



Control Number: 37448



Item Number: 479

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-1097  
PUC DOCKET NO. 37448

RECEIVED

70 JAN -4 AM 11:44

PUBLIC UTILITY COMMISSION  
FILING OFFICE  
BEFORE THE

APPLICATION OF LCRA TRANSMIS- §  
SION SERVICES CORPORATION TO §  
AMEND ITS CERTIFICATE OF CON- §  
VENIENCE AND NECESSITY FOR THE §  
GILLESPIE TO NEWTON 345 KV CREZ §  
TRANSMISSION LINE IN GILLESPIE, §  
LLANO, SAN SABA, BURNET, AND §  
LAMPASAS COUNTIES, TEXAS §

STATE OFFICE OF ADMINISTRATIVE

HEARINGS

**LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO  
CJ RANCH'S FOURTH REQUEST FOR INFORMATION**

COMES NOW LCRA Transmission Services Corporation (LCRA TSC) and files this, its Response to CJ Ranch's Fourth Request for Information. This Response is timely filed. LCRA TSC agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

Respectfully submitted,

BICKERSTAFF HEATH DELGADO  
ACOSTA LLP

R. Michael Anderson

Texas State Bar No. 01210050

Joe N. Pratt

Texas State Bar No. 16240100

3711 S. MoPac Expressway

Building One, Suite 300

Austin, Texas 78746

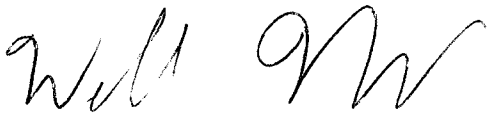
(512) 472-8021

(512) 320-5638 (FAX)

Email: [rmanderson@bickerstaff.com](mailto:rmanderson@bickerstaff.com)

[jpratt@bickerstaff.com](mailto:jpratt@bickerstaff.com)

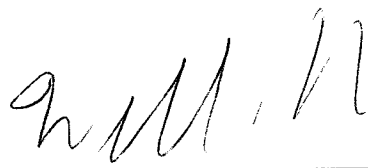
William T. Medaille  
Associate General Counsel  
Texas State Bar No. 24054502  
Fernando Rodriguez  
Associate General Counsel  
Texas State Bar No. 17145300  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220  
Telephone: (512) 473-3354  
Facsimile: (512) 473-4010  
Email: [bill.medaille@lcra.org](mailto:bill.medaille@lcra.org)  
[ferdie.rodriquez@lcra.org](mailto:ferdie.rodriquez@lcra.org)  
For Service: [Docket37448CREZ@lcra.org](mailto:Docket37448CREZ@lcra.org)

By:   
William T. Medaille

ATTORNEYS FOR LCRA TRANSMISSION  
SERVICES CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the propounding party (pursuant to Order No. 1) on the 4<sup>th</sup> day of January 2010, by email, facsimile, First-Class U.S. mail, or by hand delivery.

  
William T. Medaille

**SOAH DOCKET NO. 473-10-1097  
PUC DOCKET NO. 37448**

<b>APPLICATION OF LCRA TRANSMIS-</b>	§	<b>BEFORE THE</b>
<b>SION SERVICES CORPORATION TO</b>	§	
<b>AMEND ITS CERTIFICATE OF CON-</b>	§	
<b>VENIENCE AND NECESSITY FOR THE</b>	§	<b>STATE OFFICE OF ADMINISTRATIVE</b>
<b>GILLESPIE TO NEWTON 345 KV CREZ</b>	§	
<b>TRANSMISSION LINE IN GILLESPIE,</b>	§	
<b>LLANO, SAN SABA, BURNET, AND</b>	§	<b>HEARINGS</b>
<b>LAMPASAS COUNTIES, TEXAS</b>	§	

**LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO  
CJ RANCH'S FOURTH REQUEST FOR INFORMATION**

**Question No. 4-1:**

Please refer to LCRA's response to Question 2-12 to Hinckley's 2<sup>nd</sup> RFIs to LCRA and the tables attached thereto in Attachments 1 and 2. With regard to the amount of potential Black-capped Vireo habitat crossed by the proposed line segments, please describe in detail (i) the information source(s) from which such tables were made, (ii) the methodology used to gather that information, and (iii) how the calculations to arrive at the measurements in the tables were made.

**Response No. 4-1:**

Potential habitat for the Black-capped Vireo (BCVI) cannot be accurately identified through the analysis of aerial photography or using computer models, but instead must be made on the ground by a qualified biologist. The key aspect of potential BCVI habitat is a dense layer of shrubby foliage between ground level and six ft, which is not discernable using aerial photography. For that reason, the estimates for mitigation of potential BCVI habitat are much less precise than those for Golden-cheeked Warbler (GCWA).

Prior to analyzing the CREZ links, LCRA TSC chose, at random, LCRA natural resource assessments (NRA) for three existing LCRA TSC transmission lines within the geographic range of the CREZ projects. Using habitat data provided in these NRAs, LCRA TSC determined the percentage of length of each existing transmission line crossing potential BCVI habitat. The average of those three numbers was approximately 20% (i.e., on average, 20 percent of those three lines cross potential BCVI habitat). Unless a link was discountable for other reasons (e.g., no potential habitat due to land use, etc.), LCRA TSC assumed that no more than 20% of each CREZ link would contain potential BCVI habitat. Link lengths provided by PBS&J were then multiplied by 0.2, which provided the estimated amount of direct effects to potential BCVI habitat. For indirect effects, LCRA TSC examined the average ratio between direct and indirect effects for GCWA and determined that, on average, indirect effects were generally three times the amount of direct effects. Thus, indirect effects to potential BCVI habitat reflect the estimated direct effect multiplied by three. LCRA TSC assumed a per acre mitigation cost of \$12,000.00 based on LCRA TSC's recent

mitigation experience plus an inflation factor. However, the actual costs could be more or less, depending on negotiations with the applicable mitigation bank.

These cost estimates were intended to provide estimates of the maximum costs associated with mitigating possible habitat effects and are not meant to provide a precise account of potential habitat that would be encountered during construction.

Detailed habitat assessments will be performed once the final route is selected and these data will be used for endangered species permitting and actual mitigation costs. Actual amounts of potential habitat that would be affected within the project area are likely lower than these estimates.

Preparer: Erik Huebner  
Sponsor: Dennis Palafox

Title: Sr. Environmental Coordinator, LCRA  
Title: Sr. Regulatory Case Manager, LCRA

**SOAH DOCKET NO. 473-10-1097  
PUC DOCKET NO. 37448**

<b>APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE GILLESPIE TO NEWTON 345 KV CREZ TRANSMISSION LINE IN GILLESPIE, LLANO, SAN SABA, BURNET, AND LAMPASAS COUNTIES, TEXAS</b>	§ § § § § § § §	<b>BEFORE THE  STATE OFFICE OF ADMINISTRATIVE  HEARINGS</b>
--	--------------------------------------	---

**LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO  
CJ RANCH'S FOURTH REQUEST FOR INFORMATION**

**Question No. 4-2:**

Also in reference to the same tables addressed in 4-1 above, please provide the same information requested above, but for potential Golden-cheeked Warbler habitat.

**Response No. 4-2:**

For the purposes of estimating mitigation costs associated with impacts to potential Golden-cheeked Warbler (GCWA) habitat, LCRA TSC quantified the amount of potential habitat using the GCWA modeling data that LCRA acquired from Loomis Partners. The Loomis GIS model data identify potential GCWA habitat based on canopy cover, woodland patch size, etc. They also provide relative quality of habitat (low, medium, and high) and likelihood of occupancy (not likely to be occupied, may be occupied, likely to be occupied). Using link lengths provided by PBS&J in conjunction with the Loomis GCWA habitat data; LCRA measured each link's linear distance across potential GCWA habitat and rounded that number to the nearest 50 ft. The length across potential habitat was then multiplied by the estimated width of ROW, which provided the estimated area of direct effect (acres).

LCRA assumed a per acre mitigation cost of \$12,000.00, LCRA TSC's recent mitigation experience plus an inflation factor; however, the actual costs could be more or less, depending on negotiations with the applicable mitigation bank. U.S. Fish and Wildlife Service generally calculates mitigation costs by habitat quality, and whether the effect is direct (within ROW) or indirect (within 300 ft of ROW). High quality habitat is generally mitigated at a 3:1 ratio (e.g., 100 acres of direct effect would be mitigated by purchasing 300 acres of similar habitat), while low to medium quality habitat is generally mitigated at 1:1 ratio (e.g., 100 acres of direct effect would be mitigated by purchasing 100 acres of similar habitat). If a link crossed a high percentage of high quality habitat, LCRA applied the 3:1 ratio. The 1:1 ratio was used for links crossing a high percentage of low or medium quality habitat.

LCRA calculated the estimate of indirect effects using the same link data and GCWA modeling data that were used in direct effects, but using GIS software to approximate the area of indirect effect (i.e., 300 ft out from ROW edge) and then calculating how much potential habitat occurs within that zone. Indirect effects are those that do not result from clearing of ROW, but rather are affected indirectly from habitat fragmentation caused by clearing of the ROW or noise/disturbance related effects. These would potentially occur out to a distance of 300 ft from edge of ROW and are generally mitigated at a 0.5:1 ratio (e.g., indirect effects to 100 acres would be mitigated by purchasing 50 acres of similar habitat).

These cost estimates were intended to provide estimates of the maximum costs associated with mitigating possible habitat effects and are not meant to provide a precise account of potential habitat that would encountered during construction.

Detailed habitat assessments will be performed once the final route is selected and these data will be used for endangered species permitting and actual mitigation costs. Actual amounts of potential habitat that would be affected within the project area are likely lower than these estimates.

Preparer: Erik Huebner  
Sponsor: Dennis Palafox

Title: Sr. Environmental Coordinator, LCRA  
Title: Sr. Regulatory Case Manager, LCRA

**SOAH DOCKET NO. 473-10-1097  
PUC DOCKET NO. 37448**

<b>APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE GILLESPIE TO NEWTON 345 KV CREZ TRANSMISSION LINE IN GILLESPIE, LLANO, SAN SABA, BURNET, AND LAMPASAS COUNTIES, TEXAS</b>	§ § § § § § § §	<b>BEFORE THE  STATE OFFICE OF ADMINISTRATIVE  HEARINGS</b>
--	--------------------------------------	---

**LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO  
CJ RANCH'S FOURTH REQUEST FOR INFORMATION**

**Question No. 4-3:**

Please produce all documents regarding or reflecting the information requested in 4-1 and 4-2 that have not previously been produced in response to Hinckley's Question 2-12 or other RFIs regarding these same subjects.

**Response No. 4-3:**

Please see Attachment 1 to this question.

Preparer: Erik Huebner  
Co-Sponsor: Dennis Palafox  
Co-Sponsor: Curtis Symank

Title: Sr. Environmental Coordinator, LCRA  
Title: Sr. Regulatory Case Mgr, LCRA  
Title: Engineering Supervisor, LCRA





July 29, 2009

The Honorable Danny Scheel  
County Judge  
Comal County  
199 Main Plaza  
New Braunfels, Texas 78130

Re: Funding for acquisition of 33.2 acres of golden-cheeked warbler habitat

Dear Judge Scheel:

As you are aware, LCRA Transmission Services ("LCRA") recently concluded a consultation under section 7 of the Endangered Species Act ("ESA") concerning its proposed Medina Lake electric transmission line in Medina County, Texas (the "Medina Line"). In connection with that consultation, LCRA proposed to provide voluntary mitigation in order to offset certain impacts to potential habitat for the endangered golden-cheeked warbler ("GCWA"). Specifically, LCRA proposed to provide to one of several possible sources funding for the acquisition of 33.2 acres of GCWA habitat of equal or higher quality to the potential habitat being impacted by the Medina Line. Pursuant to the consultation, the impacted habitat ranges from "good" to "marginal" quality. Accordingly, it would be preferable that the 33.2 acres be of at least "good" quality potential GCWA habitat. Comal County was identified in the biological opinion as a potential recipient of funding sufficient to acquire 33.2 acres of habitat.

We are pleased to learn that the Comal County Commissioners Court voted to accept funding from the LCRA for the purpose of acquiring at least 33.2 acres of good quality GCWA habitat within Comal County. It is understood that our funding will be combined with other funding sufficient to cause the permanent preservation of a long-term viable patch of GCWA habitat to be approved by the U.S. Fish and Wildlife Service ("USFWS"). We proposed that a reasonable cost per acre of acquiring and preserving in perpetuity good quality GCWA habitat (either in fee or by conservation easement) is \$10,000.00 per acre. Accordingly, the LCRA encloses herein its check made payable to Comal County, Texas, in the amount of \$332,000.00 (33.2 x \$10,000.00).

We respectfully request that you countersign this letter at the place indicated below to confirm Comal County's receipt of this funding for the purpose of acquiring at least 33.2 acres of good quality GCWA habitat. By your countersignature, the County would also indicate its agreement that in the event the County is unable to expend our funds for the designated purpose prior to August 1, 2012, that the County will provide our funds to an entity designated by USFWS.

We greatly appreciate Comal County's consideration of this proposal.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ross Phillips", is written over a circular stamp.

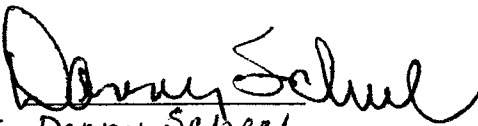
Ross Phillips  
Executive Manager  
LCRA Transmission Services



Honorable Danny Scheel  
July 29, 2009  
Page 2

Accepted and agreed to this 13<sup>th</sup> day of August, 2009

COMAL COUNTY

By:   
Name: Danny Scheel  
Title: County Judge

cc: Luela Roberts (USFWS)  
Bill Seawell (USFWS)  
Wayne Lea (U.S. Army Corps of Engineers)  
Alan M. Glen, Esq. (Smith|Robertson)