



Writing NEPA Comments

Environmental Justice Case Study: I-495/I-270 Beltway Expansion

Presentation by University of Maryland Environmental Law Clinic

Logistics

- ▶ We expect this presentation to take roughly an hour, exclusive of the question and answer section.
- ▶ If you have any questions, feel free to put them in the chat box. Questions will be answered during the Question and Answer period directly following the presentation.
- ▶ The presentation slides, accompanying supplemental materials, and referenced resources will be available online after the webinar.



Goals

- ▶ Empower individuals, community groups, and organizations to write strong comments on draft Environmental Impact Statements (DEIS)
 - ▶ Maryland Department of Transportation's DEIS for the I-495/I-270 Managed Lanes Study will be used as a case study for commenting on environmental justice concerns
- ▶ Show how to identify and discuss oversights in a DEIS on specific community concerns
- ▶ Provide resources to help community members draft their comments.

*This presentation is purely educational and is not intended to provide specific legal advice.

Agenda

- ▶ Background on NEPA
 - ▶ Overview of NEPA Process
 - ▶ How to Submit a Comment
- ▶ Beltway Expansion Case Study
 - ▶ Overview of I-495 and I-270 Managed Lanes Studies
 - ▶ Project Impacts (Kyle Hart, NPCA)
 - ▶ Concerns with DEIS
 - ▶ Commenting Strategies for Specific Concerns
- ▶ Break
- ▶ Questions/Answers

Background on NEPA



What is NEPA?

Generally, NEPA is . . .

- ▶ the National Environmental Policy Act.
- ▶ A federal law that requires federal agencies to consider the significant environmental impacts associated with a proposed “major federal action.”
- ▶ A framework for federal decision-making;
- ▶ A means to ensure public accountability and participation in federal decision-making.

NEPA DOES NOT:

- ▶ Mandate environmental protection;
- ▶ Impose substantive requirements on federal agencies;
- ▶ Prohibit actions that have adverse environmental effects.



Agency Responsibilities

Lead Agencies must . . .

- ▶ Analyze a project's disparate impacts on environmental justice communities.
- ▶ “Rigorously explore and objectively evaluate all reasonable alternatives and explain why certain alternatives were eliminated from detailed study.” 40 C.F.R. § 1502.14(a).
- ▶ Identify and discuss the environmental impact(s) of a proposed action, including adverse effects which cannot be avoided. 42 U.S.C. § 4332(2)(C).
- ▶ Discuss “appropriate” measures to mitigate adverse environmental effects. 40 C.F.R. § 1502.14(f).
- ▶ Assess a project's impact on local parklands and historic properties.

Public Participation and NEPA

- ▶ Agencies must provide opportunities for meaningful public involvement. 40 C.F.R. §§ 1501.4(b); 1506.6(b).
- ▶ Individuals are entitled to receive “environmental documents” involved in the NEPA process. 40 C.F.R. §§ 1506.6, 1508.10.
- ▶ Commenting:
 - ▶ Individuals may submit both written and oral comments.
 - ▶ Agencies are obligated to respond to significant comments in a Final EIS.

Why does commenting matter?

- ▶ (1) For the public
 - ▶ Increases community understanding of a project
 - ▶ Allows for voices to be heard that may not otherwise be heard
 - ▶ Gives those directly affected by a project a seat at the table
 - ▶ Fosters civic involvement in governance
- ▶ (2) For the agency (Maryland Department of Transportation)
 - ▶ Reduces any unintended consequence(s) of action that the agency may not have originally considered
 - ▶ Helps with informed decision making
 - ▶ Serves as a check on agency power
- ▶ (3) For the Future
 - ▶ Gives the individuals who commented the ability to sue

Commenting Strategies

Strong comments identify problems, explain their importance, and (if possible) suggest solutions.

► Three Strategies

#1 IDENTIFYING MISSING INFORMATION

- Ask: Did the agency even consider [the subject] at all? Is the information that the agency did consider relevant? Is there a gap in the agency's explanation? Did they miss something that needed to be included?

#2 QUESTIONING METHODOLOGY

- Ask: When analyzing [the subject], did the agency's chosen methodology cherry pick around certain concerns? Did the agency explain its decision to use a certain methodology? Does the methodology rely on appropriate and up-to-date data? Is there a better methodology the agency could have used?

#3 ALTERNATIVES

- Ask: Did the agency address all alternatives to reduce specific impacts? What alternatives the agency could/should have looked at?

How to Draft a Comment

1. Introduce yourself.
2. Indicate which alternative you support.
3. Explain how the proposed expansion project will impact your life and loved ones.
4. Identify issues you have with the current DEIS and why those issues makes your preferred alternative the most appropriate alternative.

Tips:

- ▶ Effective comments are clear, concise, relevant, solution-oriented, and provide specific examples.
- ▶ Effective comments provide substantive feedback for the agency to consider.
- ▶ If you plan to comment on multiple issues, choose only a few to keep your comment as simple and focused as possible. Substantive feedback on one issue is more valuable than generalized feedback on several issues.

Examples: Citizen Comment

Clearly identifies preferred alternative and gives reason why.



Dear Mr. Linneman,

We support Alternative A of leaving highway 85 as it is with improvements such as turning lanes, passing lanes, wider shoulders, and a new 2-lane bridge. Studies have shown that widening a road to four lanes does not necessarily improve safety or congestion. The North Unit of Theodore Roosevelt National Park is a small piece of property. Adjacent to the National Park is the Long X Divide and Lone Butte Areas that are managed by the U.S. Forest Service as suitable for wilderness. The noise, odors, lights, pollution, etc. will overwhelm this small park and the adjacent Forest Service land. It is now more difficult to find quiet, dark places in Western North Dakota, we should avoid impacting these areas any more than what has already been done.

Explains why agency's approach is inadequate and suggests a solution.



There were no alternatives presented other than a narrower four-lane highway rather than a wider four-lane highway. These are not alternatives. Keeping the width of U.S. 85 as it is through the badlands is the best alternative along with placing wildlife crossings at appropriate locations, providing noise abatement solutions, and lights (down shielded) only where absolutely necessary. The speed through this section should be a maximum of 55 mph with effective enforcement techniques to make sure drivers comply. The proposed rumble strips in the median would add to the noise.

Suggests a better alternative for the agency to consider and provides support for their point.



Are the wildlife underpasses the best option for the bighorn sheep? A study of desert bighorn sheep found that overpasses were more effective than minimally-used underpasses.^[1] Another report also found that overpasses were more effective for bighorn sheep and that elk would use both overpasses and underpasses.^[2] Perhaps a mix of overpasses and underpasses should be used, to accommodate the various species.

Safety was brought up as an issue along the highway. Speed control would more effectively address this problem than a four-lane superhighway. We have driven this section of highway many times and have been passed by drivers going 70-80 mph or even faster. Widening the road will only allow these drivers to travel 90-100 mph.

Examples: Lawyer Comment

Clearly states issue.



A. Nearly Nonexistent Indirect and Cumulative Impacts Analysis

States agency's legal requirements.



NEPA requires consideration of indirect effects, defined as those effects that are “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b). The CEQ regulations state that NEPA documents should specifically include “growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” *Id.*

Identifies inadequacy of the agency's approach.



The DEIS contains a brief 4 paragraph “summary” of indirect impacts which essentially dismissed all impacts as being limited by state and federal regulations.¹⁵⁰ There is a brief note that the Build alternatives may increase impervious surfaces, but this concern is dismissed noting in a conclusory way that “water quality concerns will be avoided and/or mitigated through compliance with regulations covering watershed protection, floodplain protection, stream and river buffers, and stormwater management.”¹⁵¹ These is no evidence to show that existing regulations can eliminate water quality concerns to this extent.

Explains the significance of the inadequacy and why it should be rectified.



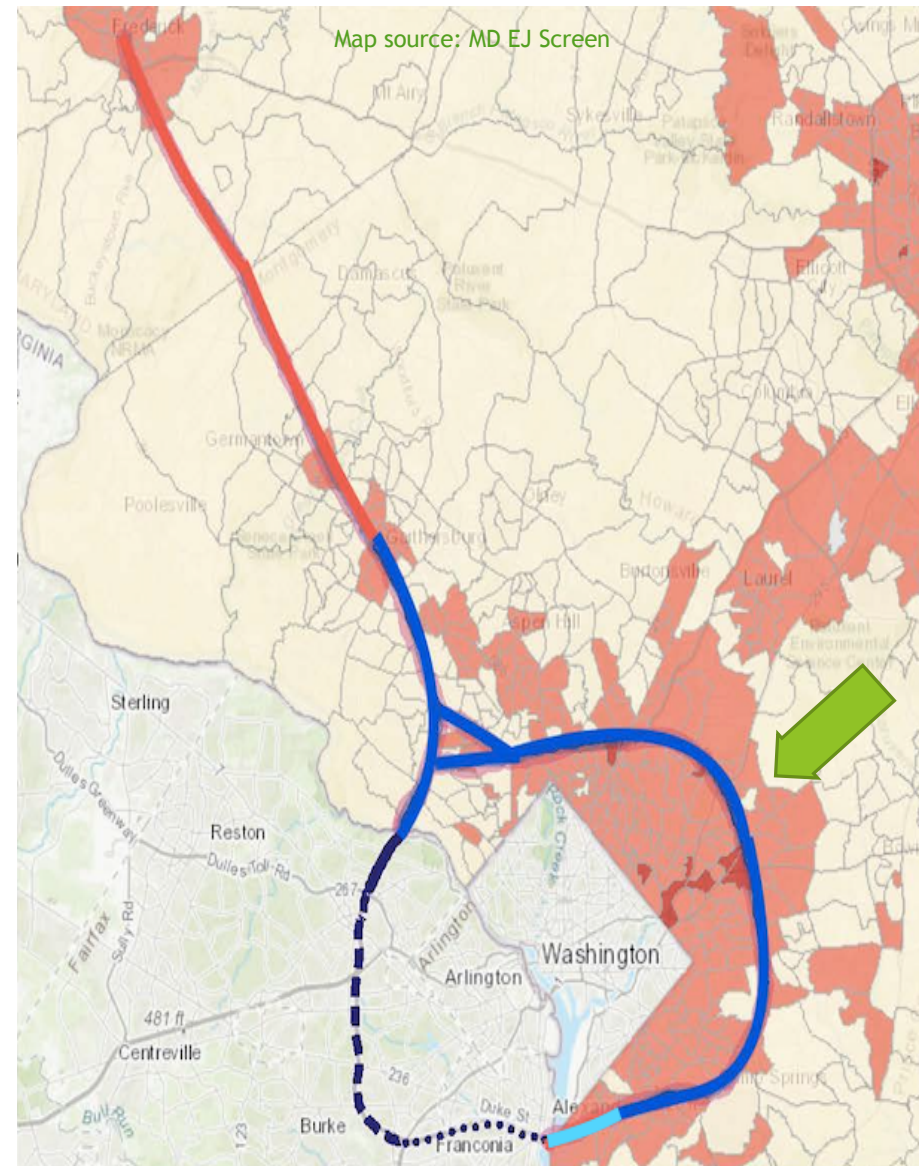
A *slightly* more detailed analysis of Indirect and Cumulative Effects is contained in the “Land Use Scenario Assessment Technical report.” This report however focuses primarily on land use, and does not take the second step of identifying in any detail how water quality, air quality, habitat, endangered species, environmental justice communities, and other concerns may be impacted by the different project alternatives. Instead, brief statements are given in a very general way to note that increased development can increase impacts to environmental resources. For example, the report notes “[i]nduced growth and development would increase stormwater runoff and turbidity which would negatively impact habitat,” and “[i]ncreased surface water runoff from induced growth could further contribute poor water quality.”¹⁵² This vague analysis gives the reader no sense of the magnitude of the indirect impacts, and does not provide any way to make a reasoned choice between alternatives.

I-495/I-270 Expansion Case Study



I-495/I-270 Project Overview

- ▶ Part of Governor Hogan's "Traffic Relief Plan."
- ▶ The goal of this project is "to develop a travel demand management solution(s) that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits and enhances existing and planned multimodal mobility and connectivity."
- ▶ Maryland Department of Transportation (MDOT) is working with the Federal Highway Administration (FHWA) on the DEIS.
- ▶ The Draft Environmental Impact Statement (DEIS) has been published and is open for comment until November 9, 2020.
- ▶ Part of a Public-Private Partnership (P3).
 - ▶ The government will maintain ownership of the land, but the private entity will be responsible for construction and maintenance in return for proceeds generated from the new road (i.e. tolls).



Alternatives Currently Under Consideration

- ▶ The study originally considered 15 distinct options, which was then narrowed down to the following 7:

- ▶ ETL- Express Toll Lanes
- ▶ HOT- High Occupancy Toll

Alternative	Description
1	No Build (Under this alternative, no improvements are planned to I-495 and I-270 to provide congestion relief.)
8	2-Lane, ETL Managed Lanes Network on I-495 and 1-ETL and 1-Lane HOV Managed Lane on I-270
9	2-Lane, HOT Managed Lanes Network on both I-495 & I-270
9M	2-Lane, HOT Managed Lanes Network on west and east side of I-495 and on I-270; 1-Lane HOT Lane on top side of I-495
10	2-Lane, ETL Managed Lanes Network on I-495 and on I-270 plus 1-Lane HOV Managed Lane on I-270
13B	2-Lane, HOT Managed Lanes Network on I-495; HOT Managed, Reversible Lane Network on I-270
13C	2-Lane, ETL Managed Lanes Network on I-495; ETL Managed, Reversible Lane Network and 1-Lane HOV Managed Lane on I-270

Comments for the Beltway Expansion Project

Comments are due on November 9, 2020 by 11:59pm.

- ▶ You can access the DEIS at <https://495-270-p3.com/deis/>
- ▶ You can e-mail a written comment to: MLS-NEPA-P3@mdot.maryland.gov
- ▶ You can mail a comment to:

Lisa B. Choplin, DBIA Director I-495 & I-270 P3 Office
Maryland Dept. of Transportation State Highway Administration
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

Impacts to Communities

- ▶ \$2 billion to move WSSC pipes, cost potentially paid by ratepayers
- ▶ \$1 billion and rising estimated cost footed by Maryland taxpayers through state subsidy
- ▶ Up to 34 homes destroyed; 1,500 properties impacted
- ▶ Impacts to schools, hospitals, local businesses, and more



Impact to the Environment

- ▶ Increased particulate matter, carbon monoxide, ozone, nitrous dioxide, and greenhouse gas emissions
- ▶ 45 different parks, 130+ acres impacted
- ▶ 1,500 acres of forest canopy destroyed
- ▶ Destruction of 150+ acres of land designated as sensitive habitat for wildlife
- ▶ 550 acres of new impervious surfaces added, leading to more runoff and flash flooding
- ▶ 30 miles of streams and 50 acres of wetlands impacted



DEIS Concerns- Limited Scope

- ▶ The DEIS purpose and need statement is written to only include highway expansion alternatives and appears to justify excluding other potential reasonable alternatives that could meet the project's purpose and needs.
- ▶ The DEIS may have inadequately analyzed the environmental impact of the entire regionwide traffic-relief program because the I-495 & I-270 Managed Lanes Study was segmented to not include the study of I-270 Managed lanes from I-370 to I-70. Such segmentation, for example, eliminated consideration of alternatives such as expanding MARC.

DEIS Concerns- Inadequate Analysis

- ▶ The DEIS does not compare the project's impact on EJ communities to non-EJ communities.
- ▶ There is no detailed analysis of public transit/multi-modal transit alternatives.
- ▶ The agency's traffic impact analysis was completed prior to COVID-19 and may not factor in COVID-induced changes to transportation demand.
- ▶ The financial impact analysis does not factor in the costs of sewer line relocation and the actual budget for the entire project.
- ▶ The DEIS appears to discount increases in air pollution, and minimally discusses ways to mitigate impacts to wetlands and pollution from stormwater runoff.
- ▶ The DEIS appears to discount the historic and cultural value of affected parklands and historic properties.

Commenting on Specific Beltway Expansion Issues



1. Environmental Justice (EJ) Impacts

► Environmental Justice

- “...the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of **environmental** laws, regulations, and policies.”
- EJ communities are generally low-income communities with disproportionate exposure and increased vulnerability to environmental hazards.

► Title VI of the Civil Rights Act of 1964

- For transportation projects, agencies are responsible for assessing whether the location of the project would provide service on a non-discriminatory basis and displaces or relocates persons on a non-discriminatory basis.

► Executive Order 12,898:

- Agencies must evaluate whether projects have a “disproportionally high and adverse impact in low-income and predominately minority communities.”

1. Environmental Justice (EJ) Impacts

Consider:

- ▶ Does the DEIS explicitly identify EJ communities and describe any specific or unique impacts the project will have on those communities?
- ▶ Does the DEIS consider cumulative exposure to other environmental impacts?
- ▶ Does the DEIS compare the disparate impacts on EJ communities with non-EJ communities?
- ▶ Does the DEIS discuss the extent to which any displacement of persons caused by the project is discriminatory? If so, does their conclusion make sense?

1. Sample Comment on EJ

MDOT must comply with federal law and guidance regarding environmental justice.

States agency's legal requirements.



Transportation projects elicit environmental justice concerns when they disproportionately impact or fail to benefit minority or low-income communities. MDOT and FHWA are fully obligated to consider environmental justice principles “throughout planning and decision-making processes in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI).” USDOT Order 5610.2(a).

Identifies inadequacy of the agency's approach.



MDOT's community impact assessment recognizes their legal obligation to act pursuant to environmental justice principles, yet fails to do so. MDOT's analysis does not compare the effects of the project on EJ communities to non-EJ communities. None of MDOT's current alternatives avoid, minimize, or mitigate high and adverse human health or environmental effects on minority and low-income populations. MDOT further fails to analyze the impact of toll roads on EJ communities, yet concludes that the managed lanes will benefit EJ communities.

Discusses how the issue could be remedied.



The omission of detailed analysis regarding the impacts that the proposed alternatives would have on minority and low-income community resources violates the principle that the benefits and burdens upon environmental justice communities must be evaluated in full. MDOT should be more forthcoming about mitigation of EJ impacts and seek input from EJ communities as to how to mitigate the project's disparate impacts.

2. Purpose And Need Statement & Alternatives Analysis

- MDOT must specify the underlying purpose and need of a proposed project.
- Important because it determines the scope of the reasonable alternatives the agency must analyze in detail.
 - What makes an alternative “reasonable?”
 - It fulfills a project’s purpose and needs.
 - Is technologically or economically feasible.
- A purpose and need statement **CANNOT** be so narrow to only allow one alternative to accomplish the goals of the agency action.

2. Purpose And Need Statement & Alternatives Analysis

Consider:

- What are the overall objectives of the project? (i.e. safety, environmental protection, economic development, transportation improvement, traffic relief)
- What information does the agency use to identify the problem the project aims to address?
- Is the purpose and needs statement biased toward only one alternative, or one kind of alternative (i.e. only toll roads)?
- Are there alternatives that meet the purpose and need the agency overlooked?

2. Sample Comment on Purpose And Need Statement & Alternatives Analysis

A NEPA compliant Purpose and Need Statement cannot be so narrowly construed as to support only one type of alternative.

States agency's legal requirements.



The Purpose and Need Statement guides the scope of review under NEPA. 40 C.F.R. § 1502.13. As the agency only needs to provide a detailed study of reasonable alternatives that accomplish the purposes of the proposed action, the Purpose and Need Statement determines what alternatives will even be considered. *Webster v. U.S. Dep't of Agric.*, 685 F.3d 411, 422 (4th Cir. 2012). Because the Purpose and Need Statement sets the baseline upon which to compare alternatives, agencies are not permitted “to contrive a purpose so slender as to define competing ‘reasonable alternatives’ out of consideration.” *Simmons v. U.S. Army Corps of Eng'rs*, 120 F.3d 664, 666 (7th Cir. 1997).

Identifies inadequacy of the agency's approach.



The Purpose and Need Statement for this DEIS is so narrow that it essentially mandates that the final solution will be a form of toll road. As the only alternatives examined in detail were toll roads, the Purpose and Need Statement appears to be nothing more than a post-hoc justification for an already-conceived project. This goes against what is set as necessary in the case law precedent.

Discusses how the issue could be remedied.



MDOT should reconsider the Purpose and Need Statement so that a full analysis of reasonable alternatives would not only consider toll-based highway expansion options. This will be beneficial to MDOT both as a means of meeting their requirements under NEPA, but also as a means of assuring the public that the final alternative was not pre-determined and was carefully considered.

3. Adverse Environmental Impacts

- ▶ Agencies must describe the affected environment and discuss any resulting direct effects, indirect effects, and cumulative impacts.
 - ▶ Direct Effects: immediately caused by the action that occur at the same time and same place. 40 C.F.R. § 1508(a).
 - ▶ Indirect Effects: caused by the action and are later in time or farther removed in distance but are still reasonably likely to occur. 40 C.F.R. § 1508(b).
 - ▶ Cumulative Impacts: the incremental impact of the action when added to other past, present, and future actions that are reasonably likely to occur. 40 C.F.R. § 1508.7.

3. Adverse Environmental Impacts

Consider:

- ▶ Does the DEIS accurately describe the area affected by the project?
- ▶ Does the DEIS consider impacts from construction as well as from the project?
- ▶ Does the DEIS discount certain impacts with a conclusory explanation or otherwise little explanation as to why?

3. Sample Comment on Adverse Environmental Impacts

MDOT's analysis of environmental effects is inadequate.

States agency's legal requirements.



NEPA requires consideration of indirect effects, defined as those effects that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(b). The CEQ regulations state that NEPA documents should specifically include "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." *Id.*

Identifies inadequacy of the agency's approach.



The DEIS fails to fully analyze the increased harmful air emissions the proposed expansion would cause. Instead, the DEIS seeks to minimize these harms by relying on unrelated increases in fuel efficiency based on inaccurate fuel efficiency standards. Further, by identifying hazardous waste sites without describing the specific hazardous substance or their site distribution, the DEIS does not adequately assess hazardous materials along the highway corridors. Additionally, the DEIS fails to analyze harmful air emissions from construction activities, including increased particulate matter, CO, and greenhouse gas emissions.

Discusses how the issue could be remedied.



MDOT's "hard look" at the project requires a more comprehensive analysis of environmental impacts. This includes a detailed examination of air pollution impacts based on accurate fuel efficiency and traffic demand projections. Such analysis should also consider the environmental effects of transportation-based alternatives.

4. Mitigation Discussion

- ▶ Agencies must address “all relevant, reasonable mitigation measures that could improve the project” and mitigate adverse environmental effects. 40 C.F.R. §§ 1502.14(f), 1502.16(h).
- ▶ Agencies are not required to adopt any specific mitigation measures.
- ▶ Clean Water Act Section 404
 - ▶ FHWA and MDOT must obtain a permit from the Army Corps of Engineers and Maryland Dept. of the Environment for authorization to impact regulated wetlands, wetland buffers, waterways, and the FEMA 100-year floodplain.
 - ▶ Certain mitigation measures are required to compensate for any adverse impacts to wetlands and waterways affected by the project.

4. Mitigation Discussion

Consider:

- ▶ Does the agency analyze mitigation efforts in the context of each discussed alternative?
- ▶ Are mitigation measures tied to a specific adverse environmental impact? Could the agency have mentioned other forms mitigation?
- ▶ If wetlands may be impacted, does the agency clearly explain how it will mitigate unavoidable wetlands impacts and stormwater runoff? Does the agency primarily adopt on-site or off-site mitigation measures?
- ▶ Do you or your organization prefer one or more forms of mitigation?

4. Sample Comment on Mitigation

MDOT's mitigation discussion is insufficient and leaves practicable mitigation alternatives off the table.

States agency's legal requirements.



For Environmental Impact Statements, agencies must address “all relevant, reasonable mitigation measures that could improve the project” and “use all practicable means . . . to restore and enhance the quality of the human environment and avoid or minimize any possible adverse [environmental] effects. 40 C.F.R. §§ 15002, 1502.14(f), 1502.16(h). Under NEPA, mitigation must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated. *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372 (1998)

Identifies inadequacy of the agency's approach.



The mitigation discussion in this DEIS is inadequate given the amount of off-site mitigation compared to on-site mitigation. On-site mitigation is necessary to protect communities from the increased stormwater threats that will be caused due to increased impermeable surfaces as well as the removal of streams and wetlands.

Discusses how the issue could be remedied.



MDOT should consider more on-site mitigation efforts in order to more accurately evaluate what would be necessary to mitigate impacts on local communities. The mitigation discussion should focus not only on environmental impacts but also on impacts on local property owners.

5. Impacts to Parkland and Historic Properties

- National Historic Preservation Act Section 106
 - Requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country.
 - If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review will take place.
- Dept. of Transportation Act Section 4(f)
 - Prohibits Dept. of Transportation agencies from using land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, or public and private historic properties if the land would be severely impacted by a project.
 - Agency must show that:
 - any action would have no more than a minimal impact, or
 - there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm to the affected properties

5. Impacts to Parkland and Historic Properties

Consider:

- Are there impacted historic properties or parklands the agency overlooked?
- Does the agency discuss or adopt any specific measures to mitigate impacts to such properties?
- Did the agency actually adopt the least impactful alternative? Does their explanation for why they adopted the alternative make sense?

5. Sample Comment on Parkland/Historic Property Impacts

States agency's legal requirements.



The analysis of the Beltway Expansion's effects on Parkland and Historic Properties fails to meet the requirements of Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act.

Section 4(f) of the Department of Transportation Act requires that the Agencies may only use parks, recreation areas, or wildlife refuges if no feasible and prudent avoidance alternative exists. Unlike NEPA, Section 4(f) imposes substantive restraints on an agency's action." *Defenders of Wildlife v. N. Carolina Dept. of Transportation*, 762 F.3d 374, 398-99 (4th Cir. 2014). Section 106 requires Agencies to account for and consider a project's impacts to historic sites or cultural properties.

Identifies inadequacy of the agency's approach.



The DEIS' reliance on rudimentary information and failure to consider the project's proximity to parklands hinders the ability of local/state authorities to protect parklands within their jurisdiction. By only considering single-mode road alternatives, the DEIS fails to consider feasible and prudent avoidance alternatives as required by Section 4(f).

Moreover, the DEIS insufficiently identifies historic and cultural resources and discounts the cultural and historical significance of parkland by treating parklands as individual units. The flaws in the agencies 106 review prohibit the agency from properly negotiating and planning avoidance, minimization, and mitigation as required by NHPA.

Discusses how the issue could be remedied.



MDOT should reexamine its Section 106/4(f) analysis, taking into consideration project proximity to parkland, transit alternatives, and the regional significance of identified cultural and historic resources.

Questions to Consider

- (1) What is a specific issue with the Beltway Expansion project that you think the agency insufficiently addressed?
- (2) How would you convince the agency to take a closer look at the issue and incorporate your concerns into their analysis?



Questions

Photo credit: <https://www.inc.com/jessica-stillman/scientists-say-answering-these-32-questions-will-change-your-life.html>

Where to Look in the DEIS

- ▶ Purpose and Need: Chapter 1, 1.2, pg. 1-4.
- ▶ Dismissal of Transit Alternatives: Chapter 2, 2.5.2, pg. 2-11 through 2-16.
- ▶ Improper Segmentation: Chapter 1, 1.1 pg. 1-1 through 1-2.
- ▶ Traffic Analysis: Chapter 3
 - ▶ Data collection and modeling methodology; no mention of COVID: 3.1.1.
 - ▶ Future traffic conditions projection, with no mention of COVID: 3.3, pg. 3-7
- ▶ Adverse Environmental Impacts and Mitigation: Chapter 4
 - ▶ Air Quality: 4.8.4, pg. 4-62
 - ▶ Wetlands: 4.12, pg. 4-77 through 4-87
 - ▶ Community Impacts: 4.1-4.5; 4-4 through 4-28
 - ▶ Noise: 4.9; pg. 4-63 through 4-72
 - ▶ Hazardous Materials: 4.10; pg. 4-72 through 4-75
- ▶ Financial Impact Analysis: Chapter 4; 4.22 pg. 4-144 through 4-157
- ▶ Environmental Justice: Ch. 4; 4.21.5 pg. 4-136 through 4-161.
- ▶ Parklands and Historic Property Impacts: CH. 5
 - ▶ Inventory of Affected Properties: Table 5.2 pg. 5-9 through 5-10.
 - ▶ Avoidance Alternatives and Alternatives to Minimize Harm: 5.6, 5.7 pg. 5-12 through 5-18.

Additional Resources

- ▶ If you have any follow up questions, feel free to ask the Clinic: michael.sammartino@clinic.law.umaryland.edu
- ▶ [Beltway Expansion Searchable Map](#)
- ▶ [A Citizen's Guide to NEPA](#)
- ▶ [EPA EJ Screen—Environmental Justice Interactive Map](#)
- ▶ [Maryland EJ Screen Map](#)