

October 1, 2021

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Dear Ms. Mar and Mr. Folden,

We are writing on behalf of the 45 undersigned organizations to request an extension of the 45-day public comment period on the [Supplemental Draft Environmental Impact Statement \(SDEIS\)](#) for the proposed I-495 & I-270 Public-Private Partnership (P3) Program (Project). The Project is likely to have significant impacts on water quality, air quality, and communities along two of Maryland's main highway corridors and in the area around the American Legion Bridge that connects with Virginia.

The Maryland Department of Transportation State Highway Administration and the Federal Highway Administration (Agencies) published today for public and agency comment the SDEIS for Alternative 9: Phase 1 South of the Project. We understand an SDEIS is required because the project scope has changed since the Draft Environmental Impact Statement (DEIS) was released in July of 2020 and various items were not evaluated.

It is critical that the public have an adequate opportunity to meaningfully review the SDEIS and submit comments to ensure that the Agencies' analysis is complete and fairly considers all reasonable alternatives for the Project.

The original DEIS comment period was 123 days. It is no less appropriate for the comment period for the SDEIS to be for a comparable period given the change in project scope and the unique circumstances associated with NEPA compliance in the context of this P3 project. Specifically, a 120-day comment period is necessary for a number of reasons.

The Project is a \$6 billion dollar project which will heavily adversely impact Maryland communities and environment as well as significant [historic](#) and [ecologically sensitive](#) sites.

The Project is more controversial now than before, so much so that it was [removed](#) from the regional long-range transportation plan in June 2021 before being reinstated.

The Project being evaluated in the SDEIS is significantly different than the project evaluated in the DEIS, with different environmental impacts and purported benefits to evaluate.

The economic impacts and financial viability (which are included in environmental consequences to be discussed in an EIS) are significantly different with significantly more information available to evaluate.

This is the last proposed opportunity for the public and most agencies to review and give input to the project. Although the undersigned organizations believe there should be, there is currently no opportunity planned for public comment on the Final Environmental Impact Statement, which is expected to be combined with the Record of Decision (ROD). The FEIS will be the first time many impacts are presented, based on a keyword search of the DEIS, which mentioned analysis not done that would be presented “in the FEIS” over 20 times.

In a public-private partnership, there is already a reduced level of transparency for the public to contend with as well as a lack of definition and detail in the project design, limits of disturbance, and area of potential effect. Reviewing a project with more unknowns requires more careful attention and thought than a typical project design in which more detail is known and fewer elements are subject to change.

The DEIS (with appendices) for this project is over 19,000 pages. The SDEIS has over 8,000 pages. Reviewers will, at least for some parts, have to read both to understand and comment on the impacts.

Moreover, the current 45-day public comment period for the SDEIS largely overlaps with the Maryland Transportation Authority’s four-week public comment period on the toll rate range setting for the Project that was announced yesterday. It is not clear if the Agencies were aware of this overlap when setting the SDEIS comment period, but there are currently only about two weeks for the public to focus on the SDEIS after the close of the toll rate range setting public comment period. That overlap significantly hinders the public’s ability to meaningfully review the materials and submit comments in both related and important processes.

We believe that in these reasons the Reporting Agencies will find good cause for a 120-day comment period. 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 the extended comment period. 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.

We look forward to an affirmative response to our request for a 120-day comment period on the SDEIS.

Sincerely,

Anacostia Riverkeeper
Anacostia Watershed Community Advisory Committee
Audubon Naturalist Society
Breathe Free Montgomery
Carderock Springs Citizens Association
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry
Chesapeake Bay Foundation
Chesapeake Climate Action Network
Citizens Against Beltway Expansion
Climate Law & Policy Project
Coalition for Smarter Growth
Conservation Montgomery
Dontwiden270.org
DoTheMostGood
Environmental Justice Ministry Cedar Lane Unitarian Universalist Church
Eyes of Paint Branch
Friends of Moses Hall
Friends of Sligo Creek
Glen Echo Heights Mobilization
Greater Farmland Civic Association
Greater Greater Washington
Greenbelt Climate Action Network
HoCo Climate Action
Indivisible Howard County
League of Women Voters Maryland
Maryland Conservation Council
Maryland PIRG
MLC Climate Justice Wing
National Parks Conservation Association
Neighbors of the Northwest Branch
Nuclear Information and Resource Service
Prince George's County DSA
Rebuild Maryland Coalition
Rock Creek Conservancy
Rock Creek Hills Citizens' Association
Sierra Club Maryland Chapter
Strong Future Maryland
Takoma Park Mobilization Environment Committee
The Ocean Foundation
Unitarian Universalist Legislative Ministry of Maryland
Washington Area Bicyclist Association
Washington Biologists Field Club
Waterkeepers Chesapeake
Woodside Forest Civic Association
Wyngate Citizens Association