

Save Our Scenic Hill Country Environment, Inc.

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<http://www.soshillcountry.org>

Dr. Benjamin Tuttle
Regional Director, USFWS Southwest Region
U.S. Fish & Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

Dear Dr. Tuttle,

This letter is being provided to you on behalf of the Directors and Officers and approximately 600 members of Save Our Scenic Hill Country Environment. Our organization supports sensible development in the Texas Hill Country, an area known for its scenic beauty. We believe that industrial wind and related transmission should be developed in this area only if they meet a number of key criteria. Those criteria include environmental considerations.

On June 4, 2012, your organization issued a Taking Permit to LCRA TSC for two endangered species for activities associated with their installation of two Competitive Renewable Energy Zone (CREZ) high voltage transmission lines. Our organization was one of seven parties that submitted comments on the draft EA and draft HCP. One of the other parties that submitted a number of comments was the Texas Parks & Wildlife Department. Another was the Clear View Alliance (CVA) that represents a number of other landowners in the Hill Country.

An Appendix was added to the final EA that was a summary of public comments that were submitted and the USFWS responses to those comments. We respectfully request that you review those comments and responses.

If you will do so, we believe that you will concur that essentially no meaningful changes were incorporated in the final EA as a result of the submissions. We believe that you will also agree that the responses did not adequately address the comments in a number of instances.

A particularly important example is our Comment 2 (page 19) which was also submitted by CVA. The Comment stated "The PUC target completion date of the fall of 2013 should not impact the provisions of the dEA and dHCP." A number of supporting points were provided. One, SOSHCE B.5/CVA II.5 (page 20), stated the following:

"In any case, the PUC does not have the authority to override the requirements of the ESA and the NEPA, and LCRA TSC must comply fully with all applicable federal laws and regulations. The ESA and NEPA are controlling and must be adhered to as a matter of law."

The response is as follows:

“The Service is required to issue to LCRA TSC an incidental take permit, irrespective of the final CREZ transmission line routes, so long as the LCRA TSC meets all ESA section 10 issuance criteria.”

While the response is an accurate statement, we believe you will agree that it completely misses the point of the comment.

We believe that you will see other examples similar to the preceding.

Your organization’s massive work load is recognized as is your heavy reliance on applicants and their consultants. It is hoped that you will likewise realize that organizations such as ours put a great deal of effort into the public involvement process. When we see responses such as those provided in this instance, we believe that the process is discredited.

We realize that this matter is formally resolved at this stage of the HCP from your organization’s perspective. However, your personal response to the issues we raise would be greatly appreciated.

Thank you for your consideration.



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President

cc:

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