

**From:** Larry Adams

**Sent:** Saturday, December 21, 2013 2:01 PM

**To:** U.S. Department of Transportation Office of Inspector General (OIG)

**Cc:** Brewer City Council ; Brewer City Manager ; Mayor Jerry W. Goss ; Councilor Kevin O'Connell ; Councilor Beverly Uhlenhake ; Deputy Mayor Matthew Vachon ; Councilor Joseph Ferris ; Eddington Board of Selectman and Town Manager ; Senator Edward Youngblood - District#31 ; Carol Woodcock / U.S. Senator Susan Collins ; Representative Arthur Verow - District #21 ; Representative David Johnson - District#20 ; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King ; Rosemary Winslow / U.S. Congressman Mike Michaud ; Gretchen Heldmann ; Larry Adams

**Subject:** OIG Hotline: I-395/Route 9 Transportation Study in Penobscot County, ME

***To whom it may concern:** Twice last year, I contacted the U.S. Department of Transportation Office of Inspector General (OIG) to report irregularities in the I-395/Route 9 Transportation Study co-managed by the MaineDOT and the FHWA; May 14<sup>th</sup> 2012 via Priority Mail and again on August 13<sup>th</sup> 2012 via email. The letter went unanswered; delivery confirmation verified it was delivered. My letter and email, and OIG's response to my email are included in the attached document.*

*I have talked to the EPA in the New England Region only to be advised that since they are only a Cooperating Agency, they are not responsible for NEPA compliance; after emailing the NEPA Compliance point-of-contact at FHWA Headquarters, I was advised to contact the local FHWA office. No one so far has offered me any real answers to my many questions. MaineDOT and FHWA management have refused to communicate with me via email since December of 2012. I contend that the process has not been and is still not compliant with the National Environmental Policy Act (NEPA).*

*What is different now? Since the last time I contacted the OIG, Freedom of Access Act (FOAA) requests from the Town of Eddington to the MaineDOT have been released to the public. The FOAA revealed irregularities, false statements and false claims within the Study that were not apparent until after the FOAA release.*

*I formally request the OIG look into these false statements and false claims. Advising me to speak to the local FHWA, as advised on August 14<sup>th</sup> 2012, will not answer anything as the FHWA is obviously complicit in the problem.*

*I offer evidence that false statements and false claims exist in the Draft Environmental Impact Statement (DEIS), an official state/federal government document, including a conflict in the DEIS-stated cost versus the DEIS-stated design criteria as documented in the DEIS—\$32.24M intentional error based on a future downgraded design from freeway criteria to rolling criteria following the conclusion of the NEPA process—which should have set a red flag in itself; the reduction in the Right-of-Way from 200’ to between 100’ and 125’ that may have already occurred but not reported in the DEIS; the fraudulent claim that the \$61 million cost includes environmental mitigation; and the false basis behind where the \$61 million figure even comes from—it may simply be nothing more than a guesstimate.*

*I have searched the internet and found numerous laws why a private citizen cannot commit fraud in a government document but the only federal law I have found that seems to bind government workers to the truth is more in line with finances such as 31 CFR § 0.208 **Falsification of official records**. Knowingly including false statements within the DEIS may not be in compliance with Maine Statute: Title 17-A: MAINE CRIMINAL CODE| Part 2: SUBSTANTIVE OFFENSES| Chapter 19: FALSIFICATION IN OFFICIAL MATTERS| **§456.Tampering with public records or information**.*

*The intentional inclusion of this fraudulent \$61 million cost in the DEIS has enabled a MaineDOT/FHWA talking point that has been part of the DEIS since March of 2012—this project has been misrepresented for the past 21+ months to not only the public but the many Cooperating Agencies that are required to voice in on this project. There’s no way that the people within the impacted communities can ever be made whole until the MaineDOT/FHWA is made to come out in public and admit to the false statements intentionally incorporated in the DEIS and halt this Study.*

*We were given the “opportunity” to comment on the DEIS at the May 2<sup>nd</sup> 2012 Public Hearing and in written form during the public comment period ending May 15<sup>th</sup> 2012—how can one realistically comment on a document and a process that we have since found out was not 100% factual? I am impacted by this project—all we asked for was a fair process and that is not*

*what we have received to date. The FOAA documents were not released until ten months after the public comment period—the MaineDOT/FHWA have yet to answer to the irregularities revealed in those FOAA documents.*

*Whether the DEIS is considered a state or a federal government document, there are many Federal Government Agency fingerprints all over this document. The OIG has jurisdiction over this matter, especially with the FHWA. Please look into this matter.*

*As taxpayers, it is our right to know what happened to that \$2.5 million set aside for this Study; the study was 80% federally funded and construction will also be 80% federally funded—that should meet the parameters of the **OIG Fraud Poster** included on the cover page of the attached document. We can't afford to fix the roads and bridges we already have, but the MaineDOT/FHWA can spend \$2.5 million to select a preferred alternative that was removed twice by January 2003 and only met one (20%) of the five Purpose and Needs in April of 2009.*

*Thank you, Larry Adams*