Timothy Witman - EPA - National Environmental Policy Act

RE: Request for an EIS (Environmental Impact Statement) on the new Maryland Airport Master Plan including full public participation, including in scoping.

We understand the FAA is facilitating NEPA review related to further expansion of Maryland Airport. We understand the FAA is the lead federal agancy. We have worked to have the FAA become aware of MD Airport's past public participation problems, health concerns, serious environmental outstanding issues and inappropriate facilation of the NEPA process. and

The private airport is in need of holistic review. Yet the FAA review of Maryland Airport continues in a piecemeal, segmented fashion, without public outreach, against the basic principles of NEPA. It is our belief that FAA’s proper role in conducting its required environmental review is developing facts and considering opinions from all parties including the public and other agencies. This is distinct from the purpose of facilitating airport expansion.

 In 2019, the ownership of the airport changed, and we understand the new private owner is working on a new Airport Master Plan. The 1999 An Environmental Impact Statement (EIS) on a new Airport Master Plan with full outreach, public education, and public participation is essential.

It is essential to complete an Environmental Impact Statement (EIS) with community input, including during the scoping phase for the new Airport Master Plan: “Early involvement is critical to getting a sense of perspective about where and how the airport fits within the community and what concerns the community has and why."[[1]](#footnote-1) All the previous expansions are based on an Airport Master Plan completed before the turn of the century. It was done, with no public participation, in 1999. This lack of transparency has caused mistrust in the community.

It appears the FAA intends to continue with a segmented, privatized, approach.  The FAA recently issued a Categorical Exclusion (CatEx) for further expansion work at Maryland Airport, without any public involvement – even though the issue of the utter failure of the FAA to do outreach and involve the public had previously been forcefully called to its attention. The FAA continues to act without transparency in its permitting actions regarding Maryland Airport.  The CatEx allows the construction of airport aprons, adding additional impervious surfaces in the Mattawoman Creek watershed.  The FAA is aware that Mattawoman Creek was identified as being on the tipping point for irreversible degradation in the 2012 Inter-agency Task Force report, The Case for Protection of the Watershed Resources of Mattawoman Creek [https://dnr.maryland.gov/fisheries/Documents/tredmanAlliance\_Presentation.pdf]( https://dnr.maryland.gov/fisheries/Documents/tredmanAlliance_Presentation.pdf) .

Additionally, since 2018, Charles County has on numerous occasions removed sections of the Watershed Conservation District (WCD), thereby removing environmental protection of Mattawoman Creek. The health indicators in Mattawoman Creek have changed, making caution more important than ever. Without further up-to-date study, it is inappropriate for the FAA to do anything that might pave the way for additional impervious surface or forest loss in the Mattawoman Creek watershed. The apron work should have been studied in an EIS, not a CatEx.

An EIS on the new Airport Master Plan is urgently needed before any other NEPA action. The impacts of the CatEx must be included in this study.

It is appropriate to note that there have been many abnormalities in the past NEPA process on this project. Below is a summary of these abnormalities.

Summary of abnormalities:

1. Public involvement, public outreach, and genuine effective notice has been wholly absent.
2. The FAA inappropriately and against the interests of the general public allowed expansion work on the airport relying on a long-expired and long-irrelevant FONSI. [[2]](#footnote-2) [[3]](#footnote-3)
3. Eight years ago FAA did produce a draft Supplemental EA, which failed as a document and process because it failed to consider critically important issues. In the face of significant issues raised by several federal agencies, FAA did nothing in public for years, but apparently continued to form a relationship with the new applicant, outside of public view.
4. Charles County relied on the long-expired and irrelevant FONSI to justify removal of large parts of the Watershed Conservation District. County planning staff told the planning commission that its concerns had all been answered in the old FONSI. This serious error was called to the attention of FAA, who, rather than taking action to protect the community and the environment, granted the applicant the Categorical Exclusion for the aprons. This was done with no public outreach or comment, totally disregarding warnings from federal agencies of environmental harms likely to result from the project, and the need to work with the community, and no longer exclusively with the applicant. This is an aggravation of the already severe segmentation flaw in FAA’s review all through this project. FAA has indirectly weakened environmental protections, and it has aggravated deforestation and stormwater problems, for the benefit of the applicant and against the interest of the general public and the environment.[[4]](#footnote-4)
5. FAA has failed to shoulder its responsibility for compliance with Section 106 of the National Historic Preservation Act. It has not consulted with the Advisory Council on Historic Preservation, and has given no serious consideration to the ongoing living heritage of indigenous people, nor to archaeological or historical resources – even though this problem has been called to FAA’s attention.
6. FAA has given no serious or worthy response to or consideration of grave warnings by various federal agencies about the impacts to be expected from the airport expansion.[[5]](#footnote-5)
7. There are other serious concerns that FAA has ignored. First on this list must be the danger of lead to school children, and the inappropriate designation of Maryland Airport as a reliever airport. The increase in flights of avgas aircraft facilitated by the 2013 expansion obligates FAA to consider EPA’s Endangerment Finding regarding lead. There is no safe level of lead, and Maryland Airport is a half mile away from two schools, making damage to the health of schoolchildren a predictable impact. The 2013 expansion should never have happened without addressing this issue.

This process has been deeply flawed from the beginning. The only way to make it begin to comply with federal regulations is to take a fresh look, starting with an EIS on a new Master Plan, with genuine public outreach and education.

Sincerely,

Bonnie Bick, Mattawoman Watershed Society

Dean Naujoks, Potomac Riverkeeper

Attachments:

Exhibit C, an October 30, 2014, letter from Rudnik to Bauserman and to Brundage.

Exhibit A, a June 17, 2021, Interoffice Memorandum to the Charles County Planning Commission from Amy Blessinger, Department of Planning and Growth Management.

Exhibit B, agency comments.

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1. See [https://www.faa.gov/documentLibrary/media/Advisory\_Circular/AC\_150\_5070-6B\_with\_chg\_1&2.pdf](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.faa.gov%2FdocumentLibrary%2Fmedia%2FAdvisory_Circular%2FAC_150_5070-6B_with_chg_1%262.pdf&data=05%7C01%7Cdtumeh%40earthjustice.org%7C55b9560a2cdf49bd9c4608db0ef3bbc2%7Cadedb458e8e34c4e9bedfa792af66cb6%7C0%7C0%7C638120212480723289%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=6F0WbXrQDGbMDtRvtDgWzECt0kK9arLa80ldtT6ce7M%3D&reserved=0) at 124.   [↑](#footnote-ref-1)
2. See <https://www.environment.fhwa.dot.gov/legislation/nepa/reevaluation_guidance_08142019.aspx>  
    [↑](#footnote-ref-2)
3. See the attachment Exhibit C, an October 30, 2014, letter from Rudnik to Bauserman and to Brundage. [↑](#footnote-ref-3)
4. See the attachment “Exhibit A”, a June 17, 2021, Interoffice Memorandum to the Charles County Planning Commission from Amy Blessinger, Department of Planning and Growth Management. [↑](#footnote-ref-4)
5. See the attachment “Exhibit C,” October 30, 2014, letter from Rudnick, and “Exhibit B,” agency comments. [↑](#footnote-ref-5)