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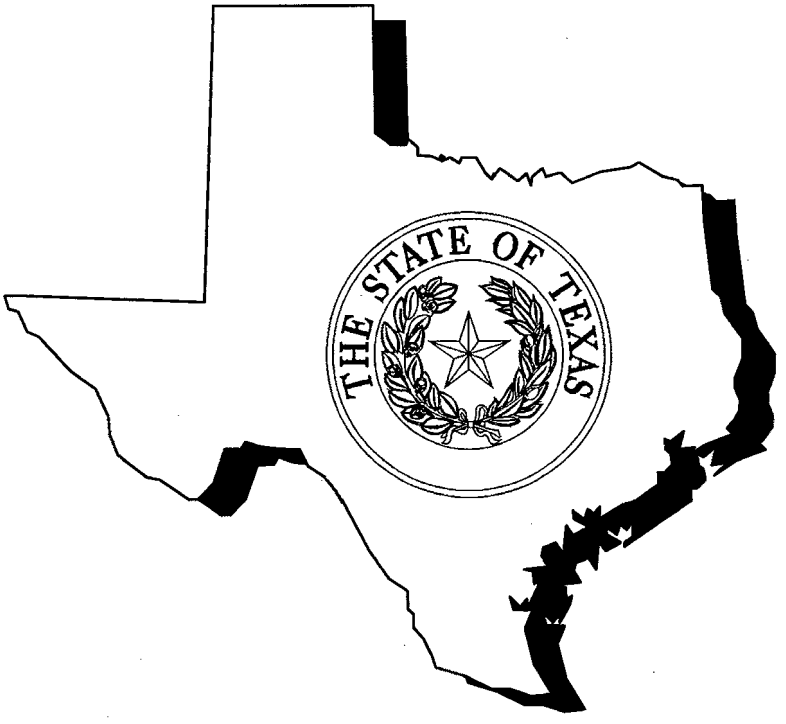
APPLICATION OF ONCOR	**§**	**PUBLIC UTILITY COMMISSION**
ELECTRIC DELIVERY LLC TO	**§**	
AMEND ITS CERTIFICATE OF	**§**	
CONVENIENCE AND NECESSITY	**§**	**OF**
FOR THE OLD COUNTRY SWITCH	**§**	
345-KV TAP TRANSMMISSION LINE	**§**	
IN ELLIS COUNTY	**§**	**TEXAS**



TESTIMONY IN CONSIDERATION OF THE SETTLEMENT OF

JOHN POOLE, P.E., ENGINEER

INFRASTRUCTURE DIVISION

PUBLIC UTILITY COMMISSION OF TEXAS

JUNE 10, 2022

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ATTACHMENT

JP-1 Qualifications of John Poole

JP-2 List of Previous Testimony

JP-3 Letter from Texas Parks and Wildlife Department dated March 18, 2022

I. STATEMENT OF QUALIFICATIONS

Q. Please state your name, occupation and business address.

A. My name is John Poole. I am employed by the Public Utility Commission of Texas (Commission) as an Engineer within the Infrastructure Division. My business address is 1701 North Congress Avenue, Austin, Texas 78701.

Q. Please briefly outline your educational and professional background.

A. I have a Bachelor of Science degree in Electrical Engineering. I completed my degree in December of 2014 and have been employed at the Commission since February of 2015. A more detailed resume is provided in Attachment JP-1.

Q. Are you a registered professional engineer?

A. Yes, I am a registered Professional Engineer in Texas. My member number is 133982.

Q. Have you previously testified as an expert before the Commission?

A. Yes. A list of previous testimony is provided in Attachment JP-2.

II. SCOPE OF TESTIMONY

Q. What is the purpose and scope of your testimony?

A. The purpose and scope of my testimony is to present Commission Staff's

comments regarding the Order Remanding to Docket Management filed by the Commission on May 31st 2022. I am going to compare Routes 152 in comparison to Route 54 in light of the cost differential between the two routes with the routing requirements of I have addressed the routing requirements of Public Utility Regulatory Act (PURA)[1] § 37.056(c) and 16 Texas Administrative Code (TAC) § 25.101(b)(3)(B).

Q. Which issues in this proceeding have you addressed in your new routing analysis?

A. I have addressed the routing requirements of PURA § 37.056 and 16 TAC § 25.101.

III. ROUTING ANALYSIS

A. STAFF RECOMMENDATION

Q. Do you agree with the settlement route Route 152 upon considering all factors, including the factors in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)? Do you consider Route 54 an acceptable alternative?

A. I recommend the settlement route Route 152 based on my analysis of all the factors that the Commission must consider under PURA § 37.056 and 16 TAC § 25.101. However, I also consider Route 54 to be an excellent route.

[1] Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

B. TEXAS COASTAL MANAGEMENT PROGRAM

Q. Does any part of this project, including the two routes in consideration, lie within the Texas Coastal Management Program (TCMP) boundary?

A. No. The study area, and both routes, are not located within the TCMP boundary.

C. COMMUNITY VALUES

Q. Has Oncor sought input from the local community regarding community values?

A. Yes. Oncor held a public meeting as required by 16 TAC § 22.52(a)(4). The meeting was held on May 20, 2021 from 4:00 to 7:00pm at the City of Italy Community Center in Italy, Texas.[2] Oncor sent notice of the meeting to each of the landowners owning property within 500 feet of each of the preliminary alternative route segment centerlines as well as published a notice of the meeting in the May 9, 2021 edition of the *The Ennis News*.[3] A total of 6 individuals attended the meeting and Oncor received one questionnaire response during the meeting and one questionnaire was received online and one comment was received aftewards.[4]

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[2] Application of the Oncor Delivery Company LLC to Amend its Certificate of Convenience and Necessity for the Old Country Switch 345-kV Transmission Line Project in Ellis County (Application) (August 26, 2021) at 11.

[3] Application at 12.

[4] Application at 12.

Q. Did members of the community who attended the public meeting or intervene in this case express concerns about the Proposed Project along either Route 152 or Route 54?

A. Section 5.0 of Attachment 1 of the application contains a discussion and summary of the questionnaire responses. The respondents reported that they felt the proposed project had been adequately explained. Respondents indicated a preference for maximizing the distance from residences, paralleling existing transmission line corridors, and minimizing clearing of trees and vegetation.[5] Intervenor Lone Star Texas Land & Cattle Company, LLC stated its opposition to any route that contains the links U, V, V1, X, X1, W, W2, Y, Z, and AA.[6] Intervenor Chambers Creek Ranch stated its opposition to any route that contains links C, F, H, I, J, K, L, M, P, Q, R, Z, AA, BB, CC, CCC, DD, EE, FF, GG, HH, II, JJ, JP, VV, UU, WW, and XX.[7] Intervenor Anne Weary said that while she prefers the "original route" (presumably Route 54), she agreed to Route 152.[8]

Q. How does Route 54 compare to Route 152 on the basis of community values stated?

A. Route 152 performs better at all three of the stated preferences than Route 54 in the questionaires given to Oncor at or after the Open House. Route 152 has only 2

[5] Application Attachment 1 at 5-2.

[6] Direct Testimony for Ted Paup on Behalf of Lone Star Texas Land & Cattle Company, LLC at 6.

[7] Supplemental Testimony of Barron D Kidd in Support of Route 152 and the Unanimous Settlement at 4.

[8] Testimony Concerning Transmission Line of Anne Weary at 1.

habitable structures within 500 feet of its centerline as compared to 5 for Route 54.[9] Route 152 parallels existing transmission line corridors for 917 feet of its length, while Route 54 does not parallel existing transmission lines.[10] Route 152 minimizes the clearing of trees by crossing only 1,345 feet of upland woodlands while Route 54 crosses 2,934 feet.[11] Route 54 is specifically opposed by intervenors in this case while Route 152 was supported by all parties in this proceding in a unanimous settlement. Route 54, however, is still the preferred route of intervenor Anne Weary.

Route 152 has the clear support of the community in this case.

D. RECREATIONAL AND PARK AREAS

Q. Are any parks or recreational areas located within 1,000 feet of the centerline of Route ISR?

A. No. Neither route is within 1,000 feet of any park or recreational area.[12]

E. HISTORICAL VALUES

Q. How do Route 152 and Route 54 compare from a historical and cultural values perspective?

A. Neither Route crosses a recorded historical or cultural resource no are they within 1,000 feet of any recorded historical or cultural resource. Route 152 has 4,359 feet

[9] Application Attachment 1 Table 7-2.

[10] Application Attachment 1 Table 7-2.

[11] Application Attachment 1 Table 7-2.

[12] Application Attachment 1 Table 7-2.

across areas of high archeological/historical site potential while Route 54 has 701 feet across areas of high archeological/historical site potential.[13] Both Routes do well from this perspective, but Route 54 does have a slight advantage is avoiding more areas of high archeological/historical site potential.

F. AESTHETIC VALUES

Q. In your opinion, would constructing the proposed project along either route result in a negative impact on aesthetic values?

A. Neither route has any length of its right-of-way within the foreground visual zone of either U.S. and State Highways or park/recreational areas. However, both would have an impact on aesthetic values though Route 54 is 5,278 feet shorter than Route 152[14] though Route 54 is visible from Farm-to-Market Road 876 and Anderson Road for most of its length.[15]

G. ENVIRONMENTAL INTEGRITY

Q. In your opinion, how would construction of the proposed project on Route 152 compare from an environmental perspective to construction on Route 54?

A. Route 152 crosses 1,345 feet of upland woodlands versus 2,934 for Route 54. Route 152 crosses 4,359 feet of riparian areas versus 701 feet for Route 54. Route

[13] Application Attachment 1 Table 7-2.

[14] Application Attachment 1 Table 7-2.

[15] Supplemental Direct Testimony of Brenda J. Perkins, Witness for Oncor Electrc Delivery Company LLC at 4.

152 crosses no potential wetlands while Route 54 crosses 104 feet of potential wetlands. Route 152 crosses 7 streams while Route 54 crosses 4 and Route 152 parallels streams for 475 feet of its length while Route 54 doesn't parallel streams at all. So while Route 152 is superior in some areas, Route 54 is superior in others. The Texas Parks and Wildlife Department (TPWD) identified Route 54 as their recommended route in their letter dated October 27, 2021.[16]

Q. Do you conclude that either route is acceptable from an environmental perspective?

A. I conclude both routes are acceptable from an environmental perspective.

H. COSTS

Q. What are Oncor's estimated costs of constructing the proposed project on either route?

A. Oncor estimates the cost of constructing of Route 54 at $18,217,000.00[17] while Route 152 is estimated at $20,563,000.00.[18] Route 54 would have an estimated cost savings of $2,346,000.00 if constructed instead of Route 152.

I. RIGHT-OF-WAY

Q. How does Route 152 and Route 54 compare to the other routes presented in

[16] Attachment JP-3.

[17] Application Attachment 2.

[18] Response of Oncor Electric Delivery Company LLC to Lone Star Land & Cattle Company, LLC's First Request for Information at attachment 1 - Old Country Cost Estimate.

this proceding?

A. The percentage of Route 152's length that parallels or utilizes existing compatible right-of-way and apparent property boundaries is approximately 38.81% of its length. The table compares Route 54 to Route 152 with regards to paralleling or utilization of existing compatible right-of-way and apparent property values:

Route	Length (Feet)	Length Parallel to Right-of-Way (Feet)	Percentage
Route 54	16,940	7,420	43.80%
Route 152	22,218	8,623	38.81%

Route 54 is shorter and has a makes use of a slightly higher percentage of compatible right-of-way compared to Route 152.

J. PRUDENT AVOIDANCE

Q. How many habitable structures are located in close proximity to Route 152 and Route 54?

A. Route 152 has 2 habitable structures within 500 feet of its centerline, while Route 54 has 5 habitable structures within 500 feet of its centerline. Route 152 scores better in this area but both routes do well in this criteria.[19]

VI. CONCLUSION

Q. What is your opinion of Route 54 and do you still support the settlement route

[19] Application Attachment 1 Table 7-2.

Route 152?

A. In summary, while I continue to conclude that Route 152 best meets the criteria of PURA and the Commission's rules, Route 54 is an excellent route and is comparable to Route 152 in many of the criteria and is $2,346,000.00 less expensive. However, I continue to support the settlement Route 152 particularly with regards to community values.

Q. Does this conclude your testimony?

A. Yes

Attachment JP-1

Qualifications of John Poole

JOHN R. POOLE, P.E.

Texas Board of Professional Engineers, Texas P. E. License #133982

EDUCATION

B.A., History/Mathematics, Southwestern University, 2000

BSEE, The University of Texas Cockrell School of Engineering, 2014
Grade Point Average 3.32

Technical Cores: Energy Systems and Renewable Energy, Electronics and Integrated Circuits

Related Courses: Circuit Theory, Linear Systems & Signals, Embedded Systems, Software Design, Vector Calculus, Electronic Circuits, Power Systems, Discrete Mathematics, Solid-state Electronic Devices, Electromagnetic Engineering, Power Electronics Laboratory, Automatic Control, Fundamentals of Electronic Circuits, Engineering Design, Power Systems, Power Quality & Harmonics, Digital Logic Design, Analog Integrated Circuit Design

PROFESSIONAL EXPERIENCE

PUBLIC UTILITY COMMISSION OF TEXAS
Engineer **2/15-Present**

Responsible for analyzing and providing recommendations regarding issues related to electric facility planning, construction, operations, and maintenance.

UNIVERSITY OF TEXAS AT AUSTIN
Solar powered three-phase motor drive/Dr. Ross Baldick **2/14-12/14**

Worked in a five-person team to design and implement a solar-powered motor system with a Maximum PowerPoint Tracker and a three-phase H-Bridge. Personal responsibility included project National Electrical Code (NEC) compliance.

UNIVERSITY OF TEXAS AT AUSTIN
Solar Vehicle Team (UTSVT)/Dr. Gary Hallock **9/14-12/14**

Coordinated team of 5 for the design, lay-out, and wiring of solar array for the new UTSVT vehicle. Research and execution of solar cell lamination techniques.

UNIVERSITY OF TEXAS AT AUSTIN **12/04-9/14**
Administrative Associate

Managed billing and collections for two departments independently.
Provided timely and efficient customer service to University cell phone users.
Worked as part of Returned Checks team in Student Accounts Receivable, managing high call volumes and communicating effectively with team.

Attachment JP-2

List of Previous Testimony

Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Blumenthal Substation and 138-kV Transmission Line in Blanco, Gillespie, and Kendall Counties, SOAH Docket No. 473-15-1589, PUC Docket No. 43599

Application of Brazos Electric Power Cooperative Inc. to Amend a Certificate of Convenience and Necessity for a 138-kV Transmission Line in Denton County, SOAH Docket No. 473-15-2855, PUC Docket No. 44060

Application of Entergy Texas, Inc. for Approval to Amend its Distribution Cost Recovery Factor, SOAH Docket No. 473-16-0076, PUC Docket No. 45083

Application of Southwestern Electric Power Company for Approval of a Distribution Cost Recovery Factor, SOAH Docket No. 473-16-3306, PUC Docket No. 45712

Application of Southwestern Public Service Company for Authority to Change Rates, SOAH Docket No. 473-16-2520, PUC Docket No. 45524

Application of LCRA Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Round Rock-Leander 138-kV Transmission Line in Williamson County, SOAH Docket No. 473-16-4342, PUC Docket No. 45866

Joint Application of AEP Texas North Company and Electric Transmission Texas, LLC to Amend their Certificates of Convenience and Necessity for the AEP TNC Heartland to ETT Yellowjacket 138-kV Transmission Line in McCulloch and Menard Counties, SOAH Docket No. 473-17-0907, PUC Docket No. 46234

Application for the City of Lubbock Through Lubbock Power and Light for Authority to Connect a Portion of its System with The Electric Reliability Council of Texas, PUC Docket No. 47576

Application of Oncor Electric Delivery Company, LLC to Amend a Certificate of Convenience and Necessity for a 345/138-kV Transmission Line in Loving, Reeves, and Ward Counties, SOAH Docket No. 473-18-0373, PUC Docket No. 47368

Application of Rayburn Country Electric Cooperative, Inc. to Amend its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Fannin County, Texas, SOAH Docket No. 473-18-0582, PUC Docket No. 47448

Application of Oncor Electric Delivery Company, LLC to Amend a Certificate of Convenience and Necessity for a 345-kV Transmission Line in Crane, Ector, Loving, Reeves, Ward, and Winkler Counties, Texas, SOAH Docket No. 473-18-2800, PUC Docket No. 48095

Application of Rayburn Country Electric Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for the Lower Bois d'Arc Water Treatment Line Project in Fannin and Hunt Counties, Texas, SOAH Docket No. 473-18-2500, PUC Docket No. 47884

Application of Electric Transmission Texas, LLC to Amend Certificates of Convenience and Necessity for the Stewart Road 345-kV Transmission Line in Hidalgo County, SOAH Docket No. 473-18-3045, PUC Docket No. 47973

Joint Application of Rayburn Country Electric Cooperative and Lone Star Transmission LLC to Transfer Load to ERCOT, and For Sale of Transmission Facilities and Transfer of Certification Rights in Henderson and Van Zandt Counties, Texas, PUC Docket No. 48400

Application of South Texas Electric Cooperative, Inc. to Amend its Certificate of Convenience and Necessity for the Proposed Palmas to East Rio Hondo 138-kV Transmission Line in Cameron County, Texas, PUC Docket No. 48490

Application of CenterPoint Energy Houston Electric, LLC to Amend a Certificate of Convenience and Necesity for a 345-kV Transmission Line in Brazoria, Matagorda, and Wharton Counties, SOAH Docket No. 473-19-1857, PUC Docket No. 48629

Joint Application of Sharyland Utilities, LP and City of Lubbock, Acting by and Through Lubbock Power & Light, for a Certificate of Convenience and Necessity for the Proposed Wadsworth to New Oliver to Farmland 345-kV Transmission Line in Lubbock and Lynn Counties and the Proposed Southeast to New Oliver to Oliver 115-kV Transmission Line in Lubbock County, SOAH Docket No. 473-19-2405, PUC Docket No. 48909

Application of AEP Texas Inc. for Authority to Change Rates, SOAH Docket No. 473-19-4421, PUC Docket No. 49494

Application of AEP Texas Inc. to Amend its Certificate of Convenience and Necessity for the Three Rivers to Borglum to Tuleta 138-kV Transmission Line in Live Oak and Bee Counties, SOAH Docket No. 473-19-5729, PUC Docket No. 49347

Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Mountain Home 138-kV Transmission Line Projects in Gillespie, Kerr, and Kimble Counties, Texas, SOAH Docket No, 473-19-6766, PUC Docket No. 49523

Application of Southwestern Public Service Company for Authority to Change Rates, SOAH Docket No. 473-19-6677, PUC Docket No. 49831

Complaint of Terry and Sara Faubion against Texas-New Mexico Power Company, SOAH Docket No. 473-20-1773, PUC Docket No. 50095

Complaint of Jaime Leonardo Sloss against AEP Texas Inc., SOAH Docket No. 473-20-3116, PUC Docket No. 50284

Application of the City of Lubbock, Acting By and Through Lubbock Power & Light, to Establish Initial Wholesale Transmission Rates and Tariffs, SOAH Docket No. 473-21-0043, PUC Docket No. 51100

Application of Rayburn Country Elecric, Inc. to Amend its Certificate of Convenience and Necessity for the New Hope 138-kV Transmission Line in Collin County, SOAH Docket No. 473-20-4592, PUC Docket No. 50812

Application of Sharyland Utilities, L.L.C. for Authority to Change Rates, SOAH Docket No. 473-21-1535, PUC Docket No. 51611

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 in Bexar County, SOAH Docket No. 473-21-0247, PUC Docket 51023

Application of Southwestern Electric Power Company for Authority to Change Rates, SOAH Docket No. 473-21-0538, PUC Docket 51415

Application of AEP Texas Inc. to Amend its Certificate of Convenience and Necessity for the Angstrom-to-Grissom Double-Circuit 345-kV Transmission Line in Bee, Refugio, and San Patricio Counties, SOAH Docket No. 473-21-2084, PUC Docket 51912

Application of El Paso Electric Company for Advanced Metering System (AMS) Deployment Plan, AMS Surcharge, and Non-Standard Metering Service Fees, SOAH Docket No. 473-21-2607, PUC Docket 52040

Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Seabeck-to-San Felipe 115-kV Transmission Line in El Paso County, SOAH Docket No. 473-21-1201, PUC Docket 51480

Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Pine-to-Seabeck 115-kV Transmission Line in El Paso County, SOAH Docket No. 473-21-1200, PUC Docket 51476

Application of AEP Texas, Inc. to Amend its Certificate of Convenience and Necessity for the Angstrom to Naismith Double-Circuit 345-kV Transmission Line in San Patricio County, SOAH Docket No. 473-22-0493, PUC Docket 52656

Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for the Millbend 138-kV Transmission Line Project in Montgomery County, SOAH Docket No. 473-22-0126, PUC Docket 52241

Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for the Castle 230-kV Transmission Line Project in Montgomery and Grimes Counties, SOAH Docket No. 473-22-0127, PUC Docket 52304

Application of Southwestern Public Service Company to Amend its Certificate of Convenience and Necessity to Convert Harrington Generating Station from Coal to Natural Gas, SOAH Docket No. 473-22-1073, PUC Docket 52485

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Carter P. Smith
Executive Director

October 27, 2021

Ms. Rachelle Robles
Legal Division Director
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

RE: PUC Docket No. 52455: Application of Oncor Electric Delivery Company, LLC to Amend a Certificate of Convenience and Necessity for the Proposed Old Country Switch 345-kilovolt Tap Transmission Line Project in Ellis County, Texas

Dear Ms. Robles:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment and Alternative Route Analysis (EA) regarding the above-referenced proposed transmission line project, received by our office August 29, 2021. TPWD offers the following comments and recommendations concerning this project.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code (PWC) section 12.0011. For tracking purposes, please refer to TPWD project number 47224 in any return correspondence regarding this project.

Project Description

Oncor Electric Delivery Company, LLC (Oncor) proposes to construct and operate approximately 3.2 to 4.9 miles of double circuit 345-kilovolt (kV) electric transmission line to connect the proposed Oncor Old Country Switch and the Oystercatcher Solar Substation in Ellis County, Texas. The new transmission line will use a single circuit position on double circuit capable structures. The proposed Old Country Switch will be located along the existing Oncor Venus Switch to Navarro 345-kV transmission line approximately two miles to the west of Interstate Highway 35 East and approximately 0.3 miles to the east of Farm to Market Road 876. The proposed Oystercatcher Substation is located proximal to the intersection of Iola Lane and L.R. Campbell Road approximately 3.5 miles to the north-northwest of Italy, Texas.

Oncor retained Freese and Nichols, Inc. (FNI) to prepare the EA in support of Oncor's application for a Certificate of Convenience and Necessity (CCN) for this project. The EA has been prepared to provide information and address the requirements of Section 37.056(c)(4)(A)-(D) of the Texas Utilities Code, the Public Utility Commission of Texas (PUC) Procedural Rules Section 22.52 (a)(4), PUC Substantive Rules Section 25.101, and PUC CCN application form for a proposed transmission line.

Previous Coordination

TPWD provided scoping information and recommendations regarding the preliminary study area for this project to FNI on April 26, 2021. This letter is included in Appendix A of the EA.

> **Recommendation:** Please review the TPWD correspondence in Appendix A and consider the recommendations provided, as they remain applicable to the project as proposed.

Proposed Route

Oncor's Recommended Route

According to the EA, FNI evaluated 157 alternative routes using numerous alternative route links, and Oncor selected 43 geographically diverse alternative routes that were filed with the CCN application. In addition to reviewing the EA, Oncor considered engineering feasibility, the estimated cost of alternative routes, construction limitations, and other information. Oncor selected Route 54 (Links A-T-U1-V1-X1-Y-Z-DD-FF-JJ-NN-OO) as the route that best addresses the requirements of the Texas Utilities Code and the PUC Substantive Rules section 25.101. Oncor's office memorandum, which is included as Attachment No. 6 to the CCN application, discusses Oncor's selection of routes filed with the application and selection of Route 54, excerpted as follows:

The other significant factors which led to the selection of Route 54 include the following:

- *The length of Alternative Route 54 is approximately 3.2 miles, which is the shortest among all the filed routes and approximately 1.7 miles shorter than the longest alternative route included in the Application (Alternative Route 150 is the longest at approximately 4.9 miles)*
- *The transmission line estimated cost for alternative Route 54 is the least expensive route at $10,392,000. It is $3,303,000 less than the most expensive alternative route (Route 72)*
- *Alternative Route 54 parallels existing compatible corridors for 43.8% of its length (including apparent property boundaries). Alternative Route 69 had the lowest percentage (8.3%) parallel to existing corridors; the highest percentage (59%) was along Alternative Route 55*
- *There are five habitable structures within 500 feet of the centerline of Alternative Route 54 (Alternative Route 31 had the highest number of habitable structures (9) within 500 feet of the centerline)*

- *Alternative Route 54 crosses Chambers Creek parallel to an existing road corridor, Farm to Market ("FM") 876, utilizing Link Z, where no potential wetland areas have been mapped by the USFWS*
- *Alternative Route 54 has no recorded cultural resource sites within 1,000 feet of its centerline (15 of the filed routes have one recorded cultural resource site within 1,000 feet of their centerline)*
- *Alternative Route 54 has no FAA-registered airports with a runway greater than 3,200 feet within 20,000 feet of the centerline along its entire length*
- *Alternative Route 54 has no FAA-registered airports with a runway greater than 3,200 feet within 10,000 feet of the centerline along its entire length*
- *Alternative Route 54 has no electronic installations within 2,000 feet of its centerline along its entire length*
- *Alternative Route 54 crosses three FM, county roads or other streets along its entire length (the alternative route that crossed the greatest number of FM, county roads or other street crossings was Route 72, with 7 crossings)*
- *Alternative Route 54 has been judged to be feasible from an engineering perspective based on currently known conditions, without the benefit of on-the-ground and subsurface surveys, and there are no currently identifiable engineering constraints that impact this route that cannot be addressed with additional consideration by Oncor during the engineering and construction process.*

TPWD review of Table 4-1 of the EA indicates that Oncor's recommended Route 54 will cross the following land uses or ecological resources:

- 9,090 feet cropland/hay meadow
- 2,324 feet of rangeland pasture
- 2,934 feet of upland woodlands
- 701 feet of riparian areas
- 104 feet of potential wetlands
- four streams
- follows parallel (within 100 feet) to streams for zero feet

TPWD's Recommended Route

In addition to the review of the EA and publicly available GIS data, TPWD evaluated potential impacts to fish and wildlife resources using the following criteria from Table 4-1 in the EA:

- Length of alternative route
- Length of route parallel to existing transmission lines
- Length of route parallel to existing public roads/highways
- Length of route parallel to existing compatible rights-of-way (ROW)
- Length of route across cropland/hay meadow
- Length of route across rangeland pasture

- Length of route across upland woodlands
- Length of route across riparian areas
- Length of route across potential wetlands
- Number of stream crossings by the route
- Length of route parallel (within 100 feet) to streams

TPWD did not evaluate the routes using the Table 4-1 *length of route parallel to apparent property boundaries* because the existence of property lines does not always represent a linear disturbance or a break between contiguous tracts of habitat and cannot be used to assume existing habitat fragmentation. The following ecological and land use criteria had values of zero for all routes and were not used by TPWD to compare routes: length of route parallel to railroads, length of route parallel to pipelines, length of route across parks/recreational areas, number of parks or recreational areas within 1,000 feet of route centerline, length of route across agricultural cropland with mobile irrigation systems, length across lakes or ponds (open waters), number of known rare/unique plant locations within the ROW, length of route through known habitat of endangered or threatened species, and estimated length of ROW within foreground visual zone of park/recreational areas.

TPWD typically recommends that transmission line routes be located adjacent to previously disturbed areas such as existing utility or transportation ROWs and discourages fragmenting habitat or locating in areas that could directly negatively impact wildlife, including federally and state listed species, while minimizing the route length. After careful evaluation of the 43 routes filed with the CCN application, TPWD selected **Route 54** as the route having the least potential to impact fish and wildlife resources. This is in concurrence with the applicant's selection. The decision to recommend **Route 54** was based primarily on the following factors that **Route 54**:

- Is the shortest route (16,940 feet) (All routes: 16,940 feet to 26,118 feet)
- Along with Route 31, has the fourth longest length of route parallel to existing public roads/highways (7,420 feet) (All routes: 8,579 feet to zero feet)
- Crosses cropland, hay meadow, and rangeland pasture for 67.0% of route length (All routes: 72.3% to 39.6%)
- Along with seven other routes, has the third shortest length of route across upland woodlands (2,934 feet) (All routes: 681 feet to 8,426 feet)
- Along with three other routes, has the second shortest length of route across riparian areas (701 feet) (All routes: 650 feet to 5,140 feet)
- Along with nine other routes, has the second shortest length across potential wetlands (104 feet) (All routes zero to 832 feet)
- Along with three other routes has the second least number of stream crossings (four) (All routes: three to nine)
- Along with thirteen other routes has the shortest length of route parallel (within 100 feet) to streams (zero feet) (All routes: zero feet to 860 feet)

The EA indicates that the extent of field investigation included reconnaissance surveys of the study area by visual observation from public roads and public ROW. The EA did not provide sufficient information based on field surveys to determine which route would best minimize impacts to important, rare, and protected species. Therefore, TPWD's routing recommendation is based solely on the natural resource information provided in the CCN application and the EA, as well as publicly available information examined in a Geographic Information System (GIS).

Recommendation: Of the routes evaluated in the EA and filed with the CCN application, **Route 54** appears to best minimize adverse impacts to natural resources while maintaining a shorter route length, crossing open agricultural areas for approximately two thirds of the total route length, and following parallel to existing road ROW for a portion of the total route length. TPWD recommends the PUC select a route that would minimize adverse impacts to natural resources, such as **Route 54**.

Federal Regulations: Endangered Species Act (ESA)

The EA indicates that the Texas fawnsfoot (*Truncilla macrodon*) is a federal candidate species under consideration for protection by the ESA.

Comment: Please note that as of August 26, 2021, the U.S. Fish and Wildlife Service proposed to list the Texas fawnsfoot, and the federal listing status of the species is proposed threatened with proposed critical habitat. A TPWD review of the Federal Register regarding the proposed rule indicates that the study area of the proposed Old Country Switch 345-kV Tap Transmission Line Project does not occur within proposed critical habitat for the Texas fawnsfoot.

The EA indicates that the project study area lies within the designated migration corridor of the federal and state listed endangered whooping crane (*Grus americana*). The EA cites a 2001 Austin and Richer publication of the U.S. Geological Survey (USGS) that describes the whooping crane migration corridor based on data from 1943 through 1999.

Comment: Please note that TPWD's scoping letter informed FNI of the 2018 whooping crane migration corridor publication which can be found on the USGS website. Data for the 2018 migration route is periodically updated, using data that includes 1943-1999 data as well as data since 1999. TPWD utilizes the most recent update to the 2018 migration corridor when conducting project reviews. Although FNI used an outdated dataset, the location of the project study area is correctly presented in the EA as occurring within the whooping crane migration corridor.

The EA indicates that no preferred habitats of the whooping crane were observed within the study area and that there are no large, wetted areas within the study area that would provide suitable habitat. The EA indicates that small, wetted habitats or fields could serve as stopover habitat, though it is unlikely that the project would impact the

whooping crane. The EA indicates that upon PUC approval of a route, Oncor will conduct field surveys to evaluate the presence of federal and state listed threatened, endangered, candidate, or rare fish and wildlife species and preferred habitat that may be present along the PUC-approved alignment.

Comment: As indicated in TPWD's scoping letter, where suitable stopover habitat is present along a route, the whooping crane would be susceptible to collisions with transmission lines during stopover events when landing or taking flight.

Recommendation: TPWD recommends the PUC require Oncor to assess the approved route for potential stopover habitat for the whooping crane, to mark lines with bird flight diverters near areas of potential stopover habitat, and to consult with the U.S. Fish and Wildlife Service (USFWS) - Arlington Ecological Services and Dr. Wade Harrell, the USFWS Whooping Crane Recovery Coordinator, pursuant to the ESA for guidance, survey protocols, permitting or mitigation for the whooping crane. The USFWS would be able to provide technical assistance to Oncor in determining if an incidental take permit and habitat conservation plan is appropriate for the level of risk the project may have with respect to potential whooping crane take.

Migratory Bird Treaty Act (MBTA)

In Section 3.5.2.4 of the EA, the discussion of endangered species indicates that three additional bird species, American golden plover (*Pluvialis dominica*), Harris's sparrow (*Zonotrichia querula*), and lesser yellowlegs (*Tringa flavipes*) are not federally listed but are protected during migration under the MBTA.

Comment: It is not clear to TPWD why these three bird species were named in the EA. For clarification purposes, please be aware that the MBTA protects many migratory bird species and not just the three species named above. Additionally, the MBTA protects migratory birds during all seasons, both during migration and outside of migration.

Implementation of Beneficial Management Practices

The EA identifies several beneficial management practices (BMPs) that were considered in selecting preliminary alternative route links such as following along existing roads and transmission lines, allowing sufficient structure spacing to construct a span across Chambers Creek, minimizing parallel impacts to Chambers Creek and its tributaries, floodplain, and riparian buffer, and minimizing route length across woodlands to reduce vegetation removal. The EA also identified other BMPs that Oncor will employ to conserve natural resources during ROW preparation, construction, and maintenance. Some BMPs to be employed include disturbing only small areas at any particular time; short-duration construction; preservation of streamside vegetation where practical; implementing erosion control measures; cutting stumps to ground level to avoid root disturbance and erosion; spanning streams and

wetlands; obtaining a Section 404 permit, if applicable; retaining existing ground cover and protecting native vegetation where possible; conducting vegetation restoration in disturbed areas emphasizing native species; as Oncor standard practice, installing devices to deter birds from landing on the insulator between the conductor and structure; using visibility markers on high-voltage electrical wires and infrastructure to warn birds; minimizing the construction of temporary access roads and culverts; and using appropriate chemical herbicides during vegetation control to avoid harm to aquatic life. TPWD appreciates Oncor's commitment to implement the BMPs listed above to avoid or minimize impacts to natural resources and wildlife.

A review of the EA indicates that a portion of the information and recommendations provided in TPWD's April 26, 2021, scoping letter were acknowledged; however, the EA and CCN application did not present commitments to implement several BMPs provided by TPWD to avoid or minimize potential impacts to fish and wildlife resources.

Recommendation: TPWD recommends Oncor, and the PUC utilize the following BMPs, which are more fully described in TPWD's April 26, 2021, letter when specifically applicable to the project:

- As recommended above, implement surveys to identify suitable whooping crane stopover habitat along the PUC-approved route
- Avoid vegetation clearing during March 15 – September 15 general bird nesting season
- Survey for active bird nests and avoid disturbance until fledged
- Use dark-sky friendly lighting practices at lighted facilities
- Educate employees and contractors of state-listed threatened species that are susceptible to project activities and that potentially occur within the area
- Utilize a biological monitor during construction, when feasible
- Allow wildlife to safely leave the site on their own, without harassment or harm
- Use a TPWD-permitted individual to translocate state-listed threatened species that will not readily leave the site on their own
- Use wildlife escape ramps in trenches and inspect trenches for trapped wildlife prior to backfilling
- Avoid the use of erosion control blankets containing polypropylene fixed-intersection mesh
- Report encounters of threatened species, endangered species, and species of greatest conservation need to the Texas Natural Diversity Database
- Prepare an Aquatic Resource Relocation Plan and coordinate with TPWD Kills and Spills Team to obtain a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* if working in inland waters
- Prepare and follow an aquatic invasive species transfer prevention plan, if equipment will come in contact with inland waters
- Prepare and follow a revegetation and maintenance plan to monitor, treat, and control terrestrial invasive species within the ROW

- Include flowering herbaceous species in revegetation plans for the benefit of pollinators

TPWD appreciates the opportunity to review and comment on this EA. If you have any questions, please do not hesitate to contact Habitat Assessment Biologist Ms. Karen Hardin by email at karen.hardin@tpwd.texas.gov or by phone at (903) 322-5001. Thank you for your favorable consideration.

Sincerely,

John Silovsky
Wildlife Division Director

JS:KH:bdk

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