



10 March 2020

Mr. Bruce Bugg, Jr., Chair
Mr. Alvin New, Commissioner
Ms. Laura Ryan, Commissioner
Texas Dept. of Transportation
125 E. 11th St.
Austin, Texas 78701

Re: Comments on *Draft Cumulative Impacts Technical Report*, North Houston Highway Improvement Project, December 2019, submitted to Houston District Office, February 7, 2020.

Dear Commissioners:

The White Oak Bayou Association (WOBA) provided our comments on TxDOT's December 2019 *Draft Cumulative Impacts Technical Report* for the North Houston Highway Improvement Project (NHHIP) a little more than a month ago on February 7. To date, we have not had a response and we are not sure what the Commission's standard practice is regarding responding to such comments, nor for that matter, the protocol for the internal review and consideration of such comments in the Cumulative Impacts Assessment approval process. But we do want to be sure that the Commissioners are aware of our concerns and have enclosed a copy of our February 7 comments for your information.

As detailed in the enclosed letter, we are concerned about a number of potentially significant cumulative environmental impacts associated with this project, which we believe are not being adequately addressed in the Environmental Impact Statement process in accordance with Federal regulations cited therein (i.e., 40 CFR §1508.7.) Specifically, we are very concerned that TxDOT states in its draft report that it plans to give no further consideration the following resources in the final Cumulative Impacts Assessment:

- Groundwater
- Surface Water Quality
- Section 4(f) Resources (parks and publicly-owned recreational resources)
- Vegetation and Wildlife
- Visual and Aesthetic Resources

"*Cumulative impacts*," to use language from the opening of TxDOT's draft report, "*can result from minor but collectively significant actions taking place over a period of time.*" Therefore, TxDOT should make good on its claim that its "*cumulative impacts analysis focuses on those resources substantially impacted by the proposed project or those that are currently in poor or declining health or at risk, even if proposed project impacts are relatively small.*" Surface water quality in White Oak Bayou and the vegetation and wildlife along its riparian corridor are undeniably "in poor or declining health or at risk"



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due to historical impacts, including though not limited to historical freeway construction, and we do not accept the implicit, unsupported contention that there will not be further impacts from the NHHIP, even “relatively small” ones. We therefore urge TxDOT to take a more careful and thorough approach to assessing potential cumulative impacts to these and other resources.

We appreciate the Commissioners’ consideration of these matters. Should you have any questions regarding our concerns, please call me at 713-775-7330 or email me at rsgurdlee@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Lee". The signature is fluid and cursive, written over a white background.

Robert S. Lee, P.G.
President, White Oak Bayou Association

w/ enclosure