



Control Number: 37463



Item Number: 337

Addendum StartPage: 0

**SOAH DOCKET NO. 473-10-0709  
PUC DOCKET NO. 37463**

RECEIVED  
09 DEC 30 PM 3:56  
PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF ONCOR ELECTRIC  
DELIVERY COMPANY, LLC TO AMEND  
ITS CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR THE NEWTON -  
KILLEEN 345-KV CREZ TRANSMISSION  
LINE IN BELL, BURNET AND LAMPASAS  
COUNTIES

§  
§  
§  
§  
§  
§  
§  
§

BEFORE THE STATE OFFICE

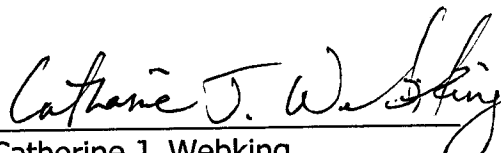
OF

ADMINISTRATIVE HEARINGS

**SAVE THE LAMPASAS RIVER INC.'s  
RESPONSES TO ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR  
INFORMATION**

Save The Lampasas River Inc. (STLR) files these Responses to ONCOR Electric Delivery's (ONCOR) First Request for Information (RFI). Per an agreement with Oncor's counsel, these responses do not include attorney-client privileged documents, or attorney work product. All responses offered are to be considered to be offered under oath.

Respectfully submitted,

  
Catherine J. Webking  
State Bar No. 21050055  
400 W. 15<sup>th</sup> Street, Ste. 720  
Austin, TX 78701  
(512) 651-0515  
(512) 651-0520 facsimile

w/permission  
BW

**Attorney for Save The Lampasas  
River Inc.**

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-1  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-1 Please list each Route or Link that you contest in this proceeding.**

Response:

STLR opposes the following Links:

G, J, FF, HH, KK1, KK2, EEE, YY2, MM1, QQ, YY1, RR, SS, TT, PP2, BB, DDD, X,  
V, W, Y, NN, OO, ZZ, TT, UU, and WW.

Sponsor: Hal Hughes

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-2  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-2 Please provide the general factual bases for why you contest each Route and Link that you contest.**

Response:

Please see the testimony supplied by witnesses for Save the Lampasas River, Inc., the filings by Texas Parks and Wildlife, and the testimony of the Public Utility Commission Staff.

Sponsor: Hal Hughes

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-3  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-3 Please list and describe all Structures that exist on any property you own that will be crossed by one of Oncor's proposed transmission line routes and provide the date the structures were installed or constructed and the height of each structure and describe where each structure is located, where each structure is located in relation to the proposed transmission line and its distance from the proposed transmission line.**

Response:

Save the Lampasas River, Inc. does not own property.

Sponsor: Hal Hughes

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-4  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-4 Please provide all documents, maps, photographs or other items you intend to introduce in evidence or use during cross-examination at the hearing on the merits.**

Response:

Please see the direct testimony filed on behalf of STLR. Based on negotiations with Oncor's Counsel, STLR will provide cross-examination exhibits at the hearing on the merits.

Sponsor: Hal Hughes

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-5  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-5 Please provide a copy of any documents concerning communications or correspondence you have had with any other Intervenor, including Commission Staff, related to this docket.**

Response:

No such documents are available.

Sponsor: Hal Hughes

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-6 Is any witness on your behalf testifying as an expert in this docket? If so, please provide the following:**

- a. The expert's name, address and telephone number;**
- b. The subject matter on which the expert will testify;**
- c. The facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this docket regardless of which and how the factual information was acquired;**
- d. The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them;**
- e. All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the expert in anticipation of a testifying expert's testimony;**
- f. The expert's current resume and bibliography;**
- g. A listing of cases in which the expert has submitted testimony. Further, provide the docket number, jurisdiction, the company for whom testimony was submitted and the topics addressed in his testimony;**
- h. A complete copy of all prior testimonies submitted by the expert relating to the topic the expert will address in this docket. This should include all exhibits and rebuttal testimony; and**
- i. All articles, speeches, published materials and peer-reviewed material written by the expert.**

**Response:**

The information requested is available in the direct testimony filed on behalf of STLR in this docket. Copies of prior testimonies of Hal Hughes are publicly available at the Public Utility Commission of Texas.

Sponsor: Hal Hughes

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-7 If in response to RFI 1-6 above, you identified a testifying expert witness in this docket, please provide the following for any consulting expert in this docket employed by you whose mental impressions or opinions have been reviewed by a testifying expert:**

- a. The expert's name, address and telephone number;**
- b. The facts known by the expert that relate to or form the basis of the expert's mental impression and opinions formed or made in connections with this docket regardless of when and how the factual information was acquired;**
- c. The expert's mental impressions and opinions formed or made in connection with this docket and any methods used to derive them;**
- d. All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the consulting expert in anticipation of a testifying expert's testimony; and**
- e. The consulting expert's current resume and bibliography.**

Response:

Please see the testimony of Hal Hughes which identifies the consulting experts retained by STLR that are relied upon and the other requested information. The resume for Mr. Robert McFarlane is attached.

Sponsor: Hal Hughes

## RESUME

### ROBERT W. McFARLANE

**ADDRESS:** 2604 Mason St., Houston, Texas 77006-3116

**TELEPHONE:** 713/524-2927    **FACSIMILE:** 713/524-5850

**E-MAIL:** [rwmcf@swbell.net](mailto:rwmcf@swbell.net)

#### CERTIFICATION

Certified Senior Ecologist, *Ecological Society of America* (1982, 1987, 1992, 1997, 2004)

Certified Fisheries Professional, *American Fisheries Society* (1980, 2002)

Certified Wildlife Biologist, *The Wildlife Society* (1980)

Certified in Habitat Evaluation Procedures, *U.S. Fish & Wildlife Service* (1984)

Certified in Wetland Delineation, *Wetland Biogeochemistry Institute, Louisiana State University* (1998)

#### EDUCATION

Doctor of Philosophy in Zoology, *The University of Florida* (1971)

Master of Science in Zoology, *The University of Florida* (1962)

Bachelor of Science in Applied Science (Biology), *College of William & Mary* (1959)

#### AREA OF SPECIALIZATION

The design, implementation, analysis, and management of environmental impact assessments, site evaluations, and feasibility studies, and the creation of mitigation strategies to reduce or eliminate the adverse environmental consequences of development projects. Forty-seven years of professional ecological experience with terrestrial, estuarine, marine and wetland environments encompassing a broad array of industrial developments, wind energy, environmental contamination with toxic substances, biological resource inventories, fisheries, wildlife and endangered species management.

#### SPECIAL APPOINTMENTS

- Trinity and San Jacinto Rivers and Galveston Bay Basin and Bay Stakeholder Committee, Basin and Bay Expert Science Team, Member, 2008-present
- Galveston Bay Estuary Program, Texas Commission of Environmental Quality Research Coordination Board. Member, 2003-2007. Monitoring and Research Committee, 2007-present
- Texas Sea Grant College Program, Texas A&M University, Advisory Committee. Member, 1999-present
- Pima County, Arizona, Wastewater Management Department, U.S. Environmental Protection Agency Arid West Water Quality Research Project, Scientific Advisory Group. Member, 1998-2007
- Galveston Bay Freshwater Inflow Group. Member, 1996-present.
- U.S. Environmental Protection Agency, Peer Review Panel for Developing Regional-Scale Stressor-Response Models for Use in Environmental Decision-Making. Member, 2002
- U.S. Environmental Protection Agency, Gulf of Mexico Program, Gulf of Mexico Large Marine Ecosystem Conceptual Model Committee. Member, 1997-1998
- Texas Department of Transportation, Hydraulic Feasibility of Proposed Southwest Cut, East Matagorda Bay, Texas. Project Advisor, 1995-1996
- Houston Advanced Research Center, Center for Global Studies, Houston Environmental Foresight Program, Ecosystems Subpanel. Member, 1994-1995

- Galveston Bay National Estuary Program, Scientific/Technical Advisory Committee. Chairman 1992-1995, Member 1989-1995
- Galveston Bay National Estuary Program, Scientific/Technical Advisory Committee, Data and Information Management Subcommittee. Chairman, 1989-1992
- Galveston Bay National Estuary Program, Management Committee. Member, 1992-1995
- U.S. Environmental Protection Agency, Houston Ship Channel Toxicity Study Settlement Implementation Oversight Committee. Member, 1992-1995
- U.S. Army Corps of Engineers, Houston-Galveston Navigation Project Interagency Coordination Team. Member, 1990-1995
- Phillips 66/Matagorda County, Rehabilitation of Linnville Bayou Technical Arbitration Panel. Member, 1991-1995
- Ecological Society of America, Board of Professional Certification. Chairman 1990, Member 1988-1990
- Steering Committee, Galveston Bay Estuary-of-the-Month Seminar, Issues and Information Needs Subcommittee. Chairman, Speaker and Senior Author, 1987-88

### **EMPLOYMENT HISTORY**

- McFarlane & Associates, Houston, Texas. Principal Ecologist & Owner, 1981-present
- D'Appolonia Consulting Engineers, Houston, Texas. Project Scientist, 1983-1984
- Brown & Root, Inc., Houston, Texas. Environmental Engineering Department, Environmental Scientist 1978-1981; Petroleum & Chemical Engineering Division, Environmental Scientist, 1981-1982
- E.I. DuPont de Nemours & Co., Inc. Savannah River Laboratory, Aiken, South Carolina. Research Biologist, 1977-1978.
- University of Georgia, Institute of Ecology, Savannah River Ecology Laboratory, Aiken, South Carolina. Research Associate, 1974-1977
- Agriculture Service of Chile, Division for Conservation of Renewable Natural Resources, Department of Ecology, Arica, Chile. Ecologist (Peace Corps Volunteer), 1972-1973
- Smithsonian Institution, U.S. National Museum, Division of Birds, Washington, D.C.. Research Curator and Consultant, 1962-1965

### **RELEVANT PROJECTS**

- Analysis of the reliability of the State of Texas methodology for determining freshwater inflow requirements.
- Development of methodology to combine distance sampling and marine radar detection to estimate seabird density.
- Analysis of the reliability of fishery-independent catch-per-unit-effort coastal fishery monitoring data.
- Analysis of the ecological sustainability of the commercial shrimping industry in Texas and Louisiana.
- Analysis of the affect of water temperature and salinity on the incidence of Dermo, an oyster disease, in Galveston Bay, Texas.
- Long-term water quality monitoring study of Caney Creek, Matagorda County, Texas, demonstrating the persistence of extensive salt-water intrusion and its effect on dissolved oxygen in the stream.
- Expert witness testimony before a Texas Natural Resource Conservation Commission hearing examiner regarding the potential impact of exotic shrimp species and their associated diseases accidentally or deliberately released into estuarine ecosystems in Texas.
- Review of the environmental impact affecting seabirds, shorebirds and waterfowl anticipated from offshore oil field development near Sakhalin Island, Okhotsk Sea, Russia.
- Trend analyses of 1972-1990 finfish and shellfish commercial landings in East Matagorda Bay, Matagorda Bay, Galveston Bay, and all Texas bays.

- Trend analyses of 1972-1990 finfish and shellfish commercial landings in Sabine Lake, Galveston Bay, and all Texas bays.
- Evaluation of the potential for dioxin/furan contaminated organisms of the Neches River to be harvested in the Gulf of Mexico.
- Evaluation of the potential for finfish or shellfish in the Neches River or Sabine Lake to migrate to Galveston Bay via the Gulf of Mexico or the Gulf Intracoastal Waterway.
- Expert witness testimony before a Texas Water Commission hearings examiner regarding a proposed wastewater treatment plant discharge into East Matagorda Bay, Texas.
- Development of a plan of study to sample dioxin in finfishes and shellfishes at a wastewater sludge disposal site on the Gulf Intracoastal Waterway and Galveston Bay, Galveston County, Texas
- Review of the catfishes, bullheads and madtoms potentially exposed to a fungicide in the rice-producing south central states (MO, AR, LA, MS & TX) and recent catfish population trends.
- Review of endangered species potentially exposed to wastewater effluent from a major plastics production facility on Lavaca Bay, Calhoun County, Texas
- Sampling of small mammals at a Superfund site in Galveston County, Texas, for analysis of heavy metals in liver and kidney tissue.
- Determination of the environmental impact of petrochemical refinery wastewater effluent on Linnville Bayou and Caney Creek, Matagorda County, Texas.
- Evaluation of the potential environmental impact associated with a proposed sewage wastewater effluent discharge into Christmas Bay, Brazoria County, Texas, which included expert witness testimony at a Texas Water Commission hearing.
- Ecological survey of a coastal stream in Matagorda and Brazoria Counties polluted by wastewater from an oil and petrochemical refinery in Texas.
- Determination of the small mammal community inhabiting a Superfund toxic waste disposal site, comparing the general health and reproduction status of mammals on-site with similar populations inhabiting a nearby, uncontaminated, control site.
- Analysis of the potential for silane-coated asbestos fibers to reduce the incidence of asbestosis in humans.
- Design, analysis and management of a study to determine the input to coastal waters of trace metals in stormwater and aerial drift from an offshore structure fabrication facility in Texas. A review of historical trace metal concentrations in the estuary and comparison of data from the study site and its environs was included.
- Analysis of an environmental impact assessment for a major offshore structure fabrication facility to be constructed in Virginia on Chesapeake Bay.
- Analysis of EPA methodology to establish water quality criteria for trace metals in estuarine environments.
- Management of a demographic analysis of human population distribution within a 10-mile radius of a nuclear power facility near a major urban area in Florida.
- Analysis of the effects of thermal effluent from nuclear production reactors on freshwater stream fishes, the recovery of post-thermal streams, and the demonstration that fish populations upstream from thermal effluent outfalls are also affected.
- Analysis of the accumulation and trophic distribution of radiocesium by freshwater fishes inhabiting a contaminated stream, demonstrating that biomagnification patterns did not correspond to ecological theory.

## RELEVANT PUBLICATIONS AND REPORTS

- McFarlane, R. , and J. Lester. 2007. Determination of seabird density using marine radar. Available at <http://radarconference.de/presentations.html>, McFarlane\_Helgoland2007[1].pdf
- McFarlane, R.W. 2007. Toward prediction of bird-rotor collision mortality. National Wind Coordinating Collaborative. Available at <http://www.nationalwind.org/events/wildlife/2006-3/presentations/birds/mcfarlane.pdf>
- McFarlane, R.W. 2005. The Prediction of Bird-Rotor Collisions at Windfarms. Report to Renewable Generation, Inc., Austin, Texas.
- McFarlane, R.W., and L.J. Lester. 2005. Determination of Nearshore Seabird Density on the Upper Texas Coast. Houston Advanced Research Center, The Woodlands, Texas. Report to the State of Texas Energy Conservation Office, available at [http://www.seco.cpa.state.tx.us/re\\_wind\\_projects.htm](http://www.seco.cpa.state.tx.us/re_wind_projects.htm), Bird Mortalities Risk Assessment.
- McFarlane, R.W. 2004. The Dynamics of Least Tern Colonies on the Texas Coast. 3<sup>rd</sup> Missouri River and North American Piping Plover and Least Tern Habitat Workshop/Symposium.
- McFarlane, R.W. 2003. The Phenology of Commercial Penaeid Shrimp in Galveston Bay. Galveston Bay Estuary Program Sixth Biennial State of the Bay Symposium.
- McFarlane, R.W. 2001. Population Trends of Colonial Waterbirds in Galveston Bay. Galveston Bay Estuary Program State of the Bay Symposium V.
- McFarlane, R.W. 1999. Shrimp Farms: The Next Threat to Galveston Bay. Proceedings of the Galveston Bay Estuary Program State of the Bay Symposium IV.
- McFarlane, R.W. 1999. Gull, Tern and Skimmer Population Trends in Galveston Bay. Proceedings of the Galveston Bay Estuary Program State of the Bay Symposium IV.
- McFarlane, R.W. 1996. A Conceptual Ecosystem Model for Sabine Lake. p.27-34 in Sabine Lake Conference: Where Texas and Louisiana Come Together.
- McFarlane, R.W. 1995. The Potential Impact of Shrimp Mariculture on Estuarine Ecology. For the Calhoun County Resource Watch.
- McFarlane, R.W. 1994. An Ecosystem Conceptual Model. p.25-38 in The State of the Bay: A Characterization of the Galveston Bay Ecosystem (F.S. Shipley & R.W. Kiesling, eds.) Galveston Bay National Estuary Program, GBNEP-44.
- Armstrong, N.W., D.L. Ford, & R.W. McFarlane. 1994. Impacts of the Phillips 66 Sweeny Effluent on Linnville Bayou, Little Linnville Bayou, and Caney Creek. Report of the Technical Arbitration Panel.
- McFarlane, R.W. 1993. A Conceptual Model of the Galveston Bay Ecosystem. Galveston Bay National Estuary Program. GBNEP-42.
- McFarlane, R.W. 1991. An Environmental Inventory of the Christmas Bay Coastal Preserve. Galveston Bay National Estuary Program. GBNEP-7.
- McFarlane, R.W. 1991. An Environmental Inventory of the Armand Bayou Coastal Preserve. Galveston Bay National Estuary Program. GBNEP-8.
- McFarlane, R.W. 1989. Perspective: Galveston Bay as a Seafood Factory. Bulletin Houston Geological Society 32(3):37-39.
- McFarlane, R.W. 1989. The Environmental Impact of the Phillips Sweeny Refinery on Linnville Bayou and Caney Creek. For the Matagorda County Commissioners.
- McFarlane, R.W. 1988. Wallisville Dam – the Persistent Folly. In Awareness Seminar: Condition, Adequacy, and Needs of the Houston Region Public Infrastructure System. American Society of Engineers et al.
- Bennett, D.H., & R.W. McFarlane. 1983. The Fishes of the Savannah River Plant: National Environmental Research Park. Savannah River Ecology Laboratory. SRO-NERP-12. U.S. Dept. of Energy.

- Domby, A.H., & R.W. McFarlane. 1977. Feeding Ecology of Little Blue Herons at a Radionuclide-contaminated Reservoir. P.361-364 in *Wading Birds* (A. Sprunt et al., eds.), National Audubon Society Research Report No. 7.
- Domby, A.H., D. Paine & R.W. McFarlane. 1977. Radiocesium Dynamics in Herons Inhabiting a Contaminated Reservoir System. *Health Physics* 33:523-532.
- McFarlane, R.W., R.A. Frietsche, & R.D. Miracle. 1978. Impingement and entrainment of fishes at the Savannah River Plant. E.I DuPont de Nemours and Co., DP-1494. National Technical Information Service.
- Esch, G.W., & R.W. McFarlane (eds). 1976. *Thermal Ecology II*. U.S. Energy Research and Development Administration, Symposium Series 40.

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-8 For any non-expert witness testifying on your behalf in this docket, please provide the following:**

- a. The witness' name, address and telephone number;**
- b. The witness' resume and work history;**
- c. The subject matter on which the witness will testify;**
- d. Copies of all articles, speeches, published materials created by or attributed to the witness; and**
- e. A list of all dockets in which the witness has submitted testimony and/or testified.**

Response:

The information requested is available in the direct testimony filed in this proceeding.

These witnesses have not previously testified before the Public Utility Commission of Texas.

Sponsor: Hal Hughes

**PUC Docket No. 37463**  
**SOAH Docket No. 473-10-0709**

ONCOR Request 1-9  
Save The Lampasas River's Response

**ONCOR ELECTRIC DELIVERY FIRST REQUEST FOR INFORMATION**

**1-9 If you are not the only owner of your property affected by Oncor's proposed transmission line, please identify the other owner(s).**

Response:

Save the Lampasas River, Inc. does not own property.

Sponsor: Hal Hughes