

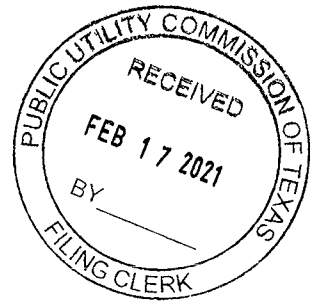


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Addendum StartPage: 0



SOAH DOCKET NO. 473-21-0247

PUC DOCKET NO. 51023

APPLICATION OF THE CITY OF	§	
SAN ANTONIO, ACTING BY AND	§	
THROUGH THE CITY PUBLIC	§	
SERVICE BOARD (CPS ENERGY) TO	§	BEFORE THE STATE OFFICE
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	OF
FOR THE PROPOSED SCENIC LOOP	§	
138-KV TRANSMISSION LINE	§	
PROJECT IN BEXAR COUNTY,	§	ADMINISTRATIVE HEARINGS
TEXAS	§	

DIRECT TESTIMONY OF JASON E. BUNTZ
ON BEHALF OF INTERVENORS THE SAN ANTONIO ROSE PALACE, INC.
AND STRAIT PROMOTIONS, INC.

Jason E. Buntz files this, his Direct Testimony on behalf of Intervenor The San Antonio Rose Palace, Inc. and Strait Promotions, Inc., and stipulates that all parties may treat this Direct Testimony as though filed under oath.

Respectfully submitted,

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6515

Certificate of Service

I, Luke E. Kraus, counsel for The San Antonio Rose Palace, Inc. and Strait Promotions, Inc., hereby certify that on the 17th day of February, 2021 a copy of the foregoing pleading was served on all parties by electronic mail, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Luke E. Kraus_____

Luke E. Kraus

SOAH DOCKET NO. 473-21-0247

PUC DOCKET NO. 51023

**APPLICATION OF THE CITY OF
SAN ANTONIO TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE SCENIC
LOOP 138-KV TRANSMISSION LINE
IN BEXAR COUNTY**

**§
§
§
§
§**

**BEFORE THE STATE
OFFICE
OF
ADMINISTRATIVE
HEARINGS**

**DIRECT TESTIMONY AND EXHIBITS
OF
JASON E. BUNTZ**

**ON BEHALF OF
THE SAN ANTONIO ROSE PALACE, INC.
AND STRAIT PROMOTIONS, INC.**

FEBRUARY 17, 2021

SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023
DIRECT TESTIMONY AND EXHIBITS OF JASON E. BUNTZ

TABLE OF CONTENTS

I. INTRODUCTION OF WITNESS	1
II. PURPOSE OF TESTIMONY	2
III. ENVIRONMENTAL ASSESSMENT AND ALTERNATIVE ROUTE ANALYSIS	3
IV. HISTORICAL AND AESTHETIC VALUES	4
V. COMMUNITY VALUES	15
VI. ROUTE ALTERNATIVES	19

EXHIBITS

Exhibit 1	San Antonio Rose Palace and Strait Promotions Properties
Exhibit 2	Study Area Historic Resources
Exhibit 3	Heidemann Ranch Historic District
Exhibit 4	R.L White Ranch Historic District

SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023
DIRECT TESTIMONY AND EXHIBITS OF JASON E. BUNTZ

I. INTRODUCTION OF WITNESS

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Jason Buntz. My business address is 1504 W. 5th Street, Austin, Texas 78703

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am the Program Manager for Environmental Impact Assessment and Environmental Compliance Management at Hicks & Company, Environmental/Archeological Consultants. I also serve as Operations Manager for the Company.

Q. PLEASE DESCRIBE HICKS & COMPANY.

A. Hicks & Company is an environmental consulting firm in Austin, Texas providing environmental, ecological and cultural resources management services to public and private clients throughout Texas. The company has specialized in performing environmental assessments and environmental impact studies under the National Environmental Policy Act (NEPA) and obtaining permits and other authorizations under federal and state regulatory programs dealing with wetlands, endangered species, cultural resources, community impacts and other environmental issues. From the outset, the company and its environmental professionals have been involved in route selection, impact assessment and permitting for highways, electric transmission lines, and other linear projects.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS.

A. I have a B.A. degree from the University of California, Berkeley. I have been employed in the field of environmental management for over 22 years. My work primarily involves environmental impact analysis and regulatory compliance for public infrastructure projects, and I have authored dozens of Environmental Assessments and Environmental Impact Statements for complex projects during that time. As manager of the Environmental Compliance Program at Hicks &

1 Company, I have focused on environmental compliance management and compliance assurance
2 for major design-build and public-private-partnership transportation projects. My resume is
3 attached.
4

5 **Q. HOW HAVE YOU BEEN INVOLVED IN THE PROPOSED TRANSMISSION LINE**
6 **PROJECT THAT IS THE SUBJECT OF THIS PROCEEDING?**

7 I was retained by the firm Barton Benson Jones, PLLC, on behalf of landowner(s) in Bexar
8 County (see EXHIBIT 1) to review and evaluate the City Public Service Board's (CPS Energy)
9 Certificate of Convenience and Necessity (CCN) Application and Environmental Assessment and
10 Alternative Route Analysis (EA) which was submitted to the Public Utility Commission of Texas
11 (PUC) in connection with CPS Energy's proposed Scenic Loop 138 kV transmission line and
12 substation project in Bexar County, Texas.
13
14

15 **II. PURPOSE OF TESTIMONY**
16

17 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

18 A. The purpose of my testimony is to evaluate CPS Energy's CCN Application and the
19 Environmental Assessment and Alternative Route Analysis performed by its engineering
20 consultant, Power Engineers, Inc. I will also make an independent assessment of the
21 environmental suitability of the proposed transmission line route proposed by CPS Energy and
22 Power Engineers.
23

24 **Q. WAS YOUR TESTIMONY PREPARED BY YOU OR BY KNOWLEDGEABLE**
25 **PERSONS UPON WHOSE EXPERTISE, JUDGMENT AND OPINIONS YOU RELY IN**
26 **PERFORMING YOUR DUTIES?**

27 A. Yes, it was.
28

29 **Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY AND THE**
30 **INFORMATION YOU ARE SPONSORING TRUE AND CORRECT TO THE BEST OF**
31 **YOUR KNOWLEDGE AND BELIEF?**

32 A. Yes, it is.
33
34

1 **III. ENVIRONMENTAL ASSESSMENT AND ALTERNATIVE ROUTE ANALYSIS**
2

3 **Q. WHAT ARE THE EVALUATION FACTORS THAT MUST BE CONSIDERED**
4 **ACCORDING TO THE PUBLIC UTILITY REGULATORY ACT (PURA) AND PUC'S**
5 **SUBSTANTIVE RULES FOR APPROVAL OF CCN APPLICATIONS?**

6 A. The PUC's substantive rules SUBST. R. 25.101(b)(3)(B) requires CPS Energy to consider the
7 criteria in PURA §37.056(c), as well as the following factors when identifying alternative
8 substation sites and transmission line routes: 1) whether the routes utilize existing compatible
9 rights-of-way, including the use of vacant positions on existing multiple-circuit transmission
10 lines; 2) whether the routes parallel existing compatible rights-of-way; 3) whether the routes
11 parallel property lines or other natural or cultural features; and 4) whether the routes conform
12 with the policy of prudent avoidance. The substantive rules define "prudent avoidance" as "[t]he
13 limiting of exposures to electric and magnetic fields that can be avoided with reasonable
14 investments of money and effort". The substantive rules regarding routing begin with the
15 proviso: "...the line shall be routed to the extent reasonable to moderate the impact on the
16 affected community and landowners unless grid reliability and security dictate otherwise."
17

18 **Q. WHAT ARE THE STATUTORY CRITERIA FOR TRANSMISSION LINE ROUTING?**

19 A. The provisions of PURA 37.056(c)(4) require the PUC to grant a certificate for a transmission
20 line only after considering, among other factors, the following:

- 21 • community values;
22 • recreational and park areas;
23 • historical and aesthetic values; and
24 • environmental integrity.
25

26 **Q. CAN YOU SUMMARIZE YOUR APPROACH IN REVIEWING THESE DOCUMENTS?**

27 A. Yes. I reviewed the primary documents, including CPS Energy's original CCN Application with
28 its Attachment 1, Power Engineers' "Scenic Loop 138 kV Transmission Line and Substation
29 Project, Environmental Assessment and Alternatives Route Analysis," as well as the recent
30 amendments to those documents.¹ My review has focused on the extent to which the

¹ "Application of the City of San Antonio Acting by and Through the City Public Service Board (CPS Energy) to Amend Its Certificate of Convenience and Necessity for the Proposed Scenic Loop 138-kV Transmission Line Project in Bexar County". July 22, 2020. The CCN Application includes as Attachment 1 "Scenic Loop 138 kV Transmission Line and Substation Project, Environmental Assessment and

1 environmental analyses and outcomes presented in these documents are consistent with the
2 requirements of PURA and the PUC's substantive rules described above. I will address the PURA
3 §37.056(c) criteria in order of what I think is their relevance to the specific issues presented by
4 CPS Energy's proposed transmission line project, beginning with Historic and Aesthetic Values.
5
6

7 **IV. HISTORICAL AND AESTHETIC VALUES**
8

9 **Q. DID CPS ENERGY AND POWER ENGINEERS COLLECT DATA ON HISTORICAL**
10 **VALUES?**

11 A. Yes. In Section 3.5 of the Environmental Assessment and Alternative Route Analysis, CPS
12 Energy and Power Engineers describe the PUC's CCN application requirement to list and map
13 known historic sites within 1,000 feet of each alternative route and to list the sources consulted to
14 identify these known sites, which include the Texas Historical Commission (THC), the National
15 Park Service (NPS), the Texas Department of Transportation (TxDOT), and the Texas
16 Archeological Research Laboratory (TARL).
17

18 The review of these sources resulted in the identification, in Chapter 3 Table 3-11, of 36
19 previously recorded archeological sites, three National Register of Historic Places (NRHP)-listed
20 resources, one NRHP-determined eligible archeological site (41BX496), 11 cemeteries and one
21 Official Texas Historical Marker.
22

23 **Q. IN YOUR OPINION DID CPS ENERGY AND POWER ENGINEERS RELY ON**
24 **SOURCES OF KNOWN CULTURAL RESOURCES COMMONLY USED BY**
25 **ENVIRONMENTAL PROFESSIONALS ENGAGED IN THIS TYPE OF ANALYSIS?**

26 A. Yes. The THC, TxDOT, TARL, and the NPS are all appropriate sources of cultural resources
27 information. However, there is readily available information from other sources that they did not
28 evaluate which would have been helpful to readers of the Environmental Assessment, including
29 PUC decision makers and members of the public.
30

Alternatives Routes Analysis". Power Engineers, July 2020. Both documents were amended on December
22, 2020.

1 **Q. WHAT ARE THOSE OTHER PUBLICLY AVAILABLE SOURCES?**

2 A. One of the sources they did consult, noted in Chapter 3 on page 3-44, was TxDOT's historic
3 bridges database for the locations of bridges listed or determined eligible for listing on the NRHP.
4 However, an equally if not more important database for this type of Environmental Assessment is
5 TxDOT's Historic District's and Properties GIS map. TxDOT maintains this publicly searchable
6 database of historic resources listed and eligible for the National Register of Historic Places at
7 <https://txdot.maps.arcgis.com/apps/webappviewer/index.html>. Had CPS Energy and Power
8 Engineers reviewed this database, they would have noted that TxDOT has considered the Boerne
9 Stage Route as a historic resource that is eligible for the NRHP. This information was readily
10 available and could have been incorporated into the Environmental Assessment and Alternative
11 Route Analysis and disclosed to the public.

13 **Q. DID CPS ENERGY AND POWER ENGINEERS CONSULT WITH THE TEXAS**
14 **HISTORICAL COMMISSION AS PART OF THE ENVIRONMENTAL ASSESSMENT**
15 **AND ALTERNATIVE ROUTE ANALYSIS?**

16 A. Yes. In Section 5.0, page 5-3, it states that the THC responded to CPS Energy's request for
17 information on July 1, 2019. The letter from the THC notes the presence of a historic district in
18 the study area, and although the letter does not specify which one, the letter was written by the
19 archeology division, and therefore it can reasonably be inferred to be the Maverick-Altgelt Ranch
20 Fenstermaker-Fromme Farm Historic District. Because the THC has separate divisions for
21 archeology and historic structures, their response omitted the other two historic districts known
22 from the study area, the R.L White Ranch and the Heidemann Ranch.

24 **Q. IN YOUR PROFESSIONAL OPINION WAS THE BASELINE INVENTORY OF THE**
25 **HISTORIC RESOURCES IN THE STUDY AREA SUFFICIENT TO ALLOW FOR A**
26 **THOROUGH ANALYSIS OF THE IMPACTS TO HISTORICAL VALUES?**

27 A. No, I would not consider it to be sufficient. The information in Section 3.5 included a mention of
28 the Scenic Loop – Boerne Stage – Toutant Beauregard Historic Corridor; however, the text in this
29 section in Chapter 3 page 3-53 is simply taken directly from the Official Texas Historical Marker
30 (OTHM). CPS Energy and Power Engineers do not appear to have investigated the significance
31 of the historic resources that are commemorated by the marker, focusing instead on the physical
32 marker itself. Although the OTHM is strategically located at a publicly accessible point in the
33 intersection of the three roadways that make up the historic travel corridor, *the marker is not the*
34 *historic resource*. Rather, it describes the full geographic extent of the corridor and briefly tells

1 the story of the role played by this roadway during a critical period of Texas history. In effect, it
2 provides a condensed version of the historical values attached to the corridor – values that would
3 be adversely affected by CPS Energy’s proposed Scenic Loop 138 kV transmission line project.
4

5 **Q. WHAT MIGHT CPS ENERGY AND POWER ENGINEERS HAVE DONE TO MAKE**
6 **THE BASELINE ANALYSIS OF HISTORICAL RESOURCES MORE THOROUGH?**

7 A. An appropriate level of consideration of the historical values for a study area containing three
8 NRHP-listed sites, 11 cemeteries, an OTHM, and 36 known archeological sites representing
9 thousands of years of history, would include research into other historic resources of local,
10 statewide, or national significance.
11

12 **Q. WHAT RESOURCES ARE YOU REFERRING TO WHEN YOU SAY OTHER**
13 **HISTORIC RESOURCES OF LOCAL, STATEWIDE OR NATIONAL SIGNIFICANCE?**

14 A. Specifically, the Scenic Loop – Boerne Stage – Toutant-Beauregard Historic Corridor and the Old
15 Spanish Trail (see EXHIBIT 2).
16

17 **Q. CAN YOU DESCRIBE THE SIGNIFICANCE OF THE SCENIC LOOP – BOERNE**
18 **STAGE – TOUTANT-BEAUREGARD HISTORIC CORRIDOR?**

19 A. Yes. In 2009, the Scenic Loop-Boerne Stage Corridor was listed as one of Texas’ “Most
20 Endangered Places” by Preservation Texas, a non-profit member organization dedicated to
21 protecting historic resources in Texas. The corridor is defined as “from the south at Highway 16
22 in Helotes, to Boerne Stage Road; continues north as Boerne Stage Road to Balcones Creek at the
23 Kendall County Line.” The impetus for the designation was a nomination by the Scenic Loop –
24 Boerne Stage Alliance.
25

26 Then in 2011, the Texas legislature designated the Scenic Loop, Boerne Stage, and Toutant-
27 Beauregard roads as a Texas Historic Highway under the Texas Historic Roads and Highways
28 Program established in 2009. The goal of this program is to “identify, designate, interpret, and
29 market historic roads and highways in Texas”. The legislation for the program points out that
30 “the designation of a road or highway under the program is not, and may not be considered to be,
31 a designation under the [National Historic Preservation Act].” The designation as a Historic
32 Highway also does not prevent development along the route. It serves instead to encourage
33 heritage tourism, thereby potentially having a positive effect on the small businesses and
34 communities linked to the historic route.

1 As a result of the designation by the legislature, the THC in 2013 had the OTHM #17579
2 installed at the northeast corner of the intersection.

3
4 As the marker relates, the Scenic Loop – Boerne Stage – Toutant Beauregard Historic Corridor
5 began as trails blazed by American Indian tribes inhabiting Helotes Canyon and the surrounding
6 area. In fact, twenty-five of the thirty-six archeological sites listed in Table 3-12 (page 3-53-54)
7 are considered prehistoric, dating anywhere from 8,800 to 300 years before present. These sites
8 demonstrate the timeframe during which human inhabitants were living and traveling through this
9 Scenic Loop area. Prehistoric campsites, burned rock middens, projectile points, and other stone
10 tools have been uncovered throughout the study area in one or more of these archeological sites.

11
12 **Q. YOU SAID THE SCENIC LOOP – BOERNE STAGE – TOUTANT BEAUREGARD**
13 **CORRIDOR PLAYED AN IMPORTANT ROLE IN A CRITICAL PERIOD OF TEXAS**
14 **HISTORY. CAN YOU ELABORATE ON THIS STATEMENT – WHAT WAS ITS ROLE**
15 **AND WHY WAS THAT PERIOD CRITICAL?**

16 A. The late antebellum period in mid-19th century Texas witnessed some historically important
17 developments. That period, which included the years of the Texas Republic before and after
18 annexation to the United States until the outbreak of the Civil War, saw the coincidence of three
19 important historical events in Texas: (1) the surge of new immigrants from Europe and Anglos
20 from the U.S. seeking to take advantage of generous land grants from the Republic; (2) the
21 increasing prevalence of raids by American Indian tribes—primarily the Comanches and Lipan
22 Apaches—on settlers pushing westward beyond the frontier; and (3) the initiation of regular
23 stagecoach service carrying supplies, passengers, and the U.S. mail to the new settlements. One
24 of those early stagecoach lines was the San Antonio to El Paso Mail, which began operating in
25 1851 under a federal contract for mail delivery to El Paso and Santa Fe.

26
27 **Q. HOW DID THESE DEVELOPMENTS COMBINE TO RESULT IN “HISTORICALLY**
28 **IMPORTANT EVENTS IN TEXAS HISTORY”?**

29 A. From a broad historical perspective, these events were emblematic of the forces both driving and
30 constraining the expansionist period of settlement westward beyond the frontier. From the
31 perspective of the region west of San Antonio, including the study area and the issues involved in
32 the presently proposed Scenic Loop transmission line, the significant fact is that the route of the
33 San Antonio to El Paso Mail—the first stagecoach line venturing westward beyond the city’s

1 urban boundary—lay along the same roadway corridor now identified as CPS Energy’s
2 transmission line route – the Boerne Stage and Toutant-Beauregard Stage Roads.

3
4 **Q. WHY IS THAT OLD STAGECOACH LINE NOTEWORTHY IN ASSESSING THE**
5 **COMPARATIVE HISTORICAL VALUES OF SCENIC LOOP TRANSMISSION LINE**
6 **PROJECT?**

7 A. Among its other historical distinctions, the San Antonio to El Paso Stagecoach line provided a
8 critical link in the first American transcontinental mail and passenger service in 1857. The first
9 California-bound mail departed San Antonio on July 19, 1857, and reached San Diego on August
10 30, a 1,476-mile journey requiring an average of twenty-seven days. The frequent raids by
11 Indians and bandits required the U.S. Army to install a chain of fortifications near to or
12 incorporating the stagecoach stations, which over the years grew into communities and
13 encouraged travel and further settlement of this sparsely populated area.

14
15 The earliest records of a more established road through the Helotes Canyon area dates to the
16 1830s from surveyors documenting early Texas land grants. The earliest Anglos known to settle
17 in the area were the Prussian von Plehwe family in 1851. Their homestead was built along the
18 south side of the Boerne Stage Road about two miles east of the Scenic Loop – Boerne Stage
19 Road intersection. The von Plehwe compound served as a fortified stagecoach stop along the
20 route for travelers out of San Antonio, and the original structures that remain extant on the
21 property today represent significant and intact examples of rural 19th century structures in Central
22 Texas.

23
24 **Q. DID CPS ENERGY AND POWER ENGINEERS CONSIDER THE SCENIC LOOP –**
25 **BOERNE STAGE – TOUTANT-BEAUREGARD HISTORIC CORRIDOR TO BE**
26 **IMPORTANT IN THE CONTEXT OF HISTORICAL VALUES?**

27 A. No. They included a mention of it on page 3-53 of the Environmental Assessment but only in the
28 form of the text taken directly from the OTHM. There is no indication of any independent
29 research on why the marker was placed at the intersection of these three important roads or what
30 significant place or event in Texas history the OTHM might be marking. Instead, the Historic
31 Corridor was essentially eliminated from further study in the Environmental Assessment through
32 the statement on page 3-53 that the “OTHM is located within TXDOT ROW and is not proposed
33 within any of the alternative routes ROW; therefore, not significant impacts are anticipated to the
34 OTHM.”

1
2 **Q. IS IT A TRUE STATEMENT THAT IMPACTS TO THE OTHM WOULD BE “NOT**
3 **SIGNIFICANT”?**

4 A. This statement is only true with respect to the physical marker itself. The OTHM would not be
5 displaced by any of the transmission line routes, or by Substation 2 or Substation 3 which are
6 proposed at the intersection of the three roadways. That completely misses the point, though. As
7 I mentioned earlier, the OTHM is not the historic resource; rather it is part of a public
8 informational tool that invites the public to become aware of and appreciate the Statewide and
9 National significance of the Scenic Loop – Boerne Stage – Toutant-Beauregard Historic Corridor.
10

11 **Q. ARE THERE OTHER SIGNIFICANT EXAMPLES OF HISTORIC RESOURCES LIKE**
12 **THE VON PLEHWE SETTLEMENT THAT ARE WITHIN THE STUDY AREA?**

13 A. Yes. Although the von Plehwe settlement is outside the study area for the proposed transmission
14 line and substation project, the Heidemann Ranch was established in the study area shortly
15 thereafter. In 1856, German immigrant William Heidemann purchased 320 acres west of the
16 Scenic Loop – Boerne Stage Road intersection at what is today 26090 Toutant-Beauregard Road.
17 Like the von Plehwe compound, the historically significant Heidemann ranch represents the 19th
18 century settlement of this area. The property was added to the NRHP in 2011, and the designated
19 boundary of the property protected by the Texas Antiquities Code is adjacent to Toutant-
20 Beauregard Road, along the path of several proposed routes for the transmission line, including
21 Route Z-1, which CPS Energy identifies in the CCN application as the route that best addresses
22 the requirements of the PURA and PUC Substantive Rule.
23

24 **Q. ARE THERE OTHER HISTORIC RESOURCES IN THE STUDY AREA THAT YOU**
25 **IDENTIFIED IN YOUR REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND**
26 **ALTERNATIVE ROUTE ANALYSIS?**

27 A. Yes. The Boerne Stage Road also holds significance as one of the most important segments of the
28 Old Spanish Trail, one of the country’s earliest transcontinental highways, extending from St.
29 Augustine, Florida to San Diego, California, and one of the most historically significant travel
30 routes in Texas. The Old Spanish Trail through Texas begins in the city of Orange, passes
31 through San Antonio, and exits the city by way of the Boerne Stage Road, continuing west to El
32 Paso. The route passes by some of Texas’s most significant historic sites (the Alamo and the San
33 Jacinto Battleground, for example), which has likely led to the route keeping its historic identity
34 intact.

1
2 The Old Spanish Trail Association, created in 1915, was headquartered in San Antonio and
3 served to increase tourism and stimulate improvements to the transcontinental highway. Today,
4 the Old Spanish Trail generally follows Interstate 10 and the original routes that still exist within
5 Texas, like the Boerne Stage route mostly parallel the interstate, representing the visible history
6 and the legacy of one of the most significant roadways in Texas's history.

7
8 **Q. WOULD EITHER THE SCENIC LOOP – BOERNE STAGE – TOUTANT-**
9 **BEAUREGARD HISTORIC CORRIDOR OR THE OLD SPANISH TRAIL BE**
10 **ADVERSELY AFFECTED BY THE PROPOSED TRANSMISSION LINE PROJECT?**

11 A. Yes. Depending on the location of the substation and the route of the transmission line, adverse
12 impacts to the Historical Values of the study area should be anticipated from construction,
13 operation, and maintenance of the proposed project. A substation at the intersection of the three
14 roadways (Substation 2 or Substation 3) would diminish the historic integrity of the character-
15 defining elements of the corridor and hinder the OTHM's ability to convey the significance of the
16 route.

17
18 Route Z-1, the route identified by CPS Energy in the CCN application as the route that best
19 addresses the requirements of the PURA and PUC Substantive Rule, would adversely affect the
20 Toutant-Beauregard portion of the Historic Corridor, as well as the NRHP-listed Heidemann
21 Ranch, by altering the rural character of the historic setting.

22
23 **Q. WAS THIS DISCLOSED TO THE PUBLIC IN THE ENVIRONMENTAL ASSESSMENT**
24 **AND ALTERNATIVE ROUTE ANALYSIS OR THE CCN APPLICATION PREPARED**
25 **BY CPS ENERGY AND POWER ENGINEERS?**

26 A. No, it was not. Despite the presence of the OTHM squarely in the immediate area of their primary
27 focus, CPS Energy and Power Engineers dismissed the importance of the Scenic Loop – Boerne
28 Stage – Toutant Beauregard Historic Corridor by omitting reference to it in Section 4.5 of the
29 Environmental Assessment, the section that addresses the project's impacts on Historical
30 (Cultural Resource) Values.

31
32 Public information regarding the importance of this historic resource is available in abundance
33 and the logical next step in the analysis after identifying its presence in the study area would have
34 been to evaluate the resource, analyze the potential effects of the project, and incorporate the

1 results into the Alternative Route Analysis. It could have then been used in the identification of a
2 route in the CCN application that considers Historical Values and best addresses the requirements
3 of the PURA and the PUC Substantive Rule.
4

5 **Q. YOU MENTIONED EARLIER THAT CPS ENERGY AND POWER ENGINEERS DID**
6 **ADDRESS HISTORICAL VALUES IN THE ENVIRONMENTAL ASSESSMENT AND**
7 **ALTERNATIVE ROUTE ANALYSIS. WHAT METHODOLOGY DID CPS USE IN ITS**
8 **EVALUATION OF HISTORIC RESOURCES AND THE POTENTIAL FOR THE**
9 **PROJECT TO AFFECT THOSE RESOURCES?**

10 A. As I noted in an earlier response, CPS Energy and Power Engineers reviewed several common
11 sources of cultural resources information, and they did identify three known NRHP Historic
12 Districts in the study area: the R.L. White Ranch Historic District; the Heidemann Ranch Historic
13 District, and the Maverick-Altgelt Ranch and Fenstermaker-Fromme Farm Historic District. Their
14 inventory was incomplete, however, as we have seen.
15

16 CPS Energy and Power Engineers describe their methods for identifying, evaluating, and
17 mitigating impacts to cultural resources from their state-regulated undertaking as similar to
18 methods having been established for federal projects or permitting actions. Their process, as
19 described on page 4-26, “generally involves identification of significant (i.e., national- or state-
20 designated) resources, and implementing measures to avoid, minimize, or mitigate those
21 impacts.”
22

23 They go on to state that “impacts associated with the construction, operation, and maintenance of
24 transmission lines can affect cultural resources either directly or indirectly. I take note of their
25 exclusion here of the substation as part of the project, but I assume the project planners are not
26 unaware that a 4- to 6-acre substation can have a substantial effect on the rural character of a
27 surrounding area, both directly and indirectly.
28

29 They state further that construction activities “can adversely impact cultural resources if those
30 activities alter the integrity of key characteristics that contribute to a property’s significance as
31 defined by the standards of the NRHP or the Antiquities Code of Texas.”
32

33 Again, their statement is limited to construction activities, which are relatively short-lived and, as
34 a result, generally have minor effects on an area’s character. Here again, I assume that CPS

1 Energy and Power Engineers are not unaware that the siting and long-term operation of a
2 substation and 138 kV transmission line is what changes the character of a rural area like the
3 Scenic Loop area, not the actual construction.
4

5 **Q. WHAT DID CPS ENERGY AND POWER ENGINEERS IDENTIFY AS THE IMPACTS**
6 **OF THE PROPOSED PROJECT TO HISTORICAL VALUES?**

7 A. It is not readily apparent in reading the EA. In Section 4.5.1 Direct Impacts, CPS Energy and
8 Power Engineers continue to emphasize construction of the line as the primary cause of the direct
9 impacts to historic resources, although they divulge here that direct impacts “might also include
10 isolation from or alteration of its surrounding environment.” They do not, however, go on to
11 actually evaluate these types of isolation or alteration impacts to historic resources or the
12 surrounding environment. Therefore, the assessment of impacts to Historical Values would seem
13 incomplete.
14

15 In Section 4.5.2 Indirect Impacts, CPS Energy and Power Engineers discuss indirect impacts as
16 those that “might include introduction of visual...elements that are out of character with the
17 resource or its setting.” They state further that “[a]bsent best management practices, proper
18 mitigation, and avoidance measures, historic buildings, structures, landscapes, and districts are
19 among the types of resources that could be adversely impacted by the indirect impact of a
20 transmission line.” There is no further discussion or analysis of indirect impacts to historic
21 resources or Historical Values in the EA.
22

23 **Q. WHAT WERE THE IMPACTS TO HISTORIC RESOURCES THAT CPS ENERGY AND**
24 **POWER ENGINEERS DID DISCLOSE IN THE ENVIRONMENTAL ASSESSMENT?**

25 A. On Page 4-29, in Table 4-5, CPS Energy and Power Engineers show the historic resources in the
26 study area (although limited to just the three that are listed on the NRHP) that are within 1,000
27 feet of one or more of the Primary Alternative Routes. For the R.L. White Ranch this includes
28 Routes F1, K, L, N1, O, P, Q1, R1, S, U1, V, W, BB, and CC. For the Heidemann Ranch, this
29 includes Routes B1, C1, D1, G1, I1, J1, M1, T1, Y, Z1, AA1, DD, and EE. These are the routes
30 that share Segment 31, which runs along the northern boundary of the Heidemann Ranch Historic
31 District, or Segment 36, which runs along Toutant-Beauregard Road (see EXHIBIT 3).
32

33 In my opinion, this assessment understates the impacts to the Heidemann Ranch Historic District
34 and overstates the impacts to the R.L. White Ranch Historic District.

1
2 **Q. HOW DID THE EA OVERSTATE THE IMPACTS TO THE R.L. WHITE RANCH**
3 **HISTORIC DISTRICT?**

4 A. The text on page 4-30 states that portions of multiple routes “cross the NRHP-listed R.L. White
5 Ranch”, which is not only an obvious overstatement but is also in error (see EXHIBIT 4). The
6 text goes on to state that portions of these routes extend less than 105 feet into the eastern
7 boundary of the NRHP District, connecting to an existing CPS Energy 138 kV transmission line
8 that runs north-south at the eastern edge of the 3,500-acre White Ranch property. This line is east
9 of an existing CPS Energy 345 kV transmission line, which means a proposed transmission line
10 connecting perpendicularly to the existing 138 kV line would not be extending into the White
11 Ranch Historic District boundary by 105 feet, let alone crossing it.

12
13 The text on page 4-30 does state that because the contributing structures on the ranch are over one
14 mile away from the alternative routes, the proposed transmission line would have “[n]o adverse
15 impacts...” to the White Ranch Historic District, a statement with which I agree. However, the
16 comparison matrices in Table 4-1 and Table 4-2 (pages 4-3 through 4-7 in the Amended EA) still
17 include the numerical impact to the White Ranch under Criterion 46 *Number of NRHP properties*
18 *crossed by the ROW*. Given the accurate disclosure that the routes that supposedly “cross” the
19 White Ranch Historic District would not adversely affect the NRHP District, the inclusion by
20 CPS Energy and Power Engineers of these non-impacts in Table 4-1 and Table 4-2 papers over
21 that disclosure, and thereby overstates the impacts of the project to this historic property.

22
23 To really nail their point home, CPS Energy and Power Engineers printed the entry in Table 4-5
24 in boldface type, evidently to emphasize the importance of this particular impact to the public and
25 to draw a distinction between this (non-adverse) impact and the impact to the Heidemann Ranch
26 Historic District, which happens to lie along Route Z-1.

27
28 **Q. HOW DID THE EA UNDERSTATE THE IMPACTS TO THE HEIDEMANN RANCH**
29 **HISTORIC DISTRICT?**

30 A. In the case of the Heidemann Ranch, in clear contrast to the White Ranch, the proposed
31 transmission line routes that utilize Segment 36 are not only within 1,000 feet of the NRHP
32 District boundary, the 138 kV transmission line would run along the west side of Toutant-
33 Beauregard Road and clearly be visible not only from the Heidemann Ranch grounds, but also
34 from the historic buildings on the property. This is a very different type of impact than the one

1 claimed by CPS Energy and Power Engineers as accruing to the White Ranch, the historic
2 buildings on which are nearly a mile from the proposed transmission line route and on the
3 opposite side of CPS Energy's 345 kV and 138 kV lines that already exist at the far western end
4 of the study area. In fact, because the Heidemann Ranch is significant for its architecture and its
5 rural landscape, the impacts to it are precisely the type of impacts that CPS Energy and Power
6 Engineers identify in their methodology on page 4-27 as being potentially *adverse*.

7
8 A transmission line running along Toutant-Beauregard Road, as with Route Z-1, located in such
9 close proximity to the Heidemann Ranch, would alter the property's rural landscape setting.
10 According to the NRHP Nomination form, the Heidemann Ranch reflects the "historic tradition
11 of ranching in Bexar County to a high degree. This tradition is fast being diminished from the
12 rural landscape" and "the Heidemann Ranch stands as one of the county's oldest surviving ranch
13 tracts". Setting, even for modest buildings, contributes to overall historic character, and a 138 kV
14 transmission line adjacent to the property would have not only a visual effect but would also alter
15 the rural setting of the Historic District.

16
17 **Q. IN YOUR PROFESSIONAL OPINION, THEN, WHAT CAN YOU CONCLUDE ABOUT**
18 **THE CONSIDERATION OF HISTORICAL VALUES IN THE IDENTIFICATION OF**
19 **ROUTE Z-1 AS THE ROUTE THAT BEST ADDRESSES THE REQUIREMENTS OF**
20 **PURA AND THE PUC SUBSTANTIVE RULE?**

21 **A.** In their CCN application, CPS Energy omits any reference to Historical Values in its summary of
22 the rationale for identification of Route Z-1 as the route that best addresses the requirements of
23 PURA and the PUC Substantive Rule. In Question 17, CPS Energy lists cost, the length of the
24 route, and donated right of way, among other considerations, but does not mention Historical
25 Values as a factor. I see this omission as evidence that CPS Energy either did not consider the
26 impacts to Historical Values as an important factor in their decision making, or, that the
27 incomplete analysis in the Environmental Assessment led them to conclude that their proposed
28 138 kV transmission line and substation project would not have an impact on historic resources or
29 Historical Values.

30
31 In either case, the compliance requirements of the PURA §37.056(c) and the PUC substantive
32 rule 25.101(b)(3)(B) do not appear to have been met.

1 **Q. YOU MENTIONED MITIGATION EARLIER. DID CPS ENERGY PROPOSE ANY**
2 **TYPE OF MITIGATION TO ADDRESS THE IMPACTS TO HISTORIC RESOURCES?**

3 A. No. The text on page 4-27 of the EA states that “[i]ndirect impacts on historical properties and
4 landscapes can be lessened through careful design and landscaping considerations, such as using
5 vegetation screens or berms”; however, no mitigation is proposed to lessen the indirect impacts to
6 the Heidemann Ranch Historic District.
7
8

9 **V. COMMUNITY VALUES**
10

11 **Q. ARE THERE OTHER WAYS IN WHICH HISTORICAL VALUES IN THE STUDY**
12 **AREA STAND TO BE AFFECTED BY THE PROPOSED SUBSTATION AND**
13 **TRANSMISSION LINE?**

14 A. Yes. While the majority of the developed properties in the study area are residential, there is at
15 least one property that exemplifies both the historic context that I have been describing in
16 response to earlier questions, as well as a notable community resource for the study area.
17

18 **Q. WHICH PROPERTY WOULD THAT BE?**

19 A. The San Antonio Rose Palace property, at the northwest corner of the intersection of Scenic
20 Loop, Boerne Stage Road and Toutant-Beauregard Road.
21

22 **Q. WOULD YOU PLEASE DESCRIBE THE SAN ANTONIO ROSE PALACE?**

23 A. The San Antonio Rose Palace is a destination venue for horse shows, roping competitions, cattle
24 auctions, and rodeos, among other western-style events. It was originally constructed in the 1970s
25 as the Silver Rose Garden; it changed ownership in the 1980s and changed its name to the Rose
26 Palace. The property is about 70 acres in size and features a variety of equine-related facilities,
27 such as a 100,000 square-foot equestrian center, two covered arenas, over 200 horse stalls, and
28 seating for 4,500 spectators to watch events such as the annual George Strait Team Roping
29 Classic.
30

31 The Rose Palace holds several events that serve to bring the community together on weekends
32 throughout the year, and this past year it has taken on even greater importance due to the
33 pandemic. Because many municipal events had to be cancelled, the Rose Palace accommodated

1 additional events that allowed the community to maintain a semblance of connectivity and
2 cohesion.

3
4 **Q. IS THE ROSE PALACE A HISTORIC RESOURCE?**

5 A. While it does have value from a historical perspective, it is unlikely that any structures on the
6 Rose Palace property are more than 50 years old, making it unlikely that the facility could be
7 eligible for the NRHP.

8
9 **Q. HOW DOES THE ROSE PALACE RELATE TO COMMUNITY VALUES IN THE**
10 **CONTEXT OF THE PURA CRITERIA?**

11 A. The facility's presence in the area, providing a venue for western-lifestyle events for more than
12 40 years, is in keeping with the community's historic ranching identity and has already led to
13 considerable community value.

14
15 **Q. DID CPS ENERGY AND POWER ENGINEERS CONSIDER THE ROSE PALACE IN**
16 **THEIR REVIEW OF COMMUNITY RESOURCES FOR THE ENVIRONMENTAL**
17 **ASSESSMENT AND ALTERNATIVE ROUTE ANALYSIS?**

18 A. No. The Rose Palace was not noted as a community resource in the EA. In fact, there were very
19 few community resources noted as being in the study area. The only resources listed by CPS
20 Energy and Power Engineers that could be inferred to be community resources were the Cibolo
21 Loop wildlife viewing trail and the Maverick Ranch Fromme Farm (page 3-43).

22
23 **Q. WHAT METHODOLOGY DID CPS ENERGY AND POWER ENGINEERS FOLLOW**
24 **TO DETERMINE THE PROJECT'S EFFECTS TO COMMUNITY VALUES?**

25 A. In Section 3.2.7 Community Values, CPS Energy and Power Engineers point out that the term
26 "community values" in the context of the PURA has not been defined by the PUC and instead
27 relies on an interpretation of the term based on a selection of items that are required as part of the
28 CCN application, including habitable structures within 300 feet of the centerline of any of the
29 routes, parks and recreation areas, and historical and archeological sites.

30
31 Power Engineers indicated on page 3-42 that they evaluated the project for community values and
32 resources that might not be specifically listed by the PUC, but then they go on to list parks and
33 recreation areas and historical and archeological sites as being included in their evaluation. They
34 give the working definition of community values as "a shared appreciation of an area or other

1 natural resource by a national, regional, or local community”, but they then fail to offer any
2 insight into the resources within the study area that might be appreciated and by whom that
3 appreciation might be shared.
4

5 Here again, as with their treatment of historic resources, CPS Energy and Power Engineers
6 establish a methodology that they claim they will follow in their evaluation and then proceed to
7 completely ignore that methodology.
8

9 **Q. WHAT DID CPS ENERGY AND POWER ENGINEERS CONSIDER TO BE THE**
10 **COMMUNITY VALUES OF THE STUDY AREA?**

11 A. Because there is not an explicit statement in the EA, it is not apparent what CPS Energy and
12 Power Engineers understand the Community Values of the study area to be. As I noted in
13 response to a previous question, there were a few “community resources” listed in Section 3.3.2
14 which were considered to provide the study area with some measure of community value, the
15 Cibolo Loop wildlife viewing trail and the Maverick Ranch Fromme Farm. In large part, though,
16 CPS Energy and Power Engineers appear to rely on the lack of public parks, Wild and Scenic
17 Rivers, and National Battlefields in the study area to substantiate the lack of analysis. They even
18 go so far as to state that there are “no known high-quality aesthetic resources, designated views,
19 or designated scenic roads or highways” within the study area, apparently failing to recognize that
20 the project is named the *Scenic Loop* 138 kV Transmission Line and Substation Project. At any
21 rate, in the very next section of the EA, Section 3.5, they introduce the Scenic Loop – Boerne
22 Stage – Toutant Beauregard Historic Corridor, which I noted in response to previous questions
23 has been “designated” by both the Texas legislature and the Texas Historical Commission as a
24 resource that has historical value.
25

26 **Q. IN YOUR PROFESSIONAL OPINION, WHAT COULD CPS ENERGY AND POWER**
27 **ENGINEERS HAVE DONE TO EVALUATE THE EFFECTS OF THE PROJECT ON**
28 **COMMUNITY VALUES?**

29 A. Primarily, they could have followed their own stated methodology and establish the values of this
30 particular community by identifying shared community resources within the study area and
31 engaging with the public at the Open House to determine firsthand upon which resources the
32 community places value.
33

1 **Q. DID CPS ENERGY AND POWER ENGINEERS IDENTIFY ANY COMMUNITY**
2 **RESOURCES IN THE STUDY AREA OR REFLECT ANY PUBLIC FEEDBACK**
3 **GAINED AT THE OPEN HOUSE?**

4 A. No. CPS Energy and Power Engineers noted the lack of public parks and recreation areas in
5 Section 3.3, and the lack of National Monuments, among other rarities, in Section 3.4, as
6 evidence that the study area is lacking in community value.

7
8 **Q. ARE THERE COMMUNITY RESOURCES IN THE STUDY AREA THAT MIGHT**
9 **HAVE BEEN CONSIDERED IN THE CONTEXT OF COMMUNITY VALUES?**

10 A. Yes. The San Antonio Rose Palace could have been considered a community resource, and the
11 potential impacts of the project could have been analyzed and disclosed to the public.

12
13 **Q. HOW DID THE EA EVALUATE EFFECTS TO COMMUNITY VALUES?**

14 A. In Section 4.2.7 Impacts on Community Values, CPS Energy and Power Engineers describe how
15 they perceive potential impacts to community resources as being either direct or indirect, and they
16 describe indirect effects as “those that would result from a loss of enjoyment or use of a resource
17 due to the characteristics (primarily aesthetic) of the proposed transmission line structures, or
18 ROW.” Again, I take note of the fact that the substation is not included as an element of the
19 project, but I assume that CPS Energy and Power Engineers are aware of the potential effect a 4-
20 to 6-acre substation can have on the aesthetics of a rural area like this.

21
22 They go on to describe the lack of impacts to parks and recreation areas by pointing out that there
23 are none present in the study area, and they further claim that construction of any of the routes is
24 not anticipated to significantly impact the aesthetic quality of the landscape, again omitting
25 consideration of the substation.

26
27 **Q. SO WHAT DOES THE ENVIRONMENTAL ASSESSMENT SAY WOULD BE THE**
28 **IMPACTS TO COMMUNITY VALUES?**

29 A. The EA does not explicitly state what the impacts to Community Values would or would not be.
30 The reader is to apparently infer that because there are no National Monuments in the study area,
31 and one would not be able to see the transmission line from Interstate 10, that there are no
32 Community Values present in the study area for the project to impact.

1 **VI. ROUTE ALTERNATIVES**

2
3 **Q. ARE THERE ROUTE ALTERNATIVES THAT WOULD AVOID IMPACTING**
4 **HISTORIC RESOURCES AND HISTORICAL VALUES?**

5 A. Because of the nature of the study area, there do not appear to be any route alternatives that
6 would completely avoid impacting historic resources and Historical Values. There are several
7 routes, however, that avoid certain impacts and minimize others.
8

9 **Q. WHICH ALTERNATIVES ARE THOSE?**

10 A. Routes utilizing Substation 6, namely Route R-1, would completely avoid the intersection of
11 Scenic Loop, Boerne Stage Road and Toutant Beauregard Road, which means Route R-1 would
12 avoid adverse impacts to the Scenic Loop – Boerne Stage – Toutant Beauregard Historic Corridor
13 and the Old Spanish Trail. Route R-1 would also avoid impacts to the Heidemann Ranch Historic
14 District.
15

16 **Q. ARE THERE OTHER ADVANTAGES OF ROUTE R-1 IN TERMS OF THE**
17 **EVALUATION CRITERIA IN THE PURA AND THE PUC SUBSTANTIVE RULE?**

18 A. Yes. In response to Question 17 in the CCN application, CPS Energy listed cost and length of the
19 route as the top two reasons for Route Z-1 being identified as the route that best addresses the
20 PURA and the PUC Substantive Rule. Route Z-1 would have the second lowest cost
21 (\$38,474,771) of any of the routes proposed and would be the shortest of any of the routes (4.53
22 miles). By comparison Route R-1 would cost \$43,522,858 and would be 4.76 miles long, the
23 fourth shortest length of all routes proposed. Route R-1 would cost only 13 percent more than
24 Route Z-1 and would be less the one quarter of a mile longer.
25

26 Aside from the cost and length comparisons, Route R-1 would be within 300 feet of only seven
27 habitable structures, whereas Route Z-1 would be within 300 feet of 30 habitable structures.
28

29 **Q. ARE THERE ALSO DISADVANTAGES TO ROUTE R-1 RELATIVE TO ROUTE Z-1?**

30 A. Certainly. Between the two route alternatives R-1 and Z-1, Route R-1 would cross 7.91 more
31 acres of moderate-high and high quality, modeled Golden-cheeked Warbler (GCWA) habitat than
32 Route Z-1, 19.03 acres versus 11.12 acres. In either case, presence absence surveys would be
33 warranted and necessary to determine the actual amount of GCWA habitat to be cleared for the

1 proposed project, and in either case, mitigation for the removal of endangered species habitat
2 would likely be required.

3
4 **Q. HAS THE TEXAS PARKS AND WILDLIFE DEPARTMENT PROVIDED A REVIEW**
5 **OF THE ENVIRONMENTAL ASSESSMENT AND MADE A RECOMMENDATION OF**
6 **A ROUTE ALTERNATIVE?**

7 A. Yes. On September 10, 2020, the Texas Parks & Wildlife Department (TPWD) provided a letter
8 to the Public Utility Commission, which constituted their review of CPS Energy's and Power
9 Engineers' Environmental Assessment and Alternative Route Analysis. As part of this review,
10 TPWD indicated a preference for Route AA, based on their stated objective of minimizing the
11 fragmentation of intact lands and choosing a route with the least adverse impacts to natural
12 resources.

13
14 The TPWD letter also indicated that two mitigation banks exist that could be used to compensate
15 for unavoidable impacts to GCWA habitat, the Southern Edwards Plateau Habitat Conservation
16 Plan and the Bandera Corridor Conservation Bank. Participation in one or both of these banks
17 could provide compensation for the loss of any warbler habitat and achieve regulatory
18 compliance under the Federal Endangered Species Act for Route AA-1 or Route R-1, or any other
19 route for that matter. As previously stated, confirmation of the extent of habitat impacted and
20 resulting mitigation credits needed for any of the alternative routes will require a presence
21 absence survey.

22
23 **Q. HOW DOES ROUTE AA-1 COMPARE TO ROUTE R-1 IN TERMS OF HISTORICAL**
24 **VALUES AND COMMUNITY VALUES?**

25 A. Route AA (amended to AA-1) utilizes Substation 7, so it would avoid the intersection of Scenic
26 Loop, Boerne Stage and Toutant-Beauregard Roads; however, it also utilizes Segment 36 which
27 would adversely affect the Heidemann Ranch Historic District. Route AA-1 also would be within
28 300 feet of 30 habitable structures compared to seven for Route R-1.

29
30 **Q. WHAT ELSE DID THE TEXAS PARKS AND WILDLIFE LETTER SAY ABOUT THE**
31 **ENVIRONMENTAL ASSESSMENT AND ALTERNATIVE ROUTE ANALYSIS?**

32 A. The TPWD letter indicated that CPS Energy and Power Engineers "did not recommend a route
33 that best-balanced land use, ecological, and cultural factors", and "failed to provide sufficient

1 information...to determine which route would best minimize impacts to important, rare, and
2 protected species.”
3

4 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

5 A. Yes.

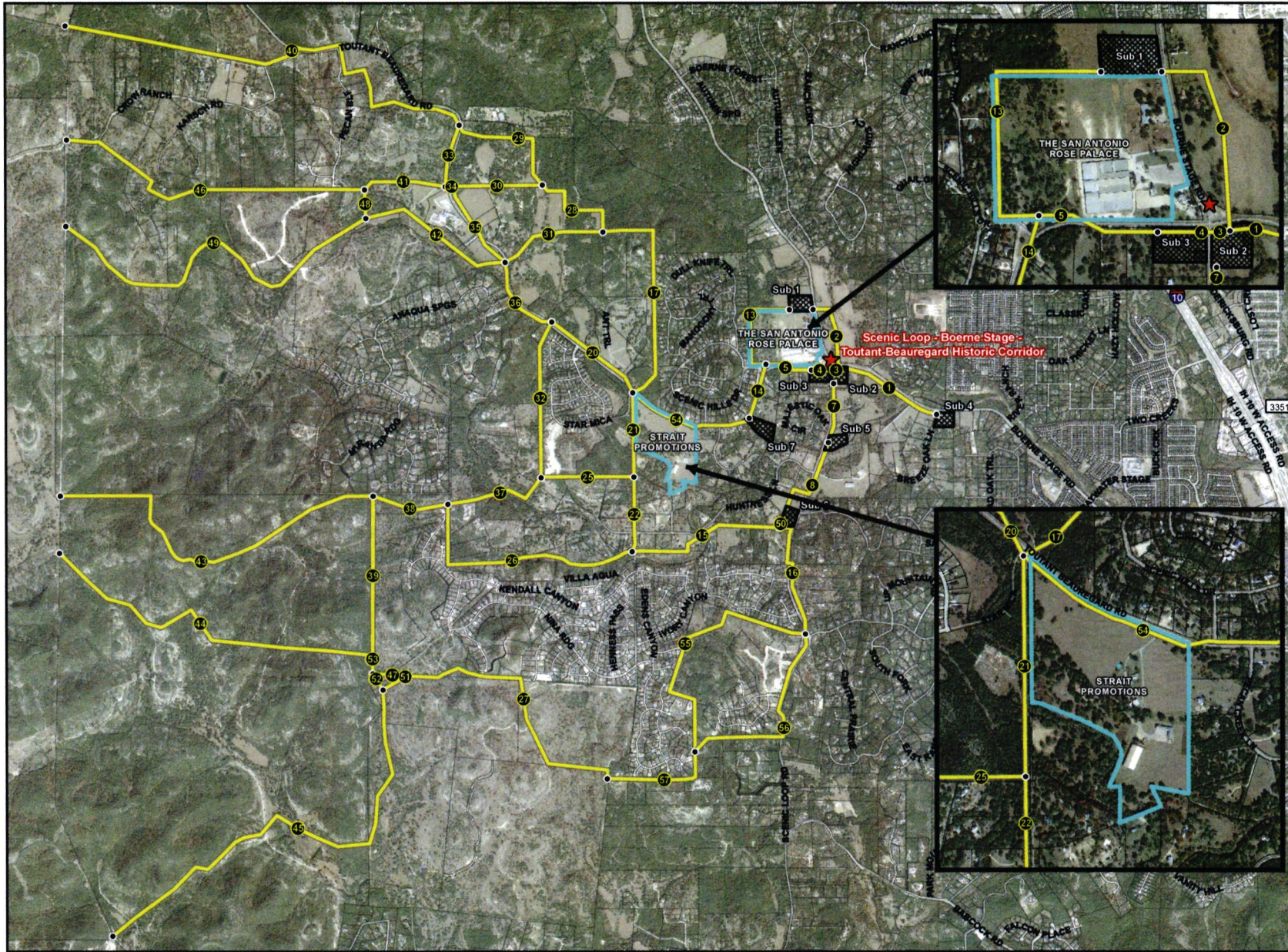


Exhibit 1
The San Antonio Rose Palace & Strait Promotions Properties
Scenic Loop 138 kV Transmission Line and Substation
Bexar County, TX

Key to Features

- Transmission Line Segment and Node
- Subject Property
- Proposed Substation Site
- Property Boundary
- Official Texas Historical Marker (THC)

0 0.25 0.5
Miles
1 inch = 0.5 mile

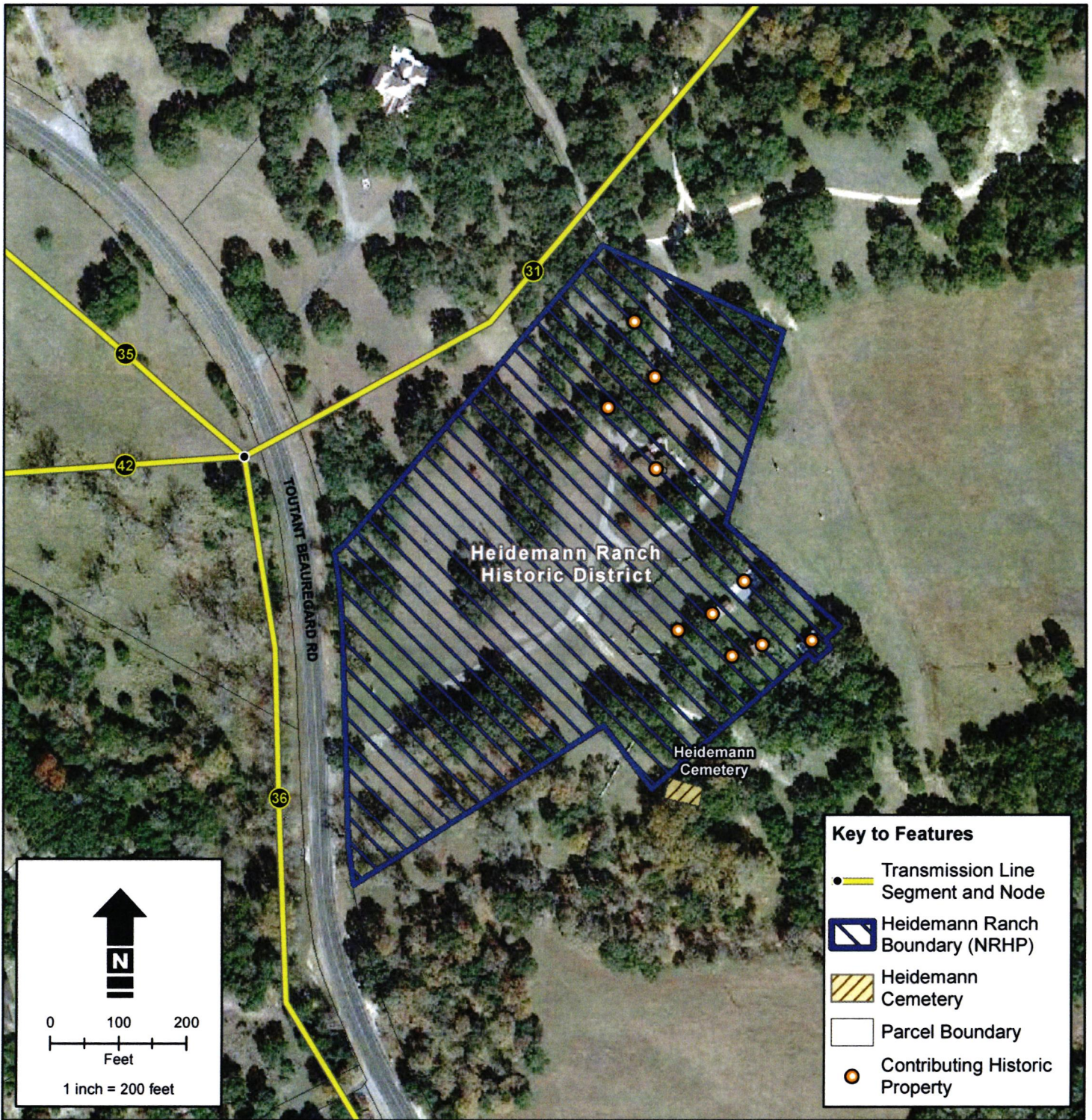
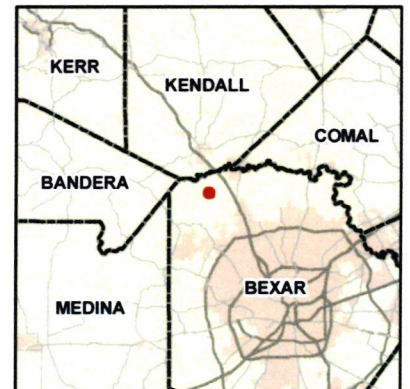


Exhibit 3

Heidemann Ranch Historic District

Scenic Loop 138 kV
Transmission Line and Substation
Bexar County, TX



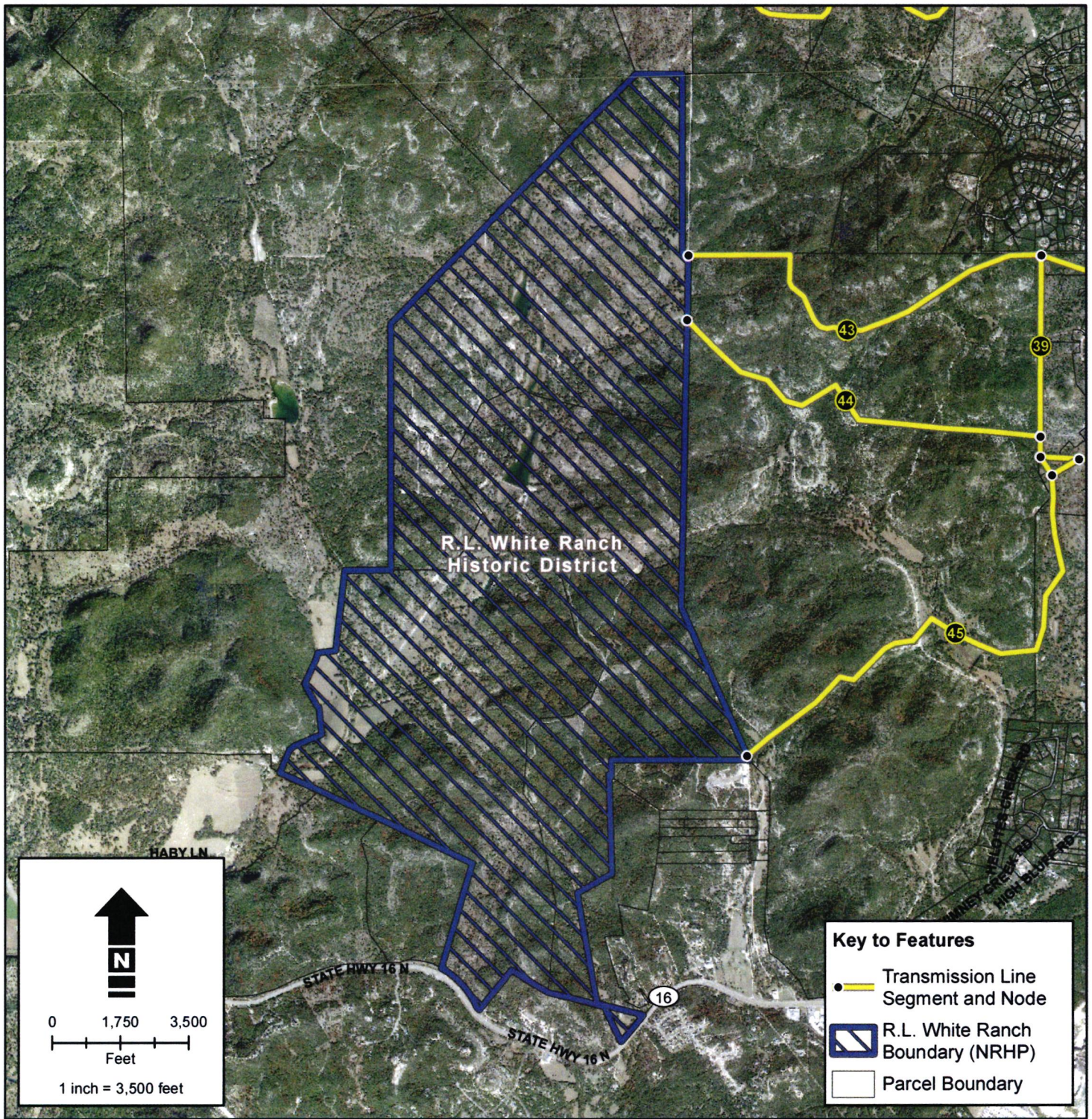


Exhibit 4

R.L. White Ranch Historic District

Scenic Loop 138 kV
Transmission Line and Substation
Bexar County, TX

