

**TIMELINE**

- 2009-05-15** LCRA Open Houses Landowners notified
- 2009-06-01** CVA goes live on world wide web
- 2009-09-24** Motion to Delay & Expand Study Area
- 2010-02-15** 1/4 scale model lattice tower tours region
- 2010-02-15** LCRA Open Houses second round
- 2010-04-19** LCRA / Fish & Wildlife Scoping Meetings
- 2010-07-28** Filing of CCN
- 2010-09-01** Hearing on the Merits, Austin Conv. Center
- 2010-12-17** ALJ issued PFD recommendation to PUC
- 2010-12-23** CVA filed Exceptions to PFD
- 2011-01-13** PUC routing deliberations / Final Order

**TERMS**

- PFD** Proposal for Decision
- ALJ** Administrative Law Judge
- CVA** Clear View Alliance
- LCRA** Lower Colorado River Auth
- PUC** Public Utilities Commission
- CCN** Certificate of Convenience & Necessity
- TPWD** Tx Parks & Wildlife Dept.
- PURA** Public Utility Regulatory Act
- CREZ** Competitive Renewable Energy Zones
- CTO** CREZ Transmission Optimiz

**Oak Wilt** [www.ClearViewAlliance.org](http://www.ClearViewAlliance.org)



**Oak Wilt**

The areas within the study area most affected by oak wilt are Gillespie and Kerr counties, with a heavy concentration along Highway 16 from Fredericksburg to Kerrville over to Comfort and back to Fredericksburg. Selecting route MK33 (or MK32) would reduce the risk of spreading oak wilt and its devastation.

# OAK WILT



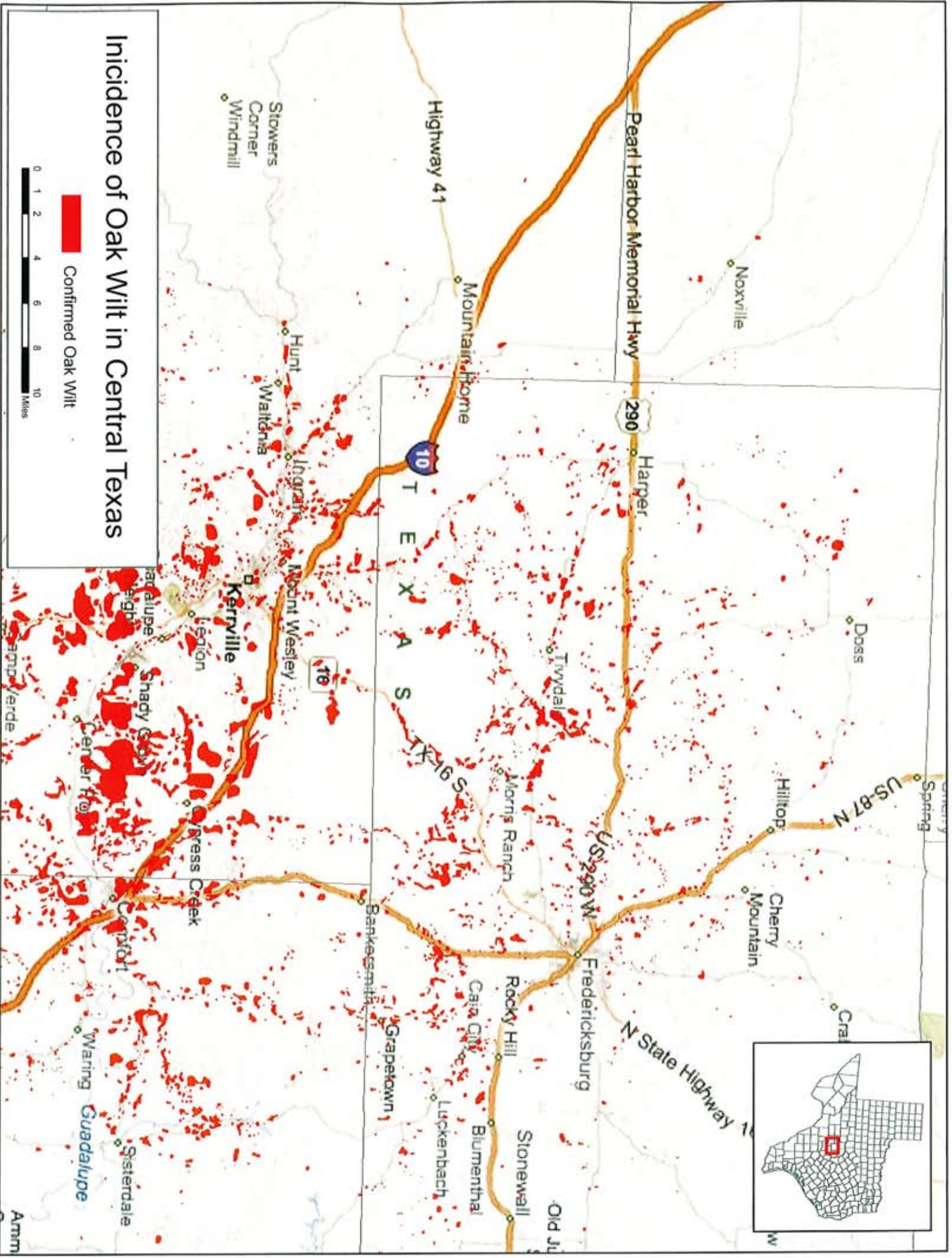
## Oak Wilt

The ALJs discuss the concerns of CVA and other parties that the central portion of the Hill Country, which is currently impacted by very little oak wilt, could become susceptible to the disease as a result of the cutting and pruning necessary to clear and maintain the right-of-way for the proposed line. These parties argued that routes that follow existing disturbed corridors, where the trees are more likely to have been cleared or previously exposed to oak wilt, will pose less risk of increasing the spread of the disease. The PFD recognizes that these parties argued that routes along the I-10 corridor, such as MK32, MK33, and variants of MK15, and other previously disturbed areas should be used to the greatest extent practicable to minimize the impact and spread of oak wilt. The ALJs agreed and concluded that minimizing the risk of spreading oak wilt is another reason the I-10 corridor is superior from an ecological perspective. Unfortunately, the ALJs did not go far enough; their recommendation to select MK15 results in a route that leaves I-10 and goes into the most sensitive part of the study area that should be avoided for oak wilt avoidance.

CVA witness Mr. Gene Gehring testified regarding the risk and costs associated with oak wilt disease. Mr. Gehring is a certified arborist, has a Texas Oak Wilt certification and has 22 years of experience working with oak wilt. He worked for the Texas Forest Service for eight years as coordinator of the agency's Oak Wilt Suppression Project. His testimony included maps that illustrate the problems in the Hill Country with oak wilt and the relation to various routes proposed by LCRA TSC. Those exhibits are attached to these exceptions as Attachment C.

# Incidence of Oak Wilt in Central Texas

Confirmed Oak Wilt



Amm

Mr. Gehring testified that all of the routes through the center of the study area are most likely to go through areas that have not been hard hit by oak wilt. By placing new right-of-way through stands of oaks that have never been pruned or otherwise disturbed in a long time, you run the risk of devastating those areas with oak wilt. The construction of a transmission line would affect the spread of oak wilt by opening thousands of potential infection courts. A single infection can result in the mortality of hundreds of oaks. Any cut, break, or other action that exposes fresh sapwood is a potential invitation to a sap-feeding beetle that may be carrying the oak wilt fungus. There also are concerns about trees that may be damaged getting the equipment and supplies to the site.

**Actual transmission right-of-way as cleared  
during construction of FPL private wind energy line near Harper, Tx. 2009**

**Both landowners on both sides of the fence are now experiencing the spread of oakwilt  
from the edges of this right-of-way in Gillespie County**



The branches from trees, including oaks, growing outside the right-of-way will encroach into the right-of-way over time and will need to be cut. Mr. Gehring testified that most right-of-way contracts are bid based on linear distance and are performed in the fastest, most efficient way to meet the terms of the contract in order to make a profit. That process does not always lead to the best pruning practices or careful attention to painting all of the cuts. The live oaks are prolific at resprouting from stumps and roots. Every time the right-of-way is mowed and these sprouts are cut, there is a risk of infection. If the right-of-way is not mowed, sprouts will grow into small trees that will have to be removed, creating a risk of infection.

## ***Combating live oak disease once an infected tree is found is expensive.***

Landowners who discover oak wilt may use trenching or injections in an effort to save their trees. Mr. Gehring testified that he recommends treating all of the live oaks within 100' of symptomatic trees. On a small center (1 or 2 infected trees) there are generally 30-50 live oaks that would need to be treated. The average small rural site costs \$5,000 - \$10,000.

Mr. Gehring described the preventative measures to avoid spreading oak wilt. If preventative measures are not followed, he testified, new infection centers will become established and continue to expand until they run out of host type. From a single infection related to the clearing or pruning along the ROW, hundreds or thousands of oaks beyond the ROW would die.

LCRA TSC does have an oak wilt policy that is taken from the best recommendations available. Even if all of LCRA TSC's contractors follow all precautions perfectly, however, new oak wilt infections are still likely because the recommendations are not perfect. The recommendations are based on current understanding of the disease and how the risk of infection can be reduced by modifying human action. The only way to reduce that risk to zero (or at least to a natural level) is to not disturb the site. Since it is impossible for everyone who will be on the site to do everything perfectly all the time, there will always be some risk of oak wilt.

Although LCRA TSC has established useful policies, Mr. Gehring testified that the potential for a new oak wilt infection associated with the transmission line construction is greatly increased over the risk of no one entering the site. Despite LCRA TSC's good intentions, there is a risk of oak wilt infection at any time of the year. High standards are good but rarely met. Not all of the wounds will be painted to prevent sap-feeding beetles from spreading infection. Even the best policies can fail when the responsible workers cannot properly identify all of the risks for oak wilt.

The areas within the study area most affected by oak wilt are Gillespie and Kerr counties, with a heavy concentration along Highway 16 from Fredericksburg to Kerrville over to Comfort and back to Fredericksburg. Selecting route MK33 (or MK32) would reduce the risk of spreading oak wilt and its devastation. The current incidence of oak wilt along routes MK33 and MK32 is greater and in a greater concentration than elsewhere in the study area due to the high degree of disturbance that has already taken place. Therefore, the total number of healthy oaks that will be removed for construction of the transmission line will be less and the total number of potential infection sites will be less. The ALJs reached the right conclusion; CVA urges the Commission to implement that conclusion to fully protect the Hill Country and select MK33 with construction above ground on Link Y11.