

June 30, 2020

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Lisa B. Choplin
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Maryland Department of Transportation State Highway Administration
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Sent via email to jeanette.mar@dot.gov and 495-270-P3@sha.state.md.us

Re: Request for Extension of Public Comment Period for “Draft Environmental Impact Statement for I-495 & I-270 Public-Private Partnership (P3) Program”

Dear Ms. Mar and Ms. Choplin,

We are writing on behalf of the undersigned organizations to request an extension of the public comment period. The proposed I-495 & I-270 Public-Private Partnership (P3) Program (Project) is likely to have significant impacts on water quality, air quality, and managed by the Maryland National Capital Planning Commission, and downstream on Rock Creek Park.

The Maryland Department of Transportation - State Highway Administration (MDOT SHA) and the Federal Highway Administration (Agencies) have indicated they will soon make available for public comment the Draft Environmental Impact Statement (DEIS) for the proposed Project. This DEIS will describe the proposed action’s impacts on the environment as well as the impacts of alternatives and plans to mitigate the impacts. The document also will describe the environmental analysis conducted on the impacts of construction and operation of the new roadway. It is critical that the public have an adequate opportunity to meaningfully review the DEIS and submit comments to ensure that the Agencies’ analysis is complete and fairly considers all the options for the Project.

We believe that allowing sufficient time for a well-considered review and thorough comments on the DEIS will lead to better evaluations, a more efficient process, and solutions that protect environmental resources, including Rock Creek. Due to the evolving situation with COVID-19, it is even more imperative that the public be given sufficient time to submit comments on the DEIS. Over the last few months, several of the undersigned organizations have submitted Freedom of Information Act and Maryland Public Information Act requests to the Agencies, the

timely fulfillment of which would have assisted our reviews of the DEIS. These requests were denied, ignored, or delayed.

The Project is one of the largest of its type ever proposed, expected to cost billions of dollars, and have significant environmental impacts. We expect the DEIS and its dozens of appendices and corresponding data to be thousands of pages. In regular times, for a proposed action such as this, the Agencies should reach an agreement to provide a longer time period and if not, the lead agency should easily find good cause to provide an extended comment period beyond 60 days from publication in the federal register. *See* 23 U.S.C. § 139(g)(2)(A); 42 U.S.C. § 4370m-4(d). Not doing so would not allow for meaningful public review and comment.

These are not normal times. The emergency COVID-19 pandemic, and corresponding mandatory and voluntary restrictions, necessitate a longer public comment period. Like your agencies and other interested parties, our groups are working remotely while dealing with other responsibilities, generally without the use of office equipment such as printers for large files. Communications within our organizations, with members, and with others in the public that are interested in participating in the process are also delayed. The public's ability to review and comment on the DEIS is currently hampered and requires more time than normal. Both of your agencies have recognized the difficulties caused by the pandemic. Both agencies have delayed providing electronic records in response to our public records requests (beyond statutory deadlines) based on asserted difficulties caused to the Agencies by the pandemic.¹ It would be arbitrary for the Agencies to now deny the pandemic does not present good cause for a longer comment period.

We appreciate the Agencies' commitment that the public comment period will extend beyond the minimum-required 45 days and that the Agencies desire to allow full participation by the public and interested stakeholders. Forty-five days, or anything close to that, is clearly not sufficient. **The undersigned organizations therefore request that the Agencies provide at least 120 days for public comment on the DEIS.** This amount of time is necessary with increased uncertainty over the ability to re-open safely in a way that will allow the public to view documents in a timely manner. This time frame is also consistent with other Environmental Impact Statement comment periods such as the [Washington Union Station Expansion Project](#) and the [Farmington Resource Management Plan](#).

We look forward to your affirmative response to this request.

Respectfully submitted,

¹ As an example, despite previously agreeing to provide non-exempt responsive records to one of our February 18 requests by April 30, MDOT SHA then requested that we "extend the 10-day period for providing a time and cost estimate, as well as the 30-day period for responding to your request, until 10 days after the date that [Maryland's] state of emergency is lifted." MDOT SHA stated: "Complying with the statutory timeframes of your PIA request at this time is not feasible given the state of emergency and recognized health risk that the coronavirus poses to all Marylanders, including State employees responsible for identifying, retrieving, and reviewing documents and responding to your request." We still have not received any responsive records.

Signed by,

Jeanne Braha, Executive Director, Rock Creek Conservancy
Josh Tulkin, Director, Sierra Club, Maryland Chapter

On behalf of the following organizations:

350 Montgomery County

Audubon Naturalist Society – Woodend, Chevy Chase, MD

Baltimore Tree Trust

Beaverdam Creek Watershed Watch Group

Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Central Maryland Transportation Alliance

Chesapeake Bay Foundation

Chesapeake Physicians for Social Responsibility

Citizens Against Beltway Expansion [CABE]

Cleanwater Linganore Inc

Climate Parents of Prince George's County

Coalition for Smarter Growth

Conservation Montgomery

DontWiden270.org

DoTheMostGood Montgomery County

Forest Glen Citizens Association

Friends of Sligo Creek

Greenbelt Advocates for Environmental and Social Justice

Greenbelt Climate Action Network

Indian Spring Citizens Association

Indivisible Howard County

League of Women Voters of Maryland

Maryland Campaign for Environmental Human Rights

Maryland Legislative Coalition

National Parks Conservation Association

Neighbors of the Northwest Branch

North Hills of Sligo Creek Civic Association (NHSCCA)
Our Revolution Maryland
Parkwood
Preservation Maryland
Prince George's County (MD) Peace & Justice Coalition
Rapid Shift
Regents Square Condominium (Rockville)
Rock Creek Conservancy
Rogue Tulips Consulting & Association Management
Sierra Club, Maryland Chapter
Takoma Park Mobilization
The Ocean Foundation
University Park Community Solar LLC
Washington Area Bicyclist Association
Wicomici Environmental Trust, Ltd.
West Montgomery County Citizens Association (WMCCA)
Woodside Forest Civic Association

cc: Linda Strozyk DeVuono, Office of the Attorney General, LDeVuono@mdot.maryland.gov