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September 23, 2024

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

RE: PUC Docket No. 56799: Application of Oncor Electric Delivery Company, LLC to Amend a Certificate of Convenience and Necessity for the Reiter Switch – Tesoro Switch 345-kilovolt (kV) Transmission Line Project in Ector and Midland Counties

Dear Ms. Wagley:

Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment (EA) received by our office July 29, 2024, 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 52668 in any return correspondence regarding this project.

Under 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) proposes to construct a double-circuit 345-kV transmission line between Oncor's planned Reiter Switch in Ector County and Oncor's existing Tesoro Switch in Midland County. The planned Reiter Switch property is located approximately 1.2 miles north of the intersection of Loop 338 and Farm-to-Market Road 3503. The existing Tesoro

Switch property is located approximately 1.5 miles southeast of the intersection of Interstate Highway 20 and Loop 338 near Odessa, Texas.

The proposed transmission line will be constructed on double-circuit lattice steel towers with a typical height ranging between 120 to 180 feet. The right-of-way (ROW) width for the proposed project will be approximately 160 feet, and depending on the alternative route selected, the total length of the proposed project would be between 4 and 5 miles.

Oncor retained Halff to identify and evaluate alternative routes and prepare an EA and Alternative Route Analysis report to support Oncor's application for a Certificate of Convenience and Necessity (CCN).

Previous Coordination

TPWD provided information and recommendations applicable to the preliminary study area for this project to Halff on May 15, 2024.

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

Following review of the preliminary alternative route links, a total of 52 alternative route links were adopted, from which 150 alternative routes were delineated and further evaluated. Oncor then selected 21 geographically diverse routes that were filed with the CCN application. Oncor evaluated the 21 alternative routes and selected Route 10 as the route that best addresses the requirements of PURA §37.056(c)(4)(A)-(D) and 16 TAC § 25.101.

Table 2 in Attachment No. 10 of the EA presents the environmental data for the 21 alternative routes filed with the CCN. Table 2 shows that Route 10:

- Has a total length of 23,399 feet
- Parallels existing electric transmission line for 796 feet
- Length across rangeland pasture is 21,458 feet

TPWD's Recommended Route

In addition to reviewing the EA and publicly available data, TPWD evaluated potential impacts to fish and wildlife resources using the following criteria from Table 2:

- Length of alternative route
- Length of route parallel to existing electric transmission lines
- Length across rangeland pasture

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 break between contiguous tracts of habitat and cannot be used to assume existing habitat fragmentation. In addition, *Total length of route parallel to existing compatible ROW* was not used in the evaluation because Attachment No. 10 of the EA states that *Length of route parallel to apparent property boundaries* is included in that value.

The following ecological and land use criteria had values of zero for all routes and were not used by TPWD to compare routes:

- Length of route parallel to railroads
- Length of route parallel to existing public roads/highways
- Length of route parallel to pipelines
- Length across upland woodlands
- Length across riparian areas
- Length across potential wetlands
- Length route parallel to streams (within 100 feet)
- Length across lakes or ponds (open waters)
- Number of known rare/unique plant locations within the ROW
- Length of route through known habitat of endangered or threatened species

TPWD typically recommends that transmission line routes be located to adjacent previously disturbed areas such as existing utility or transportation ROWs and discourages fragmenting habitat or locating in areas that could negatively impact wildlife including federally and state listed species, while also minimizing the route length. After careful evaluation of the 21 routes filed with the CCN application, TPWD selected **Route 46** as the route having the least potential to impact fish and wildlife resources. The decision to recommend **Route 46** was based primarily on the following factors that **Route 46**:

- Is the shortest route (tied with Route 61), at 21,382 feet (All routes 21,382 feet to 27,592 feet)
- Has the second longest length (tied with Route 61) parallel to existing electric transmission lines at 6,419 feet (All routes 796 feet to 6,993 feet)
- Has the second shortest length across rangeland pasture at 19,404 feet (All routes 19,374 feet to 25,844 feet)

The EA indicates that the ground reconnaissance survey was conducted by visual observation of the study area characteristics from Oncor's existing Tesoro Switch access easement and from public road and public ROW located within the study area. The EA did not provide sufficient information based on field surveys to determine which route would best minimize impacts on 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 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 46** appears to best minimize adverse impacts to natural resources. TPWD recommends the PUC select a route that would minimize adverse impacts on natural resources, such as **Route 46**.

Implementation of Beneficial Management Practices

The EA identifies several BMP that Oncor could utilize during clearing, construction, site reclamation, and maintenance to conserve and protect natural resources. TPWD appreciates Oncor's commitment to implement the BMP identified in the EA to avoid or minimize impacts to natural resources and wildlife.

Recommendation: To more comprehensively avoid or minimize potential impacts to fish and wildlife resources, TPWD recommends Oncor, and the PUC utilize the following BMP, which are also described in TPWD's May 15, 2024, letter, 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 on federal and state listed species and species of greatest conservation need (SGCN) that are susceptible to project activities and that potentially occur within the area.

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- Avoid vegetation clearing during the general bird nesting season, March 15 – September 15.
 - If unable to avoid vegetation clearing during the bird breeding season, survey for active bird nests and avoid disturbance until fledged, in compliance with PWC § 64.003.
- 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.
- 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. Please contact Environmental Review Biologist Mr. Rick Hanson by email at Richard.Hanson@tpwd.texas.gov or by phone at (806) 761-4930 ext. 4936 if you have any questions. Thank you for your favorable consideration.

Sincerely,



John Silovsky
Wildlife Division Director

RH:52668

cc: Ms. Meredith Longoria
Ms. Laura Zebehazy
Ms. Theda Strickler
Mr. Rick Hanson
Ms. Christine Williams, Oncor






WL52668-PUC56799-Reiter-TesoroSwitch345kV_FINAL_20240912

Final Audit Report

2024-09-23

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