Control Number: 48629

Item Number: 255

Addendum StartPage: 0
APPLICATION OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A 345-KV TRANSMISSION LINE IN BRAZORIA, MATAGORDA, AND WHARTON COUNTIES

November 13, 2018

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Houston, Texas 77002
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QUESTION:

Please refer to Question 28 of the Application and Section 4.4.3 of the Environmental Assessment (EA).

a. Please explain fully the statement, "Therefore, no significant adverse impacts are anticipated to any Coastal Wetlands, State Submerged Land, Coastal Shore Areas and Waters Under Tidal Influence crossed for any of the Proposed Alternative Routes." Upon what information is that statement based? Please provide references in the application or additional documentation, if applicable.

b. The Proposed Routes and EA, when taken together, demonstrate that multiple small and large angle turn structures would be installed in areas marked as wetlands on the maps. The EA indicates that such areas would be spanned, but the route and link segments contain numerous descriptions that appear to have turns in wetland areas. Please reconcile the routing with turning through wetland areas with the statement in (a), above.

c. Please refer to page 4-23 in the EA, which states, "All 30 routes cross the tidal influenced portion of the San Bernard River (TCEQ Stream Segment: 1301) once... [and] cross State Submerged Lands and Coastal Shore Areas along the San Bernard River within the CMZ. Each of the 30 proposed alternative routes cross the San Bernard River once. Coastal Shore areas associated with these would each include a 100-foot buffer landward of the OHWM of the State Submerged Land (San Bernard River)." Please reconcile this planned river crossing with the statement in (a).

d. Please explain fully the statement, "Therefore, no significant adverse impacts are anticipated to any Coastal Preserves for any of the Proposed Alternative Routes." Upon what information is that statement based? Please provide references in the application or additional documentation, if applicable.

ANSWER:

a. As stated in the sections 4.4.3.1, 4.4.3.3, and 4.4.4.2 of the Environmental Assessment (EA), CenterPoint Energy proposes to span all surface waters and Coastal Natural Resource Areas (CNRAs) to the extent feasible, and then implement a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) to minimize potential impacts from the Project on Coastal Wetlands, State Submerged Land, Coastal Shore Areas, and Waters Under Tidal Influence.

CenterPoint Energy proposes to conduct construction activities in accordance with U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP) 12. NWP 12 authorizes certain utility line activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act that result in no more than minimal individual and cumulative adverse environmental effects. CenterPoint Energy proposes to comply with all general and regional conditions of the USACE NWP 12. After a field survey of the route approved by the Public Utility Commission of Texas (PUCT), additional coordination may be required with the USACE, Galveston District, to identify any additional permitting requirements. Given that CenterPoint Energy anticipates that Project construction will fall under NWP 12, it is not anticipated this Project will cause significant adverse impacts to wetlands or Waters of the United States (WOTUS).

If, as anticipated, CenterPoint Energy constructs its Project in accordance with NWP 12, CenterPoint Energy will be obligated to comply with all NWP 12 General Conditions. Selected
NWP 12 General Conditions applicable to minimizing and avoiding potential adverse impacts to the CNRAs in question include:

- General Condition 10: The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
- General Condition 11: Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
- General Condition 12: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within WOTUS during periods of low-flow or no-flow, or during low tides.
- General Condition 13: Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

In addition to complying with the conditions of NWP 12, which is only applicable to projects with no more than minimal adverse environmental effects, CenterPoint Energy will also develop a SWPPP with BMPs to minimize potential impacts associated with soil erosion, compaction, and off right-of-way (ROW) sedimentation. The SWPPP, once implemented, will incorporate temporary and permanent BMPs to minimize soil erosion on the ROW during significant rainfall events. The SWPPP will also establish the criteria for re-vegetation and mitigating soil compaction to ensure adequate soil stabilization during the construction and post-construction phases. The existing herbaceous layer of vegetation will be maintained, to the extent practicable, during construction. Areas with a high erosion potential, including steep slopes and areas with shallow topsoil, may require seeding and/or implementation of permanent BMPs (e.g., soil berms or interceptor slopes) to stabilize disturbed areas and to minimize the potential for soil erosion during the post-construction phase. The ROW will be inspected prior to and during construction to ensure that potential high-erosion areas are identified and appropriate BMPs are implemented and maintained. The ROW will be inspected post-construction to identify areas where permanent erosion control measures may be needed for soil stabilization.

CenterPoint Energy also proposes to construct the transmission line in accordance with the goals and policies of the Coastal Management Program (CMP) to minimize any potential impacts to CNRAs, as articulated in 31 Texas Administrative Code (TAC) § 501.12 and 31 TAC § 501.16.

As set forth in 31 TAC § 501.12, some of the applicable goals of the Texas CMP include:

- to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of CNRAs;
- to ensure sound management of all coastal resources by allowing for compatible economic development and multiple human uses of the coastal zone;
- to minimize loss of human life and property due to the impairment and loss of protective features of CNRAs;
- to balance the benefits from economic development and multiple human uses of the coastal zone, the benefits from protecting, preserving, restoring, and enhancing CNRAs, the benefits from minimizing loss of human life and property, and the benefits from public access to and enjoyment of the coastal zone;
- to make coastal management processes visible, coherent, accessible, and accountable to the people of Texas by providing for public participation in the ongoing development and implementation of the Texas CMP.

The Project's alternative routes are consistent with these goals because:

- the project minimizes impacts on CNRAs by routing through previously disturbed areas or paralleling existing rights-of-way, where practicable;
- the project minimizes or avoids potential impacts to CNRAs by using special construction methods in sensitive environmental areas (see Section 1.3 of the EA);
- the project is routed, designed, and will be constructed using best management practices;
- notice was given to the public, directly affected landowners, landowners with land within
500 feet of the centerline of the proposed routes, municipalities, counties, etc.; and the project received public comment filings, landowner interventions, and input from state, local, and federal agencies.

As set forth in 31 TAC § 501.16, electric transmission lines must comply with the following policies related to construction in the coastal zone:

(4) Electric transmission lines to or on Coastal Barrier Resource System Units and Otherwise Protected Areas designated on maps dated October 24, 1990, as those maps may be modified, revised, or corrected, under the Coastal Barrier Resources Act, 16 United States Code Annotated, §3503, on coastal barriers shall:

(A) be located, where practicable, in existing rights-of-way or previously disturbed areas if necessary to avoid or minimize adverse effects; and

(B) be located at sites at which future expansion shall avoid construction in critical areas, Gulf beaches, critical dunes, and washovers to the greatest extent practicable.

The Project is consistent with the applicable policies of the CMP as described in 31 TAC § 501.16(4) because the Project does not involve construction of an electric transmission line to or on any Coastal Barrier Resource System Units or Otherwise Protected Areas (each statutorily defined areas).

b. As stated in section 2.4.4.2 of the EA, data collected from the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) was used to identify areas of potential wetlands during the routing process and development of the EA. NWI data is based on topography and interpretation of infrared satellite data and color aerial photographs and is classified under the Cowardin System. These modeled wetlands are typically conservative estimates of wetlands, primarily because the hydrology of the area has likely been modified by ground-disturbing activities, such as farming, channelizing streams/canals, and installation of levees and drainage.

In addition to the response provided to subpart (a), as stated in sections 4.4.3.1, 4.4.3.3, and 4.4.4.2 of the EA, CenterPoint Energy proposes to span all surface waters and wetlands to the extent feasible. Prior to construction, a field survey to delineate WOTUS and coastal wetlands, as defined by 31 TAC § 501.3(b) will be needed before CenterPoint Energy can determine the final location of structure foundations or identify the need to span any potentially jurisdictional areas.

If structure foundations must be placed within wetland boundaries, CenterPoint Energy anticipates that this activity will be covered under the USACE issued general permit NWP 12, provided that the general and regional conditions of the NWP permit are met. NWP 12 authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in WOTUS, provided that the foundations are the minimum size necessary and that separate footings for each tower leg (rather than a larger single pad) are used where feasible. NWP 12 also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct utility line construction activities. Because CenterPoint Energy anticipates that the Project's activities will fall under NWP 12, and because NWP 12 is only available for activities with no more than minimal individual and cumulative adverse environmental effects, it is not anticipated this Project will cause significant adverse impacts to wetlands or WOTUS.

c. In addition to the response provided to subpart (a), as stated in sections 4.4.3.1 and 4.4.3.3 of the EA, CenterPoint Energy proposes to span all surface crossings and CNRAs, where practical. No surface waters or open water areas crossed by the proposed alternative routes exceed the typical spanning distance for the proposed transmission line. In addition, when spanning surface waters, CenterPoint Energy proposes to place the structure foundations beyond the ordinary high water mark, if practical. No proposed construction activities will significantly impede the flow of water within the applicable watersheds. To the extent allowable, CenterPoint Energy will retain the shorter understory and herbaceous layers of vegetation will
remain. BMPs will be implemented in accordance with a SWPPP, if required, to reduce the potential for sedimentation outside of the ROW.

At the crossing locations, the San Bernard River ranges in width from approximately 175 to 310 feet, plus an additional 100-foot buffer of Coastal Shore areas, for a total spannable length of approximately 375 to 510 feet. Because the typical span length for this project will be approximately 850 feet, CenterPoint Energy anticipates being able to minimize potential impacts to the San Bernard River at the crossing locations. The Project also proposes to minimize or avoid potential impacts to CNRAs by using special construction methods in sensitive environmental areas (refer to Section 1.3 of the EA). All crossings of navigable waters must comply with the minimum clearances specified in 33 CFR s. 322.5(l).

During the routing process, careful consideration was given to the location of the river crossings to minimize potential adverse impacts. Crossings are placed near areas with previous disturbance/development or in areas with minimal vegetation, where possible. To reduce clearing and fragmentation, crossings are placed at 90-degree angles to the river. Crossings are also deliberately placed outside of potential Columbia Bottomland habitats.

Prior to construction, CenterPoint Energy will conduct a field assessment of the PUCT-approved route to identify jurisdictional areas and determine any anticipated impacts to possible jurisdictional areas. Additional coordination with the USACE-Galveston District may be required to determine the need for additional Section 10 permitting.

d. In addition to the response provided to subpart (a), the proposed alternative routes that cross Coastal Preserves, specifically, the Justin Hurst Wildlife Management Area (WMA), parallel existing linear features (i.e., existing roads and transmission lines), avoid potential wetlands, and cross previously disturbed areas, where possible, to minimize habitat fragmentation and potential adverse impacts to the WMA. During the routing process, in January 2018, CenterPoint Energy and POWER communicated with counsel and staff at TPWD to gain the agency's input on alternative routing through the WMA. Based on this communication, CenterPoint Energy adjusted its alternative segments, away from paralleling existing transmission lines, in order to parallel an existing two-track road and avoid the need to clear woody vegetation. Please refer to Attachment PUC01-01d TPWD_Comparison.pdf.

SPONSOR:
Ryan K. Bayer and Rob R. Reid

RESPONSIVE DOCUMENTS:
PUC01-01d TPWD_Comparison.pdf
QUESTION:

Please identify the type(s) of coastal wetlands that would be crossed/spanned as a result of this project.

ANSWER:

As stated in sections 2.4.4.2 and 4.4.4.2 of the EA, the USFWS NWI data within the Coastal Management Zone (CMZ) identified potential freshwater Palustrine Emergent Wetlands and freshwater Palustrine Forested/Shrub Wetland wetlands along alternative routes within the CMZ. Therefore, coastal wetlands as defined by 31 T.A.C. § 501.3(b) and Texas Water Code § 11.502 are anticipated to occur along the alternative routes. None of the alternative routes cross any estuarine wetlands or marine habitats.

As stated in section 2.4.4.2 of the EA, NWI data used in the development of the EA are based on topography and interpretation of infrared satellite data and color aerial photographs and are classified under the Cowardin System. These modeled wetlands are typically conservative estimates of wetlands, primarily because the hydrology of the area has likely been modified by ground-disturbing activities, such as farming, channelizing streams/canals, and installation of levees and drainage.

SPONSOR:
Ryan K. Bayer and Rob R. Reid

RESPONSIVE DOCUMENTS:
None
QUESTION:
Please answer the following questions regarding vegetation management:

a. What are the predominant types/height of vegetation?

b. How will CenterPoint maintain the right-of-way across this vegetation?

c. Will planned/expected vegetation control methods impact or degrade the coastal wetlands spanned? Why or why not?

ANSWER:

a. The alternative routes within CMZ lie within the Gulf Prairies Vegetational Area and the Floodplains and Low Terraces Level IV Ecoregion, as specified in Section 2.4.4.2 of the EA. Section 2.4.4.2 of the EA contains additional information about vegetative species potentially located within the study area. Prior to construction, CenterPoint Energy will complete a field assessment of the PUCT-approved route to identify predominant types and height of vegetation. The TPWD “Ecological Mapping Systems of Texas” tool identifies dominant vegetation around the alternative routes as:

- Columbia Bottomlands:
  - Live Oak Forest and Woodland
  - Mixed Evergreen - Hardwood Forest and Woodland
  - Grassland
  - hardwood Forest and Woodland
  - Evergreen Shrubland
  - Deciduous Shrubland
  - Riparian Hardwood Forest and Woodland
  - Riparian Live Oak Forest and Woodland
  - Riparian Mixed Evergreen - Hardwood Forest and Woodland
  - Herbaceous Wetland

- Gulf Coast:
  - Salty Prairie Shrubland
  - Salty Prairie
  - Coastal Prairie

- Non-native Invasive:
  - Saltcedar Shrubland
  - Chinese Tallow Forest, Woodland, or Shrubland

- Native Invasive:
  - Common Reed
  - Baccharis Shrubland
  - Mesquite Shrubland

- Pine Plantation
b. CenterPoint Energy will maintain the right-of-way by mowing on a periodic basis in compliance with state and federal regulations. Mowing currently occurs on a five-year cycle unless additional vegetation management is needed.

c. Vegetation control methods (specifically, mowing) will be implemented so as to minimize the potential impact on the coastal wetlands spanned by the Project. Mowing is not expected to impact or degrade the coastal wetlands spanned by the Project because CenterPoint Energy will be required to comply with any requirements of the Nationwide 12 Permit and develop a Storm Water Polution Prevention Permit (SWPPP) with best management practices (BMPs) to minimize potential impacts associated with soil erosion, compaction, and off ROW sedimentation.

After a field survey of the PUCT approved route, additional coordination may be required with the USACE-Galveston District to determine any additional permitting requirements, but CenterPoint Energy anticipates the activities of the Project to fall under NWP 12. Selected NWP 12 General Conditions applicable to the minimizing and avoiding potential adverse impacts to the coastal wetlands, include:

- General Condition 11: Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

- General Condition 12: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within WOTUS during periods of low-flow or no-flow, or during low tides.

- General Condition 13: Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

In addition, implementation of the SWPP will incorporate temporary and permanent BMPs to minimize soil erosion on the ROW during significant rainfall events. The SWPPP will also establish the criteria for re-vegetation and mitigating soil compaction to ensure adequate soil stabilization during the construction and post-construction phases. The existing herbaceous layer of vegetation will be maintained, to the extent practicable, during construction. Areas with a high erosion potential, including steep slopes and areas with shallow topsoil, may require seeding and/or implementation of permanent BMPs (e.g., soil berms or interceptor slopes) to stabilize disturbed areas and minimize soil erosion potential during the post-construction phase. The ROW will be inspected prior to and during construction to ensure that potential high-erosion areas are identified and appropriate BMPs are implemented and maintained. The ROW will be inspected post-construction to identify areas where permanent erosion control measures may be needed for soil stabilization.

SPONSOR:
Matthew D. Cox and Rob R. Reid

RESPONSIVE DOCUMENTS:
None
QUESTION:

For each coastal natural resource area (CNRA) specified in 16 TAC § 25.102(b)(2) please answer the following:

a. Is this CNRA found, or reasonably expected to be found, within the project area?

b. Do any of the routes cross the CNRA? If so, which routes, and for what length of the route? Please provide this data in native Excel format.

ANSWER:

a.-b. Please see the chart below for the list of CNRAs from 16 TAC § 25.102(b)(2) and whether each area is found or reasonably expected to be found in the Study Area, as well as whether any of the proposed routes cross a CNRA. Please refer to Attachment PUC01-04 - B-JC Coastal Natural Resource Areas 2018-11-05.xlsx for the distances across the crossed CNRAs. Please note that the areas where proposed routes crossed CNRAs in the Study Area are not within Coastal Barrier Resource System Units or Otherwise Protected Areas as specified in 16 TAC § 25.102(a) and (b) (2) and 31 TAC § 501.16 (previously codified at 31 TAC § 501.14).

<table>
<thead>
<tr>
<th>CNRA (16 TAC § 25.102(b)(2))</th>
<th>CNRA found or reasonably expected within Study Area</th>
<th>CNRA found or reasonably expected to cross any alternative routes</th>
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<tr>
<td>Coastal wetlands</td>
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<td>Yes – see Attachment</td>
</tr>
<tr>
<td>Critical dune areas</td>
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<td>No</td>
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<tr>
<td>Gulf beaches</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Hard substrate reefs</td>
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<td>Oyster reefs</td>
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<tr>
<td>Special hazard area</td>
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<td>Yes – see Attachment</td>
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<tr>
<td>Submerged aquatic vegetation</td>
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<td>No</td>
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<tr>
<td>Tidal sands and mud flats</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

SPONSOR:

Rob R. Reid

RESPONSIVE DOCUMENTS:

PUC01-04 - B-JC Coastal Natural Resource Areas 2018-11-05.xlsx
### Table 4-X
Environmental and Land Use Data for the Primary Transmission Line Routes
11/12/2018

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<th>Evaluation Criteria</th>
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<td>Length of route across Hard substrate reefs</td>
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<td>Length of route across Tidal sands and mud flats</td>
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</tbody>
</table>

*1 Within Coastal Management Zone Boundary
*2 Not specified within 16 TAC § 25.102(b)(2)

Note: All length measurements in miles unless noted otherwise.
## Table 4-X

### Environmental and Land Use Data for the Primary Transmission Line Routes

11/12/2018

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>13</th>
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<td>Length of route across Special Hazard Areas (FEMA 100-year floodplain)</td>
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<tr>
<td>Length of route across Gulf beaches</td>
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<td>Length of route across Hard substrate reefs</td>
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<td>Length of route across Submerged aquatic vegetation</td>
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</tr>
<tr>
<td>Length of route across Tidal sands and mud flats</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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</tr>
<tr>
<td>Length of route across Coastal Barrier Resource System Units and Otherwise Protected Areas</td>
<td>0.0</td>
<td>0.0</td>
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</tr>
</tbody>
</table>

*Within Coastal Management Zone Boundary
**Not specified within 16 TAC § 25.102(b)(2)

Note: All length measurements in miles unless noted otherwise.
Table 4-X
Environmental and Land Use Data
for the Primary Transmission Line Routes
11/12/2018

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>25</th>
<th>26</th>
<th>27</th>
<th>28</th>
<th>29</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Length of route across Special Hazard Areas (FEMA 100-year floodplain)</td>
<td>6.2</td>
<td>7.9</td>
<td>11.7</td>
<td>14.8</td>
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<td>11.9</td>
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<td>2. Length of route across Coastal Wetlands (USFWS National Wetland Inventory)</td>
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<td>2.6</td>
<td>2.6</td>
<td>2.4</td>
<td>3.6</td>
<td>2.8</td>
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<td>3. Length of route across Critical dune areas</td>
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<td>4. Length of route across Gulf beaches</td>
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<tr>
<td>5. Length of route across Hard substrate reefs</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<tr>
<td>6. Length of route across Oyster reefs</td>
<td>0.0</td>
<td>0.0</td>
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<tr>
<td>7. Length of route across Submerged aquatic vegetation</td>
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<tr>
<td>8. Length of route across Tidal sands and mud flats</td>
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<td>0.0</td>
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<tr>
<td>9. Length of route across Coastal Barrier Resource System Units and Otherwise Protected Areas</td>
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<td>0.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

*a* Not specified within 16 TAC §25.102(b)(2)

Note: All length measurements in miles unless noted otherwise.
QUESTION:

Are some routes more likely than others to require specific United States Army Corps of Engineers (non-nationwide) permits than others? If so, please specify which.

ANSWER:

No Individual Permit is anticipated for any of the alternative routes proposed in this Project at this time. Prior to construction, a field assessment of the PUCT-approved route will be completed to identify waters of the US. Additional coordination with the US Army Corps of Engineers (USACE)-Galveston District may be required to determine the need for additional permitting under Section 10 of the Rivers and Harbors Act.

As specified in Section 4.4.3.1 of the Environmental Assessment and Routing Study (EA), the USACE-Galveston District determines navigable waters on a case-by-case basis and thus does not publish a list of Section 10 waters. However, the Gulf Intercoastal Waterway, Caney Creek, Live Oak Bayou, Bastrop Bayou, Brazos River, Colorado River and San Bernard River may all be Section 10 navigable waters. Of these potentially navigable waters, all proposed alternative routes cross the San Bernard River at least once. All proposed alternative routes cross Caney Creek at least once. Proposed Alternative Routes 12, 13, 14, 15 and 18 each cross the Colorado River twice. Proposed Alternative Routes 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 23 and 24 each cross Live Oak Bayou once. Upon PUCT approval of a route, additional coordination with the USACE-Galveston District may be required to determine the need for Section 10 Permits. If a Section 10 permit is required, the project will also require pre-construction notification to the USACE under Nationwide Permit (NWP) 12.

The USACE 2017 NWP Regional Conditions for the State of Texas, Condition 15c does not authorize discharges into waters of the US that are dominated by bottomland hardwoods within Columbia Bottomlands within the Lower Brazos and San Bernard River Basins, unless the discharges can be authorized by NWP 3. As specified in Section 4.4.4.2 of the EA, twenty-two of the proposed alternative routes cross designated Columbia Bottomlands. The lengths across designated Columbia Bottomlands for each proposed alternative route range from zero miles for Proposed Alternative Routes 7, 11, 12, 13, 14, 15, 18 and 19, to 1.85 miles for Proposed Alternative Route 3. The lengths across National Wetland Inventory (NWI) mapped wetlands within designated Columbia Bottomlands for each proposed alternative route range from zero miles for Proposed Alternative Routes 5 through 19, to 0.18 mile (approximately 950 feet) for Proposed Alternative Route 3. All of these crossings can be easily spanned. Careful consideration was given to these areas during the development of the preliminary transmission line segments. These crossings were evaluated using aerial photography, NWI mapped wetlands, and National Hydrography Database data to minimize potential impacts and habitat fragmentation.

SPONSOR:
Ryan K. Bayer and Rob R. Reid

RESPONSIVE DOCUMENTS:
None
QUESTION:
In the event that a Section 404 or Section 10 permit is required and not granted, how will CenterPoint address this?

ANSWER:
In POWER's experience, the outright denial of an individual Section 404 or Section 10 permit is rare, particularly when an applicant has taken care to avoid impacting sensitive areas, as was done during the routing process in this case. In most instances, the question of obtaining an individual permit is a matter of the extent of conditions imposed by the US Army Corps of Engineers (USACE) for permit issuance.

If an individual Section 404 or Section 10 permit is required for the approved route, prior to submitting the application, CenterPoint Energy will evaluate the project area (via literature review and field surveys) for fatal flaws that would preclude issuance of a Section 404/Section 10 permit. If fatal flaws were identified during this evaluation, they would be discussed with the USACE and addressed before CenterPoint Energy submitted any Section 404 and/or Section 10 permit application. If CenterPoint Energy applied for a Section 404 and/or Section 10 permit and the USACE denied this request, CenterPoint Energy would discuss the reasons for denial with the USACE. If the area of concern is related to potential impacts associated with an environmentally sensitive area, CenterPoint Energy would evaluate alternative construction methodologies (e.g., foundation relocations, reduced right-of-way clearing activities, etc.), and/or minor re-route options to avoid or minimize impacts to the sensitive area. These options would be discussed with the USACE to develop possible special conditions or mitigation strategies to assist with permit approval. In most instances, potential permitting issues can be resolved.

SPONSOR:
Ryan K. Bayer and Rob R. Reid

RESPONSIVE DOCUMENTS:
None
QUESTION:

On page 40, lines 4-7 of Mr. Reid's direct testimony, he states that the project is not located seaward of the coastal facilities designation line. However, the project is located within the coastal management zone, as discussed in several other places throughout his testimony. Please reconcile this discrepancy.

ANSWER:

The official Coastal Management Zone (CMZ) boundary of the Texas coastal management program (CMP) is generally the area lying seaward of the coastal facility designation line. Mr. Reid's testimony regarding the location of facilities was not complete. CenterPoint Energy will file an errata to Mr. Reid's testimony to indicate that while there are proposed facilities seaward of the coastal facilities designation line, none of those facilities are within Coastal Resources System Units or Otherwise Protected Areas, consistent with PUC Rule 16 TAC 25.102(a) and (b)(2) and 31 TAC s. 501.16 (previously codified at 31 TAC s. 501.14).

SPONSOR:
Ryan K. Bayer and Rob R. Reid

RESPONSIVE DOCUMENTS:
None
QUESTION:

On page 40, lines 8-12 of Mr. Reid’s direct testimony, he states that the project is not within the designated Coastal Barrier Resource System. Please provide a map showing the location of the project, and specifically the terminus at Jones Creek, in relation to Texas Coastal Barrier Resource Units T05 and T05P.

ANSWER:

Please refer to Attachment PUC01-08, which is a Coastal Constraints map. No alternative routes for this Project are located on or adjacent to USFWS-designated Coastal Barrier Resource System Units and Otherwise Protected Areas.

The attachment 'PUC01-08 B-JC Coastal Constraints Map 2018-11-09.pdf' is being provided in electronic format on CD to the propounding party and are also being made available in the Houston and Austin voluminous rooms. Please contact Alice Hart in Houston at (713) 207-5322 or Joyce Strickland at (512) 397-3033 to request a copy of the CD.

SPONSOR:
Rob R. Reid

RESPONSIVE DOCUMENTS:
PUC01-08 B-JC Coastal Constraints Map 2018-11-09.pdf
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all parties of record in this proceeding via U.S. first class mail on this 13th day of November 2018.

[Signature]

[Name]