

From: [Carol DeSoto](#)
To: [Christina Elkins](#)
Subject: FW: For the Record - for Aviation Business Park Zone Bills 2024-07 (ZTA 23-176) and 2024-08 (ZMA 23-02)
Date: Thursday, April 11, 2024 7:35:25 AM
Attachments: [4.15.22 Letter to Charles Co. Commissioners WCD.pdf](#)
[Ex. A.pdf](#)
[Ex. B.pdf](#)
[Ex. C.pdf](#)
[Ex. D.pdf](#)
[Ex. E.pdf](#)
[Response Letter - Charles County Comprehensive Plan Amendments and Rezoning of Watershed Conservation District 20220425docx \(002\) \(3\).pdf](#)

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Carol **A.** DeSoto, CAP, OM
Clerk to the Commissioners
Charles County Commissioners

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From: Bonnie Bick <bonniebick@gmail.com>
Sent: Tuesday, April 9, 2024 4:05 PM
To: Carol DeSoto <DeSotoC@charlescountymd.gov>
Subject: For the Record - for Aviation Business Park Zone Bills 2024-07 (ZTA 23-176) and 2024-08 (ZMA 23-02)

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Please place this correspondence on the Record for Aviation Business Park Zone Bills 2024-07 (ZTA 23-176) and 2024-08 (ZMA 23-02)

Unfavorable for Maryland Airport expansion and removal of the Watershed Conservation District Letter plus attachments
and the Charles County response letter.

Bonnie Bick - 7601 - Oxon Hill Road - Oxon Hill - MD - 20745

April 15, 2022

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Re: Charles County Comprehensive Plan Amendments and Rezoning of Watershed Conservation District

Dear Charles County Board of Commissioners:

We write to raise concerns regarding the expansion of the Maryland Airport and the related rezoning near the airport, and to formally request:

- 1) reconsideration of the Charles County Board of Commissioners' ("Board") October 19, 2021 decision approving amendments to the Charles County Comprehensive Plan that removed the Watershed Conservation District designation from 558 acres near the Maryland Airport, including a new public hearing;
- 2) a pause in proceedings regarding any related rezoning of this acreage from "Watershed Conservation District" to "Employment and industrial;" and
- 3) no action on the Bryans Road Subarea Plan that considers the Watershed Conservation District removed from the area in question.

The rezoning of 558 acres around the Maryland Airport would bring grave environmental and environmental justice harms, devastating the Mattawoman Creek and exacerbating existing air pollution impacts for the predominantly Black community near the airport. The Board's approval of the Comprehensive Plan amendment was made without adequate consideration of environmental impacts—impacts that have also not been properly reviewed in earlier stale and inactive federal environmental reviews under the National Environmental Policy Act ("NEPA") for certain expansions of the airport. In addition, the Board did not provide adequate notice or

ability to participate in the public hearing on the Comprehensive Plan amendments held on September 22, 2021, as required by the Maryland Open Meetings Act. For these reasons, we request that the Board reopen and reconsider the Comprehensive Plan amendments made on October 19, 2021, and immediately pause any related rezoning proceedings, or change in land use designations (other than returning the area to the Watershed Conservation District), pending the completion of forthcoming federal environmental reviews of the Maryland Airport expansion.

I. Background

The Maryland Airport is located in a predominantly Black area of Charles County, Maryland.¹ This area has also been designated an “Equity Emphasis Area,” which entitles it to special consideration in local planning to promote racial equity.² The airport is located less than a mile from Matthew Henson Middle School and JC Parks Elementary School, both of which also have predominantly Black student populations.³ The airport is situated on 215 acres, and had approximately 22,000 airplane takeoffs and landings in 2020.⁴ The airport primarily serves piston-engine airplanes, the vast majority of which are fueled by aviation gasoline (avgas), which contains lead.⁵ Lead is an extremely dangerous neurotoxin, and there is no safe level of lead in blood.⁶ Airborne lead can be inhaled by people near airports, either from direct aircraft emissions or from interacting with contaminated soil or dust from earlier aircraft emissions.⁷ In January 2022, EPA announced that it will review and evaluate whether emissions from small planes using leaded avgas endanger public health and welfare, promising to make a proposed “endangerment finding” in 2022 and a final endangerment finding in 2023.⁸

The Maryland Airport has been in the process of expanding for at least the last two decades, and while some of those expansion plans have already been realized, much of the expansion has not yet been completed, including the completion of the runway extension to

¹ The airport is located near Bryans Road, Maryland, which is approximately 62.2% Black. U.S. Census Bureau, QuickFacts, Bryans Road CDP, Maryland, <https://www.census.gov/quickfacts/bryansroadcdpmaryland>.

² Metropolitan Washington Council of Governments, Resolution Endorsing Equity Emphasis Areas as a Key Planning Concept and Tool to Inform Decision Making and Action (Oct. 2021), *available at* [https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C92PEX63B5D6/\\$file/Certified_Resolution_R46-2021_-_Endorsing_Equity_Emphasis_Areas_as_a_Key_Planning_Concept_and_Tool.pdf](https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C92PEX63B5D6/$file/Certified_Resolution_R46-2021_-_Endorsing_Equity_Emphasis_Areas_as_a_Key_Planning_Concept_and_Tool.pdf); Equity Emphasis Areas in Charles County, *available at* [https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C92PEZ63B79A/\\$file/COG%20EEAs%20-%20Charles%20County%20Map.pdf](https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C92PEZ63B79A/$file/COG%20EEAs%20-%20Charles%20County%20Map.pdf).

³ National Center for Education Statistics, JC Parks Elementary School, https://nces.ed.gov/ccd/schoolsearch/school_detail.asp?Search=1&Miles=10&Zip=20640&ID=240027000592; National Center for Education Statistics, Matthew Henson Middle School, https://nces.ed.gov/ccd/schoolsearch/school_detail.asp?ID=240027000599.

⁴ Charles County, Maryland Airport, <https://www.meetcharlescounty.com/maryland-airport/>.

⁵ National Academies of Sciences, Engineering, and Medicine, Option for Reducing Lead Emissions from Piston-Engine Aircraft (2021), at 1, <https://www.nap.edu/catalog/26050/options-for-reducing-lead-emissions-from-piston-engine-aircraft>.

⁶ *Id.*

⁷ *Id.* at 2.

⁸ EPA, Regulations for Lead Emissions from Aircraft, <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-lead-emissions-aircraft>.

4,300 feet and additional hangar construction, among other projects. As discussed further below, these additional expansions will require new environmental review under NEPA, and we understand the airport is in the early stages of beginning a new NEPA analysis.

On October 19, 2021, the Charles County Board of Commissioners approved a series of amendments to the county's Comprehensive Plan that are intended to facilitate development in the vicinity of the airport by removing the "Watershed Conservation District" designation on 558 acres. The removal of the environmental protections afforded by this designation paves the way for a rezoning of the 558 acres from "Watershed Conservation District" to "Employment and Industrial." The rezoning of this land has not yet been completed, and there are important reasons why it must not be implemented.

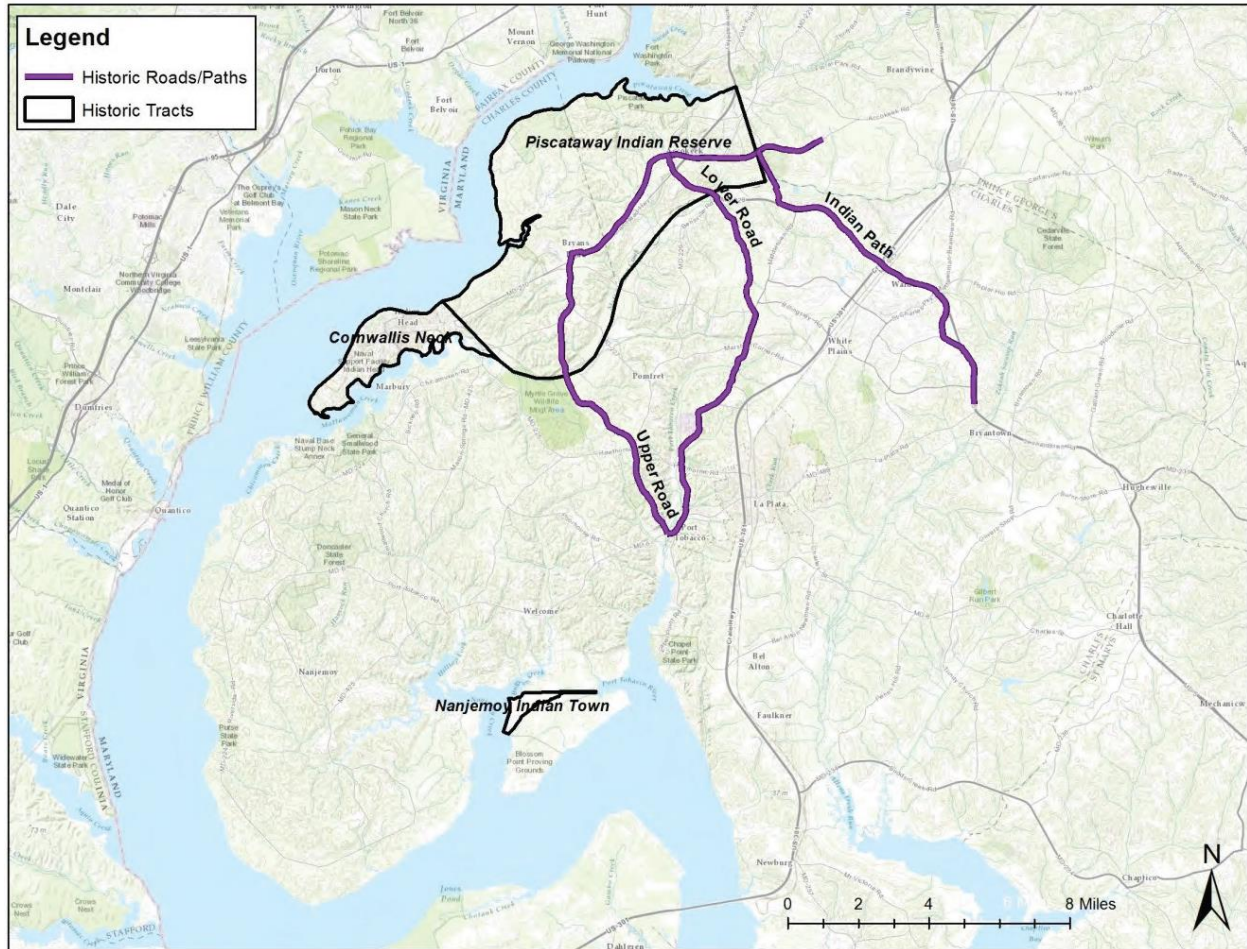
Charles County applied the Watershed Conservation District designation to these 558 acres in 2017 in order to protect the environmentally sensitive area that drains into Mattawoman Creek, an important tributary of the Potomac River. This zoning change for these and other thousands of acres was specifically intended to protect the undeveloped land, which is environmentally sensitive and predominantly forested, and prevent future stormwater pollution and degradation of the Mattawoman Creek and Port Tobacco River watersheds.

The Piscataway People, including the Maryland state-recognized Piscataway Indian Nation and Piscataway Conoy Tribe, have long lived in the Mattawoman watershed region (as part of a much larger Piscataway homeland).⁹ In 2013, Preservation Maryland placed twelve indigenous landscapes in six Maryland counties on its Maryland Endangered list, including the Mattawoman watershed, which is threatened by the urban and suburban development in and around Waldorf, Maryland.¹⁰ The area near the Maryland airport includes important indigenous areas, including historic tracts and paths.¹¹

⁹ Indigenous Cultural Landscapes Study for the Nanjemoy and Mattawoman Creek Watersheds (Nov. 2015), <https://chesapeakeconservancy.org/wp-content/uploads/2020/02/NanjemoyMattawoman-ICL-FINAL.pdf>.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 47.



Source: Indigenous Cultural Landscapes Study for the Nanjemoy and Mattawoman Creek Watersheds at 47 (Nov. 2015), <https://chesapeakeconservancy.org/wp-content/uploads/2020/02/NanjemoyMattawoman-ICL-FINAL.pdf>

Lithics have also been found at the airport site itself.¹²

The Mattawoman Creek is ranked eighth out of 137 watersheds in Maryland for freshwater stream biodiversity and supports spawning for anadromous fish.¹³ It is also a highly popular bass fishing destination, and the site of bass tournaments that bring a significant amount of economic activity into the county.¹⁴ But the Mattawoman’s health is tenuous, and is already declining due to development and the county’s failure to require adequate stormwater management.¹⁵ The Mattawoman was listed as impaired due to nutrient pollution in 1996, and later pollution control plans have accordingly called for roughly 50% reductions in nutrients from urban stormwater runoff.¹⁶

¹² See 2002 Environmental Assessment.

¹³ Maryland Department of Natural Resources, Mattawoman Case Study, <https://dnr.maryland.gov/fisheries/pages/fhiep/mattawoman.aspx>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Charles County Municipal Stormwater Restoration Plan (Dec. 2017) at 39, <https://www.charlescountymd.gov/home/showpublisheddocument/4319/637231408687400000>.

In 2012, during the early part of the 2016 Comprehensive Plan process, federal and state agencies had concerns about the health of Mattawoman Creek. A Mattawoman Ecosystem Management Interagency Task Force was formed, and the task force transmitted a report to Charles County, including detailed recommendations regarding stormwater management and future development.¹⁷ Removal of the Watershed Conservation District designation from this area reverses course on these plans and exacerbates the existing stormwater pollution concerns.

II. Federal Review under the National Environmental Policy Act

In approving the Charles County Comprehensive Plan amendments that will facilitate rezoning 558 acres in Charles County from “Watershed Conservation District” to “Employment and industrial,” the Board of Commissioners declined to adequately address the numerous environmental and environmental justice concerns implicated by this significant change. During the Charles County Planning Commission’s 2021 consideration of the proposed amendments, the county’s Department of Planning and Growth Management dismissed questions that members of the Planning Commission had asked about environmental impacts and environmental justice impacts, on the grounds that those questions had been reviewed in a 2002 Environmental Assessment (“EA”)¹⁸ regarding certain planned expansions of the airport, and that this EA concluded with the Federal Aviation Administration (“FAA”) issuing a “Finding of No Significant Impact.”¹⁹ But this reliance on old, separate environmental reviews for certain airport expansion projects ignores the fundamental fact that the environmental impacts from rezoning 558 acres near the airport will necessarily be substantially different from the impacts associated with a 2002 expansion of the airport facility itself.²⁰ The significant stormwater runoff and other impacts associated with potential development of hundreds of acres in the Mattawoman Creek watershed will be different in kind and in scope from the impacts associated with the extension of the airport runway and other airport expansion projects considered in the 2002 EA, and require their own consideration. Moreover, the 2002 EA is stale, having been completed two decades ago.²¹ The County has shirked its duty to engage in any review of the environmental and environmental justice impacts associated with the amendments and planned rezoning.

¹⁷ The Case for Protection of the Watershed Resources of Mattawoman Creek: Recommendations and Management Initiatives to Protect the Mattawoman Ecosystem (March 2012),

https://dnr.maryland.gov/fisheries/Documents/Mattawoman_Ecosystem_Final_Report_March_2012.pdf.

¹⁸ While this EA was finalized in 2002, the FAA issued a “Finding of No Significant Impact” in 2003.

¹⁹ See, e.g., Ex. A (Memorandum from Department of Planning and Growth Management to Charles County Planning Commission, June 17, 2021).

²⁰ In addition, the Planning and Growth Management staff promised the Planning Commission that a study that was in the process of being written would answer all of the Planning Commission's questions. The study did not address the environmental or environmental justice issues, and did not address the lead pollution that is impacting children at the two public schools near the airport, as promised by the staff. While the study is an economic one, it only addressed 50 acres of the area proposed now for rezoning.

[https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C43TCB713909/\\$file/Industrial%20Market%20Analysis%206_16_2021.pdf](https://go.boarddocs.com/md/chrlsco/Board.nsf/files/C43TCB713909/$file/Industrial%20Market%20Analysis%206_16_2021.pdf).

²¹ Pursuant to NEPA’s implementing regulations, an agency must supplement NEPA documents if “[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns,” or if “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. § 1502.9. An agency’s NEPA review is inadequate if it relies on outdated information or outdated NEPA documents. See, e.g., *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1086–87

In addition, at least three federal agencies expressed serious concerns about the environmental impacts of Maryland Airport expansions and the inadequacy of the prior federal NEPA reviews. At the time the 2002 EA was conducted, federal agencies, including the U.S. Army Corps of Engineers and the U.S. National Parks Service, expressed concerns about a failure to consider alternatives to the proposed airport expansions, failure to consider ultimate project design and cumulative impacts, and significant long-term adverse impacts to the Mattawoman.²² Among other things, the National Park Service expressed its opinion that the airport expansion would cause “significant long-term adverse effects to Mattawoman Creek” and concern that because of discrepancies between the planned expansion and the aircraft the airport planned to serve, the EA “may not be disclosing the ultimate design of Maryland Airport.”²³ In 2014 and 2015, with the airport construction not yet completed, FAA worked on a draft supplemental EA to address the impacts of 6.5 acres of tree clearing that had become necessary to complete the original construction project contemplated in the 2002 EA. But this supplemental EA was never finalized, after the U.S. Environmental Protection Agency (“EPA”) wrote a letter to FAA raising concerns regarding the vagueness of the EA, improper segmentation of airport construction projects, and failure to consider potential indirect and cumulative impacts of the projects, including to the Mattawoman, which EPA recognized is “under many stresses.”²⁴

We understand that the Maryland Airport is now planning additional expansions that will require new environmental review under NEPA.²⁵ Specifically, the Maryland Airport plans to construct new hangars and associated infrastructure, and this project will require a new EA.²⁶ Yet, on October 19, 2021, staff at the county commissioners’ public work session discussing the Comprehensive Plan amendments dismissed concerns from the public about airport expansions on the grounds that the airport expansion was “already approved and has been ongoing.”²⁷ This incomplete explanation erroneously suggested that all decisions and approvals regarding the airport expansion have been completed.²⁸

(9th Cir. 2011) (concluding that the Surface Transportation Board did not take a “hard look” at environmental impacts when it relied on a ten-year-old aerial survey); *see also* *W. Watersheds Project v. Abbey*, 719 F.3d 1035, 1052 (9th Cir. 2013) (finding that the agency’s NEPA process was deficient, in part because the agency relied on a thirty-year-old EIS without explaining why that data remained accurate); *Lands Council v. Powell*, 395 F.3d 1019, 1031 (9th Cir. 2005) (finding that six-year-old data, without updated habitat information, was too stale).

²² *See e.g.*, Ex. B (Letter from Paul R. Wettlaufer, Transportation Program Manager, U.S. Army Corps of Engineers, to John Robinson, Talbert and Bright, Inc. (June 21, 2001) (raising concerns that the proposed Maryland Airport construction did not comply with NEPA or the Clean Water Act) and Letter from Wink Hastings, Landscape Architect, National Park Service, to Maria Stephens, Federal Aviation Administration (June 29, 2001) (raising NEPA concerns regarding the proposed Maryland airport construction).

²³ Ex. B. (Letter from Wink Hastings, Landscape Architect, National Park Service, to Maria Stephens, Federal Aviation Administration (June 29, 2001)) at 5-6.

²⁴ *See* Ex. C (letter from EPA to FAA, Oct. 30, 2014 and attached technical comments).

²⁵ *See* Ex. D (letter from Genevieve Walker, Environmental Protection Specialist FAA, to Bonnie Bick, Nov. 29, 2021).

²⁶ *See id.*

²⁷ *See* Charles County Commissioners Meeting (Oct. 19, 2021) at time stamp 2:06:39, http://openstream.charlescounty.org/mediaVideoExternal.jsp?&file=/meetings/2021/October/BOCC_101921.mp4&title=Charles%20County%20Commissioners%20Meeting.

²⁸ *See also id.* (noting that FAA never made a record of decision on its 2015 Supplemental EA on related airport expansions and that this Supplemental EA is “no longer an active document”).

Because the environmental and environmental justice impacts associated with the Comprehensive Plan amendments have not been properly considered, and because there is a new forthcoming federal environmental review of additional expansions of the Maryland Airport, the Board should reopen and reconsider its approval of the Comprehensive Plan amendments, and halt any progress on rezoning efforts until after environmental reviews of both the amendments and the future federal airport expansion have been concluded. The significant lead air pollution, stormwater pollution, and other environmental and public health impacts associated with the airport expansion and related rezoning must be considered before the county takes any further actions facilitating development near the airport. The need for further environmental review is underscored by EPA's recent decision to issue an "endangerment finding" for leaded avgas later this year, recognizing the long-overdue need for federal protection of our air from this largest source of lead air pollution.

III. Public Participation

The Maryland Open Meetings Act requires that public bodies, like the Charles County Board of Commissioners, give the public "reasonable advance notice" of the time and location of meetings of public bodies, as well as reasonable access for the public to attend such meetings.²⁹ On the date of the public hearing for the Comprehensive Plan amendments (which was being held virtually due to Covid-19 precautions), the Board abruptly changed the procedure to one more complex and convoluted, and as it proved, unworkable. Many individuals had trouble testifying, and some made great and persistent effort to testify but were prevented from doing so. Some were promised calls from the county that never came. We know of some who were unable to testify, but the total number of witnesses prevented from speaking is not known and unknowable. In no way can this process be considered even minimally sufficient to qualify as public participation.

After the hearing, several organizations sent a letter to the County Commissioners requesting an additional hearing because of the public participation irregularities, many of which were detailed in the letter.³⁰ At the Commissioners' work session on October 19, 2021, the Commissioners failed to address the specific issues outlined in this letter and declined to grant the additional hearing.

In conclusion, we request that the Charles County Board of Commissioners immediately reopen and reconsider its October 19, 2021 decision approving the amendments to the Charles County Comprehensive Plan and hold a new public hearing. We further request that the Board pause any rezoning proceedings for the 558 acres surrounding the Maryland Airport and refrain from making any zoning decisions or changes in land use classifications for these acres, other than restoring the Watershed Conservation District designation to the affected properties, until after the environmental and environmental justice impacts are considered and the forthcoming

²⁹ Md. Code §§ 3-302; 3-102(c).

³⁰ See Ex. E (letter from Mattawoman Watershed Society and Friends to Charles County Board of Commissioners, Oct. 19, 2021).

EA for certain airport expansion plans is completed. Finally, the County should not take action on the Bryans Road Subarea plan that considers the Watershed Conservation District removed in the 558 acres surrounding the airport.

Sincerely,

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AMP Creeks Council

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Mattawoman Watershed Society

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Exhibit A

CHARLES COUNTY GOVERNMENT

INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Charles County Planning Commission
FROM:	Amy Blessinger, Planner III <i>Department of Planning and Growth Management</i>
SUBJECT:	Amendment to the 2016 Comprehensive Plan: Maryland Airport
DATE:	June 17, 2021

On May 3, 2021, the Charles County Planning Commission held a public hearing on a proposed Comprehensive Plan Amendment to redesignate properties around the Maryland Airport to the Employment and Industrial land use district. Please see separate memorandum with summary of public comment.

After the public testimony, the Planning Commission asked several questions. Following is staff's response to the Commission's questions.

Health impacts/environmental assessment

Planning Commission members had questions regarding the impacts from air and noise pollution from the airport on nearby schools and residents. As part of the airport's expansion project, a federally mandated Environmental Assessment (EA) was conducted to determine the potential environmental impacts and any mitigation necessary for development of the new runway and associated airport facilities. Environmental Assessments typically evaluate impacts to environmental resources as well as noise and air quality impacts. The Federal Aviation Administration (FAA) issued a Finding of No Significant Impact (FONSI) for the airport improvements. The airport is also required to comply with FAA regulations for noise.

While airport impacts are an understandable concern, it should be emphasized that impacts from the operations and expansion of the airport itself are not the subject of this Comprehensive Plan Amendment. Furthermore, a large part of the airport expansion has already been completed.

Mattawoman watershed/impervious surface

Planning Commission members inquired about the status of the Mattawoman watershed and the level of impervious surface in the watershed. According to the most recent (2017) data obtained from county consultant Spatial Systems, the amount of impervious surface within Charles County's portion of the watershed is 4,102 acres, or 9.2%. Recently released 2020 aerial imagery will allow the county to update impervious surface calculations, however this data will likely not be available until December 2022. As discussed previously, the county continuously works to mitigate the impact of impervious surface in the watershed with stormwater restoration capital projects and other pollutant reduction efforts including road sweeping, inlet vacuuming and septic pumping programs.

Staff also notes that within the 558-acre amendment area, there are considerable environmental constraints that limit the lands' developability. This includes approximately 115 acres of land in steep slopes and approximately 27 acres located in the Resource Protection Zone (RPZ). After subtracting these approximate 142 acres of land from the amendment area, the remaining land that would be considered developable is approximately 416 acres. Furthermore, any future development in this area would be subject to stormwater management and forest conservation requirements, further limiting the amount and impacts of impervious surface. Refer to attached map in BoardDocs.

Economic development

Airport Industrial Market Analysis: The county retained the services of an independent consultant, RKG Associates, Inc., to conduct an analysis to determine the market potential for industrial development for the area surrounding the airport. The analysis finds that demand for industrial land has increased since the 2015 Airport Land Use Study and further concludes that the lands around the airport could capture more than half of the projected 117,100 square feet to 175,600 square feet of annualized absorption of industrial development in Charles County.

Economic Development Department staff also note that there has been an increase in economic activity at the airport over the past several years, in terms of the number of aircraft using the airport and the number of takeoffs and landings. In addition, two other airports in the region have recently closed, thereby increasing the Maryland Airport's economic potential.

Justification/business plan: Planning Commission members asked whether there was a business or development plan for the airport and the properties subject to the amendment. The airport property and other properties in the subject area are privately owned, thus the county does not have ready access to this information. Based on the RKG market analysis and increased interest expressed by various companies, it would appear there is increased demand for land around the airport for development of airport-supporting uses. In order to rezone the properties to allow such development, the county is proposing this Comprehensive Plan Amendment to make the land use consistent with the future zoning.

Vacant/available commercial space in Bryans Road: Planning Commission members asked why the county proposes to change the land use around the airport to employment/industrial when there is available vacant land in Bryans Road for commercial development. The Bryans Road center is primarily zoned for commercial, mixed use and residential development and is not the best location for all airport supporting uses. It is preferable to locate the airport supporting uses closer to the airport where they can take full advantage of proximity to the airport.

A Planning Commission work session has been scheduled for June 21, 2021. At this meeting staff will review public comment received and next steps.

Attachments: Maryland Airport Industrial Market Analysis (RKG Associates, Inc.)
Aviation District map: Steep slopes and RPZ
June 4 Memorandum to Planning Commission with summary of public comment

Exhibit B



REPLY TO
ATTENTION OF

BALTIMORE, MD 21203-1715

June 11, 2001

Operations Division

Subject: Maryland Airport

RECEIVED

JUN 21 2001

Mr. John Robinson
Talbert and Bright, Inc.
10105 Krause Road, Suite 100
Chesterfield, Virginia 23832

Dear Mr. Robinson:

This is in reply to your most recent request dated April 24, 2001, as well as previous correspondence in 1999 and 2000, concerning the proposed redevelopment of Maryland Airport in Charles County, Maryland. In particular, you requested concurrence that you have completed the requirements of avoidance and minimization of environmental impacts discussed in previous correspondence as well as in the field. We discussed some of these issues most recently during our field visit on May 15, 2001.

We have reviewed the alternatives analysis based upon the revisions made to "Chapter 3 - Alternatives", of the Environmental Assessment (EA), that accompanied your most recent correspondence, as well as all previous documents pertaining to this file. We appreciate the opportunity to comment on portions of your draft EA.

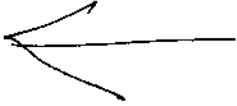
In this alternatives analysis, you have narrowed your scope of review to three alternatives: "Alternative 1 - Sponsor's Proposed Action" (Alt. 1); "Alternative 2 - Change location of Project Elements" (Alt. 2); and "Alternative 3 - Take No Action" (Alt. 3). We agree that Alt. 3 (a.k.a. "Option 1" in Sect. 3.2) serves no benefit to the applicant, nor to the surrounding community, and we look forward to working with you to resolve our environmental concerns so that improvements may proceed with Maryland Airport. However, we disagree with your evaluation of Alt. 1 and Alt. 2, and discuss our reasons below. We do not believe you have met the requirement of avoidance and minimization per our June 22, 2000, letter.

In your summary of environmental impacts contained in Table 3.3-1 of the EA, you indicate that the impact to biotic communities is a minor negative impact for Alt. 1 (a.k.a. "Option 6" in Sect. 3.2). We disagree. We believe that 80-foot high fill in an unnamed tributary to Mattawoman Creek, the 800-foot wide filling, peak to peak, of the 4.2-acre wetland, and the corresponding filling of 900 linear feet of the riparian corridor to

(item 1 of Alt. 1). We expressed our concerns regarding this stream filling in our November 5, 1999 letter. Your March 10, 2000, response indicated "...we can determine if there is an appropriate solution to avoid or mitigate this impact." To date, you have not submitted any avoidance alternatives, nor have you addressed the thermal impact or the loss of floodplain functions and values associated with piping 900 linear feet of stream. We have no objection to the construction of the remaining support structures for upgrading the airport (items 2-9 of Alt. 1), as long as they are in uplands and do not impact the riparian corridor.

Alternative 2 (a.k.a. Option 5 in Sect. 3.2) refers to changing the location of the project elements, and we believe this is a viable option. The runway can be aligned in a generally north/south configuration, similar to Option 6 (Alt. 1), with the proposed southern terminus equal to the location of the current southern terminus. The southern end should not be extended to fill in the stream valley. The northern end can be extended approximately 800-1,000 feet further north, beyond the length of the current runway. The runway protection zone (RPZ) on the northern end may extend into wetland 10, a portion of the field, Pomfret Road, and several houses. Disturbance to the local community may be comparable to that of your proposed Alt. 1. The southern RPZ would extend over the stream valley, which would require minimal cutting of the tree canopy to provide adequate safety clearance for approaching/departing aircraft. This would provide a runway approximately 3,800-4,000 feet long. While this length is slightly shorter than the proposed length, it would allow larger planes to utilize the facility, although not to the extent requested by the applicant. It would also reduce most of our environmental concerns, while allowing for all improvements to the runway and associated support structures and facilities, affording the owner an economic benefit.

We discussed the function of other regional airports acting as "relievers" to Reagan National Airport in our November 23, 1999 letter to you. To date, we have not received a response to this issue. We recommend that you evaluate other regional airports in your vicinity, such as St. Mary's County Airport, to consider their runway lengths and airplane capabilities. St. Mary's has a runway approximately 3,600 feet long, which may be sufficient to handle most corporate planes. Likewise, Washington Executive/Hyde Field may provide access for corporate planes. Washington/Hyde, as well as Potomac Airfield, are closer to Reagan National Airport than Maryland Airport. If they can handle corporate airplanes, then is there an actual "need" for the Maryland Airport to lengthen its runway? Is the issue of the proximity of other regional airports to Reagan National Airport addressed in your "purpose and need"?



Per our previous request dated November 5, 1999, we would like to review the airport Master Plan, as well as a complete copy of the draft EA. We recommend that you standardize the use of the terms "alternatives" and "options", as they are used to define more than one concept in Chapter 3

As proposed, we do not believe this project complies with NEPA and Clean Water Act guidelines for avoidance and minimization of impacts to the aquatic and human environment. In balancing the anticipated economic benefits with the substantial environmental impacts that would occur from this project, we feel it is unlikely that we could approve the project as proposed. We have offered some recommendations that would make the project permittable. If you have any questions, or would like to meet to discuss these issues, please contact me at (410) 962-5676.

Sincerely,

A handwritten signature in cursive script that reads "Paul R. Wettlaufer".

Paul R. Wettlaufer
Transportation Program Manager

cc: Kate Meade, MDE
Terry Page, FAA
Maria Stephens, FAA
Bruce Mundie, MAA
Judy Brosema-Cole, MDE Nontidal Wetlands
Gilbert Bauserman, Maryland Airport



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake Bay Program Office
410 Severn Avenue, Suite 109
Annapolis, MD 21403

IN REPLY REFER TO:

June 29, 2001

RECEIVED

JUL 02 2001

Ms. Maria Stephens
Federal Aviation Administration
Washington Airports District Office
P. O. Box 16780
Washington, DC 20041

Dear Ms. Stephens:

In accordance with the Council on Environmental Quality's "Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory," the National Park Service Rivers, Trails and Conservation Assistance Program submits the following comments on the subject environmental assessment for the Maryland Airport located near Indian Head, Charles County, Maryland. These proposed airport improvements include replacing the existing 3,000-foot runway with a realigned 4,300-foot runway, installing navigational aids and an aboveground fuel tank, and construction of three additional hangars and a new terminal.

As a partner in the Chesapeake Bay Program, the National Park Service supports resource protection and restoration efforts in the watershed by advocating environmentally sensitive activities in the management of park units and through numerous programs that it administers. *Chesapeake 2000: A Watershed Partnership*, the renewed Chesapeake Bay Agreement, promotes the reduction of sediments, a measurable decrease in the rate of conversion of farms and forests to developed lands and more effective stewardship of the Bay's rivers and subwatersheds. This agreement, of which Maryland is a signatory, recognizes that the creeks, streams, wetlands and forest buffers that define the watershed's landscape are essential to the health and character of the Bay. In addition, forests are the most beneficial land use for maintaining water clarity. Acting as a living filter, forests capture rainfall, reduce stormwater runoff, maintain stream flow, trap sediment and pollution, and stabilize soil. *Chesapeake 2000* established goals to conserve existing forests along all streams and shorelines, to restore 2,010 miles of riparian forest by the year 2010, and to promote the expansion and connection of contiguous forests.

Our principal concern involves the construction of a new runway and parallel taxiway over an unnamed headwater tributary to Mattawoman Creek. As proposed, construction of the new runway will require clearing large areas of upland forest for approach clearance, extensive

clearing and filling of riparian buffer zones, and construction of a culvert over the tributary. A lower portion of Mattawoman Creek (confluence with the Potomac River to Route 225) has been officially listed in the Nationwide Rivers Inventory, at the request of Maryland Department of Natural Resources, due to its national prominence as a smallmouth bass fishery and the high diversity of fish species. In addition, the Mattawoman Creek watershed has been designated Category 1 Priority and Selected Category 3 in the *MARYLAND CLEAN WATER ACTION PLAN: Final 1998 Report on Unified Watershed Assessment, Watershed Prioritization and Plans for Restoration Action Strategies* because it exhibits signs of stress or degradation, while containing pristine or sensitive natural resources. Due to the relatively undisturbed condition of the watershed, it is particularly important to protect the headwaters of Mattawoman Creek to maintain its existing high water quality.

It is our opinion that the proposed airport improvements would cause significant long-term adverse effects to Mattawoman Creek. We believe that the clearing of forest lands, the loss of important wetland and floodplain functions (particularly critical in the headwaters), and the permitting of construction activities on steep slopes in riparian areas would induce siltation and thermal pollution in the unnamed tributaries, as well as to Mattawoman Creek. Such adverse effects would degrade the existing high-water quality, jeopardize the retention of Mattawoman Creek in the Nationwide Rivers Inventory and eliminate any future consideration of designation as a Wild and Scenic River.

We further believe that the Federal Aviation Administration and the airport sponsor, a private owner, have erred in the complying with the National Environmental Policy Act. National Park Service, as administrator of the Nationwide Rivers Inventory Program, should have been consulted early in the NEPA scoping process and prior to completion of the Environmental Assessment. Based on the Federal Aviation Administration's guidance presented in FAA Order 5050.4A, the airport sponsor is responsible for the preparation of the Environmental Assessment and for coordinating with "appropriate local, state, and Federal agencies..." and the Federal Aviation Administration is required "...to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action." As NEPA is a Federal process, we believe the Federal Aviation Administration is responsible for ensuring that it complies with the spirit and intent of NEPA and that it ensures that appropriate Federal consultation occurs. FAA Order 5050.4A also clearly states that—

Paragraph (15) (b): As soon as it appears that the proposed action could affect an Inventory river, contact DOI for verification. If DOI indicates that an Inventory river could be affected, refer to the "Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory"...for guidance." The environmental assessment shall document consultation with DOI in making a determination and describe any measures taken to avoid or minimize any adverse effect.

The alternatives section of the Environmental Assessment refers to alternatives in the master plan that were initially considered but eliminated from further consideration due to the airport sponsor's inability to acquire land. We feel that such a restriction on an airport serving as a

reliever to Ronald Reagan National Airport is unfortunate. However, Federal funding is supporting this facility, it is listed in both the National Plan of Integrated Airport Systems and the Maryland State System Plan and it obviously serves an important function in the region. Based on its national and regional context, we believe that the Federal Aviation Administration has an obligation to assist the airport sponsor in assessing a reasonable range of alternatives that would not only accommodate airport activities, but would also minimize adverse effects to the environment. We do not believe that the assessment adequately addresses a reasonable range of alternatives or adequately evaluates the impacts to the alternatives discussed.

The National and State System Plans indicate that the existing Airport Reference Code (ARC) for Maryland Airport is A-1, which represents a facility serving small, single-engine and light twin-engine aircraft. The assessment states that the airport currently serves aircraft that require a facility with an ARC of A-I or B-II. However, Table I.1, Sample Aircraft Served by the Airport, identifies turbo props and corporate aircraft (i.e., business jets) that require a facility with an ARC of C-I, D-I or D-II to ensure safe operation. The airport sponsor's preferred alternative (Alternative 1) identifies improvements that will result in the development of an airport with an ARC of B-II to serve the Cessna Citation III. However, based on the information presented in Table I.1, the Lear 35/36 appears to be the critical aircraft that requires an ARC of D-I.

The Environmental Assessment lacks information regarding the extension of the primary runway by 1,300 feet. From the information provided in the Environmental Assessment, it appears that the proposed 4,300-foot runway may be sufficient to safely serve the Citation III, but our concern is that other corporate aircraft, such as Learjets that are shown to use Maryland Airport, may not be adequately served and that the Environmental Assessment may not be disclosing the ultimate design of Maryland Airport. If the airport sponsor desires to accommodate corporate aircraft in the future, it is our understanding from Federal Aviation Administration guidance that a longer runway, such as 5,500 to 6,000 feet with a precision instrument approach, would most likely be required.

Further, Federal Aviation Administration guidance states that the recommended length of the primary runway is determined by the design aircraft using the runway at least 250 times a year (FAA AC 150/5325-4A). We cannot determine from the limited forecast analysis in the Environmental Assessment if the Citation III or the Learjets use Maryland Airport at this annual level. The Environmental Assessment aggregates annual operations but does not identify the number of annual operations by aircraft type. To better understand the existing and future use of the airport, the Environmental Assessment should disclose the following information:

- Annual operations by aircraft type
- Aircraft mix and number of aircraft; based and itinerant
- If the critical design aircraft is the Cessna Citation III, the number of existing and forecasted annual operations should be identified
- Number of based and itinerant aircraft
- Percentage of existing and forecasted arrivals and departures by runway

It appears that the proposed navigational aids will continue to support a visual approach. However, it is our understanding that corporate aircraft, such as the Learjets and Citation III require a longer runway length and a precision instrument approach runway. It appears likely that the airport sponsor would petition Federal Aviation Administration in the future as operations increase to accommodate corporate aircraft requiring a longer runway and a precision instrument approach runway. We are concerned that the proposed improvements to this airport would be segmented or phased over time, and if so, the Environmental Assessment should disclose the cumulative effects of the ultimate design.

The National Park Service appreciates the opportunity to comment on this project. If I can be of further assistance, please contact me at 410.267.5787 or hastings.wink@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Wink Hastings', written over a horizontal line.

Wink Hastings
Landscape Architect

cc: John Robinson, Talbert and Bright, Inc.
Bruce Mundie, Maryland Aviation Administration
Richard Bulavinetz, U. S. Army Corps of Engineers

Exhibit C



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 30, 2014

Mr. Gilbert Bauserman
Maryland Airport Manager
3900 Livingston Road
Indian Head, MD 20640

Mr. Marcus Brundage
Environmental Specialist
Washington Airports District Office
Federal Aviation Administration
23723 Air Freight Lane, Suite 210
Dulles, Virginia 20166

RE: Maryland Airport Supplemental Environmental Assessment, Indian Head Maryland
October 2014

Dear Mr. Bauserman and Mr. Brundage:

The U.S. Environmental Protection Agency has received and reviewed the Supplemental Environmental Assessment (EA) for the Maryland Airport, located in Indian Head, Maryland. EPA has reviewed this project in conjunction with our responsibilities under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council of Environmental Quality regulations implementing NEPA (40 CFR 1500-1508). This EA supplements the 2003 Maryland Airport Environmental Assessment for Capital Development. The analysis for the proposed easement acquisition and obstruction removal was not included in the original 2003 EA. According to this EA, the purpose and need for the project is to allow the airport to construct the final phase of the runway development project by acquiring easements and removing obstructions to the future approach area for Runway 20. The acquisition of 23.4 acres of off-airport property, via easements or fee-simple acquisition, will allow the airport to clear 6.5 acres of obstruction in the approach for Runway 20 on property not currently owned by the airport. An additional 2.2 acres of obstruction located on airport property also need to be removed which results in a total of 8.7 acres of on and off- airport obstruction removal. Runway 2-20 was constructed in 2013 and measures 3, 740 feet long. According to the EA, the runway was designed to be 4,300 feet long and cannot be extended without the obstruction removal.

The EA considers two alternatives including the no action alternative and the proposed action alternative. EPA recognizes that this is a supplement to an existing EA however the information provided in this document is vague and confusing. The EA should clearly state the work completed and what was evaluated in the original EA and the reason this additional area

was not included. We also have concerns about the segmentation of projects at the airport and assessment of potential secondary and cumulative impacts. Please see the enclosed technical comments.

Please provide copies of Maryland Airport's NEPA documentation to EPA in the future. We look forward to working with the Airport and Federal Aviation Administration on future projects. If you have any questions or would like to discuss our comments, the staff contact for this project is Ms. Barbara Okorn; she can be reached at 215-814-3330.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Rudnick", written in black ink.

Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosure

Enclosure

Technical Comments

- The current EA is very vague and important information is scattered throughout the document. The history of why the supplement was needed, what was evaluated in the 2003 EA, and what the scope of this EA should be clearly explained. Detailed maps and plans should be provided showing the current conditions at the airport and project area and depicting the potential impacts from the Proposed Action.
- Chapter 2- Purpose and Need - This chapter fails to identify the project needs. The EA states that “since these obstructions were not included in the original EA, it was determined that the new runway would be constructed at a shorter length until the obstructions could be removed. This runway length allows the Airport to meet the future operational needs.” The purpose and need for this supplement should be clearly explained.
- Chapter 3- Proposed Action- The discussion should provide more detail about what will be done as part of the Proposed Action. The EA only states obstructions will be removed from 6.5 acres once the easements have been purchased by the airport from the land owners. Additional information on methods of tree topping and clear cutting should be provided. Will access roads and staging areas be used? What will be allowed to grow in these areas? How often will the areas be maintained and by what methods?
- Chapter 4- Alternatives Analysis should clearly describe why the proposed project is the preferred alternative compared to other alternatives.
- Chapter 5- Affected Environment- The chapter should provide detail on the environmental and community resources for the study area.
- Chapter 6- Environmental Consequences- The chapter should clearly describe the potential impacts from the project. Figures and maps should be provided to show the locations of these areas.
 - Page 24 – The study describes the intermittent stream segment but does not provide information about potential for benthic organisms or how the intermittent status was determined. Additional discussion and evaluation should be provided for this resource and its connections. While the EA states there will be no impacts related to this project, the document fails to address potential indirect and cumulative impacts. In addition, this project is in the Mattawoman watershed which is under many stresses and significant efforts have been made to protect this resource.
 - Page 24- The discussion of species of concern is vague. The qualifications of those conducting the physical inspection of the survey area is not specified. The EA states that Maryland Department of Natural Resources (MDNR) has no concern regarding state-listed species within the boundaries of the survey area; it is unclear if this is the same as the project areas discussed in the EA. It appears the proposed project area is adjacent to a Targeted Ecological Area and is located partially in a Sensitive Species Project Area as defined by MDNR. Further documentation should be provided to ensure protection of any State-identified species of concern or habitats related to any species of concern.
 - Page 26 - discusses disposal of debris but does not mention burning. Page 2-13 states that burning may contribute to air quality impacts. There are concerns associated with the burning of materials. It is unclear what will be burned. All air emission

related to this project should be evaluated in the air quality section. This includes burning, construction vehicles, dust, etc. In addition the EA states that water will be used to suppress dust. Details should be provided to identify sources of water supply to be used.

- Page 31- Additional information should be provided for methods used in the environmental justice assessment in this study. The EA states that the proposed action will have no impact on minority populations and low-income populations, as construction will not require relocation of residences. It should be noted that there could be other potential impacts in addition to relocation and these should be evaluated in the EA. These impacts could include, noise, dust, vibration, traffic, etc.
- Page 31- The EA states that the Proposed Action is not anticipated to cause adverse impacts to Children's health and safety. Additional information should be provided justifying this conclusion.
- It is unclear if access roads and staging areas are needed for the Proposed Action. Direct and indirect impacts associated with these features should be evaluated.
- It is unclear if there will be potential indirect impacts to resources such as changes in hydrology, increased stormwater loss of shade/buffer, habitat fragmentation, etc. This should be analyzed in the EA.
- Stormwater management should be discussed in detail in this EA.
- The project should comply with EO 13112 regarding invasive species.
- The project should address EO 13508 calling on the federal agencies to work to protect and restore the Chesapeake Bay watershed.
- Chapter 7- Cumulative Impacts- This section should evaluate a longer time period and all potential projects, not only airport related projects. This assessment should look at any foreseeable projects that may impact resources (i.e. potential loss of additional forest habitat, impacts to Mattawoman Creek, etc). Projects that may be associated with the expansion of the airport (secondary impacts), business it brings or serves along with any infrastructure needs, should be assessed as well as any other foreseeable projects in the study area impacting resources (cumulative impacts). The study area for Secondary and Cumulative impacts is typically larger than the project area. This assessment is important to a complete view of potential effects on the vital natural resources in the watershed.
 - Page 37 states that the Phase IV construction of the runway, taxiway, and yard apron were reevaluated as part of the Supplemental EA and that no adverse environmental impacts will result from the completion of these three projects. This analysis should be clearly described and presented in the EA.
- Chapter 8 – Mitigation-
 - Page 38 states that precautions will be taken during maintenance and fueling of equipment so that no hazardous material are dumped onto the ground. The precautions should be discussed.
 - Page 9 states that restrictions governing the time of day in which construction activities can take place may be necessary to minimize disruptions to nearby residences. The team should work with the community and address their concerns.
 - Page 39- It is unclear if there will be mitigation for tree removal we suggest this be considered. Forest habitat provides many ecological services that should not be lost.

Exhibit D



U.S. Department
of Transportation
**Federal Aviation
Administration**

Washington Airports District Office
13873 Park Center Rd. Ste 490-S
Herndon, VA 20171

T: (703) 487-3980
F: (703) 487-3982

November 29, 2021

To: Ms. Bonnie Bick
Mattawoman Watershed Society

From: Genevieve Walker, Environmental Protection Specialist

Ms. Bick, the FAA is pleased to offer the following responses to the questions you sent me on November 17, 2021:

Is FAA is currently working on any type of NEPA review related to the Maryland Airport? If so, what documents exist in this matter? Is there a case number?

RESPONSE: Maryland Airport has no projects or items subject to review under the National Environmental Policy Act (NEPA) currently before the FAA.

Are there any present proposals or applications that are now active between FAA and MD Airport?

RESPONSE: In September 2021, the Maryland Airport sponsor approached the FAA about a proposed locally funded project to construct new Hangars and associated infrastructure and requested information regarding the level of NEPA analysis that would be required. They were informed that an Environmental Assessment (EA) would be required for that work. The FAA has not received anything further from them at this time.

Can you share information about the FAA permit process?

RESPONSE: The FAA does not issue permits. Rather, an airport sponsor proposes development actions at an airport that may be subject to federal review under the National Environmental Policy Act, including, but not limited to, updates to their Airport Layout Plan, requests for federal funding under the Airport Improvement Program, and requests to release airport land from grant obligations.

We would like to be sure that there will be ample and genuine public participation regarding any upcoming permit application for Maryland Airport.

RESPONSE: The FAA understands the desire for public participation during the environmental review process and we encourage you to maintain an open dialogue with the airport sponsor regarding future airport development. We are aware of the local concerns regarding the development of the airport and will ensure the airport sponsor is aware of applicable requirements to engage the local community during the review process for projects that fall under the Federal purview.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Washington Airports District Office
13873 Park Center Rd. Ste 490-S
Herndon, VA 20171

T: (703) 487-3980
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Similarly, can you explain the FAA process on the review of documents?

RESPONSE: FAA Order 1050.1F, outlines the steps the FAA follows to comply with NEPA. Chapter Six specifies how this applies to Environmental Assessments.

...and the status of the 2003 FAA FONSI related to Maryland Airport? Is the 2003 FAA FONSI still active?

RESPONSE: Generally speaking, an airport sponsor has a defined timeframe to initiate projects following an environmental determination. Typically, if a significant amount of time has passed or conditions have significantly changed, a review or new environmental analysis would be necessary. As the new airport sponsor communicates with the FAA about implementing projects on the airport, we are generally proceeding with a new environmental review and analysis due to the current conditions and the age of the prior environmental decisions for the airport.

Can you explain the status of MD Airport 2015 FAA EA and any response the FAA may have had to the attached EPA letter dated October 30, 2014?

RESPONSE: The Final Supplemental Environmental Assessment you reference was submitted to the FAA in 2017. It was determined to be an incomplete document, and therefore the FAA did not sign a Decision Document on the project.

Typically Agencies that comment on a NEPA document are informed of the disposition of their comments, often with deliberations between the Agencies on how best to address their concerns. Additionally, all comments received and responses to those comments, are included in the final environmental document. In this case, due to staffing changes, the EPA had inadvertently not been informed of the status of the document until earlier this year when they contacted the FAA EPS and asked for a status update. At that time, they were informed that the Supplemental EA they had commented on, was no longer an active document.

Can you tell us the relevance of the past NEPA involvement to the present NEPA involvement between MD Airport and the FAA?

RESPONSE: As previously noted, typically, if a significant amount of time has passed or conditions have significantly changed, a review or new environmental analysis would be necessary.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Washington Airports District Office
13873 Park Center Rd. Ste 490-S
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If there are any present interactions between FAA and MD Airport, have the private owners of MD Airport requested funding or a grant from FAA now, or have they mentioned that they plan to apply for funds in the future? Is Maryland Airport presently qualified to receive federal FAA funding or grants?

RESPONSE: Maryland Airport is currently listed in the National Plan of Integrated Airport Systems (NPIAS) as an Unclassified Airport. The airport sponsor is qualified to receive federal funding support as a result, however federal funding is very limited for an Unclassified Airport.

Other than a grant under the CARES Act (COVID Relief) in FY2020, the new sponsor of Maryland Airport has not requested federal funding support since FAA's approval of the transfer of sponsorship in 2019. The airport sponsor would be in the best position to speak to any future plans to seek funding support from the FAA.

If you have any further questions regarding the FAA's environmental responsibilities, please let me know.

Genevieve Walker

Genevieve Walker
Environmental Protection Specialist
Washington Airports District Office
(703) 487-3979

Exhibit E



October 19, 2021

From: Mattawoman Watershed Society and Friends

To: Charles County Board of Commissioners, Clerk to the Commissioners, County Attorney, County Administrator

Re: Comprehensive Plan, Watershed Conservation District, Maryland Airport

Our coalition – made up of the undersigned organizations-- is writing to request that the county commissioners postpone making a decision at your scheduled work session regarding the Comprehensive Plan amendment that would remove 558 acres of environmental protection of the Watershed Conservation District in order to expand Maryland Airport. You should instead plan a new hearing.

You should plan a new hearing specifically because your public notice was defective, and generally because public outreach did not meet a reasonable standard.

The new hearing you plan should have adequate public notice and should take genuine effort to inform the public of the significance of your proposed amendment.

The August 2021 notice outlined a process for signing up for the hearing. On the date of the hearing, September 22, 2021, the registration period began at 8 a.m. The County informed those persons who called to register to speak in the hearing that a new and markedly different procedure would be used, and which was spelled out in emails apparently improvised during the day.

The procedure given in the notice was that those wishing to speak would call between 8 and 4 on the day of the hearing to register. After registering, the citizen would get a telephone call between 6 pm and 9 pm and could testify then in that phone call.

The new procedure required waiting for an email with further instructions which required a person to log into a county webinar to testify. No provision was made for those without internet access; although, at least one citizen who explained he would not have internet access was told he would be called to testify. He waited for the call, which never came.

We know of a significant number of opponents of the amendment who made great effort to testify but the systems did not function. It should not be made difficult for an interested citizen to testify.

Furthermore, at least one affected property owner never got notice. Also, the signage that should have been posted for the hearing was either absent or grossly inadequate.

The Watershed Conservation District resulted from a great deal of citizen participation. The Commissioners must not consider making such a dramatic weakening of the WCD without the citizenry being reasonably well informed and notified.

The CCGTV recording of the hearing begins with an onscreen disclaimer asking the citizens to be patient with the County and understand that the Covid emergency has presented unique obstacles to public participation. It states that the County is taking every effort to adjust to overcome the obstacles. It is true that Covid causes such problems, but it is not the case that the County has taken adequate steps to overcome the obstacles to citizen participation. On the contrary it appears that the County is attempting to take advantage of the situation to justify grossly inadequate outreach.

Two examples are the defective public notice and the very short comment period, after the hearing.

The only remedy is to schedule a new hearing.

The new hearing should have these features:

- * a public notice that includes a fair and rational signup procedure for those who wish to speak at the hearing.
- * adequate on-site signage for the hearing
- * truly informative and well-distributed outreach and education

* an unbiased staff presentation that does not conceal the many environmental justice and environmental damage concerns that this proposed amendment raises.

Sincerely,

Alex Winter,

Mattawoman Watershed Society

info@mattawomanwatershedsociety.org

Ongisa Ichile-McKenzie, Southern Marylanders for Racial Equality

somd4racialequality@gmail.com

Jim Lawson, Southern Maryland Fair Skies Coalition

jimjim7@gmail.com

Carlos Childs, Our Revolution Southern Maryland

carlos@ourrevolutionmd.com

Deanna Wheeler, Nanjemoy-Potomac Environmental Coalition

potomac.nanjemoy@gmail.com



Charles County Commissioners

REUBEN B. COLLINS, II, ESQ., PRESIDENT

April 25, 2022

Kelly Canavan, AMP Creeks Council
Bonnie Bick, Chapman Forest Foundation
Dr. Richard Cook, Charles County Medical Society
Anna Sewell, Earthjustice
Scott Sewell, Maryland Bass Nation
Karyn Molines, Maryland Native Plant Society
Alex Winter, Mattawoman Watershed Society
Deanna Wheeler, Nanjemoy-Potomac River Coalition
Francis Gray, Piscataway Conoy Tribe
Julie Tayac Yates, Piscataway Indian Nation
Dean Naujoks, Potomac Riverkeeper
Phillip Musegaas, Potomac Riverkeeper Network
Jim Lawson, Southern Maryland Fair Skies Coalition
Ongisa Ichile-Mckenzie, Southern Marylanders for Racial Equality

RE: Charles County Comprehensive Plan Amendments and Rezoning of Watershed Conservation District

Dear Ms. Canavan, et. al.,

Thank you for sending your inquiry to the Board of County Commissioners. This is to confirm my receipt of your letter dated April 15, 2022. This response is solely from me, as an individual Commissioner.

I appreciate the time and attention you demonstrated by drafting your concerns in writing. In your correspondence, you clearly outlined three (3) requests and reasons for each request.

Request #1: “Reconsideration of the Charles County Board of Commissioners’ (‘Board’) October 19, 2021, decision approving amendments to the Charles County Comprehensive Plan that removed the Watershed Conservation District designation from 558 acres near the Maryland Airport, including a new public hearing.”

Response to Request #1: The process for the Comprehensive Plan Amendment with attendant public hearings and public comment periods was completed. I have noted the points you outline and your assertion that they were not duly considered during the process and will take those concerns under advisement.

Request #2: “A pause in proceedings regarding any related proposed rezoning of this acreage from “Watershed Conservation District” to “Employment and industrial.”

Response to Request #2: Proposed rezoning of the acreage in question is not likely to commence until the latter part of this year. When that process takes place, both the Planning Commission and the Board of Commissioners will hold public hearings and public input will be sought. I strongly encourage you to participate in that process.

Request #3: “No action on the Bryans Road Subarea Plan that considers the Watershed Conservation District removed from the area in question.”

Response to Request #3: The Bryans Road Subarea Plan will be holding a public hearing on the draft document in May. The plan acknowledges recent decisions regarding the designation of properties around the Maryland Airport in the Comprehensive Plan, but the Maryland Airport is not the focal point of the document. I strongly encourage your participation in that process.

Thank you for being engaged residents and communicating your concerns. I appreciate the opportunity to serve you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RBC', with a long horizontal flourish extending to the right.

Reuben B. Collins, II, Esq.