

August 25th, 2020

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Lisa B. Choplin
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Dear Ms. Mar and Ms. Choplin,

We, the undersigned organizations, strongly urge the Maryland Department of Transportation State Highway Administration and the Federal Highway Administration (Agencies) to announce that the Draft Environmental Impact Statement (DEIS) of the proposed I-495 & I-270 Public-Private Partnership (P3) Program posted on the website on July 10, 2020 was incomplete, and provide an itemized list of what changes were made to the posted DEIS after it was originally posted and when these changes were made. The Agencies must then extend the comment period to **90 days from the day of that announcement.**

This announcement should be sent to all interested parties and at least everyone who signed up to receive email updates. We request that the Agencies explain whether any of the in-person viewers of the DEIS and appendices viewed the incomplete DEIS. We request a list of all the locations in which the full DEIS document and all appendices can be viewed in hard copy.

The Agencies released a DEIS of the proposed I-495 & I-270 Public-Private Partnership (P3) Program on July 10, 2020 for public review. After this official release there were then changes made to the posted documents. These changes were reported in *Bethesda Magazine*, and the changes bring the already voluminous DEIS to over 19,000 pages. The changes to the initial posting are verifiable by anyone who downloaded documents on the first day and by the Wayback Machine capture from the morning of Saturday, July 11 which has a different file name for Appendix C Traffic Analysis Technical Report than the one online today.

By law, the public is entitled to review entire documents in relation to the over 70 mile, \$11 billion proposed project, which is expected to have significant negative impacts on parklands, taxpayers, communities, climate, and public health. The project will impact dozens of community resources such as schools, parks, hospitals, local businesses, and more. Downstream impacts

of the project would range from Rock Creek Park in our region all the way to the Chesapeake Bay in relation to stormwater runoff.

Under both the old and new NEPA regulations, the Agencies are required to circulate the appendices with the environmental impact statement or for them to be readily available upon request. 40 C.F.R. § 1502.18; 85 Fed. Reg. 43,304, 43,366 (July 16, 2020) (to be codified at 40 C.F.R. § 1502.19). By changing the version of Appendix C and belatedly posting Appendix A & B (together adding over 1,600 pages), the Agencies did not meet this requirement and provided an incomplete DEIS. Everyone who downloaded the files before the Agencies updated the appendices, including many of the undersigned organizations, has unknowingly been reviewing incomplete information. As the Agencies have access to the download numbers, we request to know how many people downloaded documents in error.

It is unclear why the Agencies didn't inform and still haven't informed those people that they did not receive the entire environmental impact statement. Until the Agencies do so, the 90 day comment period cannot begin; it would arbitrarily shorten the comment period for those people or worse, leave some of the public commenting on incomplete information, and would be unlawful. Further, the Agencies must add public hearings at least 15 days after the Agencies provide notice to the public that the posted DEIS was incomplete. 40 C.F.R. § 1506(c).

Respectfully submitted,

Alliance for Regional Cooperation

Audubon Naturalist Society

Baltimore Transit Equity Coalition

Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Central Maryland Transportation Alliance

Chesapeake Bay Foundation

Citizens Against Beltway Expansion

Coalition for Smarter Growth

Conservation Montgomery

Corazón Latino

Dontwiden270.org

DoTheMostGood Montgomery County

Forest Estates Community Association

Friends Of Sligo Creek

Glen Echo Heights Mobilization

HoCo Climate Action

Interfaith Power & Light (DC.MD.NoVA)

League of Women Voters of Maryland
Maryland Conservation Council
Maryland Legislative Coalition
Maryland Sierra Club
Maryland Native Plant Society
National Parks Conservation Association
Neighbors of the Northwest Branch
North Hills of Sligo Creek Civic Association
Rock Creek Conservancy
Sunrise Howard County
Takoma Park Mobilization Environment Committee
The Advocacy Committee at Greater Greater Washington
The Canto Law Firm, LLC
Unitarian Universalist Legislative Ministry of Maryland
Washington Area Bicyclist Association
WISE
Wyngate Citizens Association