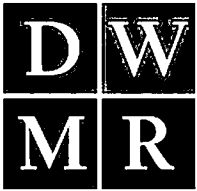




Filing Receipt

Received - 2022-11-10 01:23:41 PM
Control Number - 53973
ItemNumber - 34



DUGGINS
WREN
MANN &
ROMERO, LLP

One American Center
600 Congress
Suite 1900
Austin, TX 78701

November 10, 2022

P.O. Box 1149
Austin, TX 78767

VIA ELECTRONIC FILING

p: 512.744.9300
f: 512.744.9399
www.dwmrlaw.com

Central Records
Public Utility Commission of Texas
1701 Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

RE: SOAH Docket No. 473-23-01416; PUC Docket No. 53973 - Application of AEP Texas Inc. to Amend its Certificate of Convenience and Necessity for the Naismith-to-Resnik Double-Circuit 138-kV Transmission Line in San Patricio County

To Whom It May Concern:

On September 16, 2022 AEP Texas Inc. filed its Application in the above-referenced matter; however, Appendix A (Agency Correspondence) to the Environmental Assessment (Attachment 1 to the application) was inadvertently omitted from that filing. Appendix A is attached hereto.

Respectfully submitted,

Everett Britt
Attorney for AEP Texas Inc.

cc: Parties of Record via email
Attachment

Appendix A
Agency Correspondence

(This page left blank intentionally.)

Naismith to Resnik 138-kV Double-Circuit Transmission Line
Federal, State and Local Agencies/Officials Contact List

FEDERAL

Mr. Rob Lowe
Southwest Regional Administrator
Federal Aviation Administration
10101 Hillwood Parkway
Fort Worth, TX 76177

Mr. Tony Robinson
Region 6 Regional Administrator
Federal Emergency Management Agency
FRC 800 N. Loop 288
Denton, TX 76209-3698

Mr. Mike Reynold
Regional 6 Director
National Parks Service
IMRextrev@nps.gov

Mr. Clint Evans
State Conservationist
NRCS Texas State Office
101 South Main Street
Temple, TX 76501

Colonel Timothy R. Vail
District Commander
U.S. Army Corps of Engineers – Galveston
District
CESWGRegulatoryInbox@usace.army.mil

Real Estate Division
U.S. Army Corps of Engineers – Galveston
District
swg-re@usace.army.mil

Mr. Matt Kimmel
Regulatory Field Office Supervisor
USACE – Corpus Christi Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411

Mr. Ron Tickle
Executive Director
U. S. Department of Defense Siting
Clearinghouse
3400 Defense Pentagon, Room 5C646
Washington, DC 20301-3400

Mr. Ken McQueen
Region 6 Administrator
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, TX 75270

Ms. Dawn Gardiner
Deputy Field Supervisor
Corpus Christi Ecological Services Field Office
U.S. Fish & Wildlife Service
dawn_gardiner@fws.gov

STATE

Mr. Wei Wang
Executive Director
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967

Ms. Susan Clewis
Region 14 Director
Texas Commission on Environmental Quality
NRC Bldg, Ste 1200
6300 Ocean Dr., Unit 5839
Corpus Christi, TX 78412-5839

Mr. Dan Harmon
Director, Aviation Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

Mr. Carlos Swonke, P.E.
Director, Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

Ms. Jessica Butler, P.E.
Director, Transportation Planning &
Programming
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

Naismith to Resnik 138-kV Double-Circuit Transmission Line Federal, State and Local Agencies/Officials Contact List

Mr. Valente Olivarez Jr., P.E.
Corpus Christi District Engineer
Texas Department of Transportation
1701 S. Padre Island Drive
Corpus Christi, TX 78416

Mr. George P. Bush
Commissioner
Texas General Land Office
1700 N. Congress Ave., Suite 935
Austin, TX 78701-1495

Mr. Mark Wolfe
Executive Director/Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

Ms. Laura Zebehazy
Program Leader
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
WHAB@tpwd.texas.gov

Mr. Jeff Walker
Executive Administrator
Texas Water Development Board
P.O. Box 13231
Austin, TX 78711-3231

SAN PATRICIO COUNTY

The Honorable David Krebs
San Patricio County Judge
400 West Sinton Street #109
Sinton, TX 78387

The Honorable Nina Trevino
San Patricio County Commissioner, Precinct 1
P. O. Box 1132
Sinton, TX 78387

The Honorable Gary Moore
San Patricio County Commissioner, Precinct 2
900 Austin Street
Portland, TX 78374

The Honorable Alma V. Moreno
San Patricio County Commissioner, Precinct 3
119 N Atascosa
Mathis, TX 78368

The Honorable Howard Gillespie
San Patricio County Commissioner, Precinct 4
3141 FM 3512
Aransas Pass, TX 78368

Ms. Donna Hutchins
Chairperson
San Patricio County Historical Commission
P.O. Box 189
Odem, TX 78370

Ms. Shanna Owens
San Patricio County Floodplain Manager
Plymouth Annex Building
313 North Rachal
Sinton, TX 78387

Mr. Michael Vanecek
San Patricio County Drainage District
P.O. Box 1412
Sinton, TX 78387

Dr. Michelle Cavazos
Superintendent
Gregory-Portland Independent School District
608 College St
Portland, TX 78374

Mr. Troy Mircovich
Superintendent
Ingleside Independent School District
2664 San Angelo
Ingleside, TX 78362

Mr. John P. Buckner
Executive Director
Coastal Bend Council of Governments
2910 Leopard Street
Corpus Christi, TX 78408



POWER ENGINEERS, INC.
16825 NORTHCHASE DRIVE
SUITE 1200
HOUSTON, TX 77060 USA

PHONE 281-765-5500
FAX 281-765-5599

October 7, 2020
(Via Mail)

«Prefix» «First_Name» «Last_Name» «Suffix»
«Title»
«CompanyAgency»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Proposed Naismith to Resnik 138-kV Double-Circuit Transmission Line Project
San Patricio County, Texas
POWER Engineers, Inc. Project No. 166833

Dear «Prefix» «Last_Name»,

AEP Texas, Inc. (AEP Texas) will be filing an application with the Public Utility Commission of Texas (PUC) to amend its Certificate of Convenience and Necessity (CCN) to construct a new 138-kV double-circuit transmission line in San Patricio County, Texas.

The proposed 138-kV transmission line will begin at the proposed AEP Texas Naismith Station, which is to be located approximately 0.30 mile north of State Highway 35 and approximately one mile east of Farm-to-Market 136. From the AEP Texas Naismith Station, the new 138-kV transmission line will extend approximately three miles in length to the proposed AEP Texas Resnik Station to be located approximately on the south side of State Highway 361 and approximately one-half mile north of County Road 93. The study area developed to consider possible routes to be included in the CCN when it is filed with the PUC for this new transmission line between these proposed stations is shown on the enclosed map.

POWER Engineers, Inc. (POWER) is preparing an Environmental Assessment (EA) to support AEP Texas's CCN application with the PUC. POWER is gathering data on the existing environment and identifying environmental, cultural, and land use constraints within the study area. POWER will identify potential routes between the end points that consider these environmental, cultural, and land use constraints and the need to serve electrical load in the area.

POWER is requesting that your agency/office provide information concerning environmental and land use constraints or other issues of interest to your agency/office within the study area. Your input will be an important consideration in the evaluation of the potential routes and in the assessment of potential impacts of each route. In addition, POWER would appreciate receiving information about any permits, easements, or other approvals by your agency/office that you believe could affect this project, or if you are aware of any major proposed development or construction in the study area. Upon certification of a final route for the proposed project by the PUC, AEP Texas will identify and obtain necessary permits, if required, from your agency/office.



October 7, 2020

Thank you for your assistance with this proposed electric transmission line project route development process. Please contact me by phone at 281-765-5507 or by e-mail, lisa.barko@powereng.com, if you have any questions or require additional information. POWER would appreciate receiving your reply by November 7, 2020.

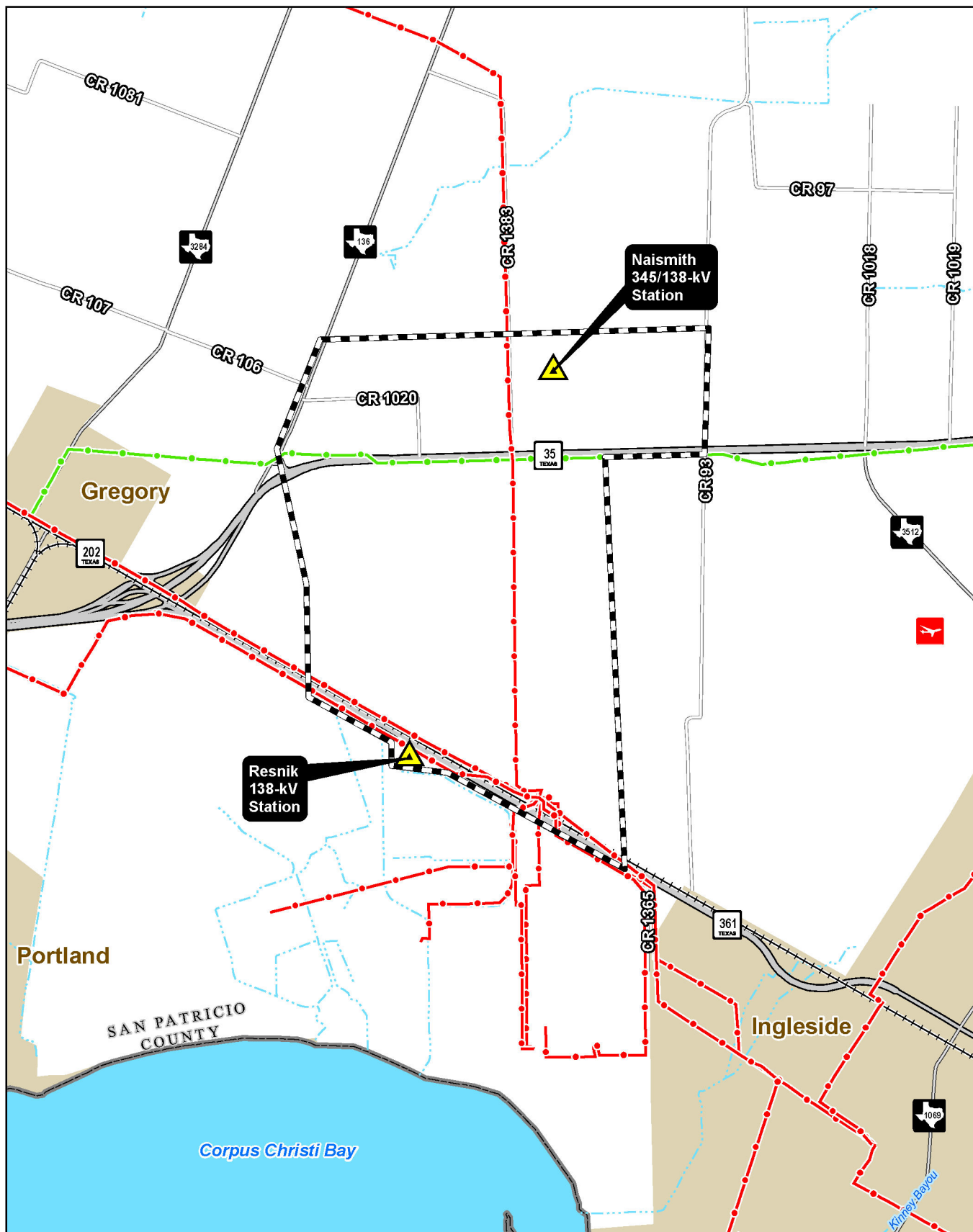
Sincerely,



Lisa Barko Meaux
Senior Project Manager
Department Manager

Enclosure(s):
Study Area Map

Sent Via Mail
ProjectWise 166833



Legend

- | | |
|-----------------------------------|-----------------|
| Project Substation | State Highway |
| Study Area | FM Road |
| City Boundary | County Road |
| 69-kV Existing Transmission Line | Railroad |
| 138-kV Existing Transmission Line | Airport |
| | Stream or River |
| | Water Body |



NAISMITH TO RESNIK 138-KV TRANSMISSION LINE PROJECT

Study Area Map

0 1,000 2,000 3,000 4,000
Feet



POWER
ENGINEERS
Date: 10/8/2020



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U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region

10101 Hillwood Parkway
Fort Worth, TX 76177

October 30, 2020

Lisa Barko Meaux
Power Engineers, Inc.
16825 Northchase Drive
Suite 1200
Houston, TX 77060

Dear Ms. Meaux:

This is in response to your October 12, 2020, correspondence concerning AEP Texas, Inc. proposing to construct a new 138-kv double-circuit transmission line in San Patricio County, Texas. You requested information regarding environmental and land use constraints or other issues of interest within the study area. You also requested information about any permits, easements, other FAA approvals, or any major ongoing or proposed construction in the study area.

As set forth in Title 14 of the Code of Federal Regulations Part 77, Objects that Affect the Navigable Airspace, the prime concern of the Federal Aviation Administration is the effect of certain proposed construction on the safe and efficient use of the navigable airspace.

To accomplish this mission, aeronautical studies are conducted based on information provided by sponsors on FAA Form 7460-1, Notice of Proposed Construction or Alteration. If your organization is planning to sponsor any construction or alterations that may affect navigable airspace, you must file FAA Form 7460-1 electronically via <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

For additional information and assistance, please feel free to contact the Obstruction Evaluation Group at 10101 Hillwood Parkway, Fort Worth, Texas 76177 or (817) 222-5954.

Sincerely,

Rob Lowe
Regional Administrator,
Southwest Region

CC: Obstruction Evaluation Group, AJV-15



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION 6
MITIGATION DIVISION

RE: Proposed Naismith to Resnik 138-Kv Double-Circuit Transmission Line Project San Patricio County, Texas, POWER Engineers, Inc. Project No. 166833

NOTICE REVIEW/ENVIRONMENTAL CONSULTATION

☐ We have no comments to offer. ☒ We offer the following comments:

WE WOULD REQUEST THAT THE COMMUNITY FLOODPLAIN ADMINISTRATOR BE CONTACTED FOR THE REVIEW AND POSSIBLE PERMIT REQUIREMENTS FOR THIS PROJECT. IF FEDERALLY FUNDED, WE WOULD REQUEST PROJECT TO BE IN COMPLIANCE WITH EO11988 & EO 11990.

Shanna Owens
Emergency Management Department Head/FPA
313 North Rachal Avenue
Sinton, Texas 78387
Shanna.owens@co.san-patricio.tx.us
(361) 587-3563

REVIEWER:

Colleen Sciano
Floodplain Management and Insurance Branch
Mitigation Division
(940) 383-7257

DATE: October 22, 2020



October 12, 2020
(Via Mail)

Mr. Tony Robinson
Region 6 Regional Administrator
Federal Emergency Management Agency
FRC 800 N. Loop 288
Denton, TX 76209-3698

20-10-61721

| | | |
|------------------------|--------|------|
| Date Rec'd: 10/22/20 | | |
| Rec'd by: KR | | |
| | Action | Info |
| RA | | X |
| Deputy RA | | X |
| XA | | |
| Analyst | | |
| RES | | |
| REC | | |
| MIT | X | |
| MSD | | |
| NP | | |
| Grants | | |
| File | | X |
| Suspense Date: 11/5/20 | | |

POWER ENGINEERS, INC.
16825 NORTHCHASE DRIVE
SUITE 1200
HOUSTON, TX 77060 USA

PHONE 281-765-5500
FAX 281-765-5599

Re: Proposed Naismith to Resnik 138-kV Double-Circuit Transmission Line Project
San Patricio County, Texas
POWER Engineers, Inc. Project No. 166833

Dear Mr. Robinson:

AEP Texas, Inc. (AEP Texas) will be filing an application with the Public Utility Commission of Texas (PUC) to amend its Certificate of Convenience and Necessity (CCN) to construct a new 138-kV double-circuit transmission line in San Patricio County, Texas.

The proposed 138-kV transmission line will begin at the proposed AEP Texas Naismith Station, which is to be located approximately 0.30 mile north of State Highway 35 and approximately one mile east of Farm-to-Market 136. From the AEP Texas Naismith Station, the new 138-kV transmission line will extend approximately three miles in length to the proposed AEP Texas Resnik Station to be located approximately on the south side of State Highway 361 and approximately one-half mile north of County Road 93. The study area developed to consider possible routes to be included in the CCN when it is filed with the PUC for this new transmission line between these proposed stations is shown on the enclosed map.

POWER Engineers, Inc. (POWER) is preparing an Environmental Assessment (EA) to support AEP Texas's CCN application with the PUC. POWER is gathering data on the existing environment and identifying environmental, cultural, and land use constraints within the study area. POWER will identify potential routes between the end points that consider these environmental, cultural, and land use constraints and the need to serve electrical load in the area.

POWER is requesting that your agency/office provide information concerning environmental and land use constraints or other issues of interest to your agency/office within the study area. Your input will be an important consideration in the evaluation of the potential routes and in the assessment of potential impacts of each route. In addition, POWER would appreciate receiving information about any permits, easements, or other approvals by your agency/office that you believe could affect this project, or if you are aware of any major proposed development or construction in the study area. Upon certification of a final route for the proposed project by the PUC, AEP Texas will identify and obtain necessary permits, if required, from your agency/office.



October 12, 2020

Thank you for your assistance with this proposed electric transmission line project route development process. Please contact me by phone at 281-765-5507 or by e-mail, lisa.barko@powereng.com, if you have any questions or require additional information. POWER would appreciate receiving your reply by November 12, 2020.

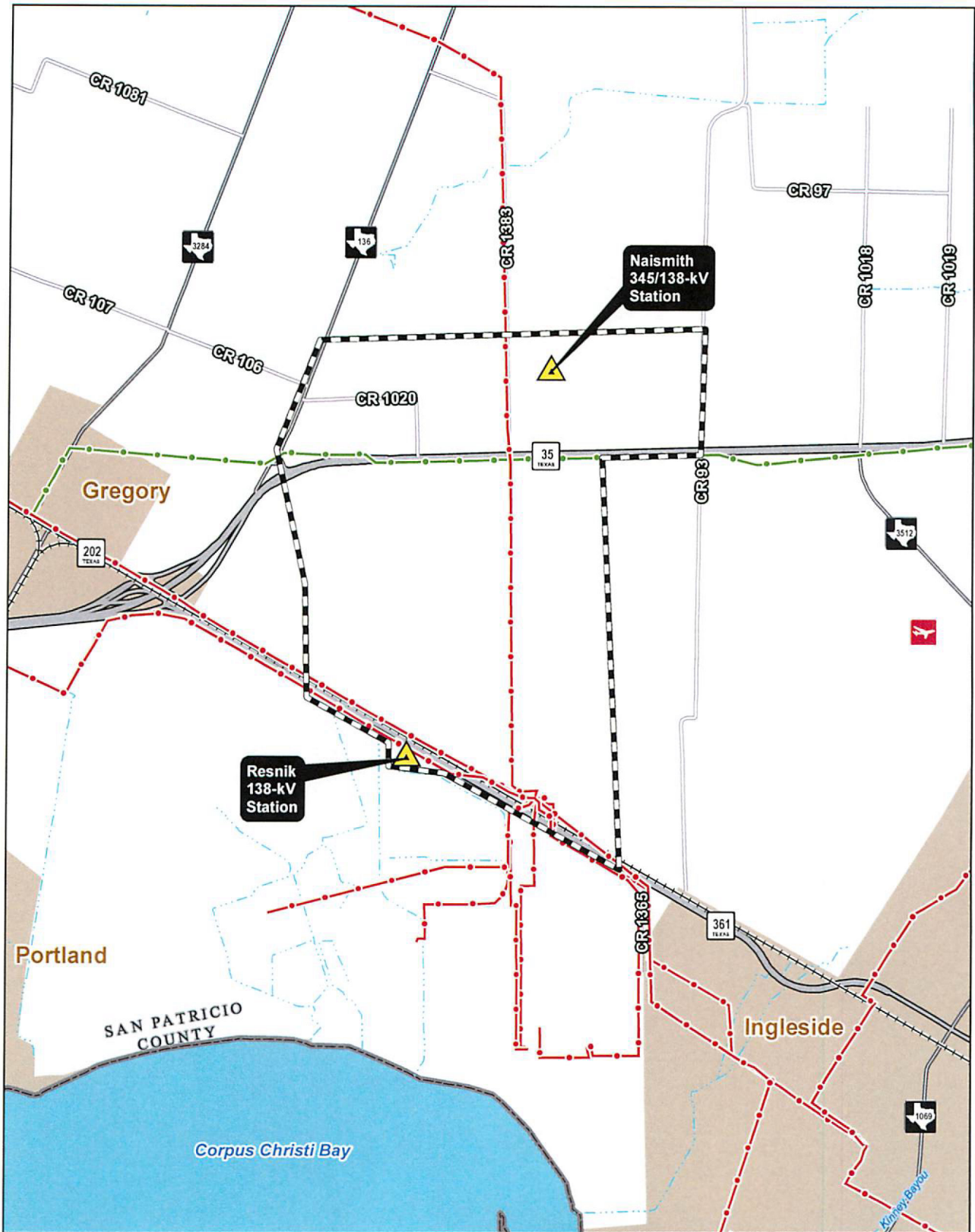
Sincerely,



Lisa Barko Meaux
Senior Project Manager
Department Manager

Enclosure(s):
Study Area Map

Sent Via Mail
ProjectWise 166833



| | | | | | |
|---|--|---|--|--|---|
| Legend Project Substation Study Area City Boundary 69-kV Existing Transmission Line 138-kV Existing Transmission Line | | State Highway FM Road County Road Railroad Airport Stream or River Water Body | | CO KS MO NM OK AR LA TEXAS Mexico Project Location | NAISMITH TO RESNIK 138-KV TRANSMISSION LINE PROJECT Study Area Map 0 1,000 2,000 3,000 4,000 Feet Date: 10/8/2020 |
|---|--|---|--|--|---|

From: SWG-RE <SWG-RE@usace.army.mil>
Sent: Friday, October 9, 2020 10:22 AM
To: Taylor, Ashley
Subject: [EXTERNAL] RE: REVISED Proposed Naismith to Resnik 138 -kV Double-Circuit Transmission Line Project (UNCLASSIFIED)

CAUTION: This Email is from an EXTERNAL source. STOP. THINK before you CLICK links or OPEN attachments.

CLASSIFICATION: UNCLASSIFIED

Ms. Taylor,

I have received several emails from you in the last few days, however there is no USACE real estate within these areas. Are you looking for regulatory department? If so, Andria Davis is a great contact her email address is Andria.E.Davis@usace.army.mil. Please feel free to contact me if you would like to discuss this further.

Thanks
Dave Mairs
Realty Specialist
409-766-3815
2000 Fort Point Rd
Galveston, TX 77550

-----Original Message-----

From: ashley.taylor@powereng.com [<mailto:ashley.taylor@powereng.com>]
Sent: Friday, October 9, 2020 10:10 AM
To: SWG-RE <SWG-RE@usace.army.mil>
Cc: denise.williams@powereng.com; lisa.barko@powereng.com
Subject: [Non-DoD Source] REVISED Proposed Naismith to Resnik 138 -kV Double-Circuit Transmission Line Project

To Whom It May Concern,

On October 7, 2020, on behalf of our client, AEP Texas, Inc., I submitted a letter about the proposed Naismith to Resnik 138-kV Double-Circuit Transmission Line Project. A revision has been made to the study area map; therefore, please disregard the letter in the October 7, 2020 email. The attached letter includes an updated map for your review.

Thank you for your assistance with this proposed electric transmission line project. Please contact the Project Manager, Lisa Barko-Meaux, by phone at 281-765-5507, or by e-mail at lisa.barko@power.com [<mailto:lisa.barko@power.com>](mailto:lisa.barko@power.com) , if you have any questions or require additional information.

Thanks,

Ashley Taylor

Environmental Specialist

Central Env Svc PM Department

16825 Northchase Drive, Suite 1200

Houston, TX 77060

281-765-5512 direct

832-244-8654 cell

POWER Engineers, Inc.

Blockedwww.powereng.com <Blockedhttp://www.powereng.com/>

<Blockedhttp://www.powereng.com/currents-subscribe?utm_source=emailsig&utm_medium=button&utm_campaign=currents_sp18>

P Go Green! Please print this email only when necessary.

Thank you for helping POWER Engineers be environmentally responsible.

CLASSIFICATION: UNCLASSIFIED

From: [Meaux, Lisa](#)
To: [Teta, Sairah](#); [Williams, Denise](#)
Subject: FW: Proposed AEP Naismith to Resnik Transmission Line Project - San Patricio Co., TX - SWG-2020-00760
Date: Wednesday, October 21, 2020 1:24:12 PM

LISA BARKO MEAUX
PROJECT MANAGER
ENVIRONMENTAL DEPARTMENT MANAGER
16825 Northchase Drive, Suite 1200
Houston, Texas 77060

281-765-5507 direct
713-962-8476 cell
lisa.barko@powereng.com

POWER Engineers, Inc.

www.powereng.com



From: Trant, Angela G CIV USARMY CESWG (USA) <Angela.G.Trant@usace.army.mil>
Sent: Wednesday, October 21, 2020 1:13 PM
To: Meaux, Lisa <lisa.barko@powereng.com>
Cc: Pattillo, Mark E CIV CESWG CESWD (USA) <mark.e.pattillo@usace.army.mil>
Subject: [EXTERNAL] Proposed AEP Naismith to Resnik Transmission Line Project - San Patricio Co., TX - SWG-2020-00760

| |
|---|
| <p>CAUTION: This Email is from an EXTERNAL source. STOP. THINK before you CLICK links or OPEN attachments.</p> |
|---|

We received your permit determination request on October 7, 2020. It has been assigned Corps of Engineers file number SWG-2020-00760 and has been assigned to Mr. Mark Pattillo. Mr. Pattillo may be reached by telephone at 361-814-5847 (ext 1004) or by e-mail at Mark.E.Pattillo@usace.army.mil.

Please be advised that all requests received in this office are assigned based on perceived complexity of the action and on a first-come, first-served basis. Please allow the Corps regulator assigned this action time to review this action and note that he will contact you if further information is required.

Please reference the above number on any future correspondence to this office.

Thank you.

Angela Trant
Legal Instruments Examiner
US Army Corps of Engineers
Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411-4318
361-814-5847 ext 1001



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TEXAS 78411-4318

November 12, 2020

Corpus Christi Regulatory Field Office

SUBJECT: File No. SWG-2020-00760; Pre-application Review

Power Engineers, Inc.
Attn: Ms. Lisa Barko Meaux
16825 Northchase Drive, Ste. 1200
Houston, Texas 77060-6012

Dear Ms. Meaux:

This is in regard to your October 12, 2020 request, submitted on behalf of AEP Texas, Inc. (AEP), that we review the proposed Naismith to Resnik 138-kV Double-Circuit Transmission Line Project to determine if the project may require Army Corps of Engineers (Corps) permitting. The project site would begin at the proposed AEP Naismith Station located approximately 0.3 mile north of State Highway (SH) 35 and approximately one mile east of Farm-to-Market Road 136 and extend approximately three miles to the proposed AEP Texas Resnik Station to be approximately located on the south side of SH 361 and 0.5 mile north of County Road 93, west of Gregory, San Patricio County, Texas, as shown on the attached Vicinity Map on one sheet.

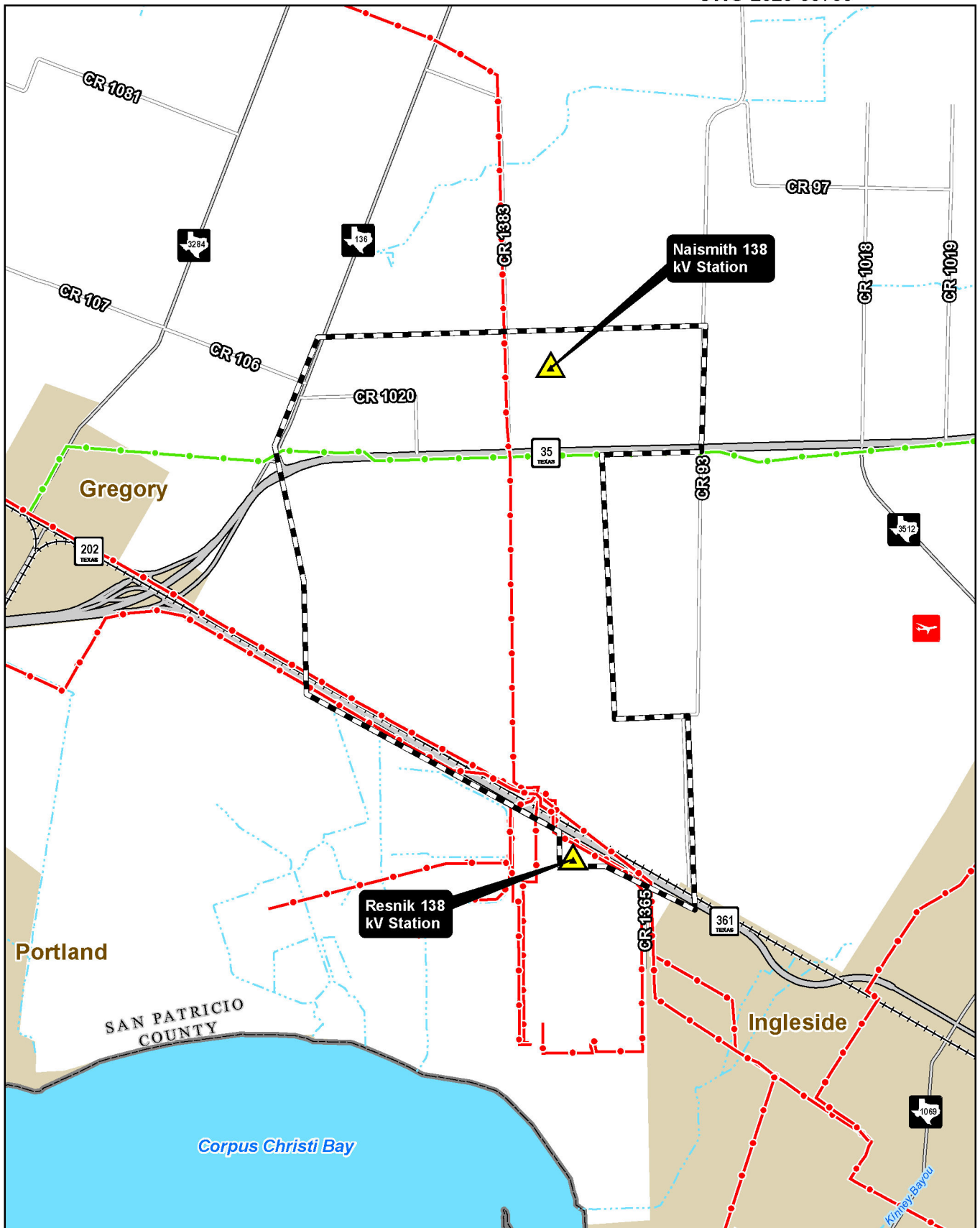
We have determined that waters of the United States (U.S.) may be present within the review area. The Corps regulates the placement of structures and/or work performed in/or affecting navigable waters of the U.S. (i.e. bulkheads, piers, pipelines, etc.) under Section 10 of the Rivers and Harbors Act of 1899. The Corps also regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters, under Section 404 of the Clean Water Act. Therefore, if the proposed project would involve placement of structures and/or the discharge of dredged or fill material into waters of the U.S., the project may require a Department of the Army permit.

The Corps recommends that you submit specific project plans that include any waters of the United States, including wetlands, within the review area so that the Corps may verify these resources and determine our scope of analysis for the proposed project. Please note, this is **not authorization to begin work in jurisdictional areas**. If you have any questions, please contact Mark Pattillo at 361-814-5847 ext. 1004.

Sincerely,

HEINLY.ROBERT.W. Digitally signed by
HEINLY.ROBERT.W.1231130400
1231130400 Date: 2020.11.19 12:47:32 -06'00'

Robert W. Heinly
Chief, Policy Analysis Branch



Legend

- | | |
|-----------------------------------|-----------------|
| Project Substation | Study Area |
| City Boundary | State Highway |
| 69-kV Existing Transmission Line | FM Road |
| 138-kV Existing Transmission Line | County Road |
| | Railroad |
| | Airport |
| | Stream or River |
| | Water Body |

Sheet 1 of 1



NAISMITH TO RESNIK
138 -KV TRANSMISSION
LINE PROJECT

Study Area Map

0 1,000 2,000 3,000 4,000
Feet



POWER
ENGINEERS
Date: 10/1/2020





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

Phone: (281) 286-8282 Fax: (281) 488-5882

<http://www.fws.gov/southwest/es/TexasCoastal/>

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To:

October 11, 2020

Consultation Code: 02ETTX00-2021-SLI-0091

Event Code: 02ETTX00-2021-E-00186

Project Name: Naismith to Resnik

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be

requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the

project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical

assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a project, the Service recommends that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project

developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Constructions, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers. Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files. If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion. These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses. Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife. Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE). For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/listed_species/.

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2021-SLI-0091

Event Code: 02ETTX00-2021-E-00186

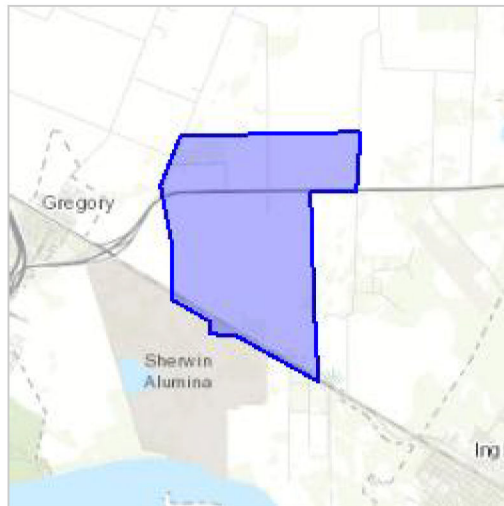
Project Name: Naismith to Resnik

Project Type: TRANSMISSION LINE

Project Description: Siting and routing study.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/27.9159506261003N97.2536438836849W>



Counties: San Patricio, TX

Endangered Species Act Species

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

| NAME | STATUS |
|--|------------|
| Gulf Coast Jaguarundi <i>Herpailurus (=Felis) yagouaroundi cacomitli</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3945 | Endangered |
| Ocelot <i>Leopardus (=Felis) pardalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4474 | Endangered |
| West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. Your location is outside the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469 | Threatened |

Birds

NAME

STATUS

Least Tern *Sterna antillarum*

Endangered

Population: interior pop.

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Wind Related Projects Within Migratory Route

Species profile: <https://ecos.fws.gov/ecp/species/8505>

Piping Plover *Charadrius melodus*

Threatened

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/6039>

Red Knot *Calidris canutus rufa*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/1864>

Whooping Crane *Grus americana*

Endangered

Population: Wherever found, except where listed as an experimental population

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/758>

Reptiles

NAME

STATUS

Green Sea Turtle *Chelonia mydas*

Threatened

Population: North Atlantic DPS

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/6199>

Hawksbill Sea Turtle *Eretmochelys imbricata*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/3656>

Kemp's Ridley Sea Turtle *Lepidochelys kempii*

Endangered

There is **proposed** critical habitat for this species. The location of the critical habitat is not available.

Species profile: <https://ecos.fws.gov/ecp/species/5523>

Leatherback Sea Turtle *Dermochelys coriacea*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/1493>

Loggerhead Sea Turtle *Caretta caretta*

Threatened

Population: Northwest Atlantic Ocean DPS

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/1110>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Services Field Office
4444 Corona Drive, Suite 215
Corpus Christi, TX 78411
Phone: (281) 286-8282 Fax: (281) 488-5882



In Reply Refer To:
Project Code: 2022-0072435
Project Name: San Patricio

August 08, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities

that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds
- Marine Mammals
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

Project Summary

Project Code: 2022-0072435

Project Name: San Patricio

Project Type: Transmission Line - New Constr - Above Ground

Project Description: Transmission Line

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@28.0002765,-97.50170604718213,14z>



Counties: San Patricio County, Texas

Endangered Species Act Species

There is a total of 15 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME

STATUS

West Indian Manatee *Trichechus manatus*

Threatened

There is **final** critical habitat for this species. The location of the critical habitat is not available.

This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.

Species profile: <https://ecos.fws.gov/ecp/species/4469>

Birds

| NAME | STATUS |
|---|------------|
| Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477 | Threatened |
| Northern Aplomado Falcon <i>Falco femoralis septentrionalis</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1923 | Endangered |
| Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039 | Threatened |
| Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864 | Threatened |
| Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/758 | Endangered |

Reptiles

| NAME | STATUS |
|---|------------|
| Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199 | Threatened |
| Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3656 | Endangered |
| Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5523 | Endangered |
| Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493 | Endangered |
| Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110 | Threatened |

Insects

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

Flowering Plants

| NAME | STATUS |
|---|------------|
| Black Lace Cactus <i>Echinocereus reichenbachii</i> var. <i>albertii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5560 | Endangered |
| Slender Rush-pea <i>Hoffmannseggia tenella</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5298 | Endangered |
| South Texas Ambrosia <i>Ambrosia cheiranthifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3331 | Endangered |

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

| NAME | STATUS |
|--|--------|
| Piping Plover <i>Charadrius melodus</i> https://ecos.fws.gov/ecp/species/6039#crithab | Final |

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

-
1. The Migratory Birds Treaty Act of 1918.
 2. The Bald and Golden Eagle Protection Act of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|-------------------------|
| American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds elsewhere |
| American Oystercatcher <i>Haematopus palliatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935 | Breeds Apr 15 to Aug 31 |

| NAME | BREEDING SEASON |
|--|-------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Sep 1 to Jul 31 |
| Black Scoter <i>Melanitta nigra</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds elsewhere |
| Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234 | Breeds May 20 to Sep 15 |
| Brown Pelican <i>Pelecanus occidentalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6034 | Breeds Jan 15 to Sep 30 |
| Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds Mar 15 to Aug 25 |
| Common Loon <i>Gavia immer</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464 | Breeds Apr 15 to Oct 31 |
| Dickcissel <i>Spiza americana</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds May 5 to Aug 31 |
| Double-crested Cormorant <i>Phalacrocorax auritus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478 | Breeds Apr 20 to Aug 31 |
| Eastern Meadowlark <i>Sturnella magna</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds Apr 25 to Aug 31 |
| Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680 | Breeds Jan 1 to Aug 31 |

| NAME | BREEDING SEASON |
|--|-------------------------|
| Gull-billed Tern <i>Gelochelidon nilotica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501 | Breeds May 1 to Jul 31 |
| Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds elsewhere |
| King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936 | Breeds May 1 to Sep 5 |
| Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679 | Breeds elsewhere |
| Long-billed Curlew <i>Numenius americanus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5511 | Breeds elsewhere |
| Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds elsewhere |
| Marbled Godwit <i>Limosa fedoa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481 | Breeds elsewhere |
| Mountain Plover <i>Charadrius montanus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3638 | Breeds elsewhere |
| Orchard Oriole <i>Icterus spurius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds Jun 10 to Aug 15 |
| Painted Bunting <i>Passerina ciris</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds Apr 25 to Aug 15 |
| Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds Apr 1 to Jul 31 |

| NAME | BREEDING SEASON |
|---|-------------------------|
| Red-breasted Merganser <i>Mergus serrator</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds elsewhere |
| Reddish Egret <i>Egretta rufescens</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617 | Breeds Mar 1 to Sep 15 |
| Ring-billed Gull <i>Larus delawarensis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds elsewhere |
| Royal Tern <i>Thalasseus maximus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Apr 15 to Aug 31 |
| Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds elsewhere |
| Sandwich Tern <i>Thalasseus sandvicensis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds Apr 25 to Aug 31 |
| Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480 | Breeds elsewhere |
| Sprague's Pipit <i>Anthus spragueii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8964 | Breeds elsewhere |
| Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938 | Breeds Mar 10 to Jun 30 |
| White-winged Scoter <i>Melanitta fusca</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds elsewhere |
| Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds Apr 20 to Aug 5 |

NAME

BREEDING
SEASONWilson's Plover *Charadrius wilsonia*

Breeds Apr 1 to

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Aug 20

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (□)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

[illegible]



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding

in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Marine Mammals

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

-
1. The Endangered Species Act (ESA) of 1973.
 2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
 3. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Power Engineer
Name: Virginia Brown
Address: 2600 Via Fortuna
Address Line 2: Ste 450
City: Austin
State: TX
Zip: 78746
Email: virginia.brown@powereng.com
Phone: 5129683968

From: Lee, Mary A <mary_lee@fws.gov>
Sent: Friday, October 30, 2020 3:34 PM
To: Taylor, Ashley
Subject: RE: [EXTERNAL] REVISED Proposed Naismith to Resnik 138 -kV Double-Circuit Transmission Line Project

Dear Ms. Taylor:

We received your August 31 letter on September 25, regarding construction and maintenance of a new AEP Texas, Inc. (AEP Texas) electrical transmission line. AEP Texas proposes to install a 14-mile long, 345-kV transmission line across Bee, Refugio, and San Patricio counties, Texas. The project was reviewed by the U.S. Fish and Wildlife Service (Service) for effects to wetlands, federally listed species and other federal trust resources.

Project Description

The new proposed 345-kV line will begin at the existing AEP Texas Angstrom Station, approximately three miles east/northeast of Sinton along the north side of State Highway 188. The line will extend approximately 14 miles to the existing AEP Texas Grissom Station five miles east of US Highway 181 and approximately 12 miles north/northwest of Sinton joining an interconnection. POWER Engineers, Inc. is preparing an Environmental Assessment (EA) to support AEP Texas's application with the Public Utility Commission. No time frame or set route will be arranged until the Environmental Assessment had been completed.

Endangered and Threatened Species

There are no known endangered species in the area. However it is within the migratory flyway for the endangered whooping crane (*Grus americana*) and other migratory bird species. We recommend the lines be marked to prevent avian collisions. We also recommend construction occur December 1 through March 1 or May 1 to October 1 to avoid the whooping crane migratory time periods of October 15th to November 25th and March 16th to April 30th. If construction does occur during this time, all work crews should be trained in whooping crane identification prior to the start of construction. If a whooping crane is identified within 1,000 feet of an active construction area, all work should halt until the bird has left of its own accord. We recommend all equipment greater than 15 feet high should be laid down or flagged at dusk and overnight, so as to avoid whooping crane strikes during times of low visibility. If a whooping crane is sighted, please immediately report to the Texas Coastal Ecological Services Field Office at 281-286-8282.

As mentioned in our September 30, 2020, email, a bald eagle nest is located close to the proposed transmission line (map included). The Service recommends a bald and golden eagle survey prior to construction. Transmission lines typically pose a low risk to eagles; however, the smaller distribution lines and their equipment (e.g. transformers) sometimes do pose a significant risk of electrocution. The Eddison Electric Institute's Avian Power Line Interaction Committee has a developed guidance for power pole configuration, available at <https://www.aplic.org/riser-poles-wind.php> [aplic.org], should plans call for distribution lines also.

We appreciate the opportunity to provide pre-planning information. If you have any questions or comments, please contact me.

Sincerely,

From: ashley.taylor@powereng.com <ashley.taylor@powereng.com>
Sent: Friday, October 9, 2020 10:15 AM
To: Gardiner, Dawn <dawn_gardiner@fws.gov>
Cc: denise.williams@powereng.com <denise.williams@powereng.com>; lisa.barko@powereng.com <lisa.barko@powereng.com>
Subject: [EXTERNAL] REVISED Proposed Naismith to Resnik 138 -kV Double-Circuit Transmission Line Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.



Dear Ms. Gardiner,

On October 7, 2020, on behalf of our client, AEP Texas, Inc., I submitted a letter about the proposed Naismith to Resnik 138-kV Double-Circuit Transmission Line Project. A revision has been made to the study area map; therefore, please disregard the letter in the October 7, 2020 email. The attached letter includes an updated map for your review.

Thank you for your assistance with this proposed electric transmission line project. Please contact the Project Manager, Lisa Barko-Meaux, by phone at 281-765-5507, or by e-mail at lisa.barko@power.com, if you have any questions or require additional information.

Thanks,


Ashley Taylor

Environmental Specialist
Central Env Svc PM Department
16825 Northchase Drive, Suite 1200
Houston, TX 77060
281-765-5512 direct

832-244-8654 cell

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Chairman-Emeritus
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Carter P. Smith
Executive Director

November 17, 2020

Lisa Barko Meaux
POWER Engineers, Incorporated
16825 Northchase Drive, Suite 1200
Houston, TX 77060

RE: Proposed Naismith to Resnik 138-kV double-circuit transmission line, San
Patricio County, Texas
POWER Engineers Project No. 166833

Dear Ms. Barko Meaux:

Texas Parks and Wildlife Department (TPWD) received the preliminary request regarding the project referenced above. On behalf of AEP Texas, Incorporated (AEP Texas), POWER Engineers, Incorporated (POWER) is preparing an Environmental Assessment (EA) to support AEP Texas' application to amend its Certificate of Convenience and Necessity (CCN) to construct a new transmission line in San Patricio County, Texas.

Project Description

AEP Texas is proposing to construct a new 138-kilovolt (kV) double-circuit transmission line in San Patricio County, Texas. The proposed line would begin at the proposed AEP Texas Naismith Station, to be located approximately 0.3 miles north of State Highway (SH) 35, and extend approximately three miles to the proposed AEP Texas Resnik Station to be located approximately on the south side of SH 361 and approximately one-half mile north of County Road (CR) 93. POWER is collecting and evaluating environmental data for the study area and will identify potential routes route between the end points.

TPWD staff reviewed the information provided and offer the following comments and recommendations.

Recommendation: When new construction is the only feasible option, TPWD recommends routing new transmission lines along existing road, pipeline, transmission line or other utility right-of-way (ROW) or easements to reduce habitat fragmentation. By utilizing previously disturbed areas, existing utility corridors, county roads, private roads, railroads, and highway ROW, adverse impacts to fish and wildlife resources would be mitigated by avoiding and/or minimizing impacts to undisturbed habitats. A copy of *TPWD Recommendations for Electrical Transmission/Distribution Line Design and Construction*, which include general recommendations for transmission line construction is available online at TPWD's Wildlife Habitat Assessment Program website.

Federal Regulations

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. Additional information regarding the MBTA is available from the U.S. Fish and Wildlife Service (USFWS)-Southwest Regional Office (Region 2) at (505) 248-7882.

Review of aerial photography and the Ecological Mapping Systems of Texas (EMST), indicate that, overall, the study area consists primarily of row crops, with discreet intermittent patches of coastal prairie. While most of the project study area has been disturbed, the diversity of vegetative cover, particularly along fence rows and railroad ROW provides suitable cover, feeding, nesting and loafing habitat for many species of birds. Additionally, the project area is in the middle of the Central Migratory Flyway through which millions of birds pass during spring and fall migration.

Recommendation: TPWD recommends identifying existing utility corridors or other previously disturbed areas (e.g., existing roads, utility corridors or easements) to parallel the proposed transmission line. Additionally, TPWD recommends scheduling any vegetation clearing or trampling to occur outside of the March 15 - September 15 migratory bird nesting season in order to comply with the MBTA.

If vegetation clearing must be scheduled to occur during the nesting season, TPWD recommends the vegetation to be impacted should be surveyed for active nests by a qualified biologist. Nest surveys should be conducted no more than five days prior to the scheduled clearing to ensure recently constructed nests are identified. If active nests are observed during surveys, TPWD recommends a 150-foot buffer of vegetation remain around the nests until the young have fledged or the nest is abandoned.

The potential exists for birds to collide with transmission lines and associated guy wires and static lines. Bird fatalities can also occur due to electrocution if perching birds simultaneously make contact with energized and grounded structures.

Recommendation: TPWD strongly recommends that transmission lines should be marked with line markers or bird flight diverters to reduce the potential of birds flying into the lines. Line alterations to prevent bird electrocutions should not necessarily be implemented *after* such events occur as all electrocutions may not be known or documented. Incorporation of preventative measures along portions of the routes that are most attractive to birds (as indicated by frequent sightings) prior to any electrocutions is a much preferred alternative.

TPWD recommends the transmission line design should utilize avian safety features described in the publication:

Avian Power Line Interaction Committee (APLIC). 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, D.C.

In particular, the overhead ground wire should be marked with line markers to increase its visibility. Additional recommendations are available in the document entitled, “*TPWD Recommendations for Electrical Transmission/Distribution Line Design and Construction*” available on TPWD’s website.

State Regulations

Parks and Wildlife Code, Chapter 64-Birds

State law prohibits any take or possession of nongame birds, including their eggs and nests. Laws and regulations pertaining to state-protection of nongame birds are contained in Chapter 64 of the Texas Parks and Wildlife (TPW) Code; specifically, Section 64.002 provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. TPW Code Chapter 64 does not allow for incidental take.

Although not documented in the Texas Natural Diversity Database (TXNDD), many bird species which are not listed as *threatened* or *endangered* are protected by Chapter 64 of the TPW Code and are known to be year-round or seasonal residents or seasonal migrants through the proposed project area.

Recommendation: Please review the *Federal Regulations: Migratory Bird Treaty Act* section above for recommendations as they are applicable for Chapter 64 of the Parks and Wildlife Code compliance.

Parks and Wildlife Code, Section 68.015

TPW Code regulates state-listed threatened and endangered animal species. The capture, trap, take, or killing of state-listed threatened and endangered animal species is unlawful unless expressly authorized under a permit issued by the USFWS or TPWD. A copy of *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the TPWD Wildlife Habitat Assessment Program website. State-listed species may only be handled by persons with appropriate authorization from the TPWD Wildlife Permits Office. For more information regarding Wildlife Permits, please contact the Wildlife Permits Office at (512) 389-4647.

The potential occurrence of state-listed species in the project area is primarily dependent upon the availability of suitable habitat. Direct impacts to high quality or suitable habitat therefore are directly proportional to the magnitude and potential to directly impact state-listed species. State-listed reptiles that are typically slow moving

or unable to move due to cool temperatures are especially susceptible to being directly impacted during ROW clearing and construction of the transmission line.

Recommendation: TPWD recommends reviewing the most current TPWD annotated county lists of rare species for San Patricio County, as state-listed species could be present depending upon habitat availability. These lists are available online at the TPWD Wildlife Diversity website. Environmental documents prepared for the project should include an inventory of existing natural resources within the alternative transmission line routes. Specific evaluations should be designed to predict project impacts upon these natural resources including potential impacts to state-listed species.

The following General Construction Recommendations are provided to assist in project planning and to avoid and/or minimize potential impacts to wildlife, including state-listed species.

Recommendation: In general, TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from areas to be disturbed. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only be removed after the project activities are completed and the disturbed sites have been revegetated or otherwise stabilized. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. Regarding trenches or excavations for support structure foundations, etc., TPWD recommends that any open trenches or deep excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated areas, escape ramps (fashioned from boards or soil) should be installed at an angle of less than 45 degrees (1:1) in excavated areas that will allow trapped wildlife to climb out on their own. If any state-listed species are trapped in trenches or excavated areas, they should be removed by personnel permitted by TPWD to handle state-listed species.

Recommendation: For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed /mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding due to a reduced risk to wildlife. If erosion control blankets or mats would be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.

Recommendation: In general, TPWD recommends establishing and enforcing low speed limits (<20 MPH) within construction areas in order to minimize the potential of vehicle collisions with reptiles and other wildlife.

The following state-listed species have the potential to occur within the study area if suitable habitat is available:

Texas horned lizard (*Phrynosoma cornutum*)
Texas tortoise (*Gopherus berlandieri*)

Texas horned lizard

Suitable habitat for the Texas horned lizard may be present within the project area. The Texas horned lizard can be found in open, arid, and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees.

If present in the project area, the Texas horned lizard could be impacted by ground disturbing activities, including ROW clearing. A useful indication that the Texas horned lizard may occupy the area is the presence of Harvester ant (*Pogonomyrmex* sp.) nests as they are the primary food source of horned lizards. Texas horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. During warmer seasons, they may be able to avoid slow (< 15 miles per hour) moving equipment. Texas horned lizards may hibernate on-site in loose soils a few inches below ground during the cooler months from September/October to March /April. Construction in these areas could harm hibernating lizards. If horned lizards (nesting, gravid females, newborn young, lethargic from cool temperatures or hibernation) cannot move away from noise and approaching construction equipment, they could be negatively affected by construction activities.

Recommendation: TPWD recommends that a pre-construction survey be conducted to determine if horned lizards are present within the transmission line route corridor. As stated above, a useful indicator of potential occupancy is the presence of Harvester ants. Surveys should be conducted during warmer months of the year when horned lizards are active.

TPWD recommends avoiding disturbance of the Texas horned lizard and colonies of the Harvester ant during clearing and construction. TPWD recommends a permitted biological monitor be present during construction to attempt to capture and relocate Texas horned lizards if found. If the presence of a biological monitor is not feasible, state-listed species observed during construction should be allowed to safely leave the site on their own

Species of Greatest Conservation Need

In addition to state- and federally-protected species, TPWD tracks species considered to be Species of Greatest Conservation Need (SGCN) that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but currently lack

the legal protection given to threatened or endangered species. Special landscape features, natural communities, and SGCNs are rare resources for which TPWD actively promotes conservation, and TPWD considers it important to evaluate and, if necessary, minimize impacts to such resources to reduce the likelihood of endangerment and preclude the need to list SGCN as threatened or endangered in the future. These species and communities are tracked in the TXNDD. The most current and accurate TXNDD data can be requested from the TXNDD website.

Please note that the absence of TXNDD information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys.

Determining the actual presence of a species in an area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can only be determined with repeated negative observations and consideration of all the variable factors contributing to the lack of detectable presence.

As indicated in the information provided, suitable habitat for the following SGCN species may occur in the project area. The following beneficial management practices (BMPs) are provided to assist in project planning to avoid/minimize potential impacts.

SGCN Reptiles

Common garter snake (*Thamnophis sirtalis*)

This terrestrial and aquatic species prefers grasslands and modified open areas in the vicinity of aquatic features such as ponds, streams, or marshes where prey (earthworms, frogs, small toads) are abundant.

Recommendation: Because all snakes are generally perceived as a threat and killed when encountered during vegetation clearing, TPWD recommends project plans include comments to inform contractors of the potential for the SGCN snake species to occur in the project area. Contractors should be advised to avoid impacts to state-listed snakes and other snakes as long as the safety of the workers is not compromised. For the safety of workers and preservation of a natural resource, attempting to catch, relocate and/or kill non-venomous or venomous snakes is discouraged by TPWD. If encountered, snakes should be permitted to safely leave project areas on their own. TPWD encourages construction sites to have a “no kill” policy in regard to wildlife encounters.

Western (ornate) box turtle (*Terrapene ornata*)

The ornate or western box turtle is an emydid turtle that occurs throughout Texas, typically in open habitats such as pastures, prairie, savannahs and open woodlands. Adults have a home-range size of approximately 6-14 acres. The ornate box turtle is omnivorous although the bulk of the diet consists of insects. Ornate box turtles will also eat carrion and small amounts of plant matter. Ornate box turtles are active spring through fall with courtship and mating occurring primarily in the spring. This species is threatened by habitat loss and fragmentation, vehicle strikes on roads, and collection for the pet trade and food markets.

Recommendation: TPWD recommends a biological monitor be present during construction to attempt to relocate SGCN turtles or other reptile species if found. If the presence of a biological monitor during construction is not feasible, state-listed threatened species and SGCN species observed during construction should be allowed to safely leave the site or be relocated by a permitted individual to a nearby area with similar habitat that would not be disturbed during construction. TPWD recommends that any translocations of reptiles be the minimum distance possible no greater than one mile, preferably within 100-200 yards from the initial encounter location.

Recommendation: As indicated above, reptiles are susceptible to becoming entrapped in trenches or other excavations in a project area. Regarding potential wildlife entrapment in trenches and the use of an exclusion fence, please see recommendations under the *General Construction Recommendations* above.

TPWD advises review and implementation of these recommendations in the preparation of the environmental document for the project. Please contact me at (361) 825-3240 or russell.hooten@tpwd.texas.gov if you have any questions or we may be of further assistance.

Sincerely,

Russell Hooten

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh 45230

cc: Rachelle Robles, Public Utilities Commission of Texas

Meaux, Lisa

From: noreply@thc.state.tx.us
Sent: Monday, November 09, 2020 10:54 AM
To: Meaux, Lisa; reviews@thc.state.tx.us
Subject: [EXTERNAL] Project Review: 202102418

CAUTION: This Email is from an **EXTERNAL** source. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
THC Tracking #202102418
138-kV Double-Circuit Transmission Line Project

Description: Transmission Line Project

Dear Client:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the Executive Director of the Texas Historical Commission (THC), pursuant to review under the Antiquities Code of Texas.

The review staff led by Jeff Durst and Caitlin Brashear has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No further review of potential effects to above-ground historic resources is required under the Antiquities Code of Texas. However, should this project ultimately include any federal involvement, additional consultation with THC/SHPO under Section 106 of the National Historic Preservation Act will be required.

Archeology Comments

- An archeological survey is required. You may obtain lists of archeologists in Texas through the [Council of Texas Archeologists \[counciloftexasarcheologists.org\]](http://counciloftexasarcheologists.org) and the [Register of Professional Archaeologists. \[rpa.memberclicks.net\]](http://rpa.memberclicks.net). Please note that other qualified archeologists not included on these lists may be used. If this work will occur on land owned or controlled by a state agency or political subdivision of the state, a Texas Antiquities Permit must be obtained from this office prior to initiation of fieldwork. All fieldwork should meet the [Archeological Survey Standards for Texas. \[thc.texas.gov\]](http://thc.texas.gov). A report of investigations is required and should meet the [Council of Texas Archeologists Guidelines for Cultural Resources Management Reports \[thc.texas.gov\]](http://thc.texas.gov) and the [Texas Administrative Code \[sos.state.tx.us\]](http://sos.state.tx.us). In addition, any state-owned buildings 50 years old or older that are located on the tract should be documented with photographs and included in the report. Shapefiles of the area surveyed must be emailed to archeological_projects@thc.texas.gov concurrently with submission of the draft report to facilitate review and make project information available through the Texas Archeological Sites Atlas.

We have the following comments: November 9, 2020 Lisa Barko Meaux Power Engineers 16825 Northchase Dr. Suite 1200 Houston, Texas 77060 Re: Project review under Section 106 of the National Historic Preservation Act of 1966 Proposed Naismith to Resnick 138 kV Double Circuit Transmission Line Project, San Patricio County, Texas. Power Engineers, Inc. Project No. 166833 Dear Ms. Meaux: Thank you for allowing us to review the proposed transmission line project referenced above. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission. The review staff, led by Jeff Durst, has completed its review. The project setting includes landforms potentially occupied by prehistoric and historic Native Americans. Additionally, a water source is located within the proposed study area and will likely be crossed by the transmission line route. Potential for encountering significant cultural materials can be heightened in the vicinity of water sources. This area has a moderate to high probability of containing significant cultural resources; and an archeological investigation is warranted. If any portion of the project should cross lands owned or controlled by the state of Texas or any subdivision thereof, then an Antiquities Code of Texas Archeological Permit will be required before conducting survey across these

lands. Federal regulations require consultation with the USACE to determine locations of jurisdictional lands that will require archeological survey. Once these determinations have been established an archeological survey should be conducted to satisfy all state and federal requirements. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If we may be of further assistance, please call Jeff Durst of our staff at 512/463-8884. Sincerely, Jeff Durst for Mark Wolfe, State Historic Preservation Officer MW/jjd

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: Jeff.Durst@thc.texas.gov, caitlin.brashear@thc.texas.gov

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system> [thc.texas.gov].

Sincerely,



For Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

CHRISTI CRADDICK, CHAIRMAN
RYAN SITTON, COMMISSIONER
WAYNE CHRISTIAN, COMMISSIONER



DANNY SORRELLS
ASSISTANT EXECUTIVE DIRECTOR
DIRECTOR, OIL AND GAS DIVISION
LESLIE SAVAGE, P.G.
CHIEF GEOLOGIST, OIL AND GAS DIVISION

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

October 27, 2020

POWER Engineers, Inc.
16825 Northchase Drive, Suite 1200
Houston, Texas 77060
ATTN: Lisa Barko Meaux Senior Project Manager (via email)

Re: AEP Texas, Inc., Proposed Naismith to Resnik 138-kV Double Circuit Transmission Line
Project No. 166833, San Patricio County, Texas

Dear Ms. Barko Meaux:

We received your letter dated October 12, 2020, requesting environmental and land use constraint information within the study area for the referenced proposed transmission line. Information is available on the Railroad Commission's Geographic Information System concerning existing oil and gas well and pipeline locations. You may access this information at <http://www.rrc.state.tx.us/about-us/resource-center/research/gis-viewers/>. You may access information concerning oil and gas drilling permits and pipeline permitting at <https://rrc.texas.gov/about-us/resource-center/research/online-research-queries/>.

Regards,

Leslie Savage

Leslie Savage, P.G.
Chief Geologist
Oil & Gas Division
Railroad Commission of Texas

Meaux, Lisa

From: nvelperson@aol.com
Sent: Thursday, October 22, 2020 12:49 PM
To: Meaux, Lisa
Subject: [EXTERNAL] Project No. 166767 and Project No.166833

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| CAUTION: This Email is from an EXTERNAL source. STOP. THINK before you CLICK links or OPEN attachments. |
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Dear Lisa,

Sorry it took me a few days to get back to you about these projects. I have had a chance to complete a drive around of both sites. There are not any buildings or sites of historical significance that would be affected by the construction of the proposed transmission lines. The extension of the AEP Texas Angstrom Station and the extension of the AEP Texas Naismith Station are both non invasion from a historical aspect.

Sincerely,
Donna S. Hutchins
San Patricio County Historical