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Mr. Antonio Uribe, Jr., P.E.  
District Design  
Texas Department of Transportation  
13301 Gateway Blvd. West  
El Paso, Texas 79928

April 1, 2011

e-mail: ELP\_Loop375West@txdot.gov

Regarding: Texas Department of Transportation-Loop 375 (Transmountain West, CSJ 2552-01-033) Public Hearing Comments

Dear Mr. Uribe:

My firm represents the El Paso Regional Group (Rio Grande Chapter) of the Sierra Club regarding the Transmountain Highway expansion project referenced, above. As part of that representation, I have reviewed and had technical authorizes review the February 2011 Environmental Assessment ("EA") for the project. This letter sets out the Club's comments on the EA. Accompanying this letter is an "Attachment A." It is a memorandum to me from Mr. David Simon, a recognized authority on the impacts of urbanization on high-desert terrains and, especially, on parks in those terrains. Mr. Simon's memorandum discusses at more length most of comments offered, here, and the Club incorporates his entire memorandum into its comments.

As you doubtless know, at least in a general way, EAs are miniature Environmental Impact Statements ("EISs"). Federal courts in the Fifth Circuit, the one containing Texas, have characterized EAs this way:

An EIS must contain "a detailed statement of the expected adverse environmental consequences of an action, the resource commitments involved in it, and the alternatives to it." *Kleppe v. Sierra Club*, 427 U.S. 390, 96 S. Ct. 2718, 2726, 49 L. Ed. 2d 576 (1976). An EA, on the other hand, is prepared in order to determine whether an EIS is required. [citation omitted]. An EA is a "rough-cut, low-budget environmental impact statement" intended to determine whether environmental effects are

significant enough to warrant preparation of an EIS. *Id.* (internal quotation marks omitted). An EA must "include brief discussions of the need for the proposal, of alternatives . . . , of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted." 40 C.F.R. § 1508.9(b).

*Spiller v. Walker*, 1998 U.S. Dist. LEXIS 18341, at 29 (W.D. Tex. Aug. 25, 1998) (granting injunction; citing to *Sierra Club v. Espy*, 38 F.3d 792, 802-03 (5th Cir. 1994)).

Importantly, if an action subject to NEPA *may* have a significant impact on the environment, then, the project proponent must prepare an EIS. The Fifth Circuit appellate court has stated it, thusly:

If, after receiving the parties' evidence, the court concludes that the proposed project *may* affect significantly some human environmental factor, it *must* require the agency to prepare an EIS. The court, therefore, need not determine whether the proposed program would degrade the environment but merely whether the project *might* affect negatively and significantly a single environmental factor.

*Citizen Advocates for Responsible Expansion (I-CARE) v. Dole*, 770 F.2d 423, 433 (5th Cir. Tex. 1985)(emphasis added).

It is Sierra Club's overall position that the EA for this proposed project was a little too low-budget. It failed to adequately analyze the noise, visual, vegetation and wildlife, and cumulative (mostly, urbanization-inducing) impacts of the proposed project. It did not well-enough study the "Section 4(f)" (parkland) impacts of the proposed project; the Section 4(f) standard is that one must take a "hard look" at the parkland impacts, so there is less tolerance for the "roughness" in the cut an EA makes on this analysis than would be the case, were there no parkland involved. The EA's elimination of alternatives for analysis was arbitrary.<sup>1</sup> These failings, viewed individually or, especially, in sum, result in an EA that cannot justify the "will not impact" conclusion the EA reaches; its FONSI recommendation cannot be accepted, because it is unsupported. An EIS must be prepared.

The following paragraphs itemize the shortcomings the Sierra Club finds in the EA. As earlier noted, most of these are developed at more length in Attachment A, the Simon memorandum.

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<sup>1</sup> The consideration of alternatives is the "heart" of an EIS (40 CFR § 1502.14), so elimination of an alternative from further consideration is a matter meriting particular scrutiny.

Project Need: The EA's determination that the project is needed is based primarily on the February 2009 projection of traffic volume on the project. That projection is for a 2015 traffic count of 40,000 ADT and a 2035 ADT of 71,000. The EA, p. 35, acknowledges the Mission 2025 Metropolitan Transportation Plan. That Plan, which was approved August 5, 2010, and for which a FHWA has demonstrated transportation conformity with the El Paso area plan for National Ambient Air Quality Standards attainment and maintenance, specifies the project as one carrying 18,000 ADT in 2020 and 31,000 ADT in 2035. So, whereas one may argue that TxDOT need not use the best available data in its environmental analyses, one may not argue it may use outdated data, when it simultaneously acknowledges the existence of more recent approved data. The EA's determination of "need" is, under this circumstance, arbitrary. (Additionally, the approval of an EA that contemplates roughly 130% more traffic on a roadway than has passed muster under conformity analysis and that does not present a *de novo* conformity analysis based on the larger traffic count fails to adequately analyze the air quality impacts of the proposed project.)

Alternatives: The foregoing discrepancy between the projected traffic flows on Loop 375 means that TxDOT, which relied on the larger traffic flows to support its elimination of various alternatives to its preferred configuration for the project, has arbitrarily constrained the alternatives available to it in this EA. Basically, the high traffic counts relied upon dictate the purpose the project is to serve. If the purpose is artificially defined, the alternatives analysis is largely made nugatory. As the courts have put it (speaking in the EIS context): "If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act. 42 U.S.C. § 4332(2)(E)." *Simmons v. United States Army Corps of Eng'rs*, 120 F.3d 664, 667 (7th Cir. 1997).

Noise Impacts: The EA falls short in truly evaluating noise impacts. The EA indicates that no noise receiver locations were monitored on the eastern portion of the project area, only at the western-most end, and none in section that includes Franklin Mountains State Park. Under FHWA methodology, these sections should have been classified in Land Use Activity Categories B and C, as indicated in the unnamed table on page 35 of the EA. The EA fails to establish baseline noise levels and predicted future noise levels in these areas, which are the most sensitive of the entire project area.

Some portions of the project area within Franklin Mountains State Park contain trails and scenic view points that are close to Loop 375. With increased traffic that the roadway is expected to carry, noise impacts are likely to increase. Additional analytic tools should have been used to evaluate noise impacts, particularly within Franklin

Mountains State Park. The FHWA noise impact model downplays significance of natural quiet values in parks.

Visual Impacts: The narrow dimensions of the Visual Units barely suffice to evaluate the direct impacts of the proposed action and fail completely in terms of evaluating and protecting scenic quality, as well as indirect and long-term visual aspects. The discussion and three images taken from photo points A, C, and R to evaluate impacts to Visual Units 1 and 2 were inadequate and the photographs in the EA (Photographs A and C) do not represent a true analysis of effects. The EA should have included more photo points within the two most sensitive Visual Units, #1—the Tom Mays Unit of the Franklin Mountains State Park and #2—Franklin Mountains State Park south of LP 375, including photo points from various areas utilized by the public adjacent to and near Loop 375.

The determination of effect and compatibility should have been supplemented by quantitative surveys of park visitors or by a similar evaluation tool. Public and resource impact will be increased by expanded road corridor, and park visitors are likely to be more sensitive to increased impacts on visual quality in this protected area.

The EA's argument that future growth in the area of the proposed project will change the character of that area, such that the visual impacts of the proposed project, itself, will be less significant than present conditions suggest assumes a fact not established or, even, realistic: that the proposed project, itself, does not largely shape the changes in the character of the area in which the project sits. Without question, the widening of Loop 375 in the project area is likely to facilitate and accelerate the development that will create significant negative visual impacts on the Park. It will also define the corridor of industrialization and commercialization of this area. So, for example, the video of the proposed project – a CGI aerial fly-over of the project's length – that TxDOT has posted on its web site for this project is affirmatively deceptive. That video does not show any of the commercial or industrial or, even, residential development that will line (i.e., be located because of the Loop along) some or all of the expanded Loop 375 and, of course, be visible to anyone in the area in the future.

Vegetation/Wildlife Impacts: The EA underestimates and does not fully evaluate the impacts on wildlife from the proposed project. The total area of permanent disturbance from the project is not trivial, but the EA does little to acknowledge the broader negative impacts of road-building on biodiversity and the increasing constraints and stresses that roads such as Loop 375 will place on protecting biodiversity, especially given the impacts climate change is bringing to the Chihuahuan Desert. The fragmentation and isolation of habitat in the park created by the road expansion from proposed project will have serious long-term negative consequences for wildlife in

Franklin Mountains State Park. These impacts are not fully acknowledged or assessed in the EA. Indeed, habitat fragmentation, widely acknowledged as one of the greatest threats to wildlife the high desert, is barely discussed at all in the EA.

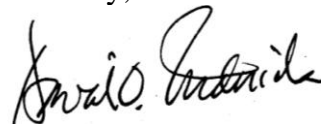
Instead of following comprehensive approaches for wildlife mitigation, TxDOT has proposed to build a single culvert and to place “extra signage” along the roadway. This does not effectively address or evaluate wildlife issues. The EA relies only on “a review of crash data for the last three years” with respect to direct impacts on wildlife. Crash data are unreliable and flawed in that they do not capture or assess true traffic impacts on wildlife or on all species of wildlife. Furthermore, the EA should have analyzed the entire Transmountain Road in its de-bottlenecked state and proposed strategies to mitigate wildlife impacts on the entire portion that traverses the Park.

Indirect and Cumulative Impacts: The EA fails to evaluate in a meaningful way the impact of a freeway, such as the proposed Loop 375 expanded freeway, in directing population and commercial growth. Where growth occurs in an area is significant, independent of whether the growth would occur, at all, in the area. The cumulative effects of this proposed project and other projects, such as other Loop 375 improvements and the Northeast Parkway, were not, but should have been at least generally, evaluated.

Section 4(f) evaluation: The EA undertakes no examination as to whether this proposed project is so conceptualized as to minimize, as compared to reasonable and prudent alternatives, harm to parkland and wildlife refuge areas.

***In conclusion***, this EA is too much “a ‘rough-cut, low-budget environmental impact statement’” to support a determination that environmental effects of the proposed project are sufficiently significant to warrant preparation of an EIS.

Sincerely,



David Frederick, for  
the El Paso Group of the Rio  
Grande Chapter of the Sierra Club

# Attachment A

**Eco-Think Consulting  
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To: David Frederick, Lowerre, Frederick, Perales, Allmon & Rockwell  
Fr: David J. Simon  
Re: Environmental Assessment, Loop 375 (Transmountain Highway)  
Da: March 31, 2011

You have retained me to review the February 2011 Environmental Assessment (EA) prepared by the Texas Department of Transportation (TxDOT) for proposed improvements to Loop 375 (Woodrow Bean—Transmountain Highway) in El Paso, Texas. (TxDOT project CSJ: 2552-01-033.) I have over 25 years experience with conservation and park/protected area issues at the local, state, and federal level, and most recently served for eight years as Director of New Mexico State Parks. (See attached Statement of Professional Qualifications)

I have reviewed the above-referenced document. **In my professional opinion, the EA is deficient, particularly with respect to assessing impacts on sensitive park resources, such as visual quality, natural quiet, and wildlife, and in its failure to consider the extent to which the project will alter the context of the area in which it will lie.**

Much information on user perceptions is purely conclusory and certain serious long-term biological impacts are improperly dismissed. The EA seriously errs in its conclusion that a Finding of No Significant Impact (FONSI) is warranted. This project will actually have significant short- and long-term effects both on the local area and the region.

**I believe an EIS should be completed for the Loop 375 project.** Within the past decade, at least sixteen FHWA-related road projects in Texas have required preparation of an EIS. ([http://environment.fhwa.dot.gov/projdev/active\\_eis.asp](http://environment.fhwa.dot.gov/projdev/active_eis.asp)) TxDOT has completed an EIS on projects with smaller ROWs and lesser impacts on protected natural areas. For example, TxDOT did a full EIS on the SH 121 project, which was a four- to six-lane divided road with a right-of-way (ROW) of 220 feet.

**Project Background**

This proposed road project affects an area from I-10 to about 0.5 miles east of the Franklin Mountains State Park entrance, a distance that includes approximately 3.6 miles of main lanes and approximately 2.1 miles of frontage roads. The proposed improvements will consist of expanding the current two-lane undivided roadway to a four-lane divided roadway with two-lane frontage roads. The improvements also include four grade separated intersections, two direct connectors from I-10 to Loop 375, and a pedestrian-bicycle trail.

The minimum ROW width would be 350 feet (EA, Figure 3.3). The proposed project will entail two 12-foot travel lanes in each direction with 4-foot wide inside shoulders, 10-foot wide outside shoulders, and a 38-foot wide inside unpaved median. The total amount of project ROW needed would be 185.1 acres and includes an additional 41.2 acres of new ROW. The ROW footprint and geometric design also provides for future expansion to six main lanes from Northwestern Drive to east of Paseo del Norte Drive.

### **Review of Environmental Assessment**

The EA itself is flawed in key areas. In particular, the EA fails to fully analyze impacts on wildlife, visual quality, noise, and cumulative effects. The EA underestimates the intensity and severity of the impacts, which will adversely affect unique characteristics and resources of the area, specifically Franklin Mountains State Park and this portion of the Chihuahuan Desert. In addition, my assessment is that the EA fails to comply with Section 4(f) of the U.S. Department of Transportation Act of 1966, in that the Loop 375 project will “use” publicly owned park without adequately considering alternatives or incorporating all possible planning to minimize harm on the park land.

At approximately 24,200 acres (37 square miles), Franklin Mountains State Park is one of the largest urban parks in the nation. The Park is also a significant protected area within the Chihuahuan Desert ecoregion. When one of the very reasons for the establishment of Franklin Mountains State Park was a reaction to road building and development in the Franklin mountains (Texas Parks & Wildlife website, <http://www.tpwd.state.tx.us>), it is ironic that TxDOT has failed to fully evaluate the impacts from its own road building activities on the Park.

In my opinion, the EA’s preliminary findings should require the preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act and its implementing regulations (42 U.S.C. 4371 et seq; NEPA regulations, 40 CFR §§ 1500-1508) as the proposed project will significantly affect the quality of the human environment. An EIS is also necessary since the project will establish a precedent for future land use decisions in the area that will also have significant effects, and the project will have significant cumulative effects.

The following are my comments and observations with respect to the EA and its analysis of impacts in some key areas:

### **Noise Impacts**

The EA analyzes noise impacts from traffic in Section 3.5. TxDOT utilizes the FHWA-approved “Guidelines for Analysis and Abatement of Highway Traffic Noise” (July 2007). FHWA traffic noise modeling is used to ascertain existing and predicted noise levels. (EA, Table 3.7, page 34) The EA concludes “the proposed Build Alternative [would] (sic) not result in a traffic noise impact.” In fact, the EA states that noise impacts in portion of the project area (western sections) would actually *decrease*, presumably from smoother, high-speed traffic flow and a reduction in idling and vehicle speed changes, though the EA does not explain this sufficiently.

The EA falls short in truly evaluating noise impacts. Under the FHWA methodology, eastern sections of the project within and adjacent to Franklin Mountains State Park should have been classified in Land Use Activity Categories B and C, as indicated in the unnamed table on page 35. The EA completely fails, however, to establish baseline noise levels and predicted future noise levels in these areas, which are the most sensitive of the entire project area. The EA indicates that no noise receiver locations were monitored on the eastern portion of the project area—only at the western-most end—and none in section that includes Franklin Mountains State Park. (EA, Page 143, Figure 4.2, Appendix A.)

Some portions of the project area within Franklin Mountains State Park also contain visitor use areas close to Loop 375, such as trails and scenic view points. Thus, the EA cannot conclude that noise impacts will not occur to the Park under either absolute or relative criterion. It seems likely that existing noise levels are at or approaching the threshold level for Category B lands (66 dBA). With increased traffic that the roadway is expected to carry, noise impacts are likely to increase.

Moreover, more fundamentally, the FHWA noise impact model downplays significance of natural quiet values in parks. Federal policy determinations about transportation noise have relied heavily on dose-response data that relate level of physical exposure to reported annoyance, usually averaged in some way. The mathematical modeling of impacts, as determined by physical noise levels, oversimplifies and limits the understanding of noise effects in crucial ways. It can undervalue social and psychological variables that determine when a given noise level generates annoyance in a particular individual or particular setting. For example, more than absolute levels, percent time audible of noise and other measure of the consistency and persistence of noise can be useful evaluators of the preferences of and impacts on park visitors. Additional analytic tools can be and should have been used to evaluate noise impacts, particularly within Franklin Mountains State Park. The above flaws should be rectified through more in-depth data collection and modeling in an EIS.

### **Visual Impacts**

The EA divides the project area into four “Visual Units” for the purpose of assessing visual impacts. While the entire route of the Transmountain Road is a designated “scenic corridor” per El Paso ordinance (EA, page 68), two of the EA’s Visual Units (# 1—Tom Mays Unit of the Franklin Mountains State Park, and #2—Franklin Mountains State Park south of LP 375) are most important in terms of protecting the visual quality of the park and a high quality experience for park visitors. The eastern portion of Visual Unit #3, the Loop 375 roadway corridor, however, remains integral to the visual quality of the area, as it has expansive, mostly unimpacted views in nearly all directions and provides the visual foreground to Franklin Mountains State Park. Without unimpacted views in Visual Unit #3, the natural resources and setting of the Park itself is diminished and adversely affected. From the standpoint of both evaluating and protecting visual quality, the narrow dimensions of the Visual Units barely suffice to evaluate the direct impacts of the proposed action, but fail completely in terms of evaluating scenic quality, as well as indirect and long-term visual impacts.

To evaluate impacts to these Visual Units 1 and 2, the EA offers discussion and three images taken from photo points A, C, and R. The EA concludes: “The scale and dominance of the roadway were determined to be compatible with the project surroundings due in large part to the fact that a distinct transportation corridor within the identified visual assessment units has already been established by the existing roadway.” (EA, p. 76) I find this analysis inadequate and also believe that that TxDOT draws the wrong conclusion from its own analysis in terms of the project’s future impact on visual quality of the area.

The photographs in the EA (Photos A and C) are helpful in showing some of the project’s context, but do not represent a true analysis of effects. The EA should have included many more photo points within the two most sensitive Visual Units, including photo points from various areas utilized by the public adjacent to and near Loop 375, such as parking lots, developed areas, trails, and scenic viewpoints. The EA dismisses visual impacts from Loop 375 on the main developed facilities in the Tom Mays Unit due to the distance of the campground (0.7 miles) from the road, but the road is, in fact, visible from several points within the campground as well as from other points in the park used by visitors. Moreover, the TxDOT video presented to the public as part of background information on the project actually depicts the expanded Loop 375 as a central and dominant visual feature, with a large visual impact, in the park entrance zone.

The subsequent EIS should present photo simulations of the project as it would appear post-construction in this area. This is analysis that is technically feasible to do that the EA fails to include. Moreover, the determination of effect and compatibility should have been supplemented by quantitative surveys of park visitors. Utilizing background information and visual simulations, park visitors—who will be the most important arbiters of visual impacts in these two Visual Units—should have been asked to react to potential future conditions. Again, this is entirely within the realm of possibility for an environmental document (such techniques have become standard components of using the scientifically-based “Limits of Acceptable Change” or “Visitor Experience Resource Protection” approaches now in use to assess impacts to parks), and such analysis should be part of a subsequent EIS that does not fail to utilize state-of-the-art assessment tools. The road corridor is certainly established, but public and resource impact will be increased by expanded road corridor. Park visitors are primarily seeking a respite from the sights and visual overload of the heavily urbanized landscape in the El Paso area, and therefore are likely to be more sensitive to increased impacts on visual quality in this protected area.

The EA does conclude, however, that the Loop 375 project is tied to other changes to the environment in the area that will have even more dramatic negative effects on visual/scenic quality in the area of Franklin Mountains State Park:

The conversion of undeveloped areas to commercial or residential uses as a result of predicted growth in the project area could result in a change in the aesthetic character of the native vegetation surrounding the project, outside of the boundaries of the Franklin Mountains State Park. . . It is anticipated that the most

substantial post-construction visual impacts within the project area will result from future development in the region. As discussed in Section 1.2.1, northwestern El Paso is expected to experience measurable population growth in the next twenty to thirty years regardless of whether or not the roadway improvements are undertaken. These growths will likely result in new development and the conversion of currently undeveloped land to developed uses. As more people move to the area, the visual character along the LP 375 roadway corridor is expected to change. Existing viewsheds may be altered by the conversion of native vegetation to developed uses. . . Increased future development and urbanization could alter the existing visual character of the region, creating a more uniform urban character in the project vicinity. The conversion of undeveloped areas could reduce the natural visual continuity of the region by disrupting currently unobstructed scenic viewsheds. However, if future development is undertaken in a manner that is harmonious with the existing visual elements and patterns in terms of form, line, color, texture, dominance, scale, diversity, and continuity, beneficial effects could be realized.” (EA, pages 69, 76)

The major flaw in this argument is the assumption that the visual impacts in the project area will be similar whether or not the Loop 375 improvements are constructed. Without question, the widening of Loop 375 in the project area is likely to *facilitate and accelerate* the development that most certainly will create significant negative visual impacts on the Park.

Similarly, the EA fails to discuss alternatives within the overall scope of the project that could actually (1) require referenced standards to limit or mitigate visual impacts (and other environmental impacts) from such development and/or (2) adjust the project or its elements in order to create additional open space buffers around the Park that would better protect visual quality from both Loop 375 and the attendant impacts from development it would engender. Alternatives that eliminate the large overpass closest to the Park (at Paseo del Norte), for example, would reduce visual impacts as well as create opportunities to set aside open space and enhance protection for the designated scenic corridor.

### **Vegetation/Wildlife Impacts**

The EA properly recognizes (e.g. EA, page 52) that the Chihuahuan Desert in which the Loop 375 project is located is one of the most biologically rich desert eco-regions in the world, alive with large mammals, birds, reptiles and an unmatched diversity of cactus species. Besides cacti, many desert plants, fish, and reptile species in the Chihuahuan Desert show rather localized patterns of endemism and exhibit high turnover of species with distance—the hallmark of a biologically rich eco-region.

According to the EA (Page 52, Section 3.8.1) approximately 134.3 acres of existing vegetation would be impacted by project construction. Of this, 49.6 acres would be converted to roadway and 84.7 acres would be disturbed by construction and would eventually be converted to vegetated right-of-way.

The EA has a survey of vegetation within the project area and a lengthy discussion of the distribution and potential impacts on Federally Listed/Candidate Threatened and Endangered Species, State-Listed Threatened and Endangered Species, and other Rare Species. With respect to Federal and State T/E and rare species, the EA concludes that the project would “have no effect on federally listed/candidate species” (EA, page 63), that “the Texas horned lizard and the Chihuahuan desert lyre snake could be impacted by removal of some habitat” but that the habitat loss would be “small compared to the expanse of suitable habitat located throughout the region” (EA, page 63), and that there are potential impacts to some species of concern (e.g. as hawks, falcons, bats) that would be “limited to disruptions from construction and removal of a small amount of potential foraging habitat and disruption of potential roosting areas (culverts).” (EA, page 64)

In summary, TxDOT states:

The impact of this project to the existing vegetation and wildlife may be viewed in terms of short-term impacts resulting from disturbance during construction and long-term impacts resulting from permanent habitat modification. The native vegetation in the project area is predominantly Creosote Shrub and does not provide critical habitat for any federally or state-listed threatened or endangered species known to occur in the region. *Any transient wildlife would only be impacted temporarily and no long-term impacts to any species or populations are anticipated.* (EA, p. 54; emphasis added)

The EA, however, underestimates and does not fully evaluate the impacts on wildlife from the proposed project. Dismissing impacts on potential habitat for T/E species can incorrectly assume that certain restoration activities may not take place that would make those areas more attractive to sensitive species. Also, to minimize impacts on habitat for certain regionally rare species because of an “expanse of suitable habitat” when only “approximately 1,250 acres” of such habitat is within the project’s “Area of Influence” (EA, page 90) makes a large and risky leap of faith that the existing habitat is, in fact, sufficient for the long-term.

The total area of permanent disturbance from the project is not trivial, but the EA does little to acknowledge the broader negative impacts of road-building on biodiversity, and the increasing constraints and stresses that road such as Loop 375 will place on protecting biodiversity under the forces and the uncertainty that climate change is bringing to the Chihuahuan Desert. TxDOT takes insufficient affirmative responsibility for its role in averting or mitigating impacts on biodiversity.

The Chihuahuan Desert ecoregion contains few protected areas designed primarily for conservation of biodiversity. Only 2.5% of the ecoregion is under formal protection, a remarkably low total for such a large, sparsely populated area. Fragmentation of habitats through urban development, roads, fences, and conversion has curtailed the seasonal and wider nomadic movements of many species (such as ungulates) and their associated predators, and is having long-term detrimental effects on other many other species large and small—which face reduced and isolated populations, smaller ranges, degraded habitat, and barriers to genetic mixing. Protecting patterns of the extraordinary beta-

diversity of the Chihuahuan Desert, which is widely distributed among basins, isolated springs, mountain ranges and other “niche” habitats, requires a network of reserves that captures the complex distributional patterns of many endemic species. There must be core reserves, wildlife/biodiversity-friendly land management outside protected areas, and connectivity to maintain important ecological processes and wide-ranging species. (*Ecoregion-Based Conservation in the Chihuahuan Desert: A Biological Assessment*, World Wildlife Fund and others, 2000).

Typically, higher elevation and riparian areas are identified as potential corridors because such areas have already been set aside or are often more feasible to designate for conservation purposes. Lowland habitats, however, are likely to have been equally or more important corridors in many ecoregions prior to their alteration in many parts of the world. Wherever possible, conservation landscapes should combine lowland and montane areas, even if the lowland elements are degraded (e.g. creosote scrub, like the Loop 375 project area) and require extensive restoration.

Although the presence of federal and state T/E species within the 10-mile area of the Loop 375 project considered for wildlife values, the study area—most notably Franklin Mountains State Park—abounds in birds, reptiles, and small mammals. The Texas Parks and Wildlife Department (TPWD) notes the presence of golden eagles, a variety of hawks, the occasional falcon, and a variety of bats and owls. The Franklins are the only known location in Texas for a number of plant species, including the Southwest barrel cactus. (<http://www.tpwd.state.tx.us>)

While Loop 375 obviously already exists on the landscape, construction of the proposed project will result in a dramatically expanded road that will be an impenetrable barrier to the movement of virtually all (non-avian) wildlife. This, combined with other roads and development barriers, will fragment habitat and isolate the Park. This will have serious, long-term negative consequences for wildlife in Franklin Mountains State Park and its environs, condemning its wildlife to decline; these are impacts that the EA does not fully acknowledge nor assess.

Though the EA recognizes that certain obvious aspects of the Loop 375 project will be detrimental to wildlife (e.g. restrict movement and increase road kill), TxDOT has mostly ignored the broader ramifications and dismissed public input and requests from the TPWD regarding design elements to reduce wildlife impacts. The EA states: “Concerns were raised by TPWD, public officials, and members of the public during the public involvement process regarding large mammal fatalities along LP 375. TxDOT evaluated the possibility of constructing wildlife crossings along this portion of LP 375 and determined that the *crossings were not feasible*. [Emphasis added]

Instead of a comprehensive approach to addressing wildlife impacts, TxDOT is proposing to install only a single 10’ x 20’ arched pipe drainage culvert crossing near the proposed Paseo Del Norte Road extension and to place “extra signage” along the roadway. The projected efficacy of this solution in a ROW of 350 feet encompassing six lanes of road is unknown. There are no other significant express commitments to mitigate impacts on

small mammals and reptiles, or to study the impacts of the road on wildlife over time. In a project with a total estimated cost of \$84 million dollars, it is unfortunate that TxDOT cannot invest a few percentage points of the cost into wildlife mitigation, other than a single culvert and ineffective signage. Dozens of road projects throughout the nation now do so and the FHWA and many of its state transportation department partners are proud of these efforts. ([www.fhwa.dot.gov/environment/wildlifecrossings](http://www.fhwa.dot.gov/environment/wildlifecrossings)). In its current incarnation, the Loop 375 project is not one to be proud of in terms of evaluating and addressing wildlife issues.

Indeed, due to the Loop 375's project's inseparable connection to the rest of the Transmountain Road (through and east of Franklin Mountains State Park), and the results of the project—which will result in increased vehicle traffic on 375, to be an adequate environmental document, the EA should have analyzed impacts on wildlife of the entire Transmountain Road and proposed strategies to mitigate wildlife impacts on the entire portion that traverses the Park.

The EA relies only on “a review of crash data for the last three years” with respect to direct impacts on wildlife. (EA, page 32, 54). Crash data is unreliable and flawed in that it does not capture or assess true traffic impacts on wildlife nor all species of wildlife. The EA fails to look comprehensively at all data sources, including trapping and road kill studies involving all types of animals (including reptiles), and fails to evaluate the differences in impact between a two-lane road (present condition) and a four- to six-lane road with a 350 foot ROW. The new road's increased capacity to carry more traffic, and its role as a catalyst for land development and habitat destruction will in itself create more impact and the road will become both an impenetrable barrier and a complete killing zone for wildlife.

### **Indirect and Cumulative Impacts**

Depending on the project, certain environmental documents must analyze indirect and cumulative impacts. Appropriately, this EA contains such a discussion (EA, pages 82-115).

To summarize, the EA makes the following points: (1) population and growth projections identified by the City of El Paso point towards continued growth within the “Area of Influence” (AOI); (2) such growth is likely to take place irrespective of whether the Loop 375 project is built; (3) continued development will likely result in the conversion of undeveloped land to residential, commercial, and industrial uses; (4) as a result of growth and development, indirect and cumulative impacts to land use, scenic quality, vegetation, threatened and endangered species, water resources, and air quality are likely to be substantial; and (5) enforcement of, and/or changes to City of El Paso's zoning and building restrictions and decisions with respect to controlling the density, type, and rate of future development will have a major affect on ultimate impacts within the AOI and may reduce cumulative impacts.

The EA states that “population and growth projections indicate that much of the expected development in the area would occur regardless of whether or not the improvements to

LP 375 were implemented.” (EA, page 113) This statement diminishes the role that road projects play in affecting markets for land development and in subsidizing urban growth. The Loop 375 project is a vital element in the actualization of regional growth scenarios and the project will share responsibility for the significant, negative environmental impacts that growth will create.

The EA states that “Impacts related to residential and commercial growth are not expected to occur within the boundaries of the Franklin Mountains State Park.” (EA, page 112). This statement is incorrect. Impacts will occur within the Park due to land conversion from residential, commercial and industrial development that will bring degrade scenic quality, vegetation, wildlife habitat, natural quiet, water resources, air quality, and dark night skies. Impacts in all these areas will affect park resources over the short- and long-term within the Park, and will negatively affect the visitor experience.

In addition, some additional elements of the cumulative effects analysis are lacking:

- **The EA acknowledges, but does not fully assess, the cumulative effects of other current and projected projects affecting Loop 375.** The Loop 375 project addressed in this EA is actually part of a larger network of improvements to LP 375. There are apparently nine TxDOT projects planned for LP 375 (EA, page 1), not all of which are considered in the cumulative affects analysis.
- **The EA does not assess the contribution to cumulative impacts of the proposed “Northeast Parkway.”** The Northeast Parkway is a proposed 21-mile long, limited access highway connecting Loop 375 in northeast El Paso to I-10 in Anthony, NM, which is envisioned as a diverting large amounts of traffic—truck traffic, in particular—from the I-10 route through El Paso. The tentative preferred alternative (Alternative C), would utilize NM 404 along the north side of Franklin Mountains State Park. Apparently, a "Tier 1" environmental document for this project has been prepared and is now under review by TxDOT, NMDOT, and FHWA. ([www.TxDOT.gov/project\\_information](http://www.TxDOT.gov/project_information)) If constructed as currently outlined, the Northeast Parkway would mirror Loop 375’s negative impacts in terms of sealing off the northern end of Franklin Mountains State Park with another impenetrable barrier to wildlife movement, and possibly stimulating further land development and habitat loss in that area.

#### **Section 4(f) Considerations**

Section 4(f) of the U.S. Department of Transportation Act of 1966 prevents FHWA from approving a project which “requires the use of any publicly owned park, recreation area, or wildlife or waterfowl refuge, or any land from a historic site of national, state, or local significance unless there is no feasible and prudent alternative to the use and all possible planning to minimize harm resulting from such use is included, or unless such a use is considered *de minimus*.”

The proposed Loop 375 project will use public park land, both directly and indirectly. All possible feasible and prudent alternatives to the project, including smaller roadways and use of transit-based solutions (in whole or part) based on updated vehicle traffic

projections for El Paso are as well as design modifications, have not been considered. All impacts on Franklin Mountains State Park have not been adequately assessed and all possible planning to minimize harm to Franklin Mountains State Park has not been completed.

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## **EDUCATION**

**Master of Business Administration, University of New Mexico, Albuquerque, New Mexico, October 2004.**

**Bachelor of Arts, Yale University, New Haven, Connecticut, May 1985.** Double major in American Studies and Environmental Studies.

## **PROFESSIONAL EXPERIENCE**

**Eco-Think Consulting**  
**President**

**Albuquerque, NM**  
**January 2011—present**

Consulting services on park & protected area protection & management, recreation, children and nature programs, tourism, cultural resource protection, nature-based wellness programs, eco-focused business development and organizational sustainability.

**New Mexico State Parks Division**  
**State Park Director**

**Santa Fe, NM**  
**2003-2010**

Overall vision, leadership, and management of a 35-unit State Park System, comprised of nearly 200,000 acres of land. Management of a statewide workforce of 300 permanent employees, large volunteer support network and a budget over \$30 million. Expansion of state parks acreage and infrastructure and outreach to park-use community and direction of wildlife-area restoration initiatives.

**New Mexico State Land Office**  
**Assistant Commissioner**

**Santa Fe, NM**  
**2002**

Member of the senior management team at the 160-employee state agency responsible for managing nine million acres of state trust land to earn revenue for public education and conserve resources for future generations.

**National Parks Conservation Association**  
**Southwest Regional Director**

**Albuquerque, NM**  
**1993-2001**

Senior staff member for a 450,000-member national, nonprofit organization dedicated to the protection and enhancement of the U.S. National Park System. Responsible for regional programs to support/protect fifty National Park System units in four states (AZ, NM, OK, and TX), involvement in NPCA national issues and campaigns, citizen organizing, and fundraising from individual, foundation, and corporate sources. Led citizen efforts to protect national parks, safeguard biodiversity in the Chihuahuan and Sonoran deserts, and protect national park air quality in the Southwest; authored "Vanishing Night Skies" (the first comprehensive survey/report on light pollution threats to the national parks).

**National Parks Conservation Association**  
**Natural Resources Program Manager/Policy Analyst**

**Washington, D.C**  
**1985-1993**

NPCA government affairs staff for issues affecting national parks throughout the United States. Agency and congressional relations on appropriations, endangered species, park protection, land acquisition, minerals, wild and scenic rivers, new parks. Authored two volumes of a comprehensive National Park System Plan; Edited a book of legal essays on park protection (Our Common Lands, 1988)

**CIVIC ACTIVITIES**

- Board of Directors, Friends of Chaco (2008—present)
- Board of Directors, National Association of State Park Directors (2008—2010).
- Board of Directors, New Mexico Recreation and Park Association (2007—2010)
- Open Space Advisory Board, City of Albuquerque (1998-2003)
- Advisory Committee, Grand Canyon Visibility Transport Commission (1994-1998)
- NAFTA Advisory Committee, U.S. Environmental Protection Agency (1994-1996)

**AWARDS/RECOGNITION**

- Special Recognition, National Transportation Safety Board, 2007. (New Mexico State Parks Boating Safety Program)
- Nebula Award, New Mexico Heritage Preservation Alliance, 2006. (New Mexico State Parks "Reach for the Stars" Program)
- Heritage Preservation Award, State of New Mexico, 2003. (Historic preservation/building restoration project at Bottomless Lakes State Park)
- Heritage Preservation Award, State of New Mexico, 1999. (Night sky protection advocacy)
- Honor Award for Partnership, Canyon de Chelly Navajo Guides Association, 1995.
- Rotary Club International Exchange Scholar, Sweden, 1989.