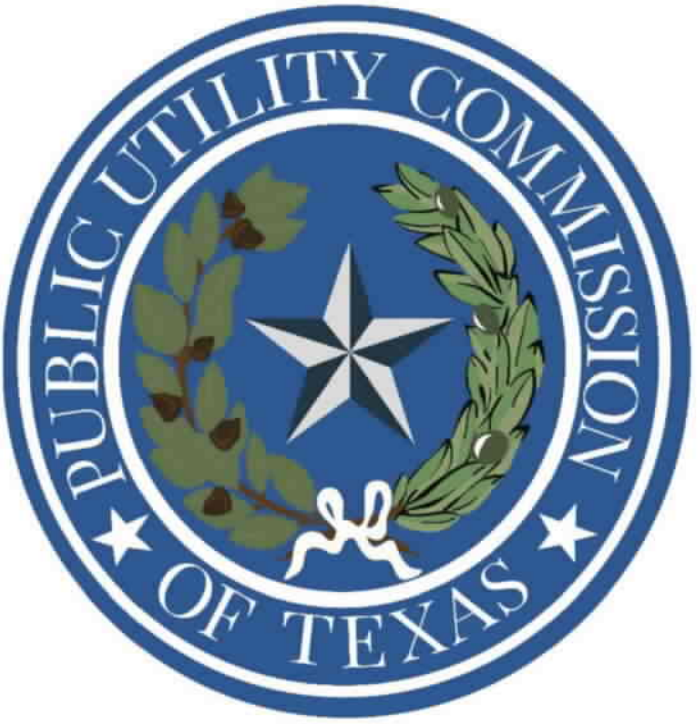

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Executive Director

July 19, 2023

Ms. Marisa Wagley
Public Utility Commission
P.O. Box 13326
Austin, TX 78711-3326

RE: PUC Docket No. 55067: Application of Oncor Electric Delivery Company, LLC for a Certificate of Convenience and Necessity for the Proposed Ramhorn Hill Switch – Dunham Switch 345-kilovolt Transmission Line Project in Denton and Wise Counties

Dear Ms. Wagley:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment and Alternate Route Analysis (EA) received by our office on June 8, 2023, regarding the above-referenced proposed transmission line project.

TPWD is providing input on this proposed project to facilitate the incorporation of beneficial management practices (BMP) during construction, operation, and maintenance that may assist the project proponent in minimizing impacts to the state's natural resources. For tracking purposes, please refer to TPWD project number 50925 in any return correspondence regarding this project.

Under the Texas Parks and Wildlife Code (PWC) §12.0011(b)(2) and (b)(3), TPWD has the authority to provide recommendations and informational comments that will protect fish and wildlife resources to local, state, and federal agencies that approve, license, or construct developmental projects or make decisions affecting those resources. Under PWC §12.0011(c), the Commission has a non-discretionary duty to respond to the recommendations and informational comments filed by TPWD and include any reason it disagrees with or did not act on or incorporate the recommendation or comment.

Now, pursuant to PWC §12.0011(b)(2) and (b)(3), TPWD offers the following comments and recommendations concerning this project.

Project Description

Oncor Electric Delivery Company, LLC (Oncor) is proposing to construct approximately 20 to 23 miles of new double-circuit 345-kilovolt (kV) electric transmission line, to be built on triple-circuit capable structures, between the

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proposed Ramhorn Hill Switch and the proposed Dunham Switch in Denton and Wise Counties. The proposed Ramhorn Hill Switch will be located approximately two miles south of the intersection of United States Highway (US) 287 and State Highway (SH) 114 near Rhome, Texas. The proposed Dunham Switch will be located approximately 1.4 miles southeast of the intersection of US 377 and Farm-to-Market Road (FM) 1171 (regionally known as Cross Timbers Road) in Flower Mound, Texas. The project will be constructed on 120- to 175-foot-tall steel monopole structures within a proposed right-of-way (ROW) width of 100 feet.

Oncor retained Halff Associates, Inc. (Halff) to prepare the EA submitted with Oncor's application for a Certificate of Convenience and Necessity (CCN) for this project. The EA is intended to provide information and address the requirements of Section 37.056(c)(4)(A)-(D) of the Texas Utilities Code, Public Utility Commission of Texas (PUC) Procedural Rules Section 22.52(a)(4), PUC Substantive Rules Section 25.101, and the PUC CCN application form for a proposed transmission line.

Previous Coordination

TPWD provided scoping information and recommendations regarding the preliminary study area for this project to Halff on October 7, 2022. This letter is included in Appendix A of the EA.

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

Proposed Route

Oncor's Recommended Route

According to the EA, Halff evaluated 221 alternative routes, and Oncor filed 74 geographically diverse alternative routes with the CCN application. In addition to reviewing the EA, Oncor considered engineering feasibility, the estimated cost of alternative routes, construction limitations, and other information. Oncor selected Route 179 (Links A0-A4-B1-B61-B62-C1-C21-C23-C7-E2-E1-E6-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M2-M3-R4-V2-Z) as the route that best meets the requirements of the Texas Utilities Code Section 37.56 (c)(4)(A)-(D) and the PUC Substantive Rule Section 25.101(b)(3)(B). Oncor's office memorandum, which is included as Attachment No. 7 to the CCN application, discusses Oncor's selection of Route 179. In addition to other significant factors, Oncor lists the following significant natural resource factors which led to the selection of Route 179, excerpted as follows:

- *The length of Route 179 is approximately 21.8 miles, which is only 1.9 miles longer than the shortest among all the filed routes (Route 16) and approximately 1.1 miles shorter than the longest alternative route included in the Application (Route 216 is the longest at approximately 22.9 miles);*
- *Route 179 parallels existing compatible corridors for 23% of its length (including apparent property boundaries). Route 117 possesses the highest percentage parallel to existing corridors (40%) but is longer in route length (22.7 miles) and has a higher number of habitable structures within 500 feet of its centerline (263). Route 221 had the lowest percentage (17%) parallel to existing corridors;*
- *Route 179 crosses 20,248 feet of cropland/hay meadow and crosses 71,051 feet of rangeland pasture. Route lengths crossing cropland/hay meadow varied from 12,347 feet (Route 164) to 36,231 feet (Route 69). Route lengths crossing rangeland pasture varied from 46,458 feet (Route 26) to 76,318 feet (Route 187);*
- *Route 179 crosses 10,126 feet of upland woodlands and has 7,162 feet of its route through riparian areas. Route 26 has the greatest length (15,960 feet) of its route across upland woodlands and Route 28 has the greatest length (15,718 feet) of its route across riparian areas. The Link M5 Corridor Routes contain the greatest length across upland woodlands and riparian areas which are associated with the floodplain of Elizabeth Creek;*
- *Route 179 has no length of its route across potential wetlands (57 of the filed routes cross potential wetlands, with Routes 92 and 218 having the highest crossing length of 849 feet);*
- *Route 179 has 27 streams crossed by its centerline (the greatest number of streams crossed within the filed routes is 33);*
- *The length of Route 179 that is parallel to streams (within 100 feet) is 1,351 feet (the greatest amount of route length parallel to streams within the filed routes is 5,108 feet);*
- *Route 179 has 1,704 feet of its route across lakes or ponds (open waters). Route 185 has the greatest length (2,080 feet) across lakes or ponds of the filed routes;*
- *Route 179 has one known rare/unique plant location within the route right-of-way. Nine of the filed routes have four known rare/unique plant locations within the route right-of-way;*

The EA Table 7-2 presents the environmental data for the 221 alternative routes, and Oncor's routing memorandum includes Table 2 which reduced EA Table 7-2 to present the environmental data only for the 74 routes filed with the CCN. TPWD's review of Table 2 from Oncor's routing memorandum indicates that Oncor's recommended Route 179 will cross the following land uses or ecological resources:

- 20,248 feet of cropland or hay meadow
- 71,051 feet of rangeland pasture
- 10,126 feet of upland woodlands
- Zero feet of parks or recreational areas
- 7,126 feet of riparian areas
- Zero feet of potential wetlands
- 27 streams
- 1,351 feet paralleling streams
- 1,704 feet of lakes or ponds (open waters)
- One known rare/unique plant location within the right-of-way

TPWD's Recommended Route

In addition to the review of the EA and publicly available data, TPWD evaluated potential impacts to fish and wildlife resources and recreational areas using the following criteria from Table 7-2 in the EA and Table 2 of Oncor's routing memorandum:

- Length of alternative route
- Length of route parallel to existing transmission lines
- Length of route parallel to railroads
- Length of route parallel to existing public roads/highways
- Length of route parallel to pipelines
- Length of route across parks and recreational areas
- Length of route across commercial or industrial areas
- Length of route across cropland or hay meadows
- Length of route across rangeland pasture
- Length of route across upland woodlands
- Length of route across riparian areas
- Length of route across potential wetlands
- Number of stream crossings by the route
- Length of route parallel (within 100 feet) to streams
- Length of route across lakes or ponds (open water)

TPWD did not evaluate the routes using *length of route parallel to apparent property boundaries* because the existence of property lines does not always represent a linear disturbance or a break between contiguous tracts of habitat and cannot be used to assume existing habitat fragmentation. TPWD also did not evaluate the routes using *length of route parallel to existing compatible ROW* because this metric includes apparent property boundaries and does not contribute to an understanding of potential impacts to wildlife habitat. Data regarding length across commercial and industrial areas, cropland, hay meadows, and rangeland

pasture indicate minimization of impacts to potential habitats along a route due to the capability of spanning habitats in cropland, hay meadows, and rangeland pasture and due to minimal habitat availability in developed commercial and industrial areas. The following ecological and land use criteria had values of zero for all routes and were not used by TPWD to compare routes: *length of route across agricultural cropland with mobile irrigation systems* and *length of route through known habitat of endangered or threatened species*.

TPWD typically recommends that transmission line routes be located adjacent to previously disturbed areas such as existing utility or transportation ROWs and discourages fragmenting habitat or locating in areas that could directly negatively impact wildlife, including federally and state listed species, while also minimizing the route length. After careful evaluation of the 74 routes filed with the CCN application, TPWD selected **Route 137** (Links A0-A4-B1-B61-B62-C1-C21-C22-C8-C9-E8-F2-F1-F5-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M2-M4-R5-U3-V3-V4-Z) as the route having the least potential to impact fish and wildlife resources. The decision to recommend **Route 137** was based primarily on the following factors that **Route 137**:

- Has a moderate overall length (21.1 miles) (All routes: 20.1 to 22.9 miles)
- Has a portion of ROW parallel to existing transmission lines, railroads, public roads or highways, and pipelines combined (29,577 feet) representing 27% of its route length (All routes: 45,953 feet to 14,866 feet; representing 38% to 13% of route length)
- Crosses commercial and industrial areas, cropland, hay meadow, and rangeland pasture combined for 83% of route length (All routes: 86% to 72%)
- Has the second shortest length across upland woodlands (9,310 feet) (All routes: 8,022 feet to 15,960 feet)
- Has a relatively short length across riparian areas (7,573 feet) (All routes: 4,579 feet to 15,718 feet)
- Along with 17 other routes, crosses zero potential wetlands (All routes: zero to 849 feet)
- Has a moderate number of stream crossings (26) (All routes: 16 to 33)
- Has a relatively short length (1,354 feet) of route parallel (within 100 feet) to streams (All routes: zero feet to 5,108 feet)
- Contains zero known rare/unique plant locations within the ROW (All routes: zero to four)
- Avoids crossing Northwest Independent School District (ISD) Outdoor Learning Center where it crosses Denton Creek.

Denton Creek is the largest creek within the study area, and all routes cross Denton Creek using one of five links: G2, G6, H41, H5, or H6. Link H6 contains the least

impact to upland woodlands and riparian areas at Denton Creek; however, Link H6 crosses Northwest ISD Outdoor Learning Center, a site with wildlife habitat, wetland improvements, and prairie restoration. Link H6 occurs only in Route 142. Elsewhere along Route 142, Route 142 ranks poorly for most natural resource criteria, and TPWD eliminated Route 142 and Link H6 from consideration. Link H5 contains 3,220 feet of potential impacts to upland woodlands and riparian areas combined while also crossing Northwest ISD Outdoor Learning Center for a greater length than Link H6, and TPWD eliminated routes containing Link H5 because of the natural resource impacts at a public nature center. Of the remaining Links crossing Denton Creek, impacts to upland woodlands and riparian areas combined were greatest for Link G2 (5,650 feet). The remaining Links G6 and H41 had moderate impacts to upland woodlands and riparian areas combined (1,866 feet and 3,345 feet, respectively). Overall, Route 137 and Route 179 ranked very similarly and generally exhibited shorter lengths across natural resource criteria than other routes using Links G6 or H41. Of the 28 routes that utilize links G6 or H41, Route 137 crosses the least amount of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined (18,795 feet of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined; All Routes: 15,477 feet to 31,345 feet). Route 179 follows with 18,992 feet of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined. Route 137 crosses 502 feet of the Canyon Falls Club recreational area, and Route 179 does not. However, the Canyon Falls Club is a highly manicured development with concrete parking and sidewalks in the location of proposed Route 179 and exhibits low wildlife value compared to natural areas. Also, because Route 179 crosses a native Mollisol Blackland Prairie that is mapped in the Texas Natural Diversity Database (TXNDD) along Link E6 and Link C6, and Route 137 avoids crossing this prairie, TPWD recommends Route 137 over Route 179.

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

> **Recommendation:** Of the routes evaluated in the EA and filed with the CCN application, **Route 137** appears to best minimize adverse impacts to natural resources. TPWD recommends the PUC select a route that would minimize adverse impacts to natural resources, such as **Route 137**.

State Regulations: Parks, Public Recreation Areas, Scientific Areas, Wildlife Refuges, or Historic Sites

As indicated in TPWD's October 7, 2022, scoping letter, PWC chapter 26 requires that before a state agency can approve any project that will result in the use or taking of public land designated and used as a park, public recreation area, scientific area, wildlife refuge, or historic site, that a state agency must provide certain notices to the public, conduct a hearing, and render a finding that there is no feasible and prudent alternative and that the project includes all reasonable planning to minimize harm to the property. Additionally, per Section 6(f) of the U.S. Land and Water Conservation Fund Act (LWCF), no public outdoor recreation areas acquired or developed with LWCF assistance can be converted to non-recreational uses without Department of Interior approval. The conversion must be in accordance with the statewide outdoor recreation plan and replaced with other recreation land of reasonable equivalent usefulness and location.

The EA indicates that 52 of the Route Alternatives filed with the CCN would cross parks/recreational areas, and that no parks, recreational areas, scientific areas, wildlife refuges, or historic sites funded by the LWCF were found within the study area.

> **Recommendation:** If the approved route crosses a public park/recreational area, TPWD recommends the PUC adhere to the requirements of PWC chapter 26.

Implementation of Beneficial Management Practices

In general, Halff and Oncor attempted to design route alternatives to minimize project impacts to waterways, floodplains, riparian areas, wetlands, woodlands, and recreational areas, and paralleled existing disturbed corridors, where feasible. Where links were proximal to streams, Halff and Oncor attempted to design crossings to span streams, to avoid multiple meanders, to be aligned perpendicular to the channel, and to allow sufficient space between the top of the bank and any proposed structure locations. Oncor committed to implementing erosion controls during construction, re-establishing vegetation in a timely manner either naturally or with seed in steep areas and obtaining appropriate permits for work within streams if such a permit is necessary.

The EA acknowledged several of TPWD's recommended BMP from TPWD's October 7, 2022, scoping letter; however, there were few commitments that those BMP would be implemented.

To more comprehensively avoid or minimize potential impacts to fish and wildlife resources, TPWD encourages further commitment to implement BMP recommended in TPWD's October 7, 2022, scoping letter.

Recommendation: TPWD recommends Oncor, and the PUC utilize the following BMP, which are more fully described in TPWD's October 7, 2022, letter, when specifically applicable to the project:

- Conduct surveys of the PUC-approved route for federal and state listed species or potential suitable habitat
- Educate employees and contractors of state listed species and species of greatest conservation need (SGCN) that are susceptible to project activities and that potentially occur within the area
- Avoid vegetation clearing during March 15 – September 15 general bird nesting season
    - If unable to avoid vegetation clearing during the bird breeding season, survey for active bird nests and avoid disturbance until fledged
- Proactively install bird flight diverters where transmission lines cross habitats most attractive to birds, e.g. creeks, drainages, wetlands, floodplains
- Use dark-sky friendly lighting practices at lighted facilities, such as substations and switching stations
- Utilize a biological monitor during construction when required by law or permit
- Allow wildlife to safely leave the site on their own, without harassment or harm
- Avoid impacts to SGCN flora and fauna if encountered during project construction, operation, and maintenance activities
- Use wildlife escape ramps in excavated areas, or cover while unattended, and inspect for trapped wildlife prior to backfilling
- Avoid the use of erosion control blankets containing polypropylene fixed-intersection mesh. Erosion control measures utilized for the project should be implemented with consideration for potential impacts to wildlife species
- Report encounters of threatened species, endangered species, and SGCN to the Texas Natural Diversity Database
- If working in inland waters, prepare an Aquatic Resource Relocation Plan and coordinate with TPWD Kills and Spills Team to obtain a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters*
- If equipment will come in contact with inland waters, prepare and follow an aquatic invasive species transfer prevention plan
- Prepare and follow a revegetation and maintenance plan to monitor, treat, and control terrestrial invasive species within the ROW
- Revegetate and maintain ROW with native vegetation for the benefit of wildlife, including pollinators. A revegetation program should emphasize native species while considering landowner preferences and wildlife needs.

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

Sincerely,

John Silovsky
Wildlife Division Director

JS:KH:bdk

cc: Ms. Meredith Longoria
Ms. Laura Zebehazy
Ms. Karen Hardin
Mr. Chris Reily, Regulatory Manager, Oncor, Chris.Reily@oncor.com