



Control Number: 38354



Item Number: 3158

Addendum StartPage: 0

APPLICATION OF LCRA TRANS. §
 SERVICES CORP. TO AMEND ITS CCN §
 FOR THE PROPOSED MCCAMEY D TO §
 KENDALL TO GILLESPIE 345-KV CREZ §
 TRANSMISSION LINE IN SCHLEICHER, §
 SUTTON, MENARD, KIMBLE, MASON, §
 GILLESPIE, KERR, AND KENDALL §
 COUNTIES §

RECEIVED
 2010 NOV 15 PM 12:54
 BEFORE THE
 STATE OFFICE OF
 ADMINISTRATIVE HEARINGS
 ON REFERRAL FROM THE
 PUBLIC UTILITY COMMISSION
 OF TEXAS

POST-HEARING BRIEF OF SIX MILE RANCH AND VANDER STUCKEN RANCH

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Who we are: Six Mile Ranch and Vander Stucken Ranch (for convenience “Six Mile”).

Segments that affect us: Six Mile Ranch - Links b16b, b79, Z1-Z2; Vander Stucken Ranch - Links b13aa, b83, Z1-Z2.

Routes we oppose: Routes MK1-MK12, MK20-MK26, MK28, MK36, and MK43-MK44, as well as any of the Routes using Z links in the vicinity of Six Mile Ranch and Vander Stucken Ranch.

Routes we support: LCRA’s Preferred Route MK13 and any of the routes that parallel Interstate Highway 10 in whole or in part, including Staff’s “MK15-Modified.”

INTRODUCTION

Given the focus of the evidence in this case, including the direct testimony of intervenors, the subjects of cross examination at the hearing, and the exhibits admitted into evidence, including LCRA’s Exhibit 26, this case has shaped up into a choice between LCRA Transmission Services Corporation’s (“LCRA’s”) Preferred Route MK 13, on the one hand, and some “mix and match” options along Interstate Highway 10 (the “I-10” Routes), such as MK32-33, MK15, MK15A, and Staff MK-15-Modified. Six Mile does not oppose the selection of any of the foregoing routes, and believes that each presents an acceptable choice for the Public Utility Commission of Texas (“PUC” or “Commission”), depending on the trade off it makes as policy calls in picking one of those routes.

What is clear is that any routes using Segments b16b, b17b, b79, or Z1 or Z2 in the vicinity of those links (for convenience the “Fort McKavett Routes”), and any routes utilizing the P Segments (the “P-Line Routes”) should not be chosen by the PUC in this case. As to MK22-24, the “P-Line Routes,” these routes are longer than many of the routes in consideration, they have a high number of habitable structures impacted by the routes in Gillespie County, and they rely on paralleling a single type of right-of-way – an existing 138-kV transmission line that is a third the height of the proposed new structures with a much narrower right-of-way, through an environmentally sensitive area.¹ The most serious proponent of the P-Lines, the Clear View Alliance, champions an I-10 Route, with the P-Line Routes as a mere secondary choice, and admitted that the P-Line Routes ended up with more virgin ranch land and less transmission line paralleling than it thought would be the case when it advocated for the expansion of the study area to include such routes.²

As for the Fort McKavett Routes, they should not be selected because of the impacts these

¹ This is why Staff removed the P-Line routes from consideration in making its recommendations. Staff-1 at 23-24.

² Tr. at 641-644.

routes would have on the historic Fort McKavett, the environmentally sensitive headwaters of the San Saba River, the Sol Meyer Boy Scout Camp, and on a number of landowners who have intervened in this proceeding, including the Texas Historical Commission, the Six Mile Ranch, Preston Interests, Rockin OC, W&W Legacy Wildlife Investments, Saba Ranch Partners, and Rafter Z Ranch. As evidence of the undesirability of these segments, the Texas Historical Commission and the Texas Parks and Wildlife Department ("TPWD") recommended against selection of the Fort McKavett Routes, and *no party* in this proceeding has testified for any of the Fort McKavett routes as their preferred choice in this CCN proceeding. In fact, many witnesses expressed their belief that such routes should not be chosen, or did not disagree with others who felt such routes should not be chosen, even if their own property would not be affected by any of the Fort McKavett Routes.³

ROUTE

- "6. Which proposed transmission line route is the best alternative, weighing the factors set forth in PURA § 37.056(c)(4), excluding (4)(E), and P.U.C. SUBST. R. 25.101(b)(3)(B)?"

Routing Overview: the Fort McKavett Routes and P-Line Routes are poor choices; LCRA's Preferred Route MK13 and the I-10 Routes such as Staff's MK15-Modified are far superior

Weighing the factors in PURA § 37.056(c) and Rule 25.101(b)(3)(B), the Fort McKavett Routes (i.e. any routes with segments b16b, b17b, b79, or the Z1 or Z2 variations on those routes) and the P-Line Routes (i.e. MK22-MK24) are not desirable and should not be chosen. Any of the Fort McKavett Routes would either cross virgin ranch land through the heart of, or come in close proximity to, the Six Mile Ranch. Additionally, and more importantly to the general public, all or a portion of these routes would cross the environmentally sensitive headwaters of the San Saba River, come in close proximity to historic Fort McKavett, or cross or come near the Sol Mayer Boy Scout Camp in the area near Fort McKavett. The P-Line Routes are longer than many of the routes in consideration, have a high number of habitable structures impacted by the routes in Gillespie County, and rely on paralleling a single type of right-of-way that is a third the height of the proposed new structures with a much narrower right-of-way, through an environmentally sensitive area.

LCRA's Preferred Route MK13 is an acceptable choice, as are I-10 Routes supported by various intervenors that run further to the south, including Routes MK32, MK33, MK15, and

³ See, e.g., Tr. at 554-555, 584, 645-647, 760-761, 969-970, 972.

MK15A.⁴ This is because such routes do not cross or come close to the environmentally sensitive headwaters of the San Saba River, historic Fort McKavett, or Camp Sol Mayer.⁵ Additionally, the PUC Staff's recommended route MK15-Modified, another of the I-10 Routes, is also an acceptable choice because it too does not cross the headwaters of the San Saba River, nor is it in close proximity to historic Fort McKavett or Camp Sol Mayer. As to which of these routes should be chosen – MK13 or one of the I-10 Routes – there are various advantages to each of them, and it will ultimately depend on which factor or factors the PUC believes is more important in this case. It is the position of Six Mile that MK13 or any of the I-10 Routes would be an acceptable choice, and that those routes are preferable to any of the Fort McKavett or P-Line Routes.

LCRA Preferred Route MK13

LCRA selected Route MK13 as its Preferred Route.⁶ According to Ms. Sara Morgenroth, LCRA's Senior Regulatory Case Manager, MK13 was selected as its preferred route based on the following: (1) MK13 has the second fewest habitable structures within 500 feet;⁷ (2) it crosses the least amount of potential golden-cheeked warbler habitat; (3) it parallels a moderate amount of existing ROW; (4) it is within 5% of the shortest route; (5) it is within 10% of the lowest cost route; (6) it crosses the thirteenth least amount of upland woodland; and (5) it has the fifth least amount of right-of-way in the foreground visual zone of U.S. or state highways.⁸

After all the evidence was presented at the hearing, none of LCRA's witnesses stated that their opinion had changed regarding their choice of MK13 as the preferred route, and each continues to believe that MK13 should be selected by the Commission. At the conclusion of the hearing, Mr. Rob Reid offered several reasons why he felt MK13 was still the superior choice over all the other proposed routes, including the facts that: MK 13 is relatively short compared to other routes; it uses a reasonable amount of paralleling of compatible rights of way; it avoids many cities and towns, including Eldorado, Sonora, Junction, Kerrville, Comfort, Fredericksburg, Mason and Menard; it avoids the Kimball County airport issue in the Junction area; it avoids the Fort McKavett issue; it avoids the known, and most of the potential, golden-cheeked warbler habitat; it is ranked 1st from an

⁴ MK15A is a variation of MK15 proposed by Mr. Larry Gurley on behalf of the Weinzierl Ranch and AG, LP. Weinzierl Ranch-2 at 6. It, like Staff Route MK15-modified, utilizes "volunteer" tracts of AC Ranches. *Id.* at 9.

⁵ Segrest 15 is another I-10 Route that was introduced at the hearing. This Route is a variation of Staff's MK15-modified, with the only difference being the links in the area of Junction. Tr. at 160-161; Segrest-25.

⁶ LCRA-2 at 27.

⁷ There are only 18 habitable structures within 500 feet of MK13. *Id.* at 28.

⁸ *Id.* at 28.

ecological standpoint according to PBS&J's rankings; and it avoids paralleling the gas pipeline through the Tierra Linda development area.⁹

For all the reasons listed by Ms. Morgenroth and Mr. Reid, Six Mile agrees that LCRA's Preferred Route MK13 is an acceptable route choice for the PUC to select in this case.

Staff's Recommended Route MK15-Modified

The PUC Staff witness performed an independent review of the LCRA application and other information in the case and concluded that Route MK15-Modified is the best alternative for the project when considering as a whole the factors set forth in the applicable statute and rules.

Staff's Route MK15-Modified is an I-10 Route that: connects to I-10 over land that AC Ranches has requested be used to route the line; avoids the Kimble County airport due to cost, safety and reliability concerns if I-10 is paralleled in the Junction area; and avoids the Kerrville city limits, including a large number of habitable structures within 500 feet of the centerline and 17 habitable structures within the actual right-of-way if I-10 is paralleled in the Kerrville area.¹⁰

Characteristics which Staff believes make Route MK 15-Modified superior to MK13 include the fact that it has more length paralleling existing compatible right-of-way than MK13; MK15-Modified has more length paralleling existing transmission line right-of-way than MK13; and the length of Route MK 15-Modified across bottomland/riparian woodland is less than MK13.¹¹

Mr. Harold Hughes, P.E., a routing expert,¹² reviewed the LCRA application and other case information, and testified that Staff selected a route that is reasonably supported by the data presented in this case.¹³ Accordingly, Six Mile believes that the Staff's recommended route is an acceptable choice for the Commission. Several other intervenors also support the selection of the Staff's recommended route, including the Texas Historical Commission, AC Ranches, Junction 1090, Triple Oaks Partners, and Walter Scott McGregor.

MK15 or MK15A

These routes, recommended by Weinzierl Ranch and Scynthian Ltd., are I-10 Routes

⁹ Tr. at 1469-1470.

¹⁰ Staff-1 at 24-25.

¹¹ *Id.* at 23.

¹² Mr. Hughes, a registered professional engineer, has over 40 years of experience, mostly in electric utility regulation at the PUC, both as a member of the PUC Staff that developed key aspects of the CCN rule for transmission lines, and as one providing expert testimony including on transmission lines and their certification. Six Mile-1 at 1 and Appendix A.

¹³ Six Mile-2 at 7.

somewhat similar to Staff's recommended route. The main difference between MK15 and MK15A is that MK15A uses the "volunteer" tracts of AC Ranches while MK15 does not.¹⁴ Both MK15 and MK15A connect on the east side of Junction to I-10, and like the Staff Route, they go north of the Kimball County airport. On the east side of Junction they are identical to the Staff Route.¹⁵

Mr. Hughes also testified that Weinzierl's expert presented a reasonable basis for supporting selection of either Route MK15 or MK15A.¹⁶ Six Mile is not opposed to selection of either of these routes because none would cross the San Saba River headwaters, and they are not in close proximity to Fort McKavett or Camp Sol Mayer.

MK32 and MK33

MK33 is the route favored by Clear View Alliance and TPWD.¹⁷ This route roughly parallels Highway 277 and Interstate 10 for most of its length.¹⁸ It is much longer and more expensive than other route choices, and it has the highest number of affected habitable structures, but it has the benefit of having the greatest paralleling of compatible rights-of-way.¹⁹ Because of the significant amount of paralleling, it is preferable from an environmental standpoint, as it would result in the least amount of new habitat fragmentation.²⁰

Like other southern routes, Routes MK32 and MK33 do not utilize any of the links that would impact historic Fort McKavett, Camp Sol Mayer, or the environmentally-sensitive headwaters of the San Saba River. Moreover, as noted by Mr. Hughes, Clear View Alliance's witnesses present a reasonable basis for selecting routes that parallel Highway 277 and Interstate 10 for the majority of their distance in order to have the least environmental impact.²¹ Ultimately, whether MK32 or MK33 should be selected comes down to whether the significant paralleling and reduced fragmentation justifies the increased costs and affected habitable structures on these routes. Six Mile has no position on whether it does or not, but is not opposed to the selection of Route MK32 or MK33.

MK22, MK23, and MK24 (P-Line Routes)

Clear View Alliance supports as its *second* choice the use of MK22, which utilizes the P

¹⁴ Weinzierl Ranch-2 at 9.

¹⁵ Weinzierl Ranch-3.

¹⁶ Six Mile-2 at 4.

¹⁷ CVA-6 at 24; TPWD-5 at 6.

¹⁸ See Weinzierl Ranch-3.

¹⁹ See LCRA Exhibit 26.

²⁰ TPWD-5 at 6

²¹ Six Mile-2 at 5.

segments in the north of the study area.²² A few other intervenors have also indicated that one of these routes would be acceptable to them, such as City of Kerrville, CYH Ranch, and Tierra Linda. While the P-Line Routes do not use any of the segments that would impact historic Fort McKavett, the San Saba River's environmentally sensitive headwaters, or Camp Sol Mayer, Six Mile does not believe any of the P-line Routes would be a desirable choice for many of the reasons the PUC Staff articulated when it removed these routes from consideration in making its recommendations.

Specifically, all of the P-Line Routes were removed by Staff from consideration due to their longer lengths, the number of habitable structures impacted by the routes in Gillespie County as the routes pass the Gillespie substation, and the reliance of the P segments on paralleling a single type of right-of-way – an existing 138-kV transmission line that is a third the height of the structures proposed in the Application and with a much narrower right-of-way, through an environmentally sensitive area.²³ And Clear View Alliance's witness, Mr. Bill Neiman, acknowledged that the P-Line Routes ended up with more virgin ranch land and less transmission line paralleling than it thought would be the case when the Alliance advocated for expansion of the study area to include these routes, due to unforeseen changes in circumstances after the expansion occurred.²⁴ Given these concerns, Six Mile does not support the selection of Routes MK22-MK24.

Fort McKavett Routes

The Fort McKavett Routes – i.e. those utilizing links b16b, b79, b17b, Z1 or Z2 – are the worst choices available to the PUC in this CREZ proceeding. This is because these routes would have significant impacts on the historical Fort McKavett, the environmentally sensitive headwaters of the San Saba River, and the Sol Mayer Boy Scout Camp, plus they would cut through virgin ranch land in the heart of or other parts of the Six Mile Ranch, as well as other large ranches in the area.²⁵ Because of many of these concerns, the Texas Historical Commission and TPWD intervened in this case and recommended that the Fort McKavett routes not be selected.²⁶ And significantly, *no party* in this proceeding has testified that any of the Fort McKavett Routes are among their preferred choices of the proposed routes. In fact, no party suggested that any of these routes be included in LCRA's Exhibit 26, the spreadsheet which provides the data for comparing the major routes in contention.

²² CVA-6 at 24.

²³ Staff-1 at 23-24.

²⁴ Tr. at 641-644.

²⁵ E.g., Preston Interests, Rockin OC, W&W Legacy Wildlife Investments, Saba Ranch Partners, Rafter Z Ranch.

²⁶ THC Garza-18; THC Alexander-4; TPWD-4 at 25, 27.

A. Fort McKavett State Historical Site

Fort McKavett, established in 1852, is an historic frontier fort that is considered one of the most intact and well preserved examples of a Texas Indian Wars military post.²⁷ The fort was manned by Buffalo Soldiers and today remains an important part of the story of the American Buffalo Soldier.²⁸ The Fort is a State Historic Site, as well as a National Historic District that is listed on the National Register of Historical Places.²⁹ The Fort is a notable and popular recreation area that is part of TPWD's Great Texas Wildlife Trails, as well as part of the Texas Historical Commission's Texas Forts Trail.³⁰ One of the unique aspects of the Fort is its "pristine" views in all directions, such that the view from the Fort is much as it was in the mid-nineteenth century.³¹ In addition, the Fort McKavett State Historical Site is a designated riparian conservation area.³² Because of these aspects of the Fort and the surrounding area, several witnesses testifying in this case support avoiding routes that would come in close proximity to the Fort – and no witness testified in support of selecting the Fort McKavett Routes over selection of the routes listed in LCRA Exhibit 26.

The Texas Historical Commission, the state agency that owns and operates Fort McKavett, supports the avoidance of Fort McKavett because of the negative impact on the Fort's viewshed.³³ Mr. Michael Garza, testifying on behalf of the Texas Historical Commission, states that transmission towers within the viewshed of the Fort would "drastically change the visitor experience," and that it is important to recognize that historic preservation includes preserving the geographic region as well as the buildings themselves.³⁴ Mr. Thomas Alexander, also on behalf of the Texas Historical Commission, testifies that it is the "ambiance, virtually unchanged for nearly 160 years, that makes the Site so unique and so valuable."³⁵ He further states that "[i]t is the isolation of the Fort that adds immensely to the overall appeal of the Site. To destroy that sense of isolation and solitude would be a disservice to those who wish to preserve and enjoy the historic heritage of the region."³⁶

TPWD also expresses concern that the close proximity of Links b16b, b79, and b17b to Fort

²⁷ THC Garza-18 at 4; LCRA TSC-1 at EA 2-65.

²⁸ Six Mile-1 at 7.

²⁹ *Id.*

³⁰ LCRA TSC-1 at EA 2-66, 2-67, 2-72.

³¹ THC Garza-18 at 4; THC Alxndr-4 at 5.

³² TPWD-4 at 32.

³³ THC Garza-18; THC Alxndr-4.

³⁴ THC Garza-18 at 13-14.

³⁵ THC Alxndr-4 at 5.

³⁶ *Id.* at 8-9. It should also be noted that while many intervenors claim that they too want to preserve the historic heritage of the region, the Texas Historical Commission is the only one doing this for the public good.

McKavett, a “managed area,” “would negatively impact this historic site.”³⁷ A particular concern articulated by TPWD is the potential for the Fort McKavett viewshed to be compromised by the sight of transmission towers. This could in turn affect the public’s enjoyment of the Fort, adversely affect visitation, and threaten future historic value of the site.³⁸ Accordingly, TPWD recommends that any alternative which would affect Fort McKavett “not be selected.”³⁹

Additionally, many community members have expressed concern about utilizing a segment that would impact Fort McKavett and its viewsheds. As is reflected in Ms. Morgenroth’s direct testimony, many comments at open meetings expressed concern about impacting historical sites, and specifically Fort McKavett.⁴⁰

Finally, LCRA’s witness Mr. Reid also confirmed at the hearing that avoiding the Fort is a valid concern when he listed, as one of the benefits of LCRA’s Preferred Route MK13, the fact that it “avoids the Fort McKavett issue.”⁴¹

B. San Saba River

The San Saba River’s headwaters begin on the Six Mile Ranch, where above-ground headwaters are joined by underground springs and water formations known as the Middle Valley Prong.⁴² This area would be crossed by segment b16b.⁴³ As noted by Mr. Hughes in his direct testimony, the portion of the San Saba River from its headwaters near Fort McKavett to Menard have been described by TPWD as “a picturesque stream” and an area of “exceptional historical, geological, and scenic qualities.”⁴⁴

Moreover, the area of the headwaters of the San Saba River located between FM 864 in Menard County upstream and Fort McKavett in Menard County is an Ecologically Significant Stream Segment (ESSS).⁴⁵ This segment contains one of only four known remaining populations of

³⁷ TPWD-4 at 25.

³⁸ *Id.*

³⁹ *Id.* at 27.

⁴⁰ LCRA TSC-2 at 16-17. While Ms. Morgenroth stated at the hearing that she took the community to mean they valued not crossing the actual parade grounds at Fort McKavett, the Menard County resolution specifically advocates keeping the transmission line out of the Fort McKavett viewshed as one of its major concerns. LCRA TSC-2 at 18-19. Ms. Morgenroth admitted at the hearing that this is indeed what Menard County resolved. Tr. at 483-484.

⁴¹ Tr. at 1469.

⁴² Six Mile-1 at 8.

⁴³ *Id.*

⁴⁴ *Id.* at 8-9 (citing http://www.tpwd.state.tx.us/publications/pwdpubs/pwd_rp_t3200_1047/24_c_tx_san_saba_wichita.phtmlb).

⁴⁵ TPWD-4 at 32-33; LCRA TSC-1 at EA 2-15.

the state-listed Texas Fatmucket freshwater mussel and one of only four known remaining populations of the state-listed Texas Pimpleback freshwater mussel.⁴⁶ TPWD recommends that the proposed project avoid any adverse impacts to this ESSS.⁴⁷

C. Six Mile Ranch

The Six Mile Ranch is an active and operating ranch that has been owned by the Powell family since 1934.⁴⁸ The unique heritage of this family ranch, its views, and its owners have been widely featured in a variety of publications, including Ranch and Rural Living Magazine, the Austin-American Statesman, the Fort Worth Star Telegram, Texas Parks and Wildlife Magazine, and the Cattlemen Magazine, among others.⁴⁹ The Ranch has also been a research and education model used by several universities, including Texas A&M, TCU, Texas Tech, and San Angelo State.⁵⁰ The Ranch was even given its own chapter in a coffee table book, *Texas Cattle Barons – Their Families, Land and Legacy*.⁵¹ This book, by Elmer Kelton, with photographs by Kathleen Jo Ryan, illustrates the stunning scenic views that can be seen from the porch of the main residence on the ranch.⁵² Link b16b would cut diagonally through the very heart of the Ranch, ruining the scenic views that have been enjoined for generations by the Powell family and their guests, including the panoramic view featured in the coffee table book. Other Fort McKavett Routes, including the Z routes and segment b79, would also impact the Six Mile Ranch, though not as severely as segment b16b.

D. Camp Sol Mayer

Camp Sol Mayer is a 300 acre Boy Scout camp with 18 permanent buildings.⁵³ The Boy Scout troops that use Camp Sol Mayer participate in a wide variety of activities, including horsemanship, shooting sports, swimming, canoeing, row boating, climbing/repelling, fishing, soil and water conservation, handicrafts, ecology/nature, camping, first aid, fire safety, mammal study, lifesaving, pioneering and wilderness survival.⁵⁴ Additionally, camp sites may be reserved by the public on a space-available basis.⁵⁵ The transmission line and right-of-way of Segment b17b would cross the southwest corner of the camp, passing near several camping areas and near where the

⁴⁶ *Id.*

⁴⁷ TPWD-4 at 34.

⁴⁸ Six Mile-1 at 5.

⁴⁹ *Id.* at 5-6.

⁵⁰ *Id.* at 12.

⁵¹ *Id.* at 6.

⁵² *Id.* at Appendix C.

⁵³ Saba Group-3 at 4.

⁵⁴ *Id.* at 5.

⁵⁵ *Id.*

camp's horses are maintained.⁵⁶ Furthermore, any right-of-way clearing for the transmission line on the southwest portion of Camp Sol Mayer would eliminate many trees that are along the western boundary line and the San Saba River.⁵⁷ The camp would also be impacted by Links Z1 and Z2, which are both in close proximity to the camp.⁵⁸

Z Routes

The Z Segments were added by LCRA in response to statements made by PUC Commissioners in other CREZ CCN cases.⁵⁹ LCRA designed Z Segments for some crossed properties where the proposed segment was not otherwise following another routing criteria.⁶⁰ These so called Z segments were an attempt to specifically route along parcel boundaries.⁶¹

The Z routes should be rejected in their entirety. First, parcel boundaries are not the same as property boundaries,⁶² and in many instances little is accomplished by routing along parcel boundaries. In other words, the impact on landowners may be greater when following parcel boundaries rather than actual property boundaries.⁶³ Second, many landowners oppose the Z Links,⁶⁴ and LCRA's witness Christian Powell said that he did not disagree with landowners who reacted negatively to the Z routes.⁶⁵ In fact, Mr. Powell admitted in the hearing that his direct testimony pointed out problems with the Z routes in.⁶⁶ Finally, in regard to the Z1 and Z2 routes in the Fort McKavett area, those should be rejected for the same reason all the Fort McKavett Routes should be rejected – their proximity to Fort McKavett, the San Saba River headwaters, and Camp Sol Mayer.

Specific Routing Criteria

In addition to the foregoing, the following is offered on specific statute and PUC rule criteria:

A. Community values

A number of community values have been expressed in this case, many of which are related

⁵⁶ *Id.* at 6.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ LCRA TSC-3 at 10.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Tr. at 398.

⁶³ See Six Mile-1 at 19.

⁶⁴ E.g., Schaeffer-1 at 11; Six Mile -1 at 19. As stated in the direct testimony of Mr. Stephen Schaeffer, "Links Z1 and Z2 were added hastily and with inadequate information and the PUCT should reject any routes that utilize these links. Not only are they too costly and too damaging, they also fail to accurately follow applicable property lines in the area." Schaeffer-1 at 11.

⁶⁵ Tr. at 39.

⁶⁶ *Id.*

to a particular intervenor's values regarding his or her own property or neighborhood. A more broadly expressed and applicable community value in this case is the concern stated repeatedly by those in the study area about impacting historical resources generally and Fort McKavett specifically. In fact, Ms. Morgenroth notes that among the common comments most frequently expressed by the public at the Open Houses and in the questionnaires was avoiding historic sites such as Fort McKavett.⁶⁷ Community values relating to Fort McKavett have also been expressed in other ways. For instance, Menard County passed a resolution that specifically included as a major concern keeping the transmission line out of the viewshed of Fort McKavett.⁶⁸

B. Historical and aesthetic values

In regard to historical values, the entire study area has a high probability of containing previously unrecorded cultural resource sites, and each of the routes would cross near some number of recorded historical, archaeological, or prehistoric sites.⁶⁹ In other words, any of the routes have a negative impact on historical values to some extent given the nature of the study area. But this factor weighs particularly against selecting the Fort McKavett routes because these routes would impact the historic and culturally significant Fort McKavett. As reflected in the testimony of the Texas Historic Commission's witnesses, Fort McKavett is an important historical site that would be negatively affected by any of the Fort McKavett routes.⁷⁰ This sentiment is also shared by TPWD, who recommended against the selection of any route that would impact the viewshed of Fort McKavett.⁷¹

Regarding aesthetics, much like historical values, the entire study area is a scenic part of the state that would be negatively affected by a transmission line, as PUC Staff concludes.⁷² But as Mr. Reid testified at the hearing, because aesthetics is largely subjective, and because everyone tends to value the aesthetics of their own private land,⁷³ another way to evaluate aesthetics is to look at the number of people whose public view would be affected by the transmission line.⁷⁴ Fort McKavett is a public place, owned and operated by the Texas Historical Commission, a state agency, for the

⁶⁷ LCRA TSC-2 at 16-17.

⁶⁸ *Id.* at 18-19.

⁶⁹ Staff-1 at 35.

⁷⁰ THC Garza-18; THC Alxndr-4.

⁷¹ TPWD-4 at 25, 27.

⁷² Staff-1 at 37.

⁷³ Certainly Six Mile is no exception in this regard. If the transmission line utilized link b16b, it would cut through the middle of the scenic Six Mile Ranch and ruin the viewshed that has been featured in many publications, including the coffee table book discussed above.

⁷⁴ Tr. at 1194.

benefit of the people of Texas.⁷⁵ Many people visit the Fort every year and have the opportunity to enjoy the views much as they existed when the Fort was built. As the EA noted, the Fort is a "notable recreation area" that is part of the TPWD's Great Texas Wildlife Trails and the Texas Historical Commission's Texas Forts Trail.⁷⁶

It should also be noted that Camp Sol Mayer, the Boy Scout camp discussed above, has a number of visitors yearly, it is open to the public, and Mr. Richard Reeve testified that several of the Fort McKavett Routes would have negative aesthetic impacts on the camp.⁷⁷

Given the proximity of the Fort McKavett Routes to Fort McKavett and Camp Sol Mayer, historic and aesthetic values weigh against selection of any of the Fort McKavett routes.

C. Environmental integrity

The Fort McKavett Routes would be particularly bad from an environmental perspective because many of these routes would cross the San Saba River headwaters and the portion designated as an Ecologically Sensitive Stream Segment.⁷⁸ The TPWD strongly recommends that the proposed project avoid any adverse impacts to any Ecologically Sensitive Stream Segments.⁷⁹

TPWD believes that routes following Highway 277 and I-10 would have the least impact from an environmental perspective.⁸⁰ PUC Staff concludes that construction of the proposed line on Route MK15-Modified compares favorably from an overall environmental perspective to construction on most of the other alternative routes.⁸¹ Notably, Staff's MK15-Modified does not cross the San Saba River's headwaters or its Ecologically Sensitive Stream Segments.⁸²

Given that MK33 and MK15-Modified each parallel I-10 to a significant extent, this factor of environmental integrity weighs in favor of selecting either of these routes according to that criterion. Of course, because MK33 parallels I-10 to an even greater extent than MK15-Modified, MK33 is more favorable purely from an environmental integrity standpoint.

D. Costs

LCRA's overall estimated cost of the proposed transmission line project on route MK13 is

⁷⁵ THC Garza-18 at 3.

⁷⁶ LCRA TSC-1 at EA 2-65, 2-66, 2-67, 2-72.

⁷⁷ Saba Group-3 at 5-6.

⁷⁸ TPWD-4 at 32-33; Six Mile-1 at 8.

⁷⁹ TPWD-4 at 34.

⁸⁰ TPWD-5 at 6.

⁸¹ Staff-1 at 41.

⁸² Tr. at 1104.

\$266.4 million, which is the lowest of the major routes in contention.⁸³ The estimated costs of the other major routes in contention ranges from \$286.6 million (MK15A) to \$406.8 million (MK33). The P-line routes (MK22, MK23, and MK24) are all above \$315 million dollars, ranging from \$315.6 to \$326.4 million. Staff's Route MK15-Modified has an estimated cost of \$302.3 million, which rates favorably to many of the other alternatives, though it is admittedly more expensive than LCRA's preferred route.

From purely a cost standpoint, LCRA's Preferred Route is the best choice. Weinzierl's MK15A and Staff's MK15-Modified, though more expensive than MK13, are reasonable options when balancing all the other factors. And while MK33 is certainly more costly than other viable alternatives, it may be justifiable because of the significantly increased paralleling along Highway 277 and I-10, a call the PUC will have to make.

E. Compatible rights-of-way

Route MK13 parallels compatible rights-of-way for 39.33 miles,⁸⁴ or 29% of its length.⁸⁵ Mr. Reid described this as a "reasonable amount" in this study area.⁸⁶ MK33 has the highest total in this category, paralleling compatible rights-of-way for 132.96 miles, recognizing that part of the added length is due to the added paralleling.⁸⁷ Route MK15-Modified also rates favorably in this category, paralleling for 79.0 miles.⁸⁸ The P-line Routes appear to do well in this category, but this is because they parallel a shorter, narrower 138-kV line for much of their length. Some parties question whether this is truly a compatible right-of-way given that the existing line uses much smaller structures, and it has a much narrower right of way. In fact, this is one of the reasons the Staff indicated that it eliminated the P-line routes from consideration.⁸⁹

F. Conformance with the Commission's policy of prudent avoidance

Prudent avoidance is defined by P.U.C. SUBST. R. 25.101(a)(4) as follows: "The limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."

Of the major routes in contention, the number of habitable structures within 500 feet of the

⁸³ See LCRA TSC-26 for estimated cost totals on all of the major routes in contention.

⁸⁴ Staff-1 at 46.

⁸⁵ Tr. at 1469.

⁸⁶ *Id.*

⁸⁷ Staff-1 at 46.

⁸⁸ *Id.*

⁸⁹ *Id.* at 24.

centerline ranges from 18 on MK13 to 153 on MK33.⁹⁰ Staff's MK15-Modified has 55 habitable structures within 500 feet of the centerline.⁹¹ According to LCRA, each of the proposed routes complies with the policy of prudent avoidance.⁹² Six Mile agrees.

CONCLUSION

Considering the factors set forth in PURA § 37.056(c), P.U.C. SUBST. R. § 25.101(b)(3)(B), and the officially promulgated application form for CREZ CCNs, LCRA's Preferred Route MK13 and the I-10 Routes such as Staff's Route MK15-Modified are all acceptable choices. LCRA's proposed routes that contain Segments b13aa, b16b, b17b, b79, b83, Z1, Z2, or any of the P Segments, on the other hand, are not desirable choices, and none should be chosen for the reasons discussed herein.

Accordingly, Six Mile Ranch and Vander Stucken Ranch respectfully urge that the Proposal for Decision recommend rejection of LCRA's proposed routes that utilize Segments b16b, b17b, b79, b13aa, b83, Z1, Z2, or any of the P Segments, and instead that it recommend selection of Route MK13 or one of the I-10 Routes such as Staff's Route MK15-Modified.

Respectfully submitted,

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VANDER STUCKEN RANCH

⁹⁰ LCRA TSC-26.

⁹¹ *Id.*

⁹² LCRA TSC-2 at 30.