

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

Endangered Species www.ClearViewAlliance.org



Endangered Species

Every route would take significant amounts of existing wildlife habitat, but it would be much worse to cut a corridor through unfragmented wildlife habitat than to put one adjacent to an already fragmented habitat. When a right-of-way is placed along a wide corridor such as I-10, the effects to the species are lessened due to the fact that the potential habitat removed due to the right-of-way does not further fragment larger patches into numerous smaller patches.

ENDANGERED SPECIES



Endangered Species

The ALJs concluded that Vireo and Warbler habitat are likely to be present throughout the Project area, regardless of the route chosen and that some impact on the Vireo or Warbler should be assumed. The fact that the geographic scope of likely impact on these species' habitat is wide is not a reason to assume that the magnitude of habitat loss is the same for all routes. To the contrary, CVA witness Dr. Wilkins testified that MK33 (and other routes that follow I-10) would actually result in some of the least ecological consequences to endangered Golden-Cheeked Warblers.

The EA relied on a standardized model for predicting potential habitat; however, the analysis in this transmission line case did not provide a reliable metric for expressing the likely impact of transmission line construction.

The EA's conclusions regarding likely impacts to endangered Golden-cheeked Warblers were dependent solely on the cumulative length that a route would pass through potential Golden-cheeked Warbler habitat. The effect was to overstate the potential impact on habitat of a route along I-10. The exclusive use of a simple linear metric results in a "least favorable" recommendation for a route where essentially all of the potential Golden-cheeked Warbler habitat that would be impacted would be along an existing corridor (I-10) where the fragmentation impact of a linear disturbance has already occurred. By assuming that linear distance of habitat removed is directly related to species impact, the EA has over-stated the impact in some areas (e.g., I-10 Corridor) and by comparison understated the impact along other alternatives.

Dr. Wilkins testified that there is strong evidence that both the occupancy and abundance of Golden-cheeked Warblers is closely related to patch size of habitat. These birds react to what is called a “patch size threshold” when choosing their breeding habitat. The most recent analysis of statewide warbler data found that for potential habitat, the occupancy rate for patches of more than 250 acres is almost double that of patches smaller than 250 acres (about 72% occupied vs. 37% occupied). This illustrates the common situation whereby much of the real habitat loss for the species occurs when large patches are divided into smaller areas of habitat, each with a lower likelihood of being used as breeding habitat by the warbler. By contrast, if the same amount of habitat is cleared from the boundary of a patch, because a large enough patch above threshold size for use by the species remains, that could occur with minimal impact. As a result, it is not necessarily the length of potential habitat cleared that is relevant, but it is the ultimate habitat fragmentation created that is the most relevant metric.

Why this matters is readily apparent if one compares the EA’s data on the potential Golden-cheeked Warbler habitat along two contrasting alternative routes. For the Preferred Route MK13 the EA reported 3.34 miles of right-of-way length across potential habitat compared to 13.23 miles for MK33. If one looks at the cumulative length metric in isolation one might conclude that locating the line along MK13 would have the least impact on this endangered species. But when you begin to look at the blocks of habitat that would be impacted, and how they would be changed through loss and fragmentation, a more accurate accounting of impact emerges.

Projected Consequences of Proposed Right-of-Way

MK13 represents a 14% Reduction in Habitat greater than 250 acres

MK33 represents a 2% Reduction in Habitat greater than 250 acres

Dr. Wilkins testified that [w]hen considering the inventory of larger blocks of habitat (those greater than 250 acres), the projected consequences of the proposed right-of-way construction would be a loss of 818 acres along MK13 – representing a 14% reduction; by comparison, the loss of area in larger patches along MK33 would be 251 acres – a 2% reduction. The reason for the big difference here is that the habitat along most of route MK33 has already been fragmented by I-10. Most additional impacts from right-of-way construction along MK33 would not result in additional loss of habitat area in larger blocks because the proposed right-of-way along most of I-10 does not bisect additional intact habitat in such a way as to divide it into increasingly smaller patches.



Research has demonstrated that patch size has an important influence on whether habitat is used by Golden-cheeked Warblers. A transmission line right-of-way has the potential to fragment blocks of habitat into patches (blocks) of habitat that are less likely to be occupied – those patches less than 250 acres in size are only half as likely to be used as those patches that are larger. When a right-of-way is placed along a wide corridor such as I-10, the effects to the species are lessened due to the fact that the potential habitat removed due to the right-of-way does not further fragment larger patches into numerous smaller patches.





Dr. Wilkins testified that the impacts to Golden-cheeked Warblers would likely be three times greater along MK13 as compared to MK33. The metric used by LCRA TSC in the EA – cumulative length across potential habitat – did not accurately take account of the likely impacts of habitat fragmentation. As a consequence, MK33 (and the other routes that significantly follow the I-10 corridor) would actually result in some of the least ecological consequences to endangered Golden-cheeked Warblers.

Staff MK15, while better than the Preferred Route, still results in a significant amount of new habitat fragmentation. Staff MK15 is approximately 142 miles long and of that length 102 miles (72%) would cut across unfragmented wildlife habitat on the Edwards Plateau. Most of the new fragmentation – 54 miles – would occur along the western edge, crossing diagonally between Junction and the McCamey D substation. The additional miles of fragmentation would occur in going around Junction and bypassing Kerrville.

As one would expect, by far, the most fragmented existing wildlife habitat in the Study Area is located along the 400-600 foot wide I-10 right-of-way corridor. Every route for the transmission line would take significant amounts of existing wildlife habitat, but it would be much worse to cut a corridor through unfragmented wildlife habitat than to put one adjacent to an already fragmented habitat.