



SIERRA CLUB

MARYLAND CHAPTER

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Jeanette Mar, Environmental Program Manager
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Jeff Folden, Project Director
I-495 and I-270 P-3 Project Office
Maryland Department of Transportation State Highway Administration
707 North Calvert Street, Mail Stop P-601
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Dear Ms. Mar and Mr. Folden,

According to the National Environmental Policy Act, the public must be provided an opportunity to [review and comment](#) on the likely I-495 and I-270 Managed Lanes Study project impacts. “Each environmental impact statement *shall* contain a summary that *adequately and accurately* summarizes the statement.” 40 C.F.R. § 1502.12 (emphasis added).

We have learned that the Supplemental Draft Environmental Impact Statement (SDEIS) for this project was so hastily issued that there are gross errors that need to be corrected, without which the public has an impaired understanding of the project impacts. The only appropriate course of action is to reissue the SDEIS with these significant errors corrected.

The SDEIS’ contains up to order-of-magnitude errors in seven different types of environmental impacts. This misinformation is presented in three different links on the SDEIS webpage (Executive Summary, page ES-13). Anyone seeking to comment on the SDEIS would have seen these (in the Executive Summary and in the [full SDEIS without appendices](#)), and unless they read far enough in the SDEIS they would likely not have caught the errors. Anyone who utilized the executive summary to formulate comments had incorrect information and may have thereby underestimated impacts in their area(s) of specific concern.


About 3,000 comments were received on the DEIS so these mistakes could impact a large number of public comments or could lead some people not to comment at all because of the false information.

For example, the SDEIS Executive Summary wrongly says 48.8 acres of forest canopy will be impacted. The number should be 500.1. The Executive Summary wrongly says 500.1 acres of rare, threatened, and endangered species habitat will be impacted. According to Chapter 4,

the number of acres should be 56.4. Instead of 46,553 linear feet of stream being impacted, the Executive Summary wrongly says 1,017,702 would be impacted. Unique and sensitive areas acreage should be 168.5, but in the Executive Summary it is wrongly listed as 44.5. The Executive Summary lists 100-year floodplain impacts as 0 when it should be 48.8 acres. MDOT has made no effort to correct these numbers for the public in the past 40 days.

Figure 1. Erroneous impact numbers presented in SDEIS Table ES-1

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temporary or short-term, construction-related effects are quantified and presented in this SDEIS. The summary of environmental effects of the Preferred Alternative are presented in **Table ES-1**.

Table ES-1: Summary of Quantifiable Impacts from the Preferred Alternative

Resource	Permanent ¹	Temporary ²	Total ³
Total Potential Impacts to park properties (acres)	21.0	15.1	36.1
Total Right-of-Way Required ² (acres)	97.2	18.7	115.9
Number of Properties Directly Affected (count)	-	-	501
Number of Residential Relocations (count)	-	-	0
Number of Business Relocations (count)	-	-	0
Number of Historic Properties with Adverse Effect ³ (count)	-	-	11
Noise Sensitive Areas Impacted (count)	-	-	49
Hazardous Materials Sites of Concern (count)	-	-	255
Wetlands of Special State Concern (acres)	0	0	0
Wetlands ⁴ (acres)	3.7	0.6	4.3
Wetland 25-foot buffer ⁴ (acres)	6.5	0.6	7.1
Waterways ⁵ (linear feet)	673,757	343,945	1,017,702
Tier II Catchments (acres)	43,852	2,701	46,553
100-Year Floodplain (acres)	0	0	0
Forest canopy (acres)	33.7	15.1 ⁵	48.8
Rare, Threatened and Endangered Species Habitat (acres)	479.6	20.3	500.1
Sensitive Species Project Review Area (acres)	33.4	23.0	56.4
Unique and Sensitive Areas (acres)	24.5	20.0	44.5

Notes: The impacts in this table are for the mainline improvements for the Preferred Alternative. Any impacts associated with the compensatory stormwater management are preliminary and discussed in SDEIS, Appendix C.

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Table 4-1: Summary of Quantifiable Impacts for the Preferred Alternative

Resource	Permanent ¹	Temporary ²	Total ³	Section Reference in Chapter 4
Total Potential Impacts to Park Properties (acres)	21.0	15.1	36.1	Section 4.4
Total Right-of-Way Required ² (acres)	97.2	18.7	115.9	Section 4.5
Number of Properties Directly Affected (count)	-	-	501	Section 4.5
Number of Residential Relocations (count)	-	-	0	Section 4.5
Number of Business Relocations (count)	-	-	0	Section 4.5
Number of Historic Properties with Adverse Effect ³	-	-	11	Section 4.7
Noise Sensitive Areas Impacted (count)	-	-	49	Section 4.9
Hazardous Materials Sites of Concern (count)	-	-	255	Section 4.10
Wetlands of Special State Concern	0	0	0	Section 4.12
Wetlands ⁴ (acres)	3.7	0.6	4.3	Section 4.12
Wetland 25-foot Buffer ⁴ (acres)	6.5	0.6	7.1	Section 4.12
Waterways ⁵ (square feet)	673,757	343,945	1,017,702	Section 4.12
Waterways ⁵ (linear feet)	43,852	2,701	46,553	Section 4.12
Tier II Catchments (acres)	0	0	0	Section 4.13
100-Year Floodplain (acres)	33.7	15.1	48.8	Section 4.15
Forest Canopy (acres)	479.6	20.3 ⁵	500.1	Section 4.16
Rare, Threatened and Endangered Species Habitat (acres)	33.4	23.0	56.4	Section 4.19
Sensitive Species Project Review Area (acres)	24.5	20.0	44.5	Section 4.19
Unique and Sensitive Areas (acres)	139.2	29.4	168.5	Section 4.20

Notes: The impacts in this table are for the mainline improvements for the Preferred Alternative. Any impacts associated with

SDEIS Executive Summary, Table ES-1, p. ES-13

SDEIS Chapter 4, Table 4-1, p. 4-3

These numbers urgently require correction and re-release of the documents to the public.

These errors in the scale of the environmental impacts of the project come on top of [flaws and errors in the traffic model](#), which were raised in letters from the [Montgomery County Council](#) and [U.S. Sens. Ben Cardin and Chris Van Hollen](#) and [U.S. Reps. Anthony Brown and Jamie Raskin](#).

Errors in the traffic modeling have wide reaching influence in estimation of project impacts, including toll rate assumptions, financial assumptions, congestion delay, and air quality, greenhouse gas, noise, and environmental justice impacts. These are areas of concern for groups and municipalities, who are now reviewing the SDEIS. Note, the Mayor and Council of Rockville stated in their [letter](#) to you: “Our residents are greatly concerned about this project’s physical and equity impacts on their communities, encroachment on their lands, effects on traffic, and the high tolls.”

The SDEIS currently available for public comment has errors so substantial that the only adequate way to address this is to withdraw the SDEIS for comment, correct the errors, and reissue the SDEIS with the corrections for a new 45-day or more comment period.

We look forward to your timely response to this urgent matter.

Thank you.

Josh Tulkin, Director
Sierra Club Maryland Chapter