

## **Appendix A**

### **Agency Correspondence**

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509 N SAM HOUSTON PKWY EAST  
SUITE 200  
HOUSTON, TX 77060

PHONE 281-765-5500

FAX 281-765-5599

May 5, 2011  
(Via Mail)

Mr. Duane Lucia  
Field Supervisor  
U.S. Fish and Wildlife Service (USFWS)  
P.O. Box 42125., TTU  
Lubbock, TX 79409

ENERGY

FACILITIES

COMMUNICATIONS

ENVIRONMENTAL

Re: Proposed Plainview City – Kress Interchange 115 kV Electric Transmission Line Project  
Hale and Swisher counties, Texas  
POWER Engineers Project No. 122186

Dear Mr. Lucia:

Xcel Energy, Southwestern Public Service (SPS) proposes to design and construct a new 115-kilovolt (kV) transmission line in Hale and Swisher counties. The new transmission line will connect the proposed Plainview City Substation, located in northeast Plainview, to the existing Kress Substation, located northwest of Kress. The entire project will be approximately 16 miles in length, depending on the final route. The location of the study area is shown on the attached map.

POWER Engineers, Inc. (POWER) is preparing an Environmental Assessment (EA) and Alternative Route Analysis for SPS to support its application for an amendment to its existing Certificate of Convenience and Necessity (CCN) from the Public Utility Commission of Texas. POWER is gathering data on the existing environment and identifying environmental and land use constraints within the study area that will be used in the creation of an environmental and land use constraint map. POWER will identify potential alternative route segments that consider environmental and land use constraints.

We are requesting that your office provide information concerning environmental and land use constraints regarding threatened and endangered species, wetlands, or other issues of interest to USFWS within the study area. Your input will be an important consideration in the evaluation of alternative routes and in the assessment of potential impacts. In addition, we 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, SPS will identify and obtain necessary permits, if required, from your agency/office.

Thank you for your assistance with this proposed electric transmission line project. Please contact me at 281-765-5507 or by e-mail, [lisa.barko@powereng.com](mailto:lisa.barko@powereng.com), if you have any questions or require additional information. We appreciate receiving your reply by June 3, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Barko Meaux".

Lisa Barko Meaux  
Project Manager

Enclosure(s):  
Sent Via Mail  
c: Kelli Boren, SPS  
DMS 122186  
PER-01

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Plainview City – Kress Interchange 115-kV  
Electric Transmission Line Project

Study Area Boundary  
Map



Print Date: April 21, 2011



Legend

Project Features

- ★ Project Endpoints
- Study Area Boundary

Land Use

- ✈ Airport/Landing Strip
- Landing Strip
- Park

Existing Utilities

- Substation
- Transmission Line

Jurisdictional Boundaries

- City Boundary
- County Boundary

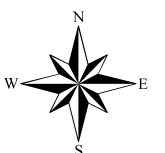
Transportation

- Railroad
- Interstate
- US Highway
- State Highway
- FM/Ranch Road
- Local Road

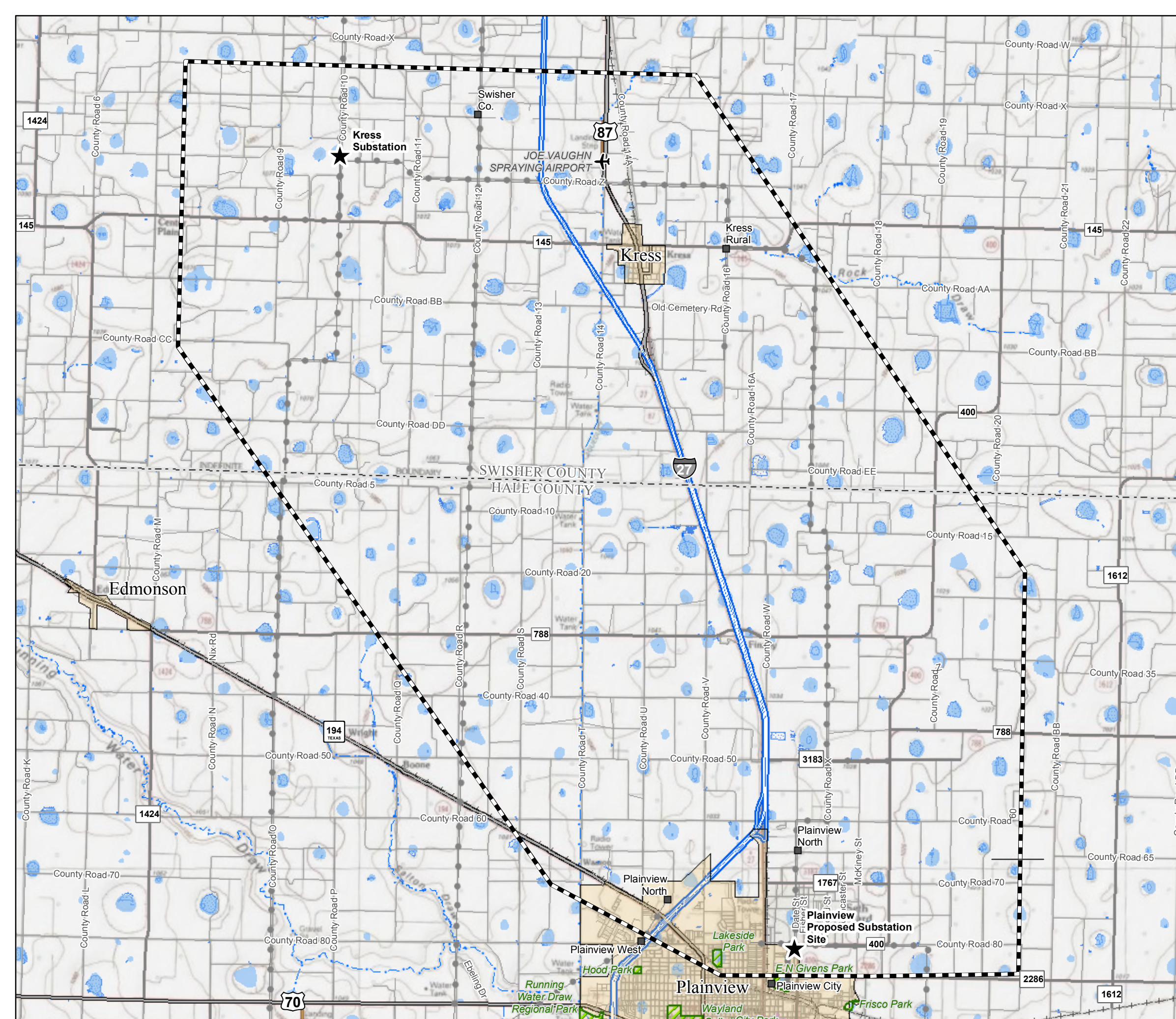
Water

- River or Stream
- Playa Lakes
- Waterbody

Note: Some legend symbols are enlarged for easier identification  
Base Map: USGS Topographic Map June 2008 from ESRI



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Miles





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**FEDERAL/STATE AGENCIES  
KISER TO KRESS 115-KV TRANSMISSION LINE**

<b>FEDERAL</b>	
Mr. Duane Lucia Field Supervisor U.S. Fish and Wildlife Service P. O. Box 42125, TTU Lubbock, TX 79409	Mr. Alfredo Armendariz Regional Administrator U.S. Environmental Protection Agency 1445 Ross Avenue, Suite 1200 Dallas, TX 75202
Col. Richard J. Muraski, Jr. District Engineer, Fort Worth District U.S. Army Corps of Engineers P.O. Box 17300 Fort Worth, TX 76102	Mr. William Straw Regional Environmental Officer Federal Emergency Management Agency FRC 800 North Loop 288 Denton, TX 76209-3698
Col. Michael Teague District Engineer, Tulsa District U.S. Army Corps of Engineers 1645 South 101 East Avenue Tulsa, OK 74128	Ms. Teresa A. Bruner Regional Administrator, Southwest Region Federal Aviation Administration 2601 Meacham Boulevard Forth Worth, TX 76137-4298
Mr. Salvador Salinas State Conservationist Natural Resources Conservation Service 101 South Main Street Temple, TX 76501-7682	
<b>STATE</b>	
Ms. Jill Hybner Program Manager, Environmental Permits Railroad Commission of Texas 1701 North Congress Avenue Austin, TX 78711-2967	Ms. Kathy Boydston Wildlife Habitat Assessment Program Texas Parks and Wildlife Department, Wildlife Division 4200 Smith School Road Austin, TX 78744-3291
Mr. Mark Wolfe Executive Director Texas Historical Commission P.O. Box 12276 Austin, TX 78711	Mr. Mark R. Vickery Executive Director Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711
Mr. Jeff Bertl Lubbock Regional Director Texas Commission on Environmental Quality 5012 50 <sup>th</sup> Street, Suite 100 Lubbock, TX 79414	Ms. Dianna F. Noble, P.E. Director, Environmental Affairs Division Texas Department of Transportation 125 East 11th Street Austin, TX 78701-2483
Mr. David Fulton Director, Division of Aviation Texas Department of Transportation 125 East 11th Street Austin, TX 78701-2483	Mr. James L. Randall Director, Planning and Programming Texas Department of Transportation 125 East 11th Street Austin, TX 78701-2483

**FEDERAL/STATE AGENCIES  
KISER TO KRESS 115-KV TRANSMISSION LINE**

Mr. Douglas W. Eichorst Lubbock District Engineer Texas Department of Transportation 135 Slaton Road Lubbock, TX 79404	Ms. Carolyn Brittin Deputy Executive Administrator of Planning Texas Water Development Board P.O. Box 13231 Austin, TX 78711-3231
Mr. Jerry Patterson Commissioner Texas General Land Office 1700 North Congress Avenue, Suite 935 Austin, TX 78701-1495	



**LOCAL OFFICIALS**  
**KISER TO KRESS 115-kV TRANSMISSION LINE**

Ms. Alice Sawayer Chair Hale County Historical Commission 1207 Floydada Street Plainview, TX 79072	Mr. Weldon J. Melton President Hale County Farm Bureau 808 S. Columbia Street Plainview, TX 79072
Mr. Ross James Chair Swisher County Historical Commission 208 Dakota Trail Tulia, TX 79088	Mr. Jay W. Johnson President Swisher County Farm Bureau 319 SW 2 <sup>nd</sup> Street Tulia, TX 79088
Honorable Bill Coleman Hale County Judge Hale County Commissioners Court 500 Broadway Street, #240 Plainview, TX 79072	Mr. Harold King Hale County Commissioner Pct. 1 Hale County Commissioners Court 500 Broadway Street, #240 Plainview, TX 79072
Mr. Mario Martinez Hale County Commissioner Pct. 2 Hale County Commissioners Court 500 Broadway Street, #240 Plainview, TX 79072	Mr. Kenny Kernell Hale County Commissioner Pct. 3 Hale County Commissioners Court 500 Broadway Street, #240 Plainview, TX 79072
Mr. Benny Cantwell Hale County Commissioner Pct. 4 Hale County Commissioners Court 500 Broadway Street, #240 Plainview, TX 79072	Honorable Harold Keeter Swisher County Judge Swisher County Commissioners Court 119 South Maxwell Tulia, TX 79088
Mr. Lloyd Rahlfs Swisher County Commissioner Pct. 1 Swisher County Commissioners Court 119 South Maxwell Tulia, TX 79088	Mr. Joe Bob Thompson Swisher County Commissioner Pct. 2 Swisher County Commissioners Court 119 South Maxwell Tulia, TX 79088
Mr. Harvey Foster Swisher County Commissioner Pct. 3 Swisher County Commissioners Court 119 South Maxwell Tulia, TX 79088	Mr. Tim Reed Swisher County Commissioner Pct. 4 Swisher County Commissioners Court 119 South Maxwell Tulia, TX 79088
Mr. John C. Anderson Mayor City of Plainview 901 Broadway Street Plainview, TX 79072	Mr. Michael Gilliland Public Works Director City of Plainview 901 Broadway Street Plainview, TX 79072

**LOCAL OFFICIALS**  
**KISER TO KRESS 115-kV TRANSMISSION LINE**

Ms. Esther Mount Mayor City of Kress P.O. Box 236 Kress, TX 79052	Mr. Ron Miller Superintendent Plainview ISD P.O. Box 1540 Plainview, TX 79072
Mr. Doug Setliff Superintendent Kress ISD 200 E 2 <sup>nd</sup> Street Kress, TX 79052	



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

Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Boulevard  
Fort Worth, Texas 76137

MAY 09 2011

Ms. Lisa Barko Meaux  
Project Manager  
Power Engineers, Inc.  
509 N. San Houston Pkwy East, Suite 200  
Houston, TX 77060

Dear Ms. Meaux:

The Federal Aviation Administration (FAA) has received numerous letters from consultants on behalf of Xcel Energy requesting comments on various proposed electric transmission lines in the state of Texas. We have responded to past letters with the same basic responses. Please accept this letter as our position on all proposed transmission lines you are currently working on as well as any future proposals.

FAA Advisory Circular (AC) 70/7460.2 (AC 7460), *Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace*, provides information to anyone proposing to erect or alter an object that may affect the navigable airspace. To comment adequately on a proposed transmission line we need the following information:

1. The specific routing of the proposed transmission line.
2. A graphic depicting transmission line's closest point of approach (CPA) to public and private use airports within the study area.
3. The elevation of the tallest structure at CPA to airport.
4. An application of AC 7460 criteria to the transmission line. Information about submission of Form 7460 is found at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
5. A request from a Federal agency project manager for FAA review of the proposed project. None of your previous correspondence cited the Federal agency that will be making the environmental determination for any of the proposed projects. Please provide the agency and Federal project manager's telephone number and address when you submit Form 7460.

When we receive information and coordination from a Federal agency having the authority to make the environmental determination on the transmission lines, we will provide appropriate comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Solco', enclosed within a large, loopy oval flourish.

Kelvin L. Solco  
Manager, Airports Division

United States Department of Agriculture



Natural Resources Conservation Service  
101 South Main  
Temple, TX 76501-7602

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April 27, 2011

Ms. Lisa Barko Meaux  
Project Manager  
Power Engineers  
509 N. Sam Houston Pkwy. East, Suite 200  
Houston, TX 77060

Dear Ms. Meaux:

We have reviewed the information pertaining to the proposed Plainview City – Kress Interchange 115 kV Electric Transmission Line Project No. 122186 in Hale and Swisher Counties, Texas.

This project should have no significant adverse impact on the environment or natural resources in the area. We do not require any permits, easements, or approvals for activities such as this.

Thank you for the opportunity to review this proposed project.

Sincerely,

A handwritten signature in blue ink that reads "Salvador Salinas". The signature is written in a cursive, flowing style.

SALVADOR SALINAS  
State Conservationist

April 26, 2011

POWER ENGINEERS  
% Lisa Barko Meaux  
509 N Sam Houston Pkwy East  
Houston, TX 77060

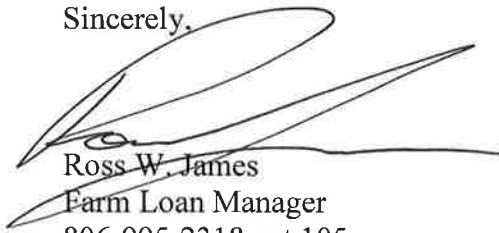
Dear Ms. Meaux,

We have received your request and copy of the proposal to construct a new 115 Kilowatt transmission line in Hale and Swisher Counties.

For concurrence by the Historical Commission, you will need to contact Mr. Mark Wolfe who is the State Historic Preservation Officer with the Texas Historical Commission. Mr. Wolf can be reached by mail at: PO Box 12276, Austin, TX, 78711.

We appreciate your efforts to preserve the irreplaceable heritage of Texas. Please feel free to contact me with any questions that you may have.

Sincerely,



Ross W. James  
Farm Loan Manager  
806-995-2318 ext.105  
*Swisher Historical Comm*



**TEXAS HISTORICAL COMMISSION**

*real places telling real stories*

May 25, 2011

Lisa Barko Meaux  
Project Manager  
Power Engineers, Inc.  
509 N. Sam Houston Pkwy East  
Suite 200  
Houston, Texas 77060

Re: Project review under the Antiquities Code of Texas, Study Map for Xcel Energy's proposed 115-kV Plainview to Kress Interchange, Swisher County, Texas (PUC)

Dear Ms. Meaux:

Thank you for your correspondence describing the above referenced project. This letter presents the comments of the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

The review staff, led by Debra L. Beene, has completed its review. Much of the study area has a moderate to high probability of containing significant cultural resources and an archeological investigation may be warranted. However, we need the specific route plotted on the 7.5' topographic map in order to determine whether a survey is needed. We understand that you plan to submit further documentation once the route has been determined.

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 assistance in this state 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 contact Debra L. Beene at 512/463-5865.**

Sincerely,



for

Mark Wolfe, State Historic Preservation Officer

MW/dlb



## Lisa Barko Meaux 5507

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**From:** Tangela Niemann [Tangela.Niemann@tceq.texas.gov]  
**Sent:** Friday, April 29, 2011 2:48 PM  
**To:** Lisa Barko Meaux 5507  
**Subject:** Re: Kress Interchange 115 kV Electric Transmission Line Project  
**Attachments:** 2011-177.docx; 2011-177.pdf

Hi Ms. Meaux,

Attached is our response to your letter dated April 21, 2011; which I have attached as well for your reference.

Thank you.  
Tangela

*Tangela Niemann*

*Texas Commission on Environmental Quality  
Intergovernmental Relations, MC-119  
Ofc 512.239.3786  
Fax 512.239.3335  
[tangela.niemann@tceq.texas.gov](mailto:tangela.niemann@tceq.texas.gov)*



*Please consider whether it is necessary to print this e-mail*

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 29, 2011

Ms. Lisa Barko Meaux  
Power Engineers  
509 N. Sam Houston Parkway East  
Suite 200  
Houston, TX 7060

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #2011-177, City of Plainview, Hale and Swisher Counties - Kress Interchange 115 kV Electric Transmission Line Project

Dear Ms. Meaux:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed action is located in the City of Plainview, Hale and Swisher Counties, which are currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, General Conformity does not apply.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

We recommend the environmental assessment address actions that will be taken to prevent surface and groundwater contamination.

Thank you for the opportunity to review this project. If you have any questions, please contact Ms. Tangel Niemann at (512) 239-3786 or [tangela.niemann@tceq.texas.gov](mailto:tangela.niemann@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Harrison".

Jim Harrison, Director  
Intergovernmental Relations Division



Life's better outside.®

June 28, 2011

Commissioners

Peter M. Holt  
Chairman  
San Antonio

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Vice-Chairman  
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Beeville

Margaret Martin  
Boerne

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Houston

Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

---

Carter P. Smith  
Executive Director

Ms. Lisa Barko Meaux  
POWER Engineers, Inc.  
509 N. Sam Houston Parkway East, Suite 200  
Houston, TX 77060

RE: Plainview City to Cox Interchange and Plainview City to Kress Interchange Proposed 115-kilovolt (kV) Transmission Line Projects, POWER Engineers Project Numbers 122186 and 122187; Hale and Swisher Counties

Dear Ms. Meaux:

Texas Parks and Wildlife Department (TPWD) received the preliminary information requests regarding the above-referenced proposed transmission line projects. TPWD staff has reviewed the information provided and offers the following comments concerning these projects.

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 Texas Parks and Wildlife Code, Section 12.0011 which can be found online at <http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011>. For tracking purposes, please refer to TPWD project numbers 16120 and 16133 in any return correspondence regarding these projects.

Project Description

Xcel Energy, Southwestern Public Service (SPS) proposes to construct new 115-kV transmission lines connecting the proposed Plainview City Substation to the existing Kress Substation and to the existing Cox Substation. The projects would be approximately 16 and 8 miles long, respectively. For each of the projects, POWER Engineers, Inc. (POWER) is gathering data on the existing environment and identifying environmental and land use constraints for use in preparation of an Environmental Assessment (EA) to support an application for a Certificate of Convenience and Necessity (CCN) from the Public Utility Commission (PUC).

Ms. Lisa Barko Meaux  
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**Recommendation:** TPWD recommends using existing facilities whenever possible. Where new construction is the only feasible option, TPWD recommends routing new transmission lines along existing roads, pipelines, transmission lines, or other utility rights-of-way (ROW) and easements to reduce habitat fragmentation. By utilizing existing utility corridors, county roads and highway ROWs, adverse impacts to fish and wildlife resources would be mitigated by avoiding and/or minimizing the impacts to undisturbed habitats. 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.

#### Federal Laws

##### *Clean Water Act*

Section 404 of the Clean Water Act establishes a federal program to regulate the discharge of dredged and fill material into the waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency are responsible for regulating water resources under this act. Although the regulation of isolated wetlands has been removed from the USACE permitting process, both isolated and jurisdictional wetlands provide habitat for wildlife and help protect water quality.

As seen on the attached maps, Running Water draw is located within the study area for the Plainview City to Cox line, and Rock Draw is located within the study area for the Plainview City to Kress line. Several playa lakes are also located in the study areas for both projects. Playa lakes shown on the attached maps are based on data from the Texas Tech University (TTU) Playa Lakes Digital Database. Additional information regarding features displayed on that map can be obtained at <http://www.rw.ttu.edu/gstlab/playas.pdf>.

**Recommendation:** If proposed projects would impact waterways or associated wetlands, TPWD recommends consulting with the USACE for potential impacts to waters of the U.S. including jurisdictional determinations, delineations, and mitigation. All waterways and associated floodplains, riparian corridors, playa lakes, and wetlands provide valuable wildlife habitat and should be protected to the maximum extent possible. Natural buffers contiguous to any wetlands

or aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks. Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources. Erosion controls and sediment runoff control measures should be installed prior to construction and maintained until disturbed areas are permanently revegetated using site specific native vegetation. Measures should be properly installed in order to effectively minimize the amount of sediment and other debris from entering the waterway.

#### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) prohibits taking, attempting to take, capturing, killing, selling/purchasing, possessing, transporting, and importing of migratory birds, their eggs, parts and nests, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

As discussed above, creeks and playa lakes are located within the project study areas. Please note that birds typically establish flight corridors along and within river and creek drainages. Playa lakes are important habitat features which are used by a host of wildlife species including large numbers of waterfowl and predator species. There is potential for electrocution and collision of large-bodied waterfowl and avian predators with electrical wires near these upland lakes. Direct loss to wildlife from collisions with wires or from electrocution may be less significant than the potential for disease created by decomposition after these fatalities. Indirect adverse impacts imposed by these collisions and subsequent decomposition of animal tissue within a water regime significantly contributes to the concentration of botulism bacteria that is highly toxic and often fatal to wildlife. During disease epidemics, playa lakes which are highly concentrated with botulism bacteria can have devastating adverse impacts on the remaining waterfowl and wildlife populations which use them.



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**Recommendation:** TPWD recommends POWER and SPS route transmission lines to avoid or minimize additional disturbance to playa lakes. Lines that cross or are located near creeks, drainages, reservoirs, and playa lakes should have line markers installed at the crossings or closest points to the drainages to reduce potential collisions by birds flying along or near the drainages. To prevent electrocution of perching raptors, raptor protection measures such as adequate conductor spacing, perch guards, and insulated jumper wires should also be used. For additional information, please see the guidelines published in the *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* and the *Avian Protection Plan Guidelines*.

If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA.

#### State Law

##### *Parks and Wildlife Code, Section 68.015*

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. A copy of *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, is attached for your reference. State-listed species may only be handled by persons with a scientific collection permit obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

Based on a review of the project locations, the state listed threatened Texas horned lizard (*Phrynosoma cornutum*) may be present in the project study areas. Texas horned lizards are generally active in this part of Texas from mid-April through September. At that time of year, they may be able to avoid slow (less than 15 miles per hour) moving equipment. The remainder of the year, this species hibernates only a few inches underground and they will be much more susceptible to earth moving equipment and compaction.

**Recommendation:** TPWD recommends avoiding disturbance of the Texas horned lizard, its burrows, and colonies of the Harvester ant during clearing and construction. TPWD recommends a biological monitor be

Ms. Lisa Barko Meaux  
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present during construction to try to relocate Texas horned lizards if found. If the presence of a biological monitor during construction is not feasible, state-listed threatened 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.

A mixture of cover, food sources, and open ground is important to the Texas horned lizard and Harvester ant. Disturbed areas within suitable habitat for the Texas horned lizard should be revegetated with site-specific native, patchy vegetation rather than sod-forming grasses.

#### Species of Concern/Special Features

In addition to state- and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or endangered. These species and communities are tracked in the Texas Natural Diversity Database (TXNDD), and TPWD actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment.

Based on a review of TXNDD records, aerial photography, and limited ground surveys, the following rare species and special features could potentially be impacted by project activities:

#### **Species of Concern**

Ferruginous Hawk (*Buteo regalis*)

Western Burrowing Owl (*Athene cunicularia hypugaea*)

Black-tailed prairie dog (*Cynomys ludovicianus*)

Swift fox (*Vulpes velox*)

#### **Special Features**

Prairie dog towns

TXNDD records in the study areas are shown on the attached maps for your reference. Records on those maps are labeled using their Element Occurrence Identification (EOID) number. That number corresponds to the EOID field in the upper right corner of the attached TXNDD reports.

Based on an examination of aerial photography, prairie dog towns may be located in the project study areas. The Black-tailed prairie dog is a keystone species which provides food and/or shelter for rare species tracked by TPWD such as the Ferruginous Hawk and the Western Burrowing Owl, as well as many other wildlife species.

**Recommendation:** TPWD recommends POWER and SPS survey the study areas for prairie dog towns and species that depend on them. If prairie dog towns are found in the study areas, TPWD recommends the alternative routes be designed to avoid them. If avoidance is not possible, TPWD recommends SPS span the towns and avoid disturbance of burrows during placement of the structures and maintenance of the line. If prairie dog burrows would be disturbed as a result of the proposed project, TPWD recommends non-harmful exclusion methods be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction.

The Western Burrowing Owl is a ground-dwelling owl that uses the burrows of prairie dogs and other fossorial animals for nesting and roosting. The Western Burrowing Owl is protected under the MBTA and take of these birds, their nests, and eggs is prohibited. Potential impacts to the Western Burrowing Owl could include habitat removal as well as displacement and/or destruction of nests and eggs if ground disturbance occurs during the breeding season.

**Recommendation:** If prairie dog towns would be disturbed as a result of the proposed project, TPWD recommends the burrows be surveyed for burrowing owls. If nesting owls are found, disturbance should be avoided until the eggs have hatched and the young have fledged.

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**. They represent species that could potentially be in your project area. This

Ms. Lisa Barko Meaux  
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information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously. As the project progresses and for future projects, please request the most current and accurate information at [txndd@tpwd.state.tx.us](mailto:txndd@tpwd.state.tx.us).

**Recommendation:** Please review the TPWD county lists for Hale and Swisher counties, as rare species in addition to those discussed above could be present depending upon habitat availability. These lists are available online at [http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered\\_species/](http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/). If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species. For the USFWS rare species lists by county please visit <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>.

Determining the actual presence of a species in a given 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 be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

### Vegetation

Based on a review of the TPWD Vegetation Types of Texas (1984) map, the following vegetation types are found in the study areas:

- Crops
- Mesquite (*Prosopis glandulosa*) Shrub

Maps of vegetation types in the study areas are attached for your reference.

**Recommendation:** TPWD recommends minimizing impacts to native vegetation to the extent feasible during project design and construction. Unavoidable loss of native vegetation should be mitigated by revegetating areas disturbed by project activities with site-specific native species. A list of native plant species suitable for use in the project area can be developed to fit your specific site needs using the Texas Plant Information Database at <http://tpid.tpwd.state.tx.us/>.

Ms. Lisa Barko Meaux  
Page Eight  
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Mitigation Plan

TPWD recommends POWER and SPS prepare a mitigation plan to provide compensatory mitigation for those habitats where impacts from the transmission line cannot be avoided or minimized. This would include impacts to species and habitats covered under federal law (wetlands and associated habitats, threatened or endangered species) and state resource habitat types not covered by state or federal law (riparian areas, native prairies). At a minimum, TPWD recommends a replacement ratio of 1:1 for state resource habitat types. For more detailed suggestions or information regarding a mitigation plan, please contact this office.

Please provide a copy of the EA to TPWD for review and comment prior to application to the PUC for a CCN. I appreciate the opportunity to provide preliminary input on potential impacts related to this project, and I look forward to reviewing the EA. Please contact me at (512) 389-4579 if you have any questions.

Sincerely,



Julie C. Wicker  
Wildlife Habitat Assessment Program  
Wildlife Division

JCW:gg.16120 & 16133

Attachments (5)

cc: Brian Almon, PUC (w/out attachments)



# Plainview City to Kress Interchange 115-kV Electric Transmission Line Study Area Water Resources



Life's better outside.®

8 June 2011 1 0.5 0 1 Miles

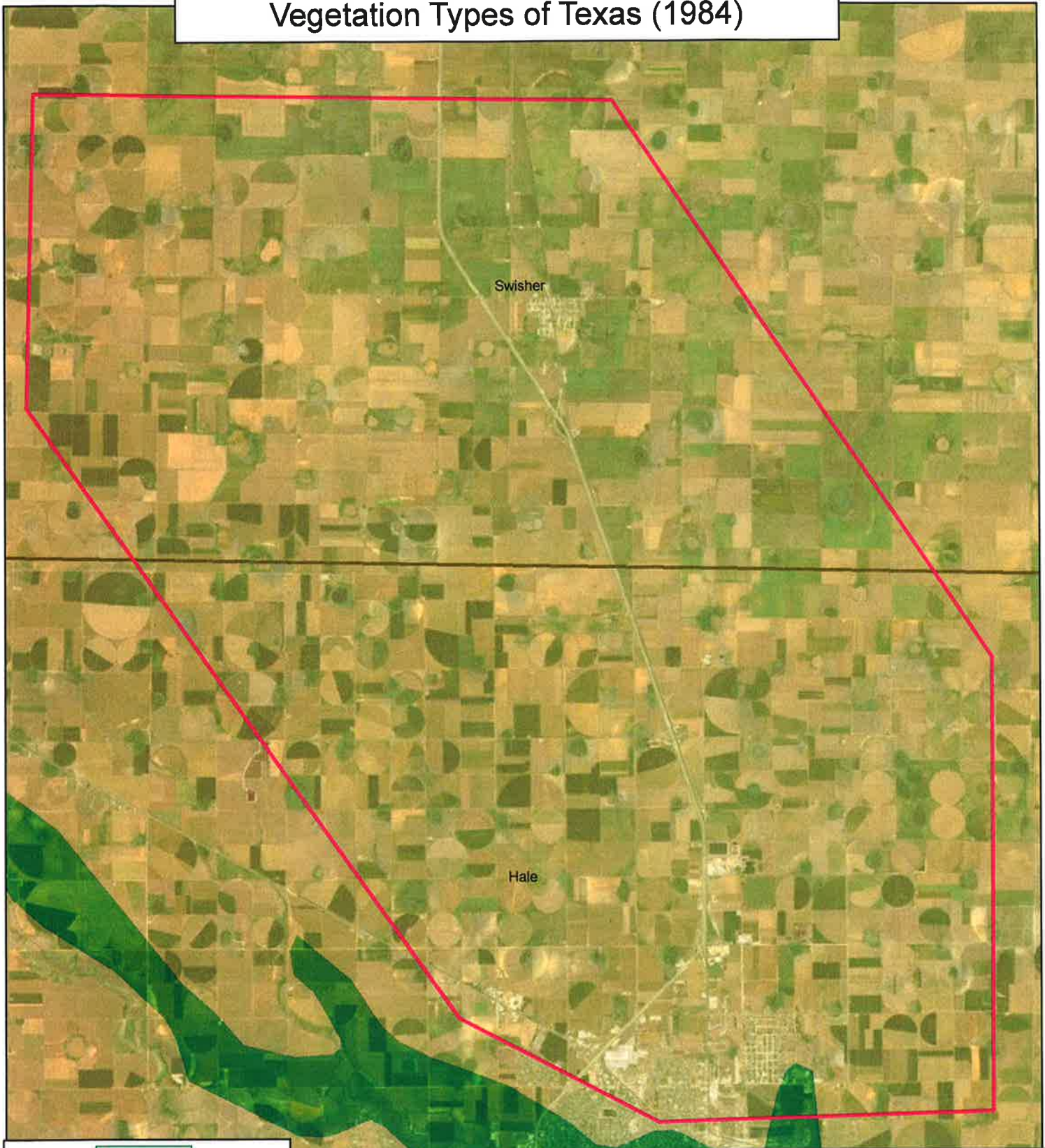
Map compiled by the Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program. No claims are made to the accuracy of the data or to the suitability of the data to a particular use.

## Legend

- Plainview City to Kress Interchange Study Area
- County Boundaries
- Playa Lakes Digital Database
- Streams



# Plainview City to Kress Interchange 115-kV Electric Transmission Line Study Area Vegetation Types of Texas (1984)



Life's better outside.®

8 June 2011 1 0.5 0 1 Miles

Map compiled by the Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program. No claims are made to the accuracy of the data or to the suitability of the data to a particular use.

## Legend

- Plainview City to Kress Interchange Study Area
- County Boundaries
- Vegetation Types of Texas (1984)**
  - Crops
  - Mesquite Shrub

## **Texas Natural Diversity Database: Map Interpretation and Use**

In our database every element occurrence representation (EORep) is represented geographically as a polygon. The polygon is a combination of the geographic location of the reported observation and the locational uncertainty of the observation.

### **Data Interpretation**

When viewing the map data that has been provided, interpretation is not necessarily intuitive. Each record consists of at least one polygon, be that polygon a simple circle or a more complex boundary. However, a record may consist of numerous shapes that all combine to represent a single occurrence. An occurrence may consist of many observations over many years. What an occurrence of a species has in common is geographic proximity to other observations of that same species. By combining observations over time we develop a better representation of that species in a specific area. Distances used to decide if an observation should be part of an occurrence or not can be found as part of the species information on the NatureServe Explorer web site (<http://www.natureserve.org/explorer/>) under the heading of EO Separation Distances.

When interpreting an occurrence as it is displayed on screen in a GIS application or on a map, the representation of that occurrence is the smallest feature that could be drawn that we are confident contains that occurrence inside its boundaries. Therefore, when analyzing an EORep, we are confident that the element in question (plant, animal, ...) could be found within the boundary of the EORep on the day it was observed. We cannot be certain where within that EORep the element occurred or what the distribution of the element was within the EORep. We only know that for the day(s) in question, the element could be found within the boundaries of the EORep. Further, the boundary of any EORep is not necessarily meant to indicate the total real extent of the element. The EORep is only meant to geographically represent the observation(s) in the best, most accurate way possible based on the available data. The absence of information on the map should not be interpreted as an absence of rare, threatened, or endangered species in that location. These data cannot provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in any area. Nor can these data substitute for on-site evaluation by qualified biologists. The Texas Natural Diversity Database information is intended to assist users in avoiding harm to rare species or significant ecological features.

**The Texas Natural Diversity Database data is not to be published in a public document, nor redistributed.** Refer all requests for data or maps back to the Texas Natural Diversity Database to obtain the most current information. The Texas Natural Diversity Database is a dynamic database that changes almost daily. You are encouraged to request updates to data at least quarterly for ongoing long term projects.

If you have any questions about use or interpretation of the data please call Bob Gottfried (512)912-7044 or email to [bob.gottfried@tpwd.state.tx.us](mailto:bob.gottfried@tpwd.state.tx.us).

Protection of State-Listed Species  
Texas Parks and Wildlife Department Guidelines

**Protection of State-Listed Species**

State law prohibits any take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons possessing a **Scientific Collecting Permit** or a **Letter of Authorization** issued to relocate a species.

- **Section 68.002 of the Texas Parks and Wildlife (TPW) Code** states that species of fish or wildlife indigenous to Texas are endangered if listed on the United States List of Endangered Native Fish and Wildlife or the list of fish or wildlife threatened with statewide extinction as filed by the director of Texas Park and Wildlife Department. Species listed as Endangered or Threatened by the Endangered Species Act are protected by both Federal and State Law. The State of Texas also lists and protects additional species considered to be threatened with extinction within Texas.
- **Animals** - Laws and regulations pertaining to state-listed endangered or threatened animal species are contained in **Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code** and **Sections 65.171 - 65.176 of Title 31 of the Texas Administrative Code (TAC)**. State-listed animals may be found at **31 TAC §65.175 & 176**.
- **Plants** - Laws and regulations pertaining to endangered or threatened plant species are contained in **Chapter 88 of the TPW Code** and **Sections 69.01 - 69.9 of the TAC**. State-listed plants may be found at **31 TAC §69.8(a) & (b)**.

**Prohibitions on Take of State Listed Species**

**Section 68.015 of the TPW Code** states that no person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered fish or wildlife.

**Section 65.171 of the Texas Administrative Code** states that except as otherwise provided in this subchapter or **Parks and Wildlife Code, Chapters 67 or 68**, no person may take, possess, propagate, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed by the department as endangered or threatened.

"Take" is defined in **Section 1.101(5) of the Texas Parks and Wildlife Code** as:

*"Take," except as otherwise provided by this code, means collect, hook, hunt, net, shoot, or snare, by any means or device, and includes an attempt to take or to pursue in order to take.*

**Penalties**

The penalties for take of state-listed species (**TPW Code, Chapter 67 or 68**) are:

- 1<sup>ST</sup> Offense = Class C Misdemeanor:  
\$25-\$500 fine
- One or more prior convictions = Class B Misdemeanor  
\$200-\$2,000 fine and/or up to 180 days in jail.
- Two or more prior convictions = Class A Misdemeanor  
\$500-\$4,000 fine and/or up to 1 year in jail.

Restitution values apply and vary by species. Specific values and a list of species may be obtained from the TPWD Wildlife Habitat Assessment Program.



## **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.

TPWD recommends using nest management strategies which include installing nesting platforms on or near power structures to provide nesting sites for several protected species while minimizing the risks of electrocution, equipment damage, or outages (Avian Power Line Interaction Committee 2006).

### **Avian Collision Risks**

Birds typically establish flight corridors along and within river and creek drainages. Transmission lines that cross or are located very near these drainages should have line markers installed at the crossings or closest points to the drainages to reduce the potential of collisions by birds flying along or near the drainage corridors.

If transmission lines are located in an area with tall trees, the height of the transmission line should not be taller than the trees to reduce collision risks.

Transmission lines should be located to avoid separating feeding and nesting areas. If this cannot be avoided lines should be clearly marked to minimize avian collisions with the lines (Avian Power Line Interaction Committee 1994).

Transmission lines should be buried, when practical, to reduce the risks of avian collisions.

### **Habitat Impacts**

Construction should avoid identified wetland areas. Coordination with appropriate agencies should be accomplished to ensure regulatory compliance. Construction should occur during dry periods.

Construction should attempt to minimize the amount of flora and fauna disturbed. Reclamation of construction sites should emphasize replanting with native grasses and leguminous forbs.

Existing rights-of-way should be used to upgrade facilities, where possible, in order to avoid additional clearing and prevent adverse impacts associated with habitat loss and fragmentation of existing blocks of wooded habitat.

Forest and woody areas provide food and cover for wildlife, these cover types should be preserved. Mature trees, particularly those which produce nuts or acorns, should be retained. Shrubs and trees should be trimmed rather than cleared.

Transmission lines should be designed to cross streams at right angles, at points of narrowest width, and/or at the lowest banks whenever feasible to provide the least disturbance to stream corridor habitat.

Implementation of wildlife management plans along rights-of-way should be considered whenever feasible.

All pole design should be single phase (without arms), where possible, to preserve the aesthetics of the area.

# Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.  
Austin, TX 78711-3231, [www.twdb.state.tx.us](http://www.twdb.state.tx.us)  
Phone (512) 463-7847, Fax (512) 475-2053

June 16, 2011

Ms. Lisa Barko Meaux  
Project Manager, Power Engineers  
509 Sam Houston Pkwy. East, Suite 200  
Houston, TX 77060

Re: Proposed Plainview – Kress Interchange 115 kV Electric Transmission Line Project, Hale and Swisher counties.

Dear Ms. Meaux:

We were informed of your request for information concerning environmental assessment for the proposed electric transmission line connecting the proposed Plainview City Substation to the existing Kress substation. To plan for the state's water resources and provide affordable water and wastewater services, the Texas Water Development Board (TWDB) provides planning, geographic data collection and dissemination, and financial and technical assistance services. TWDB is not a regulatory agency and does not issue any permits.

Based on the map and information provided, it appears that the sixteen-mile transmission line would not conflict with any recommended water management strategies in the regional or state water plans. Therefore, we have no specific comments in regard to the proposed project.

If you have any further questions, please contact me at (512) 463-8294.

Sincerely,



Kathleen Ligon  
Special Assistant to the Deputy Executive Administrator  
Water Resources Planning and Information

KL:dc

## Our Mission

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas

## Board Members

Edward G. Vaughan, Chairman  
Joe M. Crutcher, Vice Chairman

Melanie Callahan, Interim Executive Administrator

Thomas Weir Labatt III, Member  
Lewis H. McMahan, Member

Billy R. Bradford Jr., Member  
Monte Cluck, Member



# **Texas Department of Transportation**

AVIATION DIVISION

125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • 512/416-4500 • FAX 512/416-4510

Ms. Lisa Barko Meaux  
Power Engineers  
509 N Sam Houston Parkway, East  
Suite 200  
Houston, Texas 77060

May 20, 2011

Dear Ms. Barko Meaux,

I received your letter dated April 21, 2010 concerning Power project # 122186.

Title 14, US Code, Part 77 of the Federal Aviation Administration's (FAA) Federal Aviation Regulations (FAR) requires notice to the FAA if the facility to be constructed fits either of the below listed conditions:

77.13 A 2 (ii) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway greater than 3,200 feet in actual length, excluding heliports. (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

77.13(1) Any construction or alteration of more than 200' above the surface of the ground at its location

There are two public use airport in or near the study area; Joe Vaughn Spraying Airport (K29F) at Airport Reference Point (ARP) 34-23-45.2330N / 101-46-01.6510W. . The longest runway is 3900 feet. Hale County Airport (KPVW), at ARP 34-10-05.3300N / 101-43-02.4100W. the longest runway is 5997 feet.

If any of the criteria FAR 77.13(1) or 77.13 A 2 (ii) is met, the FAA must be notified in four copies using FAA Form 7460-1, "Notice of Proposed Construction or Alteration".

THE TEXAS PLAN

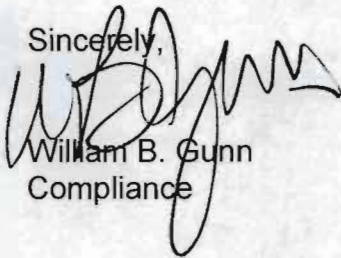
REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY  
INCREASE THE VALUE OF OUR TRANSPORTATION ASSETS

*An Equal Opportunity Employer*

Ms. Lisa Burko Meaux  
Power project # 122188  
May 20, 2011  
page two

This form and supporting documents are available at  
<[www.faa.gov/airports\\_airtraffic/airports/](http://www.faa.gov/airports_airtraffic/airports/)> - Obstruction Evaluations (Part 77) -  
Airspace/Landing Area Forms.

Sincerely,

A handwritten signature in black ink, appearing to read 'William B. Gunn', with a stylized flourish at the end.

William B. Gunn  
Compliance





# **Texas Department of Transportation**

**135 Slaton Road  
Lubbock, TX 79404-5201**

April 29, 2011

Lisa Barko Meaux  
Power Engineers, Inc.  
509 N. Sam Houston Pkwy East Suite 200  
Houston, TX 77060

Re: Proposed Plainview City – Kress Interchange 115 kV Electric Transmission Line  
Project  
Hale and Swisher Counties, Texas  
POWER Engineers Project No. 122186

Dear Mrs. Meaux:

The Lubbock District has received and reviewed your Proposed Plainview City – Kress Interchange 115 kV Transmission Line Project in Hale and Swisher Counties, POWER Engineers Project No. 122186. At this time, the Lubbock District has no current projects and no plans for major construction projects on state maintained roadways within the "Study Area Boundary" illustrated on your attached Study Area Boundary Map, Dated April 21, 2011.

Inquiries regarding easements or Right of Way within the study area should be directed to the West Regional Right of Way Manager, John Wallis, at 806-748-4587 or [John.Wallis@txdot.gov](mailto:John.Wallis@txdot.gov).

Upon certification of a final route, all necessary permits for lines within the Right of Way or crossing the Right of Way of a state maintained roadway will be issued through the Lubbock District Maintenance Management office. Linda Parker, Lubbock District Utility Permit Coordinator, can assist you in setting up an account for our online permit request process at that time. She can be reached at 806-748-4407 or [Linda.Parker@txdot.gov](mailto:Linda.Parker@txdot.gov).

If you have any questions or concerns, please feel free to contact me at 806-748-4483.

Sincerely,

Michael Stroope, P.E.  
Maintenance Engineer

Cc: Douglas Eichorst, P.E. District Engineer  
Ted Moore, P.E. Director of Maintenance  
Mike Craig, P.E. Plainview Area Engineer  
John Wallis, RCW ROW Manager  
Linda Parker, Utility Permit Coordinator  
File

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

April 29, 2011

Lisa Barko Meaux  
Power Engineers  
509 N Sam Houston Pkwy East, Suite 200  
Houston, Texas 77060-4131

Re: Proposed Plainview City-Kress Interchange 115kV Transmission Line Project  
POWER Engineers, Inc. Project No. 122186  
Hale and Swisher Counties, Texas

Dear Ms. Meaux:

Thank you for your letter concerning the above referenced project.

Using your map depicting the project preliminary study area, it does not appear that the General Land Office will have any environmental issues or land use constraints at this time.

When a final route for this proposed project has been determined, please contact me and we can assess the route and determine if the project will cross any streambeds or Permanent School Fund (PSF) land that would require an easement from our agency. At this time, it does not appear that the proposed route will cross any State-owned land.

In the interim, if you would like to speak to me further on this project, feel free to contact me by email at [glenn.rosenbaum@glo.state.tx.us](mailto:glenn.rosenbaum@glo.state.tx.us) or by phone at (512) 463-8180.

Again, thank you for your time.

Sincerely,

*Glenn Rosenbaum*

Glenn Rosenbaum  
Team Leader, Right-of-Way Dept.  
Asset Inspection

**Texas General Land Office**  
**Stephen F. Austin Building • 1700 North Congress Avenue, Texas 78701-1495**  
**Post Office Box 12873 • Austin, Texas 78711-2873**  
**Phone: 512-463-5001 • 800-998-4GLO**  
**[www.glo.state.tx.us](http://www.glo.state.tx.us)**



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

May 13, 2011

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2011-00236, Plainview City-Kress Interchange 115 kV  
Electric Transmission Line

Ms. Lisa Barko Meaux  
Power Engineers, Incorporated  
509 North Sam Houston Parkway East  
Suite 200  
Houston, TX 77060

Dear Ms. Barko Meaux:

Thank you for your letter received May 11, 2011 concerning a proposal by Xcel Energy, Southwestern Public Service to construct a new 16 mile 115-kilovolt transmission line located in northwest Plainview, and northwest of Kress. This project has been assigned Project Number SWF-2011-00236. Please include this number in all future correspondence concerning this project.

Mr. Scott Kelly has been assigned as the regulatory project manager for your request and will be evaluating it as expeditiously as possible.

You may be contacted for additional information about your request. For your information, please reference the Fort Worth District Regulatory Branch homepage at <http://www.swf.usace.army.mil/regulatory> and particularly guidance on submittals at <http://www.swf.usace.army.mil/pubdata/enviro/regulatory/introduction/submittal.pdf>, and mitigation at [http://www.usace.army.mil/CECW/Pages/final\\_cmr.aspx](http://www.usace.army.mil/CECW/Pages/final_cmr.aspx) that may help you supplement your current request or prepare future requests.

If you have any questions about the evaluation of your submittal or would like to request a copy of one of the documents referenced above, please contact Mr. Scott Kelly at the address above or telephone (817) 886-1662 and refer to your assigned project number. Please note that it is unlawful to start work without a Department of the Army permit if one is required.

Please help the Regulatory Program improve its service by completing the survey on the following website: <http://per2.nwp.usace.army.mil/survey.html>.

Stephen L Brooks  
Chief, Regulatory Branch

## Lisa Barko Meaux 5507

---

**From:** Kelly, Scott C SWF [Scott.C.Kelly@usace.army.mil]  
**Sent:** Wednesday, June 22, 2011 7:03 AM  
**To:** Lisa Barko Meaux 5507  
**Subject:** SWF-2011-00236 (Plainview City-Kress Interchange 115 kV Electric Transmission Line) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ms. Meaux,

We are unable to determine from the information that you provided in your letter received on May 11, 2011, whether a Department of the Army authorization will be required. With a more detailed description of the proposed project, a suitable map of the proposed project area showing the location of proposed discharges, the type and amount of material (temporary or permanent), if any, to be discharged, and plan and cross-section views of the proposed project. Please refer to the guidance for Department of the Army submittals for additional details about what you should submit for this and future projects. For more information on the USACE Regulatory Program, please refer to our Internet homepage at [www.swf.usace.army.mil](http://www.swf.usace.army.mil) and select "Regulatory Program."

Please let me know if you have any questions. Thank you.

Scott Kelly  
U.S. Army Corps of Engineers  
Fort Worth District Regulatory Branch  
Phone: (817) 886-1662  
Fax: (817) 886-6493  
Email: [Scott.C.Kelly@usace.army.mil](mailto:Scott.C.Kelly@usace.army.mil)  
[www.swf.usace.army.mil](http://www.swf.usace.army.mil) <[www.swf.usace.army.mil](http://www.swf.usace.army.mil)%20> click on "Regulatory Program"

Please assist the Regulatory Program improve its service by completing the survey on the following website: <http://per2.nwp.usace.army.mil/survey.html>

Classification: UNCLASSIFIED

Caveats: NONE



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

September 7, 2011

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2011-00236, Plainview City-Kress Interchange 115 kV  
Electric Transmission Line

Ms. Lisa Barko Meaux  
Power Engineers, Incorporated  
509 North Sam Houston Parkway East  
Suite 200  
Houston, Texas 77060

Dear Ms. Meaux:

Thank you for your letter received May 11, 2011, concerning a proposal by Xcel Energy, Southwestern Public Service to construct a new 16 mile 115-kilovolt transmission line located in northwest Plainview, and northwest of Kress, Texas. This project has been assigned Project Number SWF-2011-00236. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

On June 15, 2011, we requested additional information necessary to consider your application complete. Specifically, the following information must be provided for us to continue processing your application:

1. On-line application found at:  
<http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/applicationforms/applicationforms.asp> with description of proposed project.
2. Suitable map of the proposed project area showing location of proposed discharges.
3. A supplemental Data upload sheet is also encouraged for linear projects and can be found at:  
<http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/applicationforms/index.asp>.


In addition, please provide information concerning the status of the proposed project including any work in waters of the United States. If we do not receive the requested information within 30 days of the date of this letter, we will consider your application administratively withdrawn. If withdrawn, you may re-open your application at a later date by submitting the requested information.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/regulatory> or contact Mr. Scott Kelly at the address above or telephone (817) 886-1662.

Please help the Regulatory Program improve its service by completing the survey on the following website: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Brooks".

 Stephen L Brooks  
Chief, Regulatory Branch



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
WinSystems Center Building  
711 Stadium Drive, Suite 252  
Arlington, Texas 76011

In Reply Refer to:  
21420-2011-TA-0241  
21420-2011-TA-0242

May 17, 2011

Ms. Lisa Barko Meaux  
Power Engineers  
509 North Sam Houston Parkway East, Suite 200  
Houston, Texas 77060

Dear Ms. Meaux:

This responds to your May 5, 2011, letters requesting information on threatened and endangered species and other sensitive fish and wildlife resources regarding the proposed Xcel Energy, Southwest Public Service Plainview City to Cox Interchange Project (FWS # 21420-2011-TA-0241) in Hale County, Texas and Plainview City to Kress Interchange Project (FWS # 21420-2011-TA-0242) in Hale and Swisher Counties, Texas. We are providing this information to assist you in assessing and avoiding impacts to federally listed threatened and endangered species, wetlands, and other fish and wildlife resources. It is our understanding that the proposed projects would involve the installation of approximately eight miles of 115 kV transmission line between the proposed Plainview City Substation and the existing Cox Interchange and approximately sixteen miles of 115 kV transmission line between the proposed Plainview City Substation and the existing Kress Interchange.

### **Threatened and Endangered Species**

Our records indicate that the following federally listed endangered (E), candidate (C), and delisted (DL) species are known to occur in Hale and Swisher Counties, Texas:

bald eagle (*Haliaeetus leucocephalus*) – DL – Hale, Swisher  
lesser prairie-chicken (*Tympanuchus pallidicinctus*) – C – Swisher  
whooping crane (*Grus americana*) – E – Hale, Swisher

For information on the general biology of these species, as well as updated county by county species lists, visit our website at: <http://fws.gov/southwest/es>.

The bald eagle was removed from the federal threatened and endangered species list on August 8, 2007. However, bald eagles are still afforded safeguards under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. We recommend all construction activities be conducted in accordance with the Service's National Bald Eagle Management Guidelines which may be accessed at the following address: <http://www.fws.gov/migratorybirds/baldeagle.htm>.



The project area does not lie within the 200-mile wide corridor extending from Canada to the Texas Coast in which 94% of whooping crane sightings have occurred during their annual migration; however, whooping cranes may occur transiently in Hale and Swisher Counties while searching for stop-over habitat. Although whooping crane migratory flights are generally at altitudes of between 1,000 and 6,000 feet, they fly at lower altitudes when seeking stop-over habitats such as reservoirs, large ponds, rivers and wetlands. They will often make low flights up to two miles from a stop-over site to forage late in the day or in early morning. They may also interrupt migration flights to drink and/or forage in agricultural fields or wetlands for brief periods and may be at low altitudes during mid-day. For these reasons, the Service is concerned with the possibility of whooping crane collisions with transmission lines, which are known to be the highest cause of mortality of fledged whooping cranes. The Service recommends marking power lines with red aviation balls or similar bird diverters near wetlands and riparian corridors, which has been shown to reduce the incidence of collision by 60 to 70%.

Candidate species, such as the lesser prairie-chicken (LPC), are not afforded federal protection under the Endangered Species Act (ESA); however, we recommend that potential impacts to these species be considered during project planning. Research has shown that the LPC demonstrates avoidance of tall, vertical structures. Therefore, fragmentation of LPC habitat by tall vertical structures could negatively affect this species and impact their future status under the ESA. Currently, our records suggest that LPCs are unlikely to be utilizing the project area; however, the occupied range of this species is not precisely known.

#### **Wetlands and Wildlife Habitat**

The proposed project areas include several playa lakes. The Playa Lakes Region of Texas is second only to the Texas Gulf Coast as the most important sector of the Central Flyway for wintering waterfowl. Even small to medium-sized playas often support important food sources for waterfowl during winter stays or migration, in addition to providing habitat for ground birds (quail, turkey), mammals, reptiles, and amphibians. Waste grains and stubble available in nearby croplands further increase food supplies and provide protective cover. Additionally, these wetlands are important groundwater recharge zones. Therefore, we recommend that impacts to these areas be minimized to the greatest extent possible. We have enclosed some general guidelines for linear utility construction to assist you in designing the proposed action to minimize effects to fish and wildlife resources.

We appreciate the opportunity to comment on the transmission line projects and look forward to working together in the future for the benefit of our fish and wildlife resources. If we can further assist you or answer any questions, please contact John Morse of my staff at (817) 277-1100. Please refer to the Service Consultation numbers (21420-2011-I-0241 & -0242) in any future correspondence regarding these projects.

Sincerely,



Thomas J. Cloud, Jr.  
Field Supervisor

Enclosure

## **General Recommendations for Avoiding and/or Minimizing Environmental Impacts from Utility Construction**

The U.S. Fish and Wildlife Service places a high priority on the conservation of wetlands and riparian corridors due to the inherent value and significant level of benefits these areas provide to a multitude of fish and wildlife species. In addition to the food, shelter, and habitat they provide to fish and wildlife, these areas also furnish invaluable ecological services to the watershed and the community. They act as a buffer zone for pollutants and sediment entering the stream via storm water runoff. They also prevent erosion, and provide a pervious surface to facilitate the percolation of storm water to prevent flooding.

The best method of avoiding and/or minimizing environmental impacts caused by linear utility construction is to utilize existing right-of-way (transmission line, highway, pipeline, etc.) for the new route. This often eliminates or greatly reduces the need to clear wildlife habitat for construction. The following additional recommendations for avoiding and/or minimizing construction related impacts commonly associated with utility projects should also be considered, especially when using existing right-of-way is not possible. These are only general recommendations; details for avoiding and minimizing all potential impacts should take into account specific project and site descriptions at each sensitive area. The development of specific mitigating measures for anticipated environmental impacts should focus on protecting the integrity of stream banks, riparian zones, and wetlands.

- **Route alignment should be adjusted where necessary to avoid wetland impacts and to avoid losses of moderate-aged to mature-aged trees.** Utilizing existing right-of-ways reduces environmental impacts usually associated with utility construction. However, where proposed routes would require new right-of-way, minor adjustments in route alignment could minimize impacts to fish and wildlife habitat. Route modification should include avoiding wetlands and crossing creeks and streams where the riparian corridor is at its minimum width.
- **Temporary workspaces at stream crossings should be placed outside of the riparian zone of the respective stream.** Temporary workspaces are often needed where routes cross creeks, streams, roads, railways, or other linear obstacles. Should temporary workspaces be necessary they should not be located within the riparian zone of creeks, streams, or other water bodies. They should also not be located within wetlands.
- **Temporary right-of-ways within or adjacent to riparian areas should be hand cleared.** Clearing of permanent right-of-way and the construction and installation of utilities require the use of heavy machinery. In riparian and other wooded areas, the use of heavy machinery and other equipment is often detrimental to the underground root system of adjacent trees not intended for removal. Oaks are particularly sensitive to ground disturbance caused by heavy equipment and often die when their roots are damaged. Temporary areas cleared by machinery may also reduce subsequent revegetation by native hardwoods due to the damaged root mat from which new saplings originate. Therefore, we recommend temporary workspaces and right-of-ways within or adjacent to riparian corridors be cleared with chainsaws to avoid additional tree loss and encourage new hardwood growth following construction.
- **All temporary right-of-ways and workspaces should be revegetated immediately**



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**following construction with native vegetation appropriate to habitat type.** It is important that disturbed areas be revegetated following construction activities to prevent erosion, reduce sedimentation, and decrease the chance of non-native, invasive plant species from becoming established. 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.

- **Right-of-way width should be reduced to the minimum amount necessary.** New right-of-way projects usually include a temporary right-of-way for allowing access for equipment and workspace for construction. The environmental consequences of using temporary right-of-ways may be minimal, especially when they are located adjacent to roads or occur in pastures and agricultural areas. However, at stream crossings, temporary right-of-ways may remove valuable wildlife habitat. For these areas, additional workspace should be placed outside of the riparian corridor and every effort be made to avoid clearing more vegetation than is necessary to install the utility.
- **Unavoidable wetland impacts should be mitigated through in-kind creation or restoration of wetland areas that establish similar functions and values of the affected wetlands.** Federal policy provides that wetland losses be mitigated to restore lost habitat values of equal or greater value to fish and wildlife resources. This includes restoring or creating areas that retain the primary hydrological characteristics of the affected wetlands and revegetating the disturbed land with native plant species appropriate to habitat type.

We also recommend all areas that would be avoided using these or other measures (e.g., mature trees, riparian areas) be marked with orange guard fence or flagged prior to construction to prevent accidental clearing by work crews. All mitigation measure developed for a specific project should be incorporated into the Environmental Assessment for the proposed project as well the project plans to ensure implementation by the contractor. Additionally, if impacts to wetlands, creeks, streams, or other water bodies are anticipated, you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is required by that Agency prior to commencement of construction activities.