



August 3, 2007

Mr. William Wenstrom, PhD
Enercon Services, Inc.
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Dear Mr. Wenstrom:

This letter is in response to your review request, dated June 5, 2007, for potential impacts to rare, threatened, and endangered species from the proposed addition to the Comanche Peak Steam Electric Station consisting of an additional nuclear power generation facility in Somervell County.

Based on the project as presented, when suitable habitat is present, the following species could potentially be impacted by the proposed project:

Federal and State Listed Endangered

Golden-cheeked Warbler (*Dendroica chrysoparia*)

Federal and State Threatened (Federally Delisted Effective August 8, 2007)

Bald Eagle (*Haliaeetus leucocephalus*)

State Listed Threatened

Brazos water snake (*Nerodia harteri*)

Texas horned lizard (*Phrynosoma cornutum*)

Timber/Canebrake rattlesnake (*Crotalus horridus*)

Federal Candidate for Listing

Sharpnose shiner (*Notropis oxyrhynchus*)

Species of Concern

Pistolgrip (*Tritogonia verrucosa*)

The Golden-cheeked Warbler is present in Texas only during breeding season, from about mid-March to mid-August. The warbler usually occurs in mature Ashe juniper-deciduous tree woodlands. Based on the habitat shown the aerial imagery included with your request, this species may occur on the project site and could be adversely impacted by your project activities. Additional information for the management and conservation needs for this species can be obtained at <http://www.tpwd.state.tx.us/huntwild/wild/species/endang/animals/birds/index.phtml>.



Take a kid
hunting or fishing



Visit a state park
or historic site

Replacement of habitat for this species takes many years. Harassment and disturbance of this species are prohibited, except by a permit issued under the Endangered Species Act and Migratory Bird Treaty Act (MBTA) through the US Fish and Wildlife Service (USFWS).

Recommendations: The siting and thus the probable required removal of mature woody vegetation in the proposed cooling tower area and its access road should be re-evaluated closely. TPWD recommends alternative siting be proposed for the cooling tower. Compensatory mitigation for preserving high quality habitat should be considered also, if avoidance is not possible. If proposed, any planned removal of woody vegetation should be scheduled during the non-breeding season to minimize impacts to this species.

Currently, TPWD has no specific information for the immediate project area regarding rare species. However, the general area is known to support numerous rare species. TPWD maintains information on rare resources in the Texas Natural Diversity Database (TXNDD) to assist users in avoiding harm to rare species or significant ecological features. However, absence of 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 information cannot be substituted for on-the-ground surveys by your qualified biologists. The TXNDD is updated continuously, based on new, updated, and previously undigitized information. For future projects, please contact Stephanie.Shelton@tpwd.state.tx.us for the most current TXNDD information.

Recommendations: TPWD recommends that your qualified biologist conduct on-site-habitat assessments for the species listed above. Also, please review the most current TPWD county list, as other rare species could be present depending upon habitat availability. These lists are updated on an adhoc basis and are now available on-line at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species.phtml. If habitat is found, it is recommended that measures be incorporated into the site plans to avoid impacting rare resources. If avoiding potential habitat is not an option, then TPWD recommends surveying for the rare resources listed above and developing minimization and compensatory measures to reduce the potential impacts to rare species.

The USFWS has specific minimum procedural protocols for assessing presence/absence of the Golden-cheeked Warbler. For USFWS county lists of rare species access <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm>. 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.

Recommendations: The US Fish and Wildlife Service (USFWS) should be contacted for permitting, survey protocols, and mitigation for federally listed species. Please provide this office with copies of survey results and any additional written consultation you may conduct with the USFWS regarding rare resources.

Most native bird species may not be disturbed and must be dealt with in a manner consistent with the Migratory Bird Treaty Act (MBTA). The MBTA implicitly prohibits intentional and unintentional take of nearly all native birds, except when authorized under a USFWS permit. Additional information regarding the MBTA may be obtained through the USFWS Region 2 Migratory Bird Permit Office at (505) 248-7882.

Recommendations: TPWD recommends excluding all clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group, including ground nesting species.

Long term and cumulative impacts should also be addressed.

Recommendations: In addition to analyzing the direct construction related impacts, the environmental documentation should discuss long term impacts. For example, the discussion should include changes resulting from operation of the new units, if any, such as changes in the water temperature near the discharge outlet in the cooling reservoir, changes in water intake and discharge quantity and quality. Such changes could have direct impacts on aquatic fauna, which could potentially have adverse impacts further up the foodchain, for instance potential for loss of an adequate supply of crustaceans and fish for the birds known to utilize the site, such as sandpipers, terns, and gulls. If there are no changes planned for these operational items, this should be clarified. If changes are planned, further analysis should be attempted to assess the potential for impacts.

Thank you for the opportunity to comment on this project. Please contact me if you have any questions or need additional assistance (512) 912-7021.

Sincerely,



Celeste Brancel, Environmental Review Coordinator
Wildlife Habitat Assessment Program
Threatened and Endangered Species