



Filing Receipt

Filing Date - 2023-10-25 10:53:02 AM

Control Number - 55365

Item Number - 38



October 24, 2023

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

RE: PUC Docket No. 55365: Application of CenterPoint Energy Houston Electric, LLC for a Certificate of Convenience and Necessity for a Proposed 138 kV Transmission Line Within Chambers County; Chambers County, Texas

Dear Ms. Wagley:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment and Alternative Route Analysis (EA) received by our office on August 30, 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 51325 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

CenterPoint Energy Houston Electric, LLC (CenterPoint Energy) proposes the development of a new double-circuit 138 kilovolt (kV) transmission line south of the City of Mont Belvieu and located between Cedar Bayou and the Grand Parkway in Chambers County, Texas. The proposed new transmission line will provide a connection from the transmission grid to a proposed new CenterPoint Energy-owned distribution substation identified as Kilgore Substation. The new transmission line will originate from one of the existing transmission circuits located in the existing east-west transmission corridor that crosses State Highway (SH) 146, approximately one-half mile north of Interstate Highway (IH) 10, to one of two potential Kilgore Substation sites located in the vicinity of Kilgore Parkway. The first potential site for the proposed Kilgore Substation is within a tract of

land located immediately northeast of the intersection of Kilgore Parkway and Needlepoint Road, while the second potential site is located within a tract of land north of Kilgore Parkway and approximately 3,600 feet west of the first potential site.

The length of the overall proposed transmission line project ranges from approximately 2.27 to 5.66 miles, depending on which route is selected by the Public Utility Commission of Texas (PUC). The typical structures for all route segments will predominately be double-circuit steel lattice towers with a vertical phase configuration in an 80-foot-wide right-of-way (ROW) for the proposed alternative route segments. Depending on the terrain and other considerations, such as existing structure designs and the length of span between structures and clearance requirements needed to cross waterways, wetlands areas, FAA determinations, or utility and roadway crossings, CenterPoint Energy may require wider ROW and alternative structure types.

CenterPoint Energy contracted with Halff Associates, Inc (Halff) to select and evaluate alternative routes and to prepare an EA and Alternative Route Analysis in support of the Certificate of Convenience and Necessity (CCN) application to be submitted to the PUC. This document is intended to provide information and address requirements of Section 37.056(c)(4)(A-D) of the Texas Utilities Code, the PUC's CCN Application Form for a Proposed Transmission Line, 16 Texas Administrative Code (TAC) § 25.101, and the PUC's policy of "prudent avoidance."

Previous Coordination

TPWD provided scoping information and recommendations regarding the preliminary study area for this project to Halff on September 19, 2022. This letter was 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 and should be viewed as cumulative to the additional recommendations below.

Proposed Alternative Routes

CenterPoint Energy's Recommended Route

For the proposed project, CenterPoint Energy evaluated a total of 20 alternative transmission line routes that provide geographically diverse alternatives across the study area and considered 52 evaluation criteria.

The potential environmental and land use impacts for each proposed alternative route were tabulated by Halff for each evaluation criteria. CenterPoint Energy provided the engineering review and estimated construction cost for each proposed alternative route. Halff compared 20 proposed alternative routes and determined that Proposed Alternative Route 10 is the proposed alternative route that best addresses the requirements of the Public Utility Regulatory Act (PURA) and the PUC Substantive Rules. CenterPoint Energy

agreed that Proposed Alternative Route 10 is the proposed alternative route that best addresses the requirements of the PURA and the PUC Substantive Rules.

Pages 19 through 21 of the Standard Application for a CCN provides the following excerpted information outlining the factors that contributed to CenterPoint Energy's selection of Route 10 as the route that best addresses the requirements of the Texas Utilities Code and PUC's Substantive Rules.

- *Third shortest in overall length of all alternative routes;*
- *39 habitable structures within 300-feet of which 30 are industrial/commercial buildings;*
- *Crosses no park/recreational areas;*
- *Shortest length across upland forests;*
- *Does not parallel any streams and has the least amount of stream crossings;*
- *Second least distance across a 100-year floodplain;*
- *Second least amount of pipeline crossings and shortest length parallel to pipeline ROW;*
- *Shorter lengths within the foreground visual zone of U.S. and state highways, FM [Farm-to-Market] and county roads, and park and recreational areas when compared to all alternative routes;*
- *The alternative route does not cross an area of high archaeological/historic site potential;*
- *Crosses no recorded archaeological sites;*
- *53 percent of length is parallel to apparent features including existing ROW and property lines.*

TPWD's Recommended Route

To evaluate the potential impacts to fish and wildlife resources, 17 criteria from Table 4-1 in the EA were used. The criteria TPWD used to evaluate potential impacts to fish and wildlife resources include:

1. Length of alternative route;
2. Length of route utilizing existing transmission line ROW;
3. Length of route parallel to existing transmission line ROW;
4. Length of route parallel to other existing compatible ROW (roads, highways, railways – does not include pipelines);
5. Length of route across parks/recreational areas;
6. Number of additional parks/recreational areas within 1,000 feet of ROW centerline;
7. Length of route through pastureland
8. Estimated length of route within foreground visual zone of park and recreational areas;
9. Length of route through upland woodland;
10. Length of route through bottomland/riparian woodland;
11. Length of route across Coastal Management Zone
12. Length of route across National Wetlands Inventory (NWI) mapped wetlands;

13. Length of route across critical habitat of federally endangered or threatened species;
14. Length of route across open water (lakes or ponds);
15. Number of stream and canal crossings;
16. Length of route parallel to streams within 100 feet of route centerline;
17. Length of route across 100-year floodplains.

TPWD typically recommends that transmission line routes be located adjacent to previously disturbed areas such as existing utility or transportation ROW and discourages fragmenting habitat or locating in areas that could directly negatively impact wildlife, including federally and state listed species. After careful evaluation of the 20 routes filed with the CCN application, TPWD selected **Route 10** as the route having the least-potential to impact fish and wildlife resources. The decision to recommend **Route 10** was based primarily on the following factors:

- Third shortest in overall length of all alternative routes;
- Crosses no park/recreational areas;
- No additional parks/recreational areas within 1,000 feet of ROW centerline
- Shortest length across upland woodland;
- Shorter length (ranked third shortest) across bottomland/riparian woodlands compared to most other alternative routes;
- Shorter length (ranked third shortest) across NWI mapped wetlands compared to most other alternative routes;
- Shortest length across open water;
- Does not parallel any streams and has the least amount of stream crossings;
- No length of route parallel to streams within 100 feet of route centerline;
- Second least distance across a 100-year floodplain;
- 53 percent of length is parallel to apparent features including existing ROW and property lines.

The EA did not provide sufficient information based on surveys (aerial or field), remote sensing, modeling, or other available analysis techniques 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 resource information provided in the CCN application and EA, as well as publicly available information examined in a Geographic Information System (GIS).

Recommendation: Of the routes evaluated in the EA, **Route 10** appears to be the route that best minimizes adverse impacts to natural resources. TPWD believes the State's long-term interests are best served when new utility lines are sited where possible in or adjacent to existing utility corridors, roads, or rail lines instead of fragmenting intact lands.

Lighting

Light pollution can have negative impacts on wildlife, particularly sky glow and the unnecessary lighting of unpaved areas. Sky glow caused by light pollution can disrupt

natural diurnal and nocturnal behaviors such as migration, reproduction, nourishment, rest, and cover from predators. Artificial nighttime lighting can attract and disorient night-migrating birds as well as insects. Birds or insects circling the lights' glare can succumb to exhaustion mortality, or insects may be subjected to increased predator pressure. Nighttime lighting can also disrupt the breeding of amphibians.

The International Dark Sky Places (IDSP) Program was founded in 2001 to encourage communities, parks, and protected areas around the world to preserve and protect dark sites through responsible lighting policies and public education. As of January 2022, there are over 195 certified IDSP in the world with 16 certified IDSPs in Texas. The International Dark-Sky Association utilizes a rigorous designation process to designate IDSP. The IDSP Program offers five types of designations: IDS Communities, IDS Parks, IDS Reserves, IDS Sanctuaries, and Urban Night Sky Places.

Wildlife impacts from light pollution and potential impacts to IDSP are of concern to TPWD. The impact severity of light pollution increases with the overall cumulative presence of artificial lighting across the landscape. Implementation of the following lighting minimization practices can be meaningful, even when these practices are employed within an already-developed area.

Recommendation: When lighting is added, TPWD recommends minimizing sky glow by focusing light down on the facility, with full cutoff luminaries to avoid light emitting above the horizontal plane.

Recommendation: For bird protection measures for migrant and resident species as well as other wildlife, TPWD recommends utilizing the minimum amount of permanent night-time lighting needed for safety and security and encourages the use of dark sky friendly lighting. TPWD recommends minimizing the project's contribution toward skyglow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal, and to use dark-sky friendly lighting that is on only when needed, down-shielded, only as bright as needed, and minimizes blue light emissions. Appropriate lighting technologies, beneficial management practices, and other dark sky resources can be found at the International Dark-Sky Association and McDonald Observatory websites.

Implementation of Beneficial Management Practices

The EA identifies several beneficial management practices (BMP) that CenterPoint Energy will utilize during clearing, construction, and maintenance to conserve and protect natural resources. TPWD appreciates CenterPoint Energy's commitments to implement the BMP identified in the EA to avoid or minimize impacts to natural resources and wildlife.

With that being said, TPWD encourages further commitment to implement the BMP recommended in TPWD's September 19, 2022, scoping letter in order to more comprehensively avoid or minimize potential impacts to fish and wildlife resources.

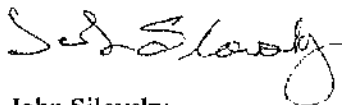
Recommendation: TPWD recommends CenterPoint Energy and the PUC utilize the

following BMP when specifically applicable to the project:

- Conduct field 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.
- Proactively install bird flight diverters where lines cross wetlands, rivers, or streams.
- Utilize a biological monitor during construction when required by law or permit.
- 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 TXNDD.
- If working in inland waters, prepare an Aquatic Resource Relocation Plan and coordinate with the 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.
- 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 the EA for this project. If you have any questions, please do not hesitate to contact Environmental Review Biologist Ms. Rachel Lange by email at Rachel.Lange@tpwd.texas.gov or by phone at (979) 732-4213. Thank you for your favorable consideration.

Sincerely,



John Silovsky
Wildlife Division Director

JS:RL:bdk

cc: Ms. Meredith Longoria
Ms. Laura Zebehazy
Ms. Rachel Lange
Ms. Theda Strickler

Ms. Marisa Wagley
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October 24, 2023

cc: Mr. Bradley Diehl
Manager – Transmission Policy
CenterPoint Energy
Bradley.Diehl@centerpointenergy.com