

Control Number: 38230



Item Number: 955

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4398
PUC DOCKET NO. 38230

APPLICATION OF LONE STAR	§	BEFORE THE STATE OFFICE
TRANSMISSION COMPANY FOR	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	
CENTRAL A TO CENTRAL C TO	§	OF
SAM SWITCH TO NAVARRO	§	
PROPOSED CREZ	§	
TRANSMISSION LINE	§	ADMINISTRATIVE HEARINGS
	§	

DIRECT TESTIMONY OF FRANCINE SINGLETERRY
ON BEHALF CHALK MOUNTAIN COMMUNITY ALLIANCE, LLC

August 16, 2010

FILED
AUG 16 2010
CLERK

APPLICATION OF LONE STAR § BEFORE THE STATE OFFICE
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CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE §
CENTRAL A TO CENTRAL C TO § OF
SAM SWITCH TO NAVARRO §
PROPOSED CREZ §
TRANSMISSION LINE §
§ ADMINISTRATIVE HEARINGS

1 Q. PLEASE STATE YOUR NAME, ADDRESS, AND RELATIONSHIP TO THIS
2 PROCEEDING.

5 Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

8 Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC UTILITY
9 COMMISSION (COMMISSION)?

0 A. No.

1 Q. BRIEFLY DESCRIBE YOUR OCCUPATION AND EDUCATIONAL AND WORK
2 HISTORIES.

3 A. I received a B.S. in electromechanical technology from Middle Tennessee State in
4 1989. For the past two years, I have worked full-time from our home on the children's
5 ministry website www.inhisvineyardtogether.com. On weekends, I serve as Children's
6 Team Leader at Triple Cross Cowboy Church in Granbury, Texas.

Ronald is a registered professional engineer employed by FMC in Stephenville, Texas as a Senior Pump Design Engineer. He received his B.S. in engineering from Oklahoma State in 1972 and has worked as an engineer since 1972, during which time he has received seven patents. On weekends, he serves as a Children's Church Lay Pastor at Triple Cross Cowboy Church in Granbury, Texas and co-administrator

1 of the children's ministry website www.inhisvineyardtogether.com. We both have
2 been involved in children's ministry for 38 years.

3 **Q. ARE YOU A PART OF THE CHALK MOUNTAIN COMMUNITY?**

4 A. Yes.

5 **Q. ARE YOU FAMILIAR WITH THE AREAS IN THE CHALK MOUNTAIN
6 COMMUNITY THROUGH WHICH LONE STAR TRANSMISSION COMPANY
7 (LONE STAR) HAS PROPOSED A PREFERRED OR ALTERNATIVE ROUTE FOR
8 THE INSTALLATION OF A TRANSMISSION LINE?**

9 A. Yes.

10 **Q. HOW ARE YOU FAMILIAR WITH THIS AREA?**

11 A. Ronald and I have owned a 17-acre property in the Chalk Mountain community since
12 2006. We use our property as our residence, for wildlife conservation, and for outdoor
13 recreational activities, including hiking, bird watching, and wildlife viewing. Previously,
14 our property was part of the ranch owned by the Jones family.

15 **Q. DESCRIBE HOW THE TRANSMISSION LINE WOULD CROSS THE PROPERTY.**

16 A. Proposed Link KK2 bisects our property.

17 **Q. WOULD PROPOSED LINK KK2, IF BUILT, AFFECT YOUR HOME OR HOW YOU
18 USE YOUR PROPERTY?**

19 A. Yes. Proposed Link KK2 would cross our property less than 220 feet from our home.
20 Construction of proposed Link KK2 would result in a large swath of our property
21 being cleared and electrical towers being erected near our home. Attached
22 collectively as Exhibit FS-1 are true and correct photos of our home and land.
23 Also, the driveway to our home would pass under proposed Link KK2. All access to
24 the house would pass under the line.
25 Further, I suffer from electrophobia. Since watching a lineman be electrocuted when I
26 was a young child, I experience intense fear whenever I am near power lines. One of
27 the reasons we purchased our property is that no power lines are visible from it.
28 Proposed Link KK2 would expose me to physical, mental, and emotional distress.

29 **Q. WOULD YOU AND VISITORS TO YOUR PROPERTY REGULARLY HAVE TO
30 DRIVE UNDER THE TRANSMISSION LINE?**

31 A. Yes, proposed Link KK2 would run over the main entrance to our property. Every
32 time we enter or leave our property, we would have to drive under the line, exposing
33 our family to electromagnetic fields generated by the lines.

1 Q. WHAT WOULD THE AFFECT OF THE TRANSMISSION LINE BE ON YOUR
2 BUSINESS?

3 A. In order to run our children's ministry website from our home, we require high-speed
4 Internet access service. The only available high-speed Internet access service
5 available at our home is a satellite Internet access service offered by Wildblue
6 Internet Services. I am concerned that proposed Link KK2 will render our satellite
7 Internet access service inoperable by blocking the line of sight between our home
8 and the satellite, and, in so doing, end our web-based children's ministry.

9 Q. PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ECOLOGICAL
10 FEATURES.

11 A. Our property is rough, hilly, and heavily-wooded. I am concerned that construction of
12 the transmission line would result in the destruction of many trees and other
13 vegetation on our property, changing permanently the habitat we have preserved.
14 There is also a one-acre spring-fed and natural run-off pond on our property.
15 Proposed Link KK2 would cross over the center of this pond. I am concerned that
16 construction and maintenance of the transmission line, including clear-cutting, would
17 negatively impact this water resource on our property. I am also concerned that
18 construction and maintenance of the transmission line over this water resource would
19 affect the water resources on my neighbors' land.

20 Q. DESCRIBE THE AESTHETIC IMPACT OF INSTALLING A TRANSMISSION LINE
21 ACROSS THE PROPERTY.

22 A. Our home is not currently visible from the road. I am concerned that construction and
23 maintenance of proposed Link KK2, including clear-cutting, would expose our home
24 to the road. Additionally, proposed Link KK2 would cross our pond, destroy the
25 unspoiled view from our property, and run within 220 feet of our home. Proposed Link
26 KK2 would destroy the aesthetics of our property. Attached as Exhibit FS-2 is a true
27 and correct photo of our pond.

28 Q. DESCRIBE THE HISTORICAL SIGNIFICANCE OF LAND THAT WOULD BE
29 CROSSED BY THE TRANSMISSION LINE.

30 A. There are remnants of a homestead built in the late 1800's on our property near the
31 shore of the one-acre pond crossed by proposed Link KK2. Construction of proposed
32 Link KK2 would pass very near this site and would greatly undermine its historical

1 value by degrading its environmental context. Attached as Exhibit FS-3 is a true and
2 correct photo of the homestead remnants.

3 **Q. HAS YOUR FAMILY PRESERVED THE ENVIRONMENTAL QUALITY OF THE**
4 **LAND YOU OWN?**

5 A. Yes. Our property was largely untouched when we purchased it. My family has left
6 almost all of our land in a natural, pristine state to preserve the habitat of native
7 wildlife, including endangered Golden-Cheeked Warbler and Black-Capped Vireo.

8 **Q. DESCRIBE ANY ENVIRONMENTAL IMPACT SPECIFIC TO THIS AREA THAT**
9 **WOULD BE CAUSED BY THE TRANSMISSION LINE.**

10 I am concerned that construction and maintenance of proposed Link KK2 would
11 negatively affect our habitat-preservation efforts and would damage or destroy the
12 habitat of the endangered Golden-Cheeked Warbler and Black-Capped Vireo.

13 **Q. HAVE ANY BIRD PRESENCE OR HABITAT SURVEYS BEEN PERFORMED ON**
14 **YOUR PROPERTY?**

15 A. Yes, wildlife biologists performed a survey of the birds on our property in January and
16 June, 2010. A true and correct copy of these reports are attached collectively as
17 Exhibit FS-4.

18 **Q. OVER THE YEARS, HAVE YOU JOINED WITH YOUR CHALK MOUNTAIN**
19 **COMMUNITY NEIGHBORS TO PROTECT AND PRESERVE THE LOCAL**
20 **ENVIRONMENT?**

21 A. Yes. We in the Chalk Mountain Community have often joined together on
22 environmental issues. To do so, we formed the Chalk Mountain Wildlife Management
23 Association. We also joined with the Chalk Mountain Community Alliance to oppose
24 routing the Lone Star transmission line through the Chalk Mountain area.

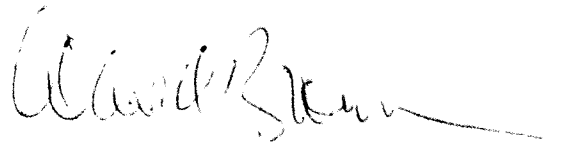
25 **Q. WHY HAVE YOU JOINED CHALK MOUNTAIN COMMUNITY ALLIANCE, LLC, TO**
26 **OPPOSE THE ROUTING OF THE LONE STAR TRANSMISSION LINE THROUGH**
27 **THE CHALK MOUNTAIN AREA?**

28 A. Ron and I are committed to protecting the environment in and around the Chalk
29 Mountain area. Many of our Chalk Mountain community neighbors have made the
30 same commitment. Our community came together before there was a prospect of a
31 new transmission line being routed through it to protect the natural beauty and
32 environmental integrity of this special part of the state and has come together again
33 because construction of the Lone Star line because of our shared values.

- 1 Q. WHAT SUGGESTIONS DO YOU HAVE FOR THE COMMISSION REGARDING
2 THE TRANSMISSION LINE?
- 3 A. I suggest that the Commission select a route away from the Chalk Mountain area to a
4 place where the environmental impact would be less significant.
- 5 Q. DOES THIS CONCLUDE YOUR TESTIMONY?
- 6 A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served in accordance with PUC and SOAH Rules and the Orders in this proceeding on August 16, 2010.

A handwritten signature in black ink, appearing to read "David F. Brown", written over a horizontal line.

David F. Brown



EXHIBIT FS-1







**Golden-cheeked Warbler and
Black-capped Vireo Survey
on the
Singleterry Property,
Somervell County, Texas
June 12, 2010**

A presence survey for the Golden-cheeked Warbler (*Dendroica chrysoparia*) and Black-capped Vireo (*Vireo atricapilla*) was conducted on June 12, 2010 on the Singleterry Property in Somervell County, Texas. The survey area consisted of approximately 17 acres of mostly oak/juniper forest located at 1202 County Road 51. The survey was conducted from 6:40 a.m. until 7:55 a.m. The temperature during the survey ranged from 78-83° F. The sky had 50-70% cloud cover and winds ranged from 5-20 mph. The survey crew consisted of Biologists Linda Laack and Randall Moss.

No Golden-cheeked Warblers were detected during the survey although habitat that appears suitable for Golden-cheeked Warblers occurs on the property. Much of the property had closed canopy oak/juniper forest dominated by Spanish Oak, Live Oak, Sugar Hackberry, and Ashe Juniper. This habitat type is preferred by Golden-cheeked Warblers. Lack of detection on a single visit does not indicate absence. It would take additional visits to determine whether Golden-cheeked Warblers are present on the property.

No Black-capped Vireos were detected during the survey. Black-capped Vireos prefer shrubland habitat with species such as shin oaks, redbud, elbowbush, and sumac. This habitat type was not observed on the Singleterry Property.

Other bird species seen and/or heard during the survey include: Great Blue Heron, Turkey Vulture, Black Vulture, Mourning Dove, Black-chinned Hummingbird, Eastern Phoebe, Ash-throated Flycatcher, Tufted Titmouse, Carolina Chickadee, Bewick's Wren, Northern Mockingbird, Rufous-crowned Sparrow, Northern Cardinal, Painted Bunting, and Brown-headed Cowbird.



Map 1. The area outlined in orange represents the area surveyed for Golden-cheeked Warblers and Black-capped Vireos on the Singleterry Property in Somervell County, Texas on June 12, 2010.

Survey of Black-capped Vireo and Golden-cheeked Warbler Potential Habitats
and Occurrences in the Chalk Mountain Area

Chalk Mountain Wildlife Management Association
4342 County Road 2011
Walnut Springs, Texas 76690

Prepared by

Randall E. Moss, Ph.D. and Linda Laack

January 2010

Introduction

The area of the Chalk Mountain Wildlife Management Association (CMWMA) is located in the Cross Timbers and Prairies Ecological Region at the interface between the Western Cross Timbers and the Grand Prairie. This part of eastern Erath and western Somervell counties includes a number of private property owners of varying sized properties that have voluntarily formed the CMWMA and work cooperatively on various wildlife habitat and management projects. This area can generally be described as gently rolling topography with elevations ranging from 850 to about 1300 feet m.s.l. The Chalk Mountain area consists of a matrix of forests, woodlands, savannas, and grasslands. Some of the woody vegetation has been cleared to accommodate grazing, improved pastures, and some crops.

Methods

Many members of the CMWMA volunteered to have their properties surveyed for potential habitat for endangered songbirds, specifically habitat that could be suitable for Black-capped vireo (*Vireo atricapilla*) and Golden-cheeked warbler (*Dendroica chrysoparia*) populations. Additionally, there have been a number of efforts over the last decade to survey properties in this area to confirm the presence of these endangered songbirds as well as to characterize their habitats and densities (Bailey and Maresh 2002, Pinkston, Wright, and Maresh 2002) and perform habitat management tasks aimed at improving suitable habitat, especially for the Black-capped vireo. Texas Parks and Wildlife Department (TPWD) biologists, U.S. Fish and Wildlife Service (USFWS) biologists, Environmental Defense Fund (EDF) scientists, researchers from several universities, and many other individuals including from state and federal agencies have generated occurrence data for these species and survey information is available in reports produced by EDF and TPWD for several different ranches or properties. (e.g. Bailey and

Maresh 2002; Pinkston, Wright, and Maresh 2002; TPWD Landowner Incentive Program Project Status Report from January 20, 2004; EDF reports from Quail Ridge Ranch, June 10, 2009 and May 6, 2008; Snakard Property, May 7, 2008; Brown Property, March 25, 2009, June 10-12, 2009; Panther Cave Ranch April 27, 2000, April 13-14, 2005, April 4, 2006, March 28 and May 18, 2007, May 5-6, 2008 and June 9, 2009 and other surveys.

During December 2009 and early January 2010, habitat surveys were performed on 24 CMWMA member's properties ranging in size from four acres +/- up to 3067 +/- acres. These properties totaled approximately 6103 +/- acres in both Erath and Somervell counties. The properties and ranches were visited by biologists to survey for potential suitable habitat as described in the Natural Resource Conservation Service (NRCS) Brush Management Consultation Training (2006). This information is used to implement reasonable and prudent measures listed in the U.S. Fish and Wildlife Service Biological Opinion dated December 17, 2004.



Figure 1 – Potential Black-capped vireo habitat near U.S. Hwy 67 on Map III.

The Habitat Identification Criteria for both Black-capped vireo and Golden-cheeked warbler are included as **Enclosure 1** and **Enclosure 2** in the Appendices for this report. From Enclosure 1: "Recognition of suitable habitat is the first step in insuring protection of endangered or threatened species. Habitat for the Black-capped vireo (BCV's) in Texas consists of a patchy distribution of shrub species with abundant foliage and branches near ground level". (See **Figure 1**) Two criteria ((1) species composition of woody cover and (2) density of low growing brush) were used to survey for potential habitat.

From Enclosure 2: "Habitat for the Golden-cheeked warbler (GCW) in Texas consists of a closed canopy of mixed stands of mature Ashe juniper and deciduous hardwoods. Mature Ashe junipers are at least 15 feet in height with a trunk diameter of 5 inches at 4 feet above the ground (dbh). Sites are usually, but not always, associated with steep topography and mesic conditions. Canopy coverage of Ashe juniper can vary from 5% to greater than 90%. To aid in the identification of habitat, land within the range of the bird should be examined for all of the following three criteria." The three criteria are: 1) canopy closure >50% 2) mature Ashe juniper stems >15 stems per acre and 3) at least 10% of the total canopy must include 2 or more of 19 listed shrub and tree species. (See **Figure 2**)



Figure 2 – Golden-cheeked warbler habitat on a CMWMA property along FM Rd 203.

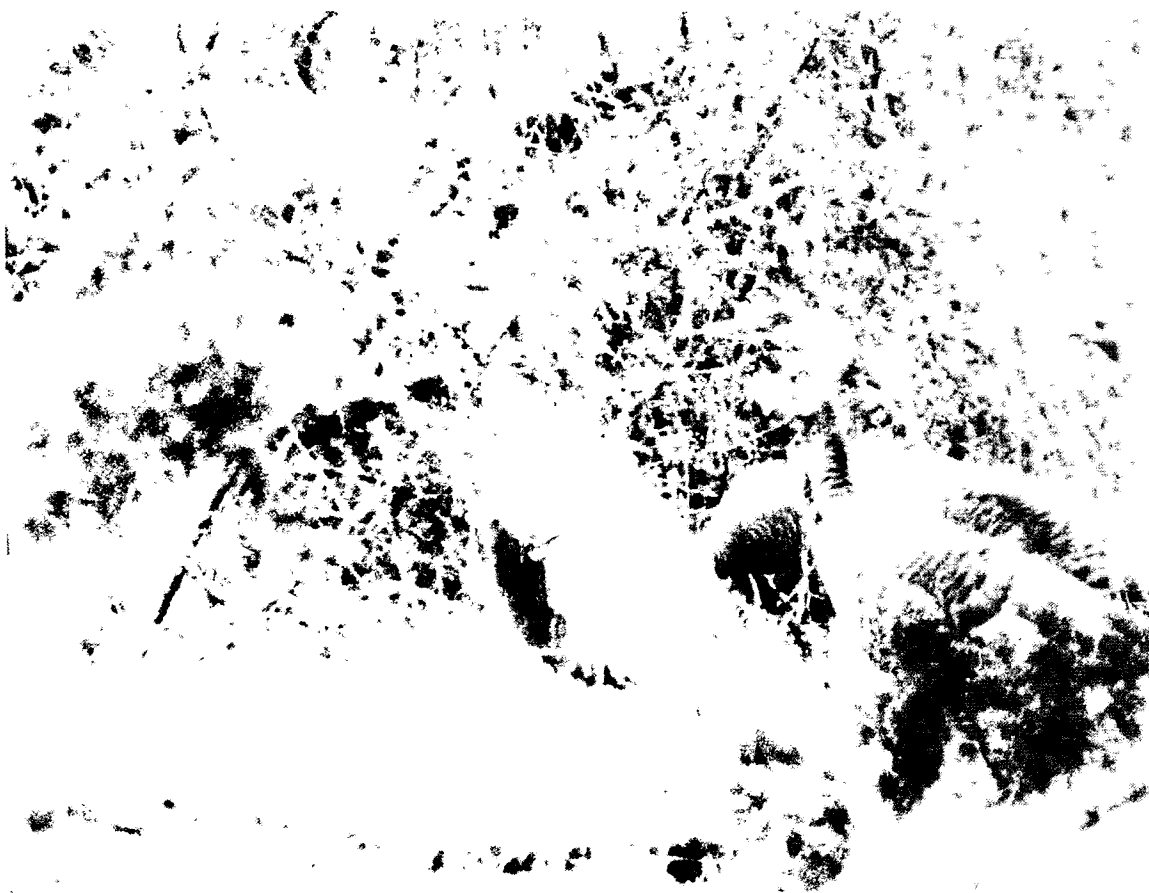


Figure 3 – Wild turkeys in front of some potential BCV habitat on FM Rd 203.

Biologists (Moss and Laack) visited the various CMWMA properties, observed by vehicle and on foot surveying for areas that had vegetation and topography features suitable as potential habitat for the Black-capped vireo (BCV) and Golden-cheeked warbler (GCW). Circular observation points were used to ground truth aerial infrared photography (from the Texas Natural Resource Information System) and determine polygons of potential habitat for the GCW and points of potential habitat for the BCV. This field data and previously collected data (*op. cit.*), primarily from Environmental Defense Fund habitat and occurrence mapping efforts, were used to portray potential habitat and previously recorded known occurrence BCV and GCW data on aerial maps.

Results

Properties were surveyed in both Erath and Somervell counties from just west of Chalk Mountain eastward into Somervell County to approximately five miles west of the city of Glen Rose. Approximately 6103 +/- acres were surveyed during this recent habitat mapping effort. Of the properties visited, most had at least some potential habitat that

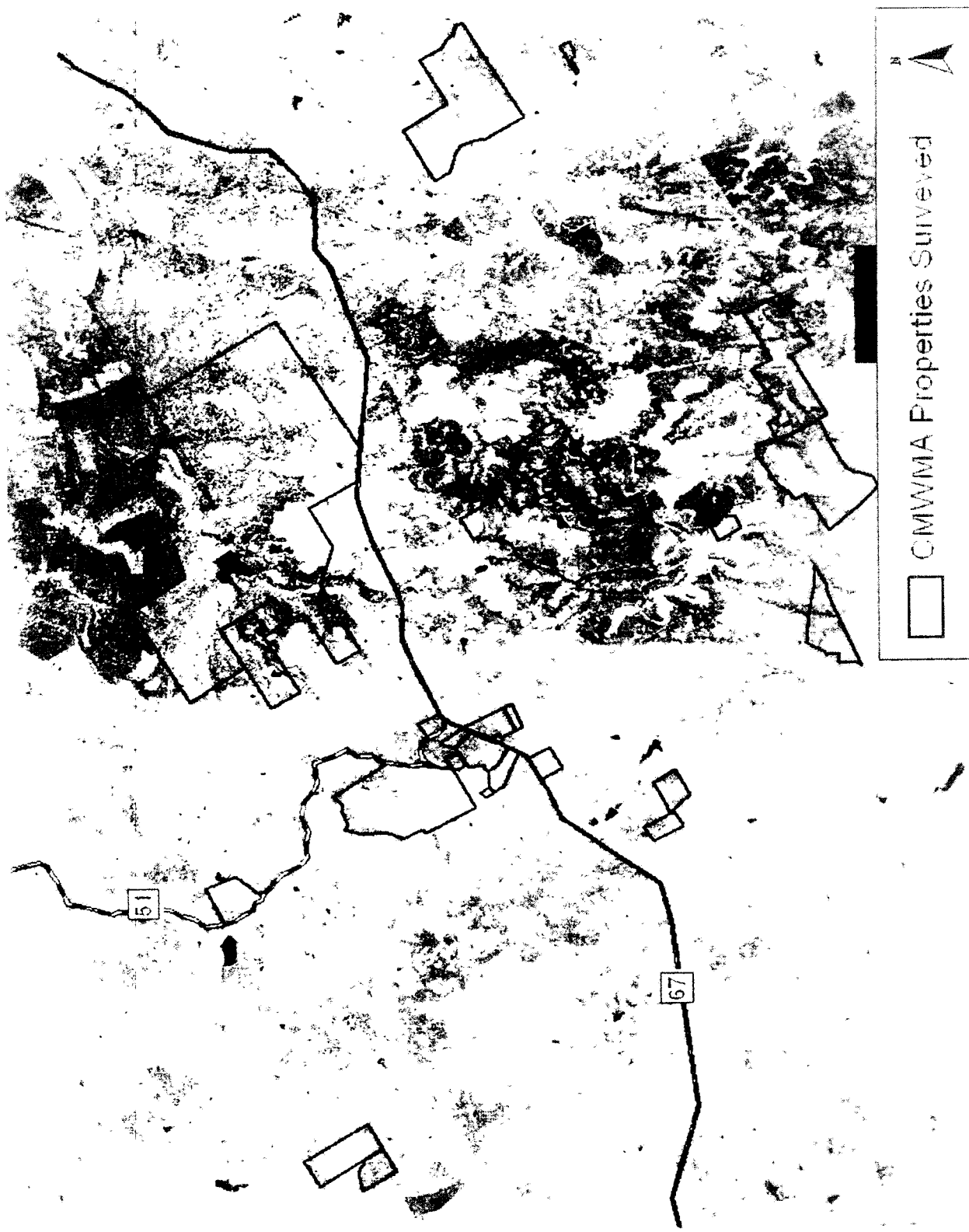
may be suitable for GCW and/or BCV populations. Polygons of the potential habitat totaled approximately 969 +/- acres. The Chalk Mountain areas surveyed are presented on **Map I**. To provide better visual resolution, the coverage of Map I has been subdivided into five overlapping areas and placed on five maps (**Maps II, III, IV, V and VI**) that provide more detail of the polygons of infrared vegetation and habitats. Some landmarks were indicated (*e.g.* U.S. Hwy 67, county roads) to help provide orientation of the maps.

In general, most areas of this Chalk Mountain survey provide suitable potential habitat for either Golden-cheeked warblers and /or Black-capped vireos. Potential habitat for BCV was found on a number of properties surveyed, but it was difficult to develop polygons for BCV habitat because the vireo habitat typically occurred in small patches (<4 acres) interspersed within or adjacent to GCW habitat. Only areas of BCV habitat that were at least 4 acres were included on the survey maps. However, the smaller patches may still be utilized by vireos. BCV territories range in size from 1 to 16 acres but most are 2 to 4 acres (TPWD see Appendix 3).

The occurrences of these Federal and State listed endangered species is well known in the general Chalk Mountain area as evidenced by USFWS/EDF Safe Harbor agreements with some land owners and BCV habitat management units designated on several properties including the well known Fossil Rim Ranch. Dinosaur Valley State Park is designated as a site where visitors may see both species in the spring and early summer. Some properties included in this habitat survey have been specifically surveyed for these two species by spring breeding bird call observations and specific localities for these records were placed on a second version of **Map I** (labeled **Map VII**). **Map VII** also includes observed GCW and BCV localities from additional properties from previous bird surveys.

Conclusions

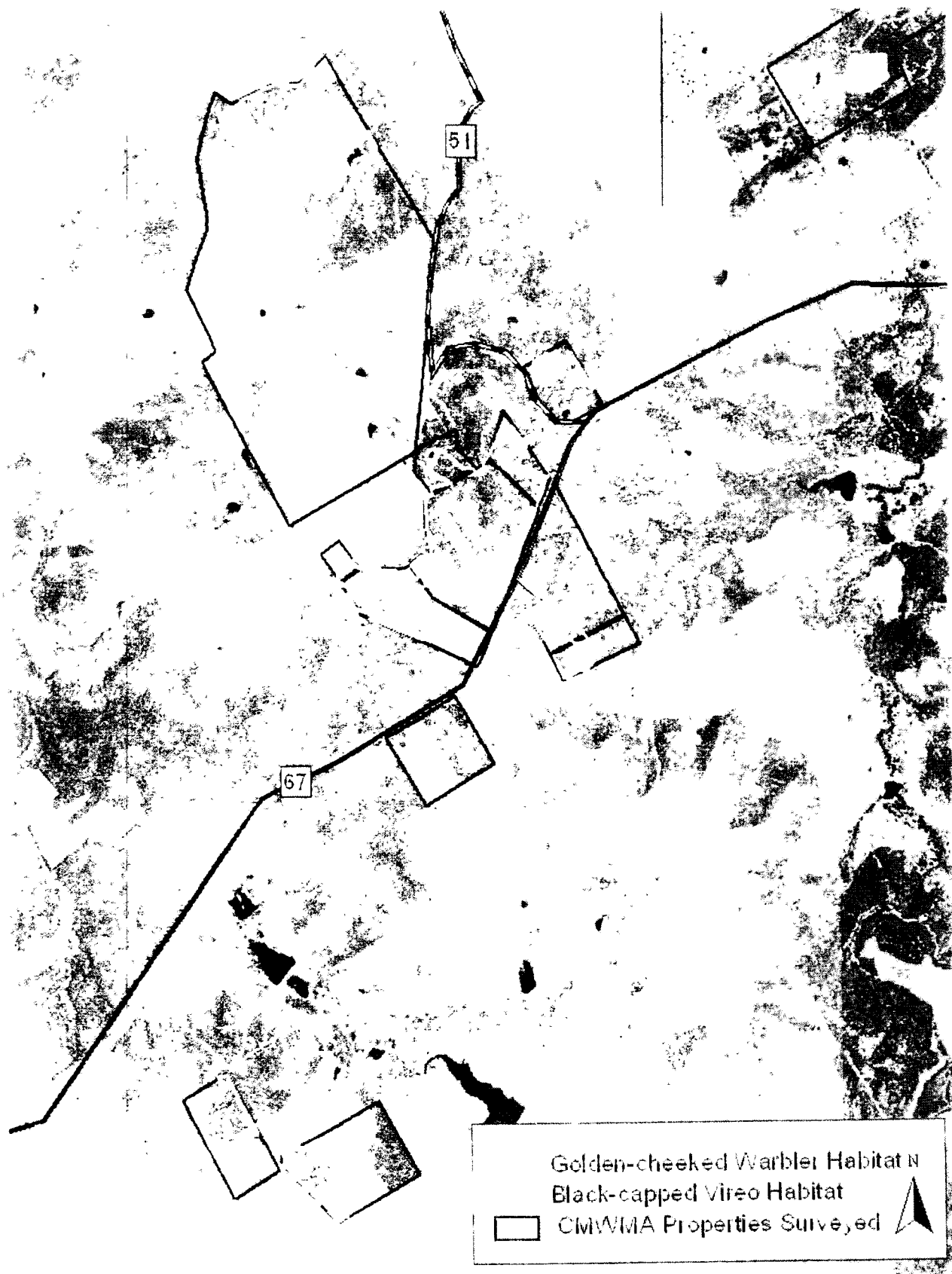
An abundance of potential GCW and BCV habitats were found on surveyed properties in the CMWMA area. There are many known observations based on visual and bird call records that are documented in Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, and Environmental Defense Fund files and databases. Many of these records have been observations made just within the last few years. Habitat surveys provide information that can be used to describe generally potential habitat that may be suitable for either GCW and/or BCV populations. Better scientific information could be developed for this area by direct visual or bird call observations made during the spring and early summer on more ranches and properties. Only by repeated GCW and BCV bird observations can habitat survey information be confirmed as habitat by GCW and BCV populations at specific localities. All the habitat and documented occurrence information combined and included on **Maps I-VII** indicate that almost any Chalk Mountain area property or ranch has the potential to include endangered GCW and BCV occurrences and potential habitat.



Map 1 – Chalk Mountain Wildlife Management Association properties surveyed in Erath and Somervell counties. The twenty four properties include about 6103 acres.



Map II – Chalk Mountain Wildlife Management Association western properties in Erath County. Yellow polygons indicate potential Golden-cheeked warbler habitat.



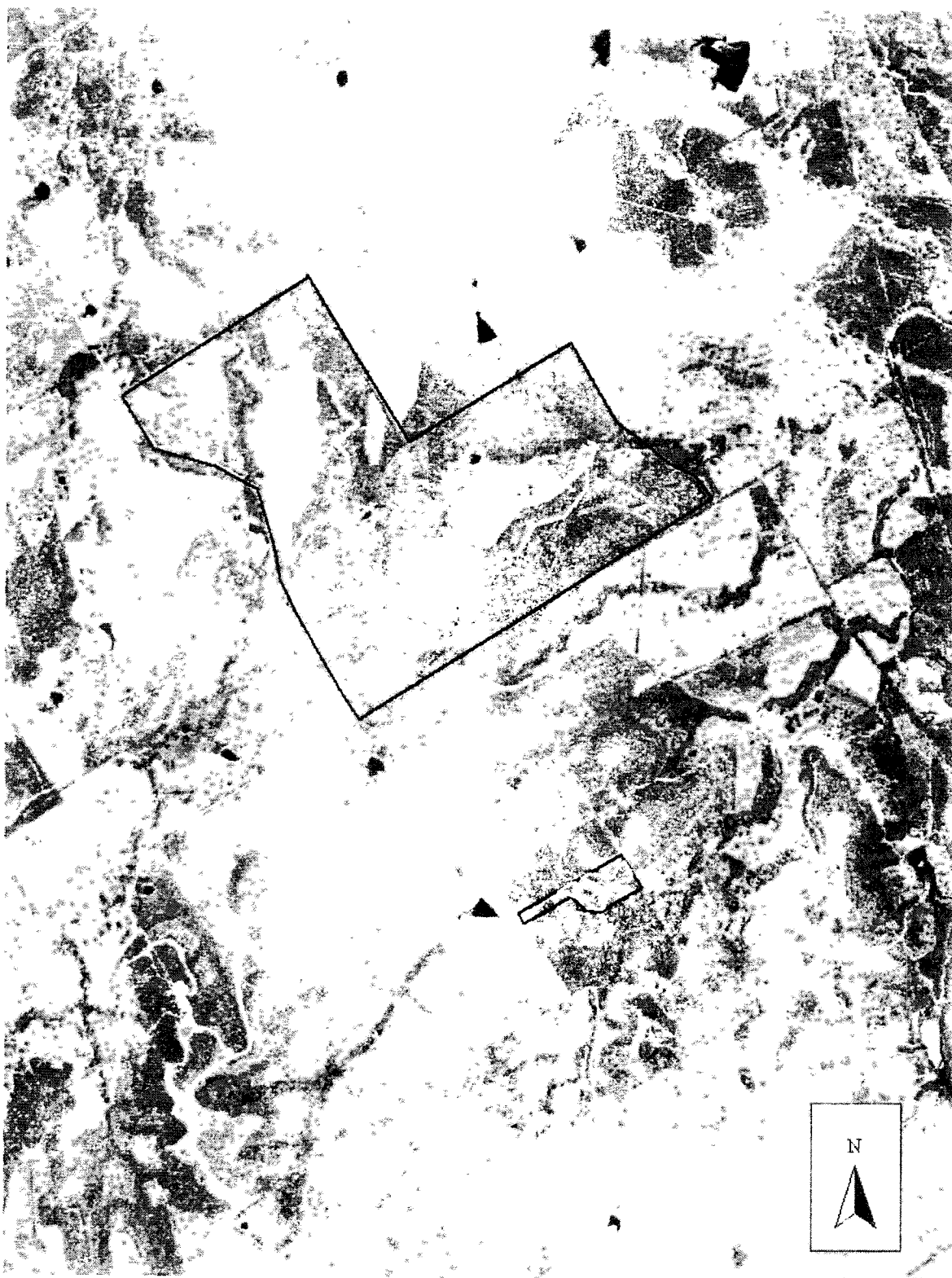
p III – Chalk Mountain Wildlife Management Association properties near U.S. Hwy 67 and Hwy 51. Yellow and green polygons indicate potential warbler and vireo habitats.



Map IV – Chalk Mountain Wildlife Management Association properties south of U.S. Hwy 67 in the southwest part of Somervell County.
Yellow polygons indicate potential Golden-cheeked warbler habitat. Blue polygons indicate fields or other open areas that are not considered Golden-cheeked warbler habitat.



Map V – Chalk Mountain Wildlife Management Association properties north of U.S. Hwy 67 in central Somervell County.



Map VI – Chalk Mountain Wildlife Management Association properties along County Road 2008 in southern Somervell County. Yellow polygons indicate potential Golden-cheeked warbler habitat.



Map VII -- Observations of Golden-cheeked warblers (orange) and Black-capped vireos (green) in the Chalk Mountain area collected by Environmental Defense Fund in 2007-2009. Blue boundaries indicate CMWMA properties that were not included in the current habitat survey.

Acknowledgements

The Chalk Mountain Wildlife Management Association was able to support this study because of the financial contributions of its members, their willingness to participate in the habitat survey and provide access. Ms. Jeannie Lane, Mr. Richard Hagar (CMWMA treasurer), and Ms. Carol Richey (CMWMA secretary) gathered contact information, information from the Somervell Central Appraisal District, and generally helped move the project along. Lee and Bev Clauser provided accommodations and local insights that were much appreciated. Mr. Rhett Johnson (CMWMA president) provided access, logistical support, and some very valuable professional wisdom. Dr. Rickey Fain helped provide contact and other information. Mr. David Wolfe of Environmental Defense Fund in Austin provided access to EDF files relevant to the Chalk Mountain area and his professional expertise. Obviously, the ongoing efforts by staff from Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, Environmental Defense Fund, Natural Resource Conservation Service, Texas A&M AgriLife and from several Texas universities provided the foundation of information upon which this study relied.

Sources

- Bailey, J.W. and J.P. Maresh. 2002. Census and monitoring of the black-capped vireo at Quail Ridge Ranch, Somervell County, Texas. Year three-2002 field season. Texas Parks and Wildlife Department, Austin, Texas. 22 pp.
- Environmental Defense Fund. 2009. Habitat and survey files from various years for Erath and Somervell counties. David Wolfe, Senior Scientist, personal communication.
- Natural Resource Conservation Service. 2006. NRCS Brush Management Consultation Training. (March 28, 2006 and May 31, 2007)
- Pinkston, J., N. Wright, and J. Maresh. 2002. Census and monitoring of black-capped vireo at Quail Ridge Ranch, Somervell County, Texas. Year two final report. Texas Parks and Wildlife Department, Austin, Texas.
- U.S. Fish and Wildlife Service. 1996. Black-capped vireo (Vireo atricapillus) recovery plan. U.S. Fish and Wildlife Service, Austin, Texas, USA.

Appendices

- I – Enclosure 1 – Black-capped Vireo Habitat Identification/Treatment Criteria For NRCS Brush Management Consultation**
- II – Enclosure 2 – Golden-cheeked Warbler Habitat Identification/Treatment Criteria For NRCS Brush Management Consultation**
- III – Black-capped Vireo (pamphlet by TPWD)**

IV – Management Guidelines for Black-capped Vireo (pamphlet by TPWD)

V – Golden-cheeked Warbler (pamphlet by TPWD)

**VI – Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes
(pamphlet by TPWD)**