-00000G-97-0089 (Case No. 89);  
Proposed Ajo Improvement Company Gila Bend to Ajo 230 kV  
Transmission Line Project; ACC, BLM; SHPO-2008-1745(38133)

Janet Napolitano  
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Arizona State Parks  
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Phoenix, AZ 85007

Tel & TTY: 602.542.4174  
www.azstateparks.com

800.285.3703 from  
(520 & 928) area codes

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188

Dear Ms. Woodall:

We are in receipt of a letter from the Ajo Improvement Company (AIC) regarding the five-year extension of their existing Certificate of Environmental Compatibility (CEC) for the construction of a 47-mile long 230 kV transmission line from Gila Bend to Ajo, Arizona. It is our understanding from discussions with the project proponent, Freeport, that this line has not yet been built.

Our office was consulted by the Bureau of Land Management (BLM) in 1997 when the ACC first approved a permit for this undertaking. Given the presence of federal lands within the transmission line right-of-way (ROW), this project constitutes a federal undertaking under the Section 106 regulations implementing the National Historic Preservation Act. Thus, our office needs to hear from the BLM as whether or not there are historic properties within the ROW that will be affected by the construction of this line.

We also need to know if there is any other federal or state lands situated within the ROW; we were unable to ascertain land jurisdictions from the schematic map provided by the project proponent. If state land managers are involved, our office needs to be consulted by them pursuant to the State Historic Preservation Act.

If the ROW has not been surveyed for cultural resources by a professional archaeologist, this also needs to happen prior to construction in order to locate and evaluate any existing cultural remains within the ROW.

Once the survey has been completed, a copy of the report by the archaeologist should be sent to the respective state and federal land managers for their review and comment; they will review the survey report for adequacy and will provide National Register eligibility determinations for the identified sites within the project ROW. Ideally, one of the federal land managers should take the lead for consultation



Laurie Woodall  
December 19, 2008  
Page Two

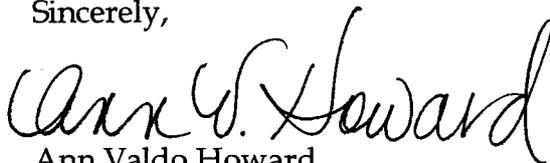
with our office, Indian Tribes, and other consulting parties under Section 106 of the NHPA. By copy of this letter to the BLM (the only federal agency that we have been told is involved), SHPO is asking for them to consult with each other regarding lead agency assumption.

After state and federal agency review, the survey report will then need to be revised to reflect the land managers' comments prior to submittal to our office by the lead federal agency for review and comment on eligibility and a finding of effect for the undertaking. If National Register-eligible cultural resources are identified within the ROW that cannot be avoided by project design, then the adverse effects to these properties must be mitigated through archival research, archaeological data recovery, and/or documentation prior to project construction.

We look forward to reviewing the cultural resources survey report for the alternative corridor that is chosen for the Gila Bend to Ajo 230 kV transmission line and to hearing from the relevant land managers.

As always, we appreciate your continued cooperation with this office in complying with the historic preservation requirements for state and federal undertakings. If you have any questions or concerns, please feel free to contact me at 602/542-7138, or e-mail me at [ahoward@azstateparks.gov](mailto:ahoward@azstateparks.gov).

Sincerely,



Ann Valdo Howard  
Public Archaeology Programs Manager/  
Archaeological Compliance Specialist  
State Historic Preservation Office

C: Cheryl Blanchard, Archaeologist, Phoenix Field Office, BLM