



Control Number: 51023



Item Number: 673

Addendum StartPage: 0

SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023



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

BEXAR RANCH, L.P.'S RESPONSES TO BRAD JAUER'S & BVJ PROPERTIES, LLC'S FIRST SET OF REQUESTS FOR INFORMATION TO BEXAR RANCH, L.P.


Bexar Ranch, L.P. provides the following Responses to Brad Jauer's & BVJ Properties, LLC'S First Requests for Information to Bexar Ranch, L.P. Pursuant to the Public Utility Commission's Procedural Rules, these responses may be treated as if they were filed under oath.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Bexar Ranch objects to the definitions and instructions that (1) expand the definition of Bexar Ranch to include persons who work "directly or indirectly" with Bexar Ranch in matters not relevant to the real property owned by Bexar Ranch that is the subject of these particular administrative proceedings; (2) dictate a privilege protocol that is inconsistent with the Texas Rules of Civil Procedure; and (3) require the name and job position of each person who participated in the preparation of any response. Bexar Ranch will respond to this discovery with these objections in mind, as well as any others that may be asserted, keeping in mind the goal of providing relevant, responsive information.

Respectfully submitted,

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ATTORNEYS FOR BEXAR RANCH, L.P.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed in the records of Docket 51023
on this 22nd day of March 2021.


Soledad M. Valenciano

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BEXAR RANCH, L.P.'S RESPONSES TO BRAD JAUER'S & BVJ PROPERTIES, LLC'S FIRST SET OF REQUESTS FOR INFORMATION TO BEXAR RANCH, L.P.

QUESTION NO. 1-1:

In regard to each of the two man-made lakes mentioned on page 9 of Michael W. Bitter's testimony, please provide answers to the following questions:

Bexar Ranch objects to each subpart of this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states the following:

- When was the lake and its dam, if any, constructed?

RESPONSE: both dams were built in 2006.

- Where is the lake located on the property?

RESPONSE: One is located at the terminus of Segment 45 on the west side. The other is located on the east central portion of the ranch.

- What is its source of water: spring water, groundwater pumped from a well, and/or surface water from a stream, creek, river, or other pond or lake?

RESPONSE: Water sources for both are springs and surface water.

- Is any dam associated with the lake erected within the course of a stream, creek, river, and/or the outlet of one or more springs (e.g., "Morales dam" and "Morales Springs")? If so, please identify the stream, creek, river and/or spring(s).

RESPONSE: Both dams are located along creek beds. .

- Is the lake and any associated dam(s) permitted, and, if the lake has one or more associated dam(s), when was each dam last inspected? Please provide all permits (including amendments) associated with the lake and any associated dam(s), and please provide all inspection reports related to the lake and its associated dam.

RESPONSE: Unknown.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-2:

How many dams are located on the property, in addition to any dams identified in response to Jauer RFI-1?

Bexar Ranch objects to each subpart of this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states the following:

RESPONSE: In addition to the two listed in RFI 1-1, there are multiple earthen dams that do not consistently hold water.

In regard to each responsive dam, please provide answers to the following questions:

- When was the dam constructed?

RESPONSE: . Unknown.

- Where is it located on the property?

RESPONSE: Various locations throughout ranch.

- What is the source of water stored behind the dam: spring water, groundwater pumped from a well, and/or or surface water from a stream, creek, river, or other pond or lake?

RESPONSE: Surface water and/or spring water.

- Is the dam erected within the course of a stream, creek, river, and/or the outlet of one or more springs? If so, please identify the stream, creek, river and/or spring(s).

RESPONSE: Located along creek beds.

- Is the dam permitted and when was it last inspected? Please provide all permits (including amendments) associated with the dam, and please provide all inspection reports related to it.

RESPONSE: Unknown.

Prepared by: Michael Bitter and Sarah Bitter, with assistance from counsel

Sponsored by: Michael Bitter

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QUESTION NO. 1-3:

On page 11 of Michael W. Bitter's testimony, he lists numerous "improvements on the property". Please provide answers to the following related to improvements on the property:

- How many miles of fencing are on Bexar Ranch? Please break your answer into two categories: perimeter fencing and cross fencing, and please specify how many miles of each category are high-fenced.

RESPONSE: Unknown.

- How many miles of roads (including two-track roads) are on Bexar Ranch?

RESPONSE: Unknown. See RFI 1-16: Approximately 3 miles from front gate to headquarters.

- How many livestock tanks are on Bexar Ranch?

RESPONSE: Many.

- How many cisterns are on Bexar Ranch?

RESPONSE: 3 cisterns

- How many water wells are on Bexar Ranch?

RESPONSE: 4 wells

- How many cattle pens are on Bexar Ranch?

RESPONSE: 1 main set and 2 small sets

- How many barns and outbuildings are on Bexar Ranch?

RESPONSE: 3 barns and multiple outbuildings.

- How many houses are on Bexar Ranch?

RESPONSE: 4 houses

In regard to the water wells, cattle pens, barns, outbuildings and houses, please indicate where each is located on the Bexar Ranch property.

RESPONSE: One well, a main set of cattle pens, two barns and two houses (one of which is under construction) are located at or around headquarters, which is located centrally on the ranch. Another well and a smaller set of cattle pens are located to the far east portion of the ranch. And two other wells as well as two other houses are located on the southern portion of the ranch.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-4:

Regarding each water well located on Bexar Ranch:

Bexar Ranch objects to each subpart of this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states the following:

- Is the well permitted or registered? If so, please provide copies of each permit and registration.

RESPONSE: Unknown.

- Please provide the driller's logs for the well and any other documents that you have related to it.

RESPONSE: We have located no documents responsive to this request but reserve the right to supplement.

- Please specify the purpose(s) for which the well is currently used.

RESPONSE: Wells are used for livestock and/or domestic use.

Prepared by: Michael Bitter and Sarah Bitter, with assistance from counsel

Sponsored by: Michael Bitter

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QUESTION NO. 1-5:

How many head of cattle, sheep, Angora goats, and/or any other livestock are on Bexar Ranch both currently and on average annually? Are there any exotic game/animals on the property? If so, what breeds and how many.

RESPONSE: Bexar Ranch objects to this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: Approximately 40 head of cattle, 8 horses and to the extent there are any exotic animals, they are wild and not inventoried.

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QUESTION NO. 1-6:

RESPONSE: Currently none.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-7:

How many total acres of Bexar Ranch are under lease for hunting, currently and on average annually in the past? Please indicate the types of wildlife that are/were subject to the hunting lease(s) that are or have been in existence.

RESPONSE: Bexar Ranch objects to this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: None.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-8:

Has the Bitter family and/or the owners of Bexar Ranch sold any property in Bexar County within the last 20 years? If so, please indicate when and the amount of acreage that was sold.

RESPONSE: Bexar Ranch objects to this Request as overly broad, as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: One family member sold a home during this timeframe in Bexar County.

Prepared by: Michael Bitter and Sarah Bitter, with assistance from counsel

Sponsored by: Michael Bitter

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QUESTION NO. 1-9:

Has any member of the Bitter family and/or other owner(s) of Bexar Ranch ever been involved in property development (commercial, industrial or residential)? If so, please state whom, when, and detail their experience.

RESPONSE: Bexar Ranch objects to this Request as overly broad, not limited in time and scope, and seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: No member of the Bitter family and/or the owners of Bexar Ranch have been involved in property development. Please note that I, Michael W. Bitter, am an attorney whose practice includes real estate law, so there are instances where my representation has included aspects of property development, although those would be regarding the properties owned by my clients. Accordingly, I assert the attorney client privilege as to those representations. To my knowledge, none of these clients are intervenors in these CCN proceedings.

Prepared by: Michael Bitter and Sarah Bitter, with assistance from counsel

Sponsored by: Michael Bitter

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QUESTION NO. 1-10:

Please itemize the ranching facilities on Bexar Ranch, including but not limited to: barns, holding pens, traps, corrals, cattle chutes, fences, electric fences, watering troughs, feeding stations, salt licks, scratching posts.

RESPONSE: Bexar Ranch objects to this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: In addition to answers provided in RFI 1-3, there are numerous livestock related improvements and equipment. We do not have an itemized list.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-11:

On page 25 of Michael W. Bitter's testimony, he states, "We are currently in the process to be considered for the City of San Antonio's Aquifer Protection Program, known as the 'APP'." When was the application submitted or consideration otherwise initiated for Bexar Ranch? Please produce all documents and communications related to Bexar Ranch's consideration for the City of San Antonio's Aquifer Protection Program.

RESPONSE: Please see document(s) produced herewith. Our efforts were delayed when COVID-19 hit in March of 2020.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-12:

Admit or deny that a transmission line can be constructed on Bexar Ranch property in such a manner so as not to negatively impact the Edwards Aquifer.

RESPONSE: Denied.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-13:

Admit or deny that all of CPS Energy's study area for this matter is over the Edwards Aquifer contributing zone.

RESPONSE: Admit.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter

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QUESTION NO. 1-14:

Please provide the square footage and estimated date of completion on the house that is currently under construction on the property.

RESPONSE: Bexar Ranch objects to this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: Approximately 3,400 square feet. Anticipated by summer.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-15:

How far away are Bexar Ranch headquarters from Segment 43?

RESPONSE: The exact location of Segment 43 is unknown, but it appears to be approximately two-thirds of a mile.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-16:

How long is the "main road" leading from State Highway 16 to the ranch headquarters?

RESPONSE: Bexar Ranch objects to this Request as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and as harassing. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: Approximately 3 miles.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-17:

Admit or deny that Morales Springs is located south of Chiminea Creek.

RESPONSE: Bexar Ranch objects to this Request as poorly worded or vague. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: Chimenea Creek appears to be both north and south of Morales Spring although official limits of Chimenea Creek are unknown.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-18:

Please provide the locations of each of the identified or known springs on Bexar Ranch, by GPS /longitude and latitude (or similar means), or by drawing them on figure 4-1 of Attachment 1 of the EA.

RESPONSE: Bexar Ranch objects to this Request as requiring the respondent to create a document, which is beyond the scope of permissible discovery. Subject to and without waiver of the foregoing objection(s), Bexar Ranch states: No document exists identifying all springs on Bexar Ranch.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-19:

Admit or deny that Segment 43 does not cross Chimenea Creek.

RESPONSE: Bexar Ranch can neither admit nor deny that "Segment 43 does not cross Chimenea Creek" so it denies same.

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Sponsored by: Michael Bitter

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QUESTION NO. 1-20:

Please specify each spring that segment 43 crosses.

RESPONSE: Segment 43 crosses creeks and seasonal seepy areas, but not any known springs. However, given the terrain in this area, we have not been able to verify this fully.

Prepared by: Michael Bitter and Sarah Bitter

Sponsored by: Michael Bitter



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INTERIM EXECUTIVE DIRECTOR
TYLER SANDERSON

September 14, 2018

Dear Joseph Bitter,

The Conservation Advisory Board for the City of San Antonio's Edwards Aquifer Protection Program (EAPP) met on August 22nd and made progress on properties currently in the program process. Green Spaces Alliance, as a contractor for the City, has several properties currently in the process, however must wait until one of those properties closes before we can propose the next property to the City. The City, contractors and subcontractors must move at the pace of the slowest wheel during the process. As explained to you before, this is a slow process and takes a lot of patience from all parties.

There is a specific system for ranking the recharge and conservation value of all properties in the region. This ranking is for the benefit of the land acquisition team (Green Spaces Alliance, the Nature Conservancy and the City) as well as the benefit of the advisory board that determines the acceptance or declination of a particular property to the program. However, the model is not perfect in ranking properties, so we like to visit properties in person to determine the true quality of the land. Therefore, it is up to the discretion of the land acquisition team to order the interested properties.

The ranking system is determined based on a model designed by the Scientific Evaluation Team (SET). The model ranks properties in 10% increments, with 10% being the highest value and 90% being the lowest. Your property has been modeled in the top 10% and is currently ranked at #1 in the current cue. Since your property ranks in the top 10% of recharge potential, I will be able to begin the first stage of due diligence without a request to the City. I understand your family has some questions, concerns and reservations about the due diligence process of this program. If there is anything I can do to help you all, I am happy to help.

We value your potential interest in the program. I want to stress that your property is very important to Green Spaces Alliance and we look forward to conserving your land for the benefit of the Edwards Aquifer and for you. If/when your family makes this very big decision, please feel free to contact me.

Please contact me at 210.222.8430 x 305 or at tyler@greensatx.org if you have any questions or require additional information. I am excited that you have submitted your property for conservation to the EAPP, and look forward to working with you.

Sincerely,

Tyler Sanderson

Land Conservation and Stewardship Manager, Interim Executive Director

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RE: Conservation Easement / Geologist visit/ Pictures/ Maps

dbezanson@TNC.ORG

Fri, 13 Mar 2020 2:11:32 PM -0500

To: "Sarah Bitter"

Cc: "Joseph Bitter"

Tags 

Security

[Learn more](#)

Sarah,

Thanks for getting in touch with me. Yes, both dates will work for the geologists, and I can be there on the 27th.

I'll send a confirmation email to everyone.

The photos and videos are great! Can I share the link with the City staff as well?

Best,
David

From: Sarah Bitter

Sent: Friday, March 13, 2020 1:25 PM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

Subject: Conservation Easement / Geologist visit/ Pictures/ Maps

Good afternoon, David,

My dad asked I reach out to you to see if I could help facilitate coordinating a time for your geologists to visit Bexar Ranch.

In general, Fridays and Mondays--Tuesdays will probably work as well--are going to be best for us. With that in mind, would you all be able to meet Friday, March 27th? I am not sure if you all are needing one or two days to do your work, but if two, how about Friday, March 27th and Monday, March 30th?

Also, my dad indicated you requested we send you a few 'scenic pictures' of the ranch. We have pulled some together, along with a few short videos clips, and hope they'll provide a small window into this beautiful ranch that means so much to our family and to give you an idea of the amount of water that runs through the property. You'll receive an invite to [this link](#) to view them.

We look forward to hearing from you and setting up a time to meet with your geologists at the ranch.

Regards,
Sarah Bitter


RE: Conservation Easement / Geologist visit/ Pictures/ Maps

dbezanson@TNC.ORG

Mon, 23 Mar 2020 1:33:37 PM -0500

To "Sarah Bitter"

Cc "Joseph Bitter"

Tags 

Security

[Learn more](#)

That sounds great. How about 9 am on Friday? We'll meet at the gate – is there a combination?

I anticipate only 2-3 people – usually it's much bigger, but under the circumstances...

Yes, we will want to come back on Monday... with the smaller group, we won't be able to accomplish too much the first day.

What we try to accomplish is to see as much of the ranch as possible and look at streams, springs, faults and caves (if any)...

Thanks,
David

From: Sarah Bitter

Sent: Monday, March 23, 2020 12:14 PM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

Subject: RE: Conservation Easement / Geologist visit/ Pictures/ Maps

Hi David,

We are willing to meet and practice social distancing. However, would you let us know who and how many people will be coming? Also, would you outline for us what all you all will be doing on this initial site visit? Finally, what time can we expect you on Friday and how long do you anticipate being there? Will you all be coming on Monday as well?

Looking forward to meeting you,
Sarah

----- On Mon, 23 Mar 2020 10:21:54 -0500 David Bezanson <dbezanson@TNC.ORG> wrote -----

Joe, Sarah – We are still willing to visit the ranch this Friday and practice social distancing – in fact, if you're more comfortable we would need to meet you, but could conduct the initial site visit outdoors. Just let me know what you would prefer. Thanks, David

From: Sarah Bitter

Sent: Friday, March 13, 2020 1:25 PM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

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We look forward to hearing from you and setting up a time to meet with your geologists at the ranch.

Regards,
Sarah Bitter

Re: Geologist visit CANCELED

Tue, 24 Mar 2020 11:59:46 AM -0500

To "David Bezanson" <dbezanson@TNC.ORG>

Cc "Joseph Bitter"

Tags

David, I was just about to email you to see how the order affected you all. We've been trying to sort things as well. We understand. And we'll be in touch soon. Thanks...

Sarah

----- On Tue, 24 Mar 2020 11:49:16 -0500 David Bezanson <dbezanson@TNC.ORG> wrote -----

Joe, Sarah - With the Mayor's stay-at-home order, the geologists reluctantly canceled the site visit. We'll have to shoot for April. Thanks, David

From: Sarah Bitter

Sent: Monday, March 23, 2020 12:14 PM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

Subject: RE: Conservation Easement / Geologist visit/ Pictures/ Maps

Hi David,

We are willing to meet and practice social distancing. However, would you let us know who and how many people will be coming? Also, would you outline for us what all you all will be doing on this initial site visit? Finally, what time can we expect you on Friday and how long do you anticipate being there? Will you all be coming on Monday as well?

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From: Sarah Bitter

Sent: Friday, March 13, 2020 1:25 PM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

Subject: Conservation Easement / Geologist visit/ Pictures/ Maps

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We look forward to hearing from you and setting up a time to meet with your geologists at the ranch.

Regards,
Sarah Bitter


RE: Conservation Easement / Geologist visit/ Pictures/ Maps

David Bezanson <dbezanson@TNC.ORG>

Fri, 27 Mar 2020 12:42:31 PM -0500

To "Sarah Bitter"

Cc "Joseph Bitter"

Tags 

Security  

No problem, we will wait and see how things go. Talk to you soon, David

From: Sarah Bitter

Sent: Friday, March 27, 2020 11:51 AM

To: David Bezanson <dbezanson@TNC.ORG>

Cc: Joseph Bitter

Subject: RE: Conservation Easement / Geologist visit/ Pictures/ Maps

Hi David,

Thank you for your email. We would not.

-Sarah

----- On Thu, 26 Mar 2020 12:28:00 -0500 **David Bezanson** <dbezanson@TNC.ORG> wrote -----

Joe, Sarah – Would you be comfortable with going ahead with the appraisal while we are waiting on the geologists' report? I think we could probably get an appraiser lined up... David

Bexar Ranch, LP
446 County Road 115
Edna, TX 77957

December 5, 2019

Mr. Daniel Otto
Project Manager, CPS Energy
145 Navarro
San Antonio, TX 78205

RE: CPS Energy's Proposed Scenic Loop Substation and Transmission Line Project

Dear Mr. Otto:

In September, CPS Energy's (CPS) notified us of their plan to build a new substation near the intersection of Scenic Loop and Boerne Stage roads as well as a transmission line that would tie into the Ranchtown-Menger Creek Transmission Line.

I'm writing to share my family's strong objection to transmission line routes utilizing Segments 45, 44 and 43 and ask they be removed from further consideration.

For the benefits new substations and transmission lines may bring a community, they also take much away. They are intrusive, unsightly, disruptive, expensive and damaging to their surroundings. They destroy the peaceful, scenic views of the Texas Hill Country and upset—even harm irrevocably—its delicate terrestrial and aquatic ecosystems.

And none of that ends with the completion of the project as the substation and transmission line remain in perpetuity as does the ongoing maintenance. For affected property owners, the completion of the project simply means the beginning of a new phase: managing right-of-way access for transmission line maintenance to prevent further damage to their property.

My family owns a 3,200-acre ranch on the north side of Texas State Highway 16 that sits over the Edwards Aquifer contributing zone. It has been in my family for five generations. It's more than a piece of property. It's a treasured piece of the Texas Hill Country that time and again, generation to generation, we have chosen to protect and preserve: the rich history, the beautiful vistas, the natural ruggedness of the landscape, the native plants and wildlife, and the water features that feed into the Edward's Aquifer, to list a few.

Unfortunately, our preservation efforts also seem to make us a target for public utility projects.

The Ranchtown-Menger Creek transmission line—which the proposed Scenic Loop Substation would tie into—was built and rebuilt and rebuilt along our western boundary. Then and now, it has been an ongoing ordeal to protect our property from additional damage.

In fact, regrettably, as I write this letter, CPS is refusing to honor its obligations under our current easement agreement.

Now, with the 'Scenic Loop Transmission Line and Substation Project,' CPS is proposing to build a transmission line along our northern boundary (Segment 43)—or incredulously—have it cut through the interior of our ranch (Segments 44 and 45).

I repeat. After building a 5+ mile high voltage transmission line along our western boundary, CPS threatens to build a 2+ mile high voltage transmission line with a right-of-way up to 100 feet wide through the heart of our property.

Perhaps these routes were only proposed to satisfy the Public Utility Commission of Texas' (PUC) requirement to have an "adequate number of alternative routes." Regardless the rationale, they are offensive (an understatement), even more so as they make no sense: not to the taxpayer, not to those applying the PUC's guidelines for new transmission lines and not to those applying CPS' selection guidelines.

Segments 45 and 44, and even iterations of 43, connect into the longest and least direct routes, and through some of the roughest terrain which would make them much more expensive to build and maintain. In fact, choosing one of these routes potentially doubles the length, not to mention the expense, of the transmission line.

And rather than utilize existing public roads, right-of-ways, easements, etc., as put forth in the PUC guidelines, these segments would cut through and tear up the interior of our ranch or cross the entire northern portion of our property, requiring a new right-of-way up to 100 feet wide for over 2 miles.

Any way you look at it—aesthetically, ecologically, culturally or economically—the effects would be devastating to our ranch and build upon the damage we have already incurred due to the transmission line built on our western border.

Just the sheer massiveness of the transmission line will overshadow the entire ranch. The very tall poles carrying the high voltage lines with their strong magnetic and electric fields would run by family residences, recreational areas and water sources; and disrupt increasingly environmentally sensitive areas of the ranch, thereby jeopardizing the native plant and wildlife species and habitat as well as aquifer recharge features—the very features the City of San Antonio has been trying to protect through its Edwards Aquifer Protection Program.

Consider this. Since 2000, San Antonio taxpayers have voted four times to support measures to preserve exceedingly sensitive and irreplaceable lands that lie over the Edwards Aquifer recharge and contributing zone—like our ranch—in order to protect the water entering the aquifer.

Given this overwhelming mandate by taxpayers, it would seem CPS would do everything in its power to preserve—not target—undeveloped land that is crucial to the long-term quantity and quality of San Antonio's largest water source, especially (1) larger tracts of land that abut other conservation properties and (2) when there are alternative routes that would be less disruptive as well as shorter, more direct, and more economical.

While any property owner may be called to answer the call for the public good at times, the same property owner shouldn't be called on every time, especially when there are better alternatives and when doing so undermines a taxpayer funded mandate that also serves the public interest. And that's exactly what choosing routes 45, 44, and 43 would be doing.

While there may not be any great options for the Scenic Loop substation and transmission line, there are clearly more sensible options. Options that are more direct and closer to the proposed substation locations and the community it will serve. Options that better utilize existing public roadways, right-of-ways, easements, etc., and are therefore less disruptive aesthetically, culturally and ecologically to the community as a whole. Options that will be substantially cheaper to build and maintain. Options that will be easier to access and less expensive for post construction servicing. Options that adhere to the statutory and regulatory requirements set out by the PUC. Options that respect the taxpayer mandate to preserve vulnerable and irreplaceable land over the Edwards Aquifer recharge and contributing zones. And options that don't unduly burden the same property owner time and time again.

Segments 45, 44 and 43 of the proposed transmission lines are NOT those options and we ask that they be removed from consideration.

Respectfully,



Sarah A. Bitter
Manager, Bexar Ranch, LP

Michael Bitter

From: Joseph Bitter <josephbitter@att.net>
Sent: Sunday, June 3, 2018 4:56 PM
To: Michael Bitter; 'Sarah Bitter'; 'Stephen Pearson Bitter'
Subject: FW: Edwards Aquifer Protection Program Introduction
Attachments: Introduction Letter - Bitter.pdf

I will be meeting with Tyler on Tuesday in case you would like to join us. I haven't set a time yet so if you are interested, let me know quickly. Dad

From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Friday, June 1, 2018 3:10 PM
To: josephbitter@att.net
Subject: Edwards Aquifer Protection Program Introduction

Mr. Bitter,

Thank you for talking with me today during your drive. I appreciate you taking the time to speak with me.

I have not been able to get in touch with David Bezanson, but that will not change the fact that we can meet on next **Tuesday, June 5th** to view your property and discuss the potential conservation easement.

I would be happy to meet with you at any time on Tuesday. Please just let me know when is best and where I should meet you.

You can email or call me to get in touch. My cell phone is best (319)471-5900.

I have also attached a letter that explains the program in detail in case you have anything that might need cleared up. I am looking forward to talking with you and viewing your property.

Best,

Tyler Sanderson . Land Conservation & Stewardship Manager



Land Trust Accreditation Commission Accredited

PO Box 15275 | San Antonio TX 78212

210.222.8430 x.305 | Fax 210.222.8022



Our mission is to sustain the natural environment and enhance urban spaces through land conservation, community engagement, and education. Your donation to Green Spaces today or through a planned gift nurtures a culture of conservation in our community.

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Tuesday, June 5, 2018 4:17 PM
To: Michael Bitter; josephbitter@att.net
Subject: Bexar Ranch Visit - Edwards Aquifer Protection Program
Attachments: Conservation Easement--01-23-2014 (clean version).doc; Introduction Letter - Bitter.pdf

Gentlemen,

Thank you very much for showing us around your incredible property today. I had a great time and appreciate your conservation mentality and the management of your property.

I have relayed the questions that came up today that we were not able to answer. The City Staff will get back to me soon and I will report back with those answers.

In the meantime I have attached the letter that I sent to Dr. Bitter last week as well as the template of the conservation easement that the City works with.

I did want to partially answer your question about what in the conservation easement is non-negotiable. To an extent, everything is negotiable except for the annual monitoring, the percentage of impervious surface restriction (#1 in easement), mineral rights (#10 in easement and elsewhere I believe), and storage, dumping and disposition (#9 in easement). The City is willing to consider any suggested edits to the conservation easement. Generally, after the appraisal process, I ask the landowner to provide me with any suggested edits or concerns that they might have. If there is something major that might change the appraised value significantly, I would like to know that ahead of time.

There was also a question today about condemnation language in the easement (I think I was grabbing the soto. There is language in there (#20 in easement), so take a look at that and let me know if it works for you. Again, you can send proposed edits for the City to consider.

Again, thank you all for showing us around. I look forward to any further conversation. Please let me know if you have any questions and let me know how the family feels about this potential project.

I also wanted to ask if you are comfortable working with me, or would prefer to work with David Bezanson? We had originally delegated your property to Green Spaces Alliance for contact, but I understand you have spoken with David a couple times. I obviously would prefer to work with you, we are not in competition and all I really care about is conserving land and spending the Edwards Program budget wisely.

Best,

Tyler Sanderson | Land Conservation & Stewardship Manager



Land Trust Accreditation Commission Accredited

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June 1, 2018

Dear Mr. Bitter,

I am happy to hear that you may be interested in the Edwards Aquifer Protection Program. I am somewhat familiar with your property location and have driven past the entrance many times. It is amazing that such a beautiful parcel is located in Bexar County. Below is an extensive description of the program. I can be a bit wordy, so I apologize for that, but I want to make sure you have a good understanding of the program. I am sure you already know a lot of this information since you attended the Bexar County Conservation Easement Workshop in April, and have had discussions with David Bezanson, but I wanted to make sure you have my description in writing. I am also providing you with a conservation easement template in case that has not been provided to you yet. This is a baseline draft and all land is different and all landowners' desires are different, so we tweak each easement to fit the land and the wants of the landowner.

Green Spaces Alliance of South Texas is an accredited land trust, which means that we are recognized nationally as a trustworthy organization that meets high standards for land conservation. It demonstrates that we have successfully implemented Land Trust Standards and Practices, and offers the assurance that we can keep the promise of a conservation easement (CE) in perpetuity.

An easement is the purchase or donation of development rights, which limits development on your property. It does not make it impossible to build on your land, but it limits the development to a certain amount of impervious surface. The amount depends on the size and/or value of the land, and negotiations/agreements can be made as to where that development may be within the property.

The City of San Antonio voted for the Edwards Aquifer Protection Program (EAPP) which provides a small percentage of tax dollars to a program that pays owners of undeveloped land within the Edwards Aquifer recharge zone to keep that land undeveloped. So, basically the city is buying the right to not develop on your property.

By taking away the development rights, in perpetuity, the owned land loses some value. That value is basically **the difference between the value of the property with capability to develop and without**. The reduction in value depends on location and attributes, as properties closer to urban sprawl will be valued much higher with development capabilities.

Your property of approximately 1,422 acres would most likely be allowed two 5-acre building envelopes (potentially able to negotiate different terms). That means that you can name a portion of the property to be where you might have an existing or planned house, barn, feed operation, driveway, etc. There will be limitations as to where they can go, depending on the specific property's attributes. If there is a karst feature, such as a sinkhole, the envelope will not be within a certain distance (400 ft) of that sinkhole (which you wouldn't want to build there anyway). If there is an area in the 100 year floodplain, the building envelope will not be allowed in that floodplain. The envelopes are amendable, meaning they are not set in stone and can be updated over time. The major stipulation to understand with development in these envelopes is that less than 0.5% (0.005) of the property can be impervious surface such as roof tops and concrete. For example, if you have a 1,422-acre ranch, you have the ability to develop 7.11 acres completely with impervious surfaces. That makes for a large sized house and driveway. There are also ways around impervious concretes, driveways and patios. Easement properties can also not be subdivided.

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Our mission is to sustain the natural environment and enhance urban spaces through land conservation, community engagement, and education.



Currently, the EAPP has over 149,000 acres in easements, and more come in each quarter.

It is important to keep in mind that your land will not be worth the same value, so that is why we are paying you for the development rights. The value that your land is appraised for before the easement (which includes value of development) will be higher than the value after the easement is in place (development rights revoked). The difference between these two appraisal values is what you will be paid for your development rights. You will be taxed on that amount, but you may spend it on anything you want, as long as it does not exceed development restrictions within the building envelope.

We are not purchasing your property from you. You will be able to continue any and all of your current agricultural and living practices as long as they adhere to the management plan that we develop together. Because we and the City of San Antonio do not own the land, you do not have to allow any public access to the property except for 1 time a year when the city sends someone to monitor the success of the easement. This monitoring is just to make sure you are adhering to the building envelope, no drastic issues are happening to the landscape, etc.

Before purchasing the development rights and creating an easement, we will work with you to develop a management plan. These things are like a playbook. It is basically documentation of what you would want to do to your land in the future. What agricultural practices, what new barns, children's houses, new pond, what animals and plants to raise. Things like that.

The EAPP easements are for the protection of **quality and quantity** of water, and the program is only focused on land within the Edwards Aquifer recharge zone in Uvalde, Medina and Bexar Counties. The recharge zone is about an average of 20 miles wide strip that flows underground northeast from Kinney County to Austin, but you already seem to know a lot about the recharge zone. The reason the program is only protecting the land in Uvalde, Medina and Bexar Counties is because that is the critical part of the aquifer recharge that affects quality and quantity of drinking water for the City of San Antonio. Anything northeast of that does not flow to San Antonio and so is not covered in the EAPP.

Any other conservation issues, such as protection of golden cheek warbler habitat, are not a concern pertaining to the funding of this program. Those are obviously conservation concerns, but not a focus of this program.

To get involved with this program, it takes a lot of patience on everyone's part. There is a waiting list to start the process. If your land has better features, such as sinkholes, perennial surface water, higher potential for development, etc., you can be put to the front of the line. This would also include adjacency to other current or interested conservation easements. You are adjacent to two other interested landowners. Your property is in the top 10% of recharge potential, and it is one of the largest tracts left in Bexar County, so it would move close to the top of the list. However, we are at the mercy of the city.

Once your property is selected at the front of the line, we will have to take several steps before getting it conserved. We start with looking at your property in person and on maps and then can move forward. We will take your property to the Conservation Advisory Board (CAB) with the City and try to get your property voted on by the CAB. To do so, I would make a presentation including photos and maps of the property and listing high quality features. If it is accepted by CAB, then we will do a geological survey (Edwards Aquifer Authority), and an appraisal at the same time. The appraisal will tell us what the property is worth before and what it could be worth after development rights are taken. The city will pay you the difference. If the CAB agrees on the appraised conservation value we will then order a boundary survey and environmental surveys. If, based on the surveys, assessments and appraisals, we are able to continue with the process, we will move to Phase 2 and see if there are any areas of concern on the property. Things that might be included are a dump site that would need cleaned up, an oil well without the proper buffer. We will pay for the surveys, assessments and appraisals for Phase I. The landowner would have to pay for any cleanups necessary, any lawyer fees (which we strongly recommend, so that

you can be sure that you are making the right decision, and have a professional to look over your paperwork). That usually runs from \$7-10K. It may sound like a lot for you to invest, but the City will pay you upfront for you easement value, which can add up to a lot, and your property taxes will immediately be lowered due to the decrease in your appraisal value of land.

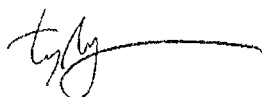
Once involved in the program you are not stuck in it. You don't have to continue with the process if at any point you want out. You can stop at any point until closing, but I would recommend that if you are unsure before closing, to contact me, Phillip Covington or Susan Courage with the City directly and hopefully we can clear up any of your concerns.

Two things I need to know about your land before starting are: **is there anybody else on the title for the land?** Parents, children, siblings etc. It is important to get everybody to understand what this means for their property. I will be happy to meet with you on the property or elsewhere to discuss this project if you are still interested. Also, **does anybody own the mineral rights on your property?** Because an easement will not prevent the mineral rights owners from stripping or mining the land. We cannot put a land in conservation with EAPP if this is true and we do not reach an agreement with that third party, for obvious reasons that future mining will do far more damage to the recharge zone than simply adding an apartment complex.

If you have any questions about the program or anything else, please do not hesitate to call me. I will do my best to answer questions along the way, and if I am unsure of something, I will seek the proper guidance with the City and get those questions answered.

Again, thank you very much for your interest in the program. Your property looks to be in a perfect location for this program and has a great chance to be accepted in the future.

Sincerely,



Tyler Sanderson | Land Conservation & Stewardship Manager



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210.222.8430 x.305 | Fax 210.222.8022

Our mission is to sustain the natural environment and enhance urban spaces through land conservation, community engagement, and education. Your donation to Green Spaces today or through a planned gift nurtures a culture of conservation in our community.

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Wednesday, June 13, 2018 10:43 AM
To: Michael Bitter; josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

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In the meantime I have attached the letter that I sent to Dr. Bitter last week as well as the template of the conservation easement that the City works with.

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Michael Bitter

From: Michael Bitter
Sent: Friday, June 22, 2018 8:30 PM
To: Tyler Sanderson
Cc: josephbitter@att.net
Subject: RE: Bexar Ranch Visit - Edwards Aquifer Protection Program

Tyler –

Thanks for your responses.

Can you provide me with the name and number of the attorney in the City Attorney's office with whom I can visit on the issue of EAPP and the NDA? There are some exceptions to FOIA that may be applicable. We will be reluctant to provide all the information you are going to want without some level of assurance. Once both sides are able to determine they are truly interested in the Conservation Easement on our property, the dynamic will be different. But until that point in time, we risk disclosing information that could have repercussions, without any benefit in return.

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Regards,

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Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
e-mail: mbitter@7750law.com

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From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Wednesday, June 13, 2018 10:43 AM
To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

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Thank you again for showing me around your amazing property. Have a great rest of your week.

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Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Monday, June 25, 2018 4:03 PM
To: Michael Bitter
Cc: josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

Michael,

Thank you for your response. I have sent this email along to the City and asked which attorney they would like for me to get you in contact with. When they respond, I will send you that person's information.

We have a vendor list for all of our due diligence. The EAPP has put together this list of vendors who have experience with conservation easements and who now have experience with the Edwards program specifically.

There are only four appraisers on that vendor list: Valbridge, Stouffer and Associates, Jeffries Appraisal Services and Bierschwale land Co. We have to get three cost/time estimates from separate appraisers and make a decision based on those three.

Typically, there is not much of a difference in cost/time, so we make the decision based on our experience with the appraisers. I have opinions of who I prefer based on their work, but the landowner's input is certainly welcome. I do not have experience with Bierschwale, but the other three are all very comparable and they all have extensive knowledge of the program.

If you have a particular appraiser you would prefer, if they are on the list we can try to go with them...if they are not on the list, we can get them added if they have conservation easement experience. To get a vendor added to the list, I just send an email to the Special Projects Manager with the City, give him the name and contact info for that vendor and they have a form for the vendor to fill out.

I hope that answered the second half of your questions. I will get back to you soon about the first half.

Have a great week,

Tyler Sanderson | Land Conservation & Stewardship Manager



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From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Wednesday, June 13, 2018 10:43 AM
To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

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Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Tuesday, June 26, 2018 2:00 PM
To: Michael Bitter
Cc: josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

Michael and Joseph,

The attorney for the City of San Antonio's EAPP, Steve Whitworth, is interested in meeting with you. He has asked me to see about your availability next week for a meeting via conference call or in person. The Special Projects Manager for the EAPP, Phillip Covington would also be interested in being part of the discussion.

Could you please send me a proposed date and time for a meeting. If you are unable to meet next week, I can get word from the City to share their contact information with you.

Thank you,

Tyler Sanderson | Land Conservation & Stewardship Manager



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Sent: Wednesday, June 13, 2018 10:43 AM
To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net
Subject: Re: Bexar Ranch Visit - Edwards Aquifer Protection Program

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Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Friday, September 14, 2018 3:28 PM
To: josephbitter@att.net; Michael Bitter
Subject: Re: Edwards Aquifer Protection Program Introduction
Attachments: Bitter status letter.pdf

Gentlemen,

In an effort to keep in contact with landowners potentially interested in a conservation easement with the Edwards Aquifer Protection Program, I try to send a status letter at the beginning of each funding season. I have attached a letter to your family for your consideration.

Please let me know if you have any questions, comments or concerns. I would very much like to work on a conservation easement with your property.

Best,

Tyler Sanderson | Interim Executive Director



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On Fri, Jun 1, 2018 at 3:09 PM, Tyler Sanderson <tyler@greensatx.org> wrote:
Mr. Bitter,

Thank you for talking with me today during your drive. I appreciate you taking the time to speak with me.

I have not been able to get in touch with David Bezanson, but that will not change the fact that we can meet on next **Tuesday, June 5th** to view your property and discuss the potential conservation easement.

I would be happy to meet with you at any time on Tuesday. Please just let me know when is best and where I should meet you.

You can email or call me to get in touch. My cell phone is best (319)471-5900.

I have also attached a letter that explains the program in detail in case you have anything that might need cleared up. I am looking forward to talking with you and viewing your property.

Best,

Tyler Sanderson | Land Conservation & Stewardship Manager



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GREEN
SPACES
ALLIANCE

CELEBRATING 20 YEARS
of Conservation, Education,
& Engagement

September 14, 2018

Dear Joseph Bitter,

The Conservation Advisory Board for the City of San Antonio's Edwards Aquifer Protection Program (EAPP) met on August 22nd and made progress on properties currently in the program process. Green Spaces Alliance, as a contractor for the City, has several properties currently in the process, however must wait until one of those properties closes before we can propose the next property to the City. The City, contractors and subcontractors must move at the pace of the slowest wheel during the process. As explained to you before, this is a slow process and takes a lot of patience from all parties.

There is a specific system for ranking the recharge and conservation value of all properties in the region. This ranking is for the benefit of the land acquisition team (Green Spaces Alliance, the Nature Conservancy and the City) as well as the benefit of the advisory board that determines the acceptance or declination of a particular property to the program. However, the model is not perfect in ranking properties, so we like to visit properties in person to determine the true quality of the land. Therefore, it is up to the discretion of the land acquisition team to order the interested properties.

The ranking system is determined based on a model designed by the Scientific Evaluation Team (SET). The model ranks properties in 10% increments, with 10% being the highest value and 90% being the lowest. Your property has been modeled in the top 10% and is currently ranked at #1 in the current cue. Since your property ranks in the top 10% of recharge potential, I will be able to begin the first stage of due diligence without a request to the City. I understand your family has some questions, concerns and reservations about the due diligence process of this program. If there is anything I can do to help you all, I am happy to help.

We value your potential interest in the program. I want to stress that your property is very important to Green Spaces Alliance and we look forward to conserving your land for the benefit of the Edwards Aquifer and for you. If/when your family makes this very big decision, please feel free to contact me.

Please contact me at 210.222.8430 x 305 or at tyler@greensatx.org if you have any questions or require additional information. I am excited that you have submitted your property for conservation to the EAPP, and look forward to working with you.

Sincerely,

Tyler Sanderson
Land Conservation and Stewardship Manager, Interim Executive Director

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TYLER SANDERSON

ACGA



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GARDENING
ASSOCIATION

Bexar Land Trust, Inc. DBA Green Spaces Alliance of South Texas is a 501(c)(3) Corporation
108 East Mistletoe Avenue, San Antonio, TX 78212
210.222.8430 • www.greensatx.org

*Our mission is to sustain the natural environment and enhance urban spaces through
land conservation, community engagement, and education.*



Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Tuesday, July 2, 2019 10:56 AM
To: Michael Bitter; josephbitter@att.net
Subject: Fwd: Potential power line in your area
Attachments: IMG_20190628_115100.jpg

Gentlemen,

I was sent this forwarded email last week. It is regarding a potential power line that appears to have an affect on your ranch. I wanted to send you this information so that you were aware.

If you have any questions or would like me to find out more, I am happy to try.

The person who sent this to me, Lori Olson, is the Executive Director of the Texas Land Trust Council and can get us more information.

I hope you all are doing well and your summer has started off great. I bet the pond is still full of water and the kids are able to have a blast swimming out there.

Have a great 4th of July.

Tyler Sanderson | Interim Executive Director



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OF SOUTH TEXAS

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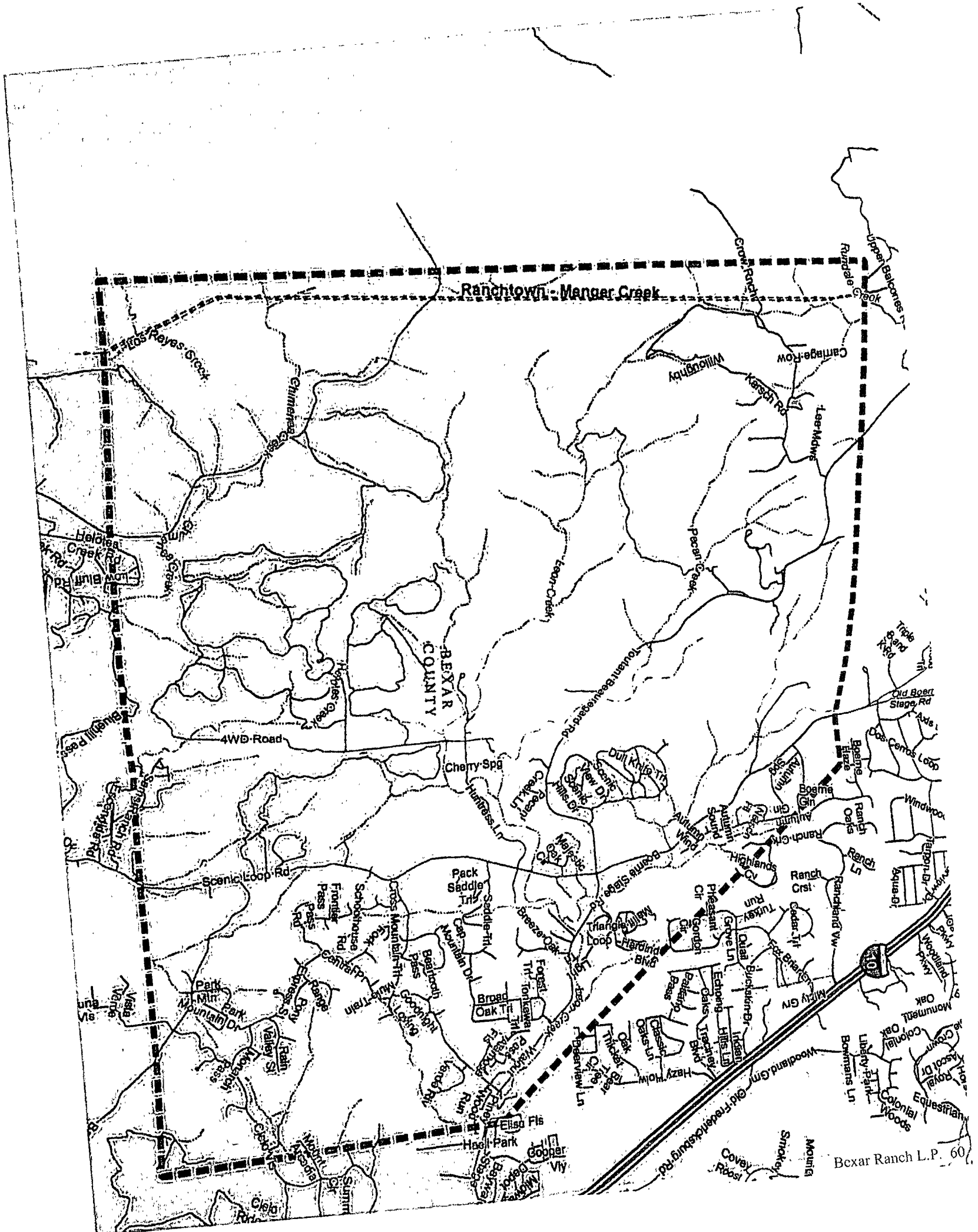
210.222.8430 x.305

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From: Lori Olson <lori@texaslandtrustcouncil.org>
Date: Fri, Jun 28, 2019 at 11:55 AM
Subject: Potential power line in your area
To: <tyler@greensatx.org>

Tyler,
I got this in the mail this week. It is a notice of a proposed power line in the area of SW Bexar Co. I am sending you a map of the area, in case anything you are working on is impacted. Hopefully not. If there are projects in this area, call me and I can give you the contact info for the engineering firm.



Michael Bitter

From: Michael Bitter
Sent: Monday, July 8, 2019 7:24 PM
To: Tyler Sanderson
Cc: josephbitter@att.net
Subject: RE: Potential power line in your area

Tyler –

I appreciate the 'heads up'. I would like more information. We have been through this a couple of times before.

I have been wanting to visit with you anyway. Can we talk tomorrow?

Regards,

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
e-mail: mbitter@7750law.com

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From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Tuesday, July 02, 2019 10:56 AM
To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net
Subject: Fwd: Potential power line in your area

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Subject: Potential power line in your area

To: <tyler@greensatx.org>

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Thanks!

Lori

Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Tuesday, July 9, 2019 8:56 AM
To: Michael Bitter
Cc: josephbitter@att.net
Subject: Re: Potential power line in your area

Michael,

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I am happy to talk with you if my schedule matches with yours. Otherwise, I am available all day tomorrow. I don't have much for information about the potential utilities, but I can try to find out answers to questions you may have.

My cell phone is best to contact me. (319)471-5900.

Best,

Tyler Sanderson | Interim Executive Director



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To: <tyler@greensatx.org>

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Thanks!

Lori

Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Friday, July 26, 2019 4:38 PM
To: Michael Bitter
Subject: EAPP Attorneys

Michael,

Thank you for reaching out to me today. I appreciate your family's careful consideration of this process. Below are some names of attorneys that have excellent knowledge of conservation easements. I know at least a few of these have worked on advising landowners with interest in the Edwards Aquifer Protection Program. I cannot really speak for how much experience or how many EAPP projects they have worked on, but I can tell you that all of these attorneys know what they are doing. In no particular order, they are:

- Thomas Hall with Braun and Gresham
- Burgess Jackson with Law Office of Burgess Jackson
- Arthur Uhl with Uhl, Fitzsimmons, Jewett, Burton and Wolff
- Allison Elder with Elder-Bray (also with the SA River Authority, so not sure how much she can help. Was out past Executive Director and knows this program in and out)
- Tomas J. Rothe with his own firm.

Please let me know if there is any more information that is needed from me. As I said on the phone, Stage 1 is just the geologic assessment and an appraisal. In my experience, the appraised value is the most important factor in a family making this decision, so if your family is mostly interested, but cannot make a final decision, we can get you started in Stage 1 and really get into the discussions and negotiations once we have the value in front of us.

Appraisers we typically use are:

Valbridge Property Advisors

Stouffer and Associates (office in Hondo and office in San Antonio)

The one I mentioned that I am adding to the vendors list is Byron Setzer with Southwest Appraisal Group.

Have a great weekend.

Tyler Sanderson | Interim Executive Director



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Michael Bitter

From: Michael Bitter
Sent: Friday, July 26, 2019 5:05 PM
To: Tyler Sanderson
Subject: RE: EAPP Attorneys

Tyler –

Thanks for visiting with me today and responding quickly. I look forward to visiting with you further upon your return from vacation.

Have a great vacation,

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
e-mail: mbitter@7750law.com

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Michael Bitter

From: Michael Bitter
Sent: Friday, July 26, 2019 7:31 PM
To: Tyler Sanderson
Subject: RE: Potential power line in your area

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Regards,

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From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Tuesday, July 09, 2019 8:56 AM
To: Michael Bitter <mbitter@7750law.com>
Cc: josephbitter@att.net
Subject: Re: Potential power line in your area

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From: **Lori Olson** <lori@texaslandtrustcouncil.org>

Date: Fri, Jun 28, 2019 at 11:55 AM

Subject: Potential power line in your area

To: <tyler@greensatx.org>

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Thanks!

Lori

Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Wednesday, July 31, 2019 9:08 AM
To: Michael Bitter
Subject: Re: Potential power line in your area

Michael,

I also meant to bring this up. Sorry we forgot.

I don't know any more about this topic other than what is included in this email thread. Since I am out of town, I am not able to learn more now.

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Cc: josephbitter@att.net

Subject: Re: Potential power line in your area

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Thanks!

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Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: Michael Bitter
Sent: Wednesday, July 31, 2019 6:26 PM
To: Tyler Sanderson
Subject: RE: Potential power line in your area

Tyler –

Thanks. I will reach out to Lori. We have been down this road before...

Enjoy your vacation!

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
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e-mail: mbitter@7750law.com

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From: Tyler Sanderson [mailto:tyler@greensatx.org]
Sent: Tuesday, July 09, 2019 8:56 AM
To: Michael Bitter <mbitter@7750law.com>
Cc: josephbitter@att.net
Subject: Re: Potential power line in your area

Michael,

I am around the office and available today during the morning. I have a meeting from noon - 2:30 or so, and then I have another meeting at 5 pm.

I am happy to talk with you if my schedule matches with yours. Otherwise, I am available all day tomorrow. I don't have much for information about the potential utilities, but I can try to find out answers to questions you may have.

My cell phone is best to contact me. (319)471-5900.

Best,

Tyler Sanderson | Interim Executive Director



GREEN SPACES ALLIANCE
OF SOUTH TEXAS

Land Trust Accreditation Commission Accredited

PO Box 15275 | San Antonio TX 78212

210.222.8430 x.305

Our mission is to sustain the natural environment and enhance urban spaces through land conservation, community engagement, and education. Your donation to Green Spaces today or through a planned gift nurtures a culture of conservation in our community.

On Mon, Jul 8, 2019 at 7:24 PM Michael Bitter <mbitter@7750law.com> wrote:

Tyler –

I appreciate the 'heads up'. I would like more information. We have been through this a couple of times before.

I have been wanting to visit with you anyway. Can we talk tomorrow?

Regards,

Michael

Michael W. Bitter

Hayden & Cunningham, PLLC

7750 Broadway

San Antonio, Texas 78209

Tel: (210) 826-7750

Fax: (210) 822-0916

e-mail: mbitter@7750law.com

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From: Tyler Sanderson [<mailto:tyler@greensatx.org>]

Sent: Tuesday, July 02, 2019 10:56 AM

To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net
Subject: Fwd: Potential power line in your area

Gentlemen,

I was sent this forwarded email last week. It is regarding a potential power line that appears to have an affect on your ranch. I wanted to send you this information so that you were aware.

If you have any questions or would like me to find out more, I am happy to try.

The person who sent this to me, Lori Olson, is the Executive Director of the Texas Land Trust Council and can get us more information.

I hope you all are doing well and your summer has started off great. I bet the pond is still full of water and the kids are able to have a blast swimming out there.

Have a great 4th of July.

Tyler Sanderson | Interim Executive Director



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----- Forwarded message -----

From: **Lori Olson** <lori@texaslandtrustcouncil.org>

Date: Fri, Jun 28, 2019 at 11:55 AM

Subject: Potential power line in your area

To: <tyler@greensatx.org>

Tyler,

I got this in the mail this week. It is a notice of a proposed power line in the area of SW Bexar Co. I am sending you a map of the area, in case anything you are working on is impacted. Hopefully not. If there are projects in this area, call me and I can give you the contact info for the engineering firm.

Thanks!

Lori

Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: Tyler Sanderson <tyler@greensatx.org>
Sent: Friday, August 9, 2019 2:56 PM
To: Michael Bitter
Subject: Re: Potential power line in your area

Michael,

I am back from vacation. Please let me know if there is anything you would like to discuss in the near future. I can be ready to move forward when you are. If you wanted to try to get on the August agenda for the EAPP, I will need to submit agenda items by Monday.

Thank you very much. Have a great weekend.

Tyler Sanderson | Interim Executive Director



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On Wed, Jul 31, 2019 at 6:25 PM Michael Bitter <mbitter@7750law.com> wrote:

Tyler –

Thanks. I will reach out to Lori. We have been down this road before...

Enjoy your vacation!

Michael

Michael W. Bitter

Hayden & Cunningham, PLLC

7750 Broadway

San Antonio, Texas 78209

Tel: (210) 826-7750

Fax: (210) 822-0916

e-mail: mbitter@7750law.com

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From: Tyler Sanderson [<mailto:tyler@greensatx.org>]

Sent: Wednesday, July 31, 2019 9:08 AM

To: Michael Bitter <mbitter@7750law.com>

Subject: Re: Potential power line in your area

Michael,

I also meant to bring this up. Sorry we forgot.

I don't know any more about this topic other than what is included in this email thread. Since I am out of town, I am not able to learn more now.

I don't see a problem with you reaching out to Lori. She is a very kind, helpful person who I am sure would love to help you.

If you need any help getting in touch with her, let me know. If you want to wait, I can work on it when I return in August.

Best,

Tyler Sanderson | Interim Executive Director



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On Fri, Jul 26, 2019 at 8:30 PM Michael Bitter <mbitter@7750law.com> wrote:

Tyler –

I forgot to ask you about this when we spoke earlier. I would like to get more information on this, since I have been unable to find more online. I am not sure if it would be appropriate for me to reach out to Lori Olson.

Regards,

Michael

Michael W. Bitter

Hayden & Cunningham, PLLC

7750 Broadway

San Antonio, Texas 78209

Tel: (210) 826-7750

Fax: (210) 822-0916

e-mail: mbitter@7750law.com

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Cc: josephbitter@att.net
Subject: Re: Potential power line in your area

Michael,

I am around the office and available today during the morning. I have a meeting from noon - 2:30 or so, and then I have another meeting at 5 pm.

I am happy to talk with you if my schedule matches with yours. Otherwise, I am available all day tomorrow. I don't have much for information about the potential utilities, but I can try to find out answers to questions you may have.

My cell phone is best to contact me. (319)471-5900.

Best,

Tyler Sanderson | Interim Executive Director



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Tyler –

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I have been wanting to visit with you anyway. Can we talk tomorrow?

Regards,

Michael

Michael W. Bitter

Hayden & Cunningham, PLLC

7750 Broadway

San Antonio, Texas 78209

Tel: (210) 826-7750

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From: Tyler Sanderson [mailto:tyler@greensatx.org]

Sent: Tuesday, July 02, 2019 10:56 AM

To: Michael Bitter <mbitter@7750law.com>; josephbitter@att.net

Subject: Fwd: Potential power line in your area

Gentlemen,

I was sent this forwarded email last week. It is regarding a potential power line that appears to have an affect on your ranch. I wanted to send you this information so that you were aware.

If you have any questions or would like me to find out more, I am happy to try.

The person who sent this to me, Lori Olson, is the Executive Director of the Texas Land Trust Council and can get us more information.

I hope you all are doing well and your summer has started off great. I bet the pond is still full of water and the kids are able to have a blast swimming out there.

Have a great 4th of July.

Tyler Sanderson | Interim Executive Director



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----- Forwarded message -----

From: Lori Olson <lori@texaslandtrustcouncil.org>

Date: Fri, Jun 28, 2019 at 11:55 AM

Subject: Potential power line in your area

To: <tyler@greensatx.org>

Tyler,

I got this in the mail this week. It is a notice of a proposed power line in the area of SW Bexar Co. I am sending you a map of the area, in case anything you are working on is impacted. Hopefully not. If there are projects in this area, call me and I can give you the contact info for the engineering firm.

Thanks!

Lori

Lori Olson
Executive Director
Texas Land Trust Council
512.994.8582

Michael Bitter

From: David Bezanson <dbezanson@TNC.ORG>
Sent: Tuesday, September 1, 2020 8:14 AM
To: Michael Bitter
Subject: Conservation Easement
Attachments: Revised Conservation Easement Template - 2020.pdf

Michael,

Thanks again for your call last week. I'm looking forward to working on the conservation easement with you.

Here are the initial steps which usually take about 4-6 weeks:

- Geologist report (Edwards Aquifer Authority) to assess the property's contribution to the aquifer
- Agreement on general terms of the easement (e.g. # of future partitions, building envelopes, and water wells) and acreage to be protected
- Appraisal of conservation easement

Assuming the appraised value is acceptable to both the landowners and the City, the remaining due diligence will be completed, which usually takes another 6-8 weeks:

- Finalizing easement terms
- Title commitment
- Boundary survey of easement area
- Phase I Environmental Report and baseline documentation report

Once all items are complete, we'll take them to the City's Conservation Advisory Board for final approval, then it goes to City Council for authorization of funding. Overall, the process usually takes about 6-8 months. The City and Nature Conservancy obtain all due diligence items and the City pays for all expenses except the title policy, which the landowner pays for at closing.

The City's easement template is attached. I've contacted EAA about the site visit and will get back to you with some dates and let you know how many people to expect.

Call or email me any time if you have any other questions.

Sincerely,
David

David Bezanson
Associate Director of Land Protection
The Nature Conservancy
dbezanson@tnc.org
(512) 217-0025 (Mobile)
nature.org



Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Saturday, October 17, 2020 2:16 PM
To: David Bezanson; Michael Bitter
Subject: RE: Bitter Ranch

Mr. Bitter,

David Bezanson gave me your contact information regarding performing a geologic evaluation for the Bitter Ranch in northern Bexar County. We have a number of ranches that are in the queue ahead of the Bitters Ranch and would expect to try and schedule a visit in early to mid-November.

Please feel free to contact me if you have any questions. As we get closer to the end of the month, I will contact you and work with you on finalizing a schedule.

Thanks,

Geary Schindel
Senior Geologist
Edwards Aquifer Authority
210.326.1576 cell

Michael Bitter

From: Michael Bitter
Sent: Monday, October 19, 2020 7:25 PM
To: 'Geary Schindel'
Cc: David Bezanson
Subject: RE: Bitter Ranch

Geary –

Thanks for the message. I look forward to hearing from you in the near future.

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
e-mail: mbitter@7750law.com

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From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Saturday, October 17, 2020 2:16 PM
To: David Bezanson <dbezanson@TNC.ORG>; Michael Bitter <mbitter@7750law.com>
Subject: RE: Bitter Ranch

Mr. Bitter,

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Please feel free to contact me if you have any questions. As we get closer to the end of the month, I will contact you and work with you on finalizing a schedule.

Thanks,

Geary Schindel
Senior Geologist
Edwards Aquifer Authority
210.326.1576 cell

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Monday, November 16, 2020 10:02 AM
To: Michael Bitter
Cc: David Bezanson
Subject: Geological Evaluation of the Bitters Ranch

Mr. Bitters,

Our current schedule for field work has required that we push back a site visit to your property to early or mid December at the earliest. As we progress with our work load, I will contact you regarding selecting the dates for a visit after the Thanksgiving Holiday. I'm sorry, the pandemic and shifting work load has required a change in the schedule along with difficulties in coordinating schedules for personnel to assist in the evaluation.

Please feel free to call me if you have any questions.

Sincerely,

Geary Schindel, P.G.
Senior Geologist
Edwards Aquifer Authority
210.326.1576 cell

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Friday, December 11, 2020 11:41 AM
To: Michael Bitter
Subject: Visit to Bitters Ranch

Mr. Bitter,

I wanted to check on obtaining access to the Bitters Ranch in the next couple of weeks. We may be able to have personal available mid next week if that would work for you. If not, we can look at later weeks.

We are pretty independent and you are welcome to join us on our assessment. We commonly bring two to three teams for a ranch that size and may take two to three days. We prefer to schedule two days, see how much we can get accomplished, and then arrange for a later date to fill in any holes in our data.

Please feel free to call or email.

Thank you,

Geary Schindel
Senior Geologist
210.326.1576 cell

Michael Bitter

From: Michael Bitter
Sent: Friday, December 11, 2020 11:34 PM
To: 'Geary Schindel'
Subject: RE: Visit to Bitters Ranch

Geary –

Thanks for following up. Can you call me to visit the first of next week? We can probably set something up over the next couple of weeks, but I would want to be out there with you the first day at least to give you the layout of the ranch and point out some of the features of which we are aware.

Have a great weekend,

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
e-mail: mbitter@7750law.com

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Please feel free to call or email.

Thank you,

Geary Schindel
Senior Geologist
210.326.1576 cell

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Wednesday, December 16, 2020 3:22 PM
To: Michael Bitter
Subject: Access to the Bitter Ranch

Mr. Bitter,

Were you able to determine what days would work for you to gain access to the Bitter Ranch,

Thank you,

Geary Schindel
Edwards Aquifer Authority
210.326.1576

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Wednesday, December 16, 2020 5:50 PM
To: Michael Bitter
Subject: Possible dates in January for property visit.

Mr. Bitter,

Here are some dates that would work for us. We don't have a lot scheduled yet in January.

January 11 – 15 is open

January 18-22 is open.

We'll need two days for the visit and then possible one additional day.

Thanks,

Geary Schindel
210.326.1576

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Monday, January 11, 2021 1:53 PM
To: Michael Bitter
Subject: RE: Visit to Bitters Ranch

Michael,

Have you thought about dates for a visit to the Bitters Ranch. The week of February 1 would also work for us. I have another ranch scheduled for January 25-28.

Thanks,

Geary Schindel
210.326.1576 cell

From: Michael Bitter <mbitter@7750law.com>
Sent: Friday, December 11, 2020 11:34 PM
To: Geary Schindel <gschindel@edwardsaquifer.org>
Subject: RE: Visit to Bitters Ranch

External Email

Geary –

Thanks for following up. Can you call me to visit the first of next week? We can probably set something up over the next couple of weeks, but I would want to be out there with you the first day at least to give you the layout of the ranch and point out some of the features of which we are aware.

Have a great weekend,

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
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San Antonio, Texas 78209
Tel: (210) 826-7750
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Sent: Friday, December 11, 2020 11:41 AM
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Mr. Bitter,

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Please feel free to call or email.

Thank you,

Geary Schindel
Senior Geologist
210.326.1576 cell

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- EAA Helpdesk

Michael Bitter

From: Michael Bitter
Sent: Monday, January 18, 2021 3:58 PM
To: 'Geary Schindel'
Subject: RE: Visit to Bitters Ranch

Geary –

My apologies. I will follow up with you, but unfortunately have been 'buried' here at the office and have not been able to get back to this. I will try to be back in touch by mid-week.

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209
Tel: (210) 826-7750
Fax: (210) 822-0916
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Subject: RE: Visit to Bitters Ranch

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Thanks,

Geary Schindel
210.326.1576 cell

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Subject: RE: Visit to Bitters Ranch

External Email

Geary –

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Thank you,

Geary Schindel
Senior Geologist
210.326.1576 cell

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- EAA Helpdesk

Michael Bitter

From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Monday, January 18, 2021 5:52 PM
To: Michael Bitter
Subject: Re: Visit to Bitters Ranch

not a problem.

I also have lots to do so no worries.

Geary Schindel.

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From: Michael Bitter <mbitter@7750law.com>
Sent: Monday, January 18, 2021 3:57:54 PM
To: Geary Schindel <gschindel@edwardsaquifer.org>
Subject: RE: Visit to Bitters Ranch

External Email

Geary –

My apologies. I will follow up with you, but unfortunately have been 'buried' here at the office and have not been able to get back to this. I will try to be back in touch by mid-week.

Michael

Michael W. Bitter
Hayden & Cunningham, PLLC
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210.326.1576 cell

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e-mail: mbitter@7750law.com

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From: Geary Schindel <gschindel@edwardsaquifer.org>
Sent: Friday, December 11, 2020 11:41 AM
To: Michael Bitter <mbitter@7750law.com>
Subject: Visit to Bitters Ranch

Mr. Bitter,

I wanted to check on obtaining access to the Bitters Ranch in the next couple of weeks. We may be able to have personal available mid next week if that would work for you. If not, we can look at later weeks.

We are pretty independent and you are welcome to join us on our assessment. We commonly bring two to three teams for a ranch that size and may take two to three days. We prefer to schedule two days, see how much we can get accomplished, and then arrange for a later date to fill in any holes in our data.

Please feel free to call or email.

Thank you,

Geary Schindel
Senior Geologist
210.326.1576 cell

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