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September 21, 2009

Mr. Brian Almon, P.E.
Public Utilities Commission
P.O. Box 13326
Austin, TX 78711-3326

RE: Southwestern Public Service (SPS) Company, d/b/a Xcel Energy,
Wheeler to Howard 115 kV Transmission Line (Docket #37260);
Wheeler County

Dear Mr. Almon:

Texas Parks and Wildlife Department (TPWD) has received the Intensive Cultural Resource Survey and Biological Evaluation for the transmission line project referenced above located south of the City of Wheeler. These studies were conducted by TRC for the proposed SPS transmission line. TPWD staff has reviewed the information provided and offers the following comments concerning this project.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency on or after September 1, 2009 may be required by state law. For further guidance, see the attached Texas Parks & Wildlife Code Section 12.0011. For tracking purposes, please refer to TPWD project number 14346 in any return correspondence regarding this project.

Project Description

The proposed project includes the construction of approximately 7 miles of 115 kV electrical transmission line from the proposed Wheeler Substation near the intersection of US 83 and CR Q to the proposed Howard Substation on FM 2473 in the City of Wheeler. TPWD provided preliminary comments and recommendations to TRC regarding this project on April 17, 2009. A copy of that correspondence is included in the Biological Evaluation.

Recommendation: Please review the recommendations provided in the April 2009 letter as they remain applicable to the project as proposed.

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Routing

Three alternate routes have been proposed. Route 1, the preferred route of TRC, includes segments A, B, and C. Route 2 includes segments A, B, and D, and Route 3 includes segments A and E. Segments B, C, D, and E are located within 1 mile of each other and, with the exception of Segment D, are located along roadway right-of-way (ROW) adjacent to crop land. Segment D is located within crop land. Only Segment E parallels an existing transmission line.

Recommendation: Because the alternate segments are located in similar habitat, impacts to wildlife resources from Segments B, C, D, or E would be similar. Route 3 would follow an existing transmission line and would be the preferred route of TPWD. However, as stated above, Route 1 would follow existing roadway ROW adjacent to crop land and would be an acceptable alternative if other constraints prevent the use of Route 3. TPWD supports the use of existing ROW when possible and does not recommend Route 2.

Water Resources

The Biological Evaluation states that the proposed project would cross a wetland east of the Bronco Creek drainage on Segment A. TRC recommends that construction of the line span this feature or avoid it entirely. As stated above, Segment A is included in all 3 route alternatives.

Recommendation: TPWD also recommends avoiding impacts to this wetland. If construction would occur in this area or if the wetland would be spanned, TPWD recommends performing work when this ephemeral wetland is dry.

Rare and Protected Species

A portion of the project is located within the 200 mile wide corridor in which 95% of sightings of the federal and state listed endangered Whooping Crane (*Grus americana*) have been reported during migration. The Biological Evaluation states that the small wetland on the project route does provide some suitable foraging habitat for this species, but is not large enough to support large flocks of this species. Please note that the only naturally occurring population of this species in the wild is currently estimated at less

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than 250 individuals, and collisions with power lines are known causes of Whooping Crane mortality.

Recommendation: TPWD recommends precautions be taken to avoid impacts to the Whooping Crane during migration. Construction of lines near wetlands or other potential migratory stopover sites should be avoided. If placement of lines near potential migratory stopover sites is unavoidable, lines placed in areas that are or could be frequently used by cranes should be marked with bird flight diverters. TPWD recommends SPS contact Tom Stehn of the U.S. Fish and Wildlife Service (USFWS) at (361) 286-3559 for additional information regarding the Whooping Crane and additional recommendations for mitigating impacts to this species.

As stated in the preliminary information provided by TPWD in April 2009, a portion of the project route is within 1 mile of the estimated occupied range of the federal candidate for listing Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*)(LPC). TPWD recommended that the biological resource survey include a survey for suitable LPC habitat on or adjacent to the project route. The Biological Evaluation states that habitat for this species is absent from the project area and there is no potential for this species to occur on the project site. Please note that it is the responsibility of the project proponent to determine if adverse effects to rare and protected species are expected as a result of the proposed project and consult with the appropriate agency concerning expected impacts.

The Biological Evaluation states that the proposed project may adversely affect the state listed threatened Texas horned lizard (*Phrynosoma cornutum*). TRC recommends that inspections be conducted in the work areas each day, and such inspections could consist of training an employee to capture and relocate lizards that are found in a construction zone.

Recommendation: TPWD also recommends that project areas in which vegetation and soil disturbing activities will occur should be inspected for Texas horned lizards and impacts to this species should be avoided if found. Texas horned lizards encountered during construction should be allowed to safely leave the site. Please note that state listed species may only be handled by persons with a scientific collection permit obtained through TPWD, even for the purpose of relocation. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647. If horned lizards are discovered in the project area and require

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relocation, TPWD recommends a permitted biological monitor be present on site during construction.

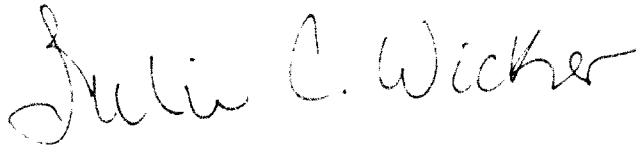
Migratory Birds

The Biological Evaluation states that phase conductors, grounded hardware, and energized conductors along the transmission line will be separated by a width greater than the wingspan of golden and bald eagles to minimize power line collisions and raptor electrocutions. TRC recommends that the use of guy wires and static lines be eliminated where possible and, if used, they should be marked to reduce the possibility of collisions.

Recommendation: TPWD also recommends avoiding the use of guy wires and static lines, and these lines should be marked if used. Although the separation of conductors would help minimize electrocutions by reducing the chance of phase to phase or phase to ground contact, TPWD recommends using line markers to minimize power line collisions. Please see the attached *TPWD Recommendations for Electrical Transmission/Distribution Line Design and Construction*. Please review the recommendations and incorporate these measures into design and construction plans. Also see the attached schematic drawing of the preferred vegetation clearing method for transmission lines.

I appreciate the opportunity to review and comment on this project. Please contact me at (512) 389-4579 if you have any questions.

Sincerely,



Julie C. Wicker
Wildlife Habitat Assessment Program
Wildlife Division

JCW:gg.14346

Attachments

cc: Michael Cayton, TRC Solutions

Sec. 12.0011. RESOURCE PROTECTION.

(a) The department is the state agency with primary responsibility for protecting the state's fish and wildlife resources.

(b) The department's resource protection activities include:

(1) investigating fish kills and any type of pollution that may cause loss of fish or wildlife resources, taking necessary action to identify the cause and party responsible for the fish kill or pollution, estimating the monetary value of lost resources, and seeking restoration through presentation of evidence to the agency responsible for permitting or through suit in county or district court;

(2) providing recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects;

(3) providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources; and

(4) providing recommendations to the Texas Department of Water Resources on scheduling of in-stream flows and freshwater inflows to Texas estuaries for the management of fish and wildlife resources.

(c) An agency with statewide jurisdiction that receives a department recommendation or informational comment under Subsection (b) shall respond to the department in writing concerning the recommendation or comment. A response must include for each recommendation or comment provided by the department:

(1) a description of any modification made to the proposed project, fish and wildlife resource decision, or water flow schedule resulting from the recommendation or comment;

(2) any other disposition of the recommendation or comment; and

(3) as applicable, any reason the agency disagreed with or did not act on or incorporate the recommendation or comment.

(d) A response under Subsection (c):

(1) must be submitted to the department not later than the 90th day after the date the agency makes a decision or takes other action related to the recommendation or informational comment provided by the department; and

(2) is public information under Chapter 552, Government Code.

TPWD Recommendations for Electrical Transmission/Distribution Line Design and Construction

Construction of the line should be performed to avoid adverse impacts not only to the environment but the local bird populations and to restore or enhance environmental quality to the greatest extent practical. In order to minimize the possible project effects upon wildlife, the following measures are recommended.

TPWD recommends that each electrical company develop an Avian Protection Plan to minimize the risks to avian species that are protected by the Migratory Bird Treaty Act.

Avian Electrocution Risks

Birds can be electrocuted by simultaneously contacting energized and/or grounded structures, conductors, hardware, or equipment. Electrocutions may occur because of a combination of biological and electrical design. Biological factors are those that influence avian use of poles, such as habitat, prey and avian species. The electrical design factor is most crucial to avian electrocutions is the physical separation between energized and/or grounded structures, conductors, hardware, or equipment that can be bridges by birds to complete a circuit. As a general rule, electrocution can occur on structures with the following:

- Phase conductors separated by less than the wrist-to-wrist or head-to-foot (flesh-to-flesh) distance of a bird;
- Distance between grounded hardware (e.g. grounded wires, metal braces) and any energized phase conductor that is less than the wrist-to-wrist or head-to-foot (flesh-to-flesh) distance of a bird (Avian Power Line Interaction Committee 2006).

To protect raptors and eagles, procedures should be followed as outlined in:

Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006. by Avian Power Line Interaction Committee (APLIC). 2006. Distributed by the Avian Power Line Interaction Committee (APLIC).

Mitigating Bird Collisions with Power Lines: the State of the Art in 1994. Avian Power Line Interaction Committee (APLIC). 1994. Edison Electric Institute. Washington D.C.

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 much preferred.

Preventative measures include: phase covers, bushing cover, arrester covers, cutout covers, jumper wire hoses, and covered conductors. In addition, perch discouragers may be used to deter birds from landing on hazardous (to birds) pole locations where isolate, covers, or other insulating techniques cannot be used (Avian Power Line Interaction Committee 2006).

Use wood or non-conducting cross arms, for distribution lines, to minimize the possibility of electrical contact with perching birds.

When possible, for distribution lines, install electrical equipment on the bottom cross arm to allow top cross arm for perching.

AN ALTERNATIVE TO EDGE-TO-EDGE ELECTRIC TRANSMISSION LINE ROW CLEARING

MAXIMUM HEIGHT OF TIMBER LINE FOR RIGHT-OF-WAY CLEARING
IN SELECTIVE CUT CLEARING AREAS

