



I-495 & I-270 Managed Lanes Study

CULTURAL RESOURCES TECHNICAL REPORT

Volume 1:

Overview and Effects Assessment

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1 INTRODUCTION

1.1 Overview

The Federal Highway Administration (FHWA), as the Lead Federal Agency, and the Maryland Department of Transportation State Highway Administration (MDOT SHA), as the Local Project Sponsor, are preparing a Final Environmental Impact Statement (FEIS) in accordance with the National Environmental Policy Act (NEPA) for the I-495 & I-270 Managed Lanes Study (Study). The I-495 & I-270 Managed Lanes Study (Study) is the first environmental study under the broader I-495 & I-270 Public-Private Partnership (P3) Program.

This Final Cultural Resources Technical Report has been prepared to support the FEIS and focuses on the analysis of the Preferred Alternative. The Preferred Alternative, also referred to as Alternative 9 – Phase 1 South, includes building a new American Legion Bridge and delivering two high-occupancy toll (HOT) managed lanes in each direction on I-495 from the George Washington Memorial Parkway in Virginia to east of MD 187 on I-495, and on I-270 from I-495 to north of I-370 and on the I-270 eastern spur from east of MD 187 to I-270. Refer to **Figure 1**. This Preferred Alternative was identified after extensive coordination with agencies, the public and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach.

The purpose of the Final Cultural Resources Technical Report is to present the existing conditions, an assessment of potential direct impacts of the Preferred Alternative to cultural resources and final mitigation, if applicable, for unavoidable impacts. This Final Cultural Resources Technical Report builds upon the analysis in the Draft Cultural Resources Technical Report, DEIS and Supplemental DEIS (SDEIS), and has been prepared to support and inform the FEIS.

1.2 Study Corridors and the Preferred Alternative

In the SDEIS, published on October 1, 2021, FHWA and MDOT SHA identified the Preferred Alternative: Alternative 9 – Phase 1 South to be consistent with the previously determined phased delivery and permitting approach, which focuses on Phase 1 South. As a result, Alternative 9 – Phase 1 South includes the same improvements proposed as part of Alternative 9 in the DEIS but focuses the build improvements within the Phase 1 South limits only. The limits of Phase 1 South are along I-495 from the George Washington Memorial Parkway to east of MD 187 and along I-270 from I-495 to north of I-370 and on the I-270 east and west spurs as shown in **dark blue** in **Figure 1**. The improvements include two new HOT managed lanes in each direction along I-495 and I-270 within the Phase 1 South limits. There is no action, or no improvements included at this time on I-495 east of the I-270 east spur to MD 5 (shown in **light blue** in **Figure 1**). While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the Study limits, improvements on the remainder of the interstate system may still be needed in the future. Any such improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders, and agencies.

The 48-mile corridor Study limits remain unchanged: I-495 from south of the George Washington Memorial Parkway in Fairfax County, Virginia, to west of MD 5 and along I-270 from I-495 to north of I-370, including the east and west I-270 spurs in Montgomery and Prince George's Counties, Maryland (shown in both dark and light blue in **Figure 1**).

Figure 1: I-495 & I-270 Managed Lanes Study Corridors – Preferred Alternative



1.3 Description of the Preferred Alternative

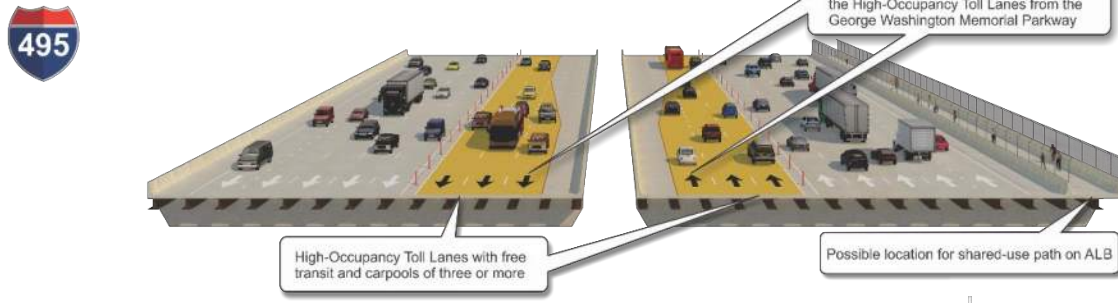
The Preferred Alternative includes a two-lane HOT managed lanes network on I-495 and I-270 within the limits of Phase 1 South only (**Figure 2**). On I-495, the Preferred Alternative consists of adding two, new HOT managed lanes in each direction from the George Washington Memorial Parkway to east of MD 187. On I-270, the Preferred Alternative consists of converting the one existing HOV lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. There is no action, or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. Along I-270, the existing collector-distributor (C-D) lanes from Montrose Road to I-370 would be removed as part of the proposed improvements. The managed lanes would be separated from the general-purpose lanes using pylons placed within a four-foot-wide buffer. Transit buses and HOV 3+ vehicles would be permitted to use the managed lanes toll-free.

Figure 2: Preferred Alternative Typical Sections (HOT Managed lanes Shown in Yellow)

I-495 from the George Washington Memorial Parkway to east of MD 187



I-495: American Legion Bridge (Looking north towards Maryland)



I-495 east of MD 187 to west of MD 5 - NO ACTION AT THIS TIME



I-270 from I-495 to I-370



1.4 Summary of Cultural Resources Technical Report, Volumes 1 through 9

The following nine-volume cultural resources technical report was prepared in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations at 36 CFR Part 800. Section 106 requires federal agencies such as FHWA, to consider effects on historic properties of projects they carry out, approve, or fund. Therefore, MDOT SHA and FHWA identified historic properties within the undertaking's area of potential effects (APE); assessed effects to those properties; and consulted with the Maryland Historical Trust (MHT), representing Maryland's State Historic Preservation Officer (SHPO), the Virginia Department of Historic Resources (VDHR), representing Virginia's SHPO, and additional consulting parties throughout the Section 106 process. In addition, the report has been prepared to support and inform the Environmental Impact Statement (EIS).

Section 106 of the NHPA is a procedural requirement consisting of several steps for federal agencies to consider effects to historic properties resulting from undertakings. MDOT SHA, through delegated authority, assists in performing several of the steps on behalf of the FHWA. The process is initiated by determining the undertaking and identifying appropriate consulting parties. An APE is established in consultation with the SHPO(s), wherein historic properties, should they exist, may be affected by the proposed undertaking. MDOT SHA and FHWA then identify historic properties within the APE, and, if not previously evaluated, determine their eligibility for the National Register of Historic Places (NRHP), in consultation with consulting parties. Historic properties are districts, sites, buildings, structures, or objects listed in or eligible for inclusion in the register. Effects to such properties resulting from the proposed undertaking are then assessed. Adverse effects occur where there is an expected diminishment of those qualities that qualify a property for the NRHP. If adverse effects are anticipated, resolution of effects can occur through a binding agreement document that stipulates measures to avoid, minimize, and/or mitigate adverse effects to historic properties. Where undertakings are unusually complex, and/or effects cannot be fully determined, a programmatic agreement (PA) may be used to fulfill Section 106. Because of the Study's geographic scope, complexity, and limited design information, MDOT SHA and FHWA informed consulting parties of the intention to complete Section 106 via a PA resolving known adverse effects and stipulating ongoing consultation requirements as design advances. Accordingly, this report documents the identification and evaluation efforts to date, but additional efforts and consultation will occur under the PA.

This report, entitled *Cultural Resources Technical Report*, is Volume 1 and consists of an overview of the status of Section 106 review for the project and an assessment of effects to historic properties. Chapter 1 includes a description of the Preferred Alternative. Chapter 2 presents a review of the consultation undertaken as part of the Section 106 process. Chapter 3 is a summary of the effects assessment on historic properties within the APE. Chapter 4 presents the results of the Phase I archaeological identification survey and concludes with next steps for the Section 106 process consisting of additional archaeological investigations and the implementation of the Section 106 PA.

Volume 2 consists of the *Archaeological and Historic Architectural Gap Analysis and Assessment* (Hutchins-Keim et al. 2018) (Gap Analysis), a review of existing cultural resources information and studies of the APE, including a methodology for additional identification and evaluation of historic properties. At the time of the Gap Analysis development, cultural resources affected by the study in the Commonwealth of Virginia were assumed to be addressed separately by the Virginia Department of Transportation (VDOT) for their

ongoing project to extend the American Legion Memorial Bridge High Occupancy Toll (HOT) Lanes to the George Washington Parkway, called the 495 Express Lanes Northern Extension (NEXT) Project. Since the completion of the Gap Analysis, MDOT SHA has adopted an APE in Virginia based on VDOT's NEXT Project as of May 2019 and has incorporated the results of VDOT's cultural resources survey.

Volume 3, the *Architectural Resources Evaluation Technical Report*, documents architectural resources identification efforts. This study includes all architectural resources constructed in or before 1978, including a wide variety of resource types such as dwellings, neighborhoods, commercial and industrial buildings, institutional buildings, and parks and parkways. A total of 353 resources were identified throughout the course of the Study. Of these, 352 were divided into multiple batches to facilitate review by MHT and additional consulting parties. The National Park Service (NPS) made a preliminary determination that Greenbelt Park (PG:67-69) was eligible for the purposes of Section 106 during a separate consultation process between the NPS and MHT. A total of 29 architectural historic properties (NRHP-eligible or listed resources) are within the APE.

Volume 4 consists of the *Phase I Archaeological Investigation for the I-495 & I-270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia*. Archaeological field evaluation was completed for 39 of the 54 areas identified in the Gap Analysis, along with three proposed stormwater management features. Of these, seven survey areas were found to contain a total of 12 archaeological sites, and three newly identified archaeological sites were recommended for further study. The results of the Phase I archaeological survey, as well as recommendations for additional Phase I and Phase II studies, are presented in Volume 4.

Volume 5 is the *Phase II Archaeological Evaluation at Sites 18PR750, 18MO749, and 18MO751 for the I-495 & I-270 Managed Lanes Study Project, Prince George's and Montgomery Counties, Maryland*, which presents the NRHP evaluation results for two sites identified by the Study and a third, previously identified archaeological site. Site 18PR750 was identified by a prior study of the I-495 corridor, and sites 18MO749 and 18MO751, located within lands administered by NPS, were identified by the Phase I investigation included as Volume 4. The investigation recommended that site 18PR750 is not eligible for listing in the NRHP, and that sites 18MO749 and 18MO751 are eligible for listing in the NRHP.

Volume 6 is entitled *Phase I Archaeological Survey, Intensive Phase I Archaeological Survey of 44FX0373, and Phase II Archaeological Evaluation at Sites 44FX0374, 44FX0379, 44FX0381, 44FX0389, 44FX3160, and 44FX3900 Within the George Washington Memorial Parkway for I-495/I-270 Managed Lanes Study, Fairfax County, Virginia*. This volume presents the results of archaeological survey and evaluation of various sites that may be impacted by the Study in Virginia. The investigation concluded that significant archaeological resources are present, including a proposed NRHP-eligible archaeological district (Dead Run Ridges Archaeological District, 44FX3922).

Volume 7 is entitled *Phase I Archaeological Survey for I-495/I-270 Managed Lanes Study Stream Mitigation Sites at RFP3 Tuscarora Creek and PA-1 Back Branch in Prince George's and Frederick Counties, Maryland*. This volume presents the results of archaeological survey at stream and wetland mitigation sites. The investigation concluded that no intact archaeological resources are present and no further archaeology was recommended.

Volume 8 is entitled *Phase I Archaeological Survey for Proposed Stream Mitigation Sites for I-495/I-270 Managed Lanes Study, Anne Arundel, Charles, and Prince George's Counties, Maryland*. This volume presents the results of archaeological survey at additional stream and wetland mitigation sites. The investigation identified two archaeological sites at the Beltsville Agricultural Research Center in Montgomery County, which warrant Phase II evaluation, should the project potentially impact them.

Volume 9 is entitled *Documentation of the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212) for the I-495 & I-270 Managed Lanes Study and Remote Sensing of the Morningstar Cemetery and the Gibson Grove A.M.E. Zion Church (M: 29-39), Montgomery County, Maryland*. This volume presents the results of The Morningstar Cemetery documentation and remote sensing survey. The documentation consisted of historic and archival research, recordation of cemetery features, and mapping, together with archaeological monitoring of invasive bamboo removal. The remote sensing survey identified 378 probable and possible features that may be burials including some that extended into the MDOT SHA ROW north of the cemetery. The investigation recommended that project design be modified to avoid impacts to the Morningstar parcel and portions of the MDOT SHA ROW with the possibility of containing burials.

Volumes 1 through 6 were submitted to MHT, VDHR, and additional consulting parties for review and comment on January 10, 2020. Comments were received from VDHR on February 14, 2020, and from MHT on March 12, 2020; additional consulting parties completed their review on March 16, 2020. Comments on Volumes 1 through 6 were incorporated into this final Cultural Resources Technical Report. Volumes 7 through 9 were submitted to MHT, VDHR, and additional consulting parties in separate submissions for review and comment on February 11, 2021 (Volumes 7 and 8) and May 27 and September 8, 2021 (Volume 9).

2 SECTION 106 PROCESS

2.1 Section 106 Requirements and Procedures

The implementing regulations for Section 106, codified at 36 CFR Parts 800.3 through 800.7 identify four broad steps for Section 106 review, with numerous requirements at each step: Initiating the Process, Identification of Historic Properties, Assessment of Effects, and Resolution of Effects. The following discussion of consultation summarizes the Study's compliance with Section 106 requirements.

2.2 Consultation Initiation

The Study, as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency" and requiring multiple Federal "permits, license or approvals" is an undertaking as defined at 36 CFR Part 800.16(y). Because this undertaking may affect historic properties, it is subject to further review under Section 106.

FHWA notified the Advisory Council on Historic Preservation (ACHP) on March 26, 2018, of the Study. ACHP chose to participate in consultation in a letter dated May 22, 2018 (see **Appendix A** for consultation correspondence).

MDOT SHA, on behalf of and in coordination with FHWA, initiated the Section 106 process and presented the Study by letter to MHT, VDHR and other consulting parties on April 12, 2018.

In 2018, MDOT SHA and FHWA continued invitation of additional parties to participate in the Section 106 compliance process for this undertaking, in accordance with 36 CFR Part 800.2[c][5] and 800.3[f], including tribal, federal, state, and local governments, many of whom were included in the initial consultation letter. FHWA consulted with federally recognized tribes; this included sending letters on June 17, 2019, to Virginia tribes requesting their interests in both the States of Maryland and Virginia. MDOT SHA has an established notification procedure, coordinated with FHWA, for federally recognized tribes who have already expressed an interest in Maryland. MDOT SHA identified and invited additional parties in 2019. Four additional consulting parties were identified and invited in 2020 following the publication of the DEIS. And MDOT SHA and FHWA invited one additional party since the publication of the SDEIS. **Appendix B** lists all invited consulting parties who have either affirmatively responded, or who continue to be provided information as having clear property or jurisdictional relationship to the Study regardless of participation.

The Study involves multiple federal agencies, each of whom may have certain approval, permitting, or other actions subject to Section 106. 36 CFR Part 800.2(a)(2) allows that "some or all the agencies may designate a lead Federal agency" [to] "act on their behalf, fulfilling their collective responsibilities under section 106". FHWA requested confirmation from the NPS, U.S. Army Corps of Engineers, U.S. Department of Agriculture, the U.S. Postal Service (USPS), the Federal Railroad Administration, the National Capital Planning Commission, the U.S. Coast Guard, and the Department of Defense that FHWA could serve as the lead federal agency for the Study. Each agency contacted confirmed that FHWA would serve as lead federal agency. Ultimately, the contacted agencies may or may not have a defined Section 106 undertaking that affects historic properties, due to evolving property and permitting needs, design advancement, or NRHP eligibility determinations of involved properties (i.e., if an involved agency's required action would not affect historic properties, or the property under their jurisdiction affected by

the study is not NRHP eligible, such agencies would not have an undertaking with potential to affect historic properties).

Section 106 public involvement requirements (36 CFR Part 800.2[d][3]) were fulfilled through the same processes used for general project outreach and NEPA compliance. Public outreach at Montgomery and Prince George's County locations provided Study and alternatives development information, including cultural resources information. The public also had opportunities to engage with the Study team and to submit comments on the Study. Interested individuals, organizations, and public agencies provided input on the scope of the EIS during April 2018 open houses. Public workshops in July 2018 gathered comments and information to help inform the alternatives development process. Public workshops in April and May 2019 presented information about the seven Study Screened Alternatives, including the relationship of the study boundaries to previously identified historic properties. This information, along with an ArcGIS-based interactive map with historic property locations, is available to the public online on the project website (<https://495-270-p3.com>).

The DEIS was published on July 10, 2020, and the DEIS comment period was 120 days, from July 10 to November 9, 2020. The public had various opportunities to comment: oral testimony at public hearings, written comments at public hearings, online comment forms, email, and written letters. Four virtual or online hearings were held in August and September 2020 and two in-person hearings were held in September 2020.

The SDEIS, reflecting the selection of the Preferred Alternative, was published on October 1, 2021, and the SDEIS comment period was 60 days, from October 1 to November 20, 2021. The public had various opportunities to comment: oral testimony at public hearings, online comment forms, email, and written letters. Two virtual or online hearings were held in November 2021.

Four consulting parties meetings have taken place, on May 3 and November 13, 2018, June 17, 2019, and March 10, 2021, all attended by FHWA. The first meeting provided overviews of the Study and the Section 106 process for this undertaking. A draft schedule of activities was also presented. The second meeting provided general Study updates, an update on Section 106 efforts, and outlined the development of the proposed PA. The third meeting included general Study updates, historic properties status updates, a preliminary list of adversely affected properties, and the PA development outline. The fourth meeting presented Study updates, ongoing avoidance and minimization efforts, and the first draft of the PA.

2.3 Identification Efforts

2.3.1 Area of Potential Effects

MDOT SHA, on behalf of and in coordination with FHWA, established the initial version of the Study's APE by letter to MHT and other parties on April 12, 2018 (36 CFR Part 800.4[a][1]). MDOT SHA and consultant RK&K, LLP additionally met with MHT on April 18, 2018, to discuss the project, APE, and proposed Section 106 consultation process. The APE is the geographic area within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties (36 CFR Part 800.16[d]). Because the precise LOD was unknown at that time, FHWA and MDOT SHA developed a corridor study boundary (CSB), the envelope within which physical effects to historic properties were assumed to be possible. The CSB was defined as a line extending 300 feet from the centerline on either side of I-495 and I-270 within the study limits, expanding farther at certain interchanges. Within the CSB, FHWA and MDOT SHA

conducted archaeological survey to identify archaeological resources possibly subject to impact by the Study.

To capture anticipated visual, atmospheric, or audible effects, the APE generally encompassed an additional 250 feet on either side of the CSB. MHT accepted this APE without additional comments on May 17, 2018. VDHR indicated on April 17, 2018, their participation as a consulting party.

The APE has been modified since its original development. On May 14, 2019, the APE in Maryland was updated in the vicinity of the American Legion Bridge and the Chesapeake and Ohio (C&O) Canal National Historical Park as a result of additional constructability analysis for the American Legion Bridge replacement. In Virginia, including within the George Washington Memorial Parkway, the APE was updated to conform in part to the APE established by VDOT's NEXT project, which was more precisely defined and accounted for noise barriers and other factors shielding adjacent properties from indirect effects. MHT agreed with the APE update on June 13, 2019. VDHR requested MDOT SHA respond to the concerns of its office and NPS GWMP that an expanded APE may be necessary to account for visual effects due to tree removal on June 10, 2019.

The APE in Maryland was subsequently updated in November 2019 to ensure consistency of a 250-foot buffer of consideration on either side of the widest proposed alternative's LOD (Alternative 10), to account for those areas where design advancement of the engineered LOD required this expansion of the APE. The APE remained unchanged in Virginia, although MDOT SHA clarified that it would consider visual effects on the George Washington Memorial Parkway and C&O Canal National Historical Park in their entirety. MHT agreed with the APE updated on December 30, 2019. And with that clarification, on December 23, 2019, VDHR expressed its confidence in the APE as presented in May 2019.

MDOT SHA submitted an update to the APE in Maryland to include the LODs for stream and wetland mitigation sites on July 23, 2020. MHT agreed with the APE update on September 4, 2020. The APE remained unchanged in Virginia.

The APE was updated again in September 2021 to accommodate the Preferred Alternative. On September 8, 2021, MDOT SHA provided an update to the APE in Maryland and Virginia to reflect a 250-foot buffer around the LOD for the Preferred Alternative, additional avoidance and minimization measures, and proposed off-site compensatory stormwater mitigation locations (**Appendix C**). MHT and VDHR agreed with the APE update on October 8, 2021. MDOT SHA, in consultation with MHT, made additional, minor updates to the APE in Maryland for the Preferred Alternative on January 4, 2022 to reflect 19 additional off-site compensatory stormwater management and wetland mitigation sites and several small expansions to the LOD. MDOT SHA, in consultation with MHT, made a limited update to the LOD and APE in Maryland on March 31, 2022.

MDOT SHA includes a process for APE updates in the project PA, as design advances under the concessionaire. **Table 1** summarizes the distinctions among "APE", "CSB", and "LOD" as used in this technical report.

Table 1: Comparison of APE, CSB, LOD terms

Term	Definition	Explanation
APE	Area of Potential Effects	The geographic boundaries where all effects to historic properties may occur, including visual, atmospheric, or audible effects. This may include effects to setting, feeling or viewshed that are not specific physical property impacts. This is the widest/most comprehensive boundary for evaluation of historic properties for the Study. The APE has been updated since initiation of the study. The APE now consists of a 250-foot buffer around the LOD for the Preferred Alternative: Alternative 9 – Phase 1 South, design avoidance and minimization efforts, and the LODs for stream and wetland and compensatory stormwater management mitigation sites.
CSB	Corridor Study Boundary	Upon initiation of the Study, the CSB was used as an initial survey boundary in the absence of engineered alternatives. The CSB consists of a line extending 300 feet outside the centerline of I-495 and I-270 within the study limits. Prior to design advancement establishing an LOD (see below), it was assumed physical impacts may occur within the CSB. The CSB was generally used for the boundaries of archaeological study (Volume 4), with the exception of the American Legion Bridge and Virginia portions of the APE, where design development permitted greater accuracy.
LOD	Limits of Disturbance	Following engineering design advancement, MDOT SHA developed “limits of disturbance” for where physical construction impacts are likely to occur as a result of the alternatives under consideration. In general, the LOD are narrower than the CSB and APE. As of September 8, 2021, the Preferred Alternative: Alternative 9 – Phase 1 South LOD now define limits where physical impacts are likely.

2.3.2 Identification of Historic Properties within the APE

36 CFR Part 800.4 (a) and (b) requires consultation with the SHPO(s) regarding the scope of identification efforts for historic properties. To accommodate the large study area and number of properties requiring evaluation, including many post–World War II properties expected to reach the 50 years of age consideration threshold during the course of the anticipated project, MDOT SHA developed Volume 2 of this report, the Gap Analysis (Hutchins-Keim et al. 2018) and submitted it to MHT for review and comment on August 8, 2018. The Gap Analysis presents a detailed examination of the potential for Maryland archaeological and architectural historic properties that may be affected by the Study. The Gap Analysis was additionally shared with other consulting parties. The Gap Analysis includes an overview of previous surveys and recorded cultural resources within the APE; it evaluates the potential for encountering archaeological resources, provides for archaeological survey methodology, and includes recommendations for NRHP evaluations of historic architectural resources.

MHT responded with minor comments and agreed with the general approaches in the Gap Analysis on November 27, 2018 (**Appendix A of Volume 1**).

MDOT SHA, in consultation with MHT, committed to identify previously recorded and newly identified resources constructed in or before 1978, to account for properties that may reach 50 years in age prior to the anticipated end of construction. Properties younger than 50 years in age are generally not considered for inclusion in the NRHP except in cases of exceptional significance.

Over the course of the Study, MDOT SHA identified a total of 353 resources that required additional documentation or evaluation for the NRHP.

2.3.3 Architectural Resources Evaluations

Because the APE identified a large number of post–World War II developments and property types associated with suburban development of the Washington, D.C. area, the Gap Analysis identified a need for additional historic context to consistently evaluate these resources. A draft *Suburbanization Historic Context Addendum (1961–1980), Montgomery and Prince George’s Counties, Maryland* (Suburbanization Context Addendum) was prepared and shared with consulting parties on October 19, 2018. The Suburbanization Context Addendum expands upon the coverage of suburbanization included in the *Suburbanization Historic Context and Survey Methodology: I-495/I-95 Capital Beltway Corridor Transportation Study, Montgomery and Prince George’s Counties, Maryland* (Volumes I and II) (November 1999, revised May 2000). The Suburbanization Context Addendum expands the time period covered by the original study, which ends in 1960. It includes historical trends, development patterns, suburban development systems, property types, and significance assessment considerations for suburban resources in Maryland, particularly in Montgomery and Prince George’s Counties. When relevant, the Study’s NRHP evaluations relied on these two contexts. MHT responded with minor comments on the Suburbanization Context Addendum and agreed with the general approach in their acceptance of the Gap Analysis on November 27, 2018. MHT and additional consulting party comments were addressed in a final Suburbanization Context Addendum in May 2019.

Of 353 resources identified over the course of the Study, MDOT SHA submitted 352 architectural resource survey or evaluation forms to MHT for review and comment in 14 rolling batch submissions—the first was dated December 21, 2018, and the last was dated January 4, 2022. The NPS made its own preliminary eligibility determination for Greenbelt Park during the study efforts, and MDOT SHA deferred to the NPS evaluation. Printed copies of each form and archival discs with supporting files were provided to MHT via rolling batch submittals, at which time the additional consulting parties received the forms for review and comment via links to an ArcGIS Online web map maintained by MDOT SHA, where full evaluation forms were available for download (<http://bit.ly/495-270-DOE>). Comments were received from MHT and additional consulting parties and addressed as appropriate.

MDOT SHA has completed eligibility evaluations of architectural resources in the APE per the methodology described in the Gap Analysis; there are no eligibility findings where SHPO concurrence has not been obtained. MDOT SHA’s survey and evaluation effort identified a total of 29 previously surveyed and newly identified architectural historic properties (NRHP-eligible or listed resources) within the Preferred Alternative APE. Volume 3 of this report, *Architectural Historic Properties Identification*, includes the results of the eligibility evaluations.

2.3.4 Archaeological Resources Evaluations

The Gap Analysis outlined an archaeological testing approach to those portions of the CSB where direct physical impacts (specifically ground disturbance) were expected, at that time, to occur. The corridor was divided into numerous survey areas, each with an assessment of archaeological potential and an associated methodology for investigations to identify archaeological historic properties, and to evaluate significance of known archaeological properties. Volume 4 of this report, the *Phase I Archaeological Investigation for the I-495 & I-270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia* includes the results of these evaluations. Upon update of the APE in May 2019 to include work in Virginia, MDOT SHA proposed additional archaeological methodologies for the Virginia portion of the APE to VDHR. Archaeological evaluation in Virginia was not originally anticipated at the time the Gap Analysis was written. VDHR responded on June 28, 2019, indicating no additional comments at that time on the scope as proposed by MDOT SHA. The work was additionally coordinated with NPS as part of an Archaeological Resources Protection Act (ARPA) permit for work within the George Washington Memorial Parkway property. While the majority of areas in Maryland identified for archaeological evaluation were surveyed in preparation of this technical report, a number of areas were not accessible, or require additional evaluation to determine the presence of NHRP-eligible sites (see Section 2.5.1 of this volume and Volume 4). Such areas are identified for phased identification as part of the PA as part of an archaeological treatment plan. The PA includes archaeological evaluation requirements in response to design development and associated project activities (e.g. stormwater facilities, stream and wetland mitigation sites, etc.).

Sixty-seven archaeological resources are present within the CSB: 57 of the resources were identified prior to the Study, and 10 newly identified sites were documented as a result of the Phase I archaeological investigation (see **Volume 4**). Eight additional sites were newly identified by the Phase I archaeological investigations for the stream and wetland mitigation sites (**Volumes 7 and 8**). An intensive Phase I archaeological investigation and Phase II evaluations were conducted at seven resources in Virginia (**Volume 6**). In addition, Phase II evaluation studies were completed on one previously identified site (18PR750) and two newly identified sites (18MO749 and 18MO751) in Maryland (**Volume 5**). As a result of these investigations, seven archaeological resources were recommended eligible for listing in the NRHP. Twenty-eight of the 75 archaeological resources identified over the course of the Study are within the APE for the Preferred Alternative. Seven newly determined eligible archaeological historic properties were identified within the APE. There are no eligibility findings where SHPO concurrence has not been obtained.

2.4 Effects Assessment

MDOT SHA made an assessment of the effects of the undertaking on historic properties within the APE by applying the criteria of adverse effect in accordance with 36 CFR Part 800.5. An effect may occur when there is an alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (36 CFR Part 800.16[1]). To be eligible for listing on the NRHP, historic properties (districts, sites, buildings, structures, and objects) must possess integrity of location, design, setting, materials, workmanship, feeling and association and meet at least one of the below four criteria:

- Criterion A – that are associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B – that are associated with the lives of persons significant in our past; or

- Criterion C – that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D – that have yielded, or may be likely to yield, information important in prehistory or history.

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 CFR Part 800.5[a][1]).

Examples of adverse effects (36 CFR Part 800.5[a][2]) include:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

A total of 29 known and newly determined-eligible architectural historic properties and seven newly determined eligible archaeological historic properties were identified within the Preferred Alternative APE (**Appendix C; Volume 3; Volumes 5 and 6**). The LOD were used to assess potential physical effects, and potential visual, atmospheric, or audible effects were considered within the entire APE. MDOT SHA has determined, on behalf of FHWA, that the Preferred Alternative will have an adverse effect on historic properties. See below for a discussion of these findings for individual historic properties. The effect assessments found an adverse effect on four architectural historic properties and six archaeological historic properties and the remainder of the historic properties in the APE are not adversely affected.

2.4.1 Properties Experiencing Adverse Effect

Four architectural historic properties (including parks and parkways) within the APE will be adversely affected by the Preferred Alternative (**Table 2**). No properties are proposed for complete demolition or destruction, but adversely affected properties will generally have contributing features of the property

experiencing physical impacts of varying degrees. In addition, six archaeological historic properties will be adversely affected within the LOD of the Preferred Alternative. Two of the sites will be partially or completely destroyed or significantly diminished in all aspects of integrity and four of the sites would have limited portions destroyed diminishing some aspects of integrity. Adversely affected properties are discussed individually below.

Table 2: Historic Properties with Adverse Effect

State	MIHP#/VDHR#	Jurisdiction	Name	Period of Significance	NRHP Criteria	Nature of Adverse Effect
MD	M: 12-46	NPS/ C&O Canal NHP	Chesapeake and Ohio Canal National Historical Park	1828-1924	A, C, D	LOD Impacts to contributing features; diminishment of setting
MD and VA	M: 35-61 and 029-0228 (Virginia)*	NPS/ George Washington Memorial Parkway	George Washington Memorial Parkway/Clara Barton Parkway	1930-1966	B, C	LOD Impacts to contributing features; diminishment of setting (Virginia); temporary diminishment of setting (Maryland)
MD	M: 29-39	Private	Gibson Grove A.M.E. Zion Church	1923	A	LOD Impacts; a temporary but long-term diminishment of the property's setting and feeling due to construction impacts
MD	M: 12-46-2	NPS/ C&O Canal NHP	Washington Biologists' Field Club on Plimmers Island	1901-1971	A	LOD impacts; diminishment of setting
MD	18MO749	NPS/ C&O Canal NHP	C&O Canal Site 1	Early Woodland	D	The site will be partially or completely destroyed or significantly diminished in all aspects of integrity
MD	18MO751	NPS/ C&O Canal NHP	C&O Canal Site 3	1828-1924	D	The site will be partially or completely destroyed or significantly diminished in all aspects of integrity
VA	44FX3922	NPS/ George Washington Memorial Parkway	Dead Run Ridges Archaeological District	Late Archaic-Woodland	D	Limited portions of individual sites within the district would likely be destroyed, and the district would likely be diminished in some aspects of integrity
VA	44FX0374**	NPS/ GWMP	N/A	Late Archaic-Late Woodland	D	Limited portions of the margin of this site within the district would likely be destroyed
VA	44FX0379**	NPS/ GWMP	N/A	Late Archaic-Early Woodland	D	Limited portions of the margin of this site within the district would likely be destroyed
VA	44FX0389**	NPS/ GWMP	N/A	Late Archaic-Late Woodland	D	Limited portions of the margin of this site within the district would likely be destroyed

Notes: * National Park Service-National Capital Parks-East

**Archaeological sites 44FX0374, 44FX0379, and 44FX0389 are each individually NRHP-eligible and contributing to the NRHP-eligible Dead Run Ridges Archaeological District (44FX3922).

A. Chesapeake and Ohio Canal National Historical Park

Built between 1828 and 1850, the Chesapeake and Ohio (C&O) Canal operated until 1924, extending 184.5 miles from Georgetown, DC, to Cumberland, Maryland. It represents one of the most intact and impressive survivals of the American canal-building era. The C&O Canal National Historical Park, eligible under criteria A, C, and D, would be adversely affected.

Project activities at this location include accommodation of a temporary access road for construction vehicles and materials to build the new American Legion Bridge (ALB) and remove the existing structure, reconstruction and maintenance of the I-495 northbound ramp to Clara Barton Parkway and the eastbound Clara Barton Parkway ramp to northbound I-495, construction of a trail connection between a multi-use path on the east side of the new ALB and the C&O Canal towpath.

The Preferred Alternative includes the expansion of the ALB within the park boundaries, increasing visual and physical intrusion into the setting of the park, resulting in diminishment of setting. The minimization of the LOD at the ALB was documented in the SDEIS. Long-term construction access and staging is also required at the park, which will cause additional temporary diminishment of setting, feeling, and association for the duration of construction.

The park contains two archaeological historic properties that would also be adversely affected (18MO749 and 18MO751). Those sites are discussed separately in this section under “Archaeological Sites” (2.4.1.E).

B. George Washington Memorial Parkway/Clara Barton Memorial Parkway

As one of the nation's premier parkways, the circa-1930 George Washington Memorial Parkway/Clara Barton Parkway comprises 7,146 acres and extends 38.3 miles along the Potomac River. The northern section of the parkway runs on opposite sides of the Potomac River from Arlington Memorial Bridge to the Capital Beltway/I-495, a distance of 9.7 miles in Virginia, and includes the 6.6-mile Clara Barton Parkway in Maryland. The George Washington Memorial Parkway/Clara Barton Parkway, eligible under criteria B and C, would be adversely affected.

Project activities in the boundary of the George Washington Memorial Parkway in Virginia are confined to a small strip of land north of the westbound lanes of George Washington Memorial Parkway for resurfacing and the installation, static signing. In addition, LOD is needed along I-495 between the inner loop and George Washington Memorial Parkway accommodate a retaining wall and shared-use path. There is a small area in the southeast quadrant for the ALB pier and superstructure construction activities.

Project activities within the boundary of the Clara Barton Parkway in Maryland include construction of a temporary access road for construction vehicles and materials to build the new ALB and remove the existing structure, reconstruction and maintenance of I-495 northbound ramp to Clara Barton Parkway and the eastbound Clara Barton Parkway ramp to northbound I-495, and construction of a trail connection between a multi-use path on the east side of the new ALB and the C&O Canal towpath.

In both Maryland and Virginia, the George Washington Memorial Parkway/Clara Barton Parkway would experience temporary diminishment of setting and feeling for the duration of construction. Long-term construction access and staging is also required at the Clara Barton Parkway in Maryland, which will cause additional temporary diminishment of setting and feeling for the duration of construction.

The park, in Virginia, contains archaeological historic properties, the proposed Dead Run Ridges archaeological district, and its contributing sites, that would also be adversely affected, and those are discussed separately below in Section 2.4.1.E.

C. Gibson Grove A.M.E. Zion Church

Gibson Grove A.M.E. Zion Church is a small, wood-frame building set on a hill overlooking Seven Locks Road, immediately north of I-495. Gibson Grove A.M.E. Zion Church is significant for its association with the African American settlement of Gibson Grove that was founded in the 1880s by formerly enslaved people. The original church building was a log structure that was replaced with the current edifice in 1923. It is the only remaining building associated with the African American Gibson Grove community. The Gibson Grove A.M.E. Zion Church property, eligible under criterion A, would be adversely affected.

Proposed improvements at this location include outfall stabilization, culvert augmentation (including improvements to drainage on church property), bridge erection, and construction access. Physical impacts to the church property are limited to 0.1 acres along the north side of I-495, at a steep hillside adjoining the church. The new bridge over Seven Locks Road will result in temporary impacts to the church property during construction. In consideration of the small size of the church parcel, and the extent of construction activities on the property, there would be a temporary, but long term, diminishment of the property's integrity of setting and feeling due to construction impacts on the property.

D. Washington Biologists' Field Club on Plummers Island

The Washington Biologists' Field Club is a twentieth-century naturalist club on Plummers Island in the Potomac River. The Washington Biologists' Field Club is significant for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the club and as the meeting place for the club's collective membership of influential and accomplished scientists. The Washington Biologists' Field Club on Plummers Island, eligible under criterion A, would be adversely affected.

The LOD on Plummers Island along the ALB will impact approximately 0.2 acres of the Washington Biologists' Field Club. This area is required for the bridge substructure, including permanent pier placement and construction activities. Construction activities within the LOD at the Washington Biologists' Field Club may include excavation; demolition of the existing bridge foundation and piers; installation of proposed foundations, piers, or abutments; and slope protection. Access to the existing and proposed piers is required for these activities. Impacts were minimized by strategically locating the new piers near the existing piers such that a single access method could be used for demolition of the existing and construction of the proposed structures. However, some impact is unavoidable based on construction requirements and the structural requirements for pier locations.

Although the majority of the historic features of the Washington Biologists' Field Club are outside the LOD, the proposed construction activities at the western edge of Plummers Island will alter the natural landscape of the island, a character-defining feature of the Washington Biologists' Field Club, resulting in diminishment of the property's integrity of setting.

E. Archaeological Sites

a. 18MO749

Site 18MO749 is an Early Woodland archaeological site eligible under Criterion D. Because the site is within the LOD, the site would likely be partially or completely destroyed or significantly diminished in all aspects of integrity by construction of the project.

b. 18MO751

Site 18MO751 is a historic period (circa 1828-1924) archaeological site eligible under Criterion D. Because the site is within the LOD, the site would likely be partially or completely destroyed or significantly diminished in all aspects of integrity by construction of the project.

c. Dead Run Ridges Archaeological District (44FX3922)

MDOT SHA evaluated a number of recorded precontact archaeological sites within the George Washington Memorial Parkway property in Virginia. MDOT SHA has determined that several of the investigated sites, together with previously recorded sites that were not investigated as part of the study, constitute a NRHP-eligible archaeological district of related resources (44FX3922); the district was determined eligible by the Keeper of the Register when VDHR did not concur with MDOT SHA's initial finding that the district was eligible. Contributing sites within the proposed district boundary and inside the Preferred Alternative LOD include 44FX0374, 44FX0379, and 44FX0389; these sites are also individually eligible for the NRHP. Sites 44FX3160 and 44FX3900 were investigated and found neither individually eligible nor, in the case of 44FX3160, contributing to the district (44FX3900 is not part of the defined District). Because the district is partially within the Preferred Alternative LOD, portions of individual sites within the district would likely be destroyed, and the district and sites 44FX0374, 44FX0379, and 44FX0389 would likely be diminished in some aspects of integrity by construction of the project, although impacts have been reduced from the DEIS.

As described in Volume 4, several areas within the LOD require additional investigation to evaluate the presence of archaeological sites and/or NRHP eligibility of sites. The PA identifies a process to minimize and/or mitigate adverse effects for eligible sites identified through these efforts if adverse effects cannot be avoided.

2.4.2 Historic Properties Experiencing No Adverse Effect

A. Architectural Historic Properties

Of the remaining 25 eligible or listed architectural historic properties within the Preferred Alternative APE, 24 would not be adversely affected by the project. These properties would either experience slight alteration of the characteristics that qualify them for inclusion in the NRHP, but there would be no diminishment of these characteristics, or there would be no appreciable alteration of the properties at all.

As context, the study corridor already includes substantial and congested highway facilities within the viewshed and audible setting of most properties. As such, increasing capacity and flow of the existing Beltway *in and of itself* would not generally result in substantive new audible, visual, or other adverse effects to the setting, feeling and association of these properties, because the existing setting already includes the I-495 and I-270 facilities. While the setting would be somewhat altered by the addition of new lanes, these are not newly introduced visual, atmospheric, or audible elements that would diminish

the integrity of significant historic features of nearby properties. Adverse effects are generally found, as above, when there are specific contributing features of historic properties either within or in close proximity to the project LOD that would be physically impacted in a manner beyond the general increase in capacity of the highway facilities.

The properties experiencing no adverse effect fall into three general groupings.

1. Properties where there is a minor portion of the historic property boundary within the LOD, but there are generally no contributing elements of the property within the LOD. No diminishment of location, design, materials, association, and workmanship would occur, and setting and feeling would be consistent with the existing highway facility.
2. Properties with no portion of the historic property boundary within the LOD but are adjacent to the LOD. No physical impacts would occur, and although some change may be perceptible, no visual, atmospheric, or audible elements that are substantially different from those that already exist, would be introduced. These properties are, or would be, screened by noise barriers and/or trees and vegetation.
3. Properties further removed from the LOD, that would experience no notable changes resulting from the proposed improvements.

Because individual discussion of these properties would be largely redundant, they are grouped in **Table 3**, **Table 4**, and **Table 5** with any relevant property-specific information informing the effect determination captured as a note in the appropriate column.

Table 3: Category 1: Properties with Minor Elements within LOD

MIHP#	Name	Period of Significance	NRHP Criteria	Notes
M: 30-38	Academy Woods	1967-1974	C	The LOD include minor portions of rear yards at 7221, 7224, and 7225 Grubby Thicket Way. Rear yards are adjacent to the existing highway, and the greatest area of impact, at 7224 Grubby Thicket Way, occurs at a wooded corner of the parcel, far removed from the house.
M: 17-01	Beallsville Historic District	1873-1945	A, C	The LOD are within the yard of 19725 Darnestown Road, which does not contribute to the district.
M:37-16	B&O Railroad, Metropolitan Branch	1873-1945	A, C	The LOD crosses beneath the railroad overpass, but no changes will occur to the railroad itself.
PG:62-14	Beltsville Agricultural Research Center (BARC)	Unspecified	A, C	The LOD include small, wooded areas along the highway designated for tree removal, grading, and construction access; no contributing agricultural fields, buildings, or structures are within the LOD.
M: 18-8-1	Boyd's-White Grounds Historic District	1870-1930	A	The LOD include a fence at 15215 Barnesville Road and culvert wall near 15140 Barnesville Road that post-date the period of significance. The LOD also include portions of an empty lot on north side of Barnesville Road and a wooded lot at the southwest corner of Barnesville Road and

MIHP#	Name	Period of Significance	NRHP Criteria	Notes
				Clarksburg Road. The LOD will avoid contributing resources.
M: 35-121	Burning Tree Club	1922-1923	A, C	The LOD include a portion of wooded areas along the highway near the contributing golf course, but no impacts to the course itself.
M: 29-59	Carderock Springs Historic District	1962-1967	A, C	The LOD will impact approximately 3.2 square feet of the rear yard at 7610 Hamilton Springs Road, adjacent to the existing highway, and will not diminish the original topography and natural vegetation characteristic of the larger district.
M: 14-27	Cedar Grove Historic District	Unspecified	A, C	The LOD just enter the southern boundary of the historic district, on the south side of Davis Mill Road, where no contributing resources are present.
M: 18-15	Friends Advice	c. 1806-1951	A, B, Criteria Consideration G	The LOD include parts of a wood fence and trees along road, which do not contribute to the property.
M: 12-44	Sugarloaf Mountain Historic District	Mid-18th century-1939	A, B, C, D	The LOD affect a post-1989 fence adjoining an agricultural field along Beallsville Road. Elsewhere, the LOD affects grassy areas along the roadside or adjoins modern buildings, including the mid-20th-century houses at 20400 Mouth of Monocacy Road and 22400 Dickerson Road and a 2003 house at 22318 Nicholson Farm Road.
M: 26-72-1	Ward Building	1978	C	The LOD include a grass berm and areas of the parking lot, which do not contribute to the significance of the property.
M: 20-21	Ward House	1891-1969	A, C	The LOD affects a noncontributing fence.
M: 26-71	Woodley Gardens	1960-1970	A, C	The LOD at the northwest corner of the property include a noncontributing trail and grassy area, and minor portions of the rear yards at 8 – 13 Hawthorne Court, adjacent to the existing highway. At the Woodley Gardens Shopping Center, LOD impacts will be limited to the edge of the parking lot adjoining the existing highway.

Table 4: Category 2: Adjacent to LOD, but no audible, atmospheric, or visual impacts to contributing features

MIHP#	Name	Period of Significance	NRHP Criteria	Notes
M: 35-194	Carderock Springs South	1966-1971	C	The historic property boundary is adjacent to the LOD at Persimmon Tree Road, but the houses, designed landscapes, and entrance sign are outside the LOD.
M: 29-79	Congressional Country Club	1924-1978	A, C	The contributing 1978 golf course is across Eggert Drive from the LOD, but the buildings are substantially removed from the LOD
M: 17-63	Seneca Historic District	Late 17th-early 20th centuries	A	The LOD adjoins the non-contributing Bretton Woods Golf Course (1968)

Table 5: Category 3: Substantially removed from LOD, No noticeable effects anticipated

MIHP#	Name	Period of Significance	NRHP Criteria
F-1-134	Carrollton Manor Rural Historic District (including the Hebb-Kline Farmstead, F-1-202)	1855-1940	A, C
M: 29-47	David W. Taylor Model Basin	1938-1970	A, C
M: 30-39	Grosvenor Park	1963-1966	A, C
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	1975-1979	A
M: 29-40	Magruder Blacksmith Shop	c. 1750-1850	C
M: 20-47	National Institute of Standards and Technology (NIST) Headquarters	1963-1969	A, C
M: 29-52	Naval Surface Warfare Center Carderock Division (NSWCCD) Historic District	1938-1958	A, C
M:24-49	Washington Aqueduct	1853-1939	A, C

B. Archaeological Historic Properties

Out of the seven known NRHP-eligible seven archaeological historic properties within the LOD for the Preferred Alternative, six archaeological properties are adversely affected. One eligible archaeological site, 44FX0381, is outside of the LOD and will experience no adverse effect. However, as discussed more thoroughly in Chapter 4, several sites require additional evaluation, and further archaeological work is recommended at these locations to define site boundaries and determine potential impacts. These additional investigations are commitments documented in the PA. The PA also includes provisions for further evaluation, determining eligibility and effects findings in the event of changes to the LOD in response to design advancement or an inadvertent archaeological discovery during construction.

2.4.3 Deferred Effects Determination

MDOT SHA and FHWA requested and received concurrence from MHT to defer of resolution of effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery to the PA. Based on the current historic boundary, the Preferred Alternative will avoid direct impacts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Additionally, no atmospheric, audible, or visual effects to the property have been identified from the Preferred Alternative. No diminishment of location, design, setting, materials, workmanship, feeling or association has been found in these areas. The project will be governed by a PA, including a treatment plan that specifies the methods, limits and consultation procedures for further investigation of areas with the potential for additional burials outside of the current

historic boundary, no specific determination of effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery will be made at this time, and will be made following completion of the additional investigations specified in the PA and treatment plan (Refer to **FEIS, Appendix J**).

2.4.4 National Historic Landmarks in the APE

There is one National Historic Landmark (NHL) in the APE. The Washington Aqueduct was designated an NHL in 1973 and was determined eligible for the NRHP under Criteria A and C. The LOD at this location represent above-grade impacts, and no physical impacts to the historic property are anticipated. The project will cross an underground segment of the aqueduct at MacArthur Boulevard. The vertical aspect of the APE and LOD remains at the surface and ground disturbance at this location will be prohibited. Current project engineering is not expected to alter the character of the property; therefore, the project will not adversely affect the Washington Aqueduct.

2.4.5 Indirect and Cumulative Effects

36 CFR 800.5(1) notes that adverse effects “may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” The build alternatives, responding to an identified need for additional capacity, may be one factor in increased demand for residential or commercial development due to improved travel access along the study corridors – particularly in areas with undeveloped land such as northern Montgomery County and in the Frederick vicinity. Potential indirect effects could occur to historic properties resulting from increased population growth and development in the APE. However, these areas are subject to many greater economic and demographic pressures producing increased population and development that are not caused by the Study.

Past actions that have impacted historic properties include the numerous infrastructure and land development activities that have occurred in the APE. The APE has experienced substantial growth of population, housing, and employment since the mid-twentieth century. This has resulted in destruction or degradation of historic properties, including demolition for new construction and/or changes in land use. Present and future actions, including transportation projects and land development activity, would likely continue to impact cultural resources in similar ways. For transportation projects, however, existing protective regulations and consultation requirements associated with Section 106 and Section 4(f) resources would minimize and mitigate for such effects, reducing the overall net effect to historic properties. Potential future impacts to cultural resources from non-transportation projects would also be subject to applicable federal, state, and local planning ordinances that protect many of these resources.

There are no planned developments within the APE that are dependent on completion of the Preferred Alternative. The Study is responding to other large-scale pressures resulting in increased population and development that result in depleted capacity and congestion on I-495 and I-270; it is not the cause of generalized degradation of historic properties in the APE due to development. As a result, there are no indirect or cumulative adverse effects to historic properties specifically caused by the undertaking.

2.5 Resolution of Effects

2.5.1 Section 106 Programmatic Agreement

Due to the complexity and wide scope of the Study, the Section 106 process has concluded through the execution of a PA, as described at 36 CFR Part 800.14[b] (Refer to **FEIS, Appendix J**). FHWA notified the

ACHP of this anticipated PA in March 2018, and the ACHP notified MDOT SHA and FHWA in May 2018 of their participation in consultation for this undertaking (36 CFR Part 800.6[a][1][iii]). The PA provides protocols for additional consultation, historic properties identification, effects assessment, and adverse effects resolution as design advances. MDOT SHA will oversee implementation of the PA as the project continues following the anticipated Record of Decision (ROD).

A. Architectural Resources

MDOT SHA conducted consultation to identify mitigation to include in the PA for historic properties that would experience an adverse effect under the Preferred Alternative, and where design could be adjusted to avoid adverse effects. Mitigation is reasonable, feasible, and commensurate with the impact to the resources. Specific mitigation efforts for affected historic properties—Chesapeake and Ohio Canal National Historical Park, George Washington Memorial Parkway/Clara Barton Parkway, Gibson Grove A.M.E. Zion Church, and Washington Biologists' Field Club—are delineated in the PA and include elements such as: context-sensitive design, creation of interpretive materials, historic property documentation, and other property-specific initiatives.

B. Archaeological Resources

For the known NRHP-eligible archaeological historic properties located within the LOD of the Preferred Alternative, the Section 106 consultation process assessed anticipated effects and efforts to avoid, minimize, or mitigate such effects. MDOT SHA recorded the agreed-upon terms and conditions in the PA to resolve adverse effects to the following affected archaeological historic properties: 18MO749, 18MO751, and Dead Run Ridges Archaeological District, 44FX3922 (which includes individually eligible and contributing sites 44FX0374, 44FX0379, and 44FX0389). These commitments include a flexible treatment plan to be incorporated by reference into the PA. Section 106 mitigation for unavoidable adverse effects to archaeological historic properties will include: recovery of archaeological data through excavation, reporting, and public interpretation of archaeological results.

Four previously identified archaeological sites within the LOD of the Preferred Alternative require additional evaluation to determine eligibility for the NRHP: 18MO190, 18MO191, 18MO457, and 18MO752. MDOT SHA recorded commitments in the PA and a treatment plan for phased evaluation of these sites.

MDOT SHA also recorded commitments in the PA for additional evaluation of areas inaccessible in the initial Phase I survey, or where additional investigations have been recommended. MDOT SHA recorded commitments for additional archaeological investigations at the fourteen survey areas that are within the boundary of the LOD for the Preferred Alternative: RS-1, RS-2, S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6, S-27, SWM S-27, S-28, S-8, S-10, and S-53, and CHOH-13.

The PA also includes provisions for avoidance, minimization, or mitigation of adverse effects to these resources or any newly identified resources, should they be determined NRHP-eligible.

C. Historic Cemeteries

The two cemeteries within or near the LOD for the Preferred Alternative—the Montgomery County Poor Farm Cemetery and the Morningstar Tabernacle No. 88 Moses Hall and Cemetery—are subject to delineation, evaluation, and treatment or further investigation under the PA, as determined through

consultation. No known interments are affected by the Preferred Alternative, however, MDOT SHA will continue to define further investigation measures and work to avoid or minimize impacts and coordinate with affected communities on the treatment of human remains, should they be encountered. MDOT SHA has coordinated extensively with interested stakeholders to identify appropriate investigation measures or other context-sensitive commitments. The PA documents how, in the event of impacts to a NRHP-eligible cemetery, adverse effects will be addressed, and procedures for late discovery of human remains in compliance with state and federal regulations; this commitment also includes a treatment plan incorporated by reference into the PA.

Appendices

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Appendix A

ACHP and Consulting Parties Correspondence

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ACHP



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

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

March 26, 2018

In Reply Refer To:
HDA-MD

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

Dear Mr. Fowler:

The Federal Highway Administration (FHWA), in coordination with the Maryland Department of Transportation State Highway Administration (MDOT SHA), is preparing an Environmental Impact Statement (EIS) for the I-495 & I-270 Managed Lanes Study in accordance with the National Environmental Policy Act (NEPA). FHWA published a Notice of Intent to prepare the EIS in the Federal Register on March 16, 2018. The purpose of the I-495 & I-270 Managed Lanes Study is to accommodate existing traffic and long-term traffic growth, enhance trip reliability, and improve travel choice. The study will result in an EIS which will include: scoping, purpose and need development, corridor alternative analysis and screening, traffic and environmental analyses, and public and agency involvement. The study limits encompass approximately 55 miles on I-495 (Capital Beltway), from south of the American Legion Bridge in Virginia to east of the Woodrow Wilson Bridge and on I-270 (Dwight D. Eisenhower Memorial Highway) from I-495 to I-370, including the east and west I-270 spurs in Montgomery and Prince George's Counties, Maryland. The study will include a review of existing and future traffic, roadway, and environmental conditions to identify alternatives and assess potential impacts. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have jurisdiction by law and an interest in this project; accordingly, FHWA and MDOT SHA invite your agency to become a participating agency in the environmental review process and preparation of the Draft EIS and Final EIS for the subject project in accordance with 40 CFR 1501.6. Pursuant to 23 U.S.C. § 139, participating agencies are responsible to identify issues of concern that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a project.

As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

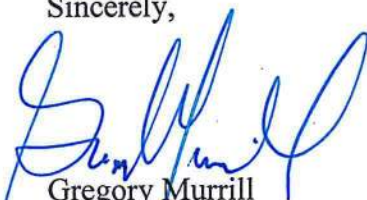
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.

2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
3. Participate in coordination meetings and field reviews with other environmental resource agencies as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Draft and Final EIS.

If you are not the point of contact, please provide the appropriate contact information. Your agency may elect to accept or decline the invitation by checking the appropriate box and signing the attached agency response form (Attachment B). If your agency elects to decline this invitation, please include the reason for declining with your agency's response to the lead federal agency. The response may be transmitted electronically to the Environmental Program Manager, Ms. Jeanette Mar, at jeanette.mar@dot.gov.

Thank you in advance for your consideration, we look forward to receiving your response to our invitation to serve as a participating agency. Please respond to this invitation no later than **April 26, 2018**. If you have any questions or need additional information, please contact Ms. Mar via email at jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachments:

- A: Study Area Map
- B: Agency Response Form

cc: Ms. Caryn J. G. Brookman, MDOT SHA, P3 Environmental Manager
Ms. Lisa B. Choplin, DBIA, MDOT SHA, P3 Director
Mr. Jeff Folden, P.E, DBIA, MDOT SHA P3 Deputy Director
Ms. Sarah Stokely, ACHP, Program Analyst

Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

May 22, 2018

Ms. Brandye Hendrickson
Acting Administrator
Federal Highway Administration
1200 New Jersey Ave S.E.
Washington, D.C. 20590

Ref: *Environmental Impact Statement for the I-495 & I-270 Managed Lanes Study
Montgomery and Prince Georges County, Maryland
ACHPConnect Log Number: 12723*

Dear Ms. Hendrickson:

In response to a recent notification by the Federal Highway Administration (FHWA), in coordination with the Maryland Department of Transportation State Highway Administration (MDOT SHA), the Advisory Council on Historic Preservation (ACHP) will participate in consultation regarding the Section 106 review for the I-495 & I-270 Managed Lanes Study in Maryland. The ACHP understands that FHWA will finalize a Programmatic Agreement with the consulting parties once a preferred alternative is selected. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within the regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because the project could have substantial impacts on important historic properties, and has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Mr. Gregory Murrill, FHWA Maryland Division Administrator, and Ms. Jeanette Mar, FHWA Maryland Division Environmental Program Manager.

Our participation in this consultation will be handled by Sarah Stokely who can be reached at 202-517-0224 or via e-mail at sstokely@achp.gov. We look forward to working with your agency and other consulting parties to consider alternatives to this undertaking that could avoid, minimize, or mitigate potential adverse effects on historic properties and to reach a resolution.

Sincerely,

John M. Fowler
Executive Director

MHT and DHR

April 12, 2018

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

Introduction and Study Description

This letter serves to inform the Maryland Historical Trust (MHT) of the Maryland Department of Transportation State Highway Administration's (MDOT SHA) proposed Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The study is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. The study limits of the initial phase, the I-495 & I-270 MLS, encompass I-495 from south of the American Legion Bridge in Fairfax County, Virginia, to east of the Woodrow Wilson Bridge and I-270 from I-495 north to I-370, including the east and west I-270 spurs along I-495. The preliminary purpose of the MLS is to accommodate existing traffic and long-term traffic growth, enhance trip reliability, and improve travel choice on I-495 and I-270, within the study limits.

As a P3 study, design and construction will be undertaken by private sector concessionaires, who will also be responsible for the ongoing operation of the improvements. Due to the nature of the P3 study delivery structure, the precise nature of the improvements will not be determined until the concessionaires have been selected and develop a solution that meets the goals of the study.

Due to the complexity of the undertaking and the design flexibility allowed by the P3 delivery method, MDOT SHA expects Section 106 review to be completed through execution of a Programmatic Agreement documenting assessment and resolution of effects to known properties and providing protocols for evaluation and resolution of effects following advancement of design. MDOT SHA will ask FHWA to notify the Advisory Council on Historic Preservation and invite their participation in the proposed Agreement.

Preliminary Area of Potential Effects

In developing a preliminary Area of Potential Effects (APE) for this study, MDOT SHA considered possible visual, audible, atmospheric and/or physical effects to historic properties,

both archaeological sites and standing structures, that would diminish the integrity of any characteristics that would qualify a property for the National Register of Historic Places (NRHP).

Because the precise limits of disturbance are unknown, MDOT SHA has developed a Corridor Study Boundary (CSB), the envelope within which improvements may occur. The CSB is defined as a line extending 300 feet from the centerline on either side of I-495 and I-270 within the study limits, as shown in Attachment 1. MDOT SHA makes the assumption at this point that the CSB represents the area where direct effects to historic properties, including archaeological resources, may occur.

To capture anticipated direct and indirect effects, the preliminary APE encompasses the CSB and extends an additional 250 feet on either side, expanding farther at certain interchanges. The CSB and APE are preliminary and subject to change as more information about the I-495 & I-270 MLS study becomes available.

Funding

Federal funds are anticipated for this study.

Identification Methods and Results

Potentially significant architectural and archaeological resources will be researched as part of the historic investigation instigated by the proposed I-495 & I-270 MLS.

Architecture: The study area is located along I-495 from south of the Potomac River to I-270 in Montgomery County, and along I-270 between its confluence with I-495 to I-370 South of Gaithersburg. Within the study limits, I-495 and I-270 are multilane divided highway that form multiple large interchanges with Maryland highways. The surrounding areas include a range of residential, commercial, and office and industrial buildings constructed from the early twentieth century up to the present. Residential dwellings include single-family houses, multi-family apartments, and townhouse communities. Commercial properties are primarily auto-oriented shopping centers, and office and industrial uses are present individually and concentrated in single-use developments. The majority of buildings are single-family houses within residential subdivisions developed between 1950 and 1980.

North, east, and south of Washington, D.C., I-495 mainly passes through and between preexisting suburban neighborhoods constructed following World War II and those built concurrently with the highway into the 1960s. Later development appears primarily in Montgomery County along the western section of the Beltway and along the I-270 corridor.

A preliminary review of MHT's Medusa database, the Maryland Inventory of Historic Properties (MIHP), the Virginia Department of Historic Resources' V-CRIS database, and property tax data has identified 35 NRHP listed or eligible properties within the APE. The APE also includes 18

properties that are listed in the MIHP but have not been evaluated for NRHP eligibility. One eligible property within the APE, the WMAL Transmittal Property (M: 30-24), was demolished in 2017. A list of eligible and unevaluated resources within the APE is provided as Attachment 2.

In addition, under Section 106 of the National Historic Preservation Act of 1966, buildings that are 50 years of age qualify to be considered for inclusion in the National Register of Historic Places (NRHP). In consideration of the study schedule, MDOT SHA intends to evaluate resources within the APE that were constructed in or prior to 1978 for NRHP eligibility to account for resources that may become eligible during the course of construction.

MDOT SHA will develop an addendum to the existing *Suburbanization Historic Context and Survey Methodology* (KCI Technologies, Inc., 2000) which covers suburban development in Montgomery and Prince George's counties up to 1960, to provide guidance for evaluating resources constructed after 1960.

As the study develops and details regarding the study limits and CSB are finalized, MDOT SHA will revise the APE accordingly and determine the extent of affected properties. MDOT SHA looks forward to coordinating with MHT and other consulting parties on this study.

Archaeology: The archaeology survey area is defined as the CSB, and is subject to change. MDOT SHA prepared a preliminary archaeological assessment, which identified 48 archaeological sites have been recorded in or within 250 m of the current archaeology survey area.

As part of the prior I-495 Capital Beltway Managed Lanes Project, the Capital Beltway was surveyed by Diamante et al. (2008), who tested two previously recorded sites and identified 9 archaeological sites and 10 isolated finds. One of two previously identified sites and one of nine newly identified archaeological sites were recommended for further archaeological investigations that did not occur at that time.

Within the archaeology survey area, the preliminary assessment identified at least 49 discrete areas that appear to be undisturbed and warrant additional archaeological investigation (including inaccessible parcels identified by Diamante et al. 2008). Stormwater, wetland, reforestation, and other environmental stewardship and mitigation sites have not yet been identified, and additional areas requiring archaeological survey may be identified as the study is refined. In addition, the following archaeological resources may require further archaeological investigations; MDOT SHA will consult with MHT and appropriate consulting parties as we develop the scope of work for these resources.

- Previously recorded Site 18MO514 is within the National Register listed National Park Seminary Historic District (M:36-01) and determination of the eligibility of its archaeological component was beyond the scope of the investigation by Diamante et al. (2008).

- Site 18PR750 may be eligible for the National Register of Historic Places and Phase II testing is warranted to evaluate significance.
- The Montgomery County Poor Farm (18MO514) along I-270 should be evaluated for the possible presence of human remains associated with the cemetery.
- The Walker Family Cemetery (PG:67-3), located along the Capital Beltway immediately south of MD 201, is part of the NRHP listed Greenbelt Historic District.
- The C&O Canal National Historic Park (NR-12), including Canal Locks 12 through 14, is a National Historic Landmark property.

MDOT SHA will continue to consult with MHT and other consulting parties as the study evolves.

Review Request

Please examine the attached APE map (**Attachment 1**). We request your comments by May 11, 2018 on MDOT SHA's proposed I-495 and I-270 MLS. By carbon copy, we are inviting the relevant agencies, local government representatives, and historic groups (Attachment 3) to provide comments and participate in the Section 106 process. Federally recognized tribes will also be invited to consult.

MDOT SHA also looks forward to coordination with the Virginia Department of Transportation and the Virginia Department of Historical Resources for the portion of the study within Virginia jurisdiction.

Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, MDOT SHA seeks the attached parties' assistance in identifying historic preservation issues as they relate to this specific study (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects). For additional information regarding the Section 106 regulations, see the Advisory Council on Historic Preservation's website, www.achp.gov, or contact MDOT SHA or MHT. If you do not wish to consult on this study, please notify MDOT SHA.

MDOT SHA proposes to hold a consulting parties kickoff meeting at 11 a.m. on May 3, 2018 at the P3 Study Office located at 601 N. Calvert Street in Baltimore and invites all consulting parties to attend. If you are unable to attend the meeting but wish to receive information, please feel free to contact MDOT SHA using the contact information below.

Please contact Cultural Resources Team Leader Steve Archer (410-545-8508 or email sarcher@sha.state.md.us) for general questions about the Section 106 process for this study. Matt Manning may be reached at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures, and Richard Ervin may be reached at 410-545-2878 (or via email at rervin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Five

Sincerely,



Digitally signed by Steve Archer
DN: cn=Steve Archer,
o=Maryland State Highway
Administration, ou=Cultural
Resources Section/
Environmental Planning
Division,
email=SArcher@sha.state.md.us,
c=US

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Ms. Julie Langan, Virginia State Historic Preservation Officer
Ms. Jeanette Mar, Environmental Manager, FHWA
Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA (w/
Attachments)
Ms. Caryn Brookman, Environmental Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD

201802131

F
FHWA
TJT/
EJC

**Concurrence with the MD State Highway Administration's
Area of Potential Effects**

Project Number: AW073A11 MHT Log No. 201802131
Project **I-495 & I-270 Managed Lanes Study**
County: **Montgomery and Prince George's**
Letter Date: April 16, 2018

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MD State Highway Administration's determinations as follows:

Appropriate Area of Potential Effects (Attachment 1)

☒ Concur
☐ Do Not Concur

Eligibility (as noted in the Eligibility Table [N/A]):

☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [N/A]):

☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Comments:

By:

Jim Taubman
MD State Historic Preservation Office/
Maryland Historical Trust

Date

5/17/18

Return by U.S. Mail or Facsimile to
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MD State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A-Proj #x Ervin/Manning

Cc: Ervin
Manning
Brookman

August 8, 2018

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion the enclosed *Archaeological and Historic Architectural Gap Analysis and Assessment* (Gap Analysis) associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. MDOT SHA notified MHT of the study in an initiation letter dated April 12, 2018.

The Gap Analysis provides an inventory of recorded historical resources within the study area and identifies unsurveyed areas requiring archaeological investigation and architectural resources constructed in or before 1978. The Gap Analysis does not include cultural resources along the Virginia segment of the I-495 & I-270 MLS. The Virginia Department of Transportation will address inventory of historic properties for both archaeology and historic architecture in Virginia as part of the agency's ongoing project to extend the American Legion Memorial Bridge High Occupancy Toll (HOT) Lanes to the George Washington Parkway.

MDOT SHA's archaeological gap analysis identified 54 previously unsurveyed areas totaling 268 acres. Of those areas, 37 are recommended for full Phase I archaeological survey, and 17 are recommended for limited archaeological survey to assess integrity.

The architectural analysis identified 33 previously recorded National Register of Historic Places (NRHP)-eligible historic properties, including 11 that are listed on the NRHP. A total of 288 newly identified resources encompassing buildings, districts, parks, and linear resources, require evaluation for NRHP eligibility. MDOT SHA will evaluate these properties using a combination of regular Determination of Eligibility (DOE) forms, short forms, and MIHP Addendum forms.

Although not addressed in the gap analysis, MDOT SHA will work with consulting parties to identify any additional historic property types such as traditional cultural properties (TCPs) or cultural landscapes, as the project moves forward.

Ms. Elizabeth Hughes
Page Two

In the interest of streamlining and reducing costs to the state in the documentation of the numerous architectural resources, MDOT SHA proposes using the I-495 & I-270 MLS as a pilot to submit DOE forms without archival prints. Digital photos will include labels generated in white space below the image, as shown in the attached example (Attachment 2). This format ensures the legibility of photo labels. This digital labeling method meets National Park Service standards and has been accepted by the Virginia and Delaware SHPOs. MDOT SHA will maintain the original digital photos in TIFF format should MHT later request archival prints.

Please examine the attached Archaeological and Historic Architectural Gap Analysis and Assessment (Attachment 1). We request your comments by September 8, 2018 on MDOT SHA's Gap Analysis for the I-495 & I-270 MLS, and MHT's response regarding photo standards and labeling. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Sincerely,



Digitally signed by Steve Archer
DN: cn=Steve Archer, o=Maryland
State Highway Administration,
ou=Cultural Resources Section/
Environmental Planning Division,
email=SArcher@sha.state.md.us,
c=US

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Caryn Brookman, Environmental Manager, I-495 & I-270 P3 Office, MDOT SHA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

October 19, 2018

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion the enclosed *Suburbanization Historic Context Addendum (1961-1980), Montgomery and Prince George's Counties, Maryland* (Context Addendum) and Batch 1 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. MDOT SHA provided MHT with the Gap Analysis and Area of Potential Effects (APE) associated with the study in a letter dated August 8, 2018.

The Context Addendum supplements the original 1999 *Suburbanization Historic Context and Survey Methodology* prepared by KCI Technologies, Inc., and describes historical trends, property types, and significance assessment considerations for properties dating from the 1960-1980 period in Montgomery and Prince George's counties.

Batch 1 of MDOT SHA's historic architecture evaluations includes 15 resources within the MLS Study APE that were previously identified in the Maryland Inventory of Historic Properties. These resources were evaluated using 11 Determination of Eligibility (DOE) forms and 4 MIHP Addendum forms. MDOT SHA has determined that none of the properties evaluated in Batch 1 is eligible for the National Register of Historic Places (NRHP).

DOE Forms

M: 26-10-56	Reiche Cottage Stone House
M: 26-52	626 Great Falls Road
M: 29-42	Stoneyhurst Quarries
M: 30-17	Montgomery Bean House
M: 36-38	Forest Grove Neighborhood
M: 36-71	Montgomery Hills Baptist Church
PG:69-000	New Carrollton
PG:76A-31	John and Marie Darcey Houses

Ms. Elizabeth Hughes
Page Two

PG:76A-30 Linda Holmes House
PG:71A-54 Baltimore and Potomac RR, Washington City Branch District
PG:LAU-29 Baltimore and Ohio RR, Washington Branch District


MIHP Addendum Forms

M: 30-24 WMAL Transmitter Property
PG:73-22 4509 Jefferson Street
PG:73-23 8906 Ardwick-Ardmore Road
PG:73-24 4403 Jefferson Street

The Batch 1 submittal includes printed forms for each resource and an archival DVD with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled between March and June 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Context Addendum (Attachment 1), Batch 1 (Attachment 2), and Eligibility Table (Attachment 3). We request your comments by November 24, 2018, on MDOT SHA's Context Addendum. We also request your concurrence with MDOT SHA's Batch 1 eligibility determinations. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Sincerely,

 Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30105

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility/Status Table

Attachment #3

Project Name:

October 18, 2018

Resource	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-10-56 Reiche Cottage Stone House	S	X	Req. 11/2018	2	DOE
M: 26-52 626 Great Falls Road	S	X	Req. 11/2018	2	DOE
M: 29-42 Stoneyhurst Quarries	S	X	Req. 11/2018	2	DOE
M: 30-17 Montgomery Bean House	S	X	Req. 11/2018	2	DOE
M: 36-38 Forest Grove Neighborhood	HD	X	Req. 11/2018	2	DOE
M: 36-71 Montgomery Hills Baptist	S	X	Req. 11/2018	2	DOE
PG:69-000 New Carrollton	HD	X	Req. 11/2018	2	DOE
PG:76A-31 John and Marie Darcey Houses	S	X	Req. 11/2018	2	DOE
PG:76A-30 Linda Holmes House	S	X	Req. 11/2018	2	DOE
M: 30-24 WMAL Transmitter Property	S	X	Req. 11/2018	2	Addendum – demolished; NR 2000
PG:73-22 4509 Jefferson Street	S	X	Req. 11/2018	2	Addendum
PG:73-23 8906 Ardwick-Ardmore Road	S	X	Req. 11/2018	2	Addendum
PG:73-24 4403 Jefferson Street	S	X	Req. 11/2018	2	Addendum

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

November 27, 2018

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Montgomery and Prince George's Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the draft *Archaeological and Historic Architectural Gap Analysis and Assessment* (Gap Analysis) and the draft *Suburbanization Historic Context Addendum (1961-1980)* (MDOT 2018) prepared for the above-referenced undertaking. We would like to acknowledge the vast amount of research and field work conducted to compile a thorough historical context for this complex project area. We believe this work will facilitate project planning, future intensive survey efforts and the eventual development of a Programmatic Agreement (PA). We are providing our specific comments on the two draft reports in accordance with Section 106 of the National Historic Preservation Act.

Comments on the Gap Analysis: Trust staff reviewed the following document, *Archaeological and Historic Architectural Gap Analysis and Assessment* (July 2018) prepared by RK&K for MDOT SHA. Also, we met with MDOT SHA staff on April 18, 2018 to discuss the project's methodology. In general, we believe that the document proposes a reasonable and appropriate level of effort to complete the identification of historic and archeological properties within the current area of potential effects (APE), given the project scope and concentration of possible resources in the area. We have a few minor comments on the identification strategy. For the archeology efforts, we encourage team to utilize the Maryland Archeological Synthesis Project data to assist in developing defensible evaluations of National Register eligibility and placing sites within a broader context by region or site type. For architecture, the Trust does not recommend the survey and evaluation of electrical infrastructure. There is no need to evaluate the two linear power transmission lines with the project's APE.

Comments on the Suburbanization Historic Context Addendum (1961-1980): As mentioned above, this historic context addendum provides valuable information and insight into mid-twentieth century development trends within Maryland and will serve as a useful tool in the evaluation of the historic built environment for this study.

The context presents a comprehensive discussion of overall mainstream suburban development trends. However, the context should include further analysis of national and local trends, such as the sweeping authority of federal housing regulations and the suburban experience of local historically marginalized populations. For example, we learned that much of Maryland's suburban built environment in the mid-twentieth century was shaped by increasing influence of government regulators and planners at the federal, state and local levels. This context report excels when discussing the specific governmental policies and programs that affected development trends and directly impacted the physical character and social composition of communities during the period. This discussion could benefit from additional

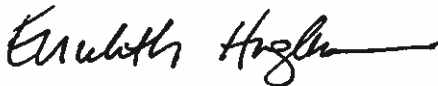
examination of how these laws directly influenced settlement patterns and the appearance of our suburban landscape. Most importantly, the report should include examples of how this phenomenon is expected to be represented in the local built environment.

The context addendum is a valuable tool for identifying historic properties within Maryland's ubiquitous mid-twentieth century suburban landscape. As additional knowledge is gained through fieldwork and research, we hope that the discussion of expected resource types and significance assessments can be further refined to provide examples and greater specificity. It would be helpful to identify the earliest examples of resource types and the anticipated construction date ranges for building types. Also, how is the suburban experience of historically excluded and marginalized groups manifested in the built environment? This information will aid in the identification of properties with the potential for representing important themes within this context report.

We look forward to ongoing coordination with MDOT SHA, FHWA, and the other consulting parties moving forward with implementation and review of the survey and evaluation efforts. Given the magnitude of survey efforts and level of consulting party involvement in the project, we strongly advocate that MDOT SHA provide the opportunity for consulting parties to view and provide input on the identification results concurrent with review by the Trust.

If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov / 410-697-9589 or Beth Cole (for archeology) at beth.cole@maryland.gov / 410-697-9541. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201804336&201805587

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

December 21, 2018

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 1”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 9 DOE forms and 4 MIHP Addenda represents the first batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study planning study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The following properties are not eligible for listing in the National Register:

MIHP No. M: 26-10-56 Reiche Cottage Stone House
MIHP No. M: 26-52 626 Great Falls Road
MIHP No. M: 29-42 Stoneyhurst Quarries
MIHP No. M: 30-17 Montgomery Bean House
MIHP No. M: 36-38 Forest Grove Neighborhood
MIHP No. M: 36-71 Montgomery Hills Baptist Church
MIHP No. PG:69-000 New Carrollton
MIHP No. PG:76A-31 John and Marie Darcey Houses
MIHP No. PG:76A-30 Linda Holmes House

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses.

If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov / 410-697-9589 or me (for archeology) at beth.cole@maryland.gov / 410-697-9541. Thank you for providing us this opportunity to comment.

Sincerely,



Beth Cole
Administrator, Project Review & Compliance

EH/BC/TJT/201805587

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

December 7, 2018

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 2 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.


Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that 9 of the 16 properties evaluated in this submittal are eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled between March and June 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 2 eligibility determinations by January 7, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed by
Steve Archer
Adobe Acrobat
version:
2017.011.30106

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1

Project Name: I-495 & I-270 MLS - Batch 2

December 7, 2018

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 21-281	Londonderry Apartments and Towers	HD	X	Req. 1/2019	2	DOE
M: 26-71	Woodley Gardens	HD	NR	Req. 1/2019	2	DOE
M: 26-72	70-S Industrial Park	HD	X	Req. 1/2019	2	DOE
M: 26-72-1	Ward Building	S	NR	Req. 1/2019	2	DOE
M: 29-59-1	Greenfield House	S	X	Req. 1/2019	2	DOE
M: 29-69	Olde Carderock	HD	X	Req. 1/2019	2	DOE
M: 30-38	Academy Woods	HD	NR	Req. 1/2019	2	DOE
M: 30-39	Grosvenor Park	HD	NR	Req. 1/2019	2	DOE
M: 30-40	Marriott International Corporate Headquarters**	S	NR	Req. 1/2019	2	DOE
M: 31-71	Washington, DC Temple (Church of Jesus Christ of Latter-Day Saints)	S	NR	Req. 1/2019	2	DOE
M: 35-193	The Promenade	S	X	Req. 1/2019	2	DOE
PG:LAU-29	Baltimore and Ohio (B&O) Railroad, Washington Branch	S	NR	Req. 1/2019	2	DOE
PG:70-101	Gould Building	S	X	Req. 1/2019	2	DOE
PG:71A-54	Baltimore & Potomac Railroad, Washington City Branch (Pennsylvania Railroad, Baltimore and Potomac Division)	S	NR	Req. 1/2019	2	DOE
PG:72-26	Town of Glenarden	HD	NR	Req. 1/2019	2	DOE
PG:73-26	Town of Glenarden	HD	NR	Req. 1/2019	2	DOE
PG:76A-60	National Oceanic and Atmospheric Administration (NOAA) World Weather Building	S	X	Req. 1/2019	2	DOE

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

****Although construction began in 1978, Marriott HQ was not opened until early 1979. For the purposes of evaluation, MDOT SHA considers this building to fall within the 40 year period identified in the Gap Analysis.**

February 22, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 2”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 16 DOE forms represents the second batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following properties are eligible for listing in the National Register:

MIHP No. M: 26-71 Woodley Gardens
MIHP No. PG:LAU-29 Baltimore & Ohio Railroad, Washington Branch
MIHP No. PG:71A-54 Baltimore & Potomac Railroad, Washington City Branch
MIHP No. PG:72-26 Town of Glenarden

As you know, the National Register Criteria for Evaluation exclude properties that achieved significance within the past fifty years unless they are of exceptional importance, and therefore, meet National Register Criteria Consideration G. Several of the properties evaluated within Batch 2 of this study are less than fifty years old and do not meet the requirements of Criteria Consideration G. However, these properties will reach or surpass the fifty-year age threshold during the duration of the undertaking and they represent important themes identified in the *Suburbanization Historic Context Addendum (1961-1980)* (MDOT 2018). Therefore, we concur with MDOT SHA that the following properties will be treated as National Register-eligible solely for the purposes of the I-495 & I-270 Managed Lanes Study:

MIHP No. M: 26-72-1 Ward Building
MIHP No. M: 30-38 Academy Woods
MIHP No. M: 30-39 Grosvenor Park
MIHP No. M: 31-71 Washington DC Temple

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

MIHP No. M: 21-281 Londonderry Apartments and Towers
MIHP No. M: 26-72 70-S Industrial Park
MIHP No. M: 29-59-1 Greenfield House
MIHP No. M: 29-69 Olde Carderock
MIHP No. M: 35-193 The Promenade
MIHP No. PG:70-101 Gould Building
MIHP No. PG:76A-60 NOAA World Weather Building

MIHP No. M: 30-40 Marriott International Corporate Headquarters – The Trust does not concur with MDOT SHA's recommendation that this property is eligible for the National Register under Criterion C. The property primarily reflects an expansion of the facility during the mid-1980s. Since the majority of the property will not reach the fifty-year age threshold during the project planning study, it is the Trust's opinion that the property is not eligible for the National Register.

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov.
Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201806345

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

January 7, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 3 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that 4 of the 18 properties evaluated in this submittal are eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled between March and June 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 3 eligibility determinations by February 7, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed by
Steve Archer
Adobe Acrobat
version:
2017.011.30110

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1

Project Name: I-495 & I-270 MLS - Batch 3

January 2, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 21-282	Brighton Village East	HD	X	Req. 2/2019	2	DOE
M: 21-283	Brighton West Condominiums	HD	X	Req. 2/2019	2	DOE
M: 21-284	Fireside Condominiums	HD	X	Req. 2/2019	2	DOE
M: 26-73	Tracor Applied Sciences	S	X	Req. 2/2019	2	DOE
M: 31-72	Cedar Lane Unitarian Church	S	NR	Req. 2/2019	2	DOE
M: 31-73	Phillips House	S	X	Req. 2/2019	2	DOE
M: 33-31	Washington Coca-Cola Bottling Plant (Silver Spring)	S	NR	Req. 2/2019	2	DOE
M: 35-194	Carderock Springs South	HD	NR	Req. 2/2019	2	DOE
M: 35-195	Prelude	HD	X	Req. 2/2019	2	DOE
M: 37-35	Good Shepherd United Methodist Church	S	X	Req. 2/2019	2	DOE
PG:67-40-1	Maryland State Savings and Loan Association (Greenbelt)	S	X	Req. 2/2019	2	DOE
PG:72-26	New Carrollton Metrorail Station and Yard	HD	NR	Req. 2/2019	2	DOE
Short	722 W. Montgomery Avenue	S	X	Req. 2/2019	2	Short
Short	6940 Seven Locks Road	S	X	Req. 2/2019	2	Short
Short	7205 Longwood Drive	S	X	Req. 2/2019	2	Short
Short	10316 Fleming Avenue	S	X	Req. 2/2019	2	Short
Short	First Baptist Church of Rockville	S	X	Req. 2/2019	2	Short
Short	Rockville Christian Church	S	X	Req. 2/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

February 22, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 3”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 18 DOE forms represents the third batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following properties are eligible for listing in the National Register:

MIHP No. M: 31-72 Cedar Lane Unitarian Church
MIHP No. M: 33-31 Washington Coca-Cola Bottling Plant Silver Spring
MIHP No. M: 35-194 Carderock Springs South

As you know, the National Register Criteria for Evaluation exclude properties that achieved significance within the past fifty years unless they are of exceptional importance, and therefore, meet National Register Criteria Consideration G. One of the properties evaluated within Batch 3 of this study is less than fifty years old and does not meet the requirements of Criteria Consideration G. However, this property will reach or surpass the fifty-year age threshold during the duration of the undertaking and it represents important themes identified in the Suburbanization Historic Context Addendum (1961-1980) (MDOT 2018). Therefore, we concur with MDOT SHA that the following property will be treated as National Register-eligible solely for the purposes of the I-495 & I-270 Managed Lanes Study:

MIHP No. PG:72-76 New Carrollton Metrorail Station and Yard

The Trust concurs that the following properties are not eligible for listing in the National Register:

MIHP No. M: 21-282 Brighton Village East
MIHP No. M: 21-283 Brighton West Condominiums
MIHP No. M: 21-284 Fireside Condominiums
MIHP No. M: 26-73 Tracor Applied Sciences
MIHP No. M: 31-73 Phillips House
MIHP No. M: 35-195 Prelude
MIHP No. M: 37-35 Good Shepherd Methodist Church
MIHP No. PG:67-40-1 MD State Saving & Loan Association (Greenbelt)
Rockville Christian Church, 301 Adclare Road
First Baptist Church of Rockville, 55 Adclare Road
10316 Fleming Avenue, Bethesda
7205 Longwood Drive, Bethesda
6940 Seven Locks Road, Cabin John
722 W. Montgomery Avenue, Rockville

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov.
Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201806345

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)
Jim Ashe (WMATA)

February 7, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 4 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.


Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that one of the 28 properties evaluated in this submittal is eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled between March and June 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 4 eligibility determinations by March 7, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed by
Steve Archer
Adobe Acrobat
version:
2017.011.30113

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1

Project Name: I-495 & I-270 MLS - Batch 4

February 6, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-74	Briarglen	HD	X	Req. 3/2019	2	DOE
M: 26-75	Markwood	HD	X	Req. 3/2019	2	DOE
M: 26-77	Saddlebrook	HD	X	Req. 3/2019	2	DOE
M: 26-78	Roxboro	HD	X	Req. 3/2019	2	DOE
M: 29-70	Congressional Country Club Estates	HD	X	Req. 3/2019	2	DOE
M: 29-71	Seven Locks Hills	HD	X	Req. 3/2019	2	DOE
M: 29-72	Burning Tree Estates	HD	X	Req. 3/2019	2	DOE
M: 30-41	Fernwood Estates	HD	X	Req. 3/2019	2	DOE
M: 30-42	Georgetown Village	HD	X	Req. 3/2019	2	DOE
M: 30-43	North Bethesda Grove	HD	X	Req. 3/2019	2	DOE
M: 30-44	Ashburton	HD	X	Req. 3/2019	2	DOE
M: 35-196	Arrowood	HD	X	Req. 3/2019	2	DOE
M: 35-197	Bethesda Overlook	HD	X	Req. 3/2019	2	DOE
M: 35-198	Bradley Manor	HD	X	Req. 3/2019	2	DOE
M: 35-199	Hawley Estate	S	NR	Req. 3/2019	2	DOE
M: 35-200	Persimmon Tree	HD	X	Req. 3/2019	2	DOE
M: 35-201	St. Jane Frances de Chantal Church and St. Jane de Chantal School	S	X	Req. 3/2019	2	DOE
	Best Western Capital Beltway	S	X	Req. 3/2019	2	Short
	Best Western Plus Rockville Hotel and Suites	S	X	Req. 3/2019	2	Short
	Bethesda Fire Department 26	S	X	Req. 3/2019	2	Short
	Geico Materials Center	S	X	Req. 3/2019	2	Short
	Holiday Inn Washington College Park	S	X	Req. 3/2019	2	Short
	Red Lobster (Gaithersburg)	S	X	Req. 3/2019	2	Short
	Rockville Nursing Home	S	X	Req. 3/2019	2	Short
	Xerox Data Systems (BioMed Realty Trust)	S	X	Req. 3/2019	2	Short
	7401 Bradley Boulevard	S	X	Req. 3/2019	2	Short
	7415 Bradley Boulevard	S	X	Req. 3/2019	2	Short
	7330 Arrowood Road	S	X	Req. 3/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

March 26, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 4”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 28 DOE forms represents the fourth batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:
MIHP No. M: 35-199 Hawley Estate (Federation of American Societies for Experimental Biology)

The Trust concurs that the following properties are not eligible for listing in the National Register:

MIHP No. M: 26-74 Briarglen
MIHP No. M: 26-75 Markwood
MIHP No. M: 26-77 Saddlebrook
MIHP No. M: 26-78 Roxboro
MIHP No. M: 29-70 Congressional Country Club Estates
MIHP No. M: 29-71 Seven Locks Hills
MIHP No. M: 29-72 Burning Tree Estates
MIHP No. M: 30-41 Fernwood Estates
MIHP No. M: 30-42 Georgetown Village
MIHP No. M: 30-43 North Bethesda Grove
MIHP No. M: 30-44 Ashburton
MIHP No. M: 35-196 Arrowood
MIHP No. M: 35-197 Bethesda Overlook

MIHP No. M: 35-198 Bradley Manor
MIHP No. M: 35-200 Persimmon Tree
MIHP No. M: 35-201 St. Jane Frances de Chantal Church and St. Frances de Chantal School
7330 Arrowood Road
7401 Bradley Boulevard
7415 Bradley Boulevard
Best Western Capital Beltway
Best Western Plus Rockville Hotel & Suites
Bethesda Fire Department 26
Geico Materials Management Center
Holiday Inn Washington College Park
Red Lobster (Gaithersburg)
Rockville Nursing Home
Xerox Data Systems (BioMed Realty Trust)

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov.
Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201900558

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

March 8, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 5 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.


Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that none of the properties evaluated in this submittal are eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, expected around June 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 5 eligibility determinations by April 9, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30127

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1

Project Name: I-495 & I-270 MLS - Batch 5

March 8, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-76	Rockshire Village	HD	X	Req. 4/2019	2	DOE
M: 26-79	Fallswood	HD	X	Req. 4/2019	2	DOE
M: 26-80	North Farm	HD	X	Req. 4/2019	2	DOE
M: 26-81	West End Park Section 2	HD	X	Req. 4/2019	2	DOE
M: 29-73	Montgomery Mall (Westfield Montgomery)	HD	X	Req. 4/2019	2	DOE
M: 29-74	Seven Locks Manor	HD	X	Req. 4/2019	2	DOE
M: 29-75	Watkins Glen	HD	X	Req. 4/2019	2	DOE
M: 29-76	Wildwood Hills	HD	X	Req. 4/2019	2	DOE
M: 30-45	Alta Vista Gardens	HD	X	Req. 4/2019	2	DOE
M: 30-46	Windermere	HD	X	Req. 4/2019	2	DOE
M: 30-47	John Henry O'Neale House	S	X	Req. 4/2019	2	DOE
M: 30-48	Montrose Woods	HD	X	Req. 4/2019	2	DOE
M: 30-49	Stratton Commons	HD	X	Req. 4/2019	2	DOE
M: 30-50	Stratton Woods	HD	X	Req. 4/2019	2	DOE
M: 30-51	Tusculum and Grubby Thicket	HD	X	Req. 4/2019	2	DOE
M: 30-52	Wildwood Knolls	HD	X	Req. 4/2019	2	DOE
M: 30-53	Wildwood Manor	HD	X	Req. 4/2019	2	DOE
M: 33-32	Hillandale Shopping Center	HD	X	Req. 4/2019	2	DOE
M: 35-202	Tusculum Woods	HD	X	Req. 4/2019	2	DOE
M: 35-203	Linden Hill Towers	S	X	Req. 4/2019	2	DOE
PG:70-102	Dresden Green	HD	X	Req. 4/2019	2	DOE
PG:70-103	Whitfield Woods	HD	X	Req. 4/2019	2	DOE
PG:72-77	Ardwick Industrial District	HD	X	Req. 4/2019	2	DOE
	2406 Muskogee Street	S	X	Req. 4/2019	2	Short
	2407 Muskogee Street	S	X	Req. 4/2019	2	Short
	3315 Glenmoor Drive	S	X	Req. 4/2019	2	Short

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
	4 Choke Cherry Road	S	X	Req. 4/2019	2	Short
	Bowlmor Rockville	S	X	Req. 4/2019	2	Short
	Christman Park	S	X	Req. 4/2019	2	Short
	CIESBD Thrift Store and Office	S	X	Req. 4/2019	2	Short
	College Park Animal Hospital	S	X	Req. 4/2019	2	Short
	Comfort Zone	S	X	Req. 4/2019	2	Short
	Hillandale Center	S	X	Req. 4/2019	2	Short
	Hollywood Square	S	X	Req. 4/2019	2	Short
	Holy Cross Hospital	S	X	Req. 4/2019	2	Short
	Interstate Corporation	S	X	Req. 4/2019	2	Short
	Just Tires (Hyattsville)	S	X	Req. 4/2019	2	Short
	Life Time Athletic (Potomac)	S	X	Req. 4/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

April 17, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 5”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 38 DOE forms represents the fifth batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

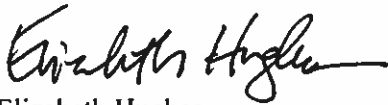
The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

MIHP No. M: 26-76 Rockshire Village
MIHP No. M: 26-79 Fallswood
MIHP No. M: 26-80 North Farm
MIHP No. M: 26-81 West End Park Section 2
MIHP No. M: 29-73 Montgomery Mall (Westfield Montgomery)
MIHP No. M: 29-74 Seven Locks Manor
MIHP No. M: 29-75 Watkins Glen
MIHP No. M: 29-76 Wildwood Hills
MIHP No. M: 30-45 Alta Vista Gardens
MIHP No. M: 30-46 Windermere
MIHP No. M: 30-47 John Henry O’Neale House
MIHP No. M: 30-48 Montrose Woods
MIHP No. M: 30-49 Stratton Commons
MIHP No. M: 30-50 Stratton Woods
MIHP No. M: 30-51 Tusculum and Grubby Thicket
MIHP No. M: 30-52 Wildwood Knolls

MIHP No. M: 30-53 Wildwood Manor
MIHP No. M: 33-32 Hillandale Shopping Center
MIHP No. M: 35-202 Tusculum Woods
MIHP No. M: 35-203 Linden Hill Towers
MIHP No. PG:70-102 Dresden Green
MIHP No. PG:70-103 Whitfield Woods
MIHP No. PG:72-77 Ardwick Industrial District
2406 Muskogee Street
2407 Muskogee Street
3315 Glenmoor Drive
4 Coke Cherry Road
Bowlmor Rockville
Christman Park
CIESBD Thrift Store and Office Building
College Park Animal Hospital
Comfort Zone
Hillandale Center
Hollywood Square
Holy Cross Hospital
Interstate Corporation
Just Tires (Hyattsville)
Life Time Athletic (Potomac)

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201901035

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

April 8, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 6 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.


Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that 1 of the 37 properties evaluated in this submittal is eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled for August 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 6 eligibility determinations by May 8, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30127

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1

Project Name: I-495 & I-270 MLS - Batch 6

April 8, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 20-50	Shady Grove Development Park, Parcel 2	S	X	Req. 5/2019	2	DOE
M: 26-82	Montgomery County Detention Center and Rockville Police Station (District 1)	S	X	Req. 5/2019	2	DOE
M: 29-77	Willerburn Acres	HD	X	Req. 5/2019	2	DOE
M: 30-54	Old Farm	HD	X	Req. 5/2019	2	DOE
M: 31-74	Forest Glen Knolls	HD	X	Req. 5/2019	2	DOE
M: 31-75	Forest Glen Road Houses	HD	X	Req. 5/2019	2	DOE
M: 31-76	Carolyn Hill Apartments	S	X	Req. 5/2019	2	DOE
M: 32-35	Argyle Forest South Section	HD	X	Req. 5/2019	2	DOE
M: 32-36	Franklin Knolls	HD	X	Req. 5/2019	2	DOE
M: 33-33	Hampshire Forest	HD	X	Req. 5/2019	2	DOE
M: 33-34	Holly Hall Apartments	S	X	Req. 5/2019	2	DOE
M: 33-35	Hillandale Forest	HD	X	Req. 5/2019	2	DOE
PG:65-54						
M: 35-204	Wolfe's Subdivision	HD	X	Req. 5/2019	2	DOE
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	HD	NR	Req. 5/2019	2	DOE
M: 36-94	Forest Glen Park	HD	X	Req. 5/2019	2	DOE
M: 36-95	Northmont	HD	X	Req. 5/2019	2	DOE
M: 37-36	Greenwich Woods	HD	X	Req. 5/2019	2	DOE
PG:65-55						
PG:65-50	Adelphi Forest	HD	X	Req. 5/2019	2	DOE
PG:65-51	Holly Hill Manor	HD	X	Req. 5/2019	2	DOE
PG:65-52	Holly Hill Terrace	HD	X	Req. 5/2019	2	DOE
PG:65-53	Knollwood	HD	X	Req. 5/2019	2	DOE

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach	Remarks
M: 37-15	Oakview	S	X	Req. 5/2019	2	Addendum
-	9601 Parkwood Drive	S	X	Req. 5/2019	2	Short
-	9816 Riggs Road	S	X	Req. 5/2019	2	Short
-	10001-10013 Rhode Island Avenue	S	X	Req. 5/2019	2	Short
-	D & F Construction Warehouse	S	X	Req. 5/2019	2	Short
-	Former Amoco Gas and Service Station (Forest Glen)	S	X	Req. 5/2019	2	Short
-	Former Co-op Gas and Service Station (Greenbelt)	S	X	Req. 5/2019	2	Short
-	Holly View Apartments	S	X	Req. 5/2019	2	Short
-	Industrial Bank	S	X	Req. 5/2019	2	Short
-	Lanham Strip Center	S	X	Req. 5/2019	2	Short
-	Montgomery County Division of Facilities Management	S	X	Req. 5/2019	2	Short
-	Montgomery County Public Schools Transportation and Facilities Maintenance Bethesda Depot	S	X	Req. 5/2019	2	Short
-	Seven Locks Plaza (Potomac Woods Plaza)	S	X	Req. 5/2019	2	Short
-	Silver Spring Volunteer Fire Station 16	S	X	Req. 5/2019	2	Short
-	Strip Center, 9002 Lanham Severn Road	S	X	Req. 5/2019	2	Short
-	Texaco/Exxon Gas Station (Suitland)	S	X	Req. 5/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

May 30, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 6”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 37 DOE forms represents the sixth batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:
MIHP No. M: 36-87 Rock Creek Stream Valley Park, Units 2 and 3; This property is National Register-eligible under Criterion A, however, the B&O Railroad Trestle Bridge (MIHP No. M: 36-29) is unrelated to the development of the park and does not contribute to its significance.

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

- MIHP No. M: 20-50 Shady Grove Development Park, Parcel 2
- MIHP No. M: 26-82 Montgomery County Detention Center and Rockville Police Station (District 1)
- MIHP No. M: 29-77 Willerburn Acres
- MIHP No. M: 30-54 Old Farm
- MIHP No. M: 31-74 Forest Glen Knolls
- MIHP No. M: 31-75 Forest Glen Road Houses
- MIHP No. M: 31-76 Carolyn Hill Apartments
- MIHP No. M: 32-35 Argyle Forest South Section
- MIHP No. M: 32-36 Franklin Knolls
- MIHP No. M: 33-33 Hampshire Forest
- MIHP No. M: 33-34 Holly Hall Apartments
- MIHP No. M: 33-35/PG:65-54 Hillandale Forest
- MIHP No. M: 35-204 Wolfe’s Subdivision
- MIHP No. M: 36-94 Forest Glen Park

MIHP No. M: 36-95 Northmont
MIHP No. M: 37-36/PG:65-55 Greenwich Woods
MIHP No. PG:65-50 Adelphi Forest
MIHP No. PG:65-51 Holly Hill Manor
MIHP No. PG:65-52 Holly Hill Terrace
MIHP No. PG:65-53 Knollwood
9601 Parkwood Drive
9816 Riggs Road
10001-10013 Rhode Island Avenue
D&F Construction Warehouse
Former Amoco Gas and Service Station (Forest Glen)
Former Co-op Gas and Service Station (Greenbelt)
Holly View Apartments
Industrial Bank
Lanham Strip Center
Montgomery County Division of Facilities Management
Montgomery County Public Schools Transportation and Facilities Maintenance Bethesda Depot
Seven Locks Plaza (Potomac Woods Plaza)
Silver Spring Volunteer Fire Station 16
Strip Center, 9002 Lanham Severn Road
Texaco/Exxon Gas Station (Suitland)

Finally, a portion of the Oakview community (MIHP No. M: 37-15) was previously surveyed and determined ineligible for the National Register in 2000. We agree with MDOT SHA that the survey boundary for this subdivision should be expanded to encompass additional associated residences and amenities that were omitted from the original documentation. The expanded geographic survey area was described and assessed using an MIHP Addendum Form. However, in order to formally evaluate the expanded survey area, we request the preparation of a DOE form containing the National Register evaluation to accompany the updated survey information supplied on the Addendum form.

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes

Director/State Historic Preservation Officer

EH/BC/TJT/201901808

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

May 8, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 7 of the standing structures eligibility determinations associated with Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that one of the 37 properties evaluated in this submittal is eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled for July 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 7 eligibility determinations by June 7, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Two

Sincerely,

 Digitally signed by
Steve Archer
Adobe Acrobat
version:
2017.011.30140

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1 (2 pages)

Project Name: I-495 & I-270 MLS - Batch 7

May 7, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-83	Montgomery County Fleet Management	S	X	Req. 6/2019	2	DOE
M: 31-77	Forest Glen Tract (West Section)	HD	X	Req. 6/2019	2	DOE
M: 31-78	Rock Creek Hills Section 2	HD	X	Req. 6/2019	2	DOE
M: 31-79	Thomas W. Riley Estate Subdivision	HD	X	Req. 6/2019	2	DOE
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	HD	NR	Req. 6/2019	2	DOE
M: 35-205	Parkview	HD	X	Req. 6/2019	2	DOE
M: 35-206	Park View Estates	HD	X	Req. 6/2019	2	DOE
M: 35-207	Rolling Hills	HD	X	Req. 6/2019	2	DOE
M: 35-208	Spring Hill	HD	X	Req. 6/2019	2	DOE
PG:61-43	Powder Mill Estates	HD	X	Req. 6/2019	2	DOE
PG:61-85	Powder Mill Village	HD	X	Req. 6/2019	2	DOE
PG:65-56	White Oak Manor	HD	X	Req. 6/2019	2	DOE
PG:69-69	Carrollan Manor Apartments	HD	X	Req. 6/2019	2	DOE
PG:70-104	Addition to Lanham Acres	HD	X	Req. 6/2019	2	DOE
PG:70-105	Lanham Acres	HD	X	Req. 6/2019	2	DOE
M: 37-37/ PG:65-57	The Chateau	S	X	Req. 6/2019	2	DOE
-	4705 Edgewood Road	S	X	Req. 6/2019	2	Short
-	4933 Whitfield Chapel Road	S	X	Req. 6/2019	2	Short
-	6010 Princess Garden Parkway	S	X	Req. 6/2019	2	Short
-	7101 Greenbelt Road	S	X	Req. 6/2019	2	Short
-	9116-9120 Levelle Drive	S	X	Req. 6/2019	2	Short
-	9808 47th Place	S	X	Req. 6/2019	2	Short
-	9907 51st Avenue	S	X	Req. 6/2019	2	Short
-	Forestville Volunteer Fire Department	S	X	Req. 6/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
-	Former Amoco Gas and Service Station (Suitland)	S	X	Req. 6/2019	2	Short
-	Former Andrews Esso Gas and Service Station	S	X	Req. 6/2019	2	Short
-	Former Holiday Inn (Suitland)	S	X	Req. 6/2019	2	Short
-	Former Princess Garden Special Center	S	X	Req. 6/2019	2	Short
-	Former Sheraton of Washington Northeast	S	X	Req. 6/2019	2	Short
-	Indian Spring Terrace Park	S	X	Req. 6/2019	2	Short
-	K-Mart Plaza (Landover Crossing)	S	X	Req. 6/2019	2	Short
-	Marlo Furniture Warehouse and Showroom (Forestville)	S	X	Req. 6/2019	2	Short
-	Maryland State Police Barrack L Forestville	S	X	Req. 6/2019	2	Short
-	McDonald's (Suitland)	S	X	Req. 6/2019	2	Short
-	Sheehy Ford of Marlow Heights	S	X	Req. 6/2019	2	Short
-	Strip Center, 4767-4773 Allentown Road	S	X	Req. 6/2019	2	Short
-	Texaco-Shell Gas and Former Service Station (Suitland)	S	X	Req. 6/2019	2	Short

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

August 8, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 7”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 37 DOE forms represents the seventh batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:

MIHP No. M: 32-34 Indian Spring Club Estates and Indian Spring Country Club
This property is National Register-eligible under Criteria A, B and C as a planned suburban community by Jewish developers for the Jewish community utilizing mass-production techniques for the construction of architecturally distinctive homes targeted to the middle class.

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

MIHP No. M: 26-83 Montgomery County Fleet Management
MIHP No. M: 31-77 Forest Glen Tract (West Section)
MIHP No. M: 31-78 Rock Creek Hills Section 2
MIHP No. M: 31-79 Thomas W. Riley Estate Subdivision
MIHP No. M: 35-205 Parkview
MIHP No. M: 35-206 Park View Estates
MIHP No. M: 35-207 Rolling Hills
MIHP No. M: 35-208 Spring Hill
MIHP No. PG:61-43 Powder Mill Estates
MIHP No. PG:61-85 Powder Mill Village
MIHP No. PG:65-56 While Oak Manor
MIHP No. PG:69-69 Carrollan Manor Apartments
MIHP No. PG:70-104 Addition to Lanham Acres

MIHP No. PG:70-105 Lanham Acres
MIHP No. M: 37-37 and PG:65-57 The Chateau
4705 Edgewood Road
4933 Whitfield Chapel Road
6010 Princess Garden Parkway
7101 Greenbelt Road
9116-9120 Levelle Drive
9808 47th Place
9907 51st Avenue
Forestville Volunteer Fire Department
Former Amoco Gas and Service Station (Suitland)
Former Andrews Esso Gas and Service Station
Former Holiday Inn (Suitland)
Former Princess Garden Special Center
Former Sheraton of Washington Northeast
Indian Spring Terrace Park
K-Mart Plaza (Landover Crossing)
Marlo Furniture Warehouse and Showroom (Forestville)
Maryland State Police Barrack L Forestville
McDonald's (Suitland)
Sheehy Ford of Marlow Heights
Strip Center, 4767-4773 Allentown Road
Texaco-Shell Gas and Former Service Station (Suitland)

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/201902237

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

May 14, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to inform the Maryland Historical Trust (MHT) and The Virginia Department of Historic Resources (VDHR) of an update to the Maryland Department of Transportation State Highway Administration (MDOT SHA) proposed Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The project is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. The study limits of the I-495 & I-270 MLS encompass I-495 from south of the American Legion Bridge in Fairfax County, Virginia, to west of MD 5 and I-270 from I-495 north to I-370, including the east and west I-270 spurs along I-495.

On April 16, 2018, MDOT SHA submitted a preliminary Area of Potential Effects (APE) for the I-495 & I-270 MLS. MHT accepted MDOT SHA's APE definition on May 17, 2018 (MHT Log 201802131). At that time, MDOT SHA did not anticipate the need for substantial historic properties identification efforts within Virginia. Since that time, MDOT SHA has conducted additional constructability analysis for replacement of the American Legion Bridge, and coordinated with the Virginia Department of Transportation (VDOT) and the National Park Service (NPS) on project evaluation needs. As a result, the APE in the vicinity of the American Legion Bridge, C&O Canal National Historical Park, and within Virginia has changed. The MLS limits in Virginia overlap with the study area of VDOT's 495 Express Lanes Northern Extension (NEXT) study; MDOT SHA and VDOT are continuing to coordinate our historic properties inventory efforts and expect to use the results of each agency's architectural and archaeological surveys to support effect findings and/or development of Programmatic Agreements for the respective agency projects.

The revised I-495 & I-270 MLS APE is included as Attachment 1.

Architecture: VDOT is currently conducting survey and evaluation of historic architectural resources within the proposed MLS APE in Virginia, using the same survey cut-off date, 1978, established in MDOT SHA's Gap Analysis. Based on design evolution and in consideration of VDOT's NEXT project, MDOT SHA's APE is more precisely defined than the remainder of the corridor in Maryland, taking into account existing noise barriers and other factors that would shield adjacent properties from indirect effects. At this time MDOT SHA generally adopts VDOT's proposed architectural survey boundary along I-495 in Virginia and along the George Washington Memorial Parkway (GWMP) as sufficient for the MLS APE in Virginia. The GWMP and the Georgetown Pike are the only existing NRHP eligible or listed properties within the APE in Virginia. According to the Georgetown Pike NRHP nomination, the .53-mile section of the Georgetown Pike that provides access to I-495 within the APE does not contribute to the Georgetown Pike's significance. MDOT SHA believes that the results of VDOT's in-progress architectural history survey efforts will be sufficient to identify architectural resources potentially affected by the MDOT SHA MLS.

Archaeology:

Because design refinement has occurred since initiation of consultation, MDOT SHA's archaeological survey area is also more specifically defined in the Legion Bridge crossing vicinity and in Virginia, within and adjacent to the GWMP. As opposed to a general corridor survey boundary defined as an arbitrary distance from right-of-way, MDOT SHA is using the combined worst-case LOD of alternatives currently under consideration as the survey area for archaeology. For constructability, the LOD/archaeological survey area has been expanded within the C&O Canal property within Maryland. Additionally, potential conduit and signage needs have been identified along the GWMP. Several known archaeological resources and unsurveyed areas are known to be present along and adjacent to the GWMP in Virginia. MDOT SHA is coordinating with the National Park Service on an Archaeological Resources Protection Act (ARPA) permit and will coordinate with VDHR on the proposed survey and evaluation methods for archaeological resources in Virginia.

Review Request

Please examine the attached APE (**Attachment 1**). We request your comments by June 17, 2019 on MDOT SHA's revised I-495 & I-270 MLS APE in Maryland and Virginia in the general vicinity shown of the American Legion Bridge and along the GWMP. By email carbon copy, we are inviting the relevant agencies, local government representatives, and historic groups to provide comments and participate in the Section 106 process. Federally recognized tribes will also be invited to comment, including additional coordination with Federally Recognized Tribes in Virginia, as the previous APE definition and communication did not anticipate archaeological work by MDOT SHA within Virginia.

Ms. Elizabeth Hughes
Page Three

Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, MDOT SHA seeks the copied parties' assistance in identifying historic preservation issues as they relate to this specific project (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects.

Please contact MDOT SHA Cultural Resources Team Leader Steve Archer at (410) 545-8508 or via email at sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,



Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30140

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Sarah Clarke, VDOT
Ms. Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
(w/ Attachments)
Ms. Caryn Brookman, Environmental Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

10 June 2019

Ms Julie M. Schablitsky
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Revised Area of Potential Effects for the I-495 and I-270 Managed Lanes Study
MDOT SHA Study No. AW073A11
DHR File No. 2018-0251

Dear Ms Schablitsky:

The Department of Historic Resources (DHR) has received for our review and comment the revised Area of Potential Effects (APE) as defined by the Maryland Department of Transportation State Highway Administration (MDOT SHA) for the proposed I-495 and I-270 Managed Lanes Study (MLS). The revised definition of the APE is a result of MDOT SHA's additional constructability analysis for replacement of the American Legion Bridge, and further coordination with the Virginia Department of Transportation (VDOT) and the National Park Service (NPS). As a result, the APE in the vicinity of the American Legion Bridge, C & O Canal National Historical Park, and within Virginia has changed. It is our understanding that the MLS limits in Virginia overlap with the VDOT study area for its I-495 Express Lanes Northern Expansion (NEXT) study. The MDOT SHA and VDOT plan to use the results of each other's architectural and archaeological surveys to support the respective agency's effect findings and/or development of a Programmatic Agreement.

The DHR, which in Virginia is the State Historic Preservation Office, was contacted by the NPS George Washington Memorial Parkway (GWMP) unit regarding the current MDOT SHA redefinition of the MLS APE. It expressed concern that the new APE does is not large enough to adequately address anticipated visual effects from tree clearing

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Page 2
10 June 2019
Ms Julie M. Schablitsky

associated with the undertaking and temporary construction access. We were told that there is planned an estimated fourteen (14) acres of tree clearing on the Virginia side of the MLS, which includes both permanent and temporary vegetative loss. If this is the case, the DHR shares NPS GWMP's position that an expanded APE may be necessary to account for visual effects due to tree removal. Before DHR concurs with the new definition of the APE we request that the MDOT SHA respond to NPS GWMP and DHR regarding this issue.

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Holma". The signature is fluid and cursive, with the first name "Marc" and last name "Holma" clearly distinguishable.

Marc Holma, Architectural Historian
Division of Review and Compliance

C: Ms Sarah Clarke, VDOT
Mr. Tony Opperman, VDOT
Mr. Matt Virta, NPS GWMP
Mr. Bradley Krueger, NPS GWMP

**Concurrence with the MD State Highway Administration's
Determination(s) of Eligibility and/or Effects**

Project Number: AW073A11 **MHT Log No.** 201902528
Project I-495 & I-270 Managed Lanes Study
County: Montgomery and Prince George's
Letter Date: May 15, 2019

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MD State Highway Administration's determinations as follows:

Appropriate Area of Potential Effects (Attachment 1)

☒ Concur
☐ Do Not Concur

Eligibility (as noted in the Eligibility Table [N/A]):

☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [N/A]):

☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Comments:

By:

Jim O'Connell
MD State Historic Preservation Office/
Maryland Historical Trust

6/13/19
Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MD State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A-Proj #9690 Ervin/Manning

Cc: Ervin
Manning

May 28 2019

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Langan:

This letter provides the Virginia Department of Historic Resources (VDHR) with the proposed scope of archaeological investigations in Virginia for the Maryland Department of Transportation State Highway Administration (MDOT SHA) proposed Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS).

As indicated in our May 14, 2019 letter, MDOT SHA's proposed project design in Virginia now extends outside the proposed limits of disturbance of the Virginia Department of Transportation's (VDOT) 495 Express Lanes Northern Extension (NEXT) project in and near the George Washington Memorial Parkway.

In coordination with VDOT and the National Park Service (NPS), MDOT SHA proposes to conduct Phase I and Phase II archaeological investigations within lands administered by the National Park Service in the George Washington Memorial Parkway (GWMP). A map of the proposed MDOT SHA archaeological survey area for the MLS in Virginia is enclosed as **Attachment 1**.

MDOT SHA's archaeology survey area also encompasses proposed project impacts for the VDOT NEXT Project. Potential ramp locations and conduit and signage needs have been identified along the GWMP, and several known archaeological resources and unsurveyed areas are present within the LOD in Virginia. MDOT SHA is coordinating with the National Park Service on an Archaeological Resources Protection Act (ARPA) permit for the proposed survey and evaluation of archaeological resources in the GWMP, which is enclosed as Attachment 2.

Please examine the attached scope of work found within the ARPA permit application (**Attachment 2**). We request your comments by June 28, 2019 on MDOT SHA's proposed scope of archaeological investigations along the GWMP in Virginia.

Please contact MDOT SHA Cultural Resources Team Leader Steve Archer at (410) 545-8508 or via email at sarcher@mdot.maryland.gov with any questions or information needs on this

Ms. Elizabeth Hughes
Page Two

project, or MDOT SHA archaeologist Richard Ervin at (410) 545-2878 or via email at rervin@mdot.maryland.gov for concerns about archaeology.

Sincerely,



Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30142

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Elizabeth Hughes, Maryland State Historic Preservation Officer
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Sarah Clarke, VDOT
Ms. Lisa B. Choplin, DBIA, I-495 & I-270 P3 Office, MDOT SHA
Mr. Jeffrey Folden, P.E., DBIA, I-495 & I-270 P3 Office, MDOT SHA
Ms. Caryn Brookman, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD

Attachment # 2

May 15, 2019

[illegible]

Resource Types: S (Structure), A (Archaeological Site), HD (Historic District), NHL (National Historic Landmark)
 NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)
 Impact: None, No Adverse, Adverse
 Effect: NPA (No Properties Affected), NAE (No Adverse Effect), AE (Adverse Effect)
Bold rows indicate review action requested



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

28 June 2019

Ms Julie M. Schablitsky
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Proposed archaeological scope for the I-495 and I-270 Managed Lanes Study
MDOT SHA Study No. AW073A11
DHR File No. 2018-0251

Dear Ms Schablitsky:

The Department of Historic Resources (DHR) has received for our review and comment the Maryland Department of Transportation State Highway Administration's (MDOT SHA) proposed scope for archaeological investigations in Virginia associated with the proposed I-495 and I-270 Managed Lanes Study (MLS). The DHR understands that MDOT SHA proposes additional archaeological survey for portions of the planned limits of disturbance outside areas previously surveyed as part of the I-495 Express Lanes Northern Expansion project within lands administered by the National Park Service George Washington Memorial Parkway unit. The MDOT SHA proposes conducting a Phase I survey across all of the additional impact areas that do not exhibit extensive prior disturbance and Phase II evaluations on five archaeological sites (44FX0374, 44FX0379, 44FX0381, 44FX0389, and 44FX3160). Additionally, Site 44FX0373 will be subjected to close interval Phase I survey within the portion of the site which overlays the proposed limits of disturbance and a 150-foot buffer beyond the limit of disturbance. While DHR has no additional comments on the scope as proposed by MDOT SHA at this time, DHR recommends that MDOT SHA ensure all archaeological investigations be completed to meet or exceed DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (revised 2017).

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

Marc Holma, Architectural Historian
Division of Review and Compliance

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

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2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
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962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

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5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

C: Ms Sarah Clarke, VDOT
Mr. Tony Opperman, VDOT
Mr. Matt Virta, NPS GWMP
Mr. Bradley Krueger, NPS GWMP



United States Department of the Interior

NATIONAL PARK SERVICE
Greenbelt Park & Baltimore Washington Parkway
6565 Greenbelt Road
Greenbelt, Maryland 20770

IN REPLY REFER TO:
I. A.2. (NCR-NACE)

MAY 29 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Department of Housing and Community Development
100 Community Place
Crownsville, MD 21032

Dear Ms. Hughes:

As part of the I-495 and I-270 Managed Lanes Study Section 106 Process, National Capital Parks-East (NACE), a unit of the National Park Service (NPS), is seeking your preliminary concurrence that Greenbelt Park is potentially eligible for listing on the National Register of Historic Places. NACE recognizes that a Cultural Landscape Inventory will need to be prepared for the park in the near future in order to fulfill its Section 110 obligations of the National Historic Preservation Act of 1966.

Background:

Greenbelt Park was established in 1950 as part of a comprehensive and continuous development of the park system of the national capital region. The park provides high quality camping, picnicking, and hiking in wooded area and along stream corridors, preserving forests, and contributing to the protection of water quality in the Anacostia River watershed. This 1,100-acre park features a 174-site campground, nine (9) miles of trails, and three picnic areas.

The Historic Resources Study¹ done in 2006 for Greenbelt Park recognizes that the Park was initially constructed with funds from the Park Service's Mission 66 program, but did not find any of the building types or small-scale features of exceptional importance and pointed out that there was no established NPS nationwide or regional context at that time by which such construction at Greenbelt Park could be evaluated.²

In 2015, a Multiple Property Documentation (MPD) listing for NPS Mission 66 Era Resources (#65501248) was done to establish that nationwide context that was missing. The MPD notes that NPS Mission 66 resources are located nationwide in the national parks designated through 1972 and includes Greenbelt Park (est. 1950 and from the post- World War II era) as a park that potentially may have Mission 66 resources. The period of significance for Mission 66 era is from 1945-1972. Subsequently, a DRAFT NPS National Capital Region (NCR) Mission 66 MPD Form has added to the context by stating that Greenbelt Park received its initial development from the Mission 66 program, including the construction of the park maintenance building, U.S. Park Police sub-station, and additional parking, while

¹ Robinson & Associates, *Greenbelt Park, National Capital Parks –East, Historic Resources Study (Final)*. Prepared for the National Park Service, National Capital Region, May 31, 2006.

² Ibid, 117.

also pointing out that little additional development has taken place at Greenbelt Park since Mission 66 funding ended.³

Significance Statement:

Though it has not been formally nominated or listed, nor has a determination of eligibility been done, based on the MPD and draft NCR Mission 66 MPDF, the NPS considers Greenbelt Park potentially significant under National Register of Historic Places Criteria A, C, and D due to historic structures associated with the NPS Mission 66 era, cultural landscape, and potentially information-yielding prehistoric and historic archeological resources. Greenbelt Park is significant as a Property Type 3-Public Use District/Facility as the park includes a variety of contributing resources to the Mission 66 program, such as Greenbelt Park - Main Park Road (1961); Greenbelt Park Maintenance Building (ca. 1964); Greenbelt Park USPP Substation D-4 (ca. 1964); Greenbelt Park Picnic Areas (Sweetgum, Laurel, Holly Picnic Areas - ca. 1964); and Greenbelt Park Comfort Stations (ca. 1964).

Greenbelt Park is locally significant under Criterion A as the majority of the park was developed from the Mission 66 program and it fulfilled NCR's goal of providing a variety of recreational opportunities for DC's urban population after WWII. NCR was the main federal agency in the area with authority over substantial natural areas, watersheds, and urban reservations, and it planned and executed its Mission 66 program with an eye toward providing picnic and camping facilities, hiking trails, ball fields, golf courses, a boat center for local high schools and colleges, interpretation of natural and historic resources aimed at schoolchildren, and other facilities for local residents in addition to tourists visiting the nation's capital.

Greenbelt Park is also significant under Criterion C as it typifies the landscape design characteristics of the Mission 66 program, and the only park in the region where almost all of the landscape, roads, campsites, comfort stations, and buildings were constructed during this time. In particular, the campgrounds followed new Mission 66 standards, which included tightly confined developed areas within attractive natural settings, connected by one-way loop roads and hiking trails. Vegetation was also preserved to the greatest extent and the campgrounds featured modern comfort stations. Aside from following the "park service modern" style, the Greenbelt Park USPP Substation (ranger station) was sited at the park's entrance and served as the first official point of contact within the park boundaries for some visitors. Its relatively low profile also 'harmonized' with its setting through horizontality of massing, and color and texture of materials. Finally, the roads and trails were also designed and constructed following Mission 66 design principles including, the use of retaining walls to reduce the height and extent of cut-and-fill slopes, use of vegetation to blend ditches and shoulders to the adjacent landscape was a standard policy, and cut-and-fill slopes were rounded, warped at the end for a natural transition.

Thank you for your attention to this matter and we look forward to receiving your concurrence. Should any questions arise during your review, please do not hesitate to contact Mike Commisso, Acting Chief of Resource Management at (202) 690-5160 or by email at michael_commisso@nps.gov.

Sincerely,



Matthew D. Carroll
Superintendent

³ Robinson & Associates, *Mission 66-Era Visitor Centers, Administration Buildings, and Public Use Areas in the National Capital Region of the National Park Service*, NRHP Multiple Property Documentation Form (DRAFT), 2012.

On Jun 18, 2019, at 3:38 PM, Beth Cole - MHT <beth.cole@maryland.gov> wrote:

Mike,

Thank you for your recent letter providing NPS's views regarding the National Register eligibility of Greenbelt Park. Attached please find the MD SHPO's concurrence with NPS's findings that Greenbelt Park is potentially eligible for the NRHP under Criteria A and C. We have assigned inventory number PG:67-69 to Greenbelt Park and it will now be added to our GIS and inventory records. For purposes of Section 106, we will treat Greenbelt Park as an eligible historic property. We look forward to further coordination with NPS in its further study and documentation of Greenbelt Park. Let me know if you have questions or need further assistance.

Have a good afternoon,

Beth

Beth Cole

Administrator, Project Review and Compliance
Maryland Historical Trust
Maryland Department of Planning

100 Community Place

Crownsville, MD 21032

beth.cole@maryland.gov / 410-697-9541

MHT.Maryland.gov

[Please take our customer service survey](#)

Planning.Maryland.gov / Census.Maryland.gov



On Wed, May 29, 2019 at 5:04 PM Commisso, Michael <michael_commisso@nps.gov> wrote:

Good afternoon Beth,

As we discussed, as part of the I-495 and I-270 Managed Lanes Study Section 106 Process, National Capital Parks-East (NACE), a unit of the National Park Service (NPS), is seeking your preliminary concurrence that Greenbelt Park is potentially eligible for listing on the National Register of Historic Places (see attachment). NACE recognizes that a Cultural Landscape Inventory will need to be prepared for the park in the near future in order to fulfill its Section 110 obligations of the National Historic Preservation Act of 1966.

Let me know if you have any questions or concerns.

Mike

Please note, I am out of the office on detail to National Capital Parks-East. For National Mall and Memorial Parks related issues, please contact Catherine Dewey at (202) 245-4711. Thank you.

Michael Commisso

Acting Chief of Resource Management

National Capital Parks-East

1900 Anacostia Drive SE

Washington, DC 20020

202.690.5160 office

202.494.6905 cell

Cultural Resources Program Manager

National Mall and Memorial Parks

National Park Service

900 Ohio Drive, SW

Washington, DC 20024

<GreenbeltPark MDSHPO 06-18-19.pdf>

June 7, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 8 of the standing structures eligibility determinations associated with the Maryland Department of Transportation State Highway Administration (MDOT SHA) Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that one of the 48 properties evaluated in this submittal is newly eligible for the National Register of Historic Places (NRHP).

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the final batch submittal, scheduled for July 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

The Batch 8 submittal also includes the finalized *Suburbanization Historic Context Addendum (1961-1980), Montgomery and Prince George's Counties, Maryland*. A hard copy and digital copy on CD are included for MHT's library.

Ms. Elizabeth Hughes
Page Two

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 8 eligibility determinations by July 8, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@mdot.maryland.gov) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@mdot.maryland.gov) with concerns regarding archaeology.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Schablitsky", with a stylized flourish at the end.

Julie M. Schablitsky
Chief Archaeologist/ADC
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, FHWA
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1 (2 pages)

Project Name: I-495 & I-270 MLS - Batch 8

June 7, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-84	Julius West Junior High School (Julius West Middle School)	S	X	Req. 7/2019	2	DOE
M: 26-85	Washington National Pike Industrial Park, Block A	HD	X	Req. 7/2019	2	DOE
M: 29-78	Cabin John Regional Park	HD	X	Req. 7/2019	2	DOE
M: 29-79	Congressional Country Club	HD	NR	Req. 7/2019	2	DOE
M: 32-37	Argyle Local Park	HD	X	Req. 7/2019	2	DOE
M: 35-38	In the Woods	S	-	NR 10/2000	2	Rev. DOE
PG:66-38	Hollywood Addition	HD	X	Req. 7/2019	2	Rev. DOE
PG:66-41	Sunnyside and Sunnyside Knolls	HD	X	Req. 7/2019	2	Rev. DOE
PG:66-69	Hollywood	HD	X	Req. 7/2019	2	Rev. DOE
PG:66-82	Edgewood Knolls	HD	X	Req. 7/2019	2	DOE
PG:66-83	Sunnyside B	HD	X	Req. 7/2019	2	DOE
PG:67-70	Goddard Space Village	HD	X	Req. 7/2019	2	DOE
PG:67-71	Good Luck Estates	HD	X	Req. 7/2019	2	DOE
PG:67-72	Greenbriar Condominiums	HD	X	Req. 7/2019	2	DOE
PG:67-73	Hunting Ridge	HD	X	Req. 7/2019	2	DOE
PG:67-74	Schrom Hills	HD	X	Req. 7/2019	2	DOE
PG:69-70	Carrollan	HD	X	Req. 7/2019	2	DOE
PG:69-71	Princess Springs	HD	X	Req. 7/2019	2	DOE
PG:72-78	Washington Suburban Sanitary Commission (WSSC) Central Avenue Water Pumping Station	S	X	Req. 7/2019	2	DOE
PG:76A-61	Andrews Village	HD	X	Req. 7/2019	2	DOE
PG:76A-62	Forest Village Apartments	HD	X	Req. 7/2019	2	DOE
PG:76B-76	Allentowne Apartments	HD	X	Req. 7/2019	2	DOE
PG:76B-77	Andrews Manor	HD	X	Req. 7/2019	2	DOE
PG:76B-78	Andrews Manor Apartments	HD	X	Req. 7/2019	2	DOE

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
PG:76B-79	Andrews Manor Shopping Center	HD	X	Req. 7/2019	2	DOE
-	4305 Forestville Road	S	X	Req. 7/2019	2	Short
-	5401 Florist Place	S	X	Req. 7/2019	2	Short
-	Chevy Chase Recreation Association	S	X	Req. 7/2019	2	Short
-	Ephesians New Testament Church	S	X	Req. 7/2019	2	Short
-	Herc Rentals	S	X	Req. 7/2019	2	Short
-	Holy Cross Lutheran Church	S	X	Req. 7/2019	2	Short
-	Joint Base Andrews Water Tower	S	X	Req. 7/2019	2	Short
-	Kingdom Square	S	X	Req. 7/2019	2	Short
-	Morris Park	S	X	Req. 7/2019	2	Short
-	North Chevy Chase Local Park	S	X	Req. 7/2019	2	Short
-	Peterbilt	S	X	Req. 7/2019	2	Short
-	Ryder Truck Rental & Leasing	S	X	Req. 7/2019	2	Short
-	U-Haul Moving & Storage of Landover	S	X	Req. 7/2019	2	Short
-	Warehouse, 5000-5060 Beech Place	S	X	Req. 7/2019	2	Short
-	Warehouses, 8901-8961 D'Arcy Road	S	X	Req. 7/2019	2	Short
-	Whitfield Chapel Park	S	X	Req. 7/2019	2	Short
M: 20-15	Gaither-Howes House	S	X	Req. 7/2019	2	Addendum
M: 20-24	Mills House	S	X	Req. 7/2019	2	Addendum
M: 26-6	Poor Farm, Site and Cemetery	S	X	Req. 7/2019	2	Addendum
M: 36-36	Louis C. & Charlotte E. Dismer Property	S	X	Req. 7/2019	2	Addendum
PG:76A-25	L and R Lawnmower	S	X	Req. 7/2019	2	Addendum
PG:76A-26	Helen Knox House	S	X	Req. 7/2019	2	Addendum
PG:77-60	Hazard Storage (AAFB Building #1990)	S	X	Req. 7/2019	2	Addendum

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

August 8, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 8”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 41 DOE forms represents the eight batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:

MIHP No. M: 29-79 Congressional Country Club

This property is National Register-eligible under Criteria A and C for its association with the development of 20th century country clubs and the role of this club as a gathering place for the political and business elite of Washington, D.C. The property is also significant for the design of its distinctive clubhouse.

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

MIHP No. M: 26-84 Julius West Junior High School (Julius West Middle School)

MIHP No. M: 26-85 Washington National Pike Industrial Park, Block A

MIHP No. M: 29-78 Cabin John Regional Park

MIHP No. M: 32-37 Argyle Local Park

MIHP No. PG:66-38 Hollywood Addition

MIHP No. PG:66-41 Sunnyside and Sunnyside Knolls

MIHP No. PG:66-69 Hollywood

MIHP No. PG:66-82 Edgewood Knolls

MIHP No. PG:66-83 Sunnyside B

MIHP No. PG:67-70 Goddard Space Village

MIHP No. PG:67-71 Good Luck Estates

MIHP No. PG:67-72 Greenbrier Condominiums

MIHP No. PG:67-73 Hunting Ridge
MIHP No. PG:67-74 Schrom Hills
MIHP No. PG:69-70 Carrollan
MIHP No. PG:69-71 Princess Springs
MIHP No. PG:72-78 WSSC Central Avenue Water Pumping Station
MIHP No. PG:76A-61 Andrews Village
MIHP No. PG:76A-62 Forest Village Apartments
MIHP No. PG:76B-76 Allentowne Apartments
MIHP No. PG:76B-77 Andrews Manor
MIHP No. PG:76B-78 Andrews Manor Apartments
MIHP No. PG:76B-79 Andrews Manor Shopping Center
4305 Forestville Road
5401 Florist Place
Chevy Chase Recreation Association
Ephesians New Testament Church
Herc Rentals
Holy Cross Lutheran Church
Joint Base Andrews Water Tower
Kingdom Square
Morris Park
North Chevy Chase Local Park
Peterbilt
Ryder Truck Rental & Leasing
U-Haul Moving & Storage of Landover
Warehouse, 5000-5060 Beech Place
Warehouses, 8901-8961 D'Arcy Road
Whitfield Chapel Park

The property known as In the Woods (MIHP No. M: 35-38) was previously evaluated and determined eligible for listing in the National Register in 2000. As part of the current study, MDOT SHA revisited the property to update its National Register boundary, period of significance and character-defining features. We concur with the revised documentation and historic boundary for this resource.

Finally, we acknowledge receipt of the final revised draft of the following report: Suburbanization Historic Context Addendum (1961-1980) (MDOT SHA 2019). This report has been accessioned into our library.

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/201902893

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

July 8, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Ms. Hughes:

This letter serves to inform the Maryland Historical Trust (MHT) of the completion of Batch 9 of the standing structures eligibility determinations associated with the Maryland Department of Transportation State Highway Administration (MDOT SHA) Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

Please see Attachment 1 for a list of the properties included in this batch submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that one of the 50 properties included in this submittal is newly eligible for the National Register of Historic Places (NRHP). Two other properties are eligible: the Glenarden Historic District (PG:72-26/PG:73-26) and the Philip F. Gormley House/Gagarin Property (M: 35-162). The Glenarden Historic District is a revised and expanded version of the Town of Glenarden Determination of Eligibility (DOE) form MDOT SHA submitted to MHT as part of Batch 2. New information based on additional survey and ongoing research in the area has resulted in an expansion of the previous boundary. MHT holds an easement on the Philip F. Gormley House/Gagarin Property, but the property had not been formally evaluated for the NRHP using MHT's DOE form.

MDOT SHA provided a review draft of the DOE form for the U.S. Postal Service (USPS) Southern Maryland Processing and Distribution Center to Mr. Daniel Delahaye, Federal Preservation Officer for the USPS. The included form for that facility reflects input from the USPS.

Also included is a Maryland Inventory of Historic Properties form for the Marriott International Corporate Headquarters in Bethesda. This form replaces the DOE form submitted to MHT as part of Batch 2.

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. MDOT SHA will provide an Access database with the

Ms. Elizabeth Hughes
Page Two

final batch submittal, anticipated in September 2019, that includes all properties evaluated for the I-495 & I-270 MLS.

Please examine the attached Eligibility Table (Attachment 1) and batch submittal (Attachment 2). We request your concurrence with MDOT SHA's Batch 9 eligibility determinations by August 7, 2019. Please contact Matt Manning at 410-545-8560 (or via email at MManning@mdot.maryland.gov) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@mdot.maryland.gov) with concerns regarding archaeology.

Sincerely,



Digitally signed by
Steve Archer
Adobe Acrobat
version:
2017.011.30143

for Julie M. Schablitsky
Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Ms. Jeanette Mar, FHWA
Mr. Daniel Delahaye, USPS
Ms. Lisa B. Choplin, Project Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #1 (2 pages)

Project Name: I-495 & I-270 MLS - Batch 9

July 8, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 26-86	Potomac Valley Nursing Home (Potomac Valley Nursing and Wellness Center)	S	X	Req. 8/2019	2	DOE
M: 29-80	Cabin John Stream Valley Park	HD	X	Req. 8/2019	2	DOE
M: 29-81	Montgomery Country Club (Bethesda Country Club)	HD	X	Req. 8/2019	2	DOE
M: 33-36	Hillandale Swim and Tennis Association	S	X	Req. 8/2019	2	DOE
M: 33-37	Xaverian College (National Labor College)	HD	X	Req. 8/2019	2	DOE
M: 35-162	Philip F. Gormley House/Gagarin Property	S	NR	Req. 8/2019	2	DOE
M: 35-209	Old Georgetown Club	S	X	Req. 8/2019	2	DOE
PG:61-86	Powder Mill Elementary School (Frances Fuchs Early Childhood Center)	S	X	Req. 8/2019	2	DOE
PG:72-26 PG:73-26	Glenarden Historic District	HD	NR	Req. 8/2019	2	Rev. DOE
PG:72-79	Centennial Village	HD	X	Req. 8/2019	2	DOE
PG:72-80	Hanson-Beltway Industrial Center	HD	X	Req. 8/2019	2	DOE
PG:73-36	Carsondale	HD	NR	Req. 8/2019	2	DOE
PG:73-37	Cranmore Knolls	HD	X	Req. 8/2019	2	DOE
PG:73-38	Rambling Hills	HD	X	Req. 8/2019	2	DOE
PG:75A-78	USPS Southern Maryland Processing and Distribution Center	HD	X	Req. 8/2019	2	DOE
PG:75A-79	Badini's Addition to Ole Longfield	HD	X	Req. 8/2019	2	DOE
PG:76A-63	Andrews Park	HD	X	Req. 8/2019	2	DOE
PG:76A-64	Silver Valley	HD	X	Req. 8/2019	2	DOE
PG:76B-80	Old Branch Avenue Houses	HD	X	Req. 8/2019	2	DOE
PG:76B-81	Princeton	HD	X	Req. 8/2019	2	DOE
PG:76B-82	Temple Terrace	HD	X	Req. 8/2019	2	DOE
PG:76B-83	Woodlane	HD	X	Req. 8/2019	2	DOE
PG:76B-84	Yorkshire Village	HD	X	Req. 8/2019	2	DOE

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
	3220 Park View Road	S	X	Req. 8/2019	2	Short
	3231 Park View Road	S	X	Req. 8/2019	2	Short
	3724 Brightseat Road	S	X	Req. 8/2019	2	Short
	3900 Penn Belt Place	S	X	Req. 8/2019	2	Short
	4704 Medley Drive	S	X	Req. 8/2019	2	Short
	5612 Lanham Station Road	S	X	Req. 8/2019	2	Short
	8803 Ardwick Ardmore Road	S	X	Req. 8/2019	2	Short
	8808 Spring Avenue	S	X	Req. 8/2019	2	Short
	8819 Saunders Lane	S	X	Req. 8/2019	2	Short
	8820 Saunders Lane	S	X	Req. 8/2019	2	Short
	8904 Ardmore Road	S	X	Req. 8/2019	2	Short
	9017 Spring Hill Lane	S	X	Req. 8/2019	2	Short
	10020 Riggs Road	S	X	Req. 8/2019	2	Short
	The Classics	S	X	Req. 8/2019	2	Short
	Ebenezer United Methodist Church	S	X	Req. 8/2019	2	Short
	Episcopal Church of the Nativity	S	X	Req. 8/2019	2	Short
	Landover Center	S	X	Req. 8/2019	2	Short
	Lanham Sports Park	S	X	Req. 8/2019	2	Short
	McDonald Field	S	X	Req. 8/2019	2	Short
	Malcolm King Park	S	X	Req. 8/2019	2	Short
	Silver Cab of P.G. & Taxi Taxi Dispatch Center	S	X	Req. 8/2019	2	Short
	Snapbox Self-Storage	S	X	Req. 8/2019	2	Short
	Waste Management - Temple Hills	S	X	Req. 8/2019	2	Short
M: 29-59	Carderock Springs Historic District	HD	-	11/2008 NRL	2	Addendum
M: 31-7	Capitol View Park Historic District	HD	-	4/2001 NR	2	Addendum
PG:76A-33	Warren Ammann House	HD	ND	Req. 8/2019	2	Addendum
M: 30-40	Marriott International Corporate Headquarters	S	ND	Req. 8/2019	2	MIHP

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

August 12, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 9”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group and RK&K LLP on behalf of the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 47 DOE forms represents the ninth batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:

MIHP No. 73-36 Carsondale
This historic district eligible for the National Register of Historic Places under Criterion A as one of the earliest suburban developments advertised for African American WWII veterans.

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

MIHP No. M:26-86 Potomac Valley Nursing Home (Potomac Valley Nursing and Wellness Center)
MIHP No. M: 29-81 Montgomery Country Club (Bethesda Country Club)
MIHP No. M: 33-36 Hillandale Swim and Tennis Association
MIHP No. M: 33-37 Xaverian College (National Labor College)
MIHP No. M: 35-209 Old Georgetown Club
MIHP No. PG:61-86 Powder Mill Elementary School (Frances Fuchs Early Childhood Center)
MIHP No. PG:72-79 Centennial Village
MIHP No. PG:72-80 Hanson-Beltway Industrial Center
MIHP No. PG:73-37 Cranmore Knolls
MIHP No. PG:73-38 Rambling Hills
MIHP No. PG:75A-78 USPS Southern MD Processing & Distribution Center
MIHP No. PG:75A-79 Badini’s Addition to Ole Longfield
MIHP No. PG:76A-63 Andrews Park
MIHP No. PG:76A-64 Siler Valley
MIHP No. PG:76B-80 Old Branch Avenue Houses
MIHP No. PG:76B-81 Princeton

MIHP No. PG:76B-82 Temple Terrace
MIHP No. PG:76B-83 Woodlane
MIHP No. PG:76B-84 Yorkshire Village
3220 Park View Road
3231 Park View Road
3724 Brightseat Road
3900 Penn Belt Place
4704 Medley Drive
5612 Lanham Station Road
8803 Ardwick Ardmore Road
8808 Spring Avenue
8819 Saunders Lane
8820 Saunders Lane
8904 Ardmore Road
9017 Spring Hill Lane
10020 Riggs Road
The Classics, 4591 Allentown Road
Ebenezer United Methodist Church, 4912 Whitfield Chapel Road
Episcopal Church of the Nativity, 5203 Manchester Drive
Landover Center, 1701 Brightseat Road
Lanham Sports Park, 7700 Good Luck Road
McDonald Field, 13 Southway
Malcolm King Park, 1200 West Side Drive
Silver Cab of P.G. & Taxi Taxi Dispatch Center, 8316 Ardwick Ardmore Road
Snapbox Self-Storage, 5061 Beech Place
Waste Management – Temple Hills, 4900 Beech Place

The property known as the Town of Glenarden (MIHP Nos. PG:72-26/73-26) was previously evaluated and determined eligible for listing in the National Register in 2018. Ongoing research conducted as part of this study has resulted in an expansion of the previously identified historic boundary. We concur with the revised documentation and historic boundary for the property now known as the Glenarden Historic District.

The Trust holds a perpetual preservation easement on the Philip F Gormley House/Gagarin Property (MIHP No. PG:35-162), however, a formal DOE was never completed. We appreciate MDOT SHA's preparation of a DOE for this resource and agree that it is National Register eligible.

The Trust agrees that the Cabin John Stream Valley Park (MIHP No. M: 29-80) is not eligible for listing in the National Register based on the existing analysis presented in MDOT SHA's DOE form. The property is a late example of park creation in the region and possesses minimal manmade improvements. However, we welcome future efforts to develop a comprehensive context or multiple property documentation of the Stream Valley Park system that could result in a re-evaluation of this property.

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes

Director/State Historic Preservation Officer

EH/BC/TJT/201903398

cc:

Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

November 26, 2019

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to inform the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (VDHR) of an update to the Area of Potential Effects (APE) and the completion of Batch 10 of the standing structures eligibility determinations associated with the Maryland Department of Transportation State Highway Administration (MDOT SHA) Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

MDOT SHA initially defined the APE in a letter to MHT dated April 16, 2018. In the absence of engineered alternatives, the APE at the time was established using a Corridor Study Boundary (CSB) as the initial survey boundary. The CSB, a 300-foot-wide area along the centerline of I-495 and I-270 within the project limits, was the area in which it was assumed physical impacts would occur. The APE extended an additional 250 feet along either side of the CSB and was entirely within Maryland. MHT accepted MDOT SHA's definition of the APE on May 17, 2018 (MHT Log 201802131).

On May 14, 2019, MDOT SHA submitted an updated APE for the I-495 & I-270 MLS encompassing parts of the Virginia Department of Transportation's 495 Express Lanes Northern Extension (NEXT) study in the vicinity of the American Legion Bridge. MHT accepted the updated APE definition on June 13, 2019 (MHT Log 201902528).

MDOT SHA received comments from the National Park Service and VDHR requesting clarification of visual effects considerations regarding the APE in the vicinity of the American Legion Bridge spanning Maryland and Virginia over the Potomac River. MDOT SHA notes that sizable historic properties are present at both landings of the bridge (George Washington Memorial Parkway in Virginia and The Chesapeake and Ohio Canal National Historical Park in Maryland). MDOT SHA will consider effects to these resources in their entirety. MDOT SHA believes the 250-foot buffer is consistent with the consideration to effects to viewshed, setting and feeling given to all other historic properties for the study and does not merit special extension in this area. As with all other historic properties, MDOT SHA considers effects to the property in total even if only a portion of the property falls within the APE. However, because the limits of disturbance (LOD) have expanded at the American Legion Bridge, the APE is accordingly shown 250 feet from the edge of LOD, resulting in a minor APE expansion within the Potomac River.

Since the APE update in May 2019, following design advancement and the establishment of engineered alternatives, MDOT SHA has developed LOD for the alternatives under consideration. Refinements to the LOD have resulted in an expanded APE in Maryland. MDOT SHA has revised the APE using the LOD for Alternative 10, which represents the broadest alternative for physical construction impacts. In general, the LOD is narrower than the CSB and is a more accurate estimation of project impacts. However, where the LOD is smaller than the CSB, the APE continues to use the larger limits of the CSB. Where the LOD extends beyond the CSB, the APE has expanded. As it did with the CSB, the APE extends 250 feet on either side of the Alternative 10 LOD. Within Virginia, particularly along the west side of I-495, the APE has a reduced buffer from the LOD in some areas for consistency with VDOT's NEXT project, taking into account the presence of noise barriers and where engineering design has been more refined. The APE within Virginia is unchanged from the May 2019 submittal.

Please see Attachment 2 for a list of the properties included in the Batch 10 submittal and a summary of MDOT SHA's eligibility findings. MDOT SHA has determined that 2 of the 46 properties evaluated in this submittal, Capitol Car Distributors (PG:70-95) and Little Washington (PG:78-39), are eligible for the National Register of Historic Places (NRHP). Oakview (M: 37-15), which MDOT SHA originally submitted as an Addendum form with Batch 6, is included on a Determination of Eligibility (DOE) form at MHT's request to facilitate concurrence with the neighborhood's expanded boundaries.


Also included is a revised Addendum form for Carderock Springs (M: 29-59), which corrects a mapping error on the version submitted to MHT as part of Batch 9.

This batch submittal includes printed forms for each resource and an archival disc with digital photographs and PDF copies of the forms. Following this submittal, MDOT SHA will provide MHT with an Access database that includes all properties evaluated for the I-495 & I-270 MLS through Batch 10.

Ms. Elizabeth Hughes
Page Three

Please examine the attached APE Map (Attachment 1), Eligibility Table (Attachment 2), and batch submittal (Attachment 3). We request comments from MHT and VDHR by December 26, 2019, on MDOT SHA's revised APE. By the same date, we request MHT concurrence with MDOT SHA's Batch 10 eligibility determinations. Please contact Matt Manning at 410-545-8560 (or via email at MManning@mdot.maryland.gov) with questions regarding standing structures for this project. Richard Ervin may be reached at 410-545-2878 (or via email at RErvin@mdot.maryland.gov) with concerns regarding archaeology.

Sincerely,

 Digitally signed
by Steve Archer
Adobe Acrobat
version:
2017.011.30152

for Julie M. Schablitsky
Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc: Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. John Simkins, FHWA Virginia Division
Mr. Tony Opperman, VDOT
Ms. Sarah Clarke, VDOT
Ms. Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD

Eligibility Table

Attachment #2 (2 pages)

Project Name: I-495 & I-270 MLS - Batch 10

November 26, 2019

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
M: 21-285	The Willows	HD	X	Req. 12/2019	3	DOE
M: 26-87	Fallsmead	HD	X	Req. 12/2019	3	DOE
M: 30-55	Martin Marietta Corporation Headquarters	S	X	Req. 12/2019	3	DOE
M: 31-80	Forest Grove Elementary School	S	X	Req. 12/2019	3	DOE
M: 32-38	Indian Spring Park	HD	X	Req. 12/2019	3	DOE
M: 35-210	Wyngate	HD	X	Req. 12/2019	3	DOE
M: 36-97	The Valley	HD	X	Req. 12/2019	3	DOE
M: 36-98	Woodside Forest	HD	X	Req. 12/2019	3	DOE
M: 36-99	Technical Service Park	S	X	Req. 12/2019	3	DOE
M: 37-15	Oakview (Batch 6 Addendum Revised to DOE)	HD	X	Req. 12/2019	3	DOE
PG:67-75	Lakecrest	HD	X	Req. 12/2019	3	DOE
PG:70-95	Capitol Car Distributors	S	NR	Req. 12/2019	3	DOE
PG:73-39	Spring Dale	HD	X	Req. 12/2019	3	DOE
PG:76B-85	Abbott Forest	HD	X	Req. 12/2019	3	DOE
PG:76B-86	Glenn-Hills	HD	X	Req. 12/2019	3	DOE
PG:76B-87	Manchester Estates	HD	X	Req. 12/2019	3	DOE
PG:78-39	Little Washington	HD	NR	Req. 12/2019	3	DOE
	223 University Boulevard	S	X	Req. 12/2019	3	Short
	1509 Forest Glen Road	S	X	Req. 12/2019	3	Short
	2410-26 Linden Lane	S	X	Req. 12/2019	3	Short
	5502 Old Branch Avenue	S	X	Req. 12/2019	3	Short
	6001 Auth Road	S	X	Req. 12/2019	3	Short
	6302 Princess Garden Parkway	S	X	Req. 12/2019	3	Short
	6314 Princess Garden Parkway	S	X	Req. 12/2019	3	Short
	6712 McKeldin Drive	S	X	Req. 12/2019	3	Short
	7100 Heatherhill Road	S	X	Req. 12/2019	3	Short
	7104 Heatherhill Road	S	X	Req. 12/2019	3	Short

Codes:

Resource Types: S (Structure), A (Archaeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested

MIHP	Resource Name	Type	SHA NR Det.	SHPO Opinion	Attach.	Remarks
	7124 Greentree Road	S	X	Req. 12/2019	3	Short
	7601 Good Luck Road	S	X	Req. 12/2019	3	Short
	9001 Annapolis Road	S	X	Req. 12/2019	3	Short
	9001 Ardmore Road	S	X	Req. 12/2019	3	Short
	9011 Annapolis Road	S	X	Req. 12/2019	3	Short
	9075 Comprint Court	S	X	Req. 12/2019	3	Short
	Douglass E. Patterson Park	S	X	Req. 12/2019	3	Short
	Episcopal Church of Our Saviour	S	X	Req. 12/2019	3	Short
	Forestville Asphalt	S	X	Req. 12/2019	3	Short
	Grace Presbyterian Church	S	X	Req. 12/2019	3	Short
	James E. Duckworth School	S	X	Req. 12/2019	3	Short
	Knights of Columbus Prince George's Council	S	X	Req. 12/2019	3	Short
	Morningside Shell Service Station	S	X	Req. 12/2019	3	Short
	Museum Warehouse, Building 178, Forest Glen Annex	S	X	Req. 12/2019	3	Short
	Shell Gas and Service Station (Gaithersburg)	S	X	Req. 12/2019	3	Short
	Shell Gas and Service Station (Rockville)	S	X	Req. 12/2019	3	Short
	Shell Service Station and Strip Center	S	X	Req. 12/2019	3	Short
	Sheraton Potomac Inn	S	X	Req. 12/2019	3	Short
	Steuart Ford	S	X	Req. 12/2019	3	Short
M: 29-59	Carderock Springs Historic District (8124 Stone Trail Drive)	HD	-	11/2008 NRL	3	Addendum

Codes:

Resource Types: S (Structure), A (Archaeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Bold rows indicate review action requested



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

23 December 2019

Ms Julie M. Schablitsky
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Update on APE and Batch 10 architectural properties for the I-495 and I-270
Managed Lanes Study
MDOT SHA Study No. AW073A11
DHR File No. 2018-0251

Dear Ms Schablitsky:

The Department of Historic Resources (DHR) has received your letter of 26 November 2019 regarding the above referenced project. The correspondence from the Maryland Department of Transportation State Highway Administration (MDOT SHA) is, in part, a response to DHR's letter of 10 June 2019 commenting on the revised Area of Potential Effects (APE) for the proposed I-495 and I-270 Managed Lanes Study (MLS). Specifically, we informed MDOT SHA that the National Park Service unit at George Washington Memorial Parkway (NPS GWMP) expressed to DHR that the revised APE did not take into consideration possible visual impacts caused by an estimated 14 acres of vegetative and tree clearing associated with the undertaking and temporary construction access. In our letter, we requested MDOT SHA address NPS GWMP's concerns concerning this topic.

As stated in MDOT SHA's letter of 26 November, it believes the 250-foot buffer extended along either side of the Corridor Study Boundary "is consistent with the consideration to effects to viewshed, setting, and feeling given to all other historic properties for the study and does not merit special extension" in the area of the George

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Washington Memorial Parkway. However, because the limits of disturbance (LOD) have expanded in the area of the American Legion Bridge the 250-foot buffer has expanded some as well. Additionally, MDOT SHA stated it is the agency's policy to "consider effects to the property in total even if only a portion of the property falls within the APE." With the knowledge that MDOT SHA has expanded the indirect APE in response to the larger LOD near the American Legion Bridge, and the fact it will assess the project effects along all of the George Washington Memorial Parkway, not just those portions within the APE, DHR has greater confidence in MDOT SHA's definition of the APE. Please note, however, that as part of the effect analysis DHR anticipates MDOT SHA to prepare visual simulations depicting the undertaking as seen at various points along the George Washington Memorial Parkway, to include locations outside the established APE.

With respect to the Batch 10 standing structures eligibility determinations, the properties covered in this submission fall entirely in Maryland and, therefore, are outside of DHR's purview. We have no comment on Batch 10.

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Holma", written in a cursive style.

Marc Holma, Architectural Historian
Division of Review and Compliance

C: Mr. John Simkins, FHWA Virginia Division
Ms Sarah Clarke, VDOT
Mr. Tony Opperman, VDOT
Mr. Matt Virta, NPS GWMP
Ms Maureen Joseph, NPS GWMP



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

December 30, 2019

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study
Historic Structures Investigations – Determination of Eligibility Forms (“Batch 10”)
Montgomery and Prince George’s Counties
MDOT SHA Study No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with an opportunity to review the Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) defined in the undertaking’s original Area of Potential Effects (APE) in April 2018 and updated the APE in May 2019. Based on ongoing design development, the APE has been expanded within Maryland. The Trust agrees with the MDOT SHA’s current redefined APE.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by Dovetail Cultural Resources Group, RK&K LLP and the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA’s submittal of 46 DOE forms represents the tenth batch of historic structure investigations for the current I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following properties are eligible for listing in the National Register:

- MIHP No. PG:70-95 Capitol Car Distributors
This property is eligible for the National Register under Criterion C as an example of a New Formalist corporate office building of the 1960s.
- MIHP No. PG:78-39 Little Washington
This historic district is eligible for the National Register under Criterion A as an example of a mid-20th century auto-dependent African American subdivision from segregation-era Maryland.
- MIHP No. M: 29-59 Carderock Springs Historic District
The Trust agrees that the dwelling located at 8214 Stone View Trail Drive contributes to the historic significance of the National Register-listed Carderock Springs Historic District.

The Trust concurs with MDOT SHA that the following properties are not eligible for listing in the National Register:

- MIHP No. M: 21-285 The Willows
- MIHP No. M: 26-87 Fallsmead
- MIHP No. M: 30-55 Martin Marietta Corporation Headquarters

MIHP No. M: 31-80 Forest Grove Elementary School
MIHP No. M: 32-38 Indian Spring Park
MIHP No. M: 35-210 Wyngate
MIHP No. M: 36-97 The Valley
MIHP No. M: 36-98 Woodside Forest
MIHP No. M: 36-99 Technical Service Park
MIHP No. PG:67-75 Lakecrest
MIHP No. PG:73-39 Spring Dale
MIHP No. PG:76B-85 Abbott Forest
MIHP No. PG:76B-86 Glenn-Hills
MIHP No. PG:76B-87 Manchester Estates
223 University Boulevard East
1509 Forest Glen Road
2410-2426 Linden Lane
5502 Old Branch Avenue
6001 Auth Road
6302 Princess Garden Parkway
6314 Princess Garden Parkway
6712 McKeldin Drive
7100 Heatherhill Road
7104 Heatherhill Road
7124 Greentree Road
7601 Good Luck Road
9001 Annapolis Road
9001 Ardmore Road
9011 Ardmore Road
9075 Comprint Court
Douglass E. Patterson Park, 7001 Marianne Drive
Episcopal Church of Our Saviour, 1700 Powder Mill Road
Forestville Asphalt, 8700 D'Arcy Road
Grace Presbyterian Church, 5924 Princess Garden Parkway
James E. Duckworth School, 11201 Evans Trail
Knights of Columbus Prince George's Council, 9450 Cherry Hill Road
Morningside Shell Service Station, 6815 Suitland Road
Museum Warehouse, Building 178, Forest Glen Annex, Linden Lane at Smith Drive
Shell Gas and Service Station, 15730 Shady Grove Road
Shell Gas and Service Station, 1250 W. Montgomery Avenue
Shell Service Station and Strip Center, 10201-10203 New Hampshire Avenue
Sheraton Potomac Inn, 3 Research Court
Steuart Ford, 9020 Lanham Severn Road

The property known as Oakview (MIHP No. M: 37-15) was evaluated and determined not eligible for listing in the National Register in 2000. Ongoing research conducted as part of this study has resulted in an expansion of the previously documented resource to include additional associated residential buildings and amenities. The Trust accepts the revised documentation and boundary for the Oakview community, and we agree that it remains ineligible for listing in the National Register.

We look forward to ongoing consultation with MDOT SHA and other involved parties to successfully complete the Section 106 review of the Managed Lanes Study as project planning progresses. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/201905523

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

January 10, 2020

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation under Section 106 of the National Historic Preservation Act with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (VDHR) for Project No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The Maryland Department of Transportation State Highway Administration (MDOT SHA), on behalf of the Federal Highway Administration (FHWA) finds that the MLS undertaking would have an adverse effect on historic properties. The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. MDOT SHA most recently coordinated the project's Area of Potential Effects (APE) and eligibility determinations for architectural properties in Maryland by letter dated November 26, 2019, with concurrence responses received from MHT and VDHR dated December 30, 2019 and December 23, 2019, respectively.

Enclosed is the **Cultural Resources Technical Report** for the MLS, which summarizes MDOT SHA's archaeological and architectural investigations in Maryland and Virginia and presents National Register of Historic Places (NRHP) eligibility and effect findings. The report is presented in six volumes, as follows:

<u>Volume</u>	<u>Title</u>	<u>Description</u>
1	Overview and Effects Assessment	Contains a summary of Section 106 coordination and contains project effect determinations for each identified historic property within the APE.
2	Archaeological and Historic Architectural Gap Analysis and Assessment	Document created in 2018 defining the scope of identification and evaluation efforts for historic properties; previously shared with consulting parties.
3	Architectural Historic Properties Identification	Summary and collation of eligibility determinations for architectural historic properties within the APE. Each newly evaluated resource's eligibility determination has been previously shared with consulting parties.
4	Phase I Archaeological Investigation for the I-495 and I-270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia	Describes the archaeological identification efforts within the Maryland portion of the APE and contains archaeological evaluation for several archaeological properties determined not eligible for the NRHP during the Phase I investigation.
5	Supplemental Phase I Archaeological Survey and Phase II Archaeological Evaluation of Sites 18PR750, 18MO749 and 18MO751, Prince George's and Montgomery Counties, Maryland	Describes additional identification efforts and NRHP-eligibility evaluation of the referenced sites in Maryland, including the Chesapeake and Ohio Canal National Historical Park.
6	Phase I Archaeological Survey, Intensive Phase I Archaeological Survey of Site 44FX0373, and Phase II Archaeological Evaluation of Sites 44FX0374, 44FX0379, 44FX0389, 44FX3160 and 44FX3900 Within the George Washington Memorial Parkway for the I-495/I-270 Managed Lanes Study (Maryland Department of Transportation), Fairfax County, Virginia	Describes identification efforts and NRHP-eligibility evaluation for archaeological properties within the Virginia portion of the APE, all within the George Washington Memorial Parkway property.

Architecture: MDOT SHA identified a total of 51 architectural historic properties within the APE (**Volume 3, Table 2-2; Appendices D and E**); of these, 50 are entirely located in Maryland. The George Washington Memorial Parkway/Clara Barton Parkway (M: 35-61 and DHR# 029-0228) is in both Maryland and Virginia, with unaffected distant portions of the resource within the District of Columbia. The Greenbelt Historic District (PG:67-4) and Washington Aqueduct (M: 29-49) are National Historic Landmarks (NHLs).

Both physical effects as well as potential visual, atmospheric, or audible effects were considered within the entire APE. The effect assessment finds no adverse effect to 34 architectural historic properties and an adverse effect on 10 architectural historic properties. Effects cannot be fully determined on seven architectural historic properties; these will be subject to stipulations of the proposed Programmatic Agreement to avoid, minimize, or mitigate adverse effects as design advances. Property effect assessments are summarized in **Attachment 2** and discussed in more

detail in **Volume 1** of the Technical Report. MDOT SHA has determined the project will have an adverse effect on architectural historic properties.

MDOT SHA intends to request that the Federal Highway Administration make a *de minimis* impact finding for the minor Section 4(f) use of nine properties that will experience no adverse effect as a result of the project. These properties are listed in **Table 4, Attachment 2** of this letter.

Archaeology (Maryland): MDOT SHA conducted Phase I archaeological survey (inventory for archaeological properties) within areas that may be subject to ground disturbance, as described in **Volume 4**, with some supplemental Phase I work described in **Volumes 5 and 6**. As presented in **Volume 1**, MDOT SHA has determined ten sites in Maryland (18MO22, 18MO750, 18MO753, 18MO754, 18MO755, 18MO756, 18PR425, 18PR750, 18PR1131, and 18PR1133) are not eligible for the NRHP. MDOT SHA requests concurrence from MHT on these determinations.

As a result of Phase II investigations in Maryland, presented in **Volume 5**, MDOT SHA has determined sites 18MO749 and 18MO751 within the C&O Canal National Historical Park **are** eligible for the NRHP, and MDOT SHA requests concurrence from MHT on these determinations.

Further archaeological investigations are recommended at the following previously recorded archaeological resources in Maryland, unless avoidance is feasible: 18MO190 (Kavanagh XI), 18MO191 (Kavanagh XII), 18MO457 (Booze Creek), 18MO510, 18MO752 (Cabin John 1) and 18MO514 (Forest Glen). Additional investigations are also recommended within the LOD at two cemetery locations, the Montgomery County Poor Farm and the Moses Lodge Cemetery (**Volume 4**). MDOT SHA proposes to include provisions related to treatment and evaluation of these resources in the Programmatic Agreement proposed for the project.

Archaeology (Virginia): In Fairfax County, Virginia, additional Phase I survey and Phase II archaeological evaluation were completed along the George Washington Memorial Parkway, as described in **Volume 6**.

As a result of these investigations, MDOT SHA, on behalf of FHWA, has determined one archaeological resource in Virginia is eligible for the NRHP, the Dead Run Ridges Archaeological District. Four of the six investigated sites within the proposed district boundary can provide important information concerning local or regional prehistoric period occupations and are recommended as contributing to the NRHP eligibility of the district under Criterion D (44FX0374, 44FX0379, 44FX0381, and 44FX0389).

Several other sites have been previously identified within the district boundary but have not been evaluated for eligibility to the NRHP because they are outside of proposed project impacts and

will not be affected by the undertaking. MDOT SHA requests concurrence from VDHR on the NRHP eligibility of the district and the properties identified as contributing to the significance of the district.

The investigations also identified only scattered, low-density archaeological materials within the LOD at previously identified sites 44FX0373, 44FX0322, 44FX0326, and 44FX0377. The proposed undertaking would not impact significant archaeological deposits associated with these resources, and no further archaeological investigations are warranted to evaluate NRHP eligibility of these sites.

MDOT SHA, on behalf of FHWA has determined site 44FX3160 is **not eligible** for the NRHP. Additionally, newly recorded site 44FX3900 is also not eligible for the NRHP.

Review Request

MDOT SHA respectfully requests review by MHT of the enclosed technical reports supporting the analysis, and concurrence on the following determinations:

- Sites 18MO749 AND 18MO751 **are** eligible for the NRHP
- Sites 18MO22, 18MO750, 18MO753, 18MO754, 18MO755, 18MO756, 18PR425, 18PR750, 18PR1131, and 18PR1133 are **not** eligible for the NRHP
- The MLS undertaking will have an adverse effect to historic properties in Maryland
- There will be no adverse effect to the NRHP-eligible properties in Attachment 2, Table 3
- Properties in Attachment 2, Table 1 **will** experience an adverse effect
- Archaeological sites 18MO749 and 18MO751 will experience an adverse effect
- Properties in Attachment 2, Table 2, and Attachment 3, as specified, should be subject to provisions of the proposed Programmatic Agreement to avoid, minimize or mitigate potential adverse effects
- Acknowledgement of FHWA's intent to make a *de minimis* determination for the purposes of 4(f) for properties listed in Attachment 2, Table 4

MDOT SHA respectfully requests review by VDHR of the enclosed technical reports supporting the analysis, and concurrence on the following determinations:

- The MLS will have an adverse effect on historic properties in Virginia, specifically the George Washington Memorial Parkway and the Dead Run Ridges Archaeological District.
- The Dead Run Ridges Archaeological District **is eligible** for the NRHP
- Sites 44FX3160 and 44FX3900 **are not** eligible for the NRHP
- Sites 44FX0373, 44FX0322, 44FX0326, and 44FX0377 have not been evaluated for the NRHP, but the project LOD does not contain significant deposits related to these resources and no further archaeological work is warranted.

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Five

We request the above responses from MHT and VDHR by **March 16, 2020**, including any comments you may have on the enclosed technical reports. We look forward to working with the respective State Historic Preservation Offices and additional consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Mr. Marc Holma, Virginia DHR
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Ms. Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

**Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects**

Project Number: AW073A11

MHT Log No. _____

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: January 10, 2020

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachments 2 & 3]):

- ☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachments 2 & 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter, if applicable):

- ☐ Acknowledge

Comments:

By:

MD State Historic Preservation Office/
Maryland Historical Trust

Date

Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval, if applicable:

**Federal Highway
Administration**

Printed Name

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 1: Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:69-26	Baltimore-Washington Parkway	Structure	Adverse	Requested 3/2020	1942-1954	A, C	Listed
M: 12-46	Chesapeake and Ohio Canal National Historical Park	District	Adverse	Requested 3/2020	1828-1924	A, C, D	Listed
M: 35-61 and 029-0228 (Virginia)	George Washington Memorial Parkway/Clara Barton Memorial Parkway	Structure	Adverse	Requested 3/2020	1930-1966	B, C	Listed
PG:72-26 and PG:73-26	Glenarden Historic District	District	Adverse	Requested 3/2020	1939-1977	A	Eligible
PG:67-69	Greenbelt Park	District	Adverse	Requested 3/2020	1945-1972 (for Mission 66 era)	A, C, D	Eligible (for the purposes of Section 106)
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	District	Adverse	Requested 3/2020	1939-1957	A, B, C	Eligible
M: 37-16	Metropolitan Branch, B&O Railroad	Structure	Adverse	Requested 3/2020	1866-1873	A, C	Eligible
M: 36-1	National Park Seminary Historic District/Forest Glen/ Walter Reed A.M.C. Annex	District	Adverse	Requested 3/2020	1894-ca. 1930	Unspecified	Listed (MHT Easement)
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	District	Adverse	Requested 3/2020	1931-1970	A	Eligible
M: 32-15	Sligo Creek Parkway	District	Adverse	Requested 3/2020	Unspecified	A, C	Eligible

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 2: Properties Where Effects Cannot Be Fully Determined

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 31-7	Capitol View Park Historic District	District	Effects Cannot Be Fully Determined	Requested 3/2020	1887-1941	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	Effects Cannot Be Fully Determined	Requested 3/2020	1962-1967	A, C	Listed
PG:73-36	Carsondale	District	Effects Cannot Be Fully Determined	Requested 3/2020	1955-1962	A	Eligible
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Effects Cannot Be Fully Determined	Requested 3/2020	1923	A, Criteria Consideration A	Eligible
M: 32-5	Polychrome Historic District	District	Effects Cannot Be Fully Determined	Requested 3/2020	1934-1935	A, C	Listed
PG:76A-22	Suitland Parkway	Structure	Effects Cannot Be Fully Determined	Requested 3/2020	1942-1944	A, C	Listed
M: 29-49	Washington Aqueduct	Structure	Effects Cannot Be Fully Determined	Requested 3/2020	1853-1939	A, C	Listed (NHL)

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 3: Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse	Requested 3/2020	1967-1974	C	Eligible (Upon reaching 50 years)
PG:LAU-29	Baltimore & Ohio Railroad, Washington Branch	Structure	No Adverse	Requested 3/2020	1835-1945	A, C	Eligible
PG:71A-54	Baltimore & Potomac Railroad, Washington City Branch	Structure	No Adverse	Requested 3/2020	1872-1945	A, C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse	Requested 3/2020	Unspecified	A, C	Eligible
M: 35-121	Burning Tree Club	District	No Adverse	Requested 3/2020	1922-1923	A, C	Eligible
M: 36-37	Calvary Evangelical Lutheran Church	Building	No Adverse;	Requested 3/2020	1948, ca. 1950, ca. 1965	C, Criteria Consideration A	Eligible
PG:70-95	Capitol Car Distributors	Building	No Adverse	Requested 3/2020	1965	C	Eligible
M: 35-194	Carderock Springs South	District	No Adverse	Requested 3/2020	1966-1971	C	Eligible
M: 31-72	Cedar Lane Unitarian Church	Building	No Adverse	Requested 3/2020	1958-1963	C, Criteria Consideration A	Eligible
M: 31-8-5	Charles E. Brock Property	Building	No Adverse	Requested 3/2020	1908	C	Eligible
M: 29-79	Congressional Country Club	District	No Adverse	Requested 3/2020	1924-1978	A, C	Eligible
M: 29-47	David W. Taylor Model Basin	Building	No Adverse	Requested 3/2020	1938-1970	A, C	Listed
M: 30-15	Wild Acres (Grosvenor Estate)	District	No Adverse	Requested 3/2020	1928-1966	A, B, C	Eligible

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 3: Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 26-71	Woodley Gardens	District	No Adverse	Requested 3/2020	1960-1970	A, C	Eligible
M: 31-26	Greater Washington Boy's and Girl's Club, Silver Spring Branch (Harry F. Duncan Building)	Building	No Adverse	Requested 3/2020	ca. 1950	A, C	Eligible
PG:67-36	Greenbelt Maryland National Guard Armory	Building	No Adverse	Requested 3/2020	1955	C	Eligible
M: 31-8	Forest Glen Historic District	District	No Adverse	Requested 3/2020	1891-early 20 th century	A, C	Eligible
PG:67-4	Greenbelt Historic District	District	No Adverse	Requested 3/2020	1935-1941	A, C	Listed (NHL)
M: 30-39	Grosvenor Park	District	No Adverse	Requested 3/2020	1963-1966	A, C	Eligible (Upon reaching 50 years)
M: 35-199	Hawley Estate (Federation of American Societies for Experimental Biology)	Building	No Adverse	Requested 3/2020	1929-1954	C	Eligible
M: 35-38	In the Woods (David Fairchild Estate)	Building	No Adverse	Requested 3/2020	1906-1926	B, C	Eligible
PG:78-39	Little Washington	District	No Adverse	Requested 3/2020	1938-1969	A	Eligible
M: 35-120	Locust Hill Estates	District	No Adverse	Requested 3/2020	1941-1949	A, C	Eligible
PG:67-41	Maryland State Highway Administration (MDOT SHA) District 3 Headquarters Building	Building	No Adverse	Requested 3/2020	1967	C	Eligible
PG:76A-39	Morningside	District	No Adverse	Requested 3/2020	ca.1940-ca.1955	A, C	Eligible
M: 20-47	National Institute of Standards and Technology (NIST) Headquarters	District	No Adverse	Requested 3/2020	1963-1969	A, C	Eligible
M: 29-52	Naval Surface Warfare Center Carderock Division (NSWCDD) Historic District	District	No Adverse	Requested 3/2020	1938-1958	A, C	Eligible

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 3: Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:72-76	New Carrollton Metrorail Station and Yard	Building	No Adverse	Requested 3/2020	1978-1983	A, C	Eligible (Upon reaching 50 years)
PG:75A-35	Percy Benson Sansbury Property	Building	No Adverse	Requested 3/2020	ca. 1930	C	Eligible
M: 35-162	Philip F. Gormley House/Gagarin Property	Building	No Adverse	Requested 3/2020	ca. 1912	C	Eligible (MHT Easement)
PG:72-3	Street Railway Service Building	Building	No Adverse	Requested 3/2020	Unspecified	A, C	Eligible
M: 26-72-1	Ward Building	Building	No Adverse	Requested 3/2020	1978	C	Eligible (Upon reaching 50 years)
M: 33-31	Washington Coca-Cola Bottling Plant (Silver Spring)	Building	No Adverse	Requested 3/2020	1969	C	Eligible
M: 31-71	Washington DC Temple (Church of Jesus Christ Latter-day Saints)	Building	No Adverse	Requested 3/2020	1971-1979	A, C	Eligible (Upon reaching 50 years)

Effects Table—Architectural Historic Properties

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 4: Section 4(f) *de minimis* properties*

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1967-1974	C	Eligible (Upon reaching 50 years)
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse; <i>de minimis</i>	Requested 3/2020	Unspecified	A, C	Eligible
M: 35-121	Burning Tree Club	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1922-1923	A, C	Eligible
M: 36-37	Calvary Evangelical Lutheran Church	Building	No Adverse; <i>de minimis</i>	Requested 3/2020	1948, ca. 1950, ca. 1965	C, Criteria Consideration A	Eligible
M: 31-8	Forest Glen Historic District	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1891-early 20 th century	A, C	Eligible
PG:67-4	Greenbelt Historic District	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1935-1941	A, C	Listed (NHL)
M: 26-72-1	Ward Building	Building	No Adverse; <i>de minimis</i>	Requested 3/2020	1978	C	Eligible (Upon reaching 50 years)
M: 30-15	Wild Acres (Grosvenor Estate)	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1928-1966	A, B, C	Eligible
M: 26-71	Woodley Gardens	District	No Adverse; <i>de minimis</i>	Requested 3/2020	1960-1970	A, C	Eligible

*Based on MHT concurrence with our determination of no adverse effect to these properties, and in consideration of the views of any consulting parties participating in the Section 106 consultation, MDOT SHA intends to request that the Federal Highway Administration make a *de minimis* impact finding for the minor Section 4(f) use of the above-listed properties.

Hybrid Eligibility/Effects Table—Archaeological Resources

Attachment # 3

Project Name

January 10, 2020

Resource (Maryland)	Type	SHA NR Det	SHPO Opinion	Impact	SHPO Concur	Attachment	Remarks
18MO749	A	NR	Requested March 2020	Adverse	Requested March 2020	Vol 5	Adverse Effect
18MO751	A	NR	Requested March 2020	Adverse	Requested March 2020	Vol 5	Adverse Effect
18PR750	A	X	Requested March 2020	None	Requested March 2020	Vol 5	Not Eligible, No further work
18MO190	A	ND		ND		Vol 4	Additional investigations are warranted
18MO191	A	ND		ND		Vol 4	Additional investigations are warranted
18MO457	A	ND		ND		Vol 4	Additional investigations are warranted
18MO510	A	ND		ND		Vol 4	Additional investigations are warranted
18MO514	A	ND		ND		Vol 4	Additional investigations are warranted
18MO752	A	ND		ND		Vol 4	Additional investigations are warranted
18MO22	A	X	Requested March 2020	None	Requested March 2020	Vol 5	Not eligible, no further work
18MO750	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18MO753	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18MO754	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18MO755	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18MO756	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18PR425	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18PR1131	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work
18PR1133	A	X	Requested March 2020	None	Requested March 2020	Vol 4	Not eligible, no further work

Resource (Virginia)	Type	SHA NR Det	SHPO Opinion	Impact	SHPO Concur	Attachment	Remarks
Dead Run Ridges Archaeological District	A	NR	Requested March 2020	Adverse	Requested March 2020	Vol 6	Adverse Effect
44FX0373	A	ND		None	Requested March 2020		Eligibility not determined
44FX0374	A	NR	Requested March 2020	Adverse	Requested March 2020		Contributing element to District under Criterion D
44FX0379	A	NR	Requested March 2020	Adverse	Requested March 2020		Contributing element to District under Criterion D
44FX0381	A	NR	Requested March 2020	Adverse	Requested March 2020		Contributing element to District under Criterion D
44FX0389	A	NR	Requested March 2020	Adverse	Requested March 2020		Contributing element to District under Criterion D
44FX3160	A	X	Requested March 2020	None	Requested March 2020		Not eligible, no further work
44FX3900	A	X	Requested March 2020	None	Requested March 2020		Not eligible, no further work
44FX0322	A	ND		None	Requested March 2020		Eligibility not determined
44FX0326	A	ND		None	Requested March 2020		Eligibility not determined
44FX0377	A	ND		None	Requested March 2020		Eligibility not determined
Effect		AE	Requested March 2020		Requested March 2020		

Codes: Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Impact: None, No Adverse, Adverse

Effect: NPA (No Properties Affected), NAE (No Adverse Effect), AE (Adverse Effect)

Bold rows indicate review action requested



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

14 February 2020

Ms Julie M. Schablitsky
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Archaeological survey for the I-495 and I-270 Managed Lanes Study
MDOT SHA Study No. AW073A11
DHR File No. 2018-0251

Dear Ms Schablitsky:

The Department of Historic Resources (DHR) has received for our review and comment the report "Cultural Resources Technical Report, Volume 6: Phase I Archaeological Survey, Intensive Phase I Archaeological Survey of Site 44FX0373, and Phase II Archaeological Evaluation of Sites 44FX0374, 44FX0379, 44FX0381, 44FX0389, 44FX3160, and 44FX3900 within the George Washington Memorial Parkway for the I-495/I-270 Managed Lanes Study (Maryland Department of Transportation), Fairfax County, Virginia" (December 2019) prepared by TRC Environmental Corporation. We provide our comments to the Federal Highway Administration (FHWA) and Maryland Department of Transportation as assistance in meeting its responsibilities under Section 106 of the National Historic Preservation Act.

The investigations and report generally meet applicable standards and guidelines and DHR accepts the report as a reasonable and good faith effort to identify historic properties. The report documents Phase I survey efforts of previously unsurveyed portions of the project's limits of disturbance. The Phase I survey within the vicinity of sites 44FX0322 and 44FX0326 encountered no cultural materials. The Phase I survey expanded the boundary of site 44FX0377 but encountered a low density of non-diagnostic lithic artifacts within the limits of disturbance. The consultant investigated a portion of site 44FX0373 within the limits of disturbance for the project at Phase I "intensive" level. The consultant evaluated six (6) sites at a Phase II level within the project limits of disturbance. The report's findings recommend sites 44FX0322, 44FX0326, and 44FX0377 remain unevaluated for their National Register of Historic Places

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

(NRHP) eligibility but no further work is necessary the vicinity of sites 44FX0322, 44FX0326, and 44FX0377. The consultant recommends sites 44FX0374 and 44FX0379 eligible for listing on the NRHP. The consultant further recommends sites 44FX0381, 44FX0389, 44FX3160 and 44FX3900 are not individually eligible for listing on the NRHP. The consultant believes additional Phase II testing would be necessary to assess NRHP eligibility of site 44FX0373, but that the portion of the site within the planned limits of disturbance does not contribute to the site's overall eligibility. Finally, the report concludes that a majority of the sites (44FX0373, 44FX0374, 44FX0379, 44FX0381, and 44FX0389), as well as three (3) sites not included in this investigation (44FX0380, 44FX0390, and 44FX0227) should be listed as the "Dead Run Ridges Archaeological District" with all the aforementioned sites would contribute to the overall eligibility of the district.

The DHR project review archaeologist presented report and its recommendations to the archaeological subcommittee of our department's National Register Evaluation Committee on 7 February 2020. Based on the information provided, the committee concurs that sites 44FX0374 and 44FX0379 are eligible for listing on the NRHP under Criterion D. The committee does not agree, however, that sites 44FX0381 and 44FX0389 are not eligible and recommends both sites as individually eligible for listing on the NRHP under Criterion D. Both sites exhibit similar horizontal and vertical integrity as well as a similar level of research potential as do sites 44FX0374 and 44FX0379. The committee noted Site 44FX0381 as having a greater diversity of stone tools and distinctly Late Woodland period diagnostic artifacts, making it a notable outlier from the surrounding Late Archaic to Early Woodland period sites with potential to improve our understanding of the Late Woodland occupation of the area. The committee concurs sites 44FX3160 and 44FX3900 are not eligible for listing on the NRHP. The committee also agrees the portion of site 44FX0373 within the study area does not contribute to the site's overall potential eligibility for listing on the NRHP. Additionally, DHR concurs sites 44FX0322, 44FX0326, and 44FX0377 should remain unevaluated for NRHP eligibility and no further archaeological investigation is necessary in the project's limits of disturbance for these sites.

Finally, regarding the proposed "Dead Run Ridges Archaeological District," the committee does not endorse the recommendation to list sites 44FX0373, 44FX0374, 44FX0379, 44FX0381, 44FX0389, 44FX0380, 44FX0390, and 44FX0227 as an archaeological district. Based on the information provided, it is DHR's opinion that listing the area as an archaeological district is not appropriate at this time. The boundary for the proposed district appears arbitrarily defined by the limits of the current investigation rather than unique cultural or topographic features related to the Early Archaic through Late Woodland period use of the landscape. While DHR agrees the identified sites are analogous with one another and represent lithic and resource extraction activities along the ridges above the Potomac River, other sites characterized by similar temporal and functional affiliations extend well beyond the boundaries of the proposed district along a large portion of the Potomac. The consultant even notes that the scope of the investigation has limited the definition of the district boundaries and that "While it is beyond the scope of this investigation to consider inclusion within the District of other, nearby archaeological resources...further research may refine the proposed District boundaries or define additional archaeological districts" (Page 171). Additional research and investigations throughout the

Page 3
14 February 2020
Ms Julie M. Schablitsky

surrounding areas may lead to a potential archaeological district focused on Archaic and Woodland period quartz extraction along the Potomac River in this topographic region, but further analysis is necessary to understand the extent of these activities throughout the region.

However, DHR acknowledges the value of considering a landscape based approach to understanding these related sites with the study area. Mitigation and potential data recovery approaches that consider the relationships between and significance of these sites from a landscape perspective may be of value for this project.

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Holma', written over a horizontal line.

Marc Holma, Architectural Historian
Division of Review and Compliance

C: Ms Sarah Clarke, VDOT
Mr. William Moore, VDOT
Mr. Tony Opperman, VDOT
Ms Maureen Joseph, NPS GWMP
Mr. Matt Virta, NPS GWMP
Mr. Bradley Krueger, NPS GWMP
Mr. John Simkins, FHWA
Mr. Steven Archer, MDOT



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

March 12, 2020

Dr. Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division
MDOT State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust) with the six-volume *Cultural Resources Technical Report* for the above-referenced project. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments and concurrence below and in an attachment to this letter.

Architectural Historic Properties Comments for Maryland Sections of the Area of Potential Effects (APE): MDOT SHA's extensive efforts to identify historic properties produced the well-written and effective *Suburbanization Historic Context Addendum (1961-1980), Montgomery and Prince George's Counties* (May 2019) and resulted in the survey and evaluation of 329 resources within the built environment. A total of 51 historic properties listed in or determined eligible for the National Register of Historic Properties were identified within the undertaking's APE, as noted in Table 2.2 of *Cultural Resources Technical Report Volume 3: Architectural Historic Properties Identification* (RK&K 2019). Our comments on the undertaking's effect on these historic properties are presented below.

Archeology Comments for Maryland Sections of the APE: Trust staff reviewed the following two draft reports included in the submittal:

1. *Cultural Resources Technical Report Volume 4: Phase I Archaeological Investigation for the I-495 & I-270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia* (Arnold et al. 2019) and
2. *Cultural Resources Technical Report Volume 5: Supplemental Phase I Archaeological Survey and Phase II Archaeological Evaluation of Sites 18PR750, 18MO749, and 18MO751 for the I-495/I-270 Managed Lanes Study Project, Prince George's County and Montgomery Counties, Maryland* (Millis et al. 2019).

The reports present detailed documentation on the goals, methods, results and recommendations of Phase I initial and supplemental archeological survey conducted within accessible portions of the corridor study boundary and Phase II evaluations of three sites. The drafts generally meet the reporting requirements of the Trust's *Standards and Guidelines for Archeological Investigations in Maryland*. Attachment 1 lists the Trust's specific comments on the two reports. We ask SHA to have the consultants address these issues, in addition to applicable comments provided by the other consulting parties, in the preparation of the final documents. We await two hard copies and one electronic copy on disk of each final report for our Library, when available.

Based on the information presented in the report, the Trust agrees with MDOT SHA's findings as follows:

- We concur with MDOT SHA's evaluations that the following sites do not meet the criteria for eligibility in the National Register of Historic Places: 18MO22, 18MO750, 18MO753, 18MO754, 18MO755, 18MO756, 18PR425, 18PR750, 18PR1131 and 18PR1133.
- We concur with MDOT SHA's determination that sites 18MO749 and 18MO751 are eligible for inclusion in the National Register of Historic Places.
- We agree that further Phase I and II archeological investigations are warranted in specified areas to which access was denied, for indicated previously inventoried sites once more detailed project plans are developed, and in areas recommended for deep testing as stated in the draft reports.
- Based on the underwater archeological assessment of the American Legion Bridge crossing presented in the draft Phase I report, we agree that significant submerged cultural resources are unlikely to be located within the corridor study boundary and underwater archeological investigations are not warranted at this time.
- We agree that further consultation and coordination are needed to address the appropriate identification and treatment of cemeteries that may be impacted by the undertaking.

Assessment of Effects on Historic Properties: Trust staff carefully reviewed the information presented in MDOT SHA's *Cultural Resources Technical Report Volume 1: Overview and Effects Assessment* (December 2019) and other materials accompanying the submittal. Based on the supporting documentation, the Trust concurs with MDOT SHA's determination that the proposed undertaking will have an adverse effect on historic properties, including archeological properties, in Maryland. Furthermore, the Trust agrees with the following specific findings stated in MDOT SHA's submittal letter dated January 10, 2020 and accompanying attachments:

- We agree that the undertaking will adversely affect the historic properties listed in Table 1 (Attachment #2) and will also adversely affect archeological historic properties 18MO749 and 18MO751.
- We agree that the undertaking may adversely affect the historic properties listed in Table 2 (Attachment #2) and further consultation will be needed during design development to consider and address effects.
- We concur that the undertaking will have no adverse effect on the historic properties listed in Table 3 (Attachment #2).
- We acknowledge that MDOT SHA intends to request that the Federal Highway Administration make a de minimis finding for the minor Section 4(f) use of nine properties listed in Table 4 (Attachment #2). We are also including a signed concurrence sheet to facilitate the de minimis approval process.
- MDOT SHA was not able to fully complete its efforts to identify and evaluate archeological sites that may be impacted by the project given access denial issues and lack of construction

engineering details regarding the full limits of disturbance. Thus, we agree that further Phase I and II investigations may be warranted as planning develops for the following: five survey areas (Areas S-8, S-37, S-44, S-53, S-54), areas recommended for deep testing, the six sites listed in Attachment #3 to the submittal letter (18MO190, 18MO191, 18MO457, 18MO510, 18MO514, and 18MO752), plus the Moses Hall property.

- We agree that further consultation and coordination are needed to address the appropriate identification and treatment of cemeteries that may be impacted by the undertaking.

We understand that MDOT SHA intends to negotiate a Programmatic Agreement (PA), pursuant to 36 CFR 800.14(b) for this undertaking. The PA will not only stipulate mitigation measures to resolve the undertaking's adverse effect on individual historic properties, but also establish a process for ongoing identification of historic properties that may be affected, consideration and resolution of effects on additional resources, and further coordination among the various parties involved in the Section 106 consultation for this complex undertaking. We look forward to a meeting of consulting parties to fully discuss the anticipated effects and begin negotiation of appropriate mitigation measures.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/202000116

cc: Caryn Brookman (SHA)
Jeanette Mar (FHWA)
Julie Langan (VDHR)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

Attachment 1
Trust Comments on Draft Archeological Reports

Phase I Archeological Survey Report

1. In the Field Results chapter, please include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing that illustrate the location of the various Survey Areas within the Corridor Study Boundary, so the reader may readily find the survey areas' positions within the larger study area. For instance, on page 15: *Area S-1 is a 0.99-acre limited survey area located within the cloverleaf off-ramp connecting the northbound lands of I-270 to West Montgomery Avenue (Figure 4) (Appendix E, Page 27).*
2. Several figures are missing from the draft report: Figures 17, 47, 75, 84.
3. Add artifact tables to the results discussion for 18MO22, survey area S-13.
4. The report recommends deep testing for multiple locales. The corresponding survey area figures in the text and those in Appendix E should map the areas where deep testing is recommended. For instance: S-16a (Figure 55, Appendix E map 5-6), S-16c (Figures 57, 58, 59 and Appendix E map 5-6), S-17 (Figure 70, Appendix E map 6), S-33 (Figure 91, Appendix E map 6).
5. Double check all the Appendix E keys for archeological testing results to ensure that the color code matches the recommendations in the text and correct as needed. For instance: S-37 on page 9 is keyed in black (no further work recommended) yet the text recommends full Phase I survey; S-39 on page 12 is coded for Phase I survey, yet the text recommends no more work.
6. In the Summary and Recommendations chapter, please include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing that illustrate the location of the various Survey Areas and inventoried archeological site locations within the Corridor Study Boundary, so the reader may readily find the various sites and survey areas' positions within the larger study area. (See example noted in item #1.) This applies to all sections of this chapter.
7. On page 183, the report needs to include explicit recommendations in the discussion for Gibson Grove African Methodist Episcopal Zion Church and include an accompanying figure documenting the location of prior archeological testing on the parcel. Is additional archeological investigation warranted or only further consideration of the Moses Lodge Cemetery discussed in Section 5.2.5 D?
8. Table 15 (page 184) should include add National Register eligibility recommendations to column six.
9. Page 194, please check the accuracy of the overlaid mapping of the American Legion Bridge location on Figures 116 and 117 as it appears to be shown in different locations relative to the Rock Run drainage situated west of the study area.
10. Section 5.2.4 Additional Archaeological Studies Recommended needs to add figures and/or include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing. (See example noted in item #1.)
11. Section 5.2.4 should include a table with the recommendations for the sites discussed in this section or add these sites to Table 15.

12. Section 5.2.5 should include a table with the recommendations for the cemeteries discussed in this section or add them to Table 15.
13. Appendix C – Artifact Inventory needs careful editing for consistency and accuracy. Pages 10 – 27 have no provenience information for the artifacts listed. Pages 28 – 50 provide additional inventories for multiple sites and isolates distinctly grouped by site – likely these are the sites from federal NPS lands?

Supplemental Phase I Archeological Survey and Phase II Archeological Evaluations

1. The report's discussion of National Register eligibility for site 18MO751 in the Results and Conclusions and Recommendations chapters should solely reference Criterion D. The report does not present sufficient justification to support significance under Criteria A and C.
2. Please complete site update forms for 18MO22 and 18MO750 to reflect the results of the supplemental Phase I investigations, provide the original forms to Jennifer Cosham for entry in the Inventory records, and include a copy of the updates in Appendix 2.
3. The report needs to add an appendix that documents the professional qualifications of the principal investigator.

**Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects**

Project Number: AW073A11

MHT Log No. 2020 00116

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: January 10, 2020

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachments 2 & 3]):

- ☒ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachments 2 & 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☒ Adverse Effect


Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter, if applicable):

☒ Acknowledge

Comments:

SEE LETTER DATED 12 MARCH 2020 FOR ADDITIONAL COMMENTS.

By:


MD State Historic Preservation Office/
Maryland Historical Trust

3.12.20
Date

Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval, if applicable:

**Federal Highway
Administration**

Printed Name

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

July 23, 2020

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation under Section 106 of the National Historic Preservation Act with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) for Project No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

MDOT SHA coordinated the project's effect on historic properties and submitted the Cultural Resources Technical Report by letter dated January 10, 2020, with responses received from MHT and DHR dated March 12, 2020, and February 14, 2020, respectively. Per that, and subsequent correspondence with DHR, we understand DHR is awaiting resolution of National Register eligibility of resources in Virginia prior to commenting on the effect determination.

This update includes:

- An expansion of the Area of Potential Effects (APE) to encompass stream and wetland mitigation sites in Maryland
- New and revised eligibility determinations for three architectural resources in Maryland;
- New and revised effect determinations for six historic properties in Maryland;

Revised Area of Potential Effects

The APE for this project was previously defined as a 250-foot buffer of consideration on either side of the widest proposed alternative's Limits of Disturbance (LOD) (Alt 10). The APE includes additional buffer areas at the American Legion Bridge and elsewhere to capture setting, feeling, and viewshed effects. MDOT SHA has since identified potential environmental mitigation sites where stream and wetland restoration is proposed. Due to the nature of the work at these locations (restoration of existing natural features), the APE is confined to the LOD for each mitigation site, as no substantive visual elements are proposed that would be new or inconsistent with the existing character of these locations. The current known LOD of these sites have been added to the APE (**Attachment 1**).

Architecture

New and Updated Eligibility Determinations

Using the APE coordinated January 10, 2020, MDOT SHA identified two additional unrecorded architectural resources in Montgomery County, as documented in the attached Determination of Eligibility (DOE) forms (**Attachment 2**). The Forest Glen Tower (M: 31-81) is a steel lattice tower at Seminary Road and Forest Glen Road (MD 192); MDOT SHA has determined that this former Cold War-era air raid siren tower lacks integrity and is not eligible for listing in the National Register of Historic Places (NRHP). The Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212), at I-495 and Seven Locks Road, was the site of a late nineteenth-century African American benevolent society. MDOT SHA has determined that the property is eligible for listing in the NRHP under Criterion A for its association with the African American community in Cabin John and under Criterion C for its example of a vernacular African American cemetery.

Additionally, MDOT SHA updated the B&O Railroad, Metropolitan Branch (M: 37-16), DOE to provide additional information that expands upon previous surveys of the line (first surveyed in 1979 and determined eligible in 2000) to clarify the period of significance, revise the boundary, and provide a list of contributing and noncontributing resources. The Metropolitan Branch remains eligible for the NRHP. It is significant under Criterion A for its association with transportation and the agricultural and residential development of Frederick and Montgomery counties and under Criterion C for its engineering, representative of nineteenth and twentieth century railroad technology.

The new and updated eligibility determinations are summarized in **Table 1, Attachment 3**.

Updated Effect Assessments

Both physical effects as well as potential visual, atmospheric, or audible effects were considered within the entire APE. The effect assessment coordinated in the January 10, 2020, letter and

described in the Cultural Resources Technical Report found no adverse effect to 34 architectural historic properties and an adverse effect on 10 architectural historic properties. MDOT SHA has identified one additional architectural historic property in the APE: the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, which will experience an adverse effect. In addition, new information in the updated DOE has resulted in a revised effect assessment for the B&O Railroad, Metropolitan Branch, which was previously determined to be adverse. In the January 10, 2020, letter, MDOT SHA also identified seven architectural historic properties where effects could not be fully determined. Ongoing project development has resulted in sufficient information to determine effects for four of the seven undetermined properties. Architectural historic properties with new or updated effect determinations are described below.

- ***Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212)***: Pending MHT concurrence that the resource is NRHP-eligible, MDOT SHA has determined that the project will adversely affect Morningstar Tabernacle No. 88 Moses Hall and Cemetery. The work proposed at this location includes widening along the outside of the I-495 inner loop to construct two new managed lanes and a new ramp to connect the managed lanes with MD 190 at the existing interchange. The width of new pavement beyond the existing edge of the outside shoulder is approximately 55 feet. A retaining wall is proposed along the edge of the proposed outside shoulder to minimize impacts to the property. The wall would retain fill for the widened roadway section. The limits of disturbance (LOD) are offset ten feet behind the proposed retaining wall to accommodate construction and maintenance of the wall, erosion and sediment control, drainage, and landscaping. A noise wall would be constructed within the LOD. As currently designed, the LOD would impact the historic property. Contributing elements within the LOD include portions of the Moses Hall foundation wall, a section of the former access road from Seven Locks Road, and at least one depression possibly marking a grave location. MDOT is continuing to examine engineering avoidance alternatives at this location, but based on current design an adverse effect is expected.
- ***B&O Railroad, Metropolitan Branch (M: 37-16)***: Activities at this location are unchanged, but new information in the DOE and further analysis of the LOD have resulted in a revised finding of no adverse effect for the property, pending MHT's concurrence with the revised DOE. The updated DOE form for the Metropolitan Branch demonstrates that the segment of the railroad within the LOD was realigned to the east during the construction of I-495 between 1957 and 1964, and the railroad bridge over I-495 was also completed at this time. The Metropolitan Branch's period of significance is 1873 to 1945, and the bridge and railroad alignment within the project area do not contribute to the significance of the branch. The current LOD include one contributing element of the Metropolitan Branch: Small Structure No. 15046X0, a stone arch culvert which carries Forest Glen Creek beneath the Metropolitan Branch and the adjacent Capitol View Avenue. The structure's southern spandrel wall appears within LOD on some imagery but is excluded from the limits and will not be affected. The project will cross the underground segment of Small Structure No. 15046X0 at the Metropolitan Branch tracks. The LOD at this location represent above-grade impacts, and no physical impacts to the historic property are anticipated; the vertical aspect

of the LOD remains at the surface. Current project engineering is not expected to alter the character of the property, and MDOT SHA is committed to both avoiding physical impacts to the aboveground spandrel wall and limiting ground disturbance along the underground segment of the small structure. Based upon the information presented in the updated DOE and the absence of impacts to Small Structure No. 15046X0, MDOT SHA has determined the project will not adversely affect the B&O Railroad, Metropolitan Branch.

- ***Carsondale (PG:73-36)***: Carsondale, one of the earliest suburban residential developments in Maryland to offer Veterans Administration (VA) financing for African American veterans, is eligible for the NRHP under Criterion A. Updated design information has allowed MDOT SHA to make a finding of adverse effect for the property. To accommodate widening along US 50 associated with realigning the US 50/I-495 interchange and replacement of the bridge carrying Whitfield Chapel Road over US 50, the LOD in Carsondale include: a narrow linear area that extends approximately 550 feet where the northern edge of the historic district meets US 50; and a narrow strip that extends 150 along the east side of Whitfield Chapel Road. Activities within Carsondale would consist of tree removal, grading, construction of a retaining wall, and access for construction vehicles and materials. Along Whitfield Chapel Road, the roadway height would be adjusted to meet the elevation of the new bridge across US 50. There are no physical impacts to contributing dwellings, but the LOD encompass minor portions of front or rear yards, including some secondary structures, of nine dwellings that contribute to the district's significance. These include the rear yards of seven dwellings along the north side of Wallace Road (9004, 9010, 9016, 9018, 9104, 9112, 9114) and the front yards of two dwellings on Whitfield Chapel Road (4907 and 4909). These multiple minor impacts to contributing resources will result in a cumulative diminishment of the property's integrity of setting and design.
- ***Capitol View Park Historic District (M: 31-7)***: Activities at this location are unchanged, but a detailed review of design needs have resulted in a revised finding of no adverse effect for the property. The LOD are in close proximity to contributing stone walls surrounding the parking lot for the Castle of Forest Glen at 10 Post Office Road. However, MDOT SHA has determined the stone walls will be avoided and no LOD impacts will occur, and the project will not adversely affect the Capitol View Park Historic District.
- ***Washington Aqueduct (M: 24-49)***: Activities at this location are unchanged, but MDOT SHA's design development has resulted in a revised finding of no adverse effect for the property. The LOD at this location represent above-grade impacts, and no physical impacts to the historic property are anticipated; the vertical aspect of the APE and LOD remains at the surface at this location, and ground disturbance that would affect the Aqueduct will be prohibited. The project will cross an underground segment of the aqueduct at MacArthur Boulevard. Current project engineering is not expected to alter the character of the property. The project will not adversely affect the Washington Aqueduct.

- ***Suitland Parkway (PG:76A-22)***: Suitland Parkway is listed on the NRHP under Criteria A and C in the areas of transportation and landscape architecture. MDOT SHA has determined that the project will not adversely affect Suitland Parkway. In addition to the widening of the I-495 bridge over Suitland Parkway, activities at this location include grading, tree removal, landscape plantings, erosion and sediment control, construction of an auxiliary pipe to augment the existing culvert conveying Henson Creek beneath I-495, and access for construction vehicles and materials. These activities will not affect any structures that contribute to the significance of Suitland Parkway, including bridges, culverts, stone-lined ditches, stone curbing, and drop inlets. The proposed pipe extension will occur at a pipe constructed for I-495. Improvement and maintenance of the outfall will direct water away from the historic property and reduce environmental degradation along the north side of the parkway, preserving its character. In areas affected by grading and tree removal, landscape plantings consistent with the original design and character of the parkway will be used to replace vegetation and will be maintained. The existing bridges carrying I-495 over Suitland Parkway are currently being widened and replaced by MDOT SHA. The bridges, currently under construction as part of a separate project and not part of the parkway itself, will accommodate the MLS improvements by the reduction of the median on the inside of I-495. The highway over Suitland Parkway will not be additionally widened, and no diminishment of the integrity of those characteristics that qualify the 9.18-mile long parkway for inclusion in the NRHP will result.

MDOT SHA's use of the area impacted by the undertaking (I-495, bridges, relocated creek under I-495 and the proposed additional storm drain/culvert) will be authorized by a highway easement deed. NPS does not have the authority to authorize MDOT SHA use of NPS lands by way of a long-term maintenance agreement or other mechanism. NPS understands the highway easement deed will be issued by FHWA on behalf of the USA in accordance with 23 U.S.C. 107. The highway easement deed will provide MDOT SHA with an easement for their facilities, but NPS will retain the underlying ownership of the land. No character defining features of Suitland Parkway exist within the proposed area of transfer; furthermore, MDOT SHA and FHWA are subject to state (Maryland Historical Trust Act) and federal (Section 106) historic preservation requirements, which would ensure consideration of any impacts resulting from future actions related to these small MDOT SHA easement areas within Suitland Parkway.

The remaining three properties where effects cannot be fully determined will be subject to stipulations of the proposed Programmatic Agreement to avoid, minimize, or mitigate adverse effects as design advances. Updated property effect assessments are summarized in **Attachment 3**. MDOT SHA has determined the project continues to have an adverse effect on architectural historic properties.

Expanded APE in Maryland

MDOT SHA has conducted a preliminary review of the APE and has determined that the following mitigation sites will either not affect or will have no adverse effect on architectural historic properties.

- ***AN-1 (No Architectural Properties Affected)***: This site is a natural area within Crabbs Branch Stream Valley Park and includes no architectural resources
- ***AN-3 (No Architectural Properties Affected)***: This site is a natural area within Northwest Branch Stream Valley Park and includes no architectural resources.
- ***CA-2 (No Architectural Properties Affected)***: This site is a natural area within Great Seneca Stream Valley Park and includes no architectural resources.
- ***CA-3 (No Architectural Properties Affected)***: This site is a natural area within Magruder Branch Stream Valley Park and includes no architectural resources.
- ***RFP-1 (No Architectural Properties Affected)***: Includes multiple MIHP resources, all of which have been evaluated and determined not eligible, demolished, or both. The only remaining resource, the Bond Property (PG:60-10), was determined not eligible in November 2001. The Turner/Bond Family Cemetery (PG:60-2) was relocated to Union Cemetery in the 1980s by the Donaldson Funeral Home of Laurel; the cemetery location was field checked by MDOT SHA as below and confirmed to have been completely destroyed by gravel mining.
- ***RFP-4 (No Architectural Properties Affected)***: North of Greenock Road, Wilson Owens Branch passes through the golf course of the 1990 Cannon Country Club. A horse shed and fence at 5563 Greenock Road are within an area of proposed grading; however, these structures were constructed after 1981 (according to historical aerials). South of Greenock Road, the work will be confined to wooded areas along the stream bank, and the pre-1978 resources at 5461 and 5339 Greenock Road will not be affected by stream access areas.
- ***AN-6 and AN-7 (No Adverse Effect to Architectural Properties)***: These sites include the Beltsville Agricultural Research Center (BARC; PG:62-14), which is listed in the NRHP under Criteria A and C. The restoration of the existing stream will occur within a small portion of the 6500-acre resource and will not introduce new visual or physical elements out of character with the surrounding agricultural landscape; furthermore, no buildings or structures associated with BARC are within the APE. MDOT SHA's proposed stream restoration activities will not alter the characteristics that qualify BARC for the NRHP and do not meet the requirements of 36 CFR §800.5(1), Criteria of Adverse Effect.

MDOT SHA will undertake additional architectural historic property identification efforts at the remaining sites within the expanded APE, and the results will be coordinated during future consultation.

Archaeology

Maryland

The Study has identified proposed locations of stream restoration and mitigation, wetland creation, and fish passage improvements at eight sites on public lands and eight sites being developed on private lands by design consultants. MDOT SHA archaeologist Richard Ervin assessed the archaeological potential of the public and private mitigation sites, and additional archaeological investigations are being planned as follows. MDOT SHA will provide the results of these investigations when they are available.

MDOT SHA proposes the following archaeological evaluation approaches to the mitigation locations:

Mitigation Site	County	Proposed Work
AN-6 Paint Branch Fish Passage, South Farm	PG	Phase I archaeology will be undertaken at this site on BARC property; it is considered to have high archaeological potential based on prior sites recorded close to, but outside the LOD, and a favorable topographic setting.
AN-7 Paint Branch, South Farm	PG	Phase I archaeology will be undertaken at this site on BARC property, which is considered to have high archaeological potential based on prior sites recorded close to and within the LOD, and a favorable topographic setting. One site is recorded within the LOD: 18PR113 is a precontact short-term resource procurement site, and its status will be evaluated as part of the Phase I.
PA-1 Back Branch	PG	Phase I archaeological recordation will be undertaken at 18PR605, the Chesapeake Beach Railway. Most of the remaining portions of the mitigation site are considered to have low archaeological potential based on prior disturbance and poorly drained soils. However, limited Phase IA archaeological survey will be done in undisturbed, well-drained, high potential portions of the LOD.
RFP-3 Tuscarora Creek (Hope Site)	FR	Phase I archaeology will be undertaken based on high archaeological potential. One possible archaeological site is within the LOD, an Archaic Period quad file site BUCKEY-QF02. One standing structure is recorded in the survey area, the Hebb-Kline Farmstead (F-1-202).
RFP-4 Cabin-Branch (Bristol), Surplus Area, Surplus Streams	AA	Phase I archaeology will be undertaken at portions of the site that are considered to have high archaeological potential based on prior sites recorded nearby, and favorable topographic setting.

RFP-6 Mill Swamp Cr	CA	Phase I archaeology will be undertaken at portions of the site that are considered to have high archaeological potential based on favorable topographic setting. No sites are recorded in the LOD, but numerous sites have been recorded nearby, especially near the confluence of Pomonkey Creek and the Potomac River. One of these is 18CH73, a large pre-contact period site along the Potomac River 0.8 miles southwest of the LOD. Historic structures are shown in and near the project area on historic maps.
RFP-1 Indian Creek Tributaries at Konterra	PG	Based on prior disturbance, no further work is warranted at this time. The proposed LOD has been destroyed by sand and gravel quarrying. The Turner/Bond Family Cemetery (PG:60-2) was within Mitigation Area 5, located adjacent to but outside the proposed design. It was situated on a bluff overlooking the stream and its floodplain, but the cemetery has been moved. Its location has been destroyed by sand and gravel quarrying, as verified by a field visit by MDOT SHA. MDOT SHA will monitor project plans as the design progresses.
RFP-2 Cabin Branch Gaithersburg quad	MO	Based on prior disturbance and low archaeological potential, no further work is warranted at this time. Aerial imagery shows that the site has been disturbed by construction of a golf course. Most of the LOD is on frequently flooded soils within the active stream floodplain, or slopes steeper than 15%, settings where significant archaeological resources are not expected to occur. MDOT SHA will monitor project plans as the design progresses.
RFP-5 Henson Creek (Hovermale)	PG	Based on prior disturbance, no further work is warranted at this time. Most of the project is within areas of Urban land where significant archaeological resources are unlikely to occur. One standing structure is recorded in the survey area: Hovermale's Tastes Best Ice Cream (PG:80-25). No structures are depicted on historic maps (PG Co 1861; USGS East Washington 1886, Washington Vicinity 1917). MDOT SHA will monitor project plans as the design progresses.
AN-1 Crabbs Branch	MO	Based on low archaeological potential, no further work is warranted at this time. The LOD would mostly be confined to areas immediately adjacent to the stream channel, where significant archaeological resources are unlikely to occur. MDOT SHA will monitor project plans as the design progresses. Site 18PR320 (a Late Archaic short-term site) is documented approximately 1800 feet upstream of the proposed stream site.

AN-3 Northwest Branch Pebblestone Dr.	MO	Based on low archaeological potential and the negative results of prior survey, no further work is warranted at this time. Prior archaeological work indicates that the LOD is largely limited to terrain along Rolling Stone Creek that would have been too wet and low for occupation (Wagner 2014:131; in Mikolik and Reed [2014]). MDOT SHA will monitor project plans as the design progresses. The Bonifant Cemetery on North Sherwood Forest Lane, about 750 feet northwest of the stream, would not be impacted by the current design. Site 18MO596 (Late Archaic) is recorded approximately 2000 feet to the west of the study area.
CA-2 Lower Magruder Branch	MO	Based on low archaeological potential, no further work is warranted at this time. The results of prior archaeological survey at the adjacent SC-19 mitigation site (Emory 2011) suggest that the APE of CA-2, Lower Magruder Branch, is too wet for habitation, and is unlikely to contain significant archaeological resources. MDOT SHA will monitor project plans as the design progresses.
CA-3 Upper Magruder Branch	MO	Based on low archaeological potential, no further work is warranted at this time. The results of prior archaeological survey at the nearby SC-19 mitigation site (Emory 2011) suggest that the APE of CA-3, Lower Magruder Branch, is too wet for habitation, and is unlikely to contain significant archaeological resources. MDOT SHA will monitor project plans as the design progresses.
CA-5 Seneca Creek Tributary	MO	Based on low archaeological potential, no further work is warranted at this time. The LOD is mostly confined to areas of occasionally flooded soils on the active floodplain, or slopes greater than 15%. MDOT SHA will monitor project plans as the design progresses.

MDOT SHA noted several locations requiring additional archaeological study in our January 10, 2020 letter, and those will continue to be proposed as actions to be completed under the proposed Programmatic Agreement. To the extent feasible, limited additional investigations are being conducted at two cemetery locations, the Montgomery County Poor Farm and the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Preliminary mapping and recordation is underway at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery to identify and record known interments, possible grave sites and depressions, and formal and informal grave markers. The foundation of the lodge building was also partially mapped. Completion of this initial work is pending required legal access to clear bamboo that obscures portions of the cemetery property. The technical report of the results of this work will be provided when it is available; MDOT

SHA will continue consultation including appropriate consulting parties on additional work expected beyond this surface mapping.

Virginia

No changes to the project, including the APE or effects assessments within Virginia are included in this letter, and it is informational for DHR, although any comments are welcome. MDOT SHA, National Park Service, and DHR will continue to coordinate on the outstanding eligibility and effects issues related to the George Washington Memorial Parkway (GWMP) and archaeological sites within the GWMP park boundaries under separate cover. MDOT SHA has requested an eligibility determination from the Keeper of the National Register regarding the proposed Dead Run Ridges Archaeological District in Fairfax County.

Ongoing Preliminary Engineering

For the overall project, MDOT SHA may require geotechnical borings or other minimally invasive preliminary engineering studies as part of project development prior to completion of Section 106 review. Consistent with MDOT SHA's statewide programmatic agreement, MDOT SHA will ensure cultural resources staff review proposed boring locations to avoid impacts to known archaeological sites. Geotechnical borings are assumed to have minimal potential to affect historic properties, and may inform on the potential for deeply buried surfaces within the LOD. For borings occurring outside MDOT SHA right-of-way, MDOT SHA will coordinate as appropriate with land-managing agencies on such borings.

MDOT SHA respectfully requests any comments on the revised APE, review by MHT of the enclosed information supporting the analysis, and concurrence on the following determinations:

- The Morningstar Tabernacle No. 88 Moses Hall and Cemetery is eligible for the NRHP and will be adversely affected
- The B&O Railroad, Metropolitan Branch, as revised, continues to be eligible for the NRHP but will not experience an adverse effect
- The Forest Glen Tower is **not** eligible for the NRHP
- There will be no adverse effect to the NRHP-eligible properties in Attachment 3, Table 4
- Properties in Attachment 3, Table 2 **will** experience an adverse effect
- Properties in Attachment 3, Table 3 should be subject to provisions of the proposed Programmatic Agreement to avoid, minimize or mitigate potential adverse effects
- No historic properties will be affected within the expanded APE at the following proposed mitigation sites: AN-1, AN-3, CA-2, CA-3, and RFP-1 (Table 5, Attachment 3).

We request the above responses from MHT by **August 24, 2020**. We look forward to working with the respective State Historic Preservation Offices and additional consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking.

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Eleven

Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Mr. Marc Holma, Virginia DHR
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Ms. Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

-For Maryland Historical Trust Use Only-
Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects

Project Number: AW073A11

MHT Log No. _____

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: July 23, 2020

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Appropriate Area of Potential Effects (Attachment 1)

- ☐ Concur
☐ Do Not Concur

Eligibility (as noted in the Eligibility Table [Attachment 3]):

- ☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachment 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Comments:

By:

MD State Historic Preservation Office/
Maryland Historical Trust

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

Attachment 3

Table 1: New and Updated Eligibility Determinations

MIHP#	Name	Type	SHA NR Det.	SHPO Concurrence	Remarks
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	Remains Eligible	Requested 7/2020	Updated DOE provides additional information that expands upon previous surveys (first surveyed in 1979 and determined eligible in October 2000) to clarify the period of significance, revise the boundary, and provide a list of contributing and noncontributing resources.
M: 31-81	Forest Glen Tower	Structure	Not Eligible	Requested 7/2020	Cold War-era air raid siren tower lacks integrity
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	District	Eligible	Requested 7/2020	Significant under Criteria A for its association with the African American community in Cabin John and under Criterion C for its example of a vernacular African American cemetery. Meets Criteria Consideration D.

Table 2: Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:73-36	Carsondale	District	Adverse	Requested 7/2020	1955-1962	A	Eligible
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	Adverse	Requested 7/2020	1887-1973	A, C, Criteria Consideration D	Eligible

Table 3: Properties Where Effects Cannot Be Fully Determined

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 29-59	Carderock Springs Historic District	District	Effects Cannot Be Fully Determined	Concurred 3/2020	1962-1967	A, C	Listed
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Effects Cannot Be Fully Determined	Concurred 3/2020	1923	A, Criteria Consideration A	Eligible
M: 32-5	Polychrome Historic District	District	Effects Cannot Be Fully Determined	Concurred 3/2020	1934-1935	A, C	Listed

Table 4: Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	No Adverse	Requested 7/2020	1873-1945	A, C	Eligible; project will avoid contributing resources
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse	Requested 7/2020	Not established		Listed; stream restoration
M: 31-7	Capitol View Park Historic District	District	No Adverse	Requested 7/2020	1887-1941	A, C	Eligible; project will avoid contributing resources
PG:76A-22	Suitland Parkway	District	No Adverse	Requested 7/2020	1942-1944	A, C	Listed
M: 29-49	Washington Aqueduct	Structure	No Adverse	Requested 7/2020	1853-1939	A, C	Listed (NHL); project will avoid below-ground impacts

Attachment 3

Table 5: Stream and Wetland Mitigation Site Summary

Site Number	County	Architecture	Archaeology	Effect	Remarks
AN-1	Montgomery	No architectural resources present	Low potential; no further work is warranted	NPA	
AN-3	Montgomery	No architectural resources present	Low potential, negative results of prior survey; no further work is warranted	NPA	
AN-6	Prince George's	No adverse effect	Phase I archaeology will be undertaken	TBD	Within Beltsville Agricultural Research Center (PG:62-14)
AN-7	Prince George's	No adverse effect	Phase I archaeology will be undertaken	TBD	Within Beltsville Agricultural Research Center (PG:62-14)
CA-2	Montgomery	No architectural resources present	Low potential, negative results of prior survey; no further work is warranted	NPA	
CA-3	Montgomery	No architectural resources present	Low potential, negative results of prior survey; no further work is warranted	NPA	
CA-5	Montgomery	Additional evaluation to be completed	Low potential; no further work is warranted	TBD	
PA-1	Prince George's	Additional evaluation to be completed	Phase I archaeology will be undertaken	TBD	
RFP-1	Prince George's	No architectural resources present	Prior disturbance; no further work is warranted	NPA	
RFP-2	Montgomery	Additional evaluation to be completed	Prior disturbance and low potential; no further work is warranted	TBD	
RFP-3	Frederick	Additional evaluation to be completed	Phase I archaeology will be undertaken	TBD	
RFP-4	Anne Arundel	No architectural resources present	Phase I archaeology will be undertaken	TBD	
RFP-5	Prince George's	Additional evaluation to be completed	Prior disturbance; no further work is warranted	TBD	
RFP-6	Calvert	Additional evaluation to be completed	Phase I archaeology will be undertaken	TBD	



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

September 4, 2020

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information regarding the above-referenced undertaking. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments and concurrence.

Revised Area of Potential Effects (APE): Based on ongoing design development, MDOT SHA has expanded the undertaking's APE to include potential environmental mitigation sites and additional buffer areas in the vicinity of the American Legion Bridge. The Trust agrees that the MDOT SHA's redefined APE encompasses the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Additional Identification and Evaluation of Historic Properties within the APE: MDOT SHA conducted additional assessments of the APE to identify historic properties. Determination of Eligibility (DOE) Forms were prepared for two newly identified architectural resources and an existing DOE was updated to identify the property's areas of significance.

The Trust concurs with MDOT SHA that the following properties are eligible for listing in the National Register:

- MIHP No. M: 35-212 Morningstar Tabernacle No. 88 Moses Hall and Cemetery
This property is eligible for the National Register under Criteria A and C as the site of a 19th century African American benevolent society and cemetery.
- MIHP No. M: 37-16 B&O Railroad, Metropolitan Branch
The Metropolitan Branch of the B&O Railroad was determined eligible in 2000. The Trust concurs with the MDOT SHA's updated documentation to identify a period of significance, National Register boundary, and contributing/non-contributing features.

The Trust concurs with MDOT SHA that the following property is not eligible for listing in the National Register:

MIHP No. M: 31-81 Forest Glen Tower

The Trust agrees that the steel lattice tower lacks integrity and is not eligible for National Register-listing.

The potential for significant archeological resources was assessed by MDOT SHA within the expanded APE, including the environmental mitigations sites. We agree with MDOT SHA's recommendations on Pages 7-9 of your letter that additional Phase I investigations are warranted for several environmental mitigation areas. We look forward to receiving the results of this work, along with the analysis of several other locations requiring archeological study as noted in MDOT SHA's 10 January 2020 letter, as project planning continues.

Revised Assessment of Effects: The Trust concurs with MDOT SHA's determination that the overall proposed undertaking will have an adverse effect on historic properties, including archeological properties, in Maryland. Furthermore, the Trust agrees with the following specific findings stated in MDOT SHA's submittal letter dated 23 July 2020 and accompanying attachments:

- In addition to the properties noted as adversely affected in our previous correspondence, we agree that the undertaking will also adversely affect the Carsondale Historic District (MIHP No. PG:73-36) and the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (MIHP No. M: 35-212).
- We agree that the undertaking may affect the historic properties listed in Table 3 (Attachment #3) and further consultation will be needed during design development to consider and address effects.
- We concur that the undertaking will have no adverse effect on the historic properties listed in Table 4 (Attachment #3).

The Trust appreciates MDOT SHA's robust and continuous coordination with our office and other consulting parties in accordance with Section 106. We look forward to working with your office as the project advances to develop and refine avoidance and minimization efforts.

If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/202003475

cc: Caryn Brookman (SHA)
Jeanette Masr (FHWA)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)
Friends of Moses Hall

February 11, 2021

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) under Section 106 of the National Historic Preservation Act for Project No. AW073C12, the I-495 & I-270 Managed Lanes Study (MLS). The Maryland Department of Transportation State Highway Administration (MDOT SHA), on behalf of the Federal Highway Administration (FHWA), has determined that the MLS undertaking would have an adverse effect on historic properties. The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland into northern Virginia, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

MDOT SHA most recently coordinated an update to the undertaking's Area of Potential Effects (APE) by letter dated July 23, 2020. The update was prompted by the identification of potential stream and water quality mitigation sites in Maryland, and MHT agreed with the APE revision on September 4, 2020. This letter transmits the results of MDOT SHA's archaeological and architectural investigations at the stream and water quality mitigation sites, together with our National Register of Historic Places (NRHP) eligibility and effect findings. Two archaeological reports each present the results of investigations at different mitigation sites within Maryland.

Since our previous correspondence, on January 27, 2021 it was announced to the interagency working group that Alternative 9 has been identified as the Recommended Preferred Alternative. MDOT SHA is continuing to work with multiple groups, including the National Park Service, and parties with an interest in the Morningstar Tabernacle No. 88 Moses Hall and Cemetery on additional design options and refinements to the Recommended Preferred Alternative that would

minimize effects to historic properties. MDOT SHA will coordinate the results of those efforts with MHT, DHR and other consulting parties as these design commitments are able to be confirmed.

No changes to the APE have been made subsequent to the version provided July 23, 2020.

Identification Methods and Results

Architecture: Using the expanded APE encompassing proposed stream mitigation sites, coordinated July 23, 2020, MDOT SHA identified six architectural resources, including two previously identified MIHP resources and four unrecorded resources. The expanded APE includes the Carrollton Manor Rural Historic District (F-1-134) and the Hebb-Kline Farmstead (F-1-202) in Frederick County. The Carrollton Manor Rural Historic District was previously determined eligible for the NRHP under Criterion A, for its significant concentration of farmsteads and other landscape elements that illustrate the historical evolution of agriculture in Frederick County, and under Criterion C, as a significant concentration of buildings, structures and clusters illustrating historic farming patterns. The Hebb-Kline Farmstead is a former tenant farm associated with Carrollton Manor and includes a house and domestic and agricultural outbuildings constructed primarily between 1855 and 1940. MDOT SHA has determined the Hebb-Kline Farmstead is eligible for the NRHP as a contributing resource to the Carrollton Manor Rural Historic District.

An MDOT SHA survey of the expanded APE identified four unrecorded architectural resources. The Montgomery Village Golf Club (M: 20-52), in Montgomery County, is a former golf course associated with the Montgomery Village planned development. The Chesapeake Beach Railway Prism (AA-2559; PG:72-81), in Anne Arundel and Prince George's Counties, comprises the remaining cuttings and embankments associated with the railway, which ceased operation in 1935. These resources lack integrity, and MDOT SHA has determined they are not eligible for the NRHP. The remaining resources, a single-family dwelling in Charles County (6535 Ward Place) and the Fort Washington Golf Range in Prince George's County, are not eligible for the NRHP and are documented on MHT's Short Form for Ineligible Properties (**Attachment 1**).

The new architectural eligibility determinations are summarized in **Attachment 2, Table 1**.

Both physical effects as well as potential visual, atmospheric, or audible effects were considered within the entire APE. The effect assessment coordinated in the July 23, 2020, letter found no adverse effect to 38 architectural historic properties and an adverse effect on 12 architectural historic properties. Effects cannot be fully determined on three architectural historic properties; this is unchanged since the prior letter. These properties will be subject to stipulations of the proposed Programmatic Agreement to avoid, minimize, or mitigate adverse effects as design advances.

MDOT SHA identified two other architectural historic properties in the APE, as previously indicated: the Carrollton Manor Rural Historic District and the Hebb-Kline Farmstead. The Hebb-Kline Farmstead is a contributing resource to the Carrollton Manor Rural Historic District, which is eligible for the NRHP under Criteria A and C for its concentration of farmsteads and other landscape elements illustrating historic farming patterns and the evolution of agriculture in Frederick County. Work within the APE at this location involves the restoration of existing natural features; trees border the stream, and minimal cultivated agricultural area will be affected. Furthermore, the buildings and other structures associated with the Hebb-Kline Farmstead or Carrollton Manor Rural Historic District are outside the APE. MDOT SHA has determined the project will not adversely affect these historic properties.

Architectural property effect assessments are summarized in **Attachment 2, Table 2**.

Archaeology: In our July 23, 2020 letter, MDOT SHA identified six sites where Phase I archeological survey was warranted, and the results of that investigation are presented here. None of the remaining stream and wetland mitigation areas that were added to the APE in July 2020 were considered to have the potential to contain significant archaeological resources. MDOT SHA's recommendations for further work at the stream and wetland mitigations sites are subject to revision as the project design changes or new information is developed.

Attached for your review are two reports documenting the results of archaeological investigations at potential stream mitigation sites. The first report is entitled *Phase I Archaeological Survey for the I-495/I-270 Managed Lanes Study Stream Mitigation Sites at RFP3 Tuscarora Creek and PA-1 Back Branch in Prince George's and Frederick Counties, Maryland*, by A.D. Marble (Mikolic, Falchetta, and Butler 2021), SHA Report No. 562 (**Attachment 3a**). The second report is entitled *Phase I Archaeological Survey of Proposed Stream Mitigation Sites for the I-495/I-270 Managed Lanes Study, Anne Arundel, Charles, and Prince George's Counties, Maryland*, by TRC Environmental (H. Millis, T. Millis, Johnson, and Idol 2021), SHA Report No. 561 (**Attachment 3b**).

The investigations identified two archaeological sites at the Beltsville Agricultural Research Center in Montgomery County, sites 18PR113 and 18PR1190, which warrant Phase II evaluation to determine their eligibility for the NRHP, unless avoidance is feasible. Several other sites (as well as non-site artifact scatters) have been determined not eligible for the NRHP, as indicated in the hybrid eligibility and effects table included as **Attachment 4**. Additionally, several sites could not be fully delineated by the project; it has been determined that, within the project LOD, these sites are not associated with significant archaeological deposits that would be NRHP-eligible.

The two reports have been revised in accordance with comments by MDOT SHA, and unless MHT has further comments, are considered to be final. Adobe PDF files of the archaeological reports are included as **Attachments 4a and 4b**, and MDOT SHA will transmit hard copies directly to MHT when normal operations allow.

As with other portions of the APE requiring further archaeological evaluation, MDOT SHA will provide for treatment and evaluation of sites 18PR113 and 18PR1190 via the Programmatic Agreement proposed for the project. With the exception of these resources, no further archaeological investigations are warranted for the stream mitigation portions of the APE as currently defined.

Review Request

Please examine the attached maps, plans, and Eligibility and Effects Table (Attachment #). MDOT SHA respectfully requests review by MHT of the enclosed technical reports supporting the analysis, and concurrence on the following determinations by **March 15, 2021**:

- The properties listed in Attachment 2, Table 1 are eligible for the NRHP;
- Effect determinations for the properties listed in Attachment 2, Table 2;
- Archaeological sites 18AN1696, 18PR1191, and 18PR1192 are not eligible for the NRHP;
- No further work is warranted for the archaeological sites listed in Attachment 4.

We look forward to working with your office and consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking, AW073C12. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or concerns on this project.

The Virginia Department of Historic Resources is included on this letter as part of ongoing consultation, however, no resources or project changes in Virginia are included in this submittal and no response from DHR is specifically requested. However, any comments on the findings are welcome.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc: Mr. David Clarke, FHWA
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Five

Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

**Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects**

(For Maryland Historical Trust Use Only)

Project Number: AW073C12 **MHT Log No.** _____
Project Name: I-495 & I-270 Managed Lanes Study (MLS)
County: Montgomery and Prince George's
Letter Date: February 1, 2021

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachments 2 & 3]):

☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachments 2 & 3]):

☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Comments:

By: _____ Date _____
MD State Historic Preservation Office/
Maryland Historical Trust

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

Eligibility and Effects Tables—Architectural Resources

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 1: New Eligibility Determinations

MIHP#	Name	Type	SHA NR Det.	SHPO Concurrence	Remarks
AA-2559 PG: 72-81	Chesapeake Beach Railway Prism	Structure	Not Eligible	Requested 3/2021	Remaining cuttings and embankments associated with the former railway; lacks integrity
F-1-202	Hebb-Kline Farmstead	Building	Eligible	Requested 3/2021	Contributing resource to the Carrollton Manor Rural Historic District
M: 20-52	Montgomery Village Golf Club	Landscape	Not Eligible	Requested 3/2021	Former golf course; lacks integrity
-	6535 Ward Place	Building	Not Eligible	Requested 3/2021	Short Form; mid-20 th century single-family dwelling
-	Fort Washington Golf Range	Building	Not Eligible	Requested 3/2021	Short Form; small mid-20 th century driving range

Table 2: New Effect Determinations

MIHP#/DHR#	Name	Type	Effect	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
F-1-134	Carrollton Manor Rural Historic District	District	No Adverse	Requested 3/2021	1855-1940	A, C	Eligible
AA-2559 PG: 72-81	Chesapeake Beach Railway Prism	Structure	None	Requested 3/2021	None	None	Not Eligible
F-1-202	Hebb-Kline Farmstead	Building	No Adverse	Requested 3/2021	1855-1940	A, C	Eligible as contributing resource to the Carrollton Manor Rural Historic District
M: 20-52	Montgomery Village Golf Club	Landscape	None	Requested 3/2021	None	None	Not Eligible

Table 3: Summary of Properties Where Effects Cannot Be Fully Determined

MIHP#/DHR#	Name	Type	Effect	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 29-59	Carderock Springs Historic District	District	Effects Cannot Be Fully Determined	Concurred 3/2020	1962-1967	A, C	Listed
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Effects Cannot Be Fully Determined	Concurred 3/2020	1923	A, Criteria Consideration A	Eligible
M: 32-5	Polychrome Historic District	District	Effects Cannot Be Fully Determined	Concurred 3/2020	1934-1935	A, C	Listed

Eligibility and Effects Tables—Architectural Resources

Attachment # 2

I-495 & I-270 Managed Lanes Study (MLS)

Table 4: Summary of Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Effect	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:69-26	Baltimore-Washington Parkway	Structure	Adverse	Concurred 3/2020	1942-1954	A, C	Listed
PG:73-36	Carsondale	District	Adverse	Concurred 9/2020	1955-1962	A	Eligible
M: 12-46	Chesapeake and Ohio Canal National Historical Park	District	Adverse	Concurred 3/2020	1828-1924	A, C, D	Listed
M: 35-61 and 029-0228 (Virginia)	George Washington Memorial Parkway/Clara Barton Memorial Parkway	Structure	Adverse	Concurred 3/2020	1930-1966	B, C	Listed
PG:72-26 and PG:73-26	Glenarden Historic District	District	Adverse	Concurred 3/2020	1939-1977	A	Eligible
PG:67-69	Greenbelt Park	District	Adverse	Concurred 3/2020	1945-1972 (for Mission 66 era)	A, C, D	Eligible (for the purposes of Section 106)
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	District	Adverse	Concurred 3/2020	1939-1957	A, B, C	Eligible
M: 37-16	Metropolitan Branch, B&O Railroad	Structure	Adverse	Concurred 3/2020	1866-1873	A, C	Eligible
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	Adverse	Concurred 9/2020	1887-1973	A, C, Criteria Consideration D	Eligible
M: 36-1	National Park Seminary Historic District/Forest Glen/ Walter Reed A.M.C. Annex	District	Adverse	Concurred 3/2020	1894-ca. 1930	Unspecified	Listed (MHT Easement)
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	District	Adverse	Concurred 3/2020	1931-1970	A	Eligible
M: 32-15	Sligo Creek Parkway	District	Adverse	Concurred 3/2020	Unspecified	A, C	Eligible

Hybrid Eligibility/Effects Table—Archaeological Resources

Attachment # 4

Project Name

February 1, 2021

Resource (Maryland)	Type	SHA NR Det	SHPO Opinion	Impact	SHPO Concur	Attachment	Remarks
18AN1696	A	X	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
18CH971	A	ND	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
18CH972	A	ND	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
18PR111	A	ND	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
18PR113	A	ND	Requested March 2021	ND	Requested March 2021		Potentially Eligible; Phase II Investigation
18PR1190	A	ND	Requested March 2021	ND	Requested March 2021		Potentially Eligible; Phase II Investigation
18PR1191	A	X	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
18PR1192	A	X	Requested March 2021	None	Requested March 2021		No Further Investigation Recommended
Effect		AE	Requested March 2021		Requested March 2021		

Codes: Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)

NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)

SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion

Impact: None, No Adverse, Adverse

Effect: NPA (No Properties Affected), NAE (No Adverse Effect), AE (Adverse Effect)

Bold rows indicate review action requested

March 10, 2021

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) under Section 106 of the National Historic Preservation Act for Project No. AW073C12, the I-495 & I-270 Managed Lanes Study (MLS). The Maryland Department of Transportation State Highway Administration (MDOT SHA), on behalf of the Federal Highway Administration (FHWA), has determined that the MLS undertaking would have an adverse effect on historic properties. The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland into northern Virginia, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70.

MDOT SHA's most recent letter, dated February 11, 2021, transmitted the results of MDOT SHA's archaeological and architectural investigations at the stream and water quality mitigation sites in Maryland, including two archaeological reports and our National Register of Historic Places (NRHP) eligibility and effect findings.

This letter transmits the first draft of the Programmatic Agreement as discussed at the March 10, 2021, MLS Section 106 Consulting Parties meeting. The Programmatic Agreement identifies mitigation measures and commits to consultation procedures as the MLS moves forward. We welcome your comments on the draft Programmatic Agreement.

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Two

Review Request

Please examine the attached draft Programmatic Agreement. MDOT SHA respectfully requests comments on the draft by **April 12, 2021**. By carbon copy, we invite the Maryland Commission on Indian Affairs to provide comments and participate in the Section 106 process. Federally recognized tribes with interests in Maryland and Virginia have also been invited to consult and are being provided a copy of this agreement for review and comment. We anticipate additional drafts and review cycles of this agreement prior to finalization.

We look forward to working with your offices and consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking, AW073C12. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or concerns on this project.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachment

cc: Mr. David Clarke, FHWA
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

April 14, 2021

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073C12

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information regarding the above-referenced undertaking. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments and concurrence.

Architecture: Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA's submittal of 5 DOE forms represents ongoing historic structure investigations for the stream mitigation portion of the I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following property is eligible for listing in the National Register:

- MIHP No. F-1-202 Hebb-Kline Farmstead

The Trust concurs that the following properties are not eligible for listing in the National Register:

- MIHP No. AA-2559 and PG:72-81 Chesapeake Beach Railway Prism
- MIHP No. M: 20-52 Montgomery Village Golf Club
- Fort Washington Golf Range, 9013 Livingston Road, Fort Washington, Prince George's County
- 6535 Ward Place, Bryans Road, Charles County

Archeology: Trust staff reviewed the following two draft reports included in the submittal:

1. *Cultural Resources Technical Report: Phase I Archaeological Survey for the I-495/I-270 Managed Lanes Study, Stream Mitigation Sites at RFP3 Tuscarora Creek and PA-1 Back Branch in Prince George's County and Frederick Counties* (Mikolic et al. 2021); and
2. *Cultural Resources Technical Report: Phase I Archaeological Survey of Proposed Stream Mitigation Sites for the I-495/I-270 Managed Lanes Study, Anne Arundel, Charles, and Prince George's Counties, Maryland* (Millis et al. 2021).

The reports present detailed documentation on the goals, methods, results and recommendations of Phase I survey conducted within five proposed stream mitigation sites. The drafts generally meet the reporting requirements of the Trust's *Standards and Guidelines for Archeological Investigations in Maryland*. We offer the specific comments listed below on the reports and ask SHA to have the consultants address these issues, in addition to applicable comments provided by the other consulting parties, in the preparation of the final documents. We await two hard copies and one electronic copy on disk of each final report for our Library, when available.

Cultural Resources Technical Report: Phase I Archaeological Survey for the I-495/I-270 Managed Lanes Study, Stream Mitigation Sites at RFP3 Tuscarora Creek and PA-1 Back Branch in Prince George's County and Frederick Counties, (Mikolic et al. 2021):

1. The report abstract and text should remove any statements evaluating the National Register eligibility of those small portions of site 18PR605 examined by the current survey. The Abstract's statement *However, because only a portion of the resource was evaluated, no determination of eligibility can be made for site 18PR605 as a whole* remains accurate and should be restated in the report's concluding chapter.
2. Appendix E and its DOE form should be removed from the report.
3. The consultant should complete an official archeological site inventory update form for 18PR605 to reflect the results of the current survey, submit the update form to Jennifer Cosham for entry in the Inventory records, and include a copy of the update form in an appendix.

Cultural Resources Technical Report: Phase I Archaeological Survey of Proposed Stream Mitigation Sites for the I-495/I-270 Managed Lanes Study, Anne Arundel, Charles, and Prince George's Counties, Maryland (Millis et al. 2021):

1. The report title should include the names of the three stream mitigation sites covered by the survey.
2. If available, the report should include the conceptual plans for the stream mitigation sites to show anticipated limits of disturbance, along with the locations of the shovel tests/test units, and boundaries of identified sites. This information was incorporated into the first report listed above.
3. The report's Abstract and text should remove all references to National Register ineligibility for all of the various isolated artifact finds reported by the survey and given "X" find designations. These items do not represent archeological sites and thus do not need to be evaluated for National Register eligibility. It is sufficient to discuss the finds as isolated items that warrant no further investigation. It is confusing and misleading to list the isolated finds and tables and discussions with formally inventoried archeological sites.
4. The overall maps illustrating survey areas, shovel tests, and resources (Figures 5.1, 5.2, 6.1, and 7.1) should include numbers or coordinates to label the shovel tests.
5. The report Summary and Recommendations should include plans that illustrate the project limits in relation to identified site boundaries to demonstrate potential site impacts and avoidance. Recommendations should address any measures needed to ensure avoidance of sites located immediately adjacent to the project areas, such as fencing during construction, contractor avoidance provisions, etc.

Based on the information presented in MDOT SHA's submittal and attachments, the Trust agrees with MDOT SHA's findings as follows:

- We concur with MDOT SHA's evaluations that the following sites do not meet the criteria for eligibility in the National Register of Historic Places: 18AN1696, 18PR1191, 18PR1192, and 18CH972.

- We concur with MDOT SHA that Phase II site evaluations are warranted for sites 18PR113 and 18PR1190 to determine their eligibility for inclusion in the National Register of Historic Places, if slated for project impacts.
- We agree that the following sites are located largely outside and adjacent to the proposed project impact areas and further Phase II site evaluations are not warranted at this time, unless project plans are modified to include impacts to these sites: 18PR111, 18PR605, and 18CH971.

We understand that MDOT SHA will provide for the ongoing identification, evaluation, and treatment of archeological sites that may be adversely affected by the undertaking through the provisions of the Programmatic Agreement (PA), currently under negotiation pursuant to 36 CFR 800.14(b) for this undertaking.

Revised Assessment of Effects: The Trust continues to agree with MDOT SHA's determination that the overall proposed undertaking will have an adverse effect on historic properties in Maryland. Furthermore, the Trust agrees with the specific effect assessments stated in Tables 2, 3 and 4 of MDOT SHA's letter dated 11 February 2021.

We look forward to further consultation with MDOT SHA and the other consulting parties in the development of a comprehensive and achievable agreement document. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/202100884

cc: Caryn Brookman (SHA)
Jeanette Mar (FHWA)
Mandy Ranslow (ACHP)
I-495 & I-270 MLS Section 106 Consulting Parties

MHT Comments on Draft 1 PA for I-495 and I-270 MLS Study

The Maryland Historical Trust (MHT) has reviewed Draft 1 of the Programmatic Agreement (PA) for the I-495 and I-270 MLS study. We have also read the detailed comments on the draft PA provided by the some of the other signatory and consulting parties shared via email over the last few weeks. In general, MHT agrees with the review comments and suggestions provided by the ACHP and VA SHPO. We also believe that the detailed comments provided by the consulting parties warrant further consideration and incorporation in the PA, as appropriate, in next versions of the document. Overall, the first draft of the PA provides a broad framework for establishing both site-specific measures to avoid, minimize, and mitigate adverse effects on stated historic properties as well as specifying the process for ongoing consultation and consideration of effects during implementation of the project.

We offer the following preliminary comments/questions on the draft PA and anticipate providing further remarks on subsequent versions of the PA once details are more fully developed. We look forward to ongoing development of the PA as additional details are identified in consultation with consulting parties.

PA Item	Page	MHT Comment
WHEREAS #8	2	Add statement that notes that NPS owns and administers the named historic properties in this clause.
WHEREAS #9	2	The PA should define the APE and/or include it as an attachment.
WHEREAS #16	3	Add and reference an attachment to this whereas that lists the various affected historic properties in a table.
Stipulation 1.B.1	4	Delete the word <i>Developer</i> as these are still roles of MDOT SHA.
Stipulation 1.D	5	<p>Rework this section so it reads as active SHPO roles and responsibilities. After the first 2 sentences, insert the following:</p> <p>SHPOs shall review submittals, provide written comments, share general technical assistance/guidance and respond within timeframes specified in this PA. Timelines for concurrence with or response for eligibility findings, effects determinations (generally thirty (30) calendar days unless otherwise specified) are established in 36 CFR 800. If the SHPOs do not provide written response within the established timeline, MDOT SHA and FHWA may assume concurrence or no objection to the findings and submittals.</p>
Stipulation I.F	5	<p>This section should clearly define roles and responsibilities of :</p> <ul style="list-style-type: none">• Consulting parties in general, including those parties who choose not to sign the PA;• Concurring parties to the PA; and• The Public

Stipulation I.F	5	Substitute NHPA for NEPA or include it in this section, as the ongoing consultation under the PA may lead to the identification of additional consulting parties.
Stipulation II.A	6	<p>Add reference to professional qualifications for cultural resources staff implementing investigations and other historic preservation measures under the PA.</p> <p>Add MHT's Technical Update No. 1 to the Archeology Standards and Guidelines.</p> <p>Add the ACHP's Archaeology Guidance - https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf</p> <p>Add reference to Program Comment Regarding Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System?</p>
Stipulation III	6	<p>Use of the term <i>Project-wide Mitigation and Commitments</i> is somewhat confusing within the context of this PA, which is establishing Section 106 mitigation for historic properties, though we understand these are overall project commitments including NEPA related actions. Perhaps Stipulation III.A could add clarification for what is meant by mitigation.</p> <p>Should this list also include a section for the various local transportation and community related commitments such as the pedestrian improvements, trails, etc. which have been identified to the interagency working group and will be included in the Record of Decision?</p>
Stipulation IV	7	<p>Further details are needed in this stipulation regarding the consultation, and/or reference to the appropriate section of the PA where that is specified, including design review.</p> <p>Should there be a general commitment for the ongoing development of context-sensitive design in addition to the property-specific design consultation throughout Stipulation VI?</p>
Stipulation V	8	Greater detail and specificity are needed on the consultation process, beyond reference to the statewide PA and 36 CFR 800 regs.
Stipulation VI	8	We appreciate and agree with the property-specific approach provided in this stipulation and will have more detailed comments on specific measures once MDOT SHA has incorporated the various suggested edits from the signatory and consulting parties.

		The PA needs to include consultation with the relevant SHPO for all of these mitigation and commitment measures.
Stipulation VI.A.2	8	Additional details are needed to explain the process and timeline for completing the NHL documentation update for the George Washington Memorial Parkway/Clara Barton Parkway.
Stipulation VII	10	<p>We appreciate and agree with the property-specific approach provided in this stipulation and will have more detailed comments on specific measures once MDOT SHA has incorporated the various suggested edits from the signatory and consulting parties.</p> <p>The PA needs to include consultation with the relevant SHPO for all of these mitigation and commitment measures.</p>
Stipulation VIII.H	13	This stipulation effectively outlines the process for developing treatment plans for archeological sites, cemeteries, and human remains. However, the PA also provides for the creation of several property-specific treatment plans without describing a process for consulting on the creation of the plan and elements that will be included as part of any treatment plan. Perhaps add a PA-wide stipulation that outlines the process and timeline for consulting on a treatment plan or include an attachment with the actual approach.
Stipulation IX	14	The PA and/or an attachment to the PA need to provide further details regarding the treatment of cemeteries and human remains, since that will clearly be an issue for this project. Greater specificity is needed as part of the PA, while recognizing that some details may not yet be defined.
Stipulations XI and XII	15	Suggest including the applicable text for inadvertent effects and discoveries from Appendix 3 of the Statewide PA in this agreement.

From: Steve Archer <SArcher@mdot.maryland.gov>
Sent: Thursday, May 13, 2021 9:17 AM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Beth Cole, MHT <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>; Jeanette Mar, FHWA <jeanette.mar@dot.gov>; David Clarke, FHWA <david.clarke@dot.gov>; Marc Holma, Virginia DHR <marc.holma@dhr.virginia.gov>; Mandy Ranslow, ACHP <mranslow@achp.gov>
Subject: I-495 & I-270 MLS Section 106 Update

Greetings I-495 & I-270 MLS Consulting Parties,

As announced yesterday, FHWA and MDOT SHA have identified a new Recommended Preferred Alternative (RPA) - **Alternative 9: Phase 1 South** - that further aligns the Managed Lanes Study with the phased delivery approach by providing two new high occupancy toll (HOT) managed lanes within the limits of Phase 1 South and no action to the remaining parts of I-495 within the study limits. This new RPA will be the focus of a Supplemental Draft Environmental Impact Statement (SDEIS) anticipated to be published in late summer 2021.

More information can be found on the program [website](#).

I wanted to provide an update of what this means for the Section 106 process path forward and what to expect.

In general we expect to follow the same steps as outlined in our last consulting party meeting on March 10. We will update the limits of disturbance and Area of Potential Effects to reflect the new RPA, as well as to include design minimization efforts on certain historic properties, and some additional elements like evaluation of potential offsite stormwater facility locations. This update will be provided to the State Historic Preservation Offices and all other consulting parties for review and comment.

Assuming the new recommended preferred alternative is selected, historic properties outside Phase I South would no longer be affected, and effect determinations and the PA will be revised accordingly.

We are still going through the many comments received on the first draft of the PA, and we thank you for your input that will help add the necessary detail and content moving forward. We will be addressing the comments and integrating them as appropriate into a next draft of the PA which we will meet with consulting parties about following the APE update review cycle outlined above.

If you have any questions in the meantime, as always, please feel free to contact me.

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202
Phone 410-545-8508
sarcher@mdot.maryland.gov

May 27, 2021

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) under Section 106 of the National Historic Preservation Act for Project No. AW073D12, the I-495 & I-270 Managed Lanes Study (MLS). The Maryland Department of Transportation State Highway Administration (MDOT SHA), on behalf of the Federal Highway Administration (FHWA), has determined that the MLS undertaking would have an adverse effect on historic properties.

This letter transmits the results of MDOT SHA's cultural resources investigations at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212, hereafter the Morningstar Cemetery). The report also contains substantial historical information about the related resource of the Gibson Grove A.M.E. Zion Church (M: 29-39) which had close community association with the cemetery.

On Wednesday, May 12, it was announced to the study's interagency working group that Alternative 9: Phase 1 South has been identified as a new Recommended Preferred Alternative (RPA), and additional details were provided via email to Section 106 consulting parties on May 13, 2021. The RPA, if adopted, significantly reduces the limits of the corridor where improvements would be proposed. As detailed information is developed, MDOT SHA will consult on a revised Area of Potential Effects (APE) and limits of disturbance (LOD) aligned with the new RPA. The Morningstar Cemetery property is within the Phase I south area that will be carried forward, but the new alternative is expected to minimize impacts to M:35-212.

MDOT SHA conducted background research, recordation and mapping at the Morningstar Cemetery in order to better understand the physical layout of the resource as may be affected by the proposed improvements along I-495. Attached for your review and comment is the report documenting the results of the investigations: *Documentation and Archaeological Monitoring for the I-495 & I-270 Managed Lanes Study, Morningstar Tabernacle No. 88 Moses Hall and Cemetery, Montgomery County, Maryland*, by A.D. Marble (Falchetta et al. 2021), SHA Report No. 560 (**Attachment 1**). The investigation identified numerous features at the cemetery and documents a dense concentration of interments within the western and southwestern portions of the property. The no longer extant lodge building, adjacent yard area, and an unpaved road occupied the northern and northeastern portions of the property.

MDOT SHA will revise the report in response to consulting party comments as appropriate and provide a final version of the report subsequent to this review. An Adobe PDF file of the archaeological report is included as **Attachment 1**, and MDOT SHA will transmit a hard copy directly to MHT when normal operations allow.

The Morningstar Tabernacle No. 88 Moses Hall and Cemetery has already been determined eligible for the National Register of Historic Places, and MHT has concurred that the property would be adversely affected by the MLS under the operative Area of Potential Effects and limits of disturbance. As such, this report provides supplemental detailed information about the property that will aid in developing minimization and treatment approaches as consultation continues.

As discussed with consulting parties and provided for in the draft Programmatic Agreement, archaeological and cemetery/human remains treatment plans are proposed as commitments to establish requirements for ongoing consultation and treatment for the resource and the project limits of disturbance. MDOT SHA will develop these commitments through further consultation with the Maryland Historical Trust and consulting parties with an interest in the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212).

Review Request

MDOT SHA respectfully requests any comments by MHT of the enclosed technical report supporting the analysis by June 28, 2021. As this report constitutes supplemental information, no specific formal concurrence on eligibility or effect finding is requested. Consulting party comments are requested by the same due date.

We look forward to working with your office and consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking, AW073D12. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or concerns on this project.

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Three

The Virginia Department of Historic Resources is included on this letter as part of ongoing consultation, however, no resources or project changes in Virginia are included in this submittal and no response from VDHR is specifically requested. However, any comments on the findings are welcome.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Attachments

cc: Mr. David Clarke, FHWA
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

September 8, 2021

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation under Section 106 of the National Historic Preservation Act with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) for Project No. AW073D12, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

MDOT SHA's letter dated March 10, 2021 transmitted the first draft of the MLS Programmatic Agreement, which identifies mitigation measures and commits to consultation procedures as the project moves forward. Additionally, MDOT SHA's email of May 13, 2021, identified a new Preferred Alternative – Alternative 9: Phase 1 South. The Preferred Alternative further aligns the MLS with the phased delivery approach by providing two high-occupancy toll (HOT) managed lanes in each direction on I-495 from the George Washington Memorial Parkway (GWMP) in Virginia to east of MD 187 on I-495, and on I-270 from I-495 to north of I-370 and on the I-270 eastern spur from east of MD 187 to I-270. There is no action, and no improvements, included at this time on I-495 east of the I-270 east spur to MD 5. The Preferred Alternative will be the focus of a Supplemental Draft Environmental Impact Statement (SDEIS) anticipated to be published October 1, 2021.

This letter transmits the revised Area of Potential Effects (APE) based on the new Preferred Alternative, including an updated Limits of Disturbance (LOD). The APE also incorporates potential compensatory stormwater management (SWM) sites that may be selected for the MLS. These sites are being incorporated into a Compensatory Stormwater Management Plan for the P3

program and submitted as part of a Joint Permit Application to the United States Army Corps of Engineers and the Maryland Department of the Environment. All identified compensatory SWM locations are in Maryland. Additionally, this letter includes the results of MDOT SHA's archaeological and architectural investigations within the revised APE, together with updated National Register of Historic Places (NRHP) eligibility and effect findings, and revised effect determinations for Gibson Grove A.M.E. Zion Church, the Carderock Springs Historic District, and site 44FX0381 in Virginia, as well as revised effect findings for historic properties that are now outside the APE based on the new Preferred Alternative.

This update includes:

- A revision of the Area of Potential Effects (APE) to reflect the new Preferred Alternative and encompass compensatory stormwater management (SWM) along with previously coordinated stream and wetland mitigation sites in Maryland;
- Associated reductions in the LOD at Morningstar Tabernacle No. 88 Moses Hall and Cemetery, C&O Canal National Historical Park, and the George Washington Memorial Parkway, as part of ongoing minimization efforts;
- The results of ground-penetrating radar survey at Morningstar Tabernacle No. 88 Moses Hall and Cemetery, expected to be incorporated as an addendum to the archaeological report on the property provided May 27, 2021.
- New eligibility determinations for 14 architectural resources in Maryland;
- New, updated, or revised effect determinations for 15 architectural historic properties in Maryland (including 8 properties eliminated from the APE) and archaeological site 44FX0381 in Virginia.

Revised Area of Potential Effects

The APE for this project was previously defined as a 250-foot buffer of consideration on either side of the widest proposed build alternative's LOD (Alternative 10) and included additional buffer areas at the American Legion Bridge and elsewhere to capture setting, feeling, and viewshed effects. In addition, the APE included potential environmental mitigation sites where stream and wetland mitigation is proposed. The APE at these environmental mitigation locations was confined to the LOD.

With the identification of the new Preferred Alternative, Alternative 9: Phase 1 South, the APE has been revised accordingly. The APE has been reduced to align with the revised project limits along I-495 and I-270. Until now, the Alternative 10 LOD has been used to determine effects to historic properties. The new Preferred Alternative uses the Alternative 9 LOD and reflects changes in the LOD to minimize effects to historic properties. Within the revised corridor, the APE has shifted or expanded to accommodate the new Preferred Alternative, and portions of the APE where improvements are no longer proposed, generally the east side of the former study limits, have been removed. Discontiguous portions of the APE added in July 2020 to account for

stream mitigation sites remain unchanged, however only three of the sites are expected to move forward as part of Phase 1: CA-5, CA-2/3 and RFP-2.

Due to the large amount of impervious area requiring treatment for the Preferred Alternative and existing site constraints, all the required SWM could not be met onsite for the Preferred Alternative. Consequently, compensatory, or offsite, SWM opportunities were investigated to ensure the SWM water quality requirements of the Preferred Alternative could be met. The APE is confined to the LOD for each compensatory SWM site, as no substantive visual elements are proposed that would be new or inconsistent with the existing character of these locations. The LOD of these sites have been added to the revised APE (**Attachment 1**).

In Virginia, the revised APE generally follows the APE for the VDOT NEXT Project that was previously coordinated with VDHR, with some exceptions. The flyover ramps carrying managed lanes between the Capital Beltway and the George Washington Memorial Parkway have been eliminated. The revised APE includes a shared use path along the east side of I-495 in Virginia, across the American Legion Bridge to MacArthur Boulevard in Maryland.

The reduction in the project limits resulting from the new Preferred Alternative has eliminated 33 architectural historic properties from the APE, including eight properties that were previously identified as experiencing an adverse effect (presented in the table below) and one for which effects could not be fully determined (Polychrome Historic District, M: 32-5).

Adverse Effect Properties Eliminated from the Revised APE for Alternative 9, Phase 1 South

MIHP#	Name	Type	Previous Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:69-26	Baltimore-Washington Parkway	Structure	Adverse	3/2020	1942-1954	A, C	Listed
PG:73-36	Carsondale	District	Adverse	9/2020	1955-1962	A	Eligible
PG:72-26 and PG:73-26	Glenarden Historic District	District	Adverse	3/2020	1939-1977	A	Eligible
PG:67-69	Greenbelt Park	District	Adverse	3/2020	1945-1972 (for Mission 66 era)	A, C, D	Eligible (for the purposes of Section 106)
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	District	Adverse	3/2020	1939-1957	A, B, C	Eligible
M: 36-1	National Park Seminary Historic District/Forest Glen/ Walter Reed A.M.C. Annex	District	Adverse	3/2020	1894-ca. 1930	Unspecified	Listed (MHT Easement)
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	District	Adverse	3/2020	1931-1970	A	Eligible
M: 32-15	Sligo Creek Parkway	District	Adverse	3/2020	Unspecified	A, C	Eligible

Minimization Efforts

MDOT SHA has been engaged in ongoing design minimization efforts along the project corridor to reduce impacts to historic properties.

Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212)

Archaeological mapping provided in May 2021 and Ground Penetrating Radar (GPR) (**Attachment 5**) surveys at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (Morningstar Cemetery), indicated features that may represent potential graves within the MDOT SHA Right-of-Way. In response, MDOT SHA has evaluated an alternative to avoid the Morningstar Cemetery and these associated potential graves.

The proposed typical section of the SDEIS layout along the northbound I-495 Inner Loop managed lane ramp in the vicinity of the cemetery consists of the following:

- 12-foot left shoulder (adjacent to concrete traffic barrier)
- 15-foot travel lane
- 4-foot right shoulder (adjacent to concrete traffic barrier)
- Noise barrier located five feet from the centerline of concrete traffic barrier

The proposed modification reduces the SDEIS northbound I-495 Inner Loop managed lane ramp left shoulder width to 6 feet (from 12 feet). The ramp's right shoulder remains 4 feet in width; however, the noise barrier would be relocated to the back of the concrete traffic barrier. The LOD would be established 5 feet from the centerline of the noise barrier for approximately 300 feet along the frontage of the Morningstar Cemetery property. An area similarly reducing impacts to existing right-of-way extends approximately 65 feet west of the identified potential graves to provide a buffer margin.

This alternative minimizes the overall width of the section avoiding earthwork (cuts or fills) at the nearest GPR-indicated feature that may be a grave.

Although this minimization effort has eliminated all project impacts within the property and avoids associated potentially indicated burial features within right-of-way adjacent to the cemetery, MDOT SHA continues to find that the property will be adversely affected pending further consultation regarding options for future investigations and other issues raised regarding indirect and cumulative effects.

C&O Canal National Historical Park (M: 12-46) & George Washington Memorial Parkway/Clara Barton Parkway (M: 35-61 & 029-0228)

MDOT SHA conducted extensive design minimization efforts to avoid or reduce impacts to the National Park Service administered C&O Canal National Historic Park and George Washington Memorial Parkway (GWMP) in the vicinity of the American Legion Bridge, including the

convening of an ‘ALB Strike Team’ composed of national and local experts on bridge design, natural resources, and cultural resources.

Several bridge types and construction methods (both standard and innovative) were evaluated during the Strike Team’s analysis. A westward/upstream shift of the bridge alignment and additional phases of construction were also evaluated for the different bridge options. These options were presented to the stakeholders and a conventional structure was recommended that remained on the existing bridge centerline. Impacts to Plummers Island were significantly reduced compared to those presented for the Build Alternatives in the DEIS by strategically locating the proposed piers for the replacement bridge and eliminating construction access from the island. In addition to a reduction of total impacts at the bridge construction site, the Strike Team effort resulted in a reduction of the number of construction access locations from all four quadrants, as noted in the DEIS, to the northwest quadrant only, due to its grade and proximity to a nearby roadway. This change substantially minimized impacts to the surrounding land. These minimization efforts have reduced impacts to the C&O Canal National Historical Park to 10.1 acres, a reduction of 5.3 acres compared to the DEIS Alternative 9.

Additional minimization efforts at the GWMP include a new interchange configuration that pulls roadwork off the GWMP mainline within the park boundary, and a refined signing layout that limits ground disturbance to only those areas where signs will be removed or placed and where electrical conduit must be placed. The minimization efforts have succeeded in reducing impacts to the GWMP to 4.4 acres, a reduction of 7.8 acres compared to the DEIS Alternative 9.

Architecture

New Eligibility Determinations

In the revised APE for the Preferred Alternative, including the portions added to encompass proposed SWM locations (Attachment 1B), MDOT SHA identified an additional 37 previously recorded Maryland Inventory of Historic Properties (MIHP) resources and 13 unrecorded resources. Two more resources potentially affected by SWM mitigation sites were identified and included as part of prior MLS project submittals.

Eight of the existing MIHP resources identified within the revised APE have previously been determined eligible for or are listed in the NRHP. Of the unevaluated resources (including both MIHP and unrecorded resources), MDOT SHA completed Determination of Eligibility (DOE) forms for 14 resources (**Attachment 2**) and has determined that three are eligible for listing in the NRHP. The Washington Biologists’ Field Club on Plummers Island (WBFC) (M: 12-46-2) is significant under Criterion A for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the club and as the meeting place for the club’s collective membership of influential and accomplished scientists; the Magruder Blacksmith Shop (M: 29-40) is significant under Criterion C as a rare example of an 18th-century colonial-era commercial building in Montgomery County; and the Latvian Evangelical Lutheran

Church of Washington, DC, (M: 26-89) is significant under Criterion A for its association with the efforts of the church organization to preserve and promote Latvian culture and for its role as a cultural center for Latvian immigrants to the DC metropolitan area. The church has a period of significance of 1975-1979, and the property will become eligible for the NRHP upon reaching 50 years of age, assuming it maintains integrity.

MDOT SHA has determined a fourth resource, the Kelley House (M: 26-88) is not eligible for the NRHP. Research conducted did not identify events or persons of local, state or national significance, and the Kelley House is not significant under Criteria A or B. As a common example of the wing-and-gable form, and because of alterations to the house and its surroundings, the Kelley House is not significant under Criterion C.

The remaining 10 resources were documented using MHT's Short Form for Ineligible Historic Properties. These resources are not associated with historic events (Criterion A) or significant persons (Criterion B), and they are not significant for their design or construction (Criterion C). The resources do not have historical or architectural significance and not eligible for the NRHP.

The new eligibility determinations are summarized in **Attachment 3, Table 1**.

MDOT SHA did not evaluate 19 MIHP resources within the LOD for offsite SWM mitigation. Although the LOD fell within the MIHP boundaries of these resources or within the associated parcel(s), impacts to specific historical features were avoided. Three of the unevaluated resources were found to be no longer extant. For the remainder, the proposed SWM locations are along roadsides and at existing SWM facilities, and MDOT SHA has determined that the work proposed has no potential to affect historic properties. These 19 MIHP resources are included in **Attachment 3, Table 5**, and marked as "No Determination."

New and Updated Effect Assessments

Both physical effects as well as potential visual, atmospheric, or audible effects were considered within the entire APE. Since the effect assessment coordinated in the February 11, 2021, letter, MDOT SHA has identified 10 additional architectural historic properties in the APE. Seven of these historic properties are impacted by offsite SWM mitigation and three are part of the APE for the Alternative 9 Phase 1 South corridor.

MDOT SHA has determined that the seven properties within the LOD for offsite SWM mitigation will not be adversely affected by the project. Because effects to historic properties related to SWM activities are generally similar and limited in how they affect architectural or archaeological properties, these are summarized and presented along with other properties experiencing no adverse effect in **Attachment 3, Table 3**. The table also includes one additional historic property that was previously identified in earlier iterations of the APE: the B&O Railroad, Metropolitan Branch (M: 37-16). The previous no adverse effect determination for this property remains unchanged.

Three historic properties are part of the APE for the Alternative 9 Phase I South corridor and are described in more detail below: the Magruder Blacksmith Shop, the Latvian Evangelical Lutheran Church of Washington, DC, and the Washington Biologists' Field Club. In addition, ongoing project development has resulted in sufficient information to determine effects for the Carderock Springs Historic District and Gibson Grove A.M.E Zion Church. Previously, effects to these two properties could not be fully determined. With this submittal, there are no remaining historic properties in the APE where MDOT SHA has not made an effect determination. Finally, the revised LOD has resulted in increased impacts but no change to the previous determination of no adverse effect for three historic properties: Burning Tree Club, the Ward Building, and Woodley Gardens. Architectural historic properties with new or updated effect determinations are described below.

- ***Magruder Blacksmith Shop (M: 29-40) and the Latvian Lutheran Church of Washington, DC (M: 26-89)***: Pending MHT concurrence that these resources are NRHP-eligible, MDOT SHA has determined that the project will not adversely affect the Magruder Blacksmith Shop or the Latvian Evangelical Lutheran Church of Washington, DC. Both properties are substantially removed from the LOD, and the study corridor already includes substantial and congested highway facilities within the viewshed and audible setting of these properties. While the setting would be somewhat altered by the addition of new lanes or other project elements, these are not newly introduced visual, atmospheric, or audible elements that would diminish the integrity of significant historic features of these properties. The LOD east of Magruder Blacksmith Shop is located along MD 190, in the median and on the opposite (south) side of the highway. At the Latvian Evangelical Lutheran Church of Washington, DC, the LOD is located to the east along Watts Branch, screened from the church by trees in Wootton's Mill Park. No noticeable effects resulting from the proposed improvements are anticipated at either historic property.
- ***Washington Biologists' Field Club on Plummerville Island (M: 12-46-2)***: The WBFC is a twentieth-century naturalist club on Plummerville Island in the Potomac River. The WBFC is eligible for the NRHP under Criterion A for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the club and as the meeting place for the club's collective membership of influential and accomplished scientists. The LOD adjoining Plummerville Island along the American Legion Bridge will impact approximately 0.2 acre of the WBFC. This area is required for the bridge substructure, including permanent pier placement and construction activities. Construction activities within the LOD at the WBFC may include excavation; demolition of the existing bridge foundation and piers; installation of proposed foundations, piers, or abutments; and slope protection. Access to the existing and proposed piers is required for these activities. Impacts were minimized by strategically locating the new piers near the existing piers such that a single access method could be used for demolition of the existing and construction of the proposed structures. However, some impact is unavoidable based on construction requirements and the structural requirements for pier locations. Although the majority of the

historic features of the WBFC are outside the LOD, the proposed construction activities at the western edge of Plummers Island will alter the natural landscape of the island, a character-defining feature of the WBFC, resulting in diminishment of the property's integrity of setting. MDOT SHA has determined the project will adversely affect the WBFC.

- ***Carderock Springs Historic District (M: 29-59):*** Carderock Springs is a planned residential development of 275 modernist houses located northwest of Bethesda in Montgomery County, Maryland. The Carderock Springs Historic District is significant under Criterion A as an example of a type of residential development which resulted from the collaborative efforts of builder Edmund J. Bennett and architects Keyes, Lethbridge, and Condon (KLC) in the suburbs of Washington, DC. The Carderock Springs Historic District is also significant under Criterion C for its distinctive examples of modernist houses in a carefully planned and landscaped development designed to have a “natural” appearance by retaining most of the original vegetation and topography. Activities at this location are unchanged, but design advancement and further analysis of the LOD have resulted in a finding of no adverse effect for the property. The Preferred Alternative would result in impacts of less than 0.1 acre of the Carderock Springs Historic District, including permanent and temporary impacts. This impact has increased from the no impact reported in the DEIS. The LOD adjoining Carderock Springs Historic District is almost entirely within MDOT SHA right-of-way but will impact approximately 3.2 square feet of the rear yard at 7610 Hamilton Springs Road, a contributing resource within the district. The increase in impact from the DEIS is due to design refinement, including advanced design at Cabin John Parkway Interchange to minimize impacts to Morningstar Tabernacle No. 88 Moses Hall and Cemetery, as well as exchange ramps, construction of retaining and noise walls along the outer loop, and clearing and erosion and sediment control measures. The LOD includes a ten-foot offset behind the proposed noise wall. The proposed centerline of I-495 is shifted north compared to existing conditions through this section to minimize impacts to Morningstar Cemetery. These actions will not disturb the original topography and natural vegetation within Carderock Springs itself, and the proposed noise wall will further screen the district from visual and audible effects already present along I-495. No diminishment of location, design, materials, association, and workmanship will occur, and setting and feeling will remain consistent with the existing highway facility. MDOT SHA has determined the project will not adversely affect the Carderock Springs Historic District.
- ***Gibson Grove A.M.E. Zion Church (M: 29-39):*** Gibson Grove A.M.E. Zion Church is a small, wood-frame structure set on a hill overlooking Seven Locks Road, immediately north of I-495. Gibson Grove A.M.E. Zion Church is eligible for the NRHP under Criterion A. The church derives its significance from its association with the African American settlement of Gibson Grove that was founded in the 1880s by former enslaved people. The original church was a log structure that was replaced with the current edifice in 1923. It is the only remaining building associated with the African American Gibson Grove community. Design advancement activities at this location include outfall stabilization, culvert augmentation, bridge erection, and construction access. Some of these activities are included to improve the

condition of the highway drainage on the property, as has been requested by the current church leaders. Physical impacts to the church property are limited to 0.1 acres along the north side of I-495, at a steep hillside adjoining the church. This slight increase in impacts is the result of advanced design at the Cabin John Parkway interchange for exchange ramps and to minimize impacts to Morningstar Tabernacle No. 88, Moses Hall and Cemetery. These design changes have caused a shift in the highway alignment to the north, resulting in increased impacts to Gibson Grove A.M.E. Zion Church from construction of a new bridge over Seven Locks Road. The new bridge will be widened to the north along Seven Locks Road, resulting in increased temporary impacts to the church property during construction. In consideration of the small size of the church parcel, and the extent of construction activities on the property, there would be a temporary, but long term, diminishment of the property's integrity of setting and feeling. MDOT SHA has determined the project will adversely affect the Gibson Grove A.M.E. Zion Church.

Activities at the following locations are unchanged, but the LOD has expanded:

- ***Burning Tree Club (M: 35-121)***: Burning Tree Club is a privately-owned 221-acre golf club with a Tudor Revival clubhouse and 18-hole golf course built 1922-1923. Burning Tree Club is eligible for the NRHP under Criteria A and C. Burning Tree Club is significant under Criterion A as an example of the type of male-only, golf-oriented recreational organization that flourished during the 1920s and under Criterion C as a good example of a 1920s private golf club and course. Impacts to the Burning Tree Club have increased from 0.8 acre to 1.3 acres as a result of design refinements to accommodate widening I-495, the augmentation of an existing culvert carrying Thomas Branch beneath I-495, construction of a retaining wall, and the realignment of Thomas Branch along the east side of I-495. The revised LOD will not impact the golf course itself or its associated paths and will not alter the characteristics that qualify the property for the NRHP. MDOT SHA has determined that the project continues to have no adverse effect on the Burning Tree Club.
- ***Ward Building (M: 26-72-1)***: The Ward Building is a Brutalist-style suburban corporate office constructed in 1978 at 1300 Piccard Drive, Rockville, Maryland. The property is 4.76 acres just east of I-270 and north of the Gude Drive overpass. The Ward Building is eligible under Criterion C for its high artistic value as an example of Brutalist-style architecture. Impacts to the Ward Building have increased from 0.1 acre to 0.2 acre as a result of design refinements, including an updated roadway configuration, grading and side slope construction associated with widening Gude Drive, and retaining wall construction. The LOD expansion encompasses areas along the parking lot surrounding the Ward Building and does not affect the characteristics that qualify the building for the NRHP. MDOT SHA has determined that the project continues to have no adverse effect on the Ward Building.
- ***Woodley Gardens (M: 26-71)***: Woodley Gardens is a planned residential development containing Colonial Revival-style, single- and multi-family dwellings constructed between 1960 and 1970 in Rockville, Maryland. The approximately 200-acre development is east of I-

270 and south of the Gude Drive overpass. Woodley Gardens is an important, early example of mixed housing types in a planned residential development and is, therefore, eligible for the NRHP under Criterion A as a historic district. Woodley Gardens is also significant as a historic district under Criterion C as an excellent, intact example of a planned residential development with a period of significance ranging from 1960 to 1970. Impacts to Woodley Gardens have increased from 0.7 to 1.3 acres due to design refinements including an updated roadway configuration resulting in changes to the location of the noise barrier and retaining wall, utility relocations, and storm drain impacts. The LOD expansion encompasses a portion of the parking lot adjoining the Woodley Gardens Shopping Center. The parking lot is a character-defining feature of the contributing shopping center, but impacts will be limited to several spaces along the edge of the lot and will not alter the characteristics that qualify the district for the NRHP. MDOT SHA has determined that the project continues to have no adverse effect on Woodley Gardens.

The revised LOD has not changed MDOT SHA's intent to request that FHWA make a *de minimis* impact finding for the minor Section 4(f) use of the three above properties, previously documented in a letter dated January 10, 2020. In addition, MDOT SHA will request that FHWA make a *de minimis* impact finding for the Carderock Springs Historic District. These new and updated *de minimis* properties are listed in in **Attachment 3, Table 4** of this letter.

The revised APE based on the Preferred Alternative (Alternative 9, Phase 1 South) has resulted in the elimination of 33 architectural historic properties from the APE (**Attachment 3, Table 9**). Eight of these historic properties were previously identified as experiencing an adverse effect. Assuming the Preferred Alternative is selected, the project will no longer adversely affect these properties. MDOT SHA has revised the effect assessment for these eight properties to No Adverse, and they are included in **Attachment 3, Table 3**. The Polychrome Historic District, for which effects were previously undetermined, is also among the 33 properties that are no longer affected by the project.

MDOT SHA's updated effect assessments for the project are summarized in **Attachment 3, Tables 6 - 8**. The revised effect assessments include overall findings of no adverse effect to 24 architectural historic properties and an adverse effect to 5 architectural historic properties. MDOT SHA has determined the project continues to have an adverse effect on architectural historic properties.

Archaeology

Virginia

The Alternative 9 Phase I South LOD in Virginia has been substantially reduced to largely follow the limits of disturbance of the VDOT NEXT project, as shown in **Attachment 1**. Under the Preferred Alternative, impacts to George Washington Memorial Parkway would be required to accommodate access for construction vehicles and materials to build the new American

Legion Bridge and remove the existing structure; construction, operation, and future maintenance of new direct access ramps to the managed lanes on I-495; the installation, operation, and future maintenance of electrical conduit and permanent signage to inform the traveling public of toll rates and operation of the facility; resurfacing of George Washington Memorial Parkway for maintenance of traffic during construction, and construction of a shared use path and retaining wall along the I-495 inner loop.

The MLS Alternative 9 Phase I South LOD would impact the Dead Run Ridges Archaeological District (44FX3922), which was determined eligible for the NRHP by the Keeper of the National Register on September 10, 2020. As indicated in our August 12, 2020 letter to the Keeper and our September 24, 2020 letter to DHR, MDOT SHA has determined, with DHR concurrence, that four sites which contribute to the District's eligibility are also individually eligible for the NRHP under Criterion D: 44FX0374, 44FX0379, 44FX0381, and 44FX0389. The impacts of Alternative 9: Phase I South represent a substantial reduction of the LOD within the GWMP, and now amount to minor impacts along the margins of archaeological sites 44FX0374, 44FX0379, and 44FX0389 within 44FX3922. Site 44FX0381 is no longer impacted by the revised LOD, and MDOT SHA, on behalf of FHWA, finds that site 44FX0381 is no longer adversely affected. However, the remaining NRHP-eligible sites 44FX074, 44FX0379 and 44FX0389, and the Dead Run Ridges District (44FX3922) remain adversely affected, although the limits of disturbance have been minimized, and largely impact the margins of the affected sites. MDOT SHA will continue to develop treatment approaches to mitigate for the adverse effect as part of the MLS PA and associated treatment plans, which will be finalized in consultation with the National Park Service, DHR and other relevant consulting parties including Tribal Nations.

Maryland

MDOT SHA submitted the report of archaeological mapping and recordation at the Morningstar Cemetery on May 27, 2021. Since that time MDOT SHA has completed a high-resolution ground-penetrating radar (GPR) survey (**Attachment 5**) including portions of MDOT SHA right-of-way adjacent to the Cemetery. MDOT SHA intends to incorporate this report into the final Morningstar Cemetery archaeological report provided in draft form in May 2021. Because the results of the GPR survey augment the results of the mapping study and indicate the likelihood of additional burials outside the current private property boundary, MDOT SHA has been able to further minimize the LOD to avoid this area of state right-of-way and provide an additional buffer area avoiding ground disturbance in undisturbed areas near the cemetery.

The Alternative 9 Phase I South study area includes locations of potential water quality stream sites (including stream restoration and mitigation, wetland creation, and fish passage improvements); additionally, potential SWM pond locations have been identified as indicated in **Attachment 4**. Recommended cultural resources investigations are also indicated in the attachment, and will be included in the archaeology treatment plan that is being developed as part of the PA.

As part of the MLS PA under development, MDOT SHA proposes archaeological investigations at the following locations: (1) fourteen survey areas to which access was denied and that are located within the boundary of the Alternative 9 Phase I South LOD, as described in Arnold et al. 2019; (2) the Montgomery County Poor Farm Cemetery (18NO266) in Rockville; (3) MDOT SHA will continue to consult with relevant parties on any additional archaeological investigations that may be appropriate at the Morningstar Cemetery, in light of the design avoidance and minimization efforts, and (4) Several archaeological sites would be impacted by the MLS project Preferred Alternative LOD, and require further investigation (18MO190, 18MO457, 18MO752, and 18MO191). The reduction in the project limits resulting from the new Preferred Alternative would require Phase I investigations at the following archaeology survey areas, along with Phase I or II investigations at the archaeological resources presented in the table below.

Archaeological Investigations Required for the Revised APE

MIHP#/DHR#	Name	Type	Recommendations	Remarks
18MO190	Kavanagh XI	Archaeology	Phase I/II	
18MO191	Kavanagh XII	Archaeology	Phase II	May represent Ball Farmstead
18MO457	Booze Creek	Archaeology	Phase I/II	
18MO752		Archaeology	Phase II	MNCPPC land
18MO266	Poor Farm Cemetery	Cemetery	PA	Create treatment plan tailored to the resource as part of the PA
N/A	Morningstar Cemetery	Cemetery	PA	Create treatment plan tailored to the resource as part of the PA
RS-1; RS-2; S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6; S-27; SWM S-27, S-28 S-8; S-10; S-53		Survey Areas	Complete Phase I investigations	

Prior Recommended Investigations - areas that are now outside APE and no longer required

MIHP#/DHR#	Name	Type	Recommendations	Remarks
18MO514	National Park Seminary archaeological site	Archaeology		18MO514 is no longer within the revised LOD
S-11; S-16a,c; S-17; S-30; S-33; S-29; S-37, S-44, S-54		Survey Areas		No longer within the revised LOD

MDOT SHA continues to find an adverse effect to two sites within the C&O Canal National Historic Park (18MO749 and 18MO751), and the Dead Run Ridges Archaeological District (44FX3922) and several constituent sites (44FX0374, 44FX0379, and 44FX0389) within the GWMP in Virginia, although some impacts have been reduced (as described above and enumerated in the table below). MDOT SHA will continue to consult regarding mitigation including data recovery approaches as part of the PA development.

Adversely Affected Archaeological Sites in the Revised APE

MIHP#/DHR#	Name	Type	Recommendation	Remarks
44FX3922	Dead Run Ridges Archaeological District	Archaeological District	Phase III	Mitigation Required (GWMP)
44FX0374		Archaeology	Phase III	Mitigation Required (GWMP)
44FX0379		Archaeology	Phase III	Mitigation Required (GWMP)
44FX0389		Archaeology	Phase III	Mitigation Required (GWMP)
18MO749	Canal Site 1	Archaeology	Phase III	Mitigation Required (C&O Canal)
18MO751	Canal Site 3	Archaeology	Phase III	Mitigation Required (C&O Canal)

No Longer Within LOD and No Adverse Effect

MIHP#/DHR#	Name	Type	Recommendation	Remarks
44FX0381		Archaeology		44FX0381 is no longer adversely affected (outside LOD)

The Preferred Alternative entails no other impacts to archaeological resources not identified in previous correspondence.

Revised Cultural Resource Totals

The reduced project limits have resulted in the removal of one archaeological site and ten archaeology survey areas that required further investigation, as shown in the table above, and 8 architectural historic properties from the APE, as shown in the table on Page 3 and in Table 9. Assuming the Preferred Alternative is selected, the undertaking will no longer adversely affect these properties. Attached are summaries of the historic properties remaining in the APE (Attachment 3, Tables 2 and 3).

Responses Requested – Maryland:

MDOT SHA respectfully requests from MHT any comments on the revised APE, review of the enclosed information supporting the analysis, comments on the proposed cultural resources investigations, and your comments/concurrence on the following determinations in Maryland:

- The revised APE including Compensatory SWM mitigation sites
- That either no further work is required or Phase I Archaeology would be required (to be specified in the PA under development) as noted for potential SWM and water quality mitigation sites, as specified in **Attachment 4**
- Any comments on **Attachment 5**, Ground Penetrating Radar report
- The Washington Biologists' Field Club on Plummers Island is eligible for the NRHP and will be adversely affected
- The Magruder Blacksmith Shop is eligible for the NRHP but will not experience an adverse effect
- The Latvian Evangelical Lutheran Church of Washington, DC, is eligible for the NRHP but will not experience an adverse effect

- The Kelley House is **not** eligible for the NRHP
- The 10 architectural resources documented on Short Forms are not eligible for the NRHP (**Attachment 3, Table 1**)
- Properties in **Attachment 3, Table 2** will experience an adverse effect
- There will be no adverse effect to the NRHP-eligible properties in **Attachment 3, Table 3**, should the Preferred Alternative be selected
- Acknowledgement of FHWA's intent to make a *de minimis* determination for the purposes of 4(f) for properties listed in **Attachment 3, Table 4**
- No historic properties will be affected within the revised APE at those locations specified in **Attachment 3, Table 5**

Responses Requested – Virginia:

MDOT SHA respectfully requests from DHR any comments on the revised APE, review of the enclosed information supporting the analysis, comments on the proposed cultural resources investigations, and DHR concurrence that 44FX0381 is no longer adversely affected as an individual historic property.

We request the above responses from MHT and DHR by **October 8, 2021**. We look forward to working with the respective State Historic Preservation Offices and additional consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,

for Julie M. Schablitsky
Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Fifteen

Attachments:

Attachment 1(a) – APE (Corridor)
Attachment 1(b) – APE (Stormwater Management)
Attachment 1(c) – APE (Stream and Wetland – Unchanged from July 2020)
Attachment 2 – Determinations of Eligibility
Attachment 3 – Eligibility/Effects Table
Attachment 4 – Stormwater Management Sites Evaluation
Attachment 5 – Ground Penetrating Radar Report – Morningstar Cemetery

cc:

Mr. David Clarke, FHWA
Mr. Marc Holma, Virginia DHR
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

-For Maryland Historical Trust Use Only-
Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects

Project Number: AW073D12

MHT Log No. _____

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: September 8, 2021

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachment 3]):

- ☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachment 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter):

- ☐ Acknowledge

Comments:

By:

MD State Historic Preservation Office/
Maryland Historical Trust

Date

Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval:

**Federal Highway
Administration**

Printed Name

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

Attachment 3 – Eligibility and Effect Tables – September 2021

Page 1

Table 1: New Eligibility Determinations

MIHP#	Name	Type	SHA NR Det.	SHPO Concurrence	Remarks
M: 37-16	Kelley House	Building	Not Eligible	Requested 9/2021	Not significant under Criteria A or B. As a common example of the wing-and-gable form, and because of alterations to the house and its surroundings, the Kelley House is not significant under Criterion C. Lacks integrity of setting, materials, design, and workmanship.
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	Building	Eligible	Requested 9/2021	Significant under Criterion A as an important cultural center for Latvian immigrants to the DC metropolitan area; eligible upon reaching 50 years of age, but treated as eligible for the purposes of Section 106
M: 29-40	Magruder Blacksmith Shop	Building	Eligible	Requested 9/2021	Significant under Criterion C as an example of an 18th Century industrial building that was altered in the late 19th century to serve as a dwelling.
M: 12-46-2	Washington Biologists' Field Club on Plummers Island	Site	Eligible	Requested 9/2021	Significant under Criterion A for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the WBFC and as the meeting place for the club's collective membership of influential and accomplished scientists.
-	14600 Springfield Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	15025 Darnestown Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	17000 White Ground Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	20600 Clarksburg Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	20604 Clarksburg Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	23320 Clarksburg Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	23320 Ridge Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	23330 Ridge Road	Building	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	Gunners Branch Local Park	Landscape	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties
-	Heritage Farm Neighborhood Park	Landscape	Not Eligible	Requested 9/2021	Documented on Short Form for Ineligible Properties

Table 2: New or Revised Historic Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Adverse	Requested 9/2021	Not established	A	Eligible
M: 12-46-2	Washington Biologists' Field Club on Plummers Island	Site	Adverse	Requested 9/2021	1901-1971	A	Eligible

Table 3: New or Revised Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	SWM LOD	Remarks
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	No Adverse	Requested 9/2021	1873-1945	A, C	Y	Eligible; LOD cross beneath railroad overpass. Also within APE for corridor – MHT concurred with previous NAE determination 9/2020
PG:69-26	Baltimore-Washington Parkway	Structure	No Adverse	Requested 9/2021	1942-1954	A, C	N/A	Listed; Eliminated from APE
M: 17-01	Beallsville Historic District	District	No Adverse	Requested 9/2021	Not established	A, C	Y	Eligible; LOD within yard of 19725 Darnestown Road, which does not contribute to the district
M: 18-8-1	Boyd's-White Grounds Historic District	District	No Adverse	Requested 9/2021	Not established	A	Y	Eligible; LOD include fence at 15215 Barnesville Rd and culvert wall near 15140 Barnesville Road that post-date 1930 period of significance; LOD also include portions of empty lot on north side of Barnesville Road and

Table 3: New or Revised Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	SWM LOD	Remarks
								wooded lot at SW corner of Barnesville Rd and Clarksburg Rd; project will avoid contributing resources
M: 29-59	Carderock Springs Historic District	District	No Adverse	Requested 9/2021	1962-1967	A, C	N	Listed; project will avoid contributing resources
PG:73-36	Carsondale	District	No Adverse	9/2020	1955-1962	A	N/A	Eligible; Eliminated from APE
M: 14-27	Cedar Grove Historic District	District	No Adverse	Requested 9/2021	Not established	A, C	Y	Eligible; LOD just enter southern boundary of HD, on south side of Davis Mill Road, where no associated resources are present.
M: 18-15	Friends Advice	Building	No Adverse	Requested 9/2021	c. 1806-1951	A, B, Criteria Consideration G	Y	Listed; LOD include parts of wood fence and trees along road, which do not contribute to the property
PG:72-26 and PG:73-26	Glenarden Historic District	District	No Adverse	Requested 9/2021	1939-1977	A	N/A	Eligible; Eliminated from APE
PG:67-69	Greenbelt Park	District	No Adverse	Requested 9/2021	1945-1972 (for Mission 66 era)	A, C, D	N/A	Eligible (for the purposes of Section 106); Eliminated from APE
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	District	No Adverse	Requested 9/2021	1939-1957	A, B, C	N/A	Eligible; Eliminated from APE
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	Building	No Adverse	Requested 9/2021	1975-1979	A	N	Eligible upon reaching 50 years of age; project will not affect character-defining features; far from LOD
M: 29-40	Magruder Blacksmith Shop	Building	No Adverse	Requested 9/2021	c. 1750-1850	C	N	Eligible; project will not affect character-defining features; far from LOD
M: 36-1	National Park Seminary Historic District/Forest Glen/ Walter Reed A.M.C. Annex	District	No Adverse	Requested 9/2021	1894-ca. 1930	Unspecified	N/A	Listed (MHT Easement); Eliminated from APE
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	District	No Adverse	Requested 9/2021	1931-1970	A	N/A	Eligible; Eliminated from APE
M: 17-63	Seneca Historic District	District	No Adverse	Requested 9/2021	late 17th-early 20th centuries	A	Y	Listed; LOD adjoin non-contributing Bretton Woods Golf Course (1968)
M: 32-15	Sligo Creek Parkway	District	No Adverse	Requested 9/2021	Unspecified	A, C	N/A	Eligible; Eliminated from APE
M: 12-44	Sugarloaf Mountain Historic District	District	No Adverse	Requested 9/2021	Mid-18 th century - 1939	A, B, C, D	Y	Eligible; LOD affects post-1989 fence adjoining ag field along Beallsville Road; elsewhere, LOD affect grassy areas along the roadside or adjoin modern buildings, including the mid-20th-century houses at 20400 Mouth of Monocacy Road and 22400 Dickerson Road and a 2003 house at 22318 Nicholson Farm Road
M: 20-21	Ward House	Building	No Adverse	Requested 9/2021	1891-1969	A, C	Y	Eligible; LOD affect noncontributing fence

Table 4: New or Revised Section 4(f) *de minimis* Properties

Attachment 3 – Eligibility and Effect Tables – September 2021

Page 3

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 35-121	Burning Tree Club	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1962-1967	A, C	Listed
M: 26-72-1	Ward Building	Building	No Adverse; <i>de minimis</i>	Requested 9/2021	1978	C	Eligible (Upon reaching 50 years)
M: 26-71	Woodley Gardens	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1960-1970	A, C	Eligible

Table 5: New or Revised No Properties Affected

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	SHPO Eligibility	Remarks
M: 12-4-1	Barnesville Commuter Station	Building	NPA	Requested 9/2021	Not Eligible 1/1992	
M: 12-12	Barnesville Historic District	District	NPA	Requested 9/2021	No Determination	Within eligible Sugarloaf Mountain Historic District (M: 12-44); affects post-1989 fence along Barnesville Road
M: 18-29	Brownstown Historic District	District	NPA	Requested 9/2021	Not Eligible 10/2007	
M: 24-20	Darne-Purdum Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; no buildings or features affected
M: 24-19	Darnestown Historic District	District	NPA	Requested 9/2021	Not Eligible 3/2003	
M: 18-23	Dawsonville Historic District	District	NPA	Requested 9/2021	No Determination	LOD encompasses roadside areas with existing drainage and without structures or features associated with the identified resource
M: 12-21	Dickerson Historic District	District	NPA	Requested 9/2021	No Determination	Within NRHP-eligible Sugarloaf Mountain Historic District (M:12-44); LOD adjoins modern structures or grassy areas with existing drainage or adjoin modern buildings, including the mid-20th-century houses at 20400 Mouth of Monocacy Road and 22400 Dickerson Road and a 2003 house at 22318 Nicholson Farm Road
M: 21-268	Forest Oak Cemetery	Site	NPA	Requested 9/2021	Not Eligible 9/2018	
M: 29-21	Formstone Houses	District	NPA	Requested 9/2021	No Determination	Demolished
M: 35-142	Georgetown Branch, B&O Railroad	Structure	NPA	Requested 9/2021	Not Eligible 4/2002	
M: 19-13	Germantown Historic District	District	NPA	Requested 9/2021	Not Eligible 3/1987	
M:18-19	Hilary Pyles Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; no buildings or features affected
M: 37-16	Kelley House	Building	NPA	Requested 9/2021	Requested 9/2021	
M: 18-41	Marcellus E. Wade House & Tenant House	Building	NPA	Requested 9/2021	No Determination	Demolished

Table 5: New or Revised No Properties Affected

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	SHPO Eligibility	Remarks
M: 29-81	Montgomery Country Club (Bethesda Country Club)	District	NPA	Requested 9/2021	Not Eligible 2019	Also within APE for corridor; MHT concurred with previous NPA determination 3/2020
M: 24-2	Nathan Alnutt Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; no buildings or features affected
M: 19-17	Old Germantown	District	NPA	Requested 9/2021	Not Eligible 2/1995	
M: 19-44	Plumgar Subdivision	District	NPA	Requested 9/2021	Not Eligible 7/2018	
M: 29-8	Potomac Village Historic District	District	NPA	Requested 9/2021	Not Eligible 3/2003	
M: 24-29	Samuel Thomas Magruder Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; avoids associated fence
M: 12-14	Sellman Station Historic District	District	NPA	Requested 9/2021	No Determination	Within eligible Sugarloaf Mountain Historic District (M: 12-44); no associated features along roadside.
M: 18-52	SHA Small Structure 15168X0	Structure	NPA	Requested 9/2021	Not Eligible 5/2001	
M: 19-18	Snyder-King Barn #1, Site	Structure	NPA	Requested 9/2021	No Determination	Demolished
M 17-65	Spring Valley Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; avoids associated fence
M: 19-39	Strider Wildlife Management Area	District	NPA	Requested 9/2021	No Determination	No historical features associated with district within LOD
M: 17-7	Thomas Pyles Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; no buildings or features affected
M: 18-24	Thomas Rawlings Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; avoids associated fence
M: 12-14-3	Warfel Store	Building	NPA	Requested 9/2021	No Determination	Warfel Store building is outside LOD, which ends at asphalt drive for adjacent Barnesville Commuter Station
M: 14-68	Wildcat Road/Davis Mill Road Rural HD	District	NPA	Requested 9/2021	Not Eligible 8/2013	
M: 12-15	William T. Poole Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; no buildings or features affected
M: 12-6	William Thompson House	Building	NPA	Requested 9/2021	No Determination	Within eligible Sugarloaf Mountain Historic District (M: 12-44); LOD on parcel along roadside, but William Thompson House buildings and MIHP boundary outside LOD
M: 18-23-2	Windolph-Williams Farm	Building	NPA	Requested 9/2021	No Determination	LOD on parcel but outside MIHP boundary; avoids associated fences
-	14600 Springfield Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	15025 Darnestown Road	Building	NPA	Requested 9/2021	Requested 9/2021	

Table 5: New or Revised No Properties Affected

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	SHPO Eligibility	Remarks
-	17000 White Ground Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	20600 Clarksburg Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	20604 Clarksburg Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	23320 Clarksburg Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	23320 Ridge Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	23330 Ridge Road	Building	NPA	Requested 9/2021	Requested 9/2021	
-	Gunners Branch Local Park	Landscape	NPA	Requested 9/2021	Requested 9/2021	
-	Heritage Farm Neighborhood Park	Landscape	NPA	Requested 9/2021	Requested 9/2021	

Table 6: Summary of Historic Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 12-46	Chesapeake and Ohio Canal National Historical Park	District	Adverse	3/2020	1828-1924	A, C, D	Listed
M: 35-61 and 029-0228 (Virginia)	George Washington Memorial Parkway/Clara Barton Memorial Parkway	Structure	Adverse	3/2020	1930-1966	B, C	Listed
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Adverse	Requested 9/2021	Not established	A	Eligible
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	Adverse	9/2020	1887-1973	A, C, Criteria Consideration D	Eligible
M: 12-46-2	Washington Biologists' Field Club on Plummers Island	Site	Adverse	Requested 9/2021	1901-1971	A	Eligible

Table 7: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse	3/2020	1967-1974	C	Eligible (Upon reaching 50 years)
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	No Adverse	Requested 9/2021	1873-1945	A, C	Eligible

Table 7: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 17-01	Beallsville Historic District	District	No Adverse	Requested 9/2021	Not established	A, C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse	9/2020	Not established	A, C	Eligible
M: 18-8-1	Boyds-White Grounds Historic District	District	No Adverse	Requested 9/2021	Not established	A	Eligible
M: 35-121	Burning Tree Club	District	No Adverse	3/2020	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse	Requested 9/2021	1962-1967	A, C	Listed
M: 35-194	Carderock Springs South	District	No Adverse	3/2020	1966-1971	C	Eligible
F-1-134	Carrollton Manor Rural Historic District (including Hebb-Kline Farmstead, F-1-202)	District	No Adverse	4/2021	1855-1940	A, C	Eligible
M: 14-27	Cedar Grove Historic District	District	No Adverse	Requested 9/2021	Not established	A, C	Eligible
M: 29-79	Congressional Country Club	District	No Adverse	3/2020	1924-1978	A, C	Eligible
M: 29-47	David W. Taylor Model Basin	Building	No Adverse	3/2020	1938-1970	A, C	Listed
M: 18-15	Friends Advice	Building	No Adverse	Requested 9/2021	c. 1806-1951	A, B, Criteria Consideration G	Listed
M: 30-39	Grosvenor Park	District	No Adverse	3/2020	1963-1966	A, C	Eligible
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	Building	No Adverse	Requested 9/2021	1975-1979	A	Eligible upon reaching 50 years of age
M: 29-40	Magruder Blacksmith Shop	Building	No Adverse	Requested 9/2021	c. 1750-1850	C	Eligible
M: 20-47	National Institute of Standards and Technology (NIST) Headquarters	District	No Adverse	3/2020	1963-1969	A, C	Listed
M: 29-52	Naval Surface Warfare Center Carderock Division (NSWCCD) Historic District	District	No Adverse	3/2020	1938-1958	A, C	Eligible
M: 17-63	Seneca Historic District	District	No Adverse	Requested 9/2021	late 17th-early 20th centuries	A	Listed
M: 12-44	Sugarloaf Mountain Historic District	District	No Adverse	Requested 9/2021	Mid-18 th century - 1939	A, B, C, D	Eligible
M: 26-72-1	Ward Building	Building	No Adverse	3/2020	1978	C	Eligible (Upon reaching 50 years)

Table 7: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 20-21	Ward House	Building	No Adverse	Requested 9/2021	1891-1969	A, C	Eligible
M: 29-49	Washington Aqueduct	Structure	No Adverse	9/2020	1853-1939	A, C	Listed (NHL)
M: 26-71	Woodley Gardens	District	No Adverse	Requested 3/2020	1960-1970	A, C	Eligible

Table 8: Summary of Section 4(f) *de minimis* Properties

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse; <i>de minimis</i>	3/2020	1967-1974	C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse; <i>de minimis</i>	3/2020	Not Established	A, C	Eligible
M: 35-121	Burning Tree Club	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1962-1967	A, C	Listed
M: 26-72-1	Ward Building	Building	No Adverse; <i>de minimis</i>	Requested 9/2021	1978	C	Eligible (Upon reaching 50 years)
M: 26-71	Woodley Gardens	District	No Adverse; <i>de minimis</i>	Requested 9/2021	1960-1970	A, C	Eligible

Table 9: Historic Properties Outside the Revised APE

MIHP#/DHR#	Name	Type	Previous Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
PG:69-26	Baltimore-Washington Parkway	Structure	Adverse	3/2020	1942-1954	A, C	Listed
PG:LAU-29	Baltimore & Ohio Railroad, Washington Branch	Structure	No Adverse	3/2020	1835-1945	A, C	Eligible
PG:71A-54	Baltimore & Potomac Railroad, Washington City Branch	Structure	No Adverse	3/2020	1872-1945	A, C	Eligible
M: 36-37	Calvary Evangelical Lutheran Church	Building	No Adverse	3/2020	1948, ca. 1950, ca. 1965	C, Criteria Consideration A	Eligible
PG:70-95	Capitol Car Distributors	Building	No Adverse	3/2020	1965	C	Eligible
M: 31-7	Capitol View Park Historic District	District	No Adverse	9/2020	1887-1941	A, C	Eligible
PG:73-36	Carsondale	District	Adverse	9/2020	1955-1962	A	Eligible

Table 9: Historic Properties Outside the Revised APE

MIHP#/DH R#	Name	Type	Previous Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 31-72	Cedar Lane Unitarian Church	Building	No Adverse	3/2020	1958-1963	C, Criteria Consideration A	Eligible
M: 31-8-5	Charles E. Brock Property	Building	No Adverse	3/2020	1908	C	Eligible
M: 31-8	Forest Glen Historic District	District	No Adverse	3/2020	1891-early 20 th century	A, C	Eligible
PG:72-26 and PG:73-26	Glenarden Historic District	District	Adverse	3/2020	1939-1977	A	Eligible
M: 31-26	Greater Washington Boy's and Girl's Club, Silver Spring Branch (Harry F. Duncan Building)	Building	No Adverse	3/2020	ca. 1950	A, C	Eligible
PG:67-4	Greenbelt Historic District	District	No Adverse	3/2020	1935-1941	A, C	Listed (NHL)
PG:67-36	Greenbelt Maryland National Guard Armory	Building	No Adverse	3/2020	1955	C	Eligible
PG:67-69	Greenbelt Park	District	Adverse	3/2020	1945-1972 (for Mission 66 era)	A, C, D	Eligible (for the purposes of Section 106)
M: 35-199	Hawley Estate (Federation of American Societies for Experimental Biology)	Building	No Adverse	3/2020	1929-1954	C	Eligible
M: 35-38	In the Woods (David Fairchild Estate)	Building	No Adverse	3/2020	1906-1926	B, C	Eligible
M: 32-34	Indian Spring Club Estates and Indian Spring Country Club	District	Adverse	3/2020	1939-1957	A, B, C	Eligible
PG:78-39	Little Washington	District	No Adverse	3/2020	1938-1969	A	Eligible
M: 35-120	Locust Hill Estates	District	No Adverse	3/2020	1941-1949	A, C	Eligible
PG:67-41	Maryland State Highway Administration (MDOT SHA) District 3 Headquarters Building	Building	No Adverse	3/2020	1967	C	Eligible
PG:76A-39	Morningside	District	No Adverse	3/2020	ca.1940-ca.1955	A, C	Eligible
M: 36-1	National Park Seminary Historic District/Forest Glen/ Walter Reed A.M.C. Annex	District	Adverse	3/2020	1894-ca. 1930	Unspecified	Listed (MHT Easement)
PG:72-76	New Carrollton Metrorail Station and Yard	Building	No Adverse	3/2020	1978-1983	A, C	Eligible (Upon reaching 50 years)
PG:75A-35	Percy Benson Sansbury Property	Building	No Adverse	3/2020	ca. 1930	C	Eligible

Table 9: Historic Properties Outside the Revised APE

MIHP#/DH R#	Name	Type	Previous Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 35-162	Philip F. Gormley House/Gagarin Property	Building	No Adverse	3/2020	ca. 1912	C	Eligible (MHT Easement)
M: 32-5	Polychrome Historic District	District	Not Determined	3/2020	1934-1935	A, C	Listed
M: 36-87	Rock Creek Stream Valley Park, Units 2 and 3	District	Adverse	3/2020	1931-1970	A	Eligible
M: 32-15	Sligo Creek Parkway	District	Adverse	3/2020	Unspecified	A, C	Eligible
PG:72-3	Street Railway Service Building	Building	No Adverse	3/2020	Unspecified	A, C	Eligible
PG:76A-22	Suitland Parkway	Structure	No Adverse	9/2020	1942-1944	A, C	Listed
M: 33-31	Washington Coca-Cola Bottling Plant (Silver Spring)	Building	No Adverse	3/2020	1969	C	Eligible
M: 31-71	Washington DC Temple (Church of Jesus Christ Latter-day Saints)	Building	No Adverse	3/2020	1971-1979	A, C	Eligible (Upon reaching 50 years)
18MO514	National Park Seminary archaeological site	Archaeology	Assumed Adverse	1/30/2008	1894-ca. 1930	D	Listed (MHT Easement); archaeological resources not evaluated in 2008, but were noted to be part of an eligible resources
N/A	S-11; S-16a,b,c; S-17; S-30; S-33; S-29; S-44; S-52	Survey Areas					Complete Phase I investigations
44FX0381	N/A	Archaeology	Adverse				Site 44FX0381 is no longer within the revised LOD and is no longer adversely affected.

ATTACHMENT 4:
MLS Compensatory Stormwater Management Sites
September 2021

The MDOT SHA Cultural Resources section reviewed potential stormwater management (SWM) locations to identify and assess potential impacts to historic properties that may be present, and to recommend survey and evaluation measures as appropriate. MDOT SHA archaeologists Richard Ervin, Kari Sprengeler, and Kristofer Beadenkopf assessed the archaeological potential of the water quality stream and SWM sites; MDOT SHA architectural historians Matt Manning and Rebecca Howell Crew evaluated the sites for impacts to historic standing structures. Avoidance, minimization and/or mitigation of effects to historic properties will be required as part of the MLS Project PA; this table provides MDOT SHA findings for the majority of sites where no further work is recommended and no historic properties would be affected by the use of the individual SWM locations, pending MHT concurrence on eligibility and effects to several properties as identified below. A small number of sites have been identified as archaeologically sensitive and MDOT SHA would require Phase I Survey and additional consultation prior to use of these sites; the process will be included as part of the PA under development. Additionally, MDOT SHA will provide a process for evaluation and consultation on any additional SWM sites that may be added or modified in the future.

For the SWM locations, the Area of Potential Effects (APE) boundary at each location has been defined as the LOD. Because of the nature of the proposed stormwater work, which does not introduce substantial visual elements, effects to historic properties are generally not expected outside the LOD.

The review of the potential SWM sites considered possible visual, audible, atmospheric and/or physical impacts that may occur to historic properties (both archaeological sites and standing structures), which would diminish the integrity of any characteristics that would qualify a property for the National Register of Historic Places (NRHP). No field visits have been made at this time, but individual sites have been flagged for future fieldwork. MDOT SHA based its evaluations on the SHA-GIS Cultural Resources Database, including the Maryland Inventory of Historic Properties, NRHP, archaeological sites, previous archaeological studies, Maryland Property View and tax parcel data, historic aerial photographs and topographic maps, current aerial photography, LiDAR, and USDA soils data.

MDOT SHA is considering 275 sites (268 SWM sites and 7 stream restoration sites) for the Preferred Alternative – Alternative 9, Phase 1 South. MDOT SHA would follow consultation procedures as part of the MLS PA for sites where additional work is recommended. MDOT SHA requests MHT’s concurrence with our recommendations for further cultural resources work outlined below. Any changes to the proposed SWM sites would follow the process to be outlined in the project PA.

Determination of eligibility (DOE) forms for historic standing structures that would be impacted by the proposed SWM sites are included with this letter. Phase I archaeological investigations to determine the presence of significant archaeological sites on the potential SWM property is recommended for a number of SWM sites as noted below. MDOT SHA’s specific evaluations are shown in the table below.

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
MO_00018	Pending MHT concurrence that Heritage Farm Park is not NRHP eligible	None	No further work	1
MO_00047A	Pending MHT concurrence that Gunners Branch Local Park is not NRHP eligible AND that the unevaluated Strider Wildlife Management Area (M: 19-39) is within the APE, but associated features are unaffected	None	No further work	2
MO_00051	No historic properties identified in the site APE boundary	None	No further work	3
MO_1540045	No historic properties identified in the site APE boundary	None	No further work	4
MPOC_0006_0010_0011	No historic properties identified in the site APE boundary	None	No further work	3
MPOC-0008	No historic properties identified in the site APE boundary	None	No further work	6
MPOC-0009	No historic properties identified in the site APE boundary	None	No further work	5
WAS-3301	No historic properties identified in the site APE boundary	None	No further work	7
WAS-3302	No historic properties identified in the site APE boundary	None	No further work	7
WAS-3303	No historic properties identified in the site APE boundary	None	No further work	8
WAS-3602	No historic properties identified in the site APE boundary	None	No further work	9
WAS-3608	No historic properties identified in the site APE boundary	None	No further work	10
WAS-3613	No historic properties identified in the site APE boundary	None	No further work	9
WAS-3614	No historic properties identified in the site APE boundary	None	No further work	9
WAS-3617	No historic properties identified in the site APE boundary	None	No further work	3
WAS-3618	No historic properties identified in the site APE boundary	None	No further work	10
WAS-3622	No historic properties identified in the site APE boundary	None	No further work	10
WAS-3623	No historic properties identified in the site APE boundary	None	No further work	10
WAS-3652	No historic properties identified in the site APE boundary	None	No further work	11
WAS-3653	No historic properties identified in the site APE boundary	None	No further work	12
WAS-4002	Pending MHT concurrence that 23320 Clarksburg Road is not NRHP eligible	None	No further work	14
WAS-4006	No historic properties identified in the site APE boundary	None	No further work	15
WAS-4010	No historic properties identified in the site APE boundary	None	No further work	16
WAS-4011	No historic properties identified in the site APE boundary	None	No further work	17
WAS-4013	Pending MHT concurrence that there is no effect to contributing resources	Cedar Grove Historic District (M: 14-27)	No further work	17
WAS-4014	No historic properties identified in the site APE boundary	None	No further work	18
WAS-4015	No historic properties identified in the site APE boundary	None	No further work	19
WAS-4016	No historic properties identified in the site APE boundary	None	No further work	19
WAS-4017	No historic properties identified in the site APE boundary	None	No further work	20

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4018	No historic properties identified in the site APE boundary	None	No further work	21
WAS-4019	No historic properties identified in the site APE boundary	None	No further work	8
WAS-4020	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain Historic District (M: 12-44)	No further work	22
WAS-4021	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain Historic District (M: 12-44)	No further work	22
WAS-4022	No historic properties identified in the site APE boundary	None	No further work	22
WAS-4023	No historic properties identified in the site APE boundary	None	No further work	22
WAS-4024	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain Historic District (M: 12-44)	No further work	23
WAS-4025	Pending MHT concurrence that 23320 Ridge Road and 23330 Ridge Road are not NRHP eligible	None	No further work	17
WAS-4026	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain Historic District (M: 12-44)	No further work	23
WAS-4027	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4029	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4030	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4031	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4032	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4037	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4038	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4040	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4045	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4047	No historic properties identified in the site APE boundary	None	No further work	27
WAS-4048	No historic properties identified in the site APE boundary	None	No further work	27
WAS-4050	No historic properties identified in the site APE boundary	None	No further work	27
WAS-4053	No historic properties identified in the site APE boundary	None	No further work	27
WAS-4058	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4059	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4060	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4061	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4063	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4064	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4065	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4067	No historic properties identified in the site APE boundary	None	No further work	28

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4068	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4072	No historic properties identified in the site APE boundary	None	No further work	32
WAS-4075	No historic properties identified in the site APE boundary	None	No further work	35
WAS-4078	No historic properties identified in the site APE boundary	None	No further work	35
WAS-4079	No historic properties identified in the site APE boundary	None	No further work	35
WAS-4083	No historic properties identified in the site APE boundary	None	No further work	36
WAS-4084	No historic properties identified in the site APE boundary	None	No further work	36
WAS-4086	No historic properties identified in the site APE boundary	None	No further work	36
WAS-4087	Pending MHT concurrence that there is no effect to contributing resources	B&O Railroad Metropolitan Branch (M: 37-16)	No further work	36
WAS-4091	No historic properties identified in the site APE boundary	None	No further work	13
WAS-4096	No historic properties identified in the site APE boundary	None	No further work	13
WAS-4098	No historic properties identified in the site APE boundary	None	No further work	13
WAS-4099	No historic properties identified in the site APE boundary	None	No further work	13
WAS-4150	No historic properties identified in the site APE boundary	None	No further work	16
WAS-4153	No historic properties identified in the site APE boundary	None	No further work	21
WAS-4154	No historic properties identified in the site APE boundary	None	No further work	22
WAS-4155	No historic properties identified in the site APE boundary	None	No further work	22
WAS-4156	Pending MHT concurrence that there is no effect to contributing resources	B&O Railroad Metropolitan Branch (M: 37-16)	No further work	23
WAS-4157	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4158	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4159	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4160	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4161	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4162	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4163	No historic properties identified in the site APE boundary	None	No further work	24
WAS-4164	No historic properties identified in the site APE boundary	None	No further work	13
WAS-4165	No historic properties identified in the site APE boundary	None	No further work	28
WAS-4200	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain HD (M: 12-44)	No further work	37
WAS-4201	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain HD (M: 12-44)	No further work	37
WAS-4202	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain HD (M: 12-44)	No further work	37
WAS-4203	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain HD (M: 12-44)	No further work	37

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4204	Pending MHT concurrence that the unevaluated Dickerson Historic District (M: 12-21) is within the APE but associated features are unaffected	None	No further work	37
WAS-4205	No historic properties identified in the site APE boundary	None	No further work	38
WAS-4206	No historic properties identified in the site APE boundary	None	No further work	37
WAS-4208	Pending MHT concurrence that there is no effect to contributing resources	Beallsville HD (M: 17-01)	No further work	39
WAS-4212	No historic properties identified in the site APE boundary	None	No further work	46
WAS-4214	No historic properties identified in the site APE boundary	None	No further work	46
WAS-4215	No historic properties identified in the site APE boundary	None	No further work	46
WAS-4216	No historic properties identified in the site APE boundary	None	No further work	46
WAS-4218	No historic properties identified in the site APE boundary	None	No further work	46
WAS-4304	No historic properties identified in the site APE boundary	None	No further work	47
WAS-4310	No historic properties identified in the site APE boundary	None	No further work	47
WAS-4321	No historic properties identified in the site APE boundary	None	No further work	26
WAS-4322	No historic properties identified in the site APE boundary	None	No further work	26
WAS-4323	No historic properties identified in the site APE boundary	None	No further work	26
WAS-4324	No historic properties identified in the site APE boundary	None	No further work	26
WAS-4325	No historic properties identified in the site APE boundary	None	No further work	26
WAS-4331	No historic properties identified in the site APE boundary	None	No further work	51
WAS-4333	No historic properties identified in the site APE boundary	None	No further work	51
WAS-4334	No historic properties identified in the site APE boundary	None	No further work	51
WAS-4335	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4336	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4337	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4338	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4339	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4342	No historic properties identified in the site APE boundary	None	No further work	51
WAS-4345	No historic properties identified in the site APE boundary	None	No further work	52
WAS-4347	Phase I archaeological survey and further consultation required based on proximity to a mapped historic resource; pending MHT concurrence that there is no effect to contributing resources at Friends Advice	Friends Advice (M: 18-15)	Phase I archaeo survey	52
WAS-4349	Phase I archaeological survey and further consultation required based on proximity to a mapped historic resource; pending MHT concurrence that there is no effect to contributing resources at Friends Advice	Friends Advice (M: 18-15)	Phase I archaeo survey	52
WAS-4352	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	41

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4353	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	41
WAS-4354	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	41
WAS-4355	No historic properties identified in the site APE boundary	None	No further work	41
WAS-4356	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	41
WAS-4361	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	41
WAS-4362	Phase I archaeological survey and further consultation required based on high archaeological potential; pending MHT concurrence that the unevaluated Spring Valley Farm (M: 17-65) is within the APE but associated features are unaffected	None at this time	Phase I archaeo survey	41
WAS-4363	Phase I archaeological survey and further consultation required based on high archaeological potential; pending MHT concurrence that the unevaluated Spring Valley Farm (M: 17-65) is within the APE but associated features are unaffected	None at this time	Phase I archaeo survey	41
WAS-4364	Phase I archaeological survey and further consultation required based on high archaeological potential	None at this time	Phase I archaeo survey	40
WAS-4366	No historic properties identified in the site APE boundary	None	No further work	40
WAS-4370	No historic properties identified in the site APE boundary	None	No further work	40
WAS-4371	No historic properties identified in the site APE boundary	None	No further work	40
WAS-4373	No historic properties identified in the site APE boundary	None	No further work	40
WAS-4375	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4376	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4377	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4378	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4382	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4383	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4385	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4386	No historic properties identified in the site APE boundary	None	No further work	39
WAS-4391	No historic properties identified in the site APE boundary	None	No further work	41
WAS-4392	No historic properties identified in the site APE boundary	None	No further work	41
WAS-4393	Pending MHT concurrence that the unevaluated Thomas Rawlings Farm (M: 18-24) is within the APE, but associated features are unaffected	None	No further work	43
WAS-4394	No historic properties identified in the site APE boundary	None	No further work	43
WAS-4397	Pending MHT concurrence that 17000 White Grounds Road is not NRHP eligible	None	No further work	43
WAS-4402	No historic properties identified in the site APE boundary	None	No further work	42

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4404	Phase I archaeological survey and further consultation required based on proximity to site 18MO268	None at this time	Phase I archaeo survey	42
WAS-4405	Phase I archaeological survey and further consultation required based on proximity to site 18MO269	None at this time	Phase I archaeo survey	42
WAS-4406	No historic properties identified in the site APE boundary	None	No further work	42
WAS-4407	No historic properties identified in the site APE boundary	None	No further work	42
WAS-4411	Phase I archaeological survey and further consultation required based on high archaeological potential; pending MHT concurrence that the unevaluated Dawsonville Historic District (M: 18-23) is within the APE, but associated features are unaffected	None at this time	Phase I archaeo survey	43
WAS-4412	Phase I archaeological survey and further consultation required based on high archaeological potential; pending MHT concurrence that the unevaluated Dawsonville Historic District (M: 18-23) is within the APE, but associated features are unaffected	None at this time	Phase I archaeo survey	43
WAS-4413	Pending MHT concurrence that the unevaluated Dawsonville Historic District (M: 18-23) & Windolph-Williams Farm (M: 18-23-2) are within the APE, but associated features are unaffected	None	No further work	43
WAS-4414	Pending MHT concurrence that the unevaluated Dawsonville Historic District (M: 18-23) & Windolph-Williams Farm (M: 18-23-2) are within the APE, but associated features are unaffected	None	No further work	43
WAS-4415	No historic properties identified in the site APE boundary	None	No further work	43
WAS-4423	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4424	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4425	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4426	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4427	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4428	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4429	Pending MHT concurrence that 15025 Darnestown Road is not NRHP eligible	None	No further work	45
WAS-4431	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4432	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4433	No historic properties identified in the site APE boundary	None	No further work	45
WAS-4441	No historic properties identified in the site APE boundary	None	No further work	50
WAS-4442	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4443	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4444	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4445	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4446	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4447	Pending MHT concurrence that there is no effect to contributing resources	Boyd's -White Grounds HD (M: 18-8-1)	No further work	48
WAS-4448	Pending MHT concurrence that there is no effect to contributing resources	Boyd's -White Grounds HD (M: 18-8-1)	No further work	48

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4449	Pending MHT concurrence that there is no effect to contributing resources	Boyds -White Grounds HD (M: 18-8-1)	No further work	48
WAS-4450	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4451	Pending MHT concurrence that there is no effect to contributing resources	Boyds -White Grounds HD (M: 18-8-1)	No further work	48
WAS-4452	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4453	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4454	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4455	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4456	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4457	No historic properties identified in the site APE boundary	None	No further work	48
WAS-4459	Phase I archaeological survey and further consultation required based on proximity to site 18MO501; DOEs completed for 20600 and 20604 Clarksburg Road	None at this time	Phase I archaeo survey	49
WAS-4462	No historic properties identified in the site APE boundary	None	No further work	49
WAS-4463	No historic properties identified in the site APE boundary	None	No further work	49
WAS-4464	No historic properties identified in the site APE boundary	None	No further work	49
WAS-4474	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4475	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4476	No historic properties identified in the site APE boundary	None	No further work	25
WAS-4477	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4478	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4479	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4481	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4482	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4483	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4484	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4486	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4487	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4488	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4489	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4491	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4493	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4494	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4495	No historic properties identified in the site APE boundary	None	No further work	30

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4497	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4498	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4499	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4502	No historic properties identified in the site APE boundary	None	No further work	30
WAS-4506	No historic properties identified in the site APE boundary	None	No further work	31
WAS-4509	No historic properties identified in the site APE boundary	None	No further work	31
WAS-4513	No historic properties identified in the site APE boundary	None	No further work	31
WAS-4516	No historic properties identified in the site APE boundary	None	No further work	31
WAS-4532	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4533	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4534	No historic properties identified in the site APE boundary	None	No further work	29
WAS-4601	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4602	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4603	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4604	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4606	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4607	No historic properties identified in the site APE boundary	None	No further work	34
WAS-4609	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4610	No historic properties identified in the site APE boundary	None	No further work	44
WAS-4613	No historic properties identified in the site APE boundary	None	No further work	33
WAS-4614	No historic properties identified in the site APE boundary	None	No further work	34
WAS-4615	No historic properties identified in the site APE boundary	None	No further work	34
WAS-4619	No historic properties identified in the site APE boundary	None	No further work	53
WAS-4622	No historic properties identified in the site APE boundary	None	No further work	53
WAS-4623	Pending MHT concurrence that 14600 Springfield Road is not NRHP eligible	None	No further work	53
WAS-4624	Pending MHT concurrence that there is no effect to contributing resources	Seneca Historic District (M: 17-63)	No further work	54
WAS-4625	No historic properties identified in the site APE boundary	None	No further work	54
WAS-4626	No historic properties identified in the site APE boundary	None	No further work	54
WAS-4627	No historic properties identified in the site APE boundary	None	No further work	54
WAS-4628	No historic properties identified in the site APE boundary	None	No further work	54
WAS-4629	No historic properties identified in the site APE boundary	None	No further work	55
WAS-4630	No historic properties identified in the site APE boundary	None	No further work	55

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-4631	No historic properties identified in the site APE boundary	None	No further work	55
WAS-4632	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4633	No historic properties identified in the site APE boundary	None	No further work	55
WAS-4635	No historic properties identified in the site APE boundary	None	No further work	55
WAS-4636	No historic properties identified in the site APE boundary	None	No further work	55
WAS-4637	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4638	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4639	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4640	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4641	No historic properties identified in the site APE boundary	None	No further work	56
WAS-4642	No historic properties identified in the site APE boundary	None	No further work	57
WAS-4644	No historic properties identified in the site APE boundary	None	No further work	57
WAS-4645	No historic properties identified in the site APE boundary	None	No further work	57
WAS-4646	No historic properties identified in the site APE boundary	None	No further work	57
WAS-4647	No historic properties identified in the site APE boundary	None	No further work	57
WAS-4651	No historic properties identified in the site APE boundary	None	No further work	58
WAS-4652	No historic properties identified in the site APE boundary	None	No further work	1
WAS-4653	No historic properties identified in the site APE boundary	None	No further work	58
WAS-4655	No historic properties identified in the site APE boundary	None	No further work	1
WAS-4656	No historic properties identified in the site APE boundary	None	No further work	1
WAS-4657	No historic properties identified in the site APE boundary	None	No further work	1
WAS-4658	No historic properties identified in the site APE boundary	None	No further work	1
WAS-4659	No historic properties identified in the site APE boundary	None	No further work	59
WAS-4660	No historic properties identified in the site APE boundary	None	No further work	59
WAS-5301	No historic properties identified in the site APE boundary	None	No further work	44
WAS-5302	No historic properties identified in the site APE boundary	None	No further work	44
WAS-5304	No historic properties identified in the site APE boundary	None	No further work	60
WAS-5306	No historic properties identified in the site APE boundary	None	No further work	4
WAS-5307	No historic properties identified in the site APE boundary	None	No further work	4
WAS-5308	No historic properties identified in the site APE boundary	None	No further work	4
WAS-5310	No historic properties identified in the site APE boundary	None	No further work	32
WAS-5311	No historic properties identified in the site APE boundary	None	No further work	34

Attachment 4 – Cultural Resources Evaluations for Compensatory SWM Sites – September 2021

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Site Name	Comments	Historic Properties	Further Consultation Needed	Map Sheet
WAS-5312	No historic properties identified in the site APE boundary	None	No further work	34
WAS-5313	No historic properties identified in the site APE boundary	None	No further work	32
WAS-5314	No historic properties identified in the site APE boundary	None	No further work	32
WAS-5315	No historic properties identified in the site APE boundary	None	No further work	32
WAS-5316	No historic properties identified in the site APE boundary	None	No further work	61
WAS-5317	No historic properties identified in the site APE boundary	None	No further work	61
WAS-5601	Pending MHT concurrence that there is no effect to character-defining features	Ward House (M: 20-21)	No further work	33
WAS-5602	Pending MHT concurrence that there is no effect to contributing resources	Sugarloaf Mountain HD (M: 12-44)	No further work	33



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Ann Jennings
Secretary of Natural and
Historic Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

7 October 2021

Ms Julie M. Schablitsky
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: I-495 and I-270 Managed Lanes Study—Revised APE and Effect Determination
MDOT SHA Study No. AW073A11
DHR File No. 2018-0251

Dear Ms Schablitsky:

The Department of Historic Resources (DHR) has received your letter of 8 September 2021 regarding the above referenced project. It is our understanding that the Maryland Department of Transportation (MDOT) has revised the Area of Potential Effects (APE) and Limits of Disturbance (LOD) for the I-495 and I-270 Managed Lanes Study (MLS) based on the new Preferred Alternative. The revised APE also required MDOT to revisit its effects determination for the undertaking.

The DHR concurs with MDOT's revised definition of the APE and LOD for the I-495 and I-270 MLS. We further agree that site 44FX0381 is outside the revised APE for the undertaking. Based on the mapping provided, however, it remains in very close proximity to the LOD. The DHR recommends ensuring avoidance of effects to the site during construction by clearly marking or fencing off the site boundaries. We agree with MDOT that sites 44FX0074, 44FX0379, 44FX0389, and 44FX3922 (the Dead Run Ridges Archaeological district), and the George Washington Memorial Parkway remain adversely affected by the undertaking. We look forward to continued consultation to mitigate these effects with the I-495 and I-270 MLS Programmatic Agreement and development of treatment plans.

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

Marc Holma, Architectural Historian
Division of Review and Compliance

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

C:

Ms Sarah Clarke, VDOT
Mr. William Moore, VDOT
Mr. Tony Opperman, VDOT
Ms Maureen Joseph, NPS GWMP
Mr. Matt Virta, NPS GWMP
Mr. Bradley Krueger, NPS GWMP
Mr. John Simkins, FHWA
Mr. Steven Archer, MDOT



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

October 8, 2021

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (MLS)
Updated Identification and Effects
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073D12

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information regarding the above-referenced undertaking. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments and concurrence.

Revised Area of Potential Effects (APE): Based on ongoing design development, MDOT SHA has revised the undertaking's APE to reflect the new Preferred Alternative and includes compensatory stormwater management sites as well as stream and wetland mitigation sites. The Trust agrees that the MDOT SHA's redefined APE encompasses the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Architecture: Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA's submittal of 14 DOE forms represents ongoing historic structure investigations within the revised APE for the I-495 & I-270 Managed Lanes Study. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The Trust concurs with MDOT SHA that the following properties are eligible for listing in the National Register:

- MIHP No. M: 12-46-2 Washington Biologists' Field Club on Plimmers Island
- MIHP No. M: 26-89 Latvian Evangelical Lutheran Church of Washington DC
- MIHP No. M: 29-40 Magruder Blacksmith Shop

The Trust concurs that the following properties are not eligible for listing in the National Register:

- MIHP No. M: 26-88 Kelley House
- 14600 Springfield Road, Germantown
- 15025 Darnestown Road, Germantown

- 17000 White Ground Road, Boyds
- 20600 Clarksburg Road, Boyds
- 20604 Clarksburg Road, Boyds
- 23320 Clarksburg Road, Boyds
- 23320 Ridge Road, Germantown
- 23330 Ridge Road, Germantown
- Gunners Branch Local Park, Germantown
- Heritage Farm Neighborhood Park, Potomac

Archeology: Thank you for providing the Maryland Historical Trust, and other relevant consulting parties, with a copy of the report on the recent geophysical survey conducted by Dr. Timothy Horsley of the Morningstar Tabernacle No. 88 Order of Moses Hall and Cemetery for the I-495 & I-270 Managed Lanes Study. MDOT SHA conducted additional investigations as part of its ongoing efforts to identify the presence of human remains within the limits of disturbance of the proposed undertaking. The report presents detailed documentation on the goals, methods, and results of the additional investigations. The study yielded important data that demonstrates the extent and likely locations of numerous burials situated within the cemetery property and adjacent MDOT SHA right of way. We appreciate MDOT SHA's ongoing efforts to identify and examine this significant historic property. The results of these studies will assist MDOT SHA in developing achievable alternatives to avoid, minimize, and mitigate any adverse effects. The Trust has accessioned this addendum report into our library and look forward to receiving the final Morningstar Cemetery archeological report, when available.

MDOT SHA's project submittal also includes the review of 275 compensatory stormwater management and stream restoration sites for the potential to impact significant cultural resources. We agree with MDOT SHA's recommendations for additional Phase I archeological investigations at several of the proposed sites as identified in Attachment 4 of MDOT SHA's letter. We understand that MDOT SHA will provide for the ongoing identification, evaluation, and treatment of archeological sites that may be adversely affected by the undertaking through the provisions of a Programmatic Agreement (PA), currently under negotiation pursuant to 36 CFR 800.14(b) for this undertaking.

Revised Assessment of Effects: The Trust continues to agree with MDOT SHA's determination that the overall proposed undertaking will have an adverse effect on historic properties in Maryland. Furthermore, the Trust agrees with the specific effect assessments stated in Attachment 3, Tables 2, 3 and 5 of MDOT SHA's letter dated 8 September 2021. We also acknowledge FHWA's intent to make a Section 4(f) de minimis finding for the properties listed in Attachment 3, Table 4.

We look forward to further consultation with MDOT SHA and the other consulting parties in the development of a comprehensive and achievable agreement document. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/202100884

cc: Caryn Brookman (SHA)

Jeanette Mar (FHWA)
Mandy Ranslow (ACHP)
I-495 & I-270 MLS Section 106 Consulting Parties



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

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

December 15, 2021

In Reply Refer To:
HDA-MD

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Langan:

The Federal Highway Administration (FHWA) has considered comments received and requests for signatory status on the draft Section 106 Programmatic Agreement (PA) for the I-495 and I-270 Managed Lanes Study (MLS). In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has identified the following expected signatories to the agreement: FHWA (Maryland Division), ACHP, The Maryland Historical Trust (Maryland State Historic Preservation Office [SHPO]) and the Virginia Department of Historic Resources (Virginia SHPO). These signatories are specified and required by 36 CFR 800.6(b)(2) (as referenced also in 36 CFR 800.14(b)[3]).

36 CFR 800.6(c)(2) also provides for *invited* signatories to Section 106 agreements. For the MLS, The Maryland Department of Transportation State Highway Administration (MDOT SHA) and The National Park Service (NPS), will be invited signatories to the agreement. These agencies will have defined responsibilities for implementing the commitments in the agreement. The responsibilities (as pertains to Section 106 compliance) of other consulting parties are limited to providing input and views on commitments expected in the agreement. Therefore, consulting or concurring party status is appropriate for all other parties.

FHWA expects to offer concurring party status to tribal nations, local governments, consulting federal agencies, parties representing adversely affected properties, or properties that are otherwise subject to ongoing specific commitments or coordination. Concurring in the agreement is an acknowledgement that consultation has occurred and of participation in the agreement development.

If a consulting party invited to concur in the agreement does not concur in the agreement, it does not prevent the agreement from being executed, but neither does refusal to sign foreclose future consultation if the party has a demonstrated interest in historic properties affected by the action. FHWA, and MDOT SHA, on its behalf, will continue consultation with these parties with demonstrated interest in historic properties affected by the undertaking as appropriate, regardless of concurring status.

Other parties who wish to continue consultation but may have a more distant relationship to the project or effects, may wish to continue to be included as identified consulting parties as the project development proceeds.

Please feel free to contact Ms. Jeanette Mar, FHWA Environmental Program Manager, at Jeanette.Mar@dot.gov or at 410-779-7152 if you have any questions about the expected Section 106 Programmatic Agreement signatories.

Sincerely,

Gregory Murrill
Division Administrator

cc: Ms. Mandy Ranslow, ACHP, FHWA Liaison/Program Analyst
Mr. David Clarke, FHWA, Federal Preservation Officer
Mr. John Simkins, FHWA, Virginia Division, Planning & Environmental, Realty & Freight
Team Leader
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
I-495/I-270 MLS Section 106 Consulting Parties



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

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

December 15, 2021

In Reply Refer To:
HDA-MD

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historic Trust
100 Community Place
Crownsville, MD 21032-2023

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) has considered comments received and requests for signatory status on the draft Section 106 Programmatic Agreement (PA) for the I-495 and I-270 Managed Lanes Study (MLS). In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has identified the following expected signatories to the agreement: FHWA (Maryland Division), ACHP, The Maryland Historical Trust (Maryland State Historic Preservation Office [SHPO]) and the Virginia Department of Historic Resources (Virginia SHPO). These signatories are specified and required by 36 CFR 800.6(b)(2) (as referenced also in 36 CFR 800.14(b)[3]).

36 CFR 800.6(c)(2) also provides for *invited* signatories to Section 106 agreements. For the MLS, The Maryland Department of Transportation State Highway Administration (MDOT SHA) and The National Park Service (NPS), will be invited signatories to the agreement. These agencies will have defined responsibilities for implementing the commitments in the agreement. The responsibilities (as pertains to Section 106 compliance) of other consulting parties are limited to providing input and views on commitments expected in the agreement. Therefore, consulting or concurring party status is appropriate for all other parties.

FHWA expects to offer concurring party status to tribal nations, local governments, consulting federal agencies, parties representing adversely affected properties, or properties that are otherwise subject to ongoing specific commitments or coordination. Concurring in the agreement is an acknowledgement that consultation has occurred and of participation in the agreement development.

If a consulting party invited to concur in the agreement does not concur in the agreement, it does not prevent the agreement from being executed, but neither does refusal to sign foreclose future consultation if the party has a demonstrated interest in historic properties affected by the action. FHWA, and MDOT SHA, on its behalf, will continue consultation with these parties with demonstrated interest in historic properties affected by the undertaking as appropriate, regardless of concurring status.

Other parties who wish to continue consultation but may have a more distant relationship to the project or effects, may wish to continue to be included as identified consulting parties as the project development proceeds.

Please feel free to contact Ms. Jeanette Mar, FHWA Environmental Program Manager, at Jeanette.Mar@dot.gov or at 410-779-7152 if you have any questions about the expected Section 106 Programmatic Agreement signatories.

Sincerely,

Gregory Murrill
Division Administrator

cc: Ms. Mandy Ranslow, ACHP, FHWA Liaison/Program Analyst
Mr. David Clarke, FHWA, Federal Preservation Officer
Ms. Beth Cole, MHT, Administrator, Review and Compliance
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
I-495/I-270 MLS Section 106 Consulting Parties

January 4, 2022

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation under Section 106 of the National Historic Preservation Act with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) for Project No. AW073A13, I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of the broader Op Lanes Maryland (formerly P3) program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

MDOT SHA's most recent letter, dated September 8, 2021, transmitted the revised Area of Potential Effects (APE) based on the Preferred Alternative, including an updated Limits of Disturbance (LOD). Additionally, this letter included the results of MDOT SHA's archaeological and architectural investigations within the revised APE and updated National Register of Historic Places (NRHP) eligibility and effect findings, including revised effect findings for historic properties outside the APE for the new Preferred Alternative. Finally, the letter provided the results of ground-penetrating radar survey at Morningstar Tabernacle No. 88 Moses Hall and Cemetery. MHT concurred with MDOT SHA's eligibility and effect findings in a letter dated October 8, 2021. DHR agreed with the APE revisions and eligibility and effect findings within Virginia on October 7, 2021. A Supplemental Draft Environmental Impact Statement (SDEIS) was published October 1, 2021.

The first draft of the MLS Programmatic Agreement (PA), which identifies mitigation measures and commits to consultation procedures as the project moves forward, was provided to consulting parties for comment via letter dated March 10, 2021. MDOT SHA, working with FHWA, has considered all comments received on the first draft, and incorporated this input

where possible. The PA now accordingly reflects the Preferred Alternative, which was not identified at the time of the first draft. Numerous properties included in the prior draft are no longer affected by the Preferred Alternative as documented in our earlier letter.

This letter also transmits a revised Area of Potential Effects within Maryland incorporating minor engineering adjustments along the corridor at roadway edges and intersection tie-ins. There are additional minor adjustments to the LOD throughout the corridor in Maryland and at the project limits in Virginia within the previously coordinated APE, but no changes that would affect historic properties differently or that would require additional archaeological evaluation. The revised APE also encompasses additional potential compensatory stormwater management (SWM) sites that may be selected for the MLS. These sites are being incorporated into a Compensatory Stormwater Management Plan for the Op Lanes Maryland program and submitted as part of a Joint Permit Application to the United States Army Corps of Engineers and the Maryland Department of the Environment. All identified compensatory SWM locations are in Maryland. This letter includes the results of MDOT SHA's archaeological and architectural investigations within the revised APE, including eligibility determinations for two previously unrecorded architectural resources and resulting effect findings. Finally, included is an updated Determination of Eligibility (DOE) form, archaeological site form, and an updated effect determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

This update includes:

- A revised Area of Potential Effects (APE) in Maryland to encompass minor engineering adjustments along the corridor; additional compensatory SWM and wetland mitigation sites; pedestrian bridges in Cabin John Regional Park; and parking improvements at the Cabin John Trail trailhead in Cabin John Stream Valley Park (**Attachment 1**);
- New DOEs based on the revised APE and an updated DOE for Morningstar Tabernacle No. 88 Moses Hall and Cemetery (**Attachment 2**);
- Summaries of compensatory SWM and stream and wetland mitigation locations in Maryland and affected archaeological and architectural resources (**Attachments 3 and 4**);
- An updated effect determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery (**Attachment 5**);
- Updated Eligibility and Effects Tables (**Attachment 6**);
- The second draft of the MLS PA (**Attachment 7**), including proposed tables-of-contents for identified treatment plans;
- A Comment-response Matrix noting how comments received on Draft 1 of the PA were taken into consideration for Draft 2 (**Attachment 8**).

Revised Area of Potential Effects

The APE for this project was previously defined as a 250-foot buffer of consideration on either side the Preferred Alternative (Alternative 9: Phase 1 South) and included additional buffer areas

at the American Legion Bridge and elsewhere to capture setting, feeling, and viewshed effects. In addition, the APE included potential environmental mitigation sites where stream and wetland mitigation is proposed. As noted in prior correspondence, due to the large amount of impervious area requiring treatment for the Preferred Alternative and existing site constraints, all the required SWM could not be met on site for the Preferred Alternative. Consequently, compensatory, or offsite, SWM opportunities were investigated to ensure the SWM water quality requirements of the Preferred Alternative could be met. The APE in Virginia generally followed the APE for the VDOT NEXT Project that was previously coordinated with VDHR and has not changed since our previous letter.

Since the September 2021 submittal, the LOD in Maryland have been updated and include minor areas of expansion and reduction along the I-495 and I-270 corridor. The most significant reduction is located along I-495 west of I-270, where the LOD now terminate west of Georgetown Road. Elsewhere in Maryland, changes to the LOD consist of minor areas within or adjacent to the previously evaluated APE. The APE along the corridor in Maryland has been expanded to reflect the revised LOD and maintain a 250-foot buffer along the I-495 and I-270 corridor. Incorporation of additional compensatory SWM sites, as noted below, has further expanded the APE in Maryland.

The APE in Maryland has further been revised with the addition of 19 new compensatory SWM sites and 1 wetland mitigation site on National Park Service (NPS) property (CHOH-13) in Maryland. The APE is confined to the LOD for each compensatory SWM or wetland mitigation site, as no substantive visual elements are proposed that would be new or inconsistent with the existing character of these locations. The LOD of these sites have been added to the revised APE. The LOD for CHOH-13 extends partially outside the previous APE, and this area is also included in the revised APE (**Attachment 1**).

In addition, there are three locations in Cabin John Regional Park where MDOT SHA may add pedestrian bridges as parkland mitigation. An additional parkland mitigation location involves the improvement of an existing parking area at the Cabin John Trail within Cabin John Stream Valley Park. Specific LOD of these sites have not been defined but are expected to be smaller than the areas depicted on the revised APE maps. Two of the pedestrian bridge locations have been added to the revised APE; the other parkland mitigation sites fall within the previously defined APE (**Attachment 1d**).

The APE in Virginia is unchanged since our previous letter. Changes to the LOD in Virginia are confined to previously evaluated areas along the project limits, within the existing APE.

Compensatory SWM Sites

In the most recent letter, MDOT SHA included 275 compensatory SWM sites within the APE. Since that time, the number of SWM sites proposed for inclusion in the Joint Permit Application (JPA) has been reduced to 67, including 19 SWM sites that were not coordinated in prior project

correspondence. **Attachment 3** provides the list of the 67 SWM sites proposed in the JPA, inclusive of MDOT SHA's assessments for the 19 new SWM sites. The remaining, previously coordinated 227 sites remain in the APE as options for future consideration.

Stream/Wetland and Parkland Mitigation

As noted in the most recent letter, only 3 of the 14 previously coordinated stream and wetland sites remain under consideration for the Preferred Alternative, Phase 1 South: sites CA-5, CA-2/3, and RFP-2. The 11 remaining, previously coordinated stream and wetland sites remain in the APE as options for future consideration (**Attachment 1c**).

As part of proposed parkland mitigation opportunities under consideration for NPS property, MDOT SHA would restore a former wetland area within C&O Canal National Historical Park at site CHOH-13. This location includes existing and previous historical wetland that has been drained. Activities at mitigation site CHOH-13 would include invasive species removal and native plantings, along with bottom excavation to bring wetland hydrology back to the surface. A summary of the stream and wetland mitigation sites, including CHOH-13, is provided as **Attachment 4**.

As part of proposed parkland mitigation opportunities under consideration for Maryland-National Capital Park and Planning Commission (M-NCPPC) property, MDOT SHA is considering construction of three pedestrian trail bridges in Cabin John Regional Park. One would be located over a Cabin John Creek tributary east of Glackens Drive at a natural surface connection trail. The second would span Cabin John Creek to connect the Cabin John Trail to the Kidney Bean Loop Trail south of Goya Drive. The third would provide improved access to the Robert C. McDonnell Campground from the parking area along the north side of Tuckerman Lane. Also under consideration are improvements to a parking area along Seven Locks Road at the Cabin John Creek Trail in Cabin John Stream Valley Park. Improvements would include an improved access apron, paving, striping, SWM, debris/trash cleanup, and construction of a bicycle repair stand with tools and pump at the trailhead. There would be minimal ground disturbance for these mitigation activities, although specific LOD are not defined. The APE for the NPS and M-NCPPC mitigation sites is depicted on **Attachment 1d**.

Updated Effect Determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212)

In the previous letter, MDOT SHA described the extensive minimization efforts undertaken at Morningstar Tabernacle No. 88 Moses Hall and Cemetery, resulting in the elimination of all project impacts within the property and the avoidance of associated potentially indicated burial features within right-of-way adjacent to the cemetery. After careful consideration of the character of the historic property, issues raised by consulting parties, and with reference to the criteria of adverse effect at 36 CFR 800.5(a)(1), MDOT SHA and FHWA have determined that

the project will not adversely affect the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. A detailed statement supporting this determination is included as **Attachment 5**.

Architecture

Newly Identified Resources in the APE

In the revised APE, MDOT SHA has identified an additional four previously recorded Maryland Inventory of Historic Properties (MIHP) resources; two unrecorded resources were identified within the expanded APE. Three of the MIHP resources are located within the LOD for the compensatory SWM sites. Two of these resources, 5511 Edson Lane (M: 30-26) and Leighton's Addition to Woodside (M: 36-78), were previously determined not eligible for the NRHP. The boundary of the third MIHP resource, the Norbeck Historic District (M: 23-113), falls within the LOD at a grass strip along the edge of an existing road west of MD 97. There are no impacts to associated historical features, and MDOT SHA did not evaluate the district. The fourth MIHP resource, the Granger Estate (Holton Arms School) (M: 35-17), is located along River Road (MD 190), outside the LOD for the I-495 and I-270 corridor. The MIHP boundary of this resource also falls outside the APE; however, the APE encompasses a small corner of the parcel boundary. The LOD at this location are confined to the existing MD 190 roadway, which is separated from the Granger Estate by a parallel access road and a wooded median. Because there are no impacts to associated historical features, MDOT SHA did not evaluate the Granger Estate.

The remaining two resources (7309 and 7311 River Road) were documented using MHT's Short Form for Ineligible Properties. Having extensive alterations, these resources are not associated with historic events (Criterion A) or significant persons (Criterion B), and they are not significant for their design or construction (Criterion C). The resources do not have historical or architectural significance and not eligible for the NRHP.

The new eligibility determinations are summarized in **Attachment 6, Table 1**. The MIHP resources are included in **Attachment 6, Table 3**; the eligibility status of the both the Norbeck Historic District and the Granger Estate is marked as "No Determination."

Revised DOE for Morningstar Tabernacle No. 88 Moses Hall and Cemetery

MDOT SHA has updated the May 2020 Determination of Eligibility form to include the latest information available about the property, based in part on archaeological surveys completed in May and September 2021. As a result of these surveys, the boundary of the property has been expanded to encompass an identified area of GPR-identified features possibly indicating human burials at the northwest corner of the property, within MDOT SHA right-of-way. As documented in our report of May 2021, additional research has led to the discovery of a photograph of the Moses Hall, and the building and its foundation are described in detail. Tables of documented burials and inscribed gravestones at the cemetery are included, along with additional photographs of the site following bamboo removal. The new information presented in the

updated DOE does not change the previous determination that the Morningstar Tabernacle No. 88 Moses Hall and Cemetery is eligible for listing in the National Register of Historic Places under Criteria A and C. The updated DOE is provided in **Attachment 2**.

Updated Effect Assessments for Architectural Historic Properties

The revised APE includes the location of two pedestrian trail bridges within Cabin John Regional Park (M: 29-78): one south of Goya Drive and another north of Tuckerman Lane. A third bridge location in Cabin John Regional Park, east of Glackens Drive, is within the previously coordinated APE, as is a location for improvements to a parking area along Seven Locks Road at the trailhead to the Cabin John Trail at Cabin John Stream Valley Park (M: 29-80). These mitigation areas are within forested areas of the parks or along roads similar existing park amenities are present and will not change the character of the surrounding areas. In letters dated August 8 and August 12, 2019, MHT concurred with MDOT SHA that the Cabin John Regional Park and the Cabin John Stream Valley Park are not eligible for listing in the National Register of Historic Places, and the parkland mitigation locations will not affect architectural historic properties.

The expanded APE also includes the CHOH-13 wetland mitigation site within the C&O Canal National Historical Park (M: 12-46), which is listed on the NRHP. MHT concurred with MDOT SHA in March 2020 that the project would adversely affect the park. The proposed wetland mitigation activities will increase the LOD for the purpose of restoring a historically compromised wetland and will not change the previous determination of adverse effect for the C&O Canal National Historical Park.

The LOD have been reduced along I-270 at Woodley Gardens (M: 26-71), where impacts to the contributing shopping center and associated parking lot have been minimized. This reduction does not change the prior no adverse effect determination for Woodley Gardens.

As noted earlier in the letter, MDOT SHA has updated the effect determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery with information that the property will not be adversely affected. A detailed explanation for this change is provided in **Attachment 5**. MDOT SHA continues to include commitments related to context-sensitive design for project elements adjacent to the cemetery, and further investigations of remaining LOD as appropriate through the proposed cemetery treatment plan, as described in **Attachment 7**, the second draft of the project PA.

MDOT SHA has determined that no additional architectural historic properties are present within the revised APE.

MDOT SHA's updated effect assessments for the project are summarized in **Attachment 6, Tables 4 - 5**. The updated effect assessments include overall findings of no adverse effect to 25 architectural historic properties and an adverse effect to 4 architectural historic properties. The

revised APE has not changed MDOT SHA's intent to request that FHWA make a *de minimis* impact finding for the minor Section 4(f) use of six historic properties, previously documented in the September 8, 2021, letter and listed in **Attachment 6, Table 6** of this letter. MDOT SHA has determined the project continues to have an adverse effect on architectural historic properties.

Archaeology

Virginia

There are no changes to the APE in Virginia. There are minor adjustments to the LOD in Virginia confined to previously evaluated areas along the project limits, within the existing APE. These changes would not impact significant archaeological resources, and do not require additional archaeological evaluation.

Maryland

Archaeological investigations previously undertaken at Morningstar Tabernacle No. 88 Moses Hall and Cemetery included detailed recordation of surface features, along with geophysical investigations. However, no subsurface testing has been carried out, and MDOT SHA cannot assess the integrity of archaeological deposits from the surface information. Due to avoidance efforts, the LOD do not impact known features of the cemetery and no evaluation is made of NRHP eligibility of the resource under criterion D, as indicated in the updated DOE form included as **Attachment 2**.

At the C&O Canal National Historical Park, MDOT SHA has identified a circa 1.49 acres potential wetland mitigation site, CHOH-13, located just west of the American Legion Bridge (**Attachment 1d**; Park Mitigation, Map 1 of 4); the proposed work would provide wetland mitigation for impacts of the project to park wetlands. The site is situated within a low area on a terrace just north of the Potomac River and lies immediately north of NRHP eligible archaeological site 18MO749, for which data recovery investigations are to be conducted. Only the extreme easternmost portion of the mitigation site was tested by prior archaeological survey for the project, with negative results.

The site may have been too poorly drained in the past to support human habitation, but this is not known with certainty. Based on the proximity of the mitigation project to NRHP eligible archaeological site 18MO749, full Phase I survey is warranted and MDOT SHA will include this commitment as part of the treatment plan referenced in the **Attachment 7**, the second draft of the PA.

MDOT SHA is also considering possible parkland mitigation opportunities for M-NCPPC. MDOT SHA archaeologists assessed the potential of the survey area through consultation of the SHA-GIS Cultural Resources Database, previous archaeological studies, historic mapping, soils,

and prior disturbance. First, MDOT SHA proposes to upgrade an existing M-NCPPC trailhead parking lot on the east side of Seven Locks Road at the Cabin John Creek Trail in Cabin John Stream Valley Park. The area has been disturbed by construction of the existing parking area, and no archaeological investigations are warranted.

In addition, three locations in Montgomery County where MDOT SHA may provide fiberglass pedestrian bridges as parkland mitigation have been added to the APE. No design plans are available at this time; their general locations are depicted in **Attachment 1d**. Soil types at the bridge locations are indicative of active floodplains, settings where significant archaeological resources are not expected to occur. Based on low archaeological potential, no further archaeological investigations are warranted at the proposed pedestrian bridge locations.

As indicated above, this letter provides our evaluations of 19 off-site SWM sites not previously coordinated with MHT that are under consideration, as part of 67 total that will be included with the JPA. No additional archaeological investigations are warranted at the sites that were not previously coordinated with MHT in our prior correspondence, as indicated in **Attachment 3**.

Included for your review and comments are tables of contents for two treatment plans expected to be commitments of the project Programmatic Agreement; they are included with **Attachment 7**. The first outlines further archaeological treatment and commitments for the project, and the second outlines procedures to be undertaken for potential human remains treatment and additional investigations at two cemeteries: the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, and the Montgomery County Poor Farm. MDOT SHA expects to provide drafts of both treatment plans with the next version of the PA, but welcomes comments on the structure, content, and organization as shown in the table of contents for incorporation into the drafts.

Finally, prior correspondence (the Gap Analysis and the first draft of the project Programmatic Agreement) indicated the need for further archaeological work at 18MO64 and 18MO510. Those sites are located outside the LOD of the Preferred Alternative; as a result, no further work is warranted at 18MO64 and 18MO510 at this time.

Responses Requested – Maryland:

MDOT SHA respectfully requests from MHT any comments on the revised APE, review of the enclosed information supporting the analysis, comments on the proposed cultural resources investigations, and your comments/concurrence on the following determinations in Maryland:

- The revised APE, including compensatory SWM and wetland mitigation sites and proposed park pedestrian bridges.
- That no further work is required at 19 off-site SWM sites that have not been previously reviewed by MHT, as specified in **Attachment 3**; and no further work is required at sites 18MO64 and 18MO510 which are outside the APE, and no further work is required for minor ground disturbance expected at the identified parkland mitigation sites.

- The updated DOE and revised boundary for Morningstar Tabernacle No. 88 Moses Hall and Cemetery
- The two architectural resources documented on Short Forms are not eligible for the NRHP (**Attachment 7, Table 1**)
- No historic properties will be affected within the revised APE at those locations specified in **Attachment 7, Table 3**
- Properties in **Attachment 6, Table 4** will experience an adverse effect
- There will be no adverse effect to the NRHP-eligible properties in **Attachment 6, Table 5**, should the Preferred Alternative be selected
- Your review and comments on the enclosed second draft of the project Programmatic Agreement including the treatment plan tables of contents

Responses Requested – Virginia:

MDOT SHA respectfully requests from DHR any comments on the second draft of the project Programmatic Agreement, including the tables of contents for the treatment plans. There are no changes to the APE or updated eligibility or effect determinations within Virginia in this submittal.

We request the above responses from MHT and DHR by **February 3, 2022**. We look forward to working with the respective State Historic Preservation Offices and additional consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking. Please feel free to contact Steve Archer, MDOT SHA Cultural Resources Team Leader at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,

Julie M. Schablitsky
for Chief Archaeologist/Assistant Division Chief
Environmental Planning Division

Ms. Elizabeth Hughes and Ms. Julie Langan
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Attachments:

Attachment 1(a) – APE (Corridor)
Attachment 1(b) – APE (Stormwater Management)
Attachment 1(c) – APE (Stream and Wetland)
Attachment 1(d) – APE (Park Mitigation)
Attachment 2 – Updated DOE Form for Morningstar Cemetery
Attachment 3 – Compensatory SWM Sites Evaluation
Attachment 4 – Stream and Wetland Mitigation Site Summary
Attachment 5 – Updated Effect Determination, Morningstar Tabernacle No. 88 Moses Hall and Cemetery
Attachment 6 – Eligibility/Effects Table
Attachment 7 – Second Draft – Project Programmatic Agreement
Attachment 8 – Comment-response Matrix noting consideration of Comments received on First Draft of Programmatic Agreement

cc:

Mr. David Clarke, FHWA
Mr. Marc Holma, Virginia DHR
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT
Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
Dr. Julie Schablitsky, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

-For Maryland Historical Trust Use Only-
Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects

Project Number: AW073A13

MHT Log No. _____

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: January 4, 2022

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachment 3]):

- ☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachment 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter):

- ☐ Acknowledge

Comments:

By:

MD State Historic Preservation Office/
Maryland Historical Trust

Date

Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval:

**Federal Highway
Administration**

Printed Name

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

ATTACHMENT 3:
MLS Compensatory Stormwater Management Sites
Updated January 2022

The MDOT SHA Cultural Resources section reviewed potential stormwater management (SWM) locations to identify and assess potential impacts to historic properties that may be present, and to recommend survey and evaluation measures as appropriate. MDOT SHA archaeologists Richard Ervin, Kari Sprengeler, and Kristofer Beadenkopf assessed the archaeological potential of the water quality stream and SWM sites; MDOT SHA architectural historians Matt Manning and Rebecca Howell Crew evaluated the sites for impacts to architectural historic properties.

Avoidance, minimization and/or mitigation of effects to historic properties will be required as part of the MLS Project PA; the table below provides MDOT SHA findings for 67 off-site SWM locations. MDOT SHA will provide a process for SWM sites that may be added or modified in the future.

For the SWM locations, the Area of Potential Effects (APE) boundary at each location has been defined as the LOD. Because of the nature of the proposed stormwater work, which does not introduce substantial visual elements, effects to historic properties are generally not expected outside the LOD.

The review of the potential SWM sites considered possible visual, audible, atmospheric and/or physical impacts that may occur to historic properties (both archaeological sites and architectural resources), which would diminish the integrity of any characteristics that would qualify a property for the National Register of Historic Places (NRHP). No field visits have been made at this time, but individual sites have been flagged for future fieldwork. MDOT SHA based its evaluations on the SHA-GIS Cultural Resources Database, including the Maryland Inventory of Historic Properties, NRHP, archaeological sites, previous archaeological studies, Maryland Property View and tax parcel data, historic aerial photographs and topographic maps, current aerial photography, LiDAR, and USDA soils data.

MDOT SHA is considering the following 67 sites as off-site stormwater management for the Preferred Alternative – Alternative 9, Phase 1 South; these sites will be included in the Joint Permit Application and identified in the FEIS. MHT reviewed and concurred with MDOT SHA’s evaluation of 48 of the below sites in October 2021. The 19 sites where prior coordination has not occurred are noted in the table below. Any changes to the proposed SWM sites would follow the process to be outlined in the project PA.

No architectural historic properties are affected by the proposed SWM sites, and no additional archaeological investigations are recommended at the 67 off-site locations. MDOT SHA requests MHT’s concurrence with our recommendations outlined below.

Attachment 3 – Cultural Resources Evaluations for Compensatory SWM Sites – January 2022

Page 2

Proposed Off-site SWM locations. Note: shaded rows in **bold** designate SWM sites (19) that have not been reviewed as part of prior submittals

Site Name	Comments	Historic Properties	Further Consultation Needed	SHPO Concurrence	Map Sheet
WAS-1805	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	9
WAS-3305	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	62
WAS-3601	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	63
WAS-3602	No historic properties identified in the site APE boundary	None	No further work	10/2021	9
WAS-3603	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	64
WAS-3604	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	64
WAS-3612	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	64
WAS-3613	No historic properties identified in the site APE boundary	None	No further work	10/2021	9
WAS-3614	No historic properties identified in the site APE boundary	None	No further work	10/2021	9
WAS-3615	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	65
WAS-3616	Pending MHT concurrence that the unevaluated Norbeck Historic District (M: 23-113) is within the APE, but associated features are unaffected	None	No further work	Requested 2/2022	65
WAS-3617	No historic properties identified in the site APE boundary	None	No further work	10/2021	3
WAS-3618	No historic properties identified in the site APE boundary	None	No further work	10/2021	10
WAS-3622	No historic properties identified in the site APE boundary	None	No further work	10/2021	10
WAS-3625	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	66
WAS-3634	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	67
WAS-3635	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	67
WAS-3637	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	65
WAS-3638	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	65
WAS-3656	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	67
WAS-3658	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	67
WAS-4058	No historic properties identified in the site APE boundary	None	No further work	10/2021	28
WAS-4059	No historic properties identified in the site APE boundary	None	No further work	10/2021	28
WAS-4067	No historic properties identified in the site APE boundary	None	No further work	10/2021	28
WAS-4068	No historic properties identified in the site APE boundary	None	No further work	10/2021	28
WAS-4072	No historic properties identified in the site APE boundary	None	No further work	10/2021	32
WAS-4091	No historic properties identified in the site APE boundary	None	No further work	10/2021	13
WAS-4098	No historic properties identified in the site APE boundary	None	No further work	10/2021	13
WAS-4099	No historic properties identified in the site APE boundary	None	No further work	10/2021	13

Attachment 3 – Cultural Resources Evaluations for Compensatory SWM Sites – January 2022

Page 3

Site Name	Comments	Historic Properties	Further Consultation Needed	SHPO Concurrence	Map Sheet
WAS-4517	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	31
WAS-4518	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	31
WAS-4519	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	31
WAS-4521	No historic properties identified in the site APE boundary	None	No further work	Requested 2/2022	31
WAS-4607	No historic properties identified in the site APE boundary	None	No further work	10/2021	34
WAS-4613	No historic properties identified in the site APE boundary	None	No further work	10/2021	33
WAS-4615	No historic properties identified in the site APE boundary	None	No further work	10/2021	34
WAS-4622	No historic properties identified in the site APE boundary	None	No further work	10/2021	53
WAS-4624	No effect to contributing resources	Seneca Historic District (M: 17-63)	No further work	10/2021	54
WAS-4625	No historic properties identified in the site APE boundary	None	No further work	10/2021	54
WAS-4626	No historic properties identified in the site APE boundary	None	No further work	10/2021	54
WAS-4627	No historic properties identified in the site APE boundary	None	No further work	10/2021	54
WAS-4628	No historic properties identified in the site APE boundary	None	No further work	10/2021	54
WAS-4629	No historic properties identified in the site APE boundary	None	No further work	10/2021	55
WAS-4630	No historic properties identified in the site APE boundary	None	No further work	10/2021	55
WAS-4631	No historic properties identified in the site APE boundary	None	No further work	10/2021	55
WAS-4632	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4633	No historic properties identified in the site APE boundary	None	No further work	10/2021	55
WAS-4635	No historic properties identified in the site APE boundary	None	No further work	10/2021	55
WAS-4637	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4638	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4639	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4640	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4641	No historic properties identified in the site APE boundary	None	No further work	10/2021	56
WAS-4642	No historic properties identified in the site APE boundary	None	No further work	10/2021	57
WAS-4644	No historic properties identified in the site APE boundary	None	No further work	10/2021	57
WAS-4645	No historic properties identified in the site APE boundary	None	No further work	10/2021	57
WAS-4646	No historic properties identified in the site APE boundary	None	No further work	10/2021	57
WAS-4647	No historic properties identified in the site APE boundary	None	No further work	10/2021	57
WAS-4651	No historic properties identified in the site APE boundary	None	No further work	10/2021	58
WAS-4652	No historic properties identified in the site APE boundary	None	No further work	10/2021	1

Attachment 3 – Cultural Resources Evaluations for Compensatory SWM Sites – January 2022

Page 4

Site Name	Comments	Historic Properties	Further Consultation Needed	SHPO Concurrence	Map Sheet
WAS-4653	No historic properties identified in the site APE boundary	None	No further work	10/2021	58
WAS-4655	No historic properties identified in the site APE boundary	None	No further work	10/2021	1
WAS-4656	No historic properties identified in the site APE boundary	None	No further work	10/2021	1
WAS-4657	No historic properties identified in the site APE boundary	None	No further work	10/2021	1
WAS-4658	No historic properties identified in the site APE boundary	None	No further work	10/2021	1
WAS-4659	No historic properties identified in the site APE boundary	None	No further work	10/2021	59
WAS-4660	No historic properties identified in the site APE boundary	None	No further work	10/2021	59

Attachment 4 – Stream and Wetland Mitigation Site Summary – January 2022

Note: Shaded rows in bold remain under consideration for the Preferred Alternative

Site Number	County	Architecture	Archaeology	Phase 1 South	Remarks
AN-1	Montgomery	No architectural resources present	Low potential; no further work is warranted	N	
AN-3	Montgomery	No architectural resources present	Low potential; no further work is warranted	N	
AN-6	Prince George's	Beltsville Agricultural Research Center (BARC) (PG:62-14)	Phase I archaeology identified sites 18PR111, 18PR1191, and 18PR1192, no further work is warranted	N	BARC is NRHP eligible (2/2000); archaeological site 18PR111 is unevaluated for NRHP eligibility but no further work is warranted for the project as scoped; sites 18PR1191 and 18PR1192 are not NRHP eligible (MHT concurred 4/2021)
AN-7	Prince George's	Beltsville Agricultural Research Center (BARC) (PG:62-14)	Phase I archaeology identified sites 18PR113 and 18PR1190, no further work is warranted	N	BARC is NRHP eligible (2/2000); archaeological sites 18PR113 and 18PR1190 warrant Phase II evaluation to determine their NRHP eligibility unless avoidance is feasible
CA-2/3	Montgomery	No architectural resources present	Low potential; no further work is warranted	Y	
CA-5	Montgomery	No architectural resources present	Low potential; no further work is warranted	Y	
PA-1	Prince George's	Chesapeake Beach Railway Prism (AA-2559 and PG:72-81)	Phase I archaeology identified site 18PR605, no further work is warranted	N	Chesapeake Beach Railway Prism is not NRHP eligible; site 18PR605 is not NRHP eligible (MHT concurred 4/2021)
RFP-1	Prince George's	No architectural resources present	Prior disturbance; no further work is warranted	N	
RFP-2	Montgomery	Montgomery Village Golf Club (M: 20-52)	Prior disturbance and low potential; no further work is warranted	Y	Montgomery Village Golf Club is not NRHP eligible (MHT concurred 4/2021)
RFP-3	Frederick	Carrollton Manor Rural Historic District (F-1-134); Hebb-Kline Farmstead (F-1-202)	Phase I archaeology identified no archaeological sites and no further work is warranted	N	Hebb-Kline Farmstead is a contributing resource to the Carrollton Manor Rural HD and will not be adversely affected; no significant archaeological resources were identified
RFP-4	Anne Arundel	No architectural resources present	Phase I archaeology identified site 18AN1696, no further work is warranted	N	Archaeological site 18AN1696 is unevaluated for NRHP eligibility but no further investigation is warranted for the project as scoped (MHT concurred 4/2021)
RFP-5	Prince George's	Fort Washington Golf Range	Prior disturbance; no further work is warranted	N	Fort Washington Golf Range is not NRHP eligible (MHT concurred 4/2021)
RFP-6	Calvert	6535 Ward Place	Phase I archaeology identified sites 18CH971 and 18CH972, no further work is warranted	N	6535 Ward Place is not NRHP eligible; archaeological site 18CH971 is unevaluated for NRHP eligibility but no further work is warranted for the project as scoped; site 18CH972 is not NRHP eligible (MHT concurred 4/2021)
CHOH-13	Montgomery	C&O Canal National Historical Park (M: 12-46)	Phase I archaeology is warranted	Y	Added as part of parkland mitigation; site location will not change the prior adverse effect determination for the C&O Canal National Historical Park

Attachment 5

Morningstar Tabernacle No. 88 Moses Hall and Cemetery – Updated Finding - No Adverse Effect

MDOT SHA and FHWA have been engaged in ongoing design minimization efforts in consultation with the Friends of Moses Hall and other relevant consulting parties to reduce and eliminate impacts to Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212).

The Morningstar Tabernacle No. 88 Moses Hall and Cemetery, at I-495 and Seven Locks Road, was the site of a late nineteenth-century African American benevolent society, including a lodge building (Moses Hall) and cemetery. The property is eligible for listing in the NRHP under Criterion A for its association with the African American community in Cabin John and under Criterion C for its example of a vernacular African American cemetery. Construction of I-495 in the early 1960s acquired a portion of the property north of the then-extant building and a road that served as the apparent northern boundary of the cemetery. Although the property has lost historic features over time, including the Moses Hall building, and has experienced invasive vegetation overgrowth, the property retains integrity of location, design, materials, feeling, and association. Character-defining features include the former road trace leading to the hall and cemetery, the hall foundation, and the identified individual markers and grave depressions and their orientation and spacing.

Design Avoidance

The proposed design at this location has been revised and impacts eliminated since MDOT SHA made its initial adverse effect determination for the Morningstar property in July 2020. Further research and archaeological survey efforts have revealed new information about the property, including the discovery of possible burials indicated by ground-penetrating radar that may extend into MDOT SHA right-of-way. As a result of these investigations, MDOT SHA developed and presented in the SDEIS an alternative that eliminates all project impacts within the property boundary and avoids associated potential burial features within right-of-way adjacent to the modern cemetery boundary. No property is needed from the cemetery for either temporary construction or permanent acquisition. The area of possible burial features within right-of-way has now been included within the National Register eligible boundary of the property via an update in 2021. Because MDOT SHA right-of-way adjoining the cemetery where possible burials are indicated is no longer affected or needed for transportation use, MDOT SHA is pursuing transferring ownership of this portion of right-of-way to the cemetery trustees.

For the proposed design, the typical section has been modified to include a narrow right shoulder along the reconstructed I-495 inner loop general purpose lanes adjacent to the cemetery property. The width of the right shoulder is reduced from 12 feet to 6 feet wide (measured between the edge of travel lane and face of concrete barrier) for a total length of approximately 400 feet including tapers. The total length of the narrow right shoulder excluding the tapers is approximately 235 feet. The proposed noise barrier along the right shoulder and the cemetery is located two feet behind the concrete traffic barrier. The limits of disturbance (LOD) are offset behind the centerline of the noise barrier by 5.3 to 13.3 feet. This design avoids any right-of-way impacts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery historic property and provides a buffer to avoid performing earthwork at the nearest known GPR-indicated feature that may be a grave. **Morningstar Effect Attachment 3** provides an overlay of the project limits of disturbance, ground-penetrating radar data and a historic 1957 aerial of the property (shortly before Beltway construction). It is clear that the burials are likely bounded by the historic (no longer extant) road running to the west and curving north on the western portion of the property. Because the project LOD is within or North of this historic road bounding feature, potential is low for additional burials.

The proposed 24 foot-high noise barrier is provided to mitigate for noise and will have the additional benefit of screening the highway from view. 24 feet is an anticipated maximum height and may be somewhat reduced in final design to within the 16 to 24 foot height range. This segment of I-495 was completed in 1962, and the current view of the highway from the Morningstar Tabernacle No. 88 Moses Hall and Cemetery is not a historically significant or character-defining feature of the historic property. The existing noise level at the cemetery is 70dBA, and MDOT SHA's noise analysis projects noise levels from the proposed highway to also be 70 dBA in 2045. The proposed noise barrier will reduce the projected perceived noise level by half, to 60 dBA. A comparison of typical outdoor and indoor noise levels is shown below:

Common Outdoor and Indoor Noise Levels		
Common Outdoor Noise Example	Noise Level (decibels)	Common Indoor Noise Example
	110	Rock Band
Jet Flyover at 1,000 feet	100	Inside Subway Train
Gas Lawn Mower at 3 feet		
Diesel Truck at 50 feet	90	Food Blender at 3 feet
Noisy Urban Daytime	80	Garbage Disposal at 3 feet, Shouting at 3 feet
Gas Lawn Mower at 100 feet	70	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
	60	
		Large Business Office
Quiet Urban Daytime	50	Dishwasher, Next Room
Quiet Urban Nighttime	40	Small Theater, Large Conference Room (background)
Quiet Suburban Nighttime		Library
	30	
Quiet Rural Nighttime		Bedroom at Night, Concert Hall (background)
	20	
		Broadcast and Recording Studio
	10	Threshold of Hearing
	0	

Adapted from Guide on Evaluation and Attenuation of Traffic Noise, AASHTO. 1974

Consistent with other historic properties adjoining I-495 and I-270, the placement of noise barrier is not considered a visual adverse effect because the view is not historically significant; the noise barrier provides benefit to the setting of the property by reducing highway noise from current conditions. Visualizations of the noise barrier, based on the maximum proposed height of 24 feet, are included as **Morningstar Effect Attachment 1**.

Potential for Vibration Damage

Contributing features of the property consist of the archaeological foundation of Moses Hall (largely underground and no longer supporting a structure) and multiple solid stone or concrete above-ground markers. These types of features are not typically susceptible to vibration damage from nearby traffic or ordinary construction methods.

No vibration-causing activities during construction or operation would be expected to pose a risk to the integrity of the property or its historic features.

Activities anticipated during construction within the LOD near the cemetery would include clearing and grubbing of vegetation, excavation, installation of noise wall, and new roadway subgrade and pavement installation. All typical equipment used for these activities either generates no discernible vibration, or limited vibration that is perceptible within a maximum of 50 feet from the equipment perimeter; all monuments within the property are outside this perceptibility range.

Nearby bridge piling installation, typically accomplished using a crane with pile hammer attachment, generates more substantial vibration, discernible up to approximately 250 feet from the equipment. However, the nearest piling will be approximately 400 feet from the Morningstar property, and no vibration perception or effects would be expected.

Stormwater Management and Drainage

The cemetery receives drainage from parts of the northbound lanes on I-495 and adjacent pervious (grass and vegetation) area along the roadway. Drainage concerns within the cemetery result from steep slopes, highly erodible soils, and sloughing of soils from around the gravestones and cemetery features.

The proposed design overall improves drainage functioning from the highway facility at the cemetery. However, the cemetery will likely continue to experience erosional issues due to its topography and susceptible soils independent of the current I-495 or proposed MLS improvements.

Detailed information on existing and proposed drainage is included as **Morningstar Effect Attachment 2**.

Cumulative Effects

The most recent highway impacts that diminished the larger Gibson Grove community in the past (including the cemetery and church) were associated with the original I-495 construction, prior to the passage of NEPA or the National Historic Preservation Act. In 1992, I-495 was widened from three to four lanes in each direction, however, the outside edge of I-495 was held and all widening occurred within the grassy median, which was replaced with travel lanes and concrete barrier. No impacts to the cemetery occurred from the 1992 improvements. Because the 1960s impacts occurred prior to laws that required consideration of effects, and there are no predicted or known future projects that would affect or diminish the property, there is not an adverse effect to the historic property based on “cumulative” impacts.

Following consulting party input and extensive minimization and avoidance efforts, MDOT SHA and FHWA have determined that the project will not adversely affect the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. The proposed design will entirely avoid the historic property boundary as defined in 2021 and will not affect the property’s character-defining features, which are confined within the historic boundary. The project will not impact any markers, any known or suspected burials and will avoid all impacts to the archaeological foundation. The proposed noise barrier will further screen the property from visual and audible effects already present along I-495. No diminishment of location, design, materials, or association will occur, and feeling will remain the same or improved from the condition existing today. MDOT SHA’s proposed activities will not alter the characteristics that qualify Morningstar Tabernacle No. 88 Moses Hall and Cemetery for the NRHP and do not constitute an adverse effect as defined at 36 CFR §800.5(1).

MDOT SHA will continue to commit to “context-sensitive design”, “context-sensitive solutions” or “community enhancements” such as improved and/or new pedestrian connection between the cemetery and church, sympathetic design treatment of new noise barrier that faces the cemetery, and potentially other design elements of the project that are compatible and beneficial to the property but are not mitigation.

MDOT SHA will further commit to additional archaeological investigation and/or monitoring as part of treatment plans identified in the PA. Remaining uninvestigated areas of the LOD bordering the cemetery, which are currently impractical to investigate due to mature vegetation, slope, accessibility, and other issues, appear to have low potential for additional burials. They are either significantly removed from the historically understood boundaries of the property or are within disturbed cut/fill areas.

Regardless, MDOT SHA will continue to commit to further investigation to be developed in consultation with MHT and appropriate consulting parties as part of the proposed archaeological and human remains treatment plans. In the event of a late discovery indicating human remains or funerary objects where not currently expected, MDOT SHA would consult on such findings and amend the PA as appropriate, consistent with our established inadvertent discovery plan or the specific provisions of the PA.

MORNINGSTAR EFFECT ATTACHMENT 1: SAMPLE VISUALIZATIONS



1. Existing View



2. Proposed Condition



1. Existing View



2. Proposed Condition

MORNINGSTAR EFFECT ATTACHMENT 2: EXISTING AND PROPOSED DRAINAGE

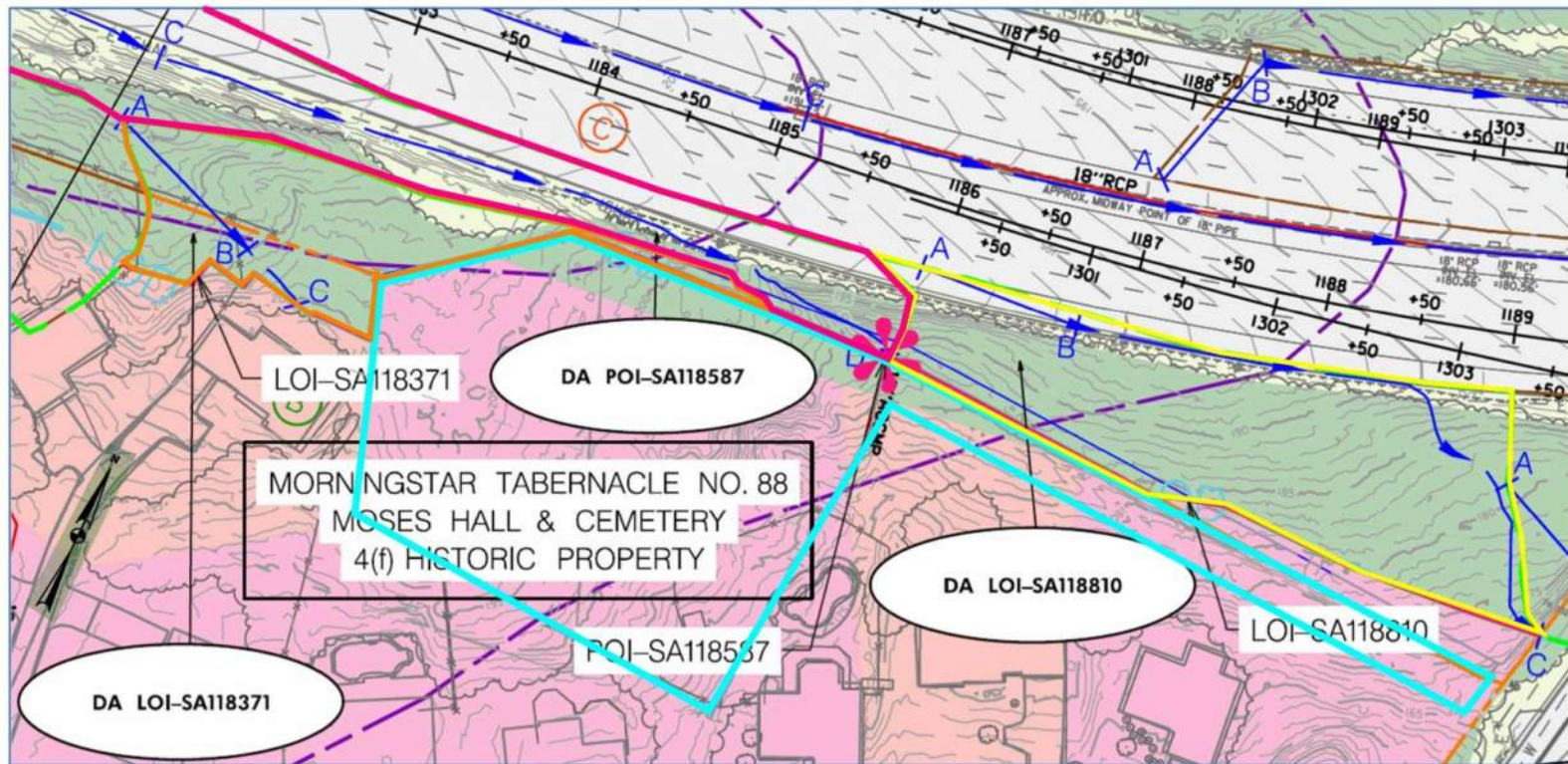
The Historic Moses Hall Cemetery is located along the I-495 northbound lanes (inner loop) just west of where Seven Locks Road crosses under I-495 in Bethesda, Maryland. The cemetery receives drainage from parts of the northbound lanes on I-495 and adjacent pervious (grass and vegetation) area along the roadway. Drainage concerns in the area result from steep slopes, highly erodible soils, and sloughing of soils from around the gravestones. Drainage at the cemetery arises from three drainage areas: DA POI-SA118587; DA LOI-SA118371; and DA LOI-SA118810. One drainage area (DA POI-SA118587) is concentrated flow in a drainage ditch, while the other two (DA LOI-SA118371 and DA LOI-SA118810) contribute sheet flow to the parcel.

Stormwater flows from DA POI-SA118587 to the point of interest (POI-SA118587, which is the inlet to an existing 18-inch CMP culvert) are concentrated flow in a ditch that runs south and east between the roadway shoulder and cemetery boundary. The ditch drains to the 18-inch CMP culvert which drains south, discharging to another section of open channel ditch south of the cemetery. Flows then drain to the existing stormwater culvert system along Cypress Grove Lane. The drainage area to this POI includes a portion of the northbound lanes and adjacent pervious surface. Existing discharges to the POI are 0.7 CFS and 2.1 CFS for the 1-year and 10-year storm, respectively.

In proposed conditions, the drainage area to POI-SA118587 is decreased to remove all contributing impervious surface from the I-495 lanes. This impervious surface is routed to other stormwater management locations. The resulting decreased drainage area to the POI is all pervious surface in the SHA ROW. Flows to the POI in proposed condition are 0.1 CFS and 0.3 CFS for the 1-year and 10-year storm, respectively.

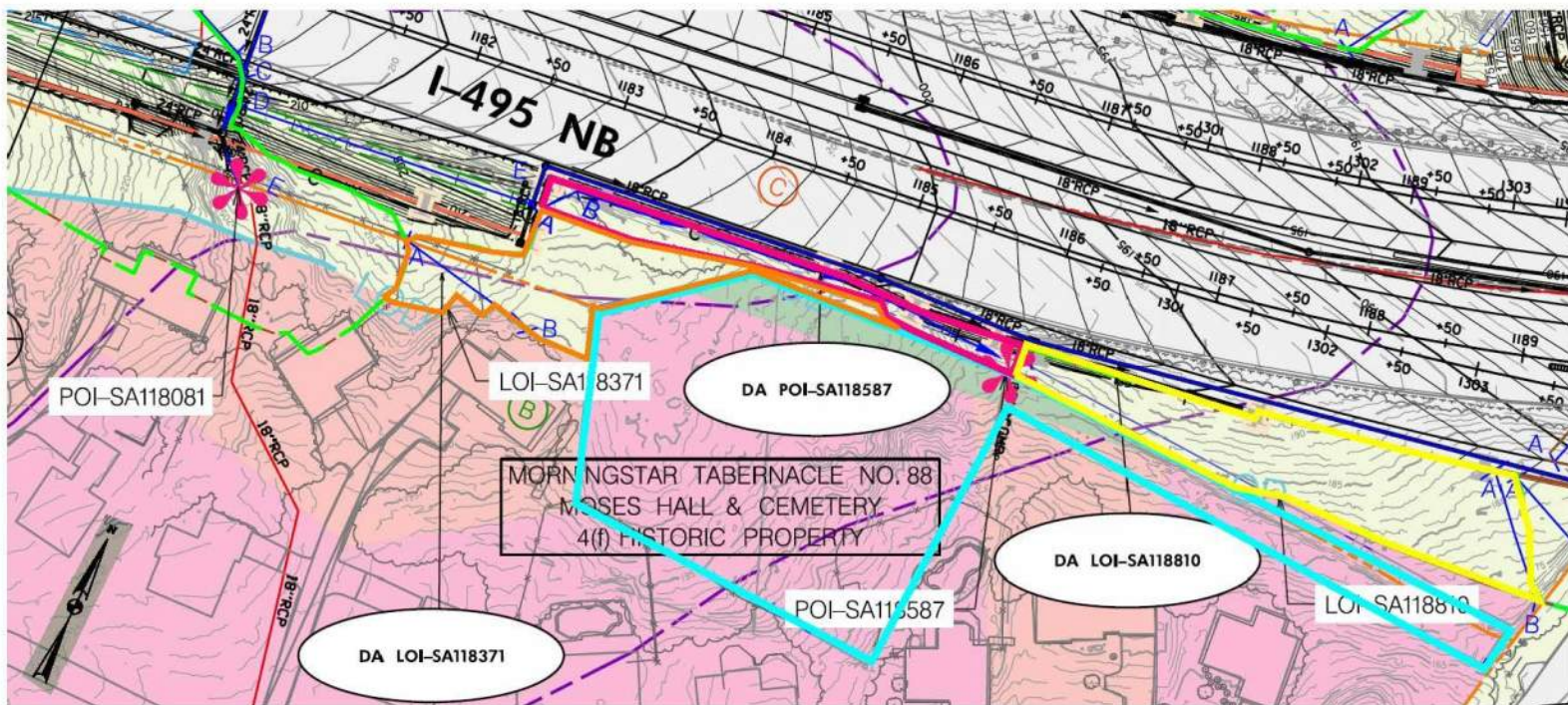
Other drainage at the cemetery property is in the form of sheet flow from two smaller, mostly pervious drainage areas. DA LOI-SA118371 drains an area south of the DA POI-SA118587. This sheet flow is over steep terrain along the embankment south and east of the roadway shoulder and is all pervious surface. This drainage area is unchanged from existing to proposed conditions, and flows are 0.1 CFS and 0.5 CFS for the 1- and 10-year discharge, respectively.

The other contributing sheet flow drainage area is DA LOI-SA118810. This sheet flow crosses the narrow cemetery access path off Seven Locks Road. In existing conditions, DA LOI-SA118810 drains a portion of the roadway shoulder of the I-495 northbound lanes. The proposed changes to this DA involve redirecting the roadway drainage off-site to reduce impacts to the cemetery parcel. Proposed drainage area to the LOI is all pervious surface from the SHA ROW and adjacent vegetated area. Existing discharges from this DA are 0.3 CFS and 1.4 CFS for the 1- and 10-year discharge, respectively and are reduced in proposed condition to 0.2 CFS and 1.0 CFS for the respective storms.



- Approximate Cemetery Boundary Existing Conditions
- DA POI-SA118587** - Drainage ditch between cemetery and I-495 NB receiving concentrated flows. Drains portion of northbound lanes and adjacent pervious area to POI at existing CMP culvert.
 Q1 EX - 0.7; Q1 PR - 0.1; Q10 EX - 2.1; Q10 PR - 0.3 (CFS)
 - DA LOI-SA118371** - Sheet flow from pervious SHA ROW draining south and east across cemetery property. Steep slopes and limited ROW in this area. No proposed improvements or changes in DA, Q.
 Q1 EX - 0.1; Q1 PR - 0.1; Q10 EX - 0.5; Q10 PR - 0.5 (CFS)
 - DA LOI-SA118810** - Sheet flow from SHA ROW draining south across cemetery access road. Portion of NB lanes and adjacent pervious surface. DA being reduced in PR conditions and impervious surface is being directed away from cemetery drive.
 Q1 EX - 0.3; Q1 PR - 0.2; Q10 EX - 1.4; Q10 PR - 1.0 (CFS)

Existing Condition



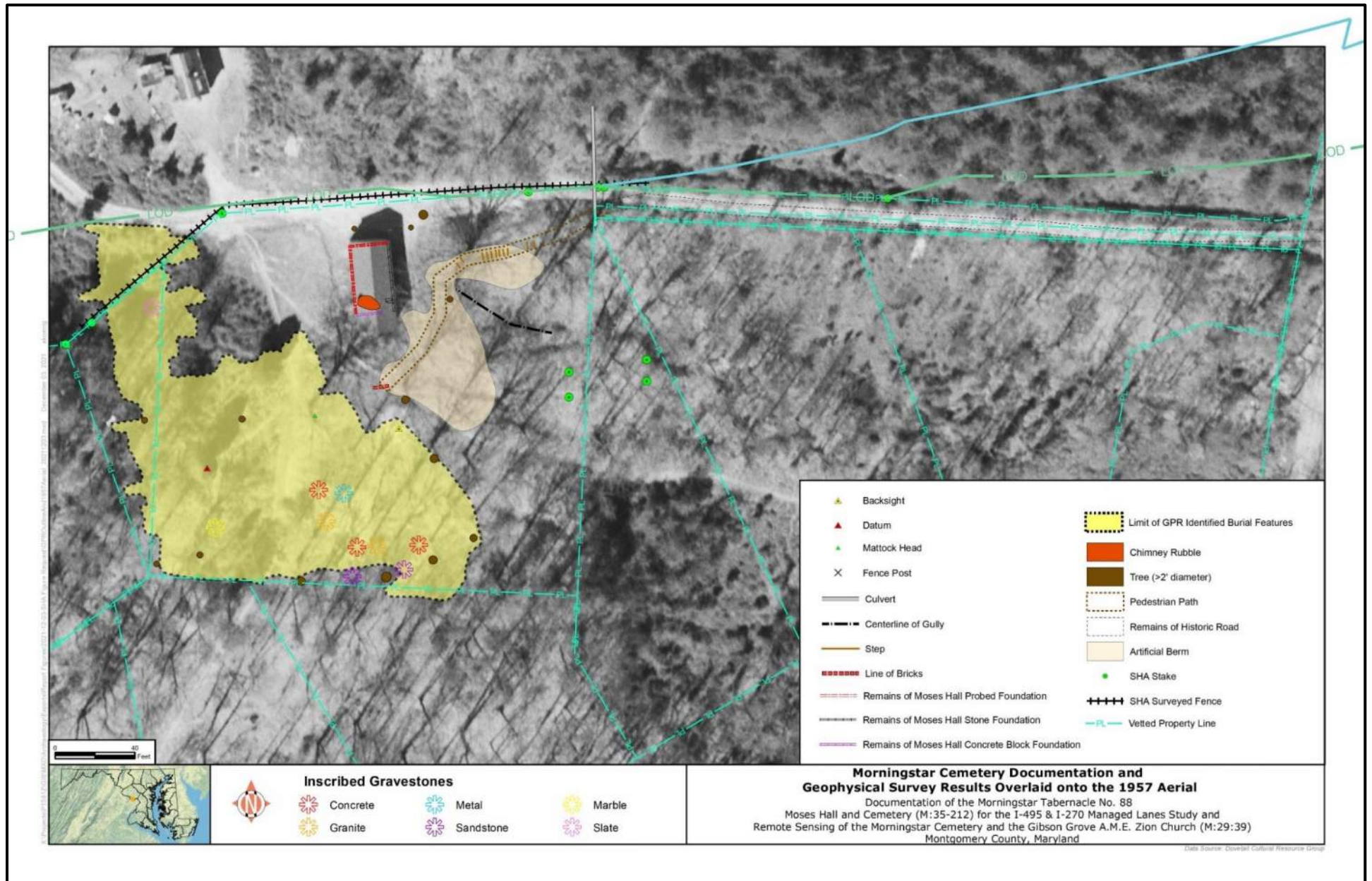
Proposed Conditions

- Approximate Cemetery Boundary
- DA POI-SA118587 - Drainage area significantly reduced. All impervious surface from expanded I-495 lanes redirected away from DA. Proposed drainage is pervious surface along roadway.
Q1 EX - 0.7; Q1 PR - 0.1; Q10 EX - 2.1; Q10 PR - 0.3 (CFS)
- DA LOI-SA118371 - Sheet flow from pervious SHA ROW draining south and east across cemetery property. DA and Q unchanged from existing to proposed conditions.
Q1 EX - 0.1; Q1 PR - 0.1; Q10 EX - 0.5; Q10 PR - 0.5 (CFS)
- DA LOI-SA118810 - DA reduced to remove all impervious surface contributing to sheet flow. Some pervious sheet flow remains and drains across cemetery access. Discharges reduced in proposed conditions.
Q1 EX - 0.3; Q1 PR - 0.2; Q10 EX - 1.4; Q10 PR - 1.0 (CFS)

Note: The sloughing being observed adjacent to the grave stones appears to be the result of vegetation clearing combined with poor (erodible) soils, not runoff from SHA ROW. Therefore, there will likely continue to be erosion issues at the cemetery.

Proposed Condition

MORNINGSTAR EFFECT ATTACHMENT 3: 1957 Aerial, GPR, and LOD Overlay



Attachment 6 – Eligibility and Effect Tables – January 2022

Page 1

Table 1: New Eligibility Determinations

MIHP#/DHR#	Name	Type	SHA NR Det.	SHPO Concurrence	Remarks
-	7309 River Road	Building	Not Eligible	Requested 2/2022	Short Form – see Attachment 2
-	7311 River Road	District	Not Eligible	Requested 2/2022	Short Form – see Attachment 2

Table 2: New or Revised Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	No Adverse	Requested 9/2020	1887-1973	A, C, Criteria Consideration D	Revised from Adverse Effect; see Attachment/Appendix XX

Table 3: New or Revised No Properties Affected

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	SHPO Eligibility	Remarks
M: 30-26	5511 Edson Lane	Building	NPA	Requested 2/2022	Not Eligible 10/1992	Demolished
M: 36-78	Leighton's Addition to Woodside	District	NPA	Requested 2/2022	Not Eligible 10/2012	LOD on empty lot within not-eligible district
M: 23-113	Norbeck Historic District	District	NPA	Requested 2/2022	No Determination	MDOT SHA did not evaluate this resource. No historical features associated with district within LOD, which encompasses a grass strip within MDOT SHA ROW. MIHP form notes that as of 1985, the resource "no longer appears to have the characteristics of a historic district."
M: 35-17	Granger Estate (Holton Arms School)	Building	NPA	Requested 2/2022	No Determination	MDOT SHA did not evaluate this resource. No associated historical features are within the APE, which encompasses a small corner of the 54.62-acre parcel boundary, screened by trees from MD 190; the MIHP boundary depicted on Medusa is outside the APE.
-	7309 River Road	Building	NPA	Requested 2/2022	Requested 2/2022	
-	7311 River Road	District	NPA	Requested 2/2022	Requested 2/2022	

Table 4: Summary of Historic Properties Experiencing an Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 12-46	Chesapeake and Ohio Canal National Historical Park	District	Adverse	3/2020	1828-1924	A, C, D	Listed
M: 35-61 and 029-0228 (Virginia)	George Washington Memorial Parkway/Clara Barton Memorial Parkway	Structure	Adverse	3/2020	1930-1966	B, C	Listed
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Adverse	10/2021	Not established	A	Eligible

Attachment 6 – Eligibility and Effect Tables – January 2022

Page 2

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 12-46-2	Washington Biologists' Field Club on Plummers Island	Site	Adverse	10/2021	1901-1971	A	Eligible

Table 5: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse	3/2020	1967-1974	C	Eligible (Upon reaching 50 years)
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	No Adverse	10/2021	1873-1945	A, C	Eligible
M: 17-01	Beallsville Historic District	District	No Adverse	10/2021	Not established	A, C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse	9/2020	Not established	A, C	Eligible
M: 18-8-1	Boyd's-White Grounds Historic District	District	No Adverse	10/2021	Not established	A	Eligible
M: 35-121	Burning Tree Club	District	No Adverse	3/2020	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse	10/2021	1962-1967	A, C	Listed
M: 35-194	Carderock Springs South	District	No Adverse	3/2020	1966-1971	C	Eligible
F-1-134	Carrollton Manor Rural Historic District (including Hebb-Kline Farmstead, F-1-202)	District	No Adverse	4/2021	1855-1940	A, C	Eligible
M: 14-27	Cedar Grove Historic District	District	No Adverse	10/2021	Not established	A, C	Eligible
M: 29-79	Congressional Country Club	District	No Adverse	3/2020	1924-1978	A, C	Eligible
M: 29-47	David W. Taylor Model Basin	Building	No Adverse	3/2020	1938-1970	A, C	Listed
M: 18-15	Friends Advice	Building	No Adverse	10/2021	c. 1806-1951	A, B, Criteria Consideration G	Listed
M: 30-39	Grosvenor Park	District	No Adverse	3/2020	1963-1966	A, C	Eligible
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	Building	No Adverse	10/2021	1975-1979	A	Eligible upon reaching 50 years of age
M: 29-40	Magruder Blacksmith Shop	Building	No Adverse	10/2021	c. 1750-1850	C	Eligible
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	No Adverse	Requested 2/2022	1887-1973	A, C, Criteria Consideration D	

Table 5: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 20-47	National Institute of Standards and Technology (NIST) Headquarters	District	No Adverse	3/2020	1963-1969	A, C	Listed
M: 29-52	Naval Surface Warfare Center Carderock Division (NSWCCD) Historic District	District	No Adverse	3/2020	1938-1958	A, C	Eligible
M: 17-63	Seneca Historic District	District	No Adverse	10/2021	late 17th-early 20th centuries	A	Listed
M: 12-44	Sugarloaf Mountain Historic District	District	No Adverse	10/2021	Mid-18 th century - 1939	A, B, C, D	Eligible
M: 26-72-1	Ward Building	Building	No Adverse	3/2020	1978	C	Eligible (Upon reaching 50 years)
M: 20-21	Ward House	Building	No Adverse	10/2021	1891-1969	A, C	Eligible
M: 29-49	Washington Aqueduct	Structure	No Adverse	9/2020	1853-1939	A, C	Listed (NHL)
M: 26-71	Woodley Gardens	District	No Adverse	10/2021	1960-1970	A, C	Eligible; LOD within Woodley Gardens has been reduced since 10/2021 SHPO concurrence

Table 6: Summary of Section 4(f) *de minimis* Properties

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse; <i>de minimis</i>	3/2020	1967-1974	C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse; <i>de minimis</i>	3/2020	Not Established	A, C	Eligible
M: 35-121	Burning Tree Club	District	No Adverse; <i>de minimis</i>	10/2021	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse; <i>de minimis</i>	10/2021	1962-1967	A, C	Listed
M: 26-72-1	Ward Building	Building	No Adverse; <i>de minimis</i>	10/2021	1978	C	Eligible (Upon reaching 50 years)
M: 26-71	Woodley Gardens	District	No Adverse; <i>de minimis</i>	10/2021	1960-1970	A, C	Eligible



Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

February 4, 2022

Dr. Julie M. Schablitsky
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073C12

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information regarding the above-referenced undertaking. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. MDOT SHA has revised Area of Potential Effects (APE) to reflect engineering adjustments of the Preferred Alternative and the consideration of additional potential compensatory stormwater management (SWM) sites. The letter includes the results of MDOT SHA's architectural and archeological investigations within the revised APE, as well as an updated Determination of Eligibility (DOE) Form and assessment of effects for the Morningstar Tabernacle No. 88 Moses Hall & Cemetery. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments.

The Trust appreciates receiving copies of the detailed written comments prepared by multiple consulting parties in response to this latest MDOT SHA submittal. We felt it was critical to defer our response until we had the benefit of understanding and considering the comments of these parties. Consulting parties have an essential role in the Section 106 consultation process in helping to inform project planning and resolve adverse effects to historic properties. We value the input and advocacy of these parties from their varied perspectives as representatives of local governments, non-profit organizations, and the stewards of the affected historic properties. We look forward to their continued active participation as consultation proceeds for this undertaking.

Revised Area of Potential Effects (APE): Based on ongoing design development and the consideration of additional compensatory SWM sites, MDOT SHA has revised the undertaking's APE. The Trust agrees that the MDOT SHA's redefined APE encompasses the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Compensatory Stormwater Management Sites: MDOT SHA has assessed 19 new compensatory SWM sites resulting in the identification of two previously unrecorded properties requiring National Register evaluations. Trust staff reviewed the two Determination of Eligibility (DOE) Forms and concur that 7309 and 7311 River

Road are not eligible for listing in the National Register of Historic Places (NRHP). The Trust also concurs with the findings presented in Attachment 3 of MDOT SHA's letter.

Steam/Wetland and Parkland Mitigation: The Trust concurs with the findings and recommended treatments presented in Attachment 4 of MDOT SHA's letter. A potential wetland mitigation site (CHOH-13) is under consideration within the C&O Canal National Historical Park. Based on the proximity of the mitigation site to archeological site 18MO749, MDOT SHA proposes full Phase I survey of the mitigation site. The Trust agrees with this assessment and looks forward to receiving the survey results in accordance with provisions of MDOT SHA's treatment plan for archeological sites within the Programmatic Agreement (PA) currently under negotiation pursuant to 36 CFR 800.14(b) for this undertaking.

Revised DOE for Morningstar Tabernacle No. 88 Moses Hall & Cemetery: The Trust previously concurred that the Morningstar Tabernacle No. 88 Moses Hall & Cemetery (Morningstar Hall and Cemetery) is eligible for listing in the NRHP under Criteria A and C in September 2020. The property remains NRHP-eligible, and we appreciate the completion of a revised DOE for this resource to reflect additional background research and the archeological surveys conducted in May and September 2021.

The Trust believes that sufficient information exists through research efforts and extensive remote sensing of the property to assess and demonstrate the information potential of this NRHP-eligible property under Criterion D. Throughout the cemetery site, ground-penetrating radar (GPR) revealed a significant number of burial shafts and facilitated the mapping of existing surface features. Furthermore, archeology investigations have led to conclusions about Moses Hall, including its construction date, expansion and repair campaigns, demolition, and how the space was used. Archeology will continue to inform the community and holds potential to provide information about African American benevolent societies and their burial practices. Therefore, it is the Trust's opinion that the Morningstar Hall and Cemetery is eligible under Criterion D. Any additional revisions to the DOE form by MDOT SHA should reconsider the application of Criterion D and incorporate the edits suggested by the Friends of Moses Hall in August 2020.

Updated Effects Assessments: The Trust continues to agree with MDOT SHA's determination that the overall proposed undertaking will have an adverse effect on historic properties in Maryland. With the exception of the Morningstar Hall and Cemetery, the Trust agrees with the specific effect assessments stated in Attachment 6, Tables 3, 4, and 5 of MDOT SHA's letter. We also acknowledge FHWA's intent to make a Section 4(f) de minimis finding for the properties listed in Attachment 6, Table 6.

The Trust would like to commend MDOT SHA for the robust outreach, research and minimization efforts at the Morningstar Hall and Cemetery that has led to the discovery of additional burial features and reduced the overall limits of disturbance (LOD) in the vicinity of the Morningstar Hall and Cemetery. However, we remain concerned about the potential for additional burials within the unevaluated portions of the LOD. As noted in MDOT SHA's correspondence, possible burials indicated by GPR may extend into MDOT SHA's right-of-way. Additionally, areas within the undertaking's LOD remain unevaluated due to mature vegetation, slope, accessibility and other issues. While MDOT SHA believes this area has low potential for burials since they are either significantly removed from historically understood boundaries for the cemetery or are disturbed by prior cut/fill activities, it is known that African American cemeteries often extend beyond contained boundaries. The potential for burials within the LOD cannot be ruled out. Given the sensitivity of the resource, the potential for the presence of additional burials that may be impacted, and the overwhelming expression of concern for this resource expressed by multiple consulting parties, it is our opinion that the finding of adverse effect remains valid for this historic property. The Trust recommends that the Federal Highway Administration (FHWA) request the Advisory Council on Historic Preservation (ACHP) review of this issue pursuant to 36 C.F.R. § 800.5(c)(2)(i).

The PA currently requires the development of a cemetery treatment plan that provides for protective measures, ongoing investigations and excavation of the remaining LOD. The PA should identify measures that will be implemented to take into account any adverse effects identified during ongoing archeological investigations of the LOD as specified in the cemetery treatment plan. Additional property-specific measures pertaining to context-sensitive design, community enhancements and other elements of the project that are beneficial to the property and minimize potential for project effects should also be included in the PA.

Comments on the Second Draft of the PA: The Trust offers the follow comments on the draft PA.

Stipulation IV.B - Consultation Regarding Project Development: This section presents a very general statement regarding ongoing consultation with SHPOs and various parties. It should be expanded to include greater specificity and cite relevant sections of the regulations. For instance, how would adverse effects be resolved? See the following example from the statewide FHWA/MDOT SHA PA for MD (Stipulation II.B.II):

1. MDOT SHA will determine and document the Area of Potential Effect(s) (APE), as defined in 36 C.F.R. § 800.16(d); identify consulting parties for the specific undertaking (or “project”), including federally recognized Indian Tribes that may ascribe religious and cultural significance to properties in a project’s APE pursuant to 36 C.F.R. § 800.3(f)(2), and local public agencies with jurisdiction; identify historic properties and prepare documentation; and assess effects to historic properties in consultation with MD SHPO, consulting parties for the project, and in accordance with the principles and processes described at 36 C.F.R. §§ 800.3 – 6.

2. When MDOT SHA determines an undertaking will have an adverse effect on historic properties, it will notify the FHWA and initiate further consultation with MD SHPO and identified consulting parties for the project to resolve the adverse effects in accordance with 36 C.F.R. § 800.6, including alternatives to avoid, minimize, or mitigate adverse effects to historic properties resulting from the undertaking. Such alternatives or mitigation will be documented in a Section 106 Memorandum of Agreement or PA executed by FHWA, MD SHPO, and MDOT SHA or MDTA, and ACHP if participating in consultation.

Stipulation V - Property Specific Commitments: This stipulation does not contain the level of specificity, timelines, etc. generally expected for treatment measures. While some of that may be a reflection of the lack of detailed design information to date, further clarity is needed for these commitments.

Stipulation V.A - George Washington Memorial Parkway (Including Clara Barton Parkway):

- Stipulation V.A.1 - What is the intent of the design review and how will MDOT SHA address and respond to comments provided by SHPOs and NPS as a result of the review. Does MDOT SHA propose to implement any protection measures during construction, or would those be developed as an outcome of the design review?
- Stipulation V.A.2 - The PA should provide a general timeline for completion of the Cultural Landscape Report, provision to provide copies of the document to SHPOs, and reporting on the implementation of treatment recommendations.

Stipulation V.C. - Chesapeake and Ohio Canal NHP:

- Stipulation V.C.1 - What is the intent of the design review and how will MDOT SHA address and respond to comments provided by SHPOs and NPS as a result of the review. Does MDOT SHA propose to implement any protection measures during construction, or would those be developed as an outcome of the design review?

- Stipulation V.C.3 - The PA needs to include a review process for the reconstruction of Lock 13 - in consultation with NPS and SHPO.
- Stipulation V.C.4 - This section needs to specify that MDOT SHA will provide copies of the pre-construction condition assessment to NPS and SHPO and address the review process for rehabilitation of the lock structures, the Canal, and Towpath, within the LOD following construction and add a timeline for completion of that work following construction.
- Stipulation V.C.5 - The vibration monitoring provision needs to state how MDOT SHA will assess the vibration monitoring and address any potential damage as a result of vibration.

Stipulations V.D and V.E - Archeological Sites 18MO749 and 18MO751 (C&O Canal): These stipulations should follow the same language as V.B.1 - *In consultation with the MD SHPO, NPS, and other appropriate consulting parties, including Tribes, MDOT SHA will develop and implement a Phase III Data Recovery and associated public interpretation commitments as specified in Stipulation VI.*

Stipulation V.F - Washington Biologists' Field Club on Plummers Island:

- Stipulation V.F.1 - Greater specificity is needed on how the nomination will be submitted following NPS staff review - to SHPO, to NPS NR program? Do we need to add the NR nomination standards to Stipulation II.A?
- Stipulation V.F.2 - Any additional protection measures needed for this resource?

Stipulation V.G - Morningstar Tabernacle No. 88 Moses Hall and Cemetery:

- Stipulation V.G.1 -The PA should state how MDOT SHA will address and respond to comments provided by consulting parties and SHPOs as a result of the review. Does MDOT SHA propose to implement any protection measures during construction, or would those be developed as an outcome of the design review?
- The PA should include additional stipulations that document MDOT SHA's commitment to oncoming coordination with the consulting parties for this resource - as discussed in the updated effect assessment (Attachment 5 to MDOT SHA's letter), including a possible property transfer: *MDOT SHA will continue to commit to "context-sensitive design", "context-sensitive solutions" or "community enhancements" such as improved and/or new pedestrian connection between the cemetery and church, sympathetic design treatment of new noise barrier that faces the cemetery, and potentially other design elements of the project that are compatible and beneficial to the property but are not mitigation.*
- The PA should identify measures that will be implemented to take into account any adverse effects identified during ongoing archeological investigations of the LOD as specified in the cemetery treatment plan.

Stipulation VI - Archaeological Treatment Plan (ATP):

- The preamble to this stipulation implies that there is only one ATP for the entire project, when it may make more sense to have multiple ATPs that address specific levels of investigation which will likely occur over differing time spans - such as the Phase I survey for areas where access could not be obtained, Phase II evaluations, Phase III data recovery plans. Having multiple ATPs will make the review and consultation process on the ATPs more manageable and targeted to the appropriate consulting parties for that plan.
- The PA needs to state the MDOT SHA will not only develop an ATP, but also *implement* the ATP.
- The PA should provide additional clarification on the timing for developing and implementing the plans to allow sufficient time to implement and complete the necessary investigations well in advance of construction. For Phase I or II work, MDOT SHA needs to build in contingency time for developing additional evaluation or mitigation work. For Phase III work, data recovery and related analyses may be lengthy and should be accomplished well in advance of construction.

- This section should reference that the ATPs will be developed following the draft table of contents included in PA Attachment 5(a), including but not limited to the listed contents.

Stipulation - VII Cemeteries and Human Remains Treatment Plan:

- This section needs a brief preamble statement, see Stipulation VI as example. The PA needs to state the MDOT SHA will develop and *implement* the Cemeteries and Human Remains Treatment Plan.
- The PA should provide additional clarification on the timing for developing and implementing the plans to allow sufficient time to implement and complete the necessary investigations well in advance of construction and/or in conjunction with construction in the case of monitoring.
- This section should reference that the plans will be developed following the draft table of contents included in PA Attachment 5(b), including but not limited to the listed contents.

Attachments 5(a) and 5(b): These attachments provide an informed framework for the development of Archaeological Treatment Plans and Cemeteries and Human Remains Treatment Plan with a suggested draft table of contents. Nevertheless, treatment plans are unique to a given resource/affected historic property. There may be additional items that need to be included in a plan for a specific resource, based on the nature of the resource and the results of consultation with the SHPOs and other consulting parties.

Thank you for the opportunity to comment. We look forward to further consultation with MDOT SHA and the other consulting parties to resolve adverse effects and develop of a comprehensive and achievable agreement document. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/20220050

cc: Caryn Brookman (SHA)
Jeanette Mar (FHWA)
Mandy Ranslow (ACHP)
I-495 & I-270 MLS Section 106 Consulting Parties

March 31, 2022

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Hughes and Ms. Langan:

This letter serves to continue consultation under Section 106 of the National Historic Preservation Act with the Maryland Historical Trust (MHT) and the Virginia Department of Historic Resources (DHR) for Project No. AW073A13, the I-495 & I-270 Managed Lanes Study (MLS). The MLS is the first element of the broader Op Lanes Maryland program which considers improvements along the entire length of I-495 (Capital Beltway) in Maryland, connecting into Virginia's portion of I-495, as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland.

The Maryland Department of Transportation's (MDOT SHA) most recent letter on behalf of the Federal Highway Administration (FHWA) dated January 4, 2022, transmitted the second draft of the MLS Programmatic Agreement (PA), reflecting the Preferred Alternative and incorporating input from consulting parties. Additionally, the letter included a revised Area of Potential Effects (APE) within Maryland, incorporating minor engineering adjustments and additional compensatory stormwater management (SWM) sites. Additional minor adjustments to the limits of disturbance (LOD) within the previously coordinated APE were noted in Maryland and Virginia. Finally, the January letter provided the results MDOT SHA's archaeological and architectural investigations within the revised APE, including an updated determination of eligibility (DOE) and effect determination for the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

This letter transmits a revised APE in Maryland reflecting additional minor engineering adjustments along the corridor at roadway edges and intersection tie-ins. The letter also includes the third draft of the MLS PA. MDOT SHA, working with FHWA, has considered all comments received on the second draft of the PA, and incorporated this input where possible. Finally, in

consideration of MHT and other consulting party comments and technical assistance with the Advisory Council on Historic Preservation (ACHP), MDOT SHA and FHWA will make no specific determination of effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery at this time. Upon completion of the investigations to be developed through the PA and treatment plan, MDOT SHA and FHWA will determine effects to the property based on those results, and a process for consultation on the specific effects to the property will be identified in the PA.

This update includes:

- A revised Area of Potential Effects (APE) in Maryland to encompass minor engineering adjustments along the corridor (**Attachments 1a-1c**)
- Updated effect assessment for Morningstar Tabernacle No. 88 Moses Hall and Cemetery
- A comment-response matrix noting how comments received on Draft 2 of the PA were taken into consideration for Draft 3 (**Attachment 2**)
- The third draft of the MLS PA (**Attachment 3**)
- Draft Cemetery and Archaeological Treatment Plans (**Attachments 4 and 5**)
- Updated Effects Tables (**Attachment 6**)

Revised Area of Potential Effects

The APE for this project was previously defined as a 250-foot buffer of consideration on either side the Preferred Alternative (Alternative 9: Phase 1 South) and included additional buffer areas at the American Legion Bridge and elsewhere to capture setting, feeling, and viewshed effects. In addition, the APE included potential environmental mitigation sites where stream and wetland mitigation is proposed. As noted in prior correspondence, due to the large amount of impervious area requiring treatment for the Preferred Alternative and existing site constraints, all the required SWM could not be met on site for the Preferred Alternative. Consequently, compensatory, or offsite, SWM opportunities were investigated to ensure the SWM water quality requirements of the Preferred Alternative could be met. The APE in Virginia generally followed the APE for the VDOT NEXT Project that was previously coordinated with DHR and has not changed since our previous letter.

Since the January 2022 submittal, the LOD in Maryland have been updated and are limited to three minor areas of expansion and reduction along the I-495 and I-270 corridor. These are:

- A 1.1-acre expansion of the LOD east of I-495, where the LOD have been widened within existing MDOT SHA right-of-way along MD 190 between I-495 and Burdette Road to accommodate proposed noise barriers and a shared use path (**Attachment 1a**);
- A 0.9-acre reduction to National Park Service (NPS) property on the east side of I-495 at the Clara Barton Parkway interchange. The reduction results from the removal of a shared use path connection to MacArthur Boulevard. The path will connect only to the C&O Canal towpath, providing a reduction of 0.3 acres of LOD at the Clara Barton Parkway (**Attachment 1b**);

- A 4.6-acre reduction in the southeast quadrant of the I-270-Wootton Parkway intersection to minimize impacts around the reported location of the Montgomery County Poor Farm Cemetery (**Attachment 1c**).

The APE along the I-495 corridor in Maryland has been expanded at River Road to reflect the revised LOD and maintain a 250-foot buffer, and the two other reductions of LOD do not change the APE. The LOD and APE in Virginia are unchanged since our previous letter. The individual location maps for the LOD revisions noted above are provided with this letter. A complete mapbook showing the overall LOD and APE for the Preferred Alternative as expected to be included in the Final Environmental Impact Statement, including the I-495 and I-270 corridor, compensatory SWM locations, stream and wetland sites, and park mitigation, is available on MDOT SHA's FTP site.

Updated Effect Determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M: 35-212)

In the previous letter, MDOT SHA and FHWA, after careful consideration of the character of the historic property, issues raised by consulting parties, and with reference to the criteria of adverse effect at 36 CFR 800.5(a)(1), determined that the project would not adversely affect the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

MDOT SHA acknowledges MHT does not concur with the finding that the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (Morningstar Cemetery) will not be adversely affected by the MLS undertaking. FHWA has determined that the undertaking will have an adverse effect on historic properties, and this determination for the undertaking (project) as a whole has not changed. In MHT's letter of February 4, 2022, the rationale for not concurring with the specific effect finding for Morningstar Cemetery was due to potential for additional burials outside the defined boundaries of the property that may exist or be impacted. Specific diminishment of the property per the criteria of adverse effect as defined at 36 CFR 800.5(a)(1) was not asserted. While MDOT SHA and FHWA believe that a reasonable and good faith effort has been made to evaluate the extent of Morningstar Cemetery, and we note that the historic boundary of the cemetery, inclusive of GPR-indicated potential burials in right-of-way, has been accepted by MHT, MDOT SHA has also consistently committed to further archaeological investigation in LOD still adjoining the cemetery. Accordingly, because the project will be governed by a PA, including a treatment plan that will specify the methods and limits of the investigation, and consultation procedures, MDOT SHA and FHWA will make no specific determination of effects to the Morningstar Cemetery at this time. Upon completion of the investigations to be developed through the PA and treatment plan, MDOT SHA and FHWA will determine effects to the property based on those results, and a process for consultation on the specific effects to the property will be identified in the PA.

MDOT SHA and FHWA note that based on the specific issues raised by MHT, in the absence of other project changes not anticipated at this time, the potential for adverse effects is narrowly

limited to the issue of the possibility of extant, unverified burials outside the defined boundary of the property that cannot be further avoided. FHWA finds that the issues related to atmospheric, audible, visual, and cumulative effects to the property, have been addressed. No diminishment of location, design, setting, materials, workmanship, feeling or association has been found in these areas, and there has been no specific disagreement expressed by MHT on these assessments.

Having requested technical assistance from the ACHP and discussed this approach in an informal meeting with MHT staff, further consultation under the PA following additional investigations of limits-of-disturbance is appropriate. MDOT SHA and FHWA request MHT's agreement that effects to Morningstar Cemetery are not determined at this time and will be resolved through the PA.

Draft Programmatic Agreement and Treatment Plans

This third draft of the MLS PA incorporates consulting party input on Draft 2, outlined in the included comment response matrix (**Attachment 2**). While additional comments were provided, the matrix does not include responses to all comments provided related to other aspects of the project, consultation issues that have been previously addressed, or have already received SHPO concurrence. Upon receipt and incorporation of comments on Draft 3 of the PA, at this time MDOT SHA anticipates a final draft for review by the signatories, provided consulting party comments do not identify new substantive issues that must be addressed beforehand. Following review by the signatories, MDOT SHA will finalize the PA and prepare it for signature. To format the signature pages, MDOT SHA requests that consulting parties provide the names and titles of the representatives who will be identified on concurring signature pages for the final PA, should they wish to concur. Draft 3 of the PA is provided as **Attachment 3**.

Please note that comments on Draft 3 of the PA are requested by **April 14, 2022**.

MDOT SHA has taken consulting party comments into consideration on the Treatment Plan tables of contents provided in January 2022 and is providing first substantive drafts for review and comment of both the Cemeteries and Human Remains Treatment Plan, and Archaeological Treatment Plan (**Attachments 4 and 5**). Some revision to the organization of the plans has been made for ease of use and reference.

Please note that comments on the Treatment Plans are requested by **May 2, 2022**.

Architecture

Expanded APE and Updated Effect Assessments for Architectural Historic Properties

MDOT SHA's survey of the revised APE identified no previously unrecorded architectural resources. The expanded APE along MD 190 east of I-495 extends farther into the southern border of the National Register of Historic Places (NRHP)-eligible Burning Tree Club (M: 35-

121), but the LOD along MD 190 remain within MDOT SHA right-of-way. In October 2021, MHT concurred with MDOT SHA that the project would not adversely affect the Burning Tree Club, and the revised APE does not change the previous effect determination. MDOT SHA has determined that no additional architectural historic properties are present within the revised APE.

The reduction in LOD at the Clara Barton Parkway is a small portion of the overall LOD within the George Washington Memorial Parkway/Clara Barton Memorial Parkway (M: 35-61/029-0228) and does not change the prior adverse effect determination for the historic property, although impacts have been minimized by removing a proposed multi-use trail connection from MacArthur Boulevard and placing it at the C&O Canal Towpath, with the support of the National Park Service for this design option. This change in LOD also results in reduced impacts within the boundary of the NRHP-listed Washington Aqueduct (M:29-49) beneath MacArthur Boulevard; however, this historic property is underground, outside the vertical dimension of the APE, and will not be affected. The reduction in LOD does not change the prior no adverse effect determination.

The LOD have also been reduced along I-270 at Wootton Parkway to limit possible impacts to the vicinity of the Montgomery County Poor Farm cemetery. In our June 2019 letter, MDOT SHA provided documentation that there are no remaining above-ground structures associated with the Poor Farm, Site and Cemetery (M: 26-6). No architectural historic properties are present within the area of LOD reduction. As noted earlier in this letter, MDOT SHA has updated the specific effect determination for Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Effects to the property are not determined and a determination will be made through the PA as specified investigations are completed.

MDOT SHA's updated effect assessments for the project are summarized in **Attachment 6, Tables 1 - 3**. The updated effect assessments include overall findings of no adverse effect to 24 architectural historic properties and an adverse effect to 4 architectural historic properties. The revised APE has not changed MDOT SHA's intent to request that FHWA make a *de minimis* impact finding for the minor Section 4(f) use of six historic properties, previously documented in the January 2022 letter and listed in **Attachment 6, Table 4** of this letter. MDOT SHA has determined the project continues to have an adverse effect on architectural historic properties.

Archaeology

Maryland

Included for your review and comments are the draft treatment plans that will be included as commitments of the project Programmatic Agreement (**Attachment 3**). The first document outlines procedures to be undertaken for treatment of potential human remains and additional investigations at or near two cemeteries: the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, and the Montgomery County Poor Farm (**Attachment 4**). The second document outlines further archaeological treatment and commitments for the project, including further

Phase I identification, Phase II evaluation, and Phase III data recovery investigations (**Attachment 5**). The treatment plans are being provided to the SHPOs, agencies, and qualified and appropriate consulting parties for review and comment.

Minor changes made to the MLS project LOD were reviewed for potential impacts to archaeological resources. The reductions of the LOD at the C&O Canal and in the southeast quadrant of the I-270-Wootton Parkway intersection reduce potential impacts to archaeological resources. The expansion of the LOD along MD 190 between I-495 and Burdette Road will occur mostly within areas previously disturbed by road construction and utility placement. The change is unlikely to impact significant archaeological resources and no further archaeological investigation is warranted.

Virginia

The LOD and APE in Virginia has not changed since our previous letter. MDOT SHA requests DHR review and comments on elements in Virginia contained in the draft archaeological treatment plan (**Attachment 5**) that is a commitment of the project draft Programmatic Agreement (**Attachment 3**). **Attachment 4** outlines procedures to be undertaken for treatment of potential human remains related to known additional investigations in Maryland. No known or suspected cemetery locations are proposed for investigation in Virginia, and should human remains in Virginia be identified during construction activities, the Inadvertent Discovery Plan attached to the PA would apply.

Responses Requested – Maryland:

MDOT SHA respectfully requests from MHT your comments or concurrence on the following materials as pertains to Maryland:

- The revised APE, consisting of an expansion along MD 190 west of I-495.
- Your agreement that effects to Morningstar Tabernacle No. 88 Moses Hall and Cemetery are not determined at this time as specified in **Attachment 6, Table 1**, and will be resolved through the PA.
- Properties in **Attachment 6, Table 2** will experience an adverse effect.
- There will be no adverse effect to the NRHP-eligible properties in **Attachment 6, Table 3**, should the Preferred Alternative be selected.
- Acknowledgement of FHWA's intent to make a *de minimis* impact finding at those properties listed in **Attachment 6, Table 4**.
- The enclosed third draft of the project PA
- The enclosed draft Treatment Plans.

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Seven

Responses Requested – Virginia:

MDOT SHA respectfully requests from DHR any comments on the third draft of the project Programmatic Agreement and the included archaeological treatment plan, as pertains to proposed elements in Virginia, although comments on other materials are welcome. There are no changes to the APE or updated eligibility or effect determinations within Virginia in this submittal.

We request responses from MHT and DHR on Draft 3 of the PA, and the above-listed minor changes to the project by **April 14, 2022**. Comments on the two treatment plans are requested by **May 2, 2022**. We look forward to working with the respective State Historic Preservation Offices and additional consulting parties on continued development of the proposed Programmatic Agreement for the MLS undertaking. Please feel free to contact me at 410-545-8508 or sarcher@mdot.maryland.gov with any questions or information needs on this project.

Sincerely,



Digitally signed by
Steve Archer
Adobe Acrobat
version:
2022.001.20085

Steve Archer
MDOT SHA Cultural Resources Team Leader
Environmental Planning Division

Attachments:

Attachment 1(a) – LOD/APE (I-495 and MD 190)
Attachment 1(b) – LOD/APE (I-495 and Clara Barton Parkway)
Attachment 1(c) – LOD/APE (I-270 and Wootton Parkway)
Attachment 2 – Comment-response matrix noting consideration of comments received on Second Draft of Programmatic Agreement
Attachment 3 – Third Draft – Project Programmatic Agreement
Attachment 4 – Draft Cemeteries and Human Remains Treatment Plan
Attachment 5 – Draft Archaeological Treatment Plan
Attachment 6 – Effects Tables

cc:

Mr. David Clarke, FHWA
Mr. Marc Holma, Virginia DHR
Ms. Jeanette Mar, Environmental Manager, FHWA Maryland Division
Mr. Tony Opperman, VDOT

Ms. Elizabeth Hughes and Ms. Julie Langan
Page Eight

Ms. Mandy Ranslow, ACHP
Mr. John Simkins, FHWA Virginia Division
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Jeffrey Folden, P.E., DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Mr. Matt Manning, MDOT SHA-EPLD
I-495 & I-270 MLS Section 106 Consulting Parties

-For Maryland Historical Trust Use Only-
Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects

Project Number: AW073A13

MHT Log No. _____

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: March 31, 2022

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [N/A]):

- ☐ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachment 6]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter):

- ☐ Acknowledge

Comments:

By:

MD State Historic Preservation Office/
Maryland Historical Trust

Date

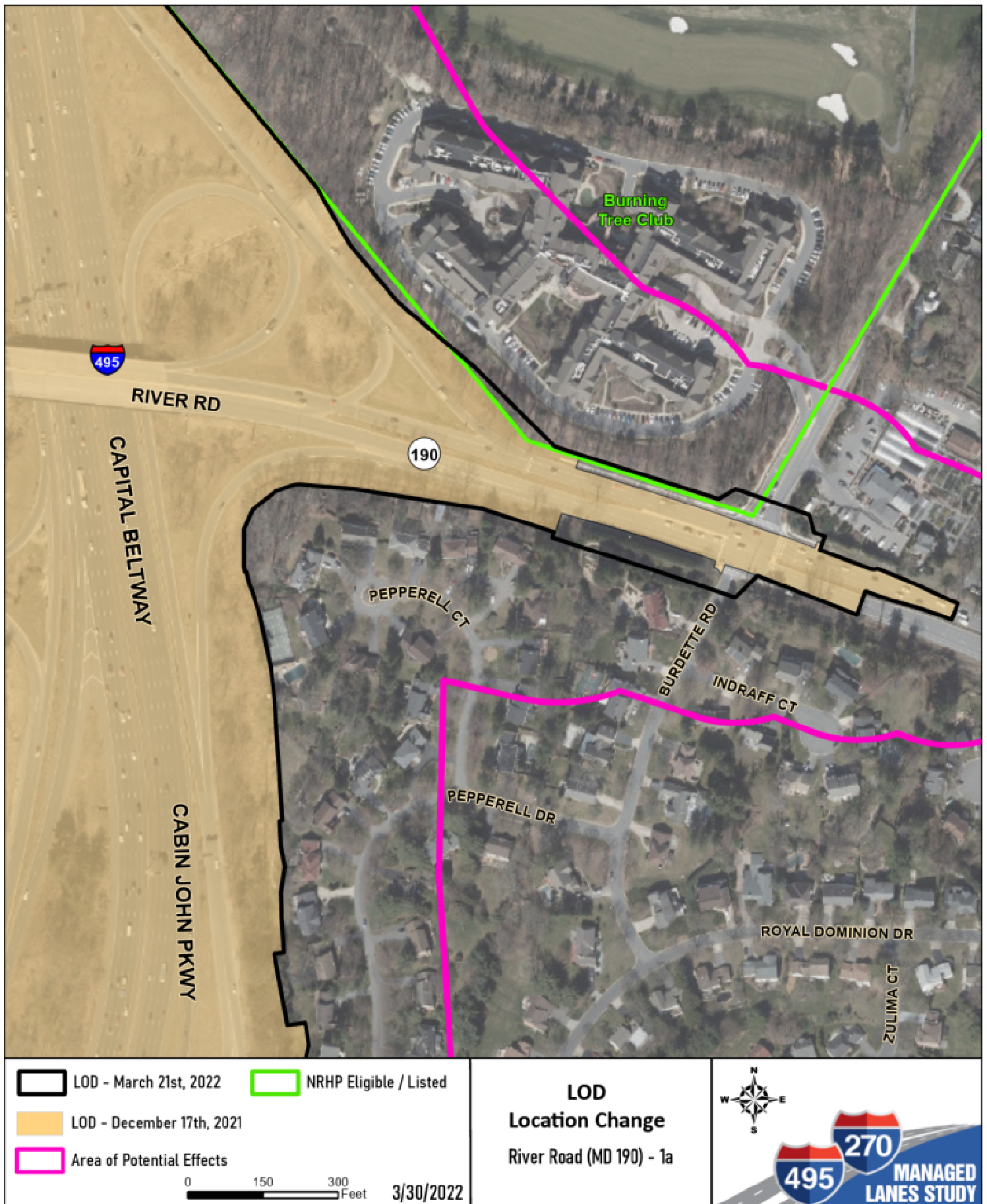
Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval:

**Federal Highway
Administration**

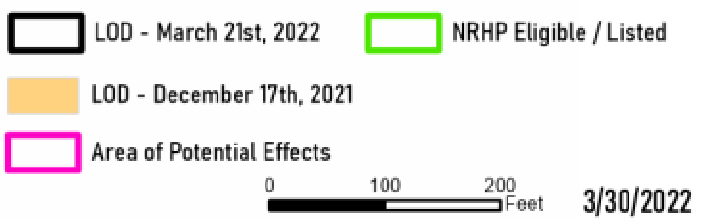
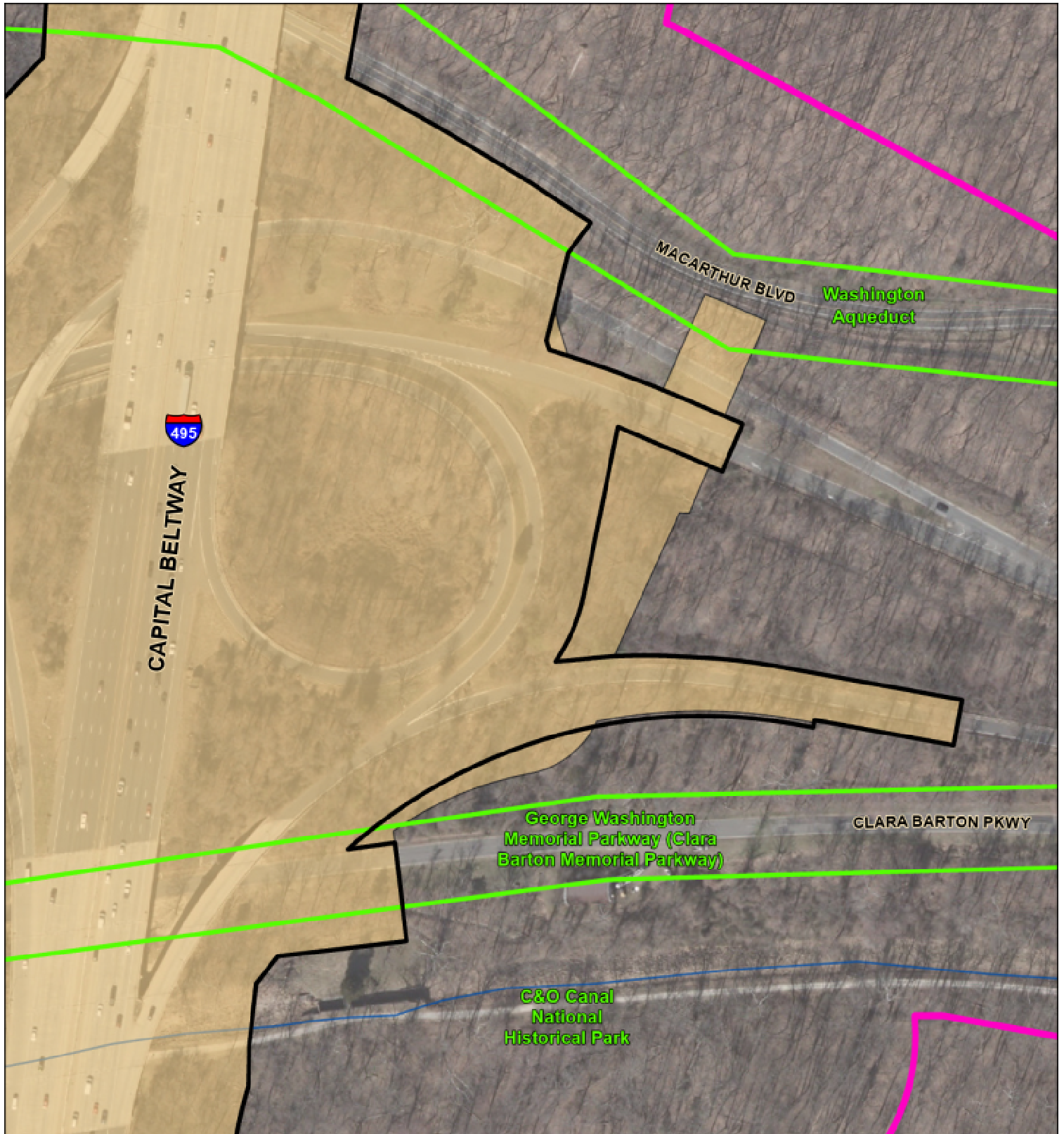
Printed Name

Date

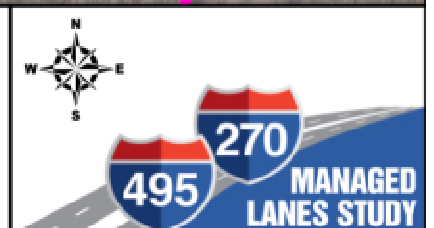
Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729



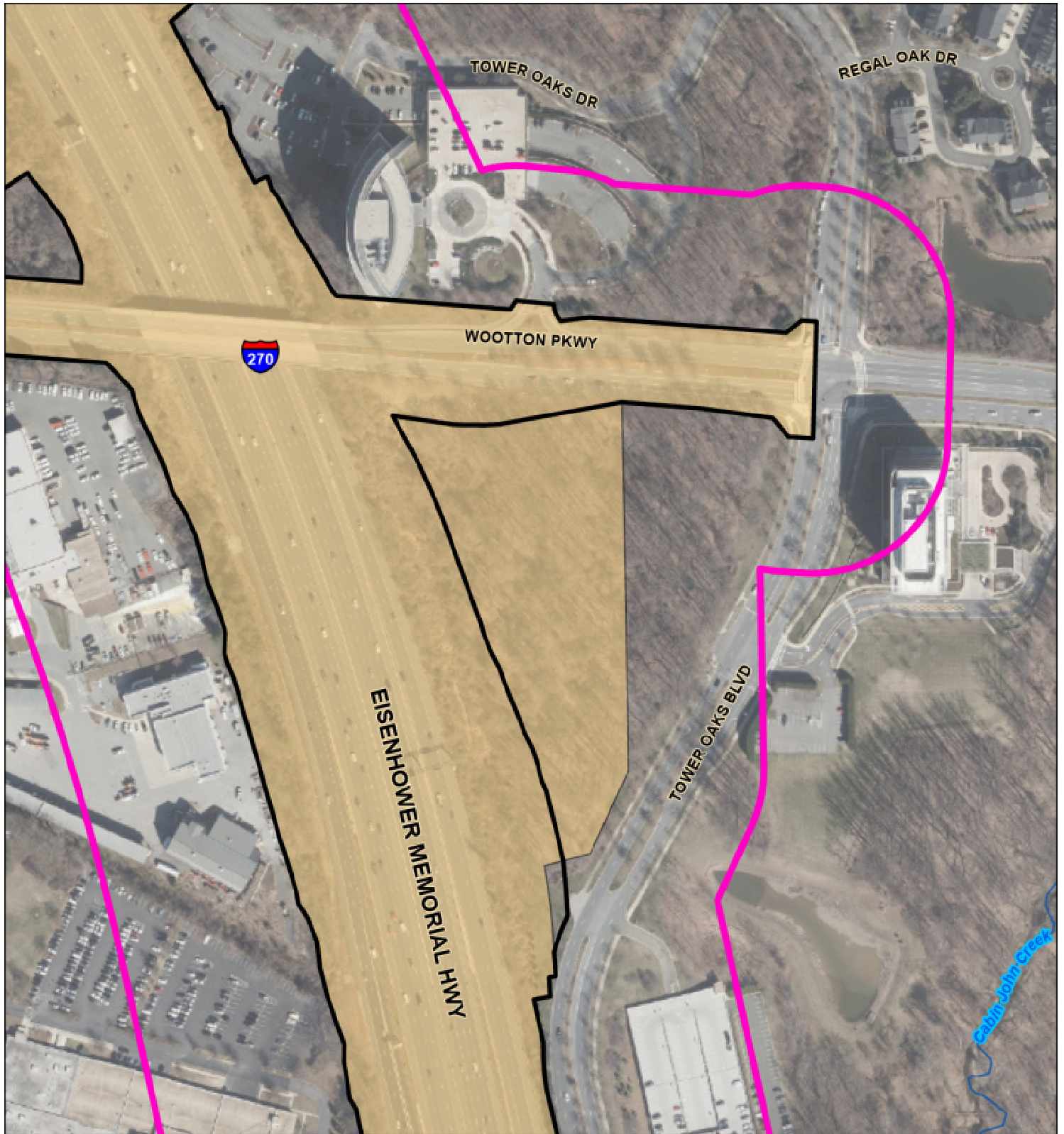
Note: LOD is an engineered line and does not encroach on Burning Tree Club property; small discrepancies result from inaccurate SDAT property boundary layer.







LOD
Location Change
 Clara Barton Parkway -1b



Note: The Washington Aqueduct is underground and will not be adversely affected.





 LOD - March 21st, 2022	 NRHP Eligible / Listed
 LOD - December 17th, 2021	
 Area of Potential Effects	

0 150 300 Feet

3/30/2022

LOD
Location Change
Wootton Parkway - 1c



MANAGED LANES STUDY

Table 1: Historic Properties where Effect Cannot Be Determined at this Time

MHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 35-212	Morningstar Tabernacle No. 88 Moses Hall and Cemetery	Landscape	Not Determined	Requested 4/2022	1887-1973	A, C, Criteria Consideration D	Revised from No Adverse Effect

Table 2: Summary of Historic Properties Experiencing an Adverse Effect

MHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 12-46	Chesapeake and Ohio Canal National Historical Park	District	Adverse	3/2020	1828-1924	A, C, D	Listed
M: 35-61 and 029-0228 (Virginia)	George Washington Memorial Parkway/Clara Barton Memorial Parkway	Structure	Adverse	3/2020	1930-1966	B, C	Listed
M: 29-39	Gibson Grove A.M.E. Zion Church	Building	Adverse	10/2021	Not established	A	Eligible
M: 12-46-2	Washington Biologists' Field Club on Plummers Island	Site	Adverse	10/2021	1901-1971	A	Eligible

Table 3: Summary of Historic Properties Experiencing No Adverse Effect

MHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse	3/2020	1967-1974	C	Eligible (Upon reaching 50 years)
M: 37-16	B&O Railroad, Metropolitan Branch	Structure	No Adverse	10/2021	1873-1945	A, C	Eligible
M: 17-01	Beallsville Historic District	District	No Adverse	10/2021	Not established	A, C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse	9/2020	Not established	A, C	Eligible
M: 18-8-1	Boyd's-White Grounds Historic District	District	No Adverse	10/2021	Not established	A	Eligible
M: 35-121	Burning Tree Club	District	No Adverse	3/2020	1922-1923	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse	10/2021	1962-1967	A, C	Listed
M: 35-194	Carderock Springs South	District	No Adverse	3/2020	1966-1971	C	Eligible
F-1-134	Carrollton Manor Rural Historic District (including Hebb-Kline Farmstead, F-1-202)	District	No Adverse	4/2021	1855-1940	A, C	Eligible
M: 14-27	Cedar Grove Historic District	District	No Adverse	10/2021	Not established	A, C	Eligible

Table 3: Summary of Historic Properties Experiencing No Adverse Effect

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 29-79	Congressional Country Club	District	No Adverse	3/2020	1924-1978	A, C	Eligible
M: 29-47	David W. Taylor Model Basin	Building	No Adverse	3/2020	1938-1970	A, C	Listed
M: 18-15	Friends Advice	Building	No Adverse	10/2021	c. 1806-1951	A, B, Criteria Consideration G	Listed
M: 30-39	Grosvenor Park	District	No Adverse	3/2020	1963-1966	A, C	Eligible
M: 26-89	Latvian Evangelical Lutheran Church of Washington, DC	Building	No Adverse	10/2021	1975-1979	A	Eligible upon reaching 50 years of age
M: 29-40	Magruder Blacksmith Shop	Building	No Adverse	10/2021	c. 1750-1850	C	Eligible
M: 20-47	National Institute of Standards and Technology (NIST) Headquarters	District	No Adverse	3/2020	1963-1969	A, C	Listed
M: 29-52	Naval Surface Warfare Center Carderock Division (NSWCCD) Historic District	District	No Adverse	3/2020	1938-1958	A, C	Eligible
M: 17-63	Seneca Historic District	District	No Adverse	10/2021	late 17th-early 20th centuries	A	Listed
M: 12-44	Sugarloaf Mountain Historic District	District	No Adverse	10/2021	Mid-18 th century - 1939	A, B, C, D	Eligible
M: 26-72-1	Ward Building	Building	No Adverse	3/2020	1978	C	Eligible (Upon reaching 50 years)
M: 20-21	Ward House	Building	No Adverse	10/2021	1891-1969	A, C	Eligible
M: 29-49	Washington Aqueduct	Structure	No Adverse	9/2020	1853-1939	A, C	Listed (NHL)
M: 26-71	Woodley Gardens	District	No Adverse	10/2021	1960-1970	A, C	Eligible; LOD within Woodley Gardens has been reduced since 10/2021 SHPO concurrence

Table 4: Summary of Section 4(f) *de minimis* Properties

MIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse; <i>de minimis</i>	3/2020	1967-1974	C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse; <i>de minimis</i>	3/2020	Not Established	A, C	Eligible
M: 35-121	Burning Tree Club	District	No Adverse; <i>de minimis</i>	10/2021	1922-1923	A, C	Eligible

Attachment 6 – Eligibility and Effect Tables – March 31, 2022

Page 3

NIHP#/DHR#	Name	Type	Impact	SHPO Concurrence	Period of Significance	NRHP Criteria	Remarks
M: 30-38	Academy Woods	District	No Adverse; <i>de minimis</i>	3/2020	1967-1974	C	Eligible
PG:62-14	Beltsville Agricultural Research Center (BARC)	District	No Adverse; <i>de minimis</i>	3/2020	Not Established	A, C	Eligible
M: 29-59	Carderock Springs Historic District	District	No Adverse; <i>de minimis</i>	10/2021	1962-1967	A, C	Listed
M: 26-72-1	Ward Building	Building	No Adverse; <i>de minimis</i>	10/2021	1978	C	Eligible (Upon reaching 50 years)
M: 26-71	Woodley Gardens	District	No Adverse; <i>de minimis</i>	10/2021	1960-1970	A, C	Eligible

DRAFT 3 – Deliberative and Pre-Decisional

March 2022 – THIRD DRAFT

PROGRAMMATIC AGREEMENT

Among the

**FEDERAL HIGHWAY ADMINISTRATION,
MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY
ADMINISTRATION,
NATIONAL PARK SERVICE,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
VIRGINIA STATE HISTORIC PRESERVATION OFFICER
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Implementing Section 106 of the National Historic Preservation Act for the
I-495 and I-270 Managed Lanes Study**

**Anne Arundel, Frederick, Montgomery and Prince George's Counties, Maryland and
Fairfax County, Virginia**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) plans to approve the I-495 and I-270 Managed Lanes Study (MLS), a proposed Public-Private Partnership (P3) administered by the Maryland Department of Transportation State Highway Administration (MDOT SHA); and

WHEREAS, the MLS Preferred Alternative, “Alternative 9 Phase I South” (Project) consists of construction of Priced Managed Lanes along Interstates 495 and 270, beginning in Fairfax County, Virginia, and extending north to approximately Interstate 370, and east along the separated portions of I-495 (“spurs”) to approximately Maryland Route 187, as described in detail via documentation linked in Attachment 4; and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 C.F.R. §800.16(y), and thus is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800 as amended; and

WHEREAS, the MDOT SHA, with the approval of FHWA, intends to deliver the Project as a P3 using the services of a private sector developer or multiple developers who will advance the Project and be responsible for design, construction, operation and maintenance, subject to approvals by MDOT SHA and/or FHWA; and

WHEREAS, the Project may be implemented in construction phases, yet to be fully defined, and although this Programmatic Agreement (PA) reflects evaluation of the entire defined Project, certain commitments may require phased implementation; and

WHEREAS, FHWA is the lead agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

I-495 and I-270 Managed Lanes Study Section 106 Programmatic Agreement DRAFT 3
March 2022

WHEREAS, the National Park Service (NPS) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004) and has agreed to participate in this PA as an Invited Signatory; and

WHEREAS, NPS would authorize permanent use of the affected Federal park property for the Project through coordination with FHWA for a Highway Deed Easement and would issue a permit for temporary use of land under its administration for construction-related activities. NPS intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14; and

WHEREAS, the Project will involve the use of lands managed by the NPS within the Chesapeake and Ohio Canal National Historical Park, a unit of the National Park System, and the George Washington Memorial Parkway (GWMP), a unit of the National Park System, that includes the Clara Barton Parkway; and

WHEREAS, NPS is charged in its administration of the units of the National Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act as codified in Title 54 U.S.C. § 100101(a) to “conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations”; and

WHEREAS, the GWMP, a unit of the National Park System, with portions located in Montgomery County, Maryland; and Fairfax and Arlington Counties and the City of Alexandria in Virginia, was established following the authorization of the parkway pursuant to what is known as the Capper-Cramton Act, Public Law 71-284, 46 Statute 482 (1930), and came to be administered by NPS pursuant to Executive Order 6166 of June 10, 1933. The GWMP is on the National Register of Historic Places (NRHP); and for its association with twentieth century parkway design, engineering, landscape architecture, park planning and conservation, commemoration, and an association with George Washington; and

WHEREAS, the Clara Barton Parkway is the portion of the GWMP that runs along the Maryland side of the Potomac River and which also became part of the national park system through the Capper-Cramton Act (originally as the Maryland portion of the GWMP). The Clara Barton Parkway, as a portion of the GWMP, is also on the NRHP; and

WHEREAS, the Chesapeake and Ohio Canal National Historical Park, a unit of the national park system stretches along the Potomac River from Rock Creek at Georgetown in Washington, D.C., to Cumberland, Maryland, for 184.5 miles, was established as a national monument in 1961 and was then established as a national historical park by Congress in 1971, through Public Law 91-664 for the purpose of preserving and interpreting the 19th century transportation canal and its associated scenic, natural, and cultural resources; and providing opportunities for education and appropriate outdoor recreation. The Chesapeake and Ohio Canal National Historical Park is listed on the NRHP and contains more than 1,300 historic structures, including one of the largest

collections of 19th century canal features and buildings in the national park system. The towpath and canal cross underneath I-495 at the American Legion Bridge, in Bethesda, Maryland; and

WHEREAS, FHWA has elected to phase the identification, evaluation, and effects assessment of certain portions of the Area of Potential Effects (APE) and historic properties where unavailability of access or design information precluded such identification, evaluation and assessment, as provided in 36 C.F.R. 800.4(b)(2), and 36 C.F.R. 800.5(a)(3); and

WHEREAS, FHWA will ensure additional identification, evaluation, and assessment is completed in a timely manner prior to final design and construction, to allow for meaningful consultation and practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties; and

WHEREAS, FHWA has initiated consultation pursuant to 36 C.F.R. 800.3(c) with the Maryland State Historic Preservation Office (MD SHPO) by letter on April 12, 2018 and the Virginia State Historic Preservation Office (VA SHPO) by letter on May 14, 2019, and the term “SHPO” is used to refer to both state offices when one is not specified; MDOT SHA on behalf of FHWA will continue to consult with the appropriate SHPO and consulting parties under the terms of this PA in order to identify historic properties, assess the effects of the Project on historic properties, and, if necessary, resolve adverse effects to historic properties; and

WHEREAS, FHWA, pursuant to 36 C.F.R. 800.6(a)(1)(i)(C), on March 26, 2018, initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP), and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

WHEREAS, FHWA, pursuant to 36 C.F.R. § 800.10(c), invited the Secretary of the Interior (Secretary) to participate in consultation by letter dated March 16, 2020, as the Project includes National Historic Landmarks (NHL) within the APE, and the National Park Service, National Capital Area NHL Program (NPS-NHL) has represented the Secretary concerning the NHLs within the Project throughout consultation and will continue to participate in future consultations involving the NHLs, and

WHEREAS, FHWA, ACHP, MDOT SHA, and the MD SHPO, under the *Amended Programmatic Agreement Among the Federal Highway Administration, the Maryland Department of Transportation State Highway Administration, the Advisory Council on Historic Preservation, the Maryland State Historic Preservation Officer, Implementing Section 106 of the National Historic Preservation Act for the Federal-aid Highway Program in Maryland* (“Statewide PA”, linked in Attachment 4), have agreed to delegate certain authorities relating to Section 106 of the NHPA to MDOT SHA for Federal-aid Highway Projects in Maryland; and

WHEREAS, MDOT SHA, pursuant to the Statewide PA, employs professionals meeting the Secretary of the Interior’s Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983) with experience and background in the fields of archaeology, architectural history and/or history who will oversee implementation of stipulations in this PA; and

WHEREAS, MDOT SHA, on behalf of FHWA, pursuant to 36 C.F.R. 800.4(a)(1), has established

and updated the APE for the Project in consultation with the MD and VA SHPO, has identified historic properties within the APE, and has identified adversely affected properties, as described in the *Draft Section 106 Technical Report* of January 2020 and subsequent documentation (linked in Attachment 4); and

Commented [MEH1]: VA SHPO continues to believe 1) the definition of the APE needs to come higher in the WHEREAS clauses, 2) should be a stand-alone WHEREAS clause, and; 3) Should be clearly stated in the PA itself without having to reference other documents.

WHEREAS, MDOT SHA and FHWA, pursuant to 36 C.F.R 800.2(d) have sought and considered the views of the public regarding the Project's effects on historic properties by providing notice and information in following its public involvement procedures under the National Environmental Policy Act (NEPA); and

WHEREAS, MDOT SHA, during the course of consultation, has invited the parties listed in Attachment 2 to participate in consultation on the Project; and

WHEREAS, the parties listed in Attachment 3, based on their relationship to specific actions as specified in this PA, or interest in historic properties affected by the project, have been invited to be consulting parties and concur by signing this PA; and

WHEREAS, MDOT SHA and FHWA, have initiated consultation with Federally-recognized Native American tribal nations (Tribes) listed in Attachment 2 and provided the Tribes with information about the Project. MDOT SHA, on behalf of FHWA, has invited the same Tribes to be consulting parties, as shown in Attachment 3, and concur by signing this PA; and

WHEREAS, federal agencies which, at FHWA's invitation, designate FHWA as the lead federal agency for the Project may use this PA to fulfill their obligations under Section 106 of the NHPA according to 36 C.F.R. 800.2(a)(2), without the need for amendment of this PA, provided that FHWA follows the requirements of this PA; and

Commented [MEH2]: VA SHPO still believes this WHEREAS Clause should be moved up below the ones addressing NPS designating FHWA as lead federal agency. Thematically it makes more sense to have it there.

WHEREAS, FHWA has invited MDOT SHA and NPS to be invited Signatories to this PA, based on their responsibilities for implementation of its terms, and all Signatories, required and invited, are referred to as "Signatories" to this document; and

WHEREAS, FHWA has determined that the Project will have an adverse effect on NRHP-listed or eligible properties ("historic properties") including the George Washington Memorial Parkway (Clara Barton Parkway), the Chesapeake and Ohio Canal National Historical Park, the Washington Biologists' Field Club on Plummerville Island, Gibson Grove African Methodist Episcopal Zion Church, archaeological sites 44FX3922 (Dead Run Ridges Archaeological District), 44FX0374, 44FX0379, 44FX0389, 18MO749 and 18MO751; that additional effects may not be completely known; and that FHWA intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14 and to govern the implementation of the Project and the resolution of adverse effects.

NOW, THEREFORE, FHWA, NPS, ACHP, MDOT SHA, MD SHPO, and VA SHPO, (hereinafter "Signatories") agree that the Project will be implemented in accordance with the following Stipulations in order to take into account the effect of the Project on historic properties and that these Stipulations will govern compliance of the Project with Section 106 of the NHPA until this PA expires or is terminated.

Stipulations

I. Roles and Responsibilities

A. FHWA is the lead federal agency and is responsible for ensuring the terms of this PA are carried out.

B. MDOT SHA is delegated authority by FHWA under this PA and the Statewide PA to continue defined aspects of consultation, Project compliance review, and mitigation implementation. MDOT SHA will be primarily responsible for implementation of this PA excepting where otherwise specified. Additionally:

1. MDOT SHA will enter into agreements with one or more developers to design, build, and operate the Project. MDOT SHA will ensure the work of the developer or developers conforms to the requirements of this PA and may task the developer(s) with assistance with certain commitments (such as context-sensitive design); however, MDOT SHA may not delegate consultation obligations or other responsibilities specified in this PA to the developer(s).
2. MDOT SHA will require the developer(s) to retain professionals meeting the Secretary of the Interior's Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983) with experience and background in the fields of archaeology, architectural history and/or history for the duration of design and construction to assist with design commitments, liaise with MDOT SHA cultural resources staff and facilitate compliance with this PA.
3. MDOT SHA, on behalf of FHWA, will consult with the relevant SHPO(s) for actions under this PA and 36 C.F.R. 800.

C. NPS is charged in its administration of the units of the National Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act as codified in Title 54 U.S.C. § 100101(a).

D. SHPO: The Maryland Historical Trust (MD SHPO) has jurisdiction as established in the NHPA for historic properties in Maryland. The Virginia Department of Historic Resources (VA SHPO) has jurisdiction as established in the NHPA for historic properties in Virginia. The SHPOs will:

1. Respond to requests from MDOT SHA for concurrence on eligibility determinations, effect determinations, and technical documents within a 30-day review period unless otherwise specified in this PA, or MDOT SHA specifically provides for an extended review period at the time of submittal. MDOT SHA and FHWA may assume concurrence or no objection to determinations and submittals if no response is received within 30 days, if no extended timeline is specifically established in the review request or if no timeline is specified in 36 C.F.R. 800. All durations referenced in this PA refer to calendar days.

2. Provide written comments, share general technical assistance/guidance, and make available to MDOT SHA or its designates survey records or other documents necessary to fulfill the requirements of this PA.

E. ACHP will provide policy guidance, provide comment on issues that may arise as requested by parties to this PA, and participate in dispute resolution as specified in Stipulation XIII.

F. Consulting Parties/Public

1. MDOT SHA has consulted with or provided the opportunity to consult to the parties listed in Attachment 2 prior to finalizing this PA. Because the Preferred Alternative no longer affects numerous historic properties identified in earlier alternatives considered, several parties listed in Attachment 2 no longer have a demonstrable interest in historic properties affected by the Project. Parties listed in Attachment 3 continue to have a defined relationship to the Project and have been invited to concur in this PA.
2. MDOT SHA will provide all consulting parties in Attachment 3, regardless of concurring status, with opportunities to consult on Project changes or new elements with the potential to affect historic properties. MDOT SHA will offer other appropriate consulting parties the opportunity to rejoin or newly join consultation in the event of new or revised Project elements. Consulting parties may sign this PA as concurring parties at any time after execution of the PA with the invitation of MDOT SHA or FHWA. Additional consulting parties may be included in Attachment 3 without the need to amend this PA.
3. Concurrence with the PA by a party does not necessarily indicate that the party supports the Project, the Preferred Alternative, or endorses all stipulations of this PA, but rather indicates the desire of such parties to acknowledge consultation and/or remain involved in implementation of specific terms of this PA.
4. MDOT SHA will provide for notification of the public for substantial changes to the Project that would result in an expanded APE or new effects to historic properties consistent with 36 CFR 800.8(c)(1)(iv) and procedures under NEPA to ensure ongoing opportunities for public input. As appropriate, this process may identify new consulting or concurring parties who may wish to join the PA at a later time in response to Project refinement.

II. Professional Standards

A. Guidelines, standards and regulations relevant to this PA and its purposes are listed below, and links to these documents are found in Attachment 4. Additionally, it is the intention of the Signatories to interpret this PA to incorporate any subsequent

standards, revisions of standards, or applicable guidance issued by the Secretary, ACHP, or MD SHPO or VA SHPO as then in force during this PA.

1. 36 C.F.R. Part 800: Protection of Historic Properties, as amended (2004);
2. *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983);
3. Secretary of the Interior's Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983)
4. *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), including *Technical Update No. 1 of the Standards and Guidelines for Archaeological Investigations in Maryland: Collections and Conservation Standards* (2018);
5. *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Maryland Historical Trust, Revised 2019);
6. *Guidelines for Conducting Historic Resources Survey in Virginia* (Virginia Department of Historic Resources, revised September 2017)
7. 36 CFR Part 79: Curation of Federally-Owned and Administered Archeological Collections
8. *NPS Museum Handbook*, National Park Service, revised 2019
9. Program Comment for Actions Affecting Post-1945 Concrete Steel Bridges (77 FR 68790);
10. *Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System* (ACHP Program Comment, 2005)
11. *Section 106 Archaeology Guidance* (ACHP, 2009)
12. Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (ACHP February 2007);
13. National Register of Historic Places Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (National Park Service revised 1997), National Register of Historic Places Bulletin 16A, *How to Complete the National Register Registration Form* (National Park Service revised 1997), and other National Register Bulletins as applicable
14. NPS Management Policies – Section 5, Cultural Resource Management (2006)
15. Secretary of the Interior's Standards for the Treatment of Historic Properties (1995, Revised 2017); and accompanying guidelines for Treatment of Historic Properties (1995, Revised 2017) and Cultural Landscapes (1996)

III. General Project Section 106 Commitments

A. MDOT SHA will implement mitigation concurrent with construction phasing where impacts will occur; in the event that the Project is modified or certain elements causing adverse effects are not constructed, MDOT SHA will notify Signatories and consulting parties of the change at such time as a final decision is made to remove such elements and amend the PA as necessary.

B. MDOT SHA cultural resources staff who meet Secretary of the Interior's Professional Qualifications Standards will oversee implementation of all mitigation commitments and other terms of this PA.

C. Consultation on Reforestation and other Mitigation Sites

1. MDOT SHA is obligated to provide reforestation mitigation for the Project pursuant to the Maryland Reforestation Law (MD Nat Res Code § 5-103). Reforestation must occur within 2 years or 3 growing seasons of completion of construction. MDOT SHA is also coordinating with the NPS to identify reforestation sites to account for impacted NPS-managed lands. The locations to be used for reforestation are not yet fully identified. Reforestation activities may take the form of conservation easements or other noninvasive activities which would not affect historic properties. MDOT SHA will not consult on easements or conservation actions where no ground disturbance is involved. If areas outside the APE are identified for reforestation where new plantings or other activities with the potential to affect historic properties are identified, MDOT SHA will consult in accordance with Stipulation IV to add such areas to the APE, identify historic properties, and evaluate effects to historic properties. MDOT SHA will avoid adverse effects to historic properties to the maximum extent practicable in selecting reforestation planting sites. If adverse effects are unavoidable, MDOT SHA will amend this PA in accordance with Stipulation XII to resolve any such adverse effects.

2. As Project development proceeds, additional and revised mitigation or enhancement locations for impacts to resources other than historic properties may be identified. These resources include, but are not limited to wetlands, stormwater, and parks. To account for effects to historic properties at these locations, when actions are proposed at such locations that may affect historic properties, MDOT SHA will amend the APE and follow the procedure described in Stipulation IV below.

IV. Consultation Regarding Project Development

A. Further consultation requirements regarding specific historic properties affected by the Project are described in Stipulation V. As project design advances or ancillary activities not currently known are identified, MDOT SHA will initiate consultation with SHPOs and other consulting parties (as described below) using the following process.

1. MDOT SHA cultural resources staff will review proposed changes that affect project location, design, methods of construction, materials, or limits of disturbance (LOD), for potential new effects to historic properties. Should these changes necessitate an expansion of the APE, or if the changes would affect known or potential historic properties differently than described in this PA, MDOT SHA will consult on behalf of FHWA as described in Stipulation IV.B below.

2. If MDOT SHA, working with the developer(s), finds design or construction solutions that avoid or further minimize adverse effects to historic properties, MDOT SHA will consult in accordance with the procedures in Stipulation IV.B to seek concurrence with any updated determinations of effect, and amend this PA in accordance with Stipulation XII.

3. MDOT SHA, on behalf of FHWA, will consult upon changes to the LOD within the existing APE where additional archaeological investigation is recommended in the Cultural Resources Technical Report or where such recommendations are identified in subsequent consultation documentation, including the Treatment Plans described in Stipulations VI and VII.

4. MDOT SHA, on behalf of FHWA, will consult as specified elsewhere in this PA regarding specific stipulations, including Monitoring of Performance (Stipulation VIII).

B. MDOT SHA, on behalf of FHWA, consistent with the principles described in 36 C.F.R. §§ 800.3 – 6, will consult with the appropriate SHPO(s), Signatories, concurring parties to this PA, Tribes who may ascribe religious and cultural significance to properties pursuant to 36 C.F.R. § 800.3(f)(2), local public agencies with jurisdiction and other consulting parties identified for this undertaking as appropriate on:

1. Amendments to the APE, consistent with 36 C.F.R. § 800.16(d)
2. New or revised determinations of eligibility for historic properties within the APE as described above.

3. New or revised determinations of effect to historic properties within the APE as described above.

C. MDOT SHA will consult with the relevant SHPO(s), Signatories, Tribes, and appropriate consulting parties on archaeology inventory, archaeological evaluations for NRHP eligibility, and effect determinations for archaeological historic properties.

D. MDOT SHA will provide consultation materials in written or electronic form, and follow timelines for comment opportunity as specified in Stipulation I. D.

V. Property-Specific Commitments

MDOT SHA will be responsible for ensuring the following mitigation and commitments are carried out, under the oversight of FHWA. MDOT SHA will either complete

mitigation itself or enter into legally binding agreements with partner agencies to ensure the following stipulations are fulfilled, subject to the requirements of each stipulation below. Mitigation and commitments will be implemented by authorized construction phase, unless there is opportunity to provide advanced mitigation that is mutually agreeable to all parties, is feasible to advance, and is identified by MDOT SHA as a priority. All commitments regarding design-review with consulting parties will be conducted in a timely manner prior to final design and construction, to allow for meaningful consultation and practical opportunities to influence design to avoid impacts or ensure compatibility to the extent practicable with historic properties. Preliminary engineering activities to support design of future phases, such as geotechnical studies or other similar, minimally invasive activities with limited potential to affect historic properties may proceed within the APE prior to construction authorization and will not require consultation or advance mitigation.

A. George Washington Memorial Parkway (including Clara Barton Parkway)

1. MDOT SHA will continue property-specific Design-Review consultation with NPS and SHPOs to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the George Washington Memorial Parkway/Clara Barton Parkway as a historic property. Key elements for NPS review include the bridge design, trail connections, retaining walls, ramp improvements, signage plans and barrier. MDOT SHA will provide NPS and SHPOs a comment opportunity on plans at a draft level of design and a second opportunity prior to finalization of design for elements on NPS property or within the APE adjacent to NPS property; for each review there will be minimum 30-day review period. In the event of objections relating to the final design from NPS or SHPOs that cannot be resolved, MDOT SHA and FHWA will follow Stipulation XIII of this PA.
2. MDOT SHA will provide NPS funding in an amount not to exceed \$250,000 for a Cultural Landscape Report (CLR) for Clara Barton Parkway. The CLR will include historical narrative, updated existing conditions and analysis and evaluation, and treatment guidelines for management of character defining features. NPS will complete the CLR within three (3) years of receipt of funds from MDOT SHA, provide a copy of the completed CLR to MD SHPO and MDOT SHA, along with a summary of implementation of any treatment measures in a timely manner following their implementation.

B. Dead Run Ridges Archaeological District (44FX3922) and individual sites 44FX0374, 44FX0379 and 44FX0389

1. In consultation with VA SHPO, NPS, and other appropriate consulting parties including consulting Tribes, MDOT SHA will develop and implement

Phase III data recovery and associated public interpretation commitments on sites 44FX0374, 44FX0379, 44FX0389 and the Dead Run Ridges Archaeological District (44FX3922) as specified in Stipulation VI.

2. MDOT SHA will prepare a NRHP nomination form for the Dead Run Ridges Archaeological District, no later than 12 months following finalization of the report documenting the Phase III data recovery in Stipulation V. B. 1 above, basing the nomination on the report findings. MDOT SHA will provide a copy of the draft nomination to NPS staff for review and comment prior to formal submission of the draft nomination to VA SHPO. MDOT SHA will work with VA SHPO's Register Program to develop a final draft nomination for the Dead Run Ridges Archaeological District, and VA SHPO's Register Program will process the final draft for listing in the NRHP pursuant to its established policies and procedures. The Department of Historic Resources State Review Board is under no obligation to approve the nomination for listing in the NRHP. Should the nomination be unsuccessful, or additional information be requested beyond the scope of the completed data recovery efforts, MDOT SHA will not be required to complete further fieldwork or analysis beyond what is agreed to in the treatment plan, or otherwise pursue nomination of the district.

C. Chesapeake and Ohio Canal National Historical Park

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities constructed as part of the Project, and, through the ongoing design process, minimize to the extent practicable impacts to character-defining features and resources that contribute to the Chesapeake and Ohio Canal National Historical Park as a historic property. MDOT SHA will provide NPS and MD SHPO a comment opportunity on design plans at a draft level of design, and a second opportunity prior to finalization of design for elements within the APE on or adjacent to NPS property; for each review there will be a minimum 30-day review period. In the event of objections from NPS or MD SHPO that cannot be resolved relating to the final design, MDOT SHA and FHWA will follow Stipulation XIII of this PA.

2. MDOT SHA will locate new bridge piers away from Lock 13 as part of the new Clara Barton Parkway Bridge and will avoid placing piers for the new structure closer to Lock 13 than the current bridge piers, as shown in the Preferred Alternative.

3. MDOT SHA will protect Lock 13 in place during construction, by limiting LOD around the Lock structure and providing an appropriate buffer to prevent damage. MDOT SHA will rehabilitate or restore the structure if needed following construction, with treatment determined by or in consultation with NPS and MD SHPO as described below in Stipulation V.C.4 and VC.5. As part

of the Archaeological Treatment Plan in Stipulation VI, MDOT SHA will include archaeological monitoring or other treatment approaches during construction in the area around Lock 13.

4. MDOT SHA will conduct a condition assessment of lock structures, the Canal and the Towpath within the Project LOD prior to construction and provide copies of the assessment to MD SHPO and NPS. MDOT SHA will provide for rehabilitation of lock structures, the Canal, and Towpath within the Project LOD following completion of substantial construction within the affected area. MDOT SHA will provide NPS and MD SHPO with a draft rehabilitation plan for review and comment prior to implementing the plan

5. MDOT SHA will provide for vibration damage monitoring of other susceptible historic structures at Chesapeake and Ohio Canal National Historical Park within the APE during construction, specifically, Lock 12 and Lock 14. Additional vulnerable structures or features (such as masonry walls) to be monitored may be identified in consultation with NPS during the preparation and review of the condition assessment identified in Stipulation V.C.4.

a. Should notable acute or incremental damage directly resulting from construction means or methods be identified as a result of the vibration monitoring, MDOT SHA will follow Section A of the Inadvertent Discovery Plan (Attachment 1).

b. General wear or degradation of the historic fabric during construction that is not attributable to specific construction practices or incidents will be remediated by the rehabilitation plan in Stipulation V.C.4.

D. 18MO749 Archaeological Site (C&O Canal)

In consultation with the MD SHPO, NPS, and other appropriate consulting parties, including Tribes, MDOT SHA will develop and implement a Phase III Data Recovery and associated public interpretation commitments as specified in Stipulation VI.

E. 18MO751 Archaeological Site (C&O Canal)

In consultation with the MD SHPO, NPS, and other appropriate consulting parties, including Tribes, MDOT SHA will develop and implement a Phase III Data Recovery and associated public interpretation commitments as specified in Stipulation VI.

F. Washington Biologists' Field Club on Plummers Island

1. MDOT SHA will prepare a NRHP Nomination for the Washington Biologists' Field Club on Plummers Island. MDOT SHA will provide a copy of the draft nomination to NPS staff and the Washington Biologists' Field Club (WBFC) for review prior to submittal to MD SHPO and address any comments prior to formal submission of the nomination. Should the nomination be

unsuccessful, MDOT SHA will not be required to resubmit the nomination or otherwise complete additional studies or research after addressing comments by NPS staff.

2. MDOT SHA will place temporary fencing along the LOD within Plummers Island to delimit construction activities.

3. MDOT SHA will fund or implement a photographic survey documenting conditions before, during and after construction is completed adjoining Plummers Island, within the APE boundary, and provide the results to WBFC and NPS.

4. MDOT SHA will fund or develop GIS maps to document known current and historical study locations and key natural resource features within the APE to assist in documenting change over time and provide these files to WBFC and NPS.

5. MDOT SHA will procure a sub-meter accurate GPS unit for WBFC to use in long-term monitoring of plant locations, collection sites, and other historical research features.

6. MDOT SHA, subject to any availability or rights restrictions, will provide for digitization and cataloging of historical records related to the WBFC that are housed at the Smithsonian Museum of Natural History, specifically the collection, "SIA RU102005, Smithsonian Institution, Washington Biologists' Field Club, circa 1900-1966 Records" that are not currently available in electronic format, and provide the files to WBFC and NPS.

7. MDOT SHA will provide WBFC historical content, such as a synthesis of the digitized materials in Stipulation V.F.6, to incorporate into their website.

8. MDOT SHA will complete stipulations V.F.1-7., other than those requiring longer timeframes (such as photographic survey after construction), unless continued consultation should necessitate a longer timeframe, within two (2) years of commencement of construction activities on Plummers Island.

G. Morningstar Tabernacle No. 88 Moses Hall and Cemetery

1. As part of context-sensitive design, MDOT SHA will consult with the Trustees of the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, Friends of Moses Hall, First Agape A.M.E. Zion Church, Cabin John Citizens Association, and other consulting parties with a demonstrated interest in the cemetery on context-sensitive treatment of noise barrier facing the cemetery; MDOT will work with the above-listed consulting parties on a context-sensitive treatment of noise barrier facing the cemetery, which may include decorative elements appropriate to the historic property and/or such elements as memorial plaques or signage. MDOT SHA will provide these consulting parties and MD SHPO comment opportunity for Project elements, specifically noise barrier,

within the APE adjacent to the cemetery at a draft level of design and a second opportunity prior to finalization of design; for each review there will be a minimum 30-day review period. In the event MD SHPO does not agree with the final design, MDOT SHA and FHWA will follow Stipulation XIII of this PA.

2. MDOT SHA will conduct further studies prior to final design and construction adjacent to the cemetery as part of the treatment plan specified in Stipulation VII. Following completion of the studies in the treatment plan, MDOT SHA and FHWA will provide the results of the studies to MD SHPO and relevant consulting parties and determine project effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery based on the results of the studies. If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative. Should interments be identified outside the identified boundary of the cemetery, and no additional project avoidance options are feasible, MDOT SHA and FHWA will consult on the likely adverse effect, identify mitigation options, and amend this PA as necessary following the procedures in Stipulations IV and XIII of this PA.

H. Gibson Grove A.M.E. Zion Church

1. MDOT SHA will provide First Agape A.M.E. Zion Church at Gibson Grove and MD SHPO a comment opportunity at a draft level of design and a second opportunity prior to finalization of design for Project elements on church property or within the APE adjacent to the church property, with a minimum 30-day review period.
2. MDOT SHA will improve the stormwater drainage on the church property by routing drainage into a new underground culvert to be installed as part of the Project.
3. MDOT SHA will ensure that a parking lot identified in the church's restoration plan is constructed on church property following installation of the culvert drainage design. MDOT SHA will work with First Agape A.M.E. Zion Church on schedule and timing of the culvert and parking lot work to be compatible with ongoing church restoration efforts to the extent practicable.
4. MDOT SHA will ensure Project noise- or vibration- causing construction activities are restricted adjacent to the church during scheduled worship services or key events.
5. MDOT SHA, in coordination with Montgomery County, will install sidewalk on the west side of Seven Locks Road to more accessibly connect Gibson Grove A.M.E. Zion Church and Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

VI. Archaeological Treatment Plan (ATP)

MDOT SHA's goal is to have a comprehensive but flexible ATP that addresses the LOD but can be revised and updated in response to Project design advancement. Prior to construction within affected areas, MDOT SHA will develop an ATP in consultation with SHPOs and appropriate consulting parties. MDOT SHA will provide for a minimum 30-day review of the initial draft of the ATP. MDOT SHA will be responsible for implementing the provisions of the ATP. The ATP will include:

- A.** Archaeological monitoring requirements during construction.
- B.** Phase I Survey in areas where property access could not be obtained (as identified in the 2019 Technical Report, Volume 4, Chapter 5): RS-1; RS-2; S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6; S-27; SWM S-27, S-8; S-10; S-53, and the vicinity of S-28.
- C.** Phase I Survey in the vicinity of two sites, 18MO457 and 18MO190, to define site boundaries and evaluate NRHP eligibility and potential impacts.
- D.** Phase II Evaluation of sites 18MO191 and 18MO752.
- E.** Phase III Data Recovery investigations, including public interpretation, at 18MO749 and 18MO751 within the Chesapeake and Ohio Canal National Historical Park and the Dead Run Ridges Archaeological District within the GWMP (44FX3922), and individually eligible sites within the district 44FX0374, 44FX0379 and 44FX0389. MDOT SHA will prepare a draft NRHP Nomination form for the Dead Run Ridges archaeological district based on the results of Phase III Data Recovery investigation as described in Stipulation V. B.
- F.** Provisions in the treatment plan required for work on NPS federal property, including curation to NPS standards of artifacts and associated records, permitting under the Archaeological Resources Protection Act and compliance with the Native American Graves Protection and Repatriation Act (NAGPRA).
- G.** If sites or areas proposed for archaeological treatment in the ATP are avoided by revising the Project LOD or other actions, MDOT SHA will document the revision, including updating effect determinations and seeking SHPO concurrence where required. MDOT SHA will provide such information to appropriate consulting parties and will thereby not need to complete treatment or investigation at such locations.
- H.** MDOT SHA will ensure required consultation with the appropriate SHPO and appropriate consulting parties occurs on eligibility, effects, and treatment for any newly identified archaeological historic properties prior to final design and construction in areas identified for further archaeological treatment. Reports or similar deliverables will be provided to Signatories and appropriate consulting parties with a minimum 30-day review opportunity.
- I.** MDOT SHA will consult with SHPO and appropriate consulting parties on the ATP and any revisions or modifications to the ATP. If SHPO concurs with the ATP or future revisions, no amendment of this PA is needed to implement or update the ATP. If

SHPO does not agree with the ATP or future proposed changes to the ATP, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation XIII.

VII. Cemeteries and Human Remains Treatment Plan

A. MDOT SHA acknowledges there is some potential for human remains associated with historic properties to be present in at least two areas of the LOD (adjacent to Morningstar Tabernacle No. 88 Moses Hall and Cemetery and in the general location of the Montgomery County Poor Farm) which are not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. MDOT SHA will work with the developer(s) to minimize LOD to the maximum extent practicable in these areas.

B. The Treatment Plan will include proposed investigations to identify and evaluate potential graves or human remains in specified sensitive areas to the maximum extent practicable to ensure avoidance or treatment prior to final design and construction.

C. MDOT SHA will consult with SHPO and, where identified, descendants, descendant communities and other appropriate consulting parties to fully identify, recover, and respectfully treat any human remains identified within LOD that cannot be avoided.

D. MDOT SHA will consult with SHPO and where identified, descendants, descendant communities and other appropriate consulting parties on archaeological monitoring requirements for locations within LOD where potential for human remains is likely during construction, including unverified but reported locations of the Ball Family Cemetery.

E. MDOT SHA will seek input from affected consulting parties and concurrence from SHPO on the treatment plan prior to its implementation. MDOT SHA will be responsible for implementing the treatment plan. If SHPO does not agree with the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation XIII.

F. Activities on Federal Lands, including NPS-managed property, require adherence to NAGPRA. The treatment plan will include provisions for NAGPRA compliance in the event of human remains or funerary objects discovery.

G. MDOT SHA will ensure that at all times human remains are treated with dignity and respect in a manner consistent with ACHP's policy statement on the Treatment of Human Remains, Burial Sites and Funerary Objects.

H. MDOT SHA will ensure no photographs of human remains or associated funerary objects are released to the press or general public.

I. MDOT SHA will be responsible for all expenses for any removal, treatment and relocation/disposition of any human remains or funerary objects impacted by the Project.

J. MDOT SHA will fully implement all relevant provisions of the cemetery treatment plan prior to final design and any construction impacts within specified cemetery investigation locations.

VIII. Monitoring of Performance

A. Specific points for continued consultation are defined in Stipulations IV and V.

B. MDOT SHA will, for the duration of the Project, provide Signatories and consulting parties listed in Attachment 3 with a written progress report twice per calendar year describing status of implementation of this PA.

C. MDOT SHA will provide for a meeting opportunity for Signatories and consulting parties listed in Attachment 3 following issuance of each progress report.

D. MDOT SHA will convene additional consulting party meetings as necessary or when requested by any Signatory;

E. MDOT SHA may cancel individual meetings if there are no significant issues for discussion and no Signatory objects to the cancellation.

IX. Post-Review Discovery of Human Remains

MDOT SHA will develop human remains treatment provisions as part of the archaeological and cemetery and human remains treatment plans in Stipulations VI and VII. MDOT SHA will follow the attached Inadvertent Discovery Plan (Attachment 1) should human remains be identified in any areas or situations not covered by the archaeological or cemetery treatment plans.

X. Other Post-Review Discoveries

MDOT SHA will follow the procedures in Attachment 1 of this PA for any inadvertent archaeological discoveries or inadvertent effects to historic properties during construction. MDOT SHA will provide training for the developer(s) in the Inadvertent Discovery Plan requirements.

XI. Confidentiality

The Signatories agree to provide by the provisions of Section 304 of the NHPA, and other applicable requirements, to withhold information concerning the location, character, or ownership of resources where release of such information may endanger the integrity of the resource.

XII. Amendment

Any Signatory to this PA may request that it be amended, whereupon the Signatories will consult in accordance with 36 C.F.R. § 800.14 to consider such an amendment.

Amendments will be effective upon the date of the last signature from the Signatories.

XIII. Dispute Resolution

A. Should any Signatory or consulting party object at any time to the manner in which the terms of this PA are implemented, within 30 days of information being provided relating to the issue forming the basis of the objection, or within 30 days where the objector can otherwise be reasonably assumed to be aware of the issue forming the basis of objection, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will take the following steps:

1. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to ACHP. ACHP shall provide FHWA with its comment on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, Signatories and consulting parties and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
2. If ACHP does not provide its advice regarding the dispute within the 30-day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and consulting parties to the PA and provide them and ACHP with a copy of such written response.
3. In the case of objections related to NRHP eligibility, any Signatory may object in writing within 30 days to an MDOT SHA or FHWA determination of eligibility. If MDOT SHA and FHWA are unwilling to revise the determination in response to the objection or other relevant information, FHWA (or MDOT SHA on its behalf) will submit the determination to the Keeper of the National Register of Historic Places for a determination pursuant to 36 C.F.R. Part 63.

B. Objections from the Public: Should a member of the public object to an action taken under this PA, or compliance with the PA, within 30 days of information being provided relating to the issue forming the basis of the objection, or within 30 days where the objector can otherwise be reasonably assumed to be aware of the issue forming the basis of objection, FHWA will ensure that MDOT SHA consults with the objecting party to respond to the objection in coordination with FHWA where relevant, provided the objection is made in writing to the FHWA or MDOT SHA contacts identified in Attachment 5 or any subsequent updates to Attachment 5. MDOT SHA and FHWA will inform other Signatories of the objection and proposed resolution. Should a Signatory disagree with the proposed resolution, the Signatories will follow Stipulation XIII.A.

C. FHWA's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XIV. Termination

A. Any Signatory to this PA may terminate it by providing 30 days' notice in writing to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

B. If any Signatory to this PA determines that a term will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XII, above. If within 30 days (or another time period agreed to by all Signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other Signatories.

C. In the event of termination, FHWA will comply with 36 C.F.R. § 800 for all remaining actions, or until a new agreement is reached fulfilling such requirements.

This PA will continue in full force and effect until 20 years from the date of execution of the PA, or such time of final acceptance of the Project and when all terms of this PA have been met, should the terms be met prior to the 20-year expiration. The PA will be invalid if the Project is terminated or authorization for the Project is rescinded. At any time in the six-month period prior to its expiration, the Signatories will consult to consider an extension or amendment of the PA. At such time, the Signatories may consider an amendment to extend the PA unmodified for an additional specified duration or consult to amend the PA in accordance with Stipulation XII. No extension or amendment will be effective until all Signatories have signed the amendment or amendment to extend.

Signature Pages

Signatories: FHWA (Maryland Division), ACHP, MD SHPO, VA SHPO, NPS, MDOT SHA

Concurring Parties

Attachments

1. Inadvertent Discovery Plan
2. All Parties Invited to Consult on the Project
3. Consulting Parties invited to Concur
4. Links to Documentation Referenced
5. Contact Information for FHWA and MDOT SHA staff responsible for PA implementation (to be updated as necessary)

Attachment 1

Inadvertent Discovery Plan

A. Unanticipated Impacts to Architectural Historic Properties: if the Project causes unanticipated impacts to any National Register of Historic Places (NRHP) eligible, listed, or contributing buildings, sites, structures, or objects of the built environment, the contractor must notify the engineer and immediately cease any activity causing ongoing damage until consultation occurs. MDOT SHA shall, in consultation with the appropriate SHPO (VA or MD), determine if adverse effects have occurred to the property/properties and develop a plan for the protection of the historic property, and minimization or mitigation of impacts. If mitigation is identified, FHWA, MDOT SHA, SHPO, and other Signatories as necessary will execute a Memorandum of Agreement or amend this PA to record the identified mitigation. MDOT SHA may hold the developer(s) liable for any or all costs resulting from this process following appropriate processes identified in its contract instruments.

B. Unanticipated Damage to Known Archaeological Resources: if unauthorized excavation occurs outside the approved limits of disturbance (LOD) or other approved boundaries designed to protect archaeological resources or cemeteries and thereby causes impacts to known, NRHP-eligible properties, MDOT SHA will ensure any activity causing ongoing damage is stopped until consultation occurs. MDOT SHA will conduct a damage assessment consistent with the model used for such assessments under the Archaeological Resources Protection Act (<https://www.nps.gov/archeology/pubs/techbr/tchBrf20.pdf>). MDOT SHA will use the results of the assessment in consultation with the relevant SHPO to determine if the resource has been adversely affected and determine appropriate mitigation. If the resource is of known or suspected Native American affiliation, FHWA, with assistance from MDOT SHA shall consult with federally recognized Indian Tribes as appropriate. If the resource is affiliated with other known descendant groups or consulting parties, MDOT SHA will consult with such parties as well. Should damage occur on NPS land, MDOT SHA will consult with the NPS staff and regional archaeologist regarding the damage assessment report and any identified mitigation. If mitigation is identified, FHWA, MDOT SHA, SHPO, and other Signatories as necessary will execute a Memorandum of Agreement or amend this PA to record the identified mitigation. MDOT SHA may hold the developer(s) liable for any or all costs resulting from this process following appropriate processes identified in its contract instruments.

C. Unanticipated Discovery of Human Remains: Should any burials, interments, or human remains (hereafter, “remains”) be encountered during construction, MDOT SHA will ensure all applicable construction work in the vicinity of the remains is immediately stopped to prevent damage to the remains, or to any additional remains that might be present in the vicinity. A minimum 100-foot buffer around identified remains will be established by MDOT SHA free of disturbance, to be adjusted as appropriate for the site conditions. Construction may occur outside the buffer unless evidence of additional remains is found. If remains are suspected to be human but not confirmed, MDOT SHA will ensure that such confirmation is made by a qualified professional. Human remains will at all times be treated respectfully and access and visibility limited to the site of discovery to authorized personnel only. Within Maryland, pursuant to State of Maryland Criminal Code § 10-402, the State’s Attorney must authorize movement or removal of any remains until determined to be archaeological. If the remains are determined to be archaeological, MDOT SHA and the relevant SHPO will consult to determine treatment of the remains and any other necessary treatment such as work needed to define extent of remains in the most expeditious manner feasible. Within Virginia, human remains and associated funerary objects encountered during the course of actions taken as a result of this PA shall be treated in a manner consistent with the Virginia Antiquities Act (Code of Virginia 10.1-2305) and its implementing regulation (17VAC5-20), adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991.

If the remains are determined archaeological and suspected to be of Native American origin, MDOT SHA, in coordination with FHWA, shall provide notification to tribal governments in accordance with any expressed tribal consultation preferences within 24 hours or as soon as practicable. MDOT SHA and/or FHWA will consult with affected federally recognized Indian Tribes, the Maryland Commission on Indian Affairs and appropriate Maryland Indian groups as appropriate regarding treatment of the remains. MDOT SHA will accommodate tribal cultural preferences to the extent practicable during such an event. If remains can be associated with other known descendant communities or organizations, including the cemetery-affiliated consulting or concurring parties to this PA, such parties shall also be consulted.

If the human remains are likely to be of Native American origin and are located on lands controlled or owned by the U.S. Government, including National Park Service Property within the APE, the Federal land managing agency will assume responsibility for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA; 25 USC 3001), with MDOT SHA assistance.

In consultation with the relevant SHPO, Federally Recognized Indian Tribes, and FHWA as appropriate, and other identified descendant/affiliated consulting parties, the MDOT SHA shall develop a plan for the treatment or disposition of the remains or follow provisions of an existing Treatment Plan developed per this PA. MDOT SHA shall implement the provisions of the agreed Treatment Plan.

Should the remains be associated with, or constitute an intact archaeological resource, provision **D** below is also applicable.

D. Unanticipated Discovery of Archaeological Resources: If previously unidentified archaeological features, artifacts, or other materials (hereafter, “resource”) are discovered during construction, all ground-disturbing work in the vicinity of the

resource shall be temporarily suspended or modified to prevent further damage to the resource, and MDOT SHA will provide a reasonable buffer where ground disturbance is prohibited to cover the extent of the resource that may not be exposed.

The MDOT SHA archaeologist shall perform a preliminary inspection to identify the resource and evaluate its likelihood of NRHP eligibility. Following this inspection, construction may resume in the vicinity of but outside the boundary of the archaeological resource as defined by the MDOT SHA archaeologist. If the resource is potentially eligible for the NRHP, MDOT SHA will consult with the relevant SHPO on an eligibility determination and, if determined eligible for the NRHP, every effort shall be made to minimize impacts through redesign or modification of construction methods. If the resource is of known or suspected Native American affiliation, FHWA, with assistance from MDOT SHA shall consult with federally recognized Indian Tribes as appropriate. If the resource can be reasonably identified with other descendant or affiliated communities, MDOT SHA shall also attempt to consult with such parties.

In consultation with the relevant SHPO, MDOT SHA shall develop a plan for the treatment of any resource determined eligible. MDOT SHA shall describe actions proposed to avoid, minimize, or mitigate adverse effects, and request SHPO, tribal, and any other consulting party comments within 5 working days, unless there is a life or safety hazard requiring immediate interim action. MDOT SHA will disclose any interim action affecting the eligible resource taken in the event of a life or safety hazard. MDOT SHA, at its discretion, may establish a longer comment period if practicable in consideration of potential safety, cost, public travel disruption, and other factors. MDOT SHA shall then implement the provisions of the agreed-upon plan and/or amend this PA to document the resolution, should the resource be determined eligible and should the Project adversely affect the resource.

Attachment 2

All Parties Invited to Consult on the Project

Federally Recognized Tribal Nations

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation
- Delaware Tribe of Indians
- Chickahominy Indian Tribe
- Chickahominy Indians Eastern Division
- Eastern Shawnee Tribe of Oklahoma
- Monacan Indian Nation
- Nansemond Indian Tribe
- Oneida Indian Nation
- Onondaga Nation
- Pamunkey Indian Tribe
- Rappahannock Tribe, Inc.
- Saint Regis Mohawk Tribe
- Seneca-Cayuga Nation
- Shawnee Tribe
- Tuscarora Nation
- Upper Mattaponi Indian Tribe

State Recognized and Other Tribes

- Piscataway Conoy Tribe of Maryland (PCT)
- PCT - Cedarville Band of Piscataway
- PCT - Choptico Band of Piscataway
- Piscataway Indian Nation

Federal Agencies

- Department of Defense
- General Services Administration
- Federal Railroad Administration
- Federal Transit Administration
- National Capital Planning Commission
- National Institute of Standards and Technology
- National Park Service
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture
- U.S. Postal Service

State Agencies and Organizations

- Maryland Commission on Indian Affairs

- **MDOT Maryland Transit Administration**
- **MDOT Maryland Transportation Authority**
- **Maryland Historical Trust**
- **Preservation Maryland**
- **Virginia Department of Historic Resources**
- **Virginia Department of Transportation**
- **Washington Metropolitan Area Transit Authority**

County Agencies and Organizations

- **Charles County Department of Planning**
- **Frederick County**
- **Frederick County Preservation Trust**
- **Maryland Milestones/Anacostia Trails Heritage Area, Inc.**
- **Montgomery County Department of Correction and Rehabilitation**
- **Montgomery County Department of General Services**
- **Montgomery County Department of Transportation**
- **Montgomery County Heritage Area, Heritage Tourism Alliance of Montgomery County**
- **Maryland Milestones**
- **Maryland-National Capital Parks and Planning Commission – Montgomery County Planning – Historic Preservation**
- **Maryland-National Capital Parks and Planning Commission – Montgomery Parks**
- **Maryland-National Capital Parks and Planning Commission – Prince George's County Planning – Historic Preservation**
- **Maryland-National Capital Parks and Planning Commission – Prince George's County Department of Parks and Recreation**
- **Montgomery Preservation, Inc.**
- **Prince George's County Historic Preservation Commission**
- **Prince George's County Historical and Cultural Trust**
- **Prince George's Heritage, Inc.**

Municipal and Other Organizations

- **Canoe Cruisers Association**
- **C&O Canal Association**
- **C&O Canal Trust**
- **Carderock Springs Citizens' Association**
- **City of Gaithersburg**
- **City of College Park**
- **City of Glenarden**
- **City of Greenbelt**
- **City of Rockville**
- **First Agape A.M.E. Zion Church at Gibson Grove**

- **Frederick County Landmarks Foundation**
- **Heart of the Civil War Heritage Area**
- **Indian Spring Community Association**
- **National Park Seminary Master Association**
- **National Trust for Historic Preservation**
- **Peerless Rockville**
- **Rock Creek Conservancy**
- **Save Our Seminary at Forest Glen**
- **Sierra Club Maryland Chapter**
- **Silver Spring YMCA**
- **Trustees of Morningstar Tabernacle No. 88, Inc. (Friends of Moses Hall)**
- **Washington Biologists' Field Club**
- **Village of North Chevy Chase**

Attachment 3
Consulting Parties Invited to Concur

Federally Recognized Tribes

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation
- Delaware Tribe of Indians
- Chickahominy Indian Tribe
- Chickahominy Indians Eastern Division
- Eastern Shawnee Tribe of Oklahoma
- Monacan Indian Nation
- Nansemond Indian Tribe
- Oneida Indian Nation
- Onondaga Nation
- Pamunkey Indian Tribe
- Rappahannock Tribe, Inc.
- Saint Regis Mohawk Tribe
- Seneca-Cayuga Nation
- Shawnee Tribe
- Tuscarora Nation
- Upper Mattaponi Indian Tribe

State Recognized and Other Tribes

- Piscataway Conoy Tribe of Maryland (PCT)
- PCT - Cedarville Band of Piscataway
- PCT - Choptico Band of Piscataway
- Piscataway Indian Nation

Federal Agencies

- Department of Defense
- Federal Railroad Administration
- Federal Transit Administration
- National Capital Planning Commission
- National Institute of Standards and Technology
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture

State Agencies

- Maryland Commission on Indian Affairs
- Maryland Department of Transportation – Maryland Transit Administration
- Maryland Transportation Authority
- Virginia Department of Transportation

Local and Other Agencies and Groups

- **Cabin John Citizens Association**
- **Canoe Cruisers Association**
- **Carderock Springs Citizens Association**
- **City of Gaithersburg**
- **City of Rockville**
- **C&O Canal Association**
- **C&O Canal Trust**
- **First Agape A.M.E. Zion Church at Gibson Grove**
- **Maryland Milestones**
- **Maryland-National Capital Park and Planning Commission**
- **Montgomery County Heritage Area**
- **Montgomery Preservation, Inc.**
- **National Institute for Standards and Technology**
- **National Trust for Historic Preservation**
- **Peerless Rockville**
- **Preservation Maryland**
- **Trustees of Morningstar Tabernacle No. 88, Incorporated (Friends of Moses Hall)**
- **Virginia Department of Transportation**
- **Washington Biologists' Field Club**

Attachment 4
Links to Documentation Referenced In the I-495 & I-270 Managed Lanes
Study PA

Federal Codes and Regulations

16 U.S.C. 470aa-470mm

Archaeological Resources Protection Act (ARPA)

<https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter1B&edition=prelim>

25 U.S.C. Ch. 32 § 3001

Native American Graves Protection and Repatriation Act (NAGPRA)

<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter32&edition=prelim>

36 C.F.R. Part 14 and 54 U.S.C. § 100902

Rights-of-Way

<https://www.ecfr.gov/current/title-36/chapter-I/part-14>

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title54-section100902&num=0&edition=prelim>

36 C.F.R. Part 63

Dispute Resolution of Determinations of Eligibility for Inclusion in the NRHP

<https://www.ecfr.gov/current/title-36/chapter-I/part-63>

36 C.F.R. Part 79

Curation of Federally Owned and Administered Archaeological Collections

<https://www.ecfr.gov/current/title-36/chapter-I/part-79>

36 C.F.R. Part 800

Implementing Regulations of Section 106 of the National Historic Preservation Act

<https://www.ecfr.gov/current/title-36/chapter-VIII/part-800?toc=1>

40 C.F.R. 1506.6(a)

Public involvement – National Environmental Policy Act

<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506#1506.6>

54 U.S.C.

- National Park Service and Related Programs

- § 100101(a) Promotion and Regulation of the National Park Service (NPS Organic Act)

- <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title54-section100101&num=0&edition=prelim>

- National Historic Preservation Act

- § 306108 Effect of Undertaking on Historic Property

I-495 and I-270 Managed Lanes Study Section 106 Programmatic Agreement DRAFT 3
March 2022

- [https://uscode.house.gov/view.xhtml?req=\(title:54%20section:306108%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:54%20section:306108%20edition:prelim))
- § 307103 Access to Information (Section 304)
- <https://www.achp.gov/digital-library-section-106-landing/frequently-asked-questions-protecting-sensitive-information>

Public Law 71-284, 46 Statute 482 (1930); Executive Order 6166 of June 10, 1933
 Capper-Cramton Act and Administration by the National Park Service
<https://www.ncpc.gov/about/authorities/cca/>
https://www.nps.gov/parkhistory/online_books/anps/anps_3b.htm

State Codes and Regulations

Maryland Criminal Code § 0-402
 Courts and Judicial Proceedings
<https://law.justia.com/codes/maryland/2013/article-gcr/section-10-402>

Maryland Natural Resources Code § 5-103
 Reforestation
<https://roads.maryland.gov/mdotsha/pages/index.aspx?PageId=158>

Virginia Antiquities Act § 10.1-2305
 Human Remains
<https://law.lis.virginia.gov/vacode/title10.1/chapter23/section10.1-2305/>
 Implementation - Virginia Administrative Code 17VAC5-20
<https://law.lis.virginia.gov/admincode/title17/agency5/chapter20/>

Guidelines and Standards

Advisory Council on Historic Preservation

- *Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System* (ACHP Program Comment, 2005)
https://www.achp.gov/sites/default/files/exemptions/2017-01/final_interstate_exemption_notice.pdf
- *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (ACHP February 2007)
<https://www.achp.gov/sites/default/files/policies/2018-06/ACHPPolicyStatementRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects0207.pdf>
- *Program Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges* (77 FR 68790)
<https://www.federalregister.gov/documents/2012/11/16/2012-27866/program-comment-issued-for-streamlining-section-106-review-for-actions-affecting-post-1945-concrete>

I-495 and I-270 Managed Lanes Study Section 106 Programmatic Agreement DRAFT 3
 March 2022

- *Section 106 Archaeology Guidance* (ACHP, 2009)
<https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf>

The Maryland Historical Trust

- Standards and Guidelines for Archaeological Investigations in Maryland (Shaffer and Cole 1994)
https://mht.maryland.gov/documents/PDF/archeology/Archeology_standards_investigations.pdf
- *Technical Update No. 1 of the Standards and Guidelines for Archaeological Investigations in Maryland: Collections and Conservation Standards* (2018)
https://mht.maryland.gov/documents/PDF/archeology/Archeology_standards_curation.pdf
- Standards and Guidelines for Architectural and Historical Investigations in Maryland (Maryland Historical Trust, Revised 2019)
https://mht.maryland.gov/documents/PDF/research/Survey_standards_architecture_web.pdf

The National Park Service

- Management Policies – Section 5, Cultural Resource Management (2006)
https://www.nps.gov/subjects/policy/upload/MP_2006.pdf
- NPS Museum Handbook, National Park Service, revised 2019
<https://www.nps.gov/museum/publications/handbook.html>
- NRHP Bulletin 15 – How to Apply the National Register Criteria for Evaluation (National Park Service revised 1997)
https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf
- Other NRHP Bulletins
<https://www.nps.gov/subjects/nationalregister/publications.htm#:~:text=national%20register%20of%20historic%20places%20bulletins>
- The Secretary of the Interior’s Guidelines for the Treatment of Cultural Landscapes (1996)
<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm>
- The Secretary of the Interior’s Guidelines for the Treatment of Historic Properties (1995, Revised 2017)
<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
- The Secretary of the Interior’s Professional Qualifications Standards
<https://www.nps.gov/articles/sec-standards-prof-quals.htm>
OR see 48 FR 44738
<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>

- The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (1983)
<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>
- The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995, Revised 2017)
<https://www.nps.gov/tps/standards/four-treatments.htm>
OR <https://www.ecfr.gov/current/title-36/chapter-I/part-68>

The Virginia Department of Historic Resources

- Guidelines for Conducting Historic Resources Survey in Virginia (Virginia Department of Historic Resources, revised September 2017)
https://www.dhr.virginia.gov/wp-content/uploads/2018/06/SurveyManual_2017.pdf

Other Referenced Information

- Alternative 9 Phase 1 South project description (currently available here: <https://oplanesmd.com/environmental/alternatives/pa/>)
- First Agape A.M.E. Zion Church at Gibson Grove parking lot restoration plan ([link forthcoming](#))
- I-495 and I-270 Managed Lanes Study Draft Section 106 Technical Report:
[https://oplanesmd.com/deis/#:~:text=4\(f\)%20Evaluation-,appendix%20g,-Cultural%20Resources%20Technical](https://oplanesmd.com/deis/#:~:text=4(f)%20Evaluation-,appendix%20g,-Cultural%20Resources%20Technical)
- MDOT SHA Statewide PA:
https://www.roads.maryland.gov/OPPEN/2021_PA_Amendment.pdf

Attachment 5

FHWA and MDOT SHA Staff Contact Information:

For FHWA:

Ms. Jeanette Mar
Environmental Program Manager
FHWA - Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore, MD 21201
phone (410) 779-7152
fax (410) 962-4054
jeanette.mar@dot.gov

For MDOT SHA:

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202
phone (410) 545-8508
sarcher@mdot.maryland.gov

Karen Hutchins-Keim

From: Steve Archer <SArcher@mdot.maryland.gov>
Sent: Thursday, April 14, 2022 10:04 AM
To: Matt Manning (Consultant); Richard Ervin; Caryn Brookman (Consultant); Karen Hutchins-Keim
Subject: Fw: I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the 'Sender' and know the content is safe.

FYI - MHT response on the PA.

From: Tim Tamburrino -MDP- <tim.tamburrino@maryland.gov>
Sent: Thursday, April 14, 2022 9:46 AM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: David Clarke, FHWA <david.clarke@dot.gov>; Mar, Jeanette (FHWA) <jeanette.mar@dot.gov>; Marc Holma, Virginia DHR <marc.holma@dhr.virginia.gov>; Mandy Ranslow, ACHP <mranslow@achp.gov>; John Simkins, FHWA Virginia Division <john.simkins@dot.gov>; Beth Cole, MHT <beth.cole@maryland.gov>; Eileen McGuckian <phileen3@verizon.net>; Alexandra Jones <ajones@archaeologyincommunity.com>; Diane Baxter <baxterd9@aol.com>; Charlotte Troup Leighton <troupleighton@gmail.com>; L. Paige Whitley <lpwhitley@me.com>; Ballo, Rebecca <rebeccah.ballo@montgomeryplanning.org>; Crane, Brian <brian.crane@montgomeryplanning.org>; Betsy Merritt <emerritt@savingplaces.org>; Tammy_stidham@nps.gov <Tammy_stidham@nps.gov>; laurel_hammig@nps.gov <laurel_hammig@nps.gov>
Subject: Re: I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Hi Steve,

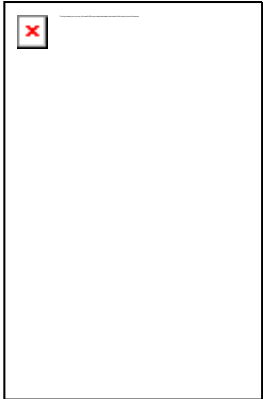
The Maryland Historical Trust (Trust) carefully reviewed the March 2022 - Third Draft of the PA provided with MDOT SHA's submittal. The revised PA largely incorporates the comments and suggested edits the Trust made on the Second Draft PA. We appreciate MDOT SHA's attention to addressing these issues in the Third Draft. We offer the following remaining comments for consideration in finalizing the document for signature.

1. Stipulation IV.B: We continue to assert that greater specificity is needed in Stipulation IV.B, particularly regarding the assessment of effects/updated determination of effects to historic properties as well as the process for resolution of adverse effect findings during implementation of the PA. Reference to 36 CFR 800.3-6 is a beneficial addition to the text. This stipulation IV.B should add an item 3 for assessment of effects and an item 4 for resolution of adverse effects - particularly since the determination of effects on Morningstar Tabernacle No. 88 Moses Hall and Cemetery remain undetermined. The Trust requests that MDOT SHA revise this section, consistent with the language proposed in our prior comments on the second draft PA.
2. Stipulation V.G.2 acknowledges that FHWA and MDOT SHA will utilize the results of the additional studies, in coordination with the final design plans, to determine the effects of the undertaking on this historic property, in consultation with the MD SHPO and consulting relevant parties. Until the study results and detailed plan information are available, an informed assessment of effects is not achievable. The sentence *If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative* should be deleted from the PA as it makes assumptions that are not defensible until the information is available.
3. In finalizing the PA, FHWA and MDOT SHA should continue to address the comments provided by the other consulting parties (particularly the owners and stewards of historic properties) as it relates to the treatment of adversely affected or potentially affected historic properties.

The Trust will provide comments on the remaining project materials, including the revised APE and treatment plans, within the 30-day review period.

Please feel free to contact me with any questions

Thanks, Tim



Tim Tamburrino
Preservation Officer
Maryland Historical Trust
Maryland Department of Planning
[MHT.Maryland.gov](https://mht.maryland.gov)
(410)
697-9589

[Please take our customer service survey.](#)

***To check on the status of a project submittal, please use our online search:** <https://mht.maryland.gov/compliancelog/ComplianceLogSearch.aspx>.

On Thu, Mar 31, 2022 at 1:15 PM Steve Archer <SArcher@mdot.maryland.gov> wrote:

Greetings I-495 and I-270 MLS Section 106 Consulting Parties,

MDOT SHA is pleased to provide you with additional Section 106 documentation for your review and comment. These materials include:

- MDOT SHA and FHWA's response to MHT regarding effects to the Morningstar Cemetery property, proposing to determine effects following completion of additional investigations under the PA.
- APE mapping with small updates to accommodate minor engineering adjustments, and two areas of LOD reduction that reduce potential impacts to historic resources. Callout maps showing the changes are attached to the letter; the remainder of the APE and LOD has not changed. However a full updated mapbook of the updated APE and LOD can be downloaded at the FTP site below.
- A Comment-Response Matrix noting how comments received on the second draft of the PA have been taken into consideration.
- The Third Draft of the Project Programmatic Agreement (PA), incorporating consulting party input.

Drafts of the Archaeological Treatment Plan and Cemetery Treatment Plan (Attachments 4 and 5) will be transmitted only to the appropriate/qualified consulting parties in a separate email.

As noted in the letter, we request all potential concurring parties (listed in Attachment 3 of the Draft PA) provide us with the name and title of the individual representative who may sign on behalf of your party. We will use this information to prepare/offer concurring signature pages, but this does not obligate any party to provide signature. If we do not receive this information we will assume your party does not wish to concur in the PA as we prepare the final document. Please provide name and title to me via email by April 14, 2022.

Further details are provided in the attached letter to the Maryland and Virginia State Historic Preservation Officers. Attachments 1a-c and 6 are embedded within the attached letter. Attachment 2 (Comment Responses) and Attachment 3 (Programmatic Agreement Third Draft) are provided as separate file attachments to this email. The APE

mapbooks are larger files and may be downloaded at the following link, which also contains the same files attached to this email:

<https://sftp1.mdot.state.md.us/>

Username: MLSResource

Password: I495I270

MDOT SHA respectfully requests comments on these materials by no later than **Thursday, April 14, 2022**, close-of-business. For the PA, *specific* comments or language suggestions, **keyed to stipulation number** are most helpful to the process. Comments emailed directly to me are the most effective way to provide your input.

Thank you, we appreciate your ongoing consultation. Feel free to contact me with any questions or concerns.

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202
Phone 410-545-8508
sarcher@mdot.maryland.gov

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Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

May 2, 2022

Mr. Steve Archer
MDOT State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073A13

Dear Mr. Archer:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information regarding the above-referenced undertaking. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. MDOT SHA submittal contains the following materials: a revised Area of Potential Effects (APE) to reflect adjustments to the Preferred Alternative; an updated effects determination for the Morningstar Tabernacle No. 88 Moses Hall and Cemetery (Morningstar Moses Property, MIHP No. M: 35-212); draft Archeological Treatment Plan and the Cemetery and Human Remains Treatment Plan; and the third draft of the undertaking's Programmatic Agreement. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments.

Revised Area of Potential Effects (APE): Based on ongoing design development, MDOT SHA has revised the undertaking's APE. The Trust agrees that the MDOT SHA's redefined APE encompasses the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Updated Effects Assessments: The Trust continues to agree with MDOT SHA's determination that the overall proposed undertaking will have an adverse effect on historic properties in Maryland. We acknowledge that effects to the Morningstar Moses Property remain undetermined at this time and will be resolved upon the completion of additional investigations and consultation in accordance with the undertaking's PA and Treatment Plans. The Trust agrees with the specific effect assessments stated in Attachment 6, Tables 2 and 3 of MDOT SHA's letter. We also acknowledge FHWA's intent to make a Section 4(f) de minimis finding for the properties listed in Attachment 6, Table 4.

Comments on the Draft Archeological Treatment Plan and the Cemetery and Human Remains Treatment Plan: Thank you for providing the opportunity to comment on the following two draft treatment plans:

- *Archaeology Treatment Plan for the I-495/I-270 Managed Lanes Study* (March 2022); and
- *Cultural Resources Treatment Plan for the Morningstar Cemetery and Montgomery County Poor Farm Cemetery for the I-495/I-270 Managed Lanes Study, Montgomery County, Maryland* (March 2022).

The plans provide detailed information on the goals, methods, and ongoing consultation process for completing survey, evaluations of National Register eligibility, and data recovery for archeological resources as well as treatment plans for the Morningstar Cemetery and Montgomery County Poor Farm. The plans would be implemented during project design and construction actions under the project's pending Programmatic Agreement. In general, proposed methods meet the recommended approaches in the Trust's *Standards and Guidelines for Archeological Investigations in Maryland* and current best practices. We offer the following comments for consideration in finalizing the plans.

- The proposed Public Outreach Program for the Phase III Data Recovery of 18MO749 and 18MO751, both located within the C&O Canal NHP and NPS owned lands, needs to be more creative, robust, and incorporate measures to ensure accessibility to a diverse audience. Outreach efforts should be closely coordinated with NPS and integrated with their interpretive efforts for the park.
- MDOT SHA should address relevant comments on the treatment plans provided by the other consulting parties, particularly the owners of the involved properties.

Comments on the Third Draft of the PA: The Trust previously reviewed the third draft of the PA and provided comments to MDOT SHA via email on 14 April 2022. Those comments are included here for your reference.

The revised PA largely incorporates the comments and suggested edits the Trust made on the second draft PA. We appreciate MDOT SHA's attention to addressing these issues in the third draft. We offer the following remaining comments for consideration in finalizing the document for signature:

- **Stipulation IV.B:** We continue to assert that greater specificity is needed in Stipulation IV.B, particularly regarding the assessment of effects/updated determination of effects to historic properties as well as the process for resolution of adverse effect findings during implementation of the PA. Reference to 36 CFR 800.3-6 is a beneficial addition to the text. This stipulation IV.B should add an item 3 for assessment of effects and an item 4 for resolution of adverse effects - particularly since the determination of effects on Morningstar Tabernacle No. 88 Moses Hall and Cemetery remain undetermined. The Trust requests that MDOT SHA revise this section, consistent with the language proposed in our prior comments on the second draft PA.
- **Stipulation V.G.2** acknowledges that FHWA and MDOT SHA will utilize the results of the additional studies, in coordination with the final design plans, to determine the effects of the undertaking on this historic property, in consultation with the MD SHPO and consulting relevant parties. Until the study results and detailed plan information are available, an informed assessment of effects is not achievable. The sentence *If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative* should be deleted from the PA as it makes assumptions that are not defensible until the information is available.

- In finalizing the PA, FHWA and MDOT SHA should continue to address the comments provided by the other consulting parties (particularly the owners and stewards of historic properties) as it relates to the treatment of adversely affected or potentially affected historic properties.

Thank you for the opportunity to comment. We look forward to further consultation with MDOT SHA and the other consulting parties to resolve adverse effects and develop of a comprehensive and achievable agreement document. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov or Beth Cole (for archeology) at beth.cole@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Hughes", with a long horizontal flourish extending to the right.

Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/202201434

cc: Caryn Brookman (SHA)
Jeanette Mar (FHWA)
Mandy Ranslow (ACHP)
I-495 & I-270 MLS Section 106 Consulting Parties

Tribes



**OFFICE OF PLANNING &
PRELIMINARY ENGINEERING**
environmental • social • economic responsibility

Environmental Planning Division

May 10, 2018

Good afternoon,

The Maryland Department of Transportation State Highway Administration (MDOT SHA) proposes improvements to I-495 (the Capital Beltway) and I-270 (Washington National Pike) in Montgomery and Prince George's Counties, Maryland, and Fairfax County, Virginia. The I-495 and I-270 Managed Lane Study (MLS) would add two lanes in each direction to both highways, and the study is being done as a Public-Private Partnership (P3).

On behalf of the Federal Highway Administration, we invite you to participate in consultation with MDOT SHA under Section 106 of the National Historic Preservation Act. A preliminary evaluation of the project corridor concluded that the project may impact significant historic properties, including archaeological sites and historic standing structures. Phase I archaeology is planned for the summer of 2018. The evaluation indicates that Phase II evaluation may be required for at least one prehistoric site along Paint Branch, a tributary of the Anacostia and Potomac Rivers, and for the Montgomery County Poor Farm and Cemetery near Rockville, MD, if they are impacted by the project.

Attached is our Section 106 Initiation Letter to the MD State Historic Preservation Officer (MD SHPO), along with the MDOT SHA Tribal Notification Form. We welcome any comments you may have, look forward to further consultation if you are interested.

Please feel free to contact me if you have questions about the project or the current status of planned field investigations.

Best Regards,
Rick

Richard Ervin
MDOT State Highway Administration
Senior Archaeologist
Cultural Resources Section
Environmental Planning Division
707 North Calvert Street, Mail Stop C-LL4
Baltimore, MD 21202
Telephone: (410) 545-2878
Rervin@sha.state.md.us



MD SHA Tribal Consultation: Project Notification Form

Project Name: I-495 and I-270 Multi Lane Study **Date:** May 2, 2018

FMIS No: AW073A11 **A-Proj No:** 11729 **Master No:** _____

County: Montgomery & Prince George's **USGS Quadrangle:** _____

Project Archeologist: Richard Ervin

Telephone: 410-545-2878 **Email:** RErvin@sha.state.md.us **FAX:** 410-209-5046

Brief Project Description (attach a map and detailed project description to this form):

Add two lanes in each direction to I-495 (the Capital Beltway) and I-270

Project Type:

☐ Minor Transportation
☐ Other Categorical Exclusion

☐ Environmental Assessment
☒ Environmental Impact Statement
☐ Other _____

Archeological Potential (pre-Contact or Contact Period Sites)

☒ Known pre-Contact sites in project area
☐ Known Contact sites in project area
☒ Likely to find pre-Contact sites in project area
☐ Likely to find Contact sites in project area

☐ Unlikely to find pre-Contact sites in project area
☐ Unlikely to find Contact sites in project area
☐ No expected ground disturbance
☐ Other _____

Comments:

Tribal Response (tribal use only)

Tribes: Absentee-Shawnee Tribe of Oklahoma
Tribal Contact for this project: Ms. Erin Thompson
Title: Tribal Historic Preservation Officer
Address: 2025 S. Gordon Cooper Drive
City, State, Zip: Shawnee, Oklahoma 74801
Telephone: 405-275-4030 Ext. 6340 **Fax:** _____
Email: ethompson@astribe.com
Copies to: _____

Please provide any corrections to:
Carol A. Ebright, Senior Archeologist
Maryland State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202
cebright@sha.state.md.us

Consulting Party Status

Do you wish to be a consulting party on this project? ☐ Yes ☐ No ☒ Unsure
If not a consulting party, do you wish to continue to receive information about this project? ☒ Yes ☐ No ☐ Unsure
(Note: If your answer is Unsure, SHA will continue to provide information.)

Areas of Concern (This information will be kept confidential)

Do you wish to inform SHA of any traditional religious and culturally important places in or near the project area? ☐ Yes ☒ No
If "Yes" please inform SHA how to proceed to address the tribe's concerns:

Name of person completing this form (please print): Erin Thompson

Signature: Erin Thompson

Digitally signed by Erin Thompson
DN: cn=Erin Thompson, email=ethompson@astribe.com
Date: 2018.06.14 14:12:41 -0500

Date: Jun 14, 2018

From: Kimberly Penrod <kpenrod@delawarenation.com>

Sent: Thursday, May 31, 2018 11:12 AM

To: Richard Ervin <RErvin@sha.state.md.us>

Subject: RE: MDOT SHA I-495 and I-270 Managed Lane Study (MLS) Public-Private Partnership (P3)

Richard,

The protection of our tribal cultural resources and tribal trust resources will take all of us working together.

We look forward to working with you and your agency.

With the information you have submitted we can concur at present with this proposed plan.

Our main concerns at the Delaware Nation on these types of projects are as follows:

1. Keeping a 50-100 ft (at least) area of protection around known sites.
2. Maintaining the buffer area and not allowing heavy equipment to impact these areas. Compression is an issue of concern for us. Be mindful of material staging/storage areas.
3. Protection of indigenous plants and/or re-introduction of the indigenous plants to the area is important to the Delaware Nation. Many of these are considered Traditional Cultural Properties for our people.
4. And if something is found, halting all work, contacting us within 48 hours and when work resumes discussion of a monitor if needed.

As with any new project, we never know what may come to light until work begins.

The Delaware Nation asks that you keep us up to date on the progress of this project and if any discoveries arise please contact us immediately.

Our department is trying to go as paper free as possible. If it is at all feasible for your office to send email correspondence we would greatly appreciate.

If you need anything additional from me please do not hesitate to contact me.

Respectfully,

Kim Penrod

Delaware Nation

Director, Cultural Resources/106

Archives, Library and Museum

31064 State Highway 281

PO Box 825

Anadarko, OK 73005

(405)-247-2448 Ext. 1403 Office

(405)-924-9485 Cell

kpenrod@delawarenation.com

Unless someone like you cares a whole awful lot, nothing is going to get better. It's not. ~Dr. Seuss



MD SHA Tribal Consultation: Project Notification Form

Project Name: I-495 and I-270 Multi Lane Study Date: May 2, 2018

FMIS No: AW073A11 A-Proj No: 11729 Master No: _____

County: Montgomery & Prince George's USGS Quadrangle: _____

Project Archeologist: Richard Ervin

Telephone: 410-545-2878 Email: RErvin@sha.state.md.us FAX: 410-209-5046

Brief Project Description (attach a map and detailed project description to this form):

Add two lanes in each direction to I-495 (the Capital Beltway) and I-270

Project Type:

☐ Minor Transportation
☐ Other Categorical Exclusion

☐ Environmental Assessment
☒ Environmental Impact Statement
☐ Other _____

Archeological Potential (pre-Contact or Contact Period Sites)

☒ Known pre-Contact sites in project area
☐ Known Contact sites in project area
☒ Likely to find pre-Contact sites in project area
☐ Likely to find Contact sites in project area

☐ Unlikely to find pre-Contact sites in project area
☐ Unlikely to find Contact sites in project area
☐ No expected ground disturbance
☐ Other _____

Comments:

Tribal Response (tribal use only)

Tribes: Delaware Nation

Tribal Contact for this project: Kimberly Penrod

Title: Director, Cultural Preservation Department

Address: P.O Box 825, 31064 State Highway 281

City, State, Zip: Anadarko, OK 73005

Telephone: 405-247-2448, ext. 1403 Fax: 405 247-8905

Email: kpenrod@delawarenation.com

Copies to: _____

Please provide any corrections to:
Carol A. Ebright, Senior Archeologist
Maryland State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202
cebright@sha.state.md.us

Consulting Party Status

Do you wish to be a consulting party on this project:

☒ Yes ☐ No ☐ Unsure

If not a consulting party, do you wish to continue to receive information about this project?

☐ Yes ☐ No ☐ Unsure

(Note: If your answer is Unsure, SHA will continue to provide information.)

Areas of Concern (This information will be kept confidential)

Do you wish to inform SHA of any traditional religious and culturally important places in or near the project area? ☐ Yes ☐ No

If "Yes" please inform SHA how to proceed to address the tribe's concerns:

Name of person completing this form (please print): Kim Penrod

Signature: Kim Penrod

Date: May 31, 2018

From: Jesse Bergevin <jbergevin@oneida-nation.org>
Sent: Thursday, May 31, 2018 12:36 PM
To: Richard Ervin <RErvin@sha.state.md.us>
Subject: RE: MDOT SHA I-495 and I-270 Managed Lane Study (MLS) Public-Private Partnership (P3)

Dear Mr. Ervin,

On May 10, 2018, Oneida Indian Nation (the “ Nation”) received an email and documentation from the Maryland Department of Transportation, State Highway Administration (MDOT), regarding the proposed I-495 and I-270 Improvements project (the “Project”) in Montgomery and Prince George’s Counties, Maryland. The Nation asks to be apprised of the results of the archaeological studies for the Project.

Please let me know if there are any questions.

Thank you,

Jesse Bergevin | Historic Resources Specialist
Oneida Indian Nation | 2037 Dream Catcher Plaza, Oneida, NY 13421-0662
jbergevin@oneida-nation.org | www.oneidaindiannation.com
315.829.8463 Office | 315.829.8473 Fax



MD SHA Tribal Consultation: Project Information Form

Project Name: I-495 and I-270 Multi Lane Study Date: May 14, 2019

FMIS No: AW073A11 A-Proj No: 11729 Master No: _____

County: Montgomery & Prince George's USGS Quadrangle: _____

Project Archeologist: Richard Ervin

Telephone: 410-545-2878 Email: rervin@sha.state.md.us FAX: 410-209-5046

Brief Project Description: Add up to 2 lanes to I-495 (Capital Beltway) & I-270, replace American Legion Bridge over Potomac

Project Status:

☐ Initial Notification

☒ Definition of APE

☐ Completion of Identification Studies (Phase 1)

☐ Determination of Eligibility (Phase 2)

☐ Determination of Effects

☐ Resolution of Adverse Effects

☐ Execution of MOA

☐ Conducting Mitigation (Phase 3)

☐ Other _____

Enclosures: May 14, 2019 letter to MD SHPO, with revised APE at the Potomac River Crossing, including Virginia

Comments: MDOT has identified additional potential impacts at the Potomac River, including Virginia

Tribal Response (tribal use only)

Tribes: The Delaware Nation

Tribal Contact for this project: Erin Thompson

Title: Historic Preservation Director

Address: PO Box 825, 31064 State Highway 281

City, State, Zip: Anadarko, OK 73005

Telephone: 405-247-2448 ext 1403 Fax: 405-247-8905

Email: ethompson@delawarenation-nsn.gov

Copies to: _____

Please provide any corrections to:
Carol A. Ebright, Senior Archeologist
Maryland State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202
cebright@sha.state.md.us

Consulting Party Status

Do you wish to be a consulting party on this project? ☒ Yes ☐ No ☐ Unsure

If not a consulting party, do you wish to continue to receive information about this project? ☐ Yes ☐ No ☐ Unsure

(Note: If your answer is Unsure, SHA will continue to provide information.)

Comments on Enclosures if applicable (please add additional pages if necessary):

Do you agree with the findings of eligibility or effect? ☒ Yes ☐ No

If "No" please comment: _____

Do you have comments on the report or MOA: ☐ Yes ☒ No

If "Yes" please comment: _____

Areas of Concern (This information will be kept confidential)

Do you wish to inform SHA of any traditional religious and culturally important places in or near the project area? ☐ Yes ☒ No

If "Yes" please inform SHA how to proceed to address the tribe's concerns (please add additional pages if necessary):

Do you have any other concerns? ☐ Yes ☒ No

If "Yes" please inform SHA how to proceed to address the tribe's concerns:

Name of person completing this form (please print): Erin Thompson

Signature: Erin Thompson

Digitally signed by Erin Thompson
Date: 2019.07.02 12:35:54 -05'00'

Date: Jul 2, 2019



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

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Stephen R. Adkins
7240 Adkins Road
King William, VA 23030

Dear Chief Adkins:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Chickahominy Indian Tribe wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

Since that time, both MDOT SHA and VDOT have refined project design concepts and MDOT SHA will have proposed project elements in Fairfax County, Virginia, near the American Legion Bridge and George Washington Memorial Parkway.

In coordination with the Virginia Department of Historic Resources (VDHR), MDOT SHA has identified five additional pre-contact archaeological sites (44FX374, 44FX389, 44FX3160, 44FX381, and 44FX379) that are within the project's Area of Potential Effect. MDOT SHA is coordinating Phase II archaeological evaluation at these sites with the National Park Service, as they are located within park service property. This work is intended to determine if the sites are eligible for the National Register of Historic Places. Intensive Phase I archaeology will also be done on a sixth site, 44FX373. Additionally, MDOT SHA proposes to conduct Phase I survey within the project limits along the George Washington Memorial Parkway in Virginia, to identify any additional resources in this unsurveyed area. Three known pre-contact archaeological sites are recorded adjacent to the Phase I survey area. A map of the survey area and archaeological evaluation locations that MDOT SHA proposes in Virginia for the MLS is enclosed as part of the Area of Potential Effects update sent to the Maryland and Virginia State Historic Preservation Officers (Attachment 1).

Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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**Federal Highway
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Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Gerald A. Stewart
1191 Indian Hill Lane
Providence Forge, VA 23140

Dear Chief Stewart:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Chickahominy Tribe Eastern Division wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

Since that time, both MDOT SHA and VDOT have refined project design concepts and MDOT SHA will have proposed project elements in Fairfax County, Virginia, near the American Legion Bridge and George Washington Memorial Parkway.

In coordination with the Virginia Department of Historic Resources (VDHR), MDOT SHA has identified five additional pre-contact archaeological sites (44FX374, 44FX389, 44FX3160, 44FX381, and 44FX379) that are within the project's Area of Potential Effect. MDOT SHA is coordinating Phase II archaeological evaluation at these sites with the National Park Service, as they are located within park service property. This work is intended to determine if the sites are eligible for the National Register of Historic Places. Intensive Phase I archaeology will also be done on a sixth site, 44FX373. Additionally, MDOT SHA proposes to conduct Phase I survey within the project limits along the George Washington Memorial Parkway in Virginia, to identify any additional resources in this unsurveyed area. Three known pre-contact archaeological sites are recorded adjacent to the Phase I survey area. A map of the survey area and archaeological evaluation locations that MDOT SHA proposes in Virginia for the MLS is enclosed as part of the Area of Potential Effects update sent to the Maryland and Virginia State Historic Preservation Officers (Attachment 1).

Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Dean Branham
P.O. Box 1136
Madison Heights, VA 24572

Dear Chief Branham:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Monacan Indian Nation wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

Since that time, both MDOT SHA and VDOT have refined project design concepts and MDOT SHA will have proposed project elements in Fairfax County, Virginia, near the American Legion Bridge and George Washington Memorial Parkway.

In coordination with the Virginia Department of Historic Resources (VDHR), MDOT SHA has identified five additional pre-contact archaeological sites (44FX374, 44FX389, 44FX3160, 44FX381, and 44FX379) that are within the project's Area of Potential Effect. MDOT SHA is coordinating Phase II archaeological evaluation at these sites with the National Park Service, as they are located within park service property. This work is intended to determine if the sites are eligible for the National Register of Historic Places. Intensive Phase I archaeology will also be done on a sixth site, 44FX373. Additionally, MDOT SHA proposes to conduct Phase I survey within the project limits along the George Washington Memorial Parkway in Virginia, to identify any additional resources in this unsurveyed area. Three known pre-contact archaeological sites are recorded adjacent to the Phase I survey area. A map of the survey area and archaeological evaluation locations that MDOT SHA proposes in Virginia for the MLS is enclosed as part of the Area of Potential Effects update sent to the Maryland and Virginia State Historic Preservation Officers (Attachment 1).

Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Samuel Bass
1001 Pembroke Lane
Suffolk, VA 23434

Dear Chief Bass:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Nansemond Indian Tribe wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

Since that time, both MDOT SHA and VDOT have refined project design concepts and MDOT SHA will have proposed project elements in Fairfax County, Virginia, near the American Legion Bridge and George Washington Memorial Parkway.

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FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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Maryland Division

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Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Robert Gray
1054 Pocahontas Trail
King William, VA 23806

Dear Chief Gray:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Pamunkey Indian Tribe wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

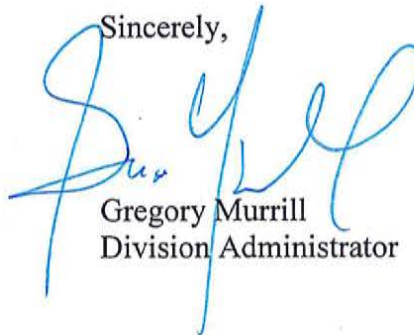
Since that time, both MDOT SHA and VDOT have refined project design concepts and MDOT SHA will have proposed project elements in Fairfax County, Virginia, near the American Legion Bridge and George Washington Memorial Parkway.

In coordination with the Virginia Department of Historic Resources (VDHR), MDOT SHA has identified five additional pre-contact archaeological sites (44FX374, 44FX389, 44FX3160, 44FX381, and 44FX379) that are within the project's Area of Potential Effect. MDOT SHA is coordinating Phase II archaeological evaluation at these sites with the National Park Service, as they are located within park service property. This work is intended to determine if the sites are eligible for the National Register of Historic Places. Intensive Phase I archaeology will also be done on a sixth site, 44FX373. Additionally, MDOT SHA proposes to conduct Phase I survey within the project limits along the George Washington Memorial Parkway in Virginia, to identify any additional resources in this unsurveyed area. Three known pre-contact archaeological sites are recorded adjacent to the Phase I survey area. A map of the survey area and archaeological evaluation locations that MDOT SHA proposes in Virginia for the MLS is enclosed as part of the Area of Potential Effects update sent to the Maryland and Virginia State Historic Preservation Officers (Attachment 1).

Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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**Federal Highway
Administration**

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief Anne Richardson
5036 Indian Neck Road
Indian Neck, VA 23148

Dear Chief Richardson:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Rappahannock Tribe wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

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Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources



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Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

June 17, 2019

In Reply Refer To:
HDA-MD

Chief William F. Adams
5932 East River Road
King William, VA 23086

Dear Chief Adams:

In May of 2018, the Maryland Division of the Federal Highway Administration contacted you via letter to inquire if the Upper Mattaponi Indian Tribe wished to consult on Federal-Aid Highway Projects in Maryland under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800. We wish to re-extend that invitation, as we did not receive a response on our earlier letter.

The letter sent in May 2018 also noted that FHWA was initiating consultation on the I-495 and I-270 Managed lanes Study (MLS), a Federal-Aid project of the Maryland Department of Transportation State Highway Administration (MDOT SHA). At that time, it was anticipated that all effects to historic properties and Section 106 consultation in Virginia for the MLS would be resolved by FHWA's Virginia Division and the Virginia Department of Transportation (VDOT), as VDOT's I-495 Northern Lanes Extension (NEXT) project footprint would account for effects to all historic properties requiring inventory and evaluation in Virginia.

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EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT
70500 East 128 Road, Wyandotte, OK 74370

January 10, 2022
MDOT Maryland State Highway Administration
707 N Calvert St
Baltimore, MD 21202

RE: I-495 and I-270 Managed Lanes Study (MLS) HAD-MD Master No. AW073A13, Montgomery County, MD

Dear Mr. Archer,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Montgomery County, MD. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833

Because the MLS project now has additional elements proposed in the Commonwealth of Virginia, the Federal Highway Administration Maryland Division respectfully requests your consultation on the project in accordance with 36 CFR 800.2(c)(2), regarding MDOT SHA's identification and evaluation of properties to which the tribe may attach religious or cultural significance.

FHWA respectfully requests your response by no later than **July 16, 2019** regarding consultation on MDOT SHA's I-495 and I-270 Managed Lanes Study, and any information needs or comments you may have at this time. Additionally, as noted in our letter of May 2018, FHWA's Maryland Division would like to confirm the tribe's interest and preferences regarding consultation on Federal-Aid projects in Maryland generally. If you would like additional information or to discuss these issues, please do not hesitate to contact Ms. Jeanette Mar, Environmental Program Manager, FHWA Maryland Division, by email to jeanette.mar@dot.gov or via phone at (410) 779-7152.

Sincerely,



Gregory Murrill
Division Administrator

Attachment

cc: Mr. John Simkins, FHWA Virginia Division, Planning and Environment Team Leader
Mr. Steve Archer, MDOT SHA, Cultural Resources Team Leader
Mr. Marc Holma, VA DHR, Architectural Historian
Mr. Tony Opperman, VDOT, Cultural Resources Program Manager
Ms. Sarah Clarke, VDOT, Environmental Program Planner, Cultural Resources

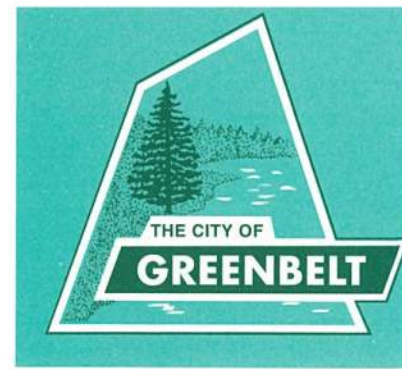
Additional Consulting Parties

CITY OF GREENBELT, MARYLAND

OFFICE OF THE CITY MANAGER

25 CRESCENT ROAD, GREENBELT, MD. 20770

May 11, 2018



Nicole C. Ard
City Manager

Ms. Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division
Maryland Department of Transportation, SHA
707 North Calvert Street
Baltimore, MD 21202

Re: Study No. AW073A11
I-495 & I-270 Managed Lane Study
Section 106 Review

Dear Ms. Schablitsky:

The City of Greenbelt is in receipt of your letter dated, April 12, 2018, requesting comment on historic preservation issues as they relate to the I-495 & I-270 Managed Lane Study. The City appreciates the opportunity to comment and looks forward to being an active partner in the Section 106 process. This letter incorporates responses from the three consulting parties for the City of Greenbelt.

The Greenbelt City Council is on record in opposition to the proposed widening of I-495 and I-270 (letter attached). While the City's opposition extends beyond the Section 106 process, for the purpose of responding to your request, this letter will focus on issues relevant to the identification and protection of historically and culturally significant resources.

The City is very concerned about the impact that the proposed widening project will have on the historic character and integrity of Historic Greenbelt. Greenbelt is historically significant as one of three planned communities built through the Federal government's "Green Towns Program" during the Great Depression. Greenbelt is significant for its status as a national model for community planning and design. In November 1980, Greenbelt was listed as a Historic District in the National Register of Historic Places. The boundaries of the District were drawn to include areas of the City directly related to the establishment and expansion of the planned community between 1935 and 1941. In 1997, Historic Greenbelt was designated a National Historic Landmark. Within the "Area of Potential Effects" lay portions of the Greenbelt National Register Historic District, National Historic Landmark designated areas, the historic Walker Family Cemetery, Buddy Attick Lake Park, segments of the Baltimore Washington Parkway, portions of the United States Department of Agriculture's Beltsville Agricultural Research Center and portions of Greenbelt National Park.



The proposed highway widening project's impact on Historic Greenbelt and significant historical resources is unacceptable. The resources listed above have significant value to the history and character of Greenbelt, as well as the State. These historic resources must be protected, as mandated under Federal Law. The City continues to strongly urge the State of Maryland to use its resources to improve alternative existing multi-modal transportation options (i.e., MARC, Metro service, bus transit and bike routes).

The proposed plan to widen the Capital Beltway infringes on Greenbelt's parkland, open space and Forest Preserve. These areas have been proven to be vitally important to a person's health and quality of life. The City has actively invested in the creation of forested open space. The City of Greenbelt's robust Recreation and Parks system is heavily used by Greenbelt residents, businesses and others from surrounding cities and counties. These award-winning, multigenerational and inclusive recreation programs, facilities and parks are of vital importance in a densely populated urban area. For these reasons, the Greenbelt Recreation Department opposes the proposed project.

Thank you for the opportunity to comment. The City looks forward to continued participation in the Section 106 process, as well as future planning processes. If you have any questions please contact Ms. Terri Hruby, Planning Director, at 240-542-2041 or by email at thruby@greenbeltmd.gov.

Sincerely,

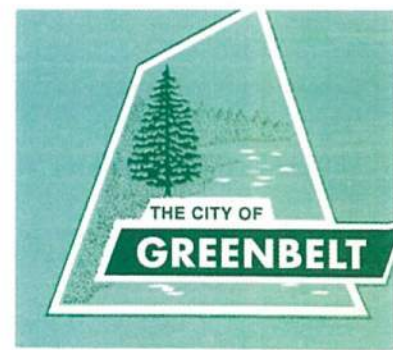


Nicole Ard
City Manager

cc: City Council
Terri Hruby, Planning Director
Julie McHale, Director of Recreation

CITY OF GREENBELT

25 CRESCENT ROAD, GREENBELT, MD. 20770-1886



October 23, 2017

The Honorable Lawrence Hogan, Jr.
Office of the Governor
100 State Circle
Annapolis, MD 21401

Re: Proposed Highway Widening Projects

Dear Governor Hogan:

CITY COUNCIL

Emmett V. Jordan, Mayor
Judith F. Davis, Mayor Pro Tem
Konrad E. Herling
Leta M. Mach
Silke I. Pope
Edward V.J. Putens
Rodney M. Roberts

The Greenbelt City Council is opposed to the proposed widening of I-270, the Capital Beltway (I-495) and the Baltimore-Washington Parkway (MD 295) to accommodate managed and/or toll lanes. These highway widening projects will not solve our region's road congestion problems.

Studies have shown that highway expansion projects ultimately do not relieve congestion. Instead research indicates that such projects encourage more driving, longer trips and increase suburban sprawl -which further stresses the environment, creates a greater maintenance burden to support an inefficient transportation network, and costs Maryland citizens time and money. In fact, the deficiency of this proposal was published in the 2012 Baltimore-Washington Parkway Widening Feasibility Study which concluded that:

"While a widened B-W Parkway will accommodate greater traffic volumes, the magnitude of increased travel demand on the facility generated by continuing anticipated regional population and employment growth will likely result in levels of traffic congestion similar to those experienced today."

The impact that the proposed highway widening projects will have on the natural, socioeconomic, cultural and built environments is unacceptable. Established neighborhoods adjacent to these highway corridors will be negatively impacted by a diminished quality of life, as will the users of the Parkway. Also, the natural and cultural significance of the Baltimore-Washington Parkway cannot be ignored. The Parkway is listed on the National Register of Historic Places, an indication of its significant value to the history and character of Maryland. This historic treasure deserves to be respected for its original function as a scenic byway. The segment of the Parkway that is owned by the National Park Service should be retained by the National Park Service. To transfer ownership to the State will threaten its historic designation, and most likely result in the byway being transformed by State of Maryland Highway standards, destroying its scenic and parkway setting.

In a time when communities are wrestling with environmental and socioeconomic challenges, proceeding with highway widening projects that do little to address the region's congestion, but have high environmental, human and financial costs, raises questions and concerns that need to be carefully considered. Before moving forward to construction of these projects, alternative congestion relief approaches should be studied and considered, including dedicating more funding to transit and other alternative modes of transportation. We need to allocate our limited resources to supporting the live, work and play philosophy by investing in transit oriented development and the infrastructure necessary to attract and sustain it.

The City strongly urges your administration to consider utilizing resources to expand and improve the existing alternative transportation routes. The MARC Train serves the Baltimore-Washington Corridor. Resources dedicated to improving MARC Train service hours would do more to relieve congestion on the Corridor while maintaining the unique beauty, and relief that the Parkway provides to the regional road network. The new economy cannot support a

A NATIONAL HISTORIC LANDMARK

(301) 474-8000 FAX: (301) 441-8248

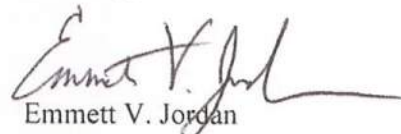
www.greenbeltmd.gov

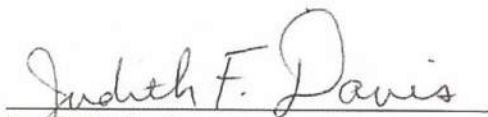


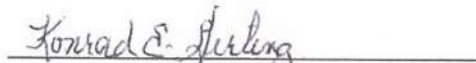
continued disconnect between transportation projects and land use development patterns that do little to support a sustainable future.

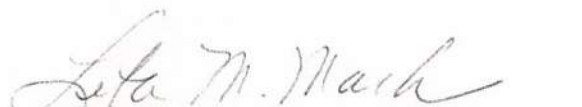
The City requests that you withdraw your support for the I-495 and I-295 widening projects, and allow an opportunity for the state transportation agencies to pursue other congestion relief approaches. We can collectively work together towards developing a plan that will relieve traffic congestion on our highways while minimizing impacts to the natural and built environment.

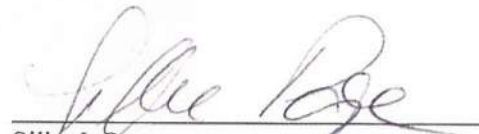
Sincerely,


Emmett V. Jordan
Mayor

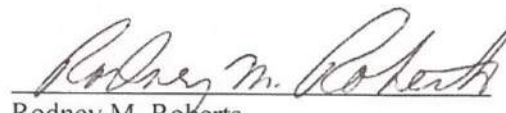

Judith F. Davis
Council Member


Konrad E. Herling
Council Member


Leta M. Mach
Council Member


Silke I. Pope
Council Member


Edward V.J. Putens
Council Member


Rodney M. Roberts
Council Member

Enclosure: Baltimore-Washington Parkway Widening Feasibility Study (November 2012)

cc: City Council
Senator Ben Cardin
Senator Chris Van Hollen
Congressman Steny Hoyer
Senator Paul Pinsky
Delegate Anne Healey
Council Member Derrick Davis
Council Member Dannielle Glaros
Council Member Andrea Harrison
Council Member Mary Lehman
Council Member Deni Taveras
Council Member Obie Patterson
Council Member Karen Toles
Council Member Mel Franklin
Four Cities Coalition
Nicole Ard, City Manager
Terri Hruby, Acting Director of Planning & Community Development



MONTGOMERY COUNTY DEPARTMENT OF PARKS
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

May 18, 2018

Dr. Julie Shablitsky
Assistant Division Chief
Environmental Planning Division
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Dear Dr. Shablitsky,

The Maryland-National Capital Park and Planning Commission, Montgomery Parks (Parks) has (by carbon copy) received your letter dated April 12, 2018 to Ms. Elizabeth Hughes, State Historic Preservation Officer, Maryland Historical Trust (MHT), concerning the proposed Study No. AW073A11, the I-495 & I-270 Managed Lanes Study (MLS), inviting MHT and local agencies to comment on MDOT's preliminary Area of Potential Effects (APE) and participate in the Section 106 process. As you know, M-NCPPC is a Cooperating Agency in the Interagency Working Group (IAWG). Representatives from Montgomery Parks' Cultural Resources Stewardship Section also participated in the May 3, 2018 meeting held at SHA's Baltimore office on the Section 106 process for this project. At that meeting, Parks was asked to submit comments to SHA on the preliminary APE and preliminary identification of cultural resources. We expect to refine and supplement these comments as the project progresses and the actual project impacts are defined more accurately.

As both Interstates 495 and 270 transect some of the most important cultural resources in the County, archaeological resources, historic objects and structures, and cultural landscapes will be adversely affected by the project. The heart of the County's park system, which originates in 1927, are its stream valley parks; these are all impacted by the proposed project. Due to concern for the loss of cultural resources, any alternatives considered must include a package of environmental and community stewardship mitigation projects that adequately offset the breadth of this major public works project.

The Preliminary Area of Potential Effects (APE)

The April 12, 2018 letter to MHT identifies two APE boundaries – one for direct impacts to National Register listed or eligible resources (the 300-foot from centerline Corridor Study Boundary), and a larger one for direct and indirect impacts (the Corridor Study Boundary plus an additional 250 feet to either side). Due to the lack of clarity on where the boundary for direct impacts lies at this time, Parks expects that MDOT/SHA will use the larger APE (which is

approximately 550' from the centerline) for *both* archaeology and standing structures assessments.

Identified Historic Resources on Parkland

There are two identified historic resources in the Project Area:

- Rock Creek Park Montgomery County Survey Area (M: 36-87)
- Sligo Creek Parkway (M: 32-15)

Within these linear stream valley park systems there are numerous contributing elements, some of which are strictly in the preliminary APE, others that are immediately outside but should be considered, and others that are yet to be identified. Joseph's Park Boundary Marker from 1817, for example, is an object within Rock Creek Park Stream Valley Unit 2. The Sligo Creek Golf Clubhouse is a building along the Sligo Creek Parkway in its Stream Valley Unit 3. There are other cultural resources in the preliminary APE that should be identified by SHA's consulting architectural historians.

Archaeology on Parkland

Currently, there are five recorded archaeological sites within the preliminary APE on parkland. These include:

- 18M0191 – Kavanagh XII site (Cabin John Regional Park)
- 18M0332 – Rock Creek Stream Valley site (Rock Creek Stream Valley Unit 2)
- 18M0457 – Booze Creek site (Cabin John Stream Valley Unit 2)
- 18M0510 – Rock Creek Hills #1 (Rock Creek Stream Valley Unit 2)
- 18M0602 – Fuster site (Northwest Branch Stream Valley Unit 3)

Based on preliminary research, none of these have been evaluated for their eligibility for inclusion on the National Register. In addition, large sections of the APE cross parkland in areas that have not been systematically surveyed for the presence of archaeological sites. As noted in the April 12, 2018 letter to MHT, SHA has identified 49 discrete areas in the overall project that appear to be undisturbed and will require additional testing. Parks requests a map identifying these areas so that we can contribute to them based on our knowledge of potential archaeological resources on parkland.

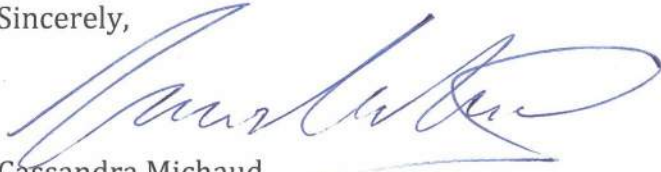
Additionally, Parks would like to inform SHA of a cemetery not currently noted on the maps provided in the April 12, 2018 letter to MHT. Gibson Grove Cemetery, which is not on parkland, lies within the preliminary APE on the west side of Seven Locks Road. The cemetery was divided from the Gibson Grove Church during the construction of I-495 years ago. It is listed as #105 on the Montgomery County Cemetery Inventory housed on the Planning Department website:

<http://montgomeryplanning.org/planning/historic/montgomery-county-cemetery-inventory/montgomery-county-cemetery-inventory-alphabetical/>

Parks encourages MDOT/SHA to consult this inventory regularly so as not to miss burial sites.

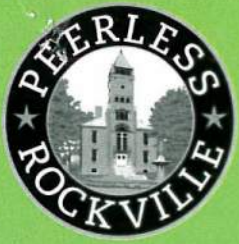
M-NCPPC, Montgomery Parks appreciates the opportunity to be a Cooperating Agency in the IAWG and specifically to consult with SHA on the Section 106 aspects of this project, which will have a significant impact to the cultural landscape of the county. We look forward to continuing to work with SHA on identifying and protecting cultural resources on parkland as the project moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cassandra Michaud', with a large, stylized flourish at the end.

Cassandra Michaud
Senior Archaeologist, RPA

Cc: Beth Cole, Maryland Historical Trust
Jeanette Mar, Federal Highway Administration
Steve Archer, State Highway Administration
Jai Cole, M-NCPPC, Montgomery Parks, Acting Chief, Park, Planning and Stewardship
Matt Harper, M-NCPPC, Montgomery Parks, Natural Resources Manager
Doug Stephens, M-NCPPC, Montgomery Parks, Natural Resources
Joey Lampl, M-NCPPC, Montgomery Parks, Cultural Resources Stewardship
Julie Mueller, M-NCPPC, Montgomery Parks, Cultural Resource Stewardship
Rebecca Ballo, M-NCPPC, Montgomery Planning, Historic Preservation



Preserving Rockville's Heritage

August 27, 2018

Department of Transportation
State Highway Administration
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21202

To Whom It May Concern:

I write to you today on behalf of Peerless Rockville Historic Preservation's Board of Directors and members, concerning the proposed plans to expand interstate 270 and the harmful effects of the physical widening of I-270 will have on the historic resources and community fabric of the City of Rockville and Montgomery County.

Peerless Rockville is a nonprofit, community-based organization founded in 1974 to preserve buildings, objects, and information important to Rockville's heritage. We advance our goals through education, example, advocacy, and community involvement. As a historic preservation advocacy organization, we are deeply concerned about the potential impact of the I-270 expansion project on Rockville's historic resources as well as the identity of its unique neighborhoods that this project threatens.

The City of Rockville has many neighborhoods representing its development over time. The post-war years featured a boom in housing and construction that resulted in expansion and growth of the City and formed the modern communities that thrive today. Development and consideration of historic contexts should include a focus on the post-war, Mid-Century, and late 20th century built environment. Although not currently listed as historic, many communities within the area of potential effects meet National Register eligibility criteria.


For example, the neighborhood of New Mark Commons was recently added to the National Register of Historic Places as an exemplary illustration of "Situated Modernism," combining clustered and free-standing houses within a rolling, wooded landscape. Other neighborhoods like this exist all along the I-270 corridor. Many of Rockville's neighborhoods were constructed during this period to take advantage of the "new" highway infrastructure. We are gravely

concerned by any option for I-270 expansion that widens the footprint of the roadway in Rockville, threatening these long-standing communities, and we strongly urge you to choose alternate plans.

As a designated consulting partner to 106 Review, Peerless Rockville looks forward to working with SHA and other partners in protecting Rockville and Montgomery County's important historic resources throughout this study. As a community advocate, we stand strong in our desire to protect the rich heritage of our community.

Peerless Rockville Historic Preservation, Ltd. possesses an abundance of materials on Rockville's history, heritage, and historic homes and sites. We encourage all researchers and consultants documenting areas impacted by the I-270 expansion project to visit our office and utilize our archives and collections located in the historic Old Red Brick Courthouse in downtown Rockville.

Sincerely,



Nancy Pickard

Executive Director

CC:

City of Rockville Mayor & Council

City of Rockville Historic District Commission

Elizabeth Hughes, State Historic Preservation Officer

From: Sarah Rogers <director@heritagemontgomery.org>
Sent: Monday, September 24, 2018 3:21 PM
To: Steve Archer <SArcher@sha.state.md.us>
Subject: Re: MDOT SHA I-495/I-270 Managed Lanes Study Section 106 Update

Replying to MDOT SHA Managed lanes study – keep us on the list.
Sarah L. Rogers
Heritage Montgomery

From: David, Gail <Gail.David@montgomerycountymd.gov>

Sent: Wednesday, November 7, 2018 2:31 PM

To: Steve Archer <SArcher@sha.state.md.us>

Cc: Jeanette Mar, FHWA <jeanette.mar@dot.gov>; David Clarke, FHWA <david.clarke@dot.gov>; Caryn Brookman <CBrookman@sha.state.md.us>; Beth Cole, MHT <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>

Subject: Re: I 495/I-270 Managed Lanes Study Agenda and online/call-in information for Section 106 Consulting Party Meeting Tuesday, November 13

Hi Steve,

I apologize but I will not be able to attend this meeting. Please continue to keep me on the emails. Thank you!

Gail David

Deputy Warden, Operations

Department of Correction and Rehabilitation

22880 Whelan Ln.

Boys, Maryland 20841

240-773- 9928 (MCCF)

240-773-9975 (fax #)

240-777-9817 (MCDC)

gail.david@montgomerycountymd.gov

From: Jim Wasilak <jwasilak@rockvillemd.gov>

Sent: Monday, November 19, 2018 4:50 PM

To: Steve Archer <SArcher@sha.state.md.us>

Cc: Sheila Bashiri <sbashiri@rockvillemd.gov>; Ricky Barker <rbarker@rockvillemd.gov>

Subject: RE: I-495/I-270 MLS Section 106 Consultation: documents available and November 13 Consulting Party Meeting

Steve: The City of Rockville does not have comments on the Gap Analysis or Suburbanization Context Addendum at this time. However, the City does want to continue as a consulting party, so please keep Sheila Bashiri and myself on your list. I have let Matt Manning know that the City has development files on many of the properties listed in the Newly Identified Buildings and Districts chart within Rockville, and we will be forwarding that info to him over the coming weeks.

Thanks, Jim

R. James Wasilak, AICP
Chief of Zoning
Department of Community Planning and Development Services
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850
240-314-8211 (direct)
240-314-8200 (CPDS main)
jwasilak@rockvillemd.gov





MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 19, 2018

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study, Section 106 Comments

Dear Mr. Archer:

Thank you for providing the opportunity to review and comment on the latest Section 106 review materials as part of the I-495/I-270 Managed Lanes Study. **These comments reflect the comprehensive comments from the Cultural Resources Sections of the M-NCPPC Montgomery County Parks and Planning Departments.**

Gap Analysis

The Gap Analysis and Suburban Context Addendum documents add significantly to the original context for this project and will be a useful tool in assessing the architectural and planning aspects of the sites that may be affected by the proposed project. While clearly a great deal of effort went into researching and writing it, we nonetheless find that it lacks certain crucial information, and the consultant did not tap certain sources, and local context is underrepresented, both in the sections on the built environment and archaeology. The Gap Analysis and Addendum lack substantive information on the social and cultural aspects of the potentially affected neighborhoods (Criterion A). While providing a thorough study of the transportation and mainstream developer-generated housing, the analysis to date also omits a discussion of those who lived in Montgomery County outside of majority-white neighborhoods. For instance, were any of the possibly affected neighborhoods associated with Montgomery County's African American history, or the history of the large influx of Asian and Latino communities into the County? Around 40% of Montgomery County's population was enslaved in the first half of the 19th century. After the Civil War, freedmen and women settled across Montgomery County, many in areas that are in proximity to the proposed project. These settlements were regularly omitted from the historical documents most commonly used by researchers and alternative methods for their identification are often required. Similarly, were any of the communities studied Jewish or representative of other excluded groups as a result of being shut out of communities due to restrictive covenants? These important historical aspects are not taken into consideration in the document or as part of the survey strategy.

Archaeological Context

There are four known or potential cemetery locations within the APE for the project: Gibson Grove AME Church Cemetery; Ball Family Cemetery; St. John the Evangelist Catholic Church Cemetery (Forest Glen Cemetery); and The Poor Farm site and cemetery (18MO266). The Gap analysis lacks the Ball Family burial ground, which included at least two interments dating to 1855 and 1862. The stones were removed from the vicinity of I-270 and Montrose Road in the 1950s prior to the construction of the interstate

highway. The stones survive and are stored nearby. Montgomery County Cemetery Inventory files contain leads regarding the original burial site location within the project APE.

The St. John the Evangelist Cemetery is referenced in the gap analysis indirectly as part of the Forest Glen historic district. The discussion in the gap analysis makes no mention of the cemetery, but focuses exclusively on late 19th-century suburban development. The cemetery comprises nearly half the physical area of the district, and the first interment (the mother of John Carroll, first catholic bishop in the United States) dates to 1796. There are several notable early 19th-century headstones made of Seneca Sandstone, the same striking red stone used to build the church. The cemetery boundary is very close to, and possibly within the corridor boundary. Approximately half the cemetery, including the original location of the 1770s church, are within the architecture APE.

Generally, the archaeological context appears to be largely derived from research conducted in environmental settings of the Coastal Plain, with little focus on the Piedmont, which comprises most of Montgomery County. This context should be corrected.

Requested Next Steps

We welcome the offer of MDOT/SHA to have locality/consulting party specific meetings. Montgomery County would like to host such a meeting, and would work with SHA to invite County-specific stakeholders to the discussion. At this meeting we could work with MDOT/SHA to introduce the team and consultants to our extensive research files. This would also be an ideal opportunity to provide information from the Montgomery County Cemetery Inventory so that the potential effect to cemetery sites within the APE are adequately considered.

We also request that as Determination of Eligibility forms (DOEs) are sent to MHT for review, that these forms be concurrently transmitted to M-NCPPC (both Montgomery Planning and Montgomery Parks) so that we may also review and provide comments. Handling the property-specific reviews in smaller batches will enable us to provide feedback and analysis on a rolling basis, instead of having to review the entire set of DOEs at once near the end of the documentation phase of the project.

We also request that future Consulting Parties meetings provide initial assessments and analysis of impacts to Cultural Resources under 4F and NEPA. Some resources may have more stringent protection requirements under 4F and it would be helpful to understand and review any analysis that may have informed decisions on choosing a Preferred Alternative at the next and at all future meetings.

We would also like to thank the MDOT/SHA project team for providing the requested archaeological survey information and GIS maps after the last Consulting Parties meeting on November 13th. Given that it is standard practice to allow 30-days of review of new information, M-NCPPC requests until COB Friday, December 14, 2018 to fully review this extensive material, including the archaeological survey areas that we have just received digitally. This is a large, complex project and, as such, requires adequate time to evaluate from the outset the framework for identifying and evaluating potential historic properties, as required under Section 106 of the National Historic Preservation Act. We also look forward to reviewing the final reports for the Phase I archaeological assessments currently underway.

Thank you again for the opportunity to comment. If you have any questions or need to discuss this matter, please feel free to contact us at 301-563-3404; Rebeccah.Ballo@montgomeryplanning.org, or 301-563-3414; Joey.Lampl@montgomeryparks.org.

Sincerely,



Rebecca Ballo
Historic Preservation Supervisor, Montgomery County Planning



Joey Lampl,
Cultural Resources Manager, Montgomery County Parks

cc: Jeannette Mar, FHWA
Jason Shellenhammer, RKK
Tim Tamborino, Maryland Historical Trust
Beth Cole, Maryland Historical Trust
Carol Rubin, Montgomery Planning
Matt Harper, Montgomery Parks
Doug Stevens, Montgomery Parks
Cassandra Michaud, Montgomery Parks

Post Office Box 4661
Rockville, MD 20849-4661
Web: www.montgomerypreservation.org
Email: mpi@montgomerypreservation.org

Montgomery Preservation Inc.

Promoting the Preservation, Protection and Enjoyment of Montgomery County's Rich Architectural Heritage and Historic Landscapes

November 19, 2018

Steve Archer, Cultural Resources Team Leader
Environmental Planning Division, State Highway Administration
Via email

Re: Section 106, 495/270 Managed Lanes Study

Dear Steve,

I write on behalf of Montgomery Preservation Inc. (MPI) to offer general comments about the referenced project. We are impressed by the scope of the study and its identification of resources, districts, and parks from which to pare down historic places that may be affected. Please know that MPI has a strong interest in this wide-ranging project, and we pledge to work with all parties to facilitate the process.

Of the 160 Montgomery County properties identified in all of the categories, many fall into the suburbanization context. We are pleased that the date was extended to 1978, as important planned communities are now included along with individually notable structures. Others pre-date this late 19th to mid-20th century era. Some are listed in the National Register and/or designated locally by Montgomery County or a municipality such as Rockville.

MPI is just completing its Montgomery County Cemetery Inventory Revisited project which, as it updated efforts from a decade ago, utilized advanced technology and additional data to better document 323 known burial sites throughout the County. Four sites (Ball Cemetery ID# 279, Gibson Grove #105, MoCo Poor Farm #196, and St. John the Evangelist #131) are appropriately identified in your study.

If the APE is enlarged at any point in this process, and you want to broaden the study to include farther north sites such as Comsat or Moneysworth farm (both in Clarksburg) and other burial sites (such as Scotland in Rockville), we will help to provide additional information.

Lastly, MPI encourages you to meet in the near future with Montgomery County Historic Preservation and Parks staff, and include MPI, to more specifically discuss our County resources and to coordinate efforts. There is no doubt that this highway project will have major effects on Montgomery County.

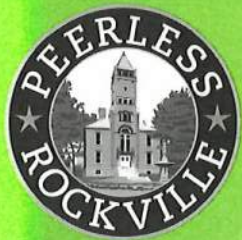
Sincerely yours,

/s/

Eileen McGuckian, president
Montgomery Preservation Inc.
Consulting Party

- General: The Gap Analysis only focuses on Maryland and does not look at Virginia, as it states: "Section 106 requirements for both archaeology and historic architecture in Virginia for this project are being addressed separately by the Virginia Department of Transportation for their ongoing project to extend the American Legion Memorial Bridge High Occupancy Toll (HOT) Lanes to the George Washington [Memorial] Parkway." Curious if this VDOT project covers the entirety of the MLS project area in Virginia. It would be helpful to see a graphic highlighting the two project areas to verify there will be complete coverage of the MLS project area within Virginia, as well as to ensure resources under the administration of the George Washington Memorial Parkway are properly identified (e.g., archeological sites).
- General: The Gap Analysis does not discuss underwater archeology or the potential for submerged cultural resources to exist within the project area. Given that a portion of the project area crosses the Potomac River at the American Legion Bridge, the potential for such resources to exist must be assessed. This includes expanding the historic context to include early maritime activities that took place within and adjacent to the project area and examine the potential for submerged cultural resources to be present.
- Section 1.1.1, p. 3: Please use the full, official name of the 'George Washington Memorial Parkway' in this report and subsequent project documentation (as opposed to the colloquial 'GW Parkway') - GLOBAL.
- Section 2.1 Background Research: There are other documentary sources related to CHOH that would be of use for a desktop survey of archaeological resources including Berger's 9-year study of the canal (Fiedel et al 2005). I realize that the survey did not include property within the MLS study area, but would provide a broader context. (Also applies to 4 Regional History).
- Section 2.3.2 Criteria for Archaeological Potential-- How are they determining "previous disturbance" in determining if an area has archaeological potential?
- Section 2.4.1 Previously Identified Historic Resources-- Text only references state data. Should include Federal (NPS) data from the parks.
- Section 4.1.1, p. 17. Recommend correcting the date in the section header from '1100 BC' to '11,000 BC.'
- Section 5.1.1 Previous Archaeological Surveys-- More survey needs to be done on the CHOH. Yes, agree. Fieldwork should be planned for the fall or winter when ground visibility is best. Nearby archaeological surveys have been unable to identify previously recorded sites due to vegetation (e.g. Kavanaugh 1981). Why did NPS deny survey applications for Diamanti et al. 2008? The reason should be stated.
- Section 5.1.2.B, p. 47. Recommend removing the underscore from the first paragraph.
- Section 6.2.1, p. 55. The text in the 'Significance' section for the Suitland Parkway appears gray, whereas the other text is black. Recommend correcting.
- Section 7.5.2, p. 104. There appears to be a random page break in the middle of the page.
- Section 7.6. I realize that the C&O Canal locks are mentioned several times and they appear in figures (e.g. Figure 19), but nowhere is there specific mention of Locks 12, 13, and 14, which are directly under the ALB and within the APE and project corridor.
- Section 7.6. Good, yes, survey is recommended at CHOH.
- Section 8.1, p. 112. In the second paragraph, numbers less than ten are provided numerically and are also spelled out.

- Section 9.2. List the National Park units as well. In addition, C&O Canal is a historic district (NR listed)
- Appendix D, Map 2. Survey area S-12 partially overlaps with site 18MO22 (Potter site), so it would therefore be beneficial for the survey team to do limited fieldwork at the site to determine if any portion of it remains undisturbed, especially since they will already be in the area (see Section 7.4, p. 93 for details/recommendations).
- Page 51. Location: Change to "Cumberland, MD."
- Page 51, Period of Significance: The 2015 update to the C&O Canal NHP Historic District National Register nomination included an extended period of significance. Prehistoric and historic resources begins and continues the period from 9000 BCE through the original 1828 to 1924 period of significance (when the canal was built and operated). After the canal ceased commercial operation in 1924, a noncontiguous period of significance takes in the New Deal-era years of 1938 to 1942 for the district's association with Civilian Conservation Corps activity, and 1965 for the district's association with the NPS Mission 66 program.
- Page 51, NRHP: In 2015, the C&O Canal NHP Historic District National Register nomination was updated and the boundary was increased.



Preserving Rockville's Heritage

Steve Archer
Maryland Department of Transportation State Highway Administration
Cultural Resources Team Leader
Cultural Resources Section
Environmental Planning Division
707 North Calvert St
Baltimore, MD 21202

November 19, 2018

To Whom It May Concern,

Peerless Rockville writes to you today regarding the numerous properties potentially impacted by expansion of the I-270/495. The area in question contains hundreds if not thousands of homes and neighborhoods, businesses, and other developed properties that make up the fabric of the community of the City of Rockville. We thank you for the opportunity to participate in the review of the landscape representing Rockville's important and varied development during the modern period.

The 1950s in Rockville are defined by explosive population (over 200% growth) and doubling in land size. Early communities representing this growth include parts of the **West End**, and **Roxboro**. It should be noted that tiny Roxboro also has 1940s growth, predating the intensity of the post-war period.

Rockville's transportation infrastructure improvement and plans around this time, including I-270, led to the development of the neighborhoods of **Woodley Gardens**, **New Mark Commons**, and **Rockshire**.

Woodley Gardens is a "modern" neighborhood that bears the distinction of being one of Rockville's earliest pre-planned communities. At Woodley Gardens Colonial-inspired brick houses and apartments sit on streets with floral names such as Azalea, Crocus, Lily and Carnation. The neighborhood with its mix of homes, townhouses and co-operative apartments also boasts recreational and community amenities not found in most earlier housing developments. Monroe Warren Sr. and Monroe Warren Jr. developed Woodley Gardens using an innovative planning approach, which combined multiple housing types, with open space for natural features and recreation, and added a community shopping area.

In the early 1960s, veteran builder Monroe Warren Sr., known for earlier apartment and housing

developments in Washington D.C. as well as the Rockcrest neighborhood in Rockville, began construction on the western edge of Rockville. Here he and his son strove to create a community of high quality “prestige” homes. The conventional architectural style of the homes extended throughout the community and with the inclusion of tennis courts, baseball fields and an Olympic-sized swimming pool. The community amenities proved attractive to homebuyers, many of whom located to Rockville to work at government agencies that expanded to Montgomery County.

New Mark Commons has recently been added to the National Register of Historic places as a superior example of mid-century architecture and development patterns representing the physical, social and economic fabric of Montgomery County and Rockville during this period of growth and change.

A “situated modernism” community, New Mark Commons was designed by homebuilder Edmund J. Bennett and the modernist architecture firm Keyes, Lethbridge & Condon to harmoniously integrate the various housing types and community amenities with preserved natural features. The specific design of each home was selected based on which model best fit the natural topography and modern homes were clustered on courts and cul-de-sacs. New Mark Commons was the first PRU (Planned Residential Unit development) in Rockville and retained high integrity as a significant modernist community.

Rockshire is the largest of the Planned Residential Units (PRU) zoned in Rockville, which permitted greater flexibility in the layout of the subdivision so that other community goals, such as open space, could be achieved. Single family homes, townhouses, churches, and schools are located in this community. Within Rockshire and its neighboring Fallsmead are approximately 150 acres of city-owned parkland. Rockshire illustrates how a modern community and 19th century structures can co-exist and be integrated within the natural environment.

Rockshire’s initial developers were Community Builders, led by Albert Small and Hermen Greenberg, whose *Southern Engineering* would eventually build more than 20,000 homes, condominiums, and office buildings throughout the DC metropolitan region. The planning for this neighborhood employed clustering, laying out smaller lots, conscious of the environmental features of the landscape.

The communities that developed alongside Watts Branch in the 1970s invited people to an environmentally sensitive watershed. Historically populated by farms near the early 19th century Wooton’s Mill that utilized Watts Branch in its operations, construction here met the challenge of being environmentally sensitive while building coherent neighborhoods combining large modern homes and community amenities.

The environmental work of Luna Leopold (1915-2006), famed American geologist and hydrologist, influenced the management of Watts Branch Stream Valley Park. Leopold’s groundbreaking 40-year study of Watts Branch revealed the effects of suburbanization on the environment.

These neighborhoods and the others that began in the 1960s and 1970s, including **Fallswood, Saddlebrook, Markwood, Briarglen, North Farm and Montrose Wood**, are intrinsically connected to the transit systems that enabled commuters to travel from to workplaces throughout the capitol region.

These residential developments were accompanied by an increasing need for schools, churches, shopping centers, office buildings, libraries, medical, health care, and recreation facilities. Virtually every aspect of life in suburbia – shopping, employment, education, recreation, religious worship – was geared to “Car Culture” and was designed to accommodate the family car and suburban mobility made possible by transportation infrastructure.

New school construction followed patterns of residential development throughout the area as planners and public officials struggled to keep pace with suburban growth. In all, 23 new elementary, middle, and high schools opened in Rockville between 1950 and 1971. **Julius West Middle School** (1961) was part of this pattern.

Similarly, the growing population needed more and larger religious institutions. By 1960, the number of churches and religious institutions in Rockville had more than doubled. Rockville’s established churches adapted to the population boom by enlarging existing church facilities or relocating and rebuilding on new sites, as did both the Rockville Christian Church and the First Baptist Church.

First Baptist Church (from Teresa Lachin’s *Recent Rockville*)

Established in 1821, the First Baptist Church (1908) was located near the center of Rockville on Jefferson and Washington Streets. An Education Building (today the Garza Building) for Sunday school classes was built in 1958, and two years later the congregation purchased an adjacent property on Washington Street for a Colonial-style sanctuary to house its growing membership.

Fund-raising and parking space for the new million dollar facility proved difficult, and in 1968, the congregation sold their properties in town and purchased nine acres of undeveloped land one mile west of the downtown area at the intersection of 70-S (today I-270) and Route 28. The new site offered room for future expansion, ample parking space, convenient access to major roads and new neighborhoods, and visibility along a well-traveled interstate corridor. In making a fresh start at the new location, the congregation abandoned plans for a traditional Colonial-style church and directed their architect, Russell Jenkins of McClean, Virginia, to design “something modern-looking,” a multi-purpose facility with a sanctuary, offices, meeting space, and classrooms.⁴² Jenkins’ preliminary design for a 1,500-seat sanctuary was reduced in scale to meet site requirements and budget restraints. A revised design for a modernist two-story brick building with a dramatic folded plate roof and broad sheltering canopy over the main entryway was approved and built. A spacious foyer leads into the fan-shaped sanctuary, which is illuminated by clerestory windows under the roofline and exposed wooden beams.

Anticipating demolition of the 1908 Church on Washington Street, the congregation salvaged two large stained glass windows and installed them in the entry hall of the new facility. In 1973,

the Church transferred ownership of its historic Baptist Cemetery near the old Church to the protection of the Montgomery County Historical Society. Ten years later, ownership and care of the Cemetery was transferred to Peerless Rockville Historic Preservation, Ltd.

Healthcare & Technology

Nursing homes and retirement communities opened during the 1970s near the burgeoning communities of Fallsmead and Rockshire west of 70-S (today I-270). The Collingswood Nursing and Rehabilitation Center on Hurley Avenue was completed in 1972; the Rockville Nursing Home in Roxboro in 1976, and Potomac Valley Nursing and Wellness Center in 1964.

Proximity to federal research institutions, such as the National Institutes of Health and Naval Medical Center, and long range City planning initiatives helped foster Rockville's impressive postwar development as a prime location for scientific endeavor.

Population growth brought increasing numbers of science professionals and college-educated residents to the area, creating imperatives for modern health care and state-of-the-art medical facilities. Equally important to this development were the availability of affordable building sites and a pool of trained architects, builders, developers, and labor force to plan, design, and construct medical and scientific properties. Commercial buildings in area should be evaluated for involvement in the Human Genome Project, which occupied numerous large-scale buildings in and around the Rockville area in the later part of the 20th century.

Commercial Retail, Offices, & Industry

Development along Rockville Pike and other major roads followed on the heels of residential and commercial development, drawing customers away from downtown Rockville to new strip malls and shopping centers, such as Seven Locks Plaza.

By the late 1950s, unprecedented numbers of new office buildings were being planned, completed, or under construction. Like new schools and churches, Rockville's commercial and institutional architecture was predominantly modernist in design, affording curtain wall construction, versatile open interior spaces, and use of technologically innovative building materials. By contrast, legal office buildings of the 1960s and 1970s were more generally more traditionally styled with brick construction and Colonial-inspired details.

Decentralization of federal agencies (e.g., National Bureau of Standards, Atomic Energy Commission) to the suburbs fostered a generation of consulting firms offering professional expertise in science, industry, communications, and emerging technologies.

Other:

Detention Center:

Examples of Brutalist architecture in Rockville include the **Montgomery County Detention Center**. The architectural style known as Brutalism originated during the postwar era and takes its name from *béton brut*, a French term used by Swiss architect Le Corbusier for unfinished, sometimes raw, concrete used on exterior facades of large-scale buildings. Brutalism emerged in part as a reaction to the skeletal profile of the Miesian grid and purist geometry of the International Style. Le Corbusier's *Unité d'Habitation* (1948-1954) in Marseille, France, is considered a landmark example of the style. Brutalist buildings are blocky and starkly geometric with heavy surfaces of exposed concrete that express the mass and construction of design. Doorways are placed within cavernous entry plazas; windows are recessed and fenestration is frequently minimal (Definition description from Teresa Lachin's Recent Rockville).

Poor Farm:

Construction of roads and buildings during the past 60 years has almost obliterated all traces of the Montgomery County Poor Farm and the Poor Farm Cemetery. Despite construction, and the removal of burials, the site has historic significance. During a site visit in September 2018 a trash pit, likely associated with the Poor Farm, was located next to an office building at 1101 Wootton Parkway. While the cemetery site has been heavily disturbed by decades of construction, it may still contain burials, or other subsurface objects of historic significance. Even a systematic excavation of a cemetery will often miss burials, and given the nature of this cemetery, with many unmarked graves, and the haphazard way in which it has been excavated, there is a possibility that intact graves remain on the site.

Note: Burials impacted by construction earlier transportation infrastructure, I-270, the expansion of I-270, and the construction of 1101 Wootton Parkway were most often removed by workers from Snowden Funeral Homes and relocated to Parklawn Cemetery. Some burials were removed by an archaeological crew working for the National Park Service (1987-88) and were sent for study, but appear to have been returned and reinterred, likely at Parklawn. All burials which were removed have not been confirmed to be re-interred at Parklawn, although that is what has been verbally reported by Snowden representatives on several occasions. Snowden has not granted access to its records to researchers. Parklawn has graciously opened records to researchers and accompanied us to the burial plot, which is marked.

11807 Dinwiddie Drive:

This structure contains part of the original 1918 two-story frame house belonging to the O'Neale family of planters who made a land claim in 1769, and willed the property including 68 acre farm to descendants. The farmhouse is likely one of few surviving structures from this early 20th century agricultural period.

Research Library & Other Resources

Peerless Rockville, a non-profit historic preservation advocacy organization, possesses a research library that contains information on the history of many of these modern properties. We invite you to visit us to learn more about many of the listed addresses.

The City of Rockville has engaged consultants to produce a study of Rockville's historic contexts which will be relevant to your interests. We also recommend Teresa Lachin's publication "Rockville's Recent Past" (2012), from which much of the subject of this letter is sourced, for more information on this time period.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Pickard". The signature is fluid and cursive, with a large initial "N" and a stylized "P".

Nancy Pickard

Executive Director

From: [Smith, Kathryn](#)
To: [Steve Archer](#)
Subject: Re: [EXTERNAL] I-495/I-270 MLS Section 106 Determination of Eligibility forms, Batch 4 Posted, comments requested by Feb. 28, and additional info
Date: Tuesday, February 26, 2019 6:25:37 PM

Steve,

The following are comments for your consideration as you prepare the documentation on historic properties within the APE:

First, I noticed that some of the DOE forms say they are just documenting earlier determinations done by MHT -- saying they are not eligible in 2000. Should these properties be re-evaluated in 2019 since nearly 20 years has passed? (examples: PG:73-24; PG:73-22; PG:73-23).

Also, I am wondering if the roadway and its alignment itself has been evaluated for NR eligibility? Records show that the Olmsted firm worked on the Beltway project, at least in the area where it crosses Rock Creek Park in Montgomery County (near Connecticut Ave.). Apparently the planners wanted it to be parkway-like in this segment and so they hired Olmsted. According to my colleague, there's a job- number and associated records in the Olmsted records. You can search the records here: https://www.nps.gov/frla/olmstedarchives.htm#CP_JUMP_4037582

Best,
Kathryn

Kathryn G. Smith
National Historic Landmarks & National Register Coordinator
National Capital Region, National Park Service

1100 Ohio Drive, SW
Washington, DC 20242
202.619.7180
202.401.0017 fax

kathryn_smith@nps.gov

NCR Website <https://www.nps.gov/RESSNCR>

NHL Website <http://www.nps.gov/nhl>

Facebook [National Historic Landmark Program - NPS](#)

Instagram [NationalHistoricLandmarkNPS](#) #NationalHistoricLandmark #FindYourPark

On Thu, Feb 7, 2019 at 2:56 PM Steve Archer <SArcher@sha.state.md.us> wrote:

Greetings Consulting Parties,

From: Eileen McGuckian <phileen3@verizon.net>

Sent: Tuesday, March 26, 2019 3:35 PM

To: Steve Archer <SArcher@sha.state.md.us>

Subject: comments for I-495/I-270 MLS Section 106 Consultation: comments on Batch 5

Hello Steve and all,

Thank you for posting Batch 5 of the determination-of-eligibility (DOE) forms for this project.

On behalf of Montgomery Preservation, I have a few comments.

In batch 5, 11807 Dinwiddie Drive in Rockville is listed as the John Henry O'Neale house and is briefly mentioned in the DOE form for Montrose Woods M 30-48.

However, although this individual property is in your batch list, there is no separate DOE form for it.

Full disclosure: This has been my home for 30+ years, and I did meet the surveyors when they visited one frosty day this winter, but have heard nothing further.

I have conducted research on this house, which I describe as the O'Neale-Prichard-Cantelon/McGuckian house for its three owners 1865-present, and would be happy to provide it to you in an appropriate format.

The other comment relates to the archaeological aspect of this consultation:

Shouldn't the identified burial sites be included with each batch?

Again, full disclosure: Two grave markers from Ball Cemetery (ID#279 on the Montgomery County Cemetery Inventory) are on my property (address above). They were moved from their original, nearby site by previous owner Ann Prichard in the late 1960s and are now safely indoors.

Again, I have conducted research on this burial site, including oral histories of individuals who recall the cemetery. And again, I would be happy to provide information to you in an appropriate format; best would be the Cemetery Inventory-Revisited survey form.

Lastly, other burial sites within the APO should be identified in the DOE process: Gibson Grove Cemetery ID#105, the Montgomery County Poor Farm Cemetery ID#196, and St. John the Evangelist Cemetery in Forest Glen ID#131.

Please confirm that you have received this communication.

Sincerely,

Eileen McGuckian, president
Montgomery Preservation Inc.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 28, 2019

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study, Section 106 Determination of Eligibility Forms, Batch 5 Comments

Dear Mr. Archer:

Thank you for providing the opportunity to review and comment on the latest Section 106 Determination of Eligibility (DOE) forms as part of the I-495/I-270 Managed Lanes Study. Please see the below comment(s) on the following DOEs:

- 1) Property Name: Holy Cross Hospital
Address: 1500 Forest Glen Road, Silver Spring, 20910
Batch: 5

Holy Cross Hospital warrants a full DOE rather than a Short Form DOE for ineligible properties. The architecture firm of Faulkner, Kingsbury & Stenhouse, who specialized in modernist institutional buildings in the postwar era, designed the hospital. Architect Slocum Kingsbury, FAIA (1893-1987), graduated from Cornell University, served in World War I, and practiced architecture in New York City before moving to Washington, D.C. Kingsbury specialized in hospital design and the building received a Washington Board of Trade Award and AIA Potomac Valley Award in 1964.

While Holy Cross Hospital has had alterations/additions to the main building and though the determination may remain static, the complex should be re-evaluated within a full historic context. Please refer to the following book for more information: Clare Lise Kelly, *Montgomery Modern* (Silver Spring, MD: M-NCPPC, 2015).

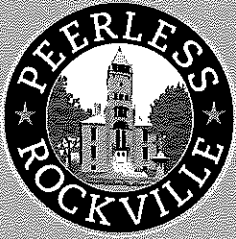
Thank you again for the opportunity to comment. If you have any questions or need to discuss this matter, please feel free to contact me at 301-563-3405 or John.Liebertz@montgomeryplanning.org.

Sincerely,

John Liebertz
Historic Preservation Specialist, Montgomery County Planning

cc: Rebecca Ballo, M-NCPPC, Planning HP Supervisor

Joey Lampl, M-NCPPC, Parks Cultural Resources Stewardship Manager
Julie Mueller, M-NCPPC, Parks Cultural Resources Stewardship Planner Coordinator
Cassandra Michaud, M-NCPPC, Parks Cultural Resources Archaeologist
Brian Crane, M-NCPPC, Planning Archaeologist
Jeannette Mar, FHWA
Tim Tamborino, MHT
Jason Shellenhammer, RKK
Beth Cole, MHT
Eileen McGuckian, President, Montgomery Preservation, Inc.
Nancy Pickard, Executive Director, Peerless Rockville



Preserving Rockville's Heritage

Maryland Department of Transportation State Highway Administration
Cultural Resources Team Leader
Cultural Resources Section
Environmental Planning Division
707 North Calvert St
Baltimore, MD 21202

March 28, 2019

To Whom It May Concern:

Peerless Rockville writes to you today regarding the numerous properties listed in Batch 5 of the Determination of Eligibility that are potentially impacted by expansion of the I-270/495. The area in question contains hundreds if not thousands of homes and neighborhoods, businesses, places of worship and other developed properties that make up the fabric of the community of the City of Rockville. We thank you for the opportunity to participate in the review of the landscape representing Rockville's important and varied development during the modern period.

Overall, we assert that greater investigation of potential association with significant individuals and events is required for the neighborhoods in and near Rockville before determined ineligible, particularly given the size and period of history represented in the area.

For instance, **4 Choke Cherry Road** is a Mid-twentieth century Brutalist-influenced building constructed in 1974 which retains much of its original character. Current occupants include the Montgomery County Public School Center for Technology Innovation, Project Reboot (providing computer systems to low income families). We note that no data is provided on its architects, builders, or past occupants. This information should be obtained and evaluated before eligibility can be determined.

The **West End Park Section 2** was platted in 1890 as part of West End Park. The community reflects a broad range of single-family residential development patterns, beginning in the 1890s and continuing until the present, with the largest periods of growth in the early 1950s and the 1960s. A variety of firms and architects were responsible for creating the area, including initial development by Henry Copp and Reuben Detrich, also known for their work in Garret Park and Kensington respectively. In the 1960s, development was primarily by James E. Cafritz, also known for Aspen Hill Park and Laurel Grove.

Rockshire Village is functionally part of Rockshire, the largest of the Planned Residential Units (PRU) zoned in Rockville, which permitted greater flexibility in the layout of the subdivision so that other community goals, such as open space, could be achieved. Single family homes, townhouses, churches, and schools are located in this community. Within Rockshire and its

neighboring Fallsmead are approximately 150 acres of city-owned parkland. Rockshire illustrates how a modern community and 19th century structures can co-exist and be integrated within the natural environment.

The planning for this neighborhood employed clustering, laying out smaller lots, conscious of the environmental features of the landscape. The communities that developed alongside Watts Branch in the 1970s invited people to an environmentally sensitive watershed. Historically populated by farms near the early 19th century Wooton's Mill that utilized Watts Branch in its operations, construction here met the challenge of being environmentally sensitive while building coherent neighborhoods combining large modern homes and community amenities.

The environmental work of Luna Leopold (1915-2006), famed American geologist and hydrologist, influenced the management of Watts Branch Stream Valley Park. Leopold's groundbreaking 40-year study of Watts Branch revealed the effects of suburbanization on the environment.

These residential developments were accompanied by an increasing need for schools, churches, shopping centers, office buildings, libraries, medical, health care, and recreation facilities. Virtually every aspect of life in suburbia – shopping, employment, education, recreation, religious worship – was geared to “Car Culture” and was designed to accommodate the family car and suburban mobility made possible by transportation infrastructure.

The John Henry O’Neale House is indeed one of the few extant dwellings representing the early twentieth century agricultural history of Montgomery County that preceded the mid-20th century population explosion. The absence of farm-related outbuildings and fields is reflective of the late 20th century development that encroached upon the property, representing the suburban transformation of the area.

Research Library & Other Resources

Peerless Rockville, a non-profit historic preservation advocacy organization, possesses a research library that contains information on the history of many of these modern properties. We invite you to visit us to learn more about many of the communities.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Pickard".

Nancy Pickard

Executive Director

**SAVE OUR
SEMINARY**



AT FOREST GLEN

9615 Dewitt Drive #68
Silver Spring, MD 20910
301-589-1715
info@saveourseminary.org
www.saveourseminary.org

Officers and Directors
Don Hall, President
Eugene Rich, Vice President
Erin Mielke, Treasurer
Frank Riley, Secretary
Cassandra Ashman
Toni Bailey
Anne Brockett
Pat Crawford
Ann Hall
Patti Horrall
Linda Lyons
Chris Maines

Executive Director
Bonnie Rosenthal

June 11, 2019

The Honorable Pete K. Rahn, Secretary
Maryland Department of Transportation
State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21202

Re: I-495 and I-270 P3 Program

Dear Mr. Rahn:

We are writing to express our position on the I-495 and I-270 P3 Program, especially the seven currently recommended Alternatives Retained for Detailed Study (ARDS).

Many of the proposed I-495 expansion routes would harm a woodland area with a tributary of Rock Creek flowing through it. This area, known as "the Glen," is deemed a critical natural resource by the Maryland-National Capital Park and Planning Commission and is protected by a Category I Conservation Easement that prohibits altering the natural landscape.

The Glen borders the southern edge (the "inner loop") of I-495 for over 800 linear feet. Close to that edge are historic and possibly archaeological features that include a bridge abutment and stone retaining wall that were once part of the network of paths, bridges, and trails used by students of the former National Park Seminary (NPS) in Silver Spring, Maryland. We are concerned that expansion of the highway likely will adversely affect these features as well as the landscape into which they were deliberately designed, and which currently provides green space to both residents and the public.

NPS, once an elite girls' school (from the late 1800s until the 1940s), was transferred to the United States Army for a military convalescence hospital in 1942. Today, the historic campus is a residential community providing single- and multi-family housing for all income levels and includes the offices of a charitable organization supporting homeless adults. NPS is designated as a Historic District in the National Register of Historic Places and is listed on the Maryland Inventory of Historic Properties. The Maryland Historic Trust finds NPS's historic assets so valuable and significant that it has placed the property within a Preservation Easement.

Our organization, Save Our Seminary (SOS), knows this landscape well. SOS is a nonprofit organization incorporated in 1989 to combat the neglect of the unique and historic buildings and landscape of NPS. SOS's ongoing mission is to communicate the history of the National Park Seminary and promote preservation of its buildings, artifacts, and landscape.

At this time, we do not know where the proposed expansion, if it occurs, will be located, but NPS's location makes it highly vulnerable. We ask that the MDOT take the time to study fully the potential effects of this action and explore every feasible avenue other than road expansion into this historic greenspace. We strongly urge you to avoid claiming historic and natural features to reduce traffic congestion.

Sincerely,

Bonnie Rosenthal
Executive Director



CARDEROCK SPRINGS

National Register of Historic Places

June 12, 2019

Governor Larry Hogan
100 State Circle
Annapolis, Maryland 21401-1925

Administrator Gregory Slater
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202-36-01

Subject: Comments about alternatives retained for detailed study & concerns about planned Beltway expansion

I am the President of Carderock Springs Citizens' Association (CSCA) and write on behalf of the Carderock Springs community, a historic community located adjacent to the west side of Interstate 495 (the Beltway) and Carderock Springs South, a community located adjacent to the east side of the Beltway.

Our community was very disappointed to learn at the SHA public workshop on April 13, 2019 that despite our previous comments submitted to SHA on April 30, 2018 and October 1, 2018, SHA selected Alternatives that would add two lanes in each direction. As we have previously stated, adding 2 lanes in each direction would reduce the distance between the lanes of the Beltway where vehicles will travel and school and residences, resulting in increased noise and dangerous air pollution. That means, contrary to Governor Hogan's earlier promises to keep the Beltway expansion within the right-of-way (ROW), our community was shocked to learn on April 13 that:

1. Many homeowners might be losing parts of their yards (at least temporarily) should the alternatives that will be adding two lanes each direction be chosen. As previously noted in our comments, Carderock Springs has been designated a National Historic District that is listed in the National Register of Historic Places. A greater level of analysis and limitations on decision-making under Section 106 of the National Historic Preservation Act and Section 4 (f) of the Department of Transportation Act is warranted. Taking away these properties is not acceptable.

2. Traffic will be much closer to the Carderock Springs Elementary School (CSES), with a large area of the school and field exposed to noise of more than 66 dB and harmful pollution. In addition to previously cited research confirming the harmful effect of highway pollution on children's lung development, we also note that CSES has three classrooms for children with autism. Children on the autism spectrum are extremely sensitive to noise and we believe that their needs should be part of the on-going analysis of the ARDS and possible remediation if I-495 is expanded. Thus, not only will the effects of a beltway expansion be felt within a

Carderock Springs Citizens' Association
P.O. Box 237, Cabin John, MD 20818-0237

www.carderocksprings.net

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sensitive population, but such effects will be felt by a sensitive population *within a sensitive population*. Action must be taken to mitigate noise impacts at this location.

3. Elevated ramps over the Beltway linking managed lanes and River Road are also included as part of the ARDS, which will expand significantly the area negatively affected by noise and air pollution. Placing such elevated ramps in a residential area is, to our knowledge, an approach that has been rejected in all other jurisdictions as its negative effect is multiplied.

While our concerns are closely linked to the adverse effects that expanding the Beltway would have on our community, we share the views expressed by Montgomery County and others requesting the environmental, fiscal, and traffic impacts of proposed plans. Alternatives 8, 9, 10, 13B and 13C will, according to the very preliminary analysis provided in the Managed Lanes Study, have unacceptable impacts. We request that SHA assesses more carefully and comprehensively traffic patterns than it has up to now as it plans road expansion.

CSCA therefore requests that the SHA's environmental review and EIS specifically include the following:

- Conduct a new noise impact study to serve as the current baseline to measure the current level of Beltway noise in the vicinity of Carderock Springs given increased traffic over the last 17 years. If this study shows that current noise levels require a noise wall as abatement, any project alternative selected, even if limited only to traffic control measures, should include the building of a noise wall to specifications designed to ensure significant noise reduction.
- The traffic data used for the noise study to project future conditions should be conservative and be based on worst-case-scenarios in order to obtain true and correct traffic projections, both to determine the need for managed lanes, and to project actual traffic noise and emissions.
- In conducting the air pollution impact study to measure the current and projected levels of Beltway air pollutants in the vicinity of Carderock Springs, the health impacts of those current levels of pollutants, and the need for mitigation, the study must recognize and take into account the proximity of CSES and its athletic fields to the Beltway, and the potential for traffic to be even closer to these sensitive receptors if the ROW is expanded or if travel lanes are brought closer to the outside boundaries of the existing ROW.
- Evaluation of eligibility of Carderock Springs for Type I abatement under both existing conditions and future conditions.
- Include as a component of the alternatives (not as potential mitigation) a solid noise barrier along both sides of the Beltway in the vicinity of Carderock Springs
- Establish an I-495 & I-270 Community Working Group for community members, including Carderock Springs representation to actively participate in the development of the Draft Environmental Impact on I-495 & I-270 Managed Lanes Study and in any Section 106 Programmatic Agreement or

Governor Larry Hogan
Administrator Gregory Slater
June 12, 2019
Page 3

Memorandum of Agreement, so the input and comments of these important stakeholders can shape SHA's further planning, review, design, and mitigation, rather than having these uniquely-situated stakeholders being relegated to participating only in the post-Draft Environmental Impact Statement public comment period.

We trust that you will seriously consider these comments.



John Orrick
President, Carderock Springs Citizens' Association

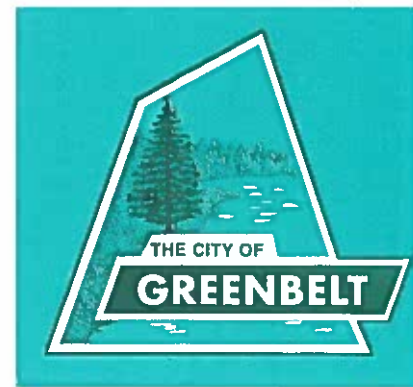
cc: Marc Korman, Delegate, District 16
Sara Love, Delegate, District 16
Susan Lee, Senator, District 16
Andrew Friedson, Councilmember, Montgomery County
Jack R. Smith, Superintendent, Montgomery County Public Schools

Carderock Springs Citizens' Association
P.O. Box 237, Cabin John, MD 20818-0237
www.carderocksprings.net

CITY OF GREENBELT, MARYLAND

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

15 CRESCENT ROAD, SUITE 200, GREENBELT, MARYLAND 20770-1897



June 26, 2019

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

RE: Preliminary List of Adversely and Potentially Adversely Affected Historic Properties

Dear Mr. Archer:

The City of Greenbelt has reviewed the preliminary list of adversely and potentially adversely affected historic properties as of June 17, 2019 and the City is concerned about the omission of certain properties from the list. The widening of the Capital Beltway (I-495) will have an impact on natural, socioeconomic, cultural, and built environment which would include Historic Greenbelt and its significant historical resources. These are resources that have significant value to the history and character of Greenbelt, as well as the State, and must be protected, as mandated by Federal law.

The City requests the following be added on the list:

- The Greenbelt Historic District, designated a National Historic Landmark (NHL) in 1997, whose boundaries encompass 756.8 acres in four discontiguous parcels. There are a large number of contributing resources which should be considered including the following ones.
 - The Turner Family Cemetery (now the Greenbelt City Cemetery) identified in 1937 government plans as the community's cemetery.
 - The Walker Family Cemetery/Indian Springs Park, a 1.3 acre site of springs, forest, and a burial ground is which was retained as an historical/recreational point of interest for the original community residents. This is a contributing resource.

In addition, the highway widening plans would include the Baltimore Washington Parkway, a scenic highway that was constructed to improve connectivity between Baltimore and

A NATIONAL HISTORIC LANDMARK

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Washington DC, first envisioned by Pierre L'Enfant in his original plan for the United States Capital in 1791. The widening runs counter to the protection of the Parkway's aesthetic underpinnings.

The City continues to strongly oppose the proposed widening of the Capital Beltway to accommodate managed and/or toll lanes. The City is not in favor of alternatives that would require widening and believes that the project should limit its consideration to the alternatives that seek to manage transportation capacity and demand using only the existing paved right-of-way. In addition, the City advocates for study and identification of alternatives for congestion relief and dedication of more funding to transit.

The City is also concerned that this project will lead to more vehicles on the road, more congestion, more greenhouse gas emissions and air pollution – impacts that are not included in the screening criteria.

Thank you for the opportunity to comment. If you have any questions please contact Terri Hruby, Planning Director at 301-345-5417.

Sincerely,



Terry S. Hruby

cc: City Council
Nicole Ard, City Manager

From: Ballo, Rebecca <rebeccah.ballo@montgomeryplanning.org>

Sent: Wednesday, July 3, 2019 3:47 PM

To: Steve Archer <SArcher@mdot.maryland.gov>

Cc: Jeanette Mar, FHWA <jeanette.mar@dot.gov>; Beth Cole, MHT <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>; Caryn Brookman <CBrookman@mdot.maryland.gov>; Matt Manning <MManning@mdot.maryland.gov>; Lampl, Joey <joey.lampl@montgomeryparks.org>; Rubin, Carol <carol.rubin@montgomeryplanning.org>; Crane, Brian <Brian.Crane@montgomeryplanning.org>; Liebertz, John <John.Liebertz@montgomeryplanning.org>

Subject: RE: I-495/I-270 MLS Section 106 DOE forms, Batch 8, Consulting Party Meeting reminder 6/17 1pm

Good afternoon Steve,

The following are the compiled comments from Montgomery County Park & Planning on the Batch 8 DOEs. We have also included preliminary comments on other items.

- The Batch 8 Determinations of Eligibility included reference to Maryland Historical Trust Site M: 26-6, The Poor Farm, site and Cemetery. The corresponding mapped location for this resource in the Maryland Historical Trust archaeological site files (Site 18MO33) and in the Montgomery County Burial Sites Inventory is on the opposite side of I 270, on the north side of Wootton Parkway nearly half a mile away from the location investigated for Batch 8. Archaeological investigations for the Managed Lanes project must include the location and surroundings of Site 18MO33.
- Montgomery Parks concurs that Cabin John Regional Park is not eligible for the National Register of Historic Places *based on the current Determination of Eligibility (DOE) form*. Montgomery Parks concurs that Argyle Local Park is not eligible for the National Register of Historic Places *based on the current DOE form*. Montgomery Parks concurs that North Chevy Chase Local Park is not eligible for the National Register of Historic Places *based on the current DOE form*.

We do want to note that in the absence of any thorough archaeological information and technical reports, these concurring statements are premature and preclude us from making a truly informed decision on these DOEs or the project as a whole. Should archaeological features or sites be found in any of the above sites or in those released in previous batches, our response would change.

We continue to await technical reports, an expanded Area of Potential Effect (APE) map for Alternative 10, and the Determination of Effect (DOE) forms that would result.

Our response to the items distributed for review at the June 17, 2019 Section 106 Consulting Parties meeting (e.g., the List of Adverse Effects, the Draft Programmatic Agreement) and to other big-picture questions or discussion items are predicated on receiving the forthcoming technical reports and above items and to be given the time and tools to appropriately review a significant amount of new information. In addition, we point out that SHA's objection to supplying the M-NCPPC with GIS shape files for the project seriously undermines our ability to accurately correlate and respond to the impact of the project.

We look forward in the future to putting forth a formal recommendation that seeks an evaluation of the M-NCPPC's stream valley park system *as a whole* starting with formation and up to its mature years (before the M-NCPPC ventured into the establishment of regional parks). Montgomery County Parks and Planning recommend taking a holistic approach to determining the eligibility of the stream valley parks under Criterion A across both Montgomery and Prince George's Counties instead of reviewing the individual stream valley parks (or sections of the parks) as distinct entities. We believe that under Criterion A, there should be a way to take an *integrated* look at the regional and environmental planning import of this stream valley park system across the entirety of the M-NCPPC. Should we put forth this recommendation formally, and should it lead to a National Register Determination of Eligibility under Criterion A, the Department of Parks for both Montgomery and Prince George's Counties will require a signed Programmatic Agreement among the M-NCPPC, NCPC, and MHT to allow the land-owning Agencies to be able to continue to operate the stream valley park system as we do now, for the benefit of the residents of both counties, and without any undue regulatory hardship.

Lastly, at our June 17th meeting your team had offered to work with us to hold separate coordination meetings in addition to the larger CP meetings. We will work within our agency to identify some dates and communicate those with you soon. Thank you for the opportunity to comment.

Sincerely,



Rebecca Ballo
Historic Preservation Program Supervisor | Montgomery County Planning Department
8787 Georgia Avenue | Silver Spring, Maryland 20910
Tel: 301-563-3404; Email: Rebecca.Ballo@montgomeryplanning.org



Ms. Joey Lampl
Cultural Resources Manager
The Maryland-National Capital Park and Planning Commission
9500 Brunett Avenue
Silver Spring, MD 20901
301-563-3414

From: Lampl, Joey <joey.lampl@montgomeryparks.org>
Sent: Thursday, August 1, 2019 4:18 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Ballo, Rebecca <rebecca.ballo@montgomeryplanning.org>; Mueller, Julie <julie.mueller@montgomeryparks.org>; Michaud, Cassandra <cassandra.michaud@montgomeryparks.org>; Rubin, Carol <carol.rubin@montgomeryplanning.org>; Harper, Matthew <Matthew.Harper@montgomeryparks.org>; Stephens, Douglas <Douglas.Stephens@montgomeryparks.org>; Cole, Jai <jai.cole@montgomeryparks.org>
Subject: Batch 9 Comments ML Study M-NCPPC, Montgomery Parks

Hello Steve,

Here is the response from M-NCPPC, Montgomery Parks on Batch 9 of the Managed Lane Study:

M-NCPPC, Montgomery Parks does *not* concur with the DOE finding that Cabin John SVP is ineligible for the National Register. Parks believes Cabin John SVP is eligible under Criterion A as a natural stream valley park within the broader park system that also includes Rock Creek Park and Sligo, which have been found eligible. All are part of the same cultural landscape system that M-NCPPC created to preserve the watersheds of the Anacostia and the Potomac. Even though Cabin John SVP was implemented later than Rock Creek or Sligo, its implementation in the early 1960s would simply mean that a period of significance might range from ca. 1929 to the early 1960s.

As I have mentioned in the past, these comments do not include anything we might add on the impact to archaeological resources as we would need to review the full archaeological technical report.

In addition, as you have asked for the identification of additional consulting parties, please remind me if the National Capital Planning Commission is a consulting party. As you know, many of the units in M-NCPPC's stream valley park system were purchased with Capper-Crampton funds that tie our history and ongoing park use to NCPC involvement.

Sincerely,
Joey

Ms. Joey Lampl
Cultural Resources Manager
The Maryland-National Capital Park and Planning Commission
9500 Brunett Avenue
Silver Spring, MD 20901
301-563-3414

From: Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>
Sent: Friday, August 2, 2019 2:40 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Subject: RE: I-495/I-270 MLS Section 106 DOE forms, Batch 9

Hi Steve,

The Prince George's County Historic Preservation Section has reviewed the Batch 9 DOE forms and we concur with the eligibility evaluations recommendations provided.

Please let me know if you have any questions or need any additional information.

Thanks,

Jennifer

Jennifer Stabler, Ph.D.
Archeology Planner Coordinator
Historic Preservation Section
The Maryland-National Capital Park & Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
301-952-5595 (Voice)
301-952-3799 (Fax)



CARDEROCK SPRINGS
National Register of Historic Places

October 9, 2019

Lisa B. Choplin
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202-36-01

Subject: Carderock point-of-contact for the Section 106 process, Draft EIS

Dear Mrs. Choplin,

Thank you for your response of July 10, 2019 to our June 12, 2019 comment letter regarding the proposed Beltway widening project. There were some points raised in your letter that I wanted to respond to.

Our historic community as well as the children that attend the Carderock Springs Elementary School face significant community integrity, quality of life and learning impacts from the Beltway expansion. As our comment letter stated, adding 2 lanes in each direction would reduce the distance between the lanes of the Beltway where vehicles will travel and school and residences, resulting in an increased noise and dangerous air pollution. This approach wouldn't be compatible with our designation as a National Historic District and with a learning environment for the children in our community and elementary school that includes students with autism.

Given our National Historic Designation, our community looks forward to participating and providing its input during the Section 106 process. John Tiernan (jtier@verizon.net) will be representing Carderock in this process. Konstantin Gartvig (kgartvig@yahoo.com) and Elena Kazakova (elenawiz@gmail.com) will be alternates.

Our community is strongly interested in SHA's evaluation of noise mitigation through sound barriers construction and how these can address our concerns on sound and air quality impacts. Once this analysis is completed, we would like to invite SHA representatives to come to our community to discuss the findings.

Also, if public reviews of the Draft EIS are still planned for December 2019, our community would like to participate in the public hearings on the Draft EIS. Please alert us when these are to take a place so we can organize a community meeting to discuss these findings directly with our residents. We hope that our community concerns will be heard and addressed in the Draft EIS.

Thank you for your attention to this matter.



John Orrick
President, Carderock Springs Citizens Association

cc: The Honorable Andrew Friedson, Councilmember, Montgomery County Council
The Honorable Marc Korman, Maryland House of Delegates
The Honorable Susan C. Lee, Senate of Maryland
The Honorable Sara Love, Maryland House of Delegates
Mr. Jack R. Smith, Superintendent, Montgomery County Public Schools
Mr. Jeffrey T. Folden, P.E., DBIA, Deputy Director, I-495 and I-270 P3 Office, SHA
Mr. Gregory Slater, Administrator, MDOT SHA
John Tierman
Konstantin Gartvig
Elena Kazakova

From: Josh Tulkin <josh.tulkin@mdsierra.org>
Sent: Friday, October 25, 2019 5:37 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Subject: Response to request for consulting party status

Oct 25, 2019

To Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202
Phone 410-545-8508
sarcher@mdot.maryland.gov

Re: Request for consulting party status on section 106 review of RCSVP Units #2,3

Dear Mr. Archer,

The Sierra Club is deeply concerned about proposed impact of the proposed expansion of highways 495 and 270 in Maryland, also known as the "Manager Lanes Project" and its potential effects on historic properties.

We understand that consultation has been initiated under Section 106 of the National Historic Preservation Act (NHPA) for the Manager Lanes Project, and that compliance with Section 4(f) of the Department of Transportation Act will/may also be required. Sierra Club would like to participate actively in the review process, both as a "consulting party" under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.2(c)(5), and by receiving and commenting on any documents prepared pursuant to Section 4(f).

Sierra Club's membership mission is to enjoy, explore, and protect the planet. Our outdoor programs bring people to hikes and outings across the country, from local parks, to areas of environmental and cultural significance. The Sierra Club has routinely over the years sought to protect areas for both their natural resource values and their cultural values.

For example, we recently supported national monument status for Stonewall Inn and the Cesar Chavez homestead. We just commissioned a study of the history of the John Muir Trail and its construction. Links to our press releases on several of these issues is below. Locally Sierra Club was a vocal advocate for the creation of the Harriet Tubman Underground Railroad National Historic Park and Trail.

Locally, Sierra Club has thousands of members who live around the proposed route, and our members utilize the Rock Creek Stream Valley Park and other local parks that would be impacted by the project. We are concerned about the potential impact on Rock Creek Stream Valley Park for both its ecological resources and cultural value. The creation and preservation of Rock Creek Stream Valley park was a key factor in the establishment of new institutions, such as the Maryland-National Capital Parks and Planning Commission, the establishment of the park marks a critical milestone in the land preservation movement of the time.

Because of Sierra Club's knowledge and concern about historic properties potentially affected by the project, we believe we can provide important information and a valuable perspective as a consulting party under Section 106 and in the review process under Section 4(f).

Please include Sierra Club in your distribution list for public notices of any meetings, and for the circulation of documents for comment.

We look forward to participating as the review and consultation process moves forward for the Manager Lanes process.

Sincerely,
Joshua Tulkin
Maryland Chapter Director

Links:

- Statement on creation of Stonewall National Monument
<https://content.sierraclub.org/press-releases/2016/06/sierra-club-praises-stonewall-national-monument>
- Statement on creation of Birmingham Civil Rights National Monuments: <https://www.sierraclub.org/press-releases/2017/09/sierra-club-applauds-new-national-monuments-commitments-increase-diversity>
- Blog on Pullman Historic Site: <https://blogs.sierraclub.org/layoftheland/2014/09/labor-day-2014-preserving-labors-pullman-legacy.html#more>
- Statement on [César E. Chávez National Monument](#).: <https://blogs.sierraclub.org/layoftheland/2012/10/monument-to-a-national-treasure.html>



Chesapeake & Ohio Canal Association Inc.

A citizens' association concerned with the conservation of the natural and historical environment of the C&O Canal and the Potomac River Basin

P.O. Box 366
Glen Echo, Maryland 20812
December 24, 2019

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, Maryland 21202

Dear Mr. Archer:

Thank you for including the Chesapeake & Ohio Canal Association as a consulting party in the planning for proposed changes to I-495 and I-270.

As you know, the project's Area of Potential Effects includes National Parks on both sides of the Potomac River. As our name implies, however, our primary mission is to protect the C&O Canal National Historical Park. Our attention therefore focuses on the American Legion Memorial Bridge and its approaches in Maryland. We foresee potential harm to the natural and historical values of the canal park if the project proceeds.

During the construction phase, there would be inevitable disturbance to the Park's viewsheds, tranquility, wetlands, and perhaps to its structures. We are concerned that such disturbances would be kept to a minimum if the project moves forward. During the initial construction of the Capital Beltway in the 1960s, canal Lockhouse #13, a fine stone structure dating to 1830, was razed. We and the public are even more sensitive to historical concerns today. It is our hope that complete restoration would follow any damage to structures or to the wetlands in the Potomac Valley, and that the Park would be left in at least as fine a state as before the project began.

We note in particular that preliminary plans include space for pedestrians on the new bridge. We do not see how this would connect to the neighborhoods and to the parks at either end of the bridge. It would certainly be easier to connect with the C&O Canal on the Maryland end of the bridge than to the Potomac Heritage Trail, given the difference in the vertical distances to the ground on the two ends. We look forward to seeing how park visitors might take advantage of new access points.

We also have concerns for buried resources, such as the all-too-fragile Potomac Interceptor sewage line, and hope that damage to such assets will be avoided.

The C&O Canal Association is an all-volunteer citizen organization established in 1954 to help conserve the natural and historical environment of the C&O Canal and the Potomac River Basin. The Association thanks the Maryland Department of Transportation for the opportunity to comment on this project and looks forward to an outcome that is historically, culturally, and ecologically appropriate.

Yours truly,



William R. Holdsworth
President

**FRIENDS OF MOSES HALL
MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS,
BROTHERS AND SISTERS OF MOSES**

c/o Charlotte Troup Leighton
8005 Cypress Grove Lane
Cabin John, MD 20818
troupleighton@gmail.com

March 14, 2020

By Email to:

Mr. Steve Archer
Cultural Resources Team Leader
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495/I-270 Managed Lanes Study
Comments to Cultural Resources Technical Report

Dear Mr. Archer:

We sincerely appreciate your responsiveness and assistance in providing us with a copy of relevant portions of the Cultural Resources Technical Report compiled for the Managed Lanes Study in recent weeks. We also want to thank you for your engagement with our community during one of the recent CJCA volunteer clean-up events at the Moses Hall/Morningstar cemetery and lodge property. Another volunteer clean-up day is scheduled for March 28.

On behalf of a number of stakeholders, we have shared some comments and questions by email over the last several weeks. We will endeavor to summarize our comments and concerns in this letter; however, considering that we are a newly recognized consulting party, we can only comment on what we have seen and reviewed so far.

In email communication dated April 2019, you had indicated that the Moses Hall/Morningstar cemetery and lodge property would be included in a “gap analysis” that outlined cultural resources evaluation needs for the Managed Lanes Study. You also mentioned that cemeteries fall into a “gray area” as potential National Register of Historic Places (NRHP) identification, which left us very concerned.

As the first known Moses organization and burial ground in Montgomery County, this site is clearly of historical significance. Notwithstanding family connections to those interred at Moses Hall/Morningstar cemetery, sites like this one offer descendants a sense of pride, belonging, and cultural heritage in our community — a place to point to when sharing family history with the next generation. The original beltway project displaced many members of the African American community in Cabin John. The community’s remaining cultural resources are being threatened once again by the beltway expansion. This alarms many of us concerned about social and racial justice.

You have since assured us that the intent of MDOT SHA would be “first and foremost to avoid, but also to work with the community on respectful approaches to treatment if there are (or may possibly be) interments within the right-of-way, and we have definitely have some time on our side to work through the issue, including additional evaluation of archaeology related to Moses Hall outside the cemetery.” While we appreciate these assurances, the Technical Report raises some concerns.

Notwithstanding the many gravesites at the property that appear to fall within the Limits of Disturbance (LOD), the foundation of the former Moses Hall lodge building appears to us to be entirely within the LOD according to map exhibits to the Technical Report. MDOT SHA's consultants' apparently brief visit was performed without clearing the site first; therefore, the Report's observations about the relationship of graves or the Moses Hall foundation to the LOD are not reliable.

The Moses Hall/Morningstar cemetery property is mischaracterized in the Report, described incorrectly as the "Gibson Grove AME Church Cemetery" with "seven known burials within the cemetery dating from around 1921 to 1975. There are three concrete square markers with no writing and only two markers with visible writing." Volume 4 of the Report loosely refers to the property as "Moses Hall", with no identifying archaeological site number. The Report references the 2010 UC Berkeley doctoral thesis of Alexandra Jones, title "Gibson Grove A.M.E. Zion Church Gone But Not Forgotten: The Archaeology of an African American Church", as a primary research source for information related to the Moses Hall and Gibson Grove Church properties. However, the Report contradicts or paraphrases Dr. Jones' dissertation in places, particularly with reference to the Moses Hall cemetery and lodge site. The Report does not attempt to correct a number of obvious inconsistencies and inaccuracies.

We are concerned that MDOT SHA has put off studying the Moses Hall site, as it has been plainly mentioned in the gap analysis. We will not speculate as to why this has happened, but it raises a number of red flags in the community. While we appreciate that site ownership questions may have delayed intensive field investigations, more thorough historical research should have been done at this point in order to adequately design those field efforts.

In addition, we are concerned as to why it appears that NRHP identification of the Moses Hall site is being postponed until after a Programmatic Agreement (PA) is executed. While we recognize MDOT SHA's stated desire for "flexibility" in its approaches to mitigation of adverse effects, detailed investigations at the site should not wait until after the Programmatic Agreement is executed. The number and location of graves and other significant features needs to be identified in relationship to the LOD as soon as is practical. This knowledge needs to inform project design decisions and development of the PA rather than being addressed after the fact. Otherwise, we expect that the PA will be a document with incomplete stipulations that leave the site and the community vulnerable. We need to be able to review and consider the full impacts and expected diminishment of the property at a point in the process when we might have meaningful alternatives to resolving adverse effects.

MDOT SHA has ignored our community's stated concerns about the damaging effects of stormwater runoff, erosion, and traffic noise that have impacted both the Moses Hall and the Gibson Grove Church properties for many years. It is understandable that neglect of these cultural and historical resources has left us feeling skeptical that these sites can be protected without NRHP identification before the PA is executed.

Thank you for the opportunity to share comments and ongoing concerns of the **Friends of Moses Hall - Morningstar Tabernacle Number 88** related to the Managed Lanes project. Should you have any questions or require additional information, please feel free to contact me at troupleighton@gmail.com or 202.739.1751.

Sincerely,

Charlotte Troup Leighton
Moses Hall Neighbor and
Vice President, Advocacy for
Cabin John Citizens Association
troupleighton@gmail.com

Alexandra Jones, PhD, RPA

Archaeologist, and Founder of Archaeology in the Community
ajones@archaeologyincommunity.com

Austin White

Descendant
gixxer1100@live.com

Austin White II

Descendant
gixxer1100@live.com

Nathan White II

Descendant
gixxer1100@live.com

Shannon S. Steward

Descendant
ShannonSteward1@gmail.com

Pandora White

Descendant
pdenniswhite12@yahoo.com

Diane Baxter

Descendant
baxterd9@aol.com

Christopher Waynes

Descendant
chrisw1330@hotmail.com

Montgomery Crawford

Descendant
mceye.photo@gmail.com

Rev. Edgar S. Bankhead, Sr.

Gibson Grove A.M.E. Zion Church
ebankjs@verizon.net

Eddie Bankhead

Gibson Grove A.M.E. Zion Church
esbj@pobox.com

Judi Bankhead

Gibson Grove A.M.E Zion Church
judibankhead@yahoo.com

Eileen McGuckian

Historian and President, Montgomery Preservation
phileen3@gmail.com

L. Paige Whitley

Historian and Author
lpwhitley@me.com

SAVE OUR
SEMINARY



AT FOREST GLEN

9615 Dewitt Drive #68
Silver Spring, MD 20910
301-589-1715
info@saveourseminary.org
www.saveourseminary.org

Officers and Directors

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Eugene Rich, Vice President
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Cassandra Ashman
Toni Bailey
Anne Brockett
Pat Crawford
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Linda Lyons
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Executive Director

Bonnie Rosenthal

March 10, 2020

Steve Archer
Cultural Resources Team Leader
Maryland Dept. of Transportation State Highway Administration
Environmental Planning Division
707 N. Calvert Street
Baltimore, MD 21202

Dear Mr. Archer,

Thank you for providing Save Our Seminary at Forest Glen, Inc. the opportunity to comment on the *I-495 & I-270 Managed Lanes Study Historic Resources Technical Report*. We appreciate the thoroughness of the document given the enormous scope of the overall project. Save Our Seminary (SOS) is a nonprofit membership organization formed in 1989 to marshal public and private support to preserve the National Park Seminary Historic District. We have largely succeeded in our original goals and continue under our mission to communicate the history of the National Park Seminary property and promote preservation and public enjoyment of its buildings, artifacts, and landscape.

The National Register-listed National Park Seminary Historic District is an architecturally and historically significant site, the nucleus of which was constructed as a resort hotel in 1887. In 1894, it became National Park Seminary and was expanded over the years to include land to the north and south of its current boundaries. In 1942, the property was taken

over for Army use to house soldiers recuperating from WWII injuries, a role it continued to serve through the Korean and Vietnam Wars. The historic district includes two dozen contributing buildings, nestled in and surrounded by a historic, designed landscape that includes walking paths, statuary, architectural follies, and a number of specimen trees.

While SOS has no ownership of the NPS buildings or grounds, our longtime involvement, deep knowledge of the history and development of the site, and our extensive archival collection confirm both our capability to comment on the proposed undertaking with authority and to express our concerns.

We concur with the SHA's overall finding of adverse effects for the proposed realignment of the Linden Lane bridge and the CSX railroad bridge. At the area adjacent to the CSX tracks, a 1907 contributing building known as the Italianate Villa, the statue of Minerva to its west, and the designed landscape will be adversely affected in design, setting, feeling, and association. The landscape at the Linden Lane bridge will be similarly affected and the aggregate of the bridge realignments will diminish the planned and natural landscape buffer that is part of the historic setting of the campus.

Within and just outside the LOD on the south side of the Beltway between the two bridges is the archaeology site 18MO514, which we agree must be evaluated for National Register eligibility. The site reveals valuable information about the history and development of the campus. Most important is the substantial stone and concrete abutment for the historic cast iron bridge that led from the Forest Glen railroad station to the hotel/school. This feature contributes to the understanding of the history of the National Park Seminary

Historic District. Historically, the hotel and school relied on the railroad to deliver not only its visitors and students, but nearly all of its goods -- its proximity is the singular reason the hotel's investors sought to build here and why the school selected this property. The iron bridge was known as the "walk bridge" because hotel guests and later students would walk across it to access the hotel/school, whereas any luggage would be loaded into carts or other vehicles for transport on the county road to the rear of the site. Accessing the property in this way was intentional as it afforded the most picturesque views of the hotel/school. The Francis Baldwin-designed Forest Glen station and most of the bridge itself are long gone. The bridge abutment is the remaining physical evidence of the link between school and railroad, which is seminally important to understanding the history and development of the Historic District. Its removal will adversely affect the Historic District's design, materials, setting, feeling, and association.

Additionally, site 18MO514 includes the ruins of a pump station, an industrial building with collapsed chimney, cisterns, several stone retaining walls, remnants of footpaths, and the former county road. Along with the historic landscape -- which encompasses views from and to the historic buildings, and changes in topography -- the resources identified as archaeological (which is debatable) at site 18MO514 contribute to our understanding of the history and development of the Historic District and would be adversely affected in their design, materials, setting, feeling, and association by the Beltway widening.

The effects of noise from the undertaking should also be considered. The hotel and school were founded in this location to be in a quiet, wooded setting, conducive to relaxing and learning, respectively. The school's administration specifically sought out a location where the students would be away from the distractions of a city and surrounded by nature. Moving the Beltway, Linden Lane, and the CSX tracks into the historic district will negatively affect the remains of the tranquility that contribute to the historic district's significance.

We anticipate that a Programmatic Agreement (or subsequent Memorandum of Agreement that takes into account effects to this particular historic district) will provide for phased archaeological investigation within all areas of the LOD, as well as National Register eligibility assessment of identified resources not only under Criterion D as archaeological sites, but under Criteria A and C as contributing resources to the National Park Seminary Historic District.

To offset anticipated adverse effects of the undertaking, we propose several items which would mitigate the loss of historic resources and character of the National Park Seminary Historic District:

- A Cultural Landscape Inventory for the historic district, which could be used at a future date to amend the National Register nomination
- Context-sensitive design for the new bridges and sound wall, taking into account the impact of those structures on views within the historic district
- Historically appropriate treatment of land disturbed by construction, with a focus on minimizing disturbance to the existing landscape, and appropriate restoration when that is unavoidable
- Protection of existing vegetation outside the LOD during construction.

We would welcome the opportunity to provide a site visit with SOS board members who are familiar with the history, terrain, built features, and natural landscape of the National Park Seminary Historic District at your earliest convenience. We thank you for the opportunity to comment and will continue to participate as a Consulting Party in this important review process.

Sincerely,



Bonnie Rosenthal
Executive Director

Comments submitted by (Name): A Young

On behalf of (Agency/Consulting party): NPS

Comment No.	Volume Page and Section	Priority*	Comment
Example			
1	Volume1 Page 18 Section3.1.1	3	Numbers addition within paragraph is confusing. Clarify language around totals of eligible properties and totals experiencing adverse effects.
2	Volume1 Page Section Effects Assessment	2	Please include more detailed information and maps/LOD visualizations for adverse effects on NPS NR properties.
3	Volume1 Page22-23 Section E.	2	Greenbelt is also significant for the role it played in American Indian Movement protests in the 1970's.
4	Volume1 Page 28/29 Section NAE	2	Please include more detailed maps/LOD visualizations for NPS properties that have potential and no adverse effects. It's difficult to gage the accuracy of the designation.
5	Volume1 Page 37 Section	2	Is there a rough timeline in place for the consultation, drafting, and execution of the PA?
6	Volume Page Section		
7	Volume Page Section		
8	Volume Page Section		
9	Volume Page Section		

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

Comments submitted by (Name):

On behalf of (Agency/Consulting party): CHOH NPS

Comment No.	Volume Page and Section	Priority*	Comment
Example	Volume 1 Page 34 Section 2.1.1	2	Please clarify relation of the text in the table to the numbering on Figure Z-99
1	Volume 1-6	3	Ensure that the title National Capital Region and the abbreviation is changed to Area throughout the reports.
2	Volume 4 Page 12 Section 3.3 Paragraph 3	3	Please ensure that the NPS also receives copies of field forms, notes, photos, etc. for curation at MRCE.
3	Volume 1 Page 18 Section 3.1.1.	2	It is possible, however unlikely, that something may remain of the Lockhouse at Lock 13 that was demolished to make way for the Legion Bridge. The report notes that due to the presence of stone riprap, STPs could not be excavated. Should the bridge construction necessitate new extensive disturbance of the riprap covered area immediately north of Lock 13, it would probably be prudent to have the riprap removed and a limited Phase IB and/or GPR survey conducted to ascertain if the basement of the lockhouse survived.
4	Volume 4 Page 48 Section 4.8.1 1 st Complete Paragraph Last Line	2	Please provide a citation for where the information that William Davis was the last recorded lockkeeper of Lock 12 and that he served until the canal closed in 1936. Concerning the closure and the year 1936, the canal technically closed to navigation in 1923 with the onset of winter, which was standard practice. It would have reopened in early 1924 had not a flood occurred. This flood effectively ended all commercial navigation, but the Canal Company continued to exist as an entity. It sold water rights where possible and, by court order, had to maintain the canal in such a state that it could be made navigable with a reasonable amount of effort. That, of course, was laughable, but the company had to maintain that until it sold the canal to the federal government in 1938. The 1936 flood certainly damaged the canal, but what could it close that hadn't already been by the 1924 event?
5	Volume 4 Page 48 Section 4.8.1 Second Paragraph Line 5	2	The lockgates open towards the west, against the flow of water, not towards the east.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

6	Volume 4 Page 49 Section 4.8.1 Paragraph 2, Line 1	2	Please rephrase the sentence to reflect the fact that the lockkeepers did not own the lockhouses. The buildings were the property of the Canal Company. Rather, it should read that the houses were occupied by the lockkeepers, whose names are indicated on the historic maps.
7	Volume 4 Page 49 Section 4.8.1 Paragraph 2 Line 8	3	I agree that the construction of I-495 and the degree of ground disturbance probably did obliterate Lockhouse 13 in its entirety. However, as mentioned in Bullet #3 above, something may have survived.
8	Volume 4 Page 54 Section 4.8.2 Paragraph 2 Line 7	3	Fix NHRP to read NRHP.
9	Volume 4 Page 58 Section 4.8.4 1 st line of that section	2	Site 18MO751 contains a small prehistoric component that should be mentioned in the opening sentence.
10	Volume 4 Page 59 Section 4.8.4 Figure 39	2	Please indicate on this figure the STPs that were positive for prehistoric artifacts.
11	Volume 4 Page 70 Section 4.9.1 Paragraph 1 Line 6	3	The very last sentence ends with "it." Please correct this.
12	Volume 4 Page 70 Section 4.9.1 Paragraph 2 Last Sentence	2	The analysis of the Potter Site (18MO22) indicates the possibility the 40% of the site may be intact. Shouldn't this sentence state that no additional work is warranted unless the project APE changes in a way that could impact new areas of the site. This would also make the text consistent with the recommendation listed on Table 13, page 175 of the report.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

13	Volume 4 Page 192 Section 5.2.3 Underwater Arch Paragraph 1 Line 3	3	It appears that the caption for Figure 115 is erroneously included in the body of the main text.
14	Volume 4 Page 194 Figures 116 and 117	3	Please note that the black polygons indicating the approximate location of the American Legion Bridge on the historic maps is not consistently placed over the locks.
15	Volume 4 Page 195 Section 5.2.3 Underwater Arch Paragraph 2	2	The summary states that no commercial traffic occurred within the stretch of river within the section around the Legion Bridge. Given the Potomac Company works at Great Falls and at Little Falls, I think that there clearly were boats passing through this section. Commercial traffic may not have been extensive, but it was enough to encourage the early development of the skirting canals. Also, no mention is made at all of the possibility that prehistoric populations may have navigated this stretch despite the presence of sites up and down both sides of the Potomac here. I do concur that it is unlikely that there are any significant submerged resources at this location.
16	Volume 4 Page 212 References Cites	3	The date of the aerial of Montgomery County that was referenced in the main body of the report is 1962, not 1952.
17	Volume 4 Appendix C	3	It would be helpful if the header field for the artifact catalog is repeated on each page in the final report
18	Volume 5 Page 1 Section 1 Paragraph 4	3	This section summarizing site 18MO751 fails to mention the prehistoric component. Please include this.
19	Volume 5 Page 8 Section 2	3	Paragraph 3 mentions that a flotation sample was taken. I take it that the samples haven't actually been analyzed. Is there a plan to conduct the analysis?
20	Volume 5 Section 2	2	I noted that some of the prehistoric ceramics exhibiting sooting on their interiors were dry brushed to preserve them for future analysis. Were any of the lithic tools left unclean for potential protein analyses? Were efforts made in the field to prevent contamination of artifacts and carbon samples that could be potentially tested in the future? Please indicate this in the methods section.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

21	Volume 5 Page 28 Figure 4.1	3	As with the Volume 4 Phase I report, the STPs in site 18MO751 that were positive for prehistorics are not labeled correctly in the graphic.
22	Volume 5 Page 28 - 29 Section 4	3	The bound volume erroneously includes pages 21/23 from the section on site 18PR750 intermingled between pages 28 and 29 of the discussion for 18MO749.
23	Volume 5 Page 32 Section 4 Top Paragraph	3	It would be nice if an image of the historic iron object were included at some point in the report given that it was intermingled with a significant prehistoric site.
24	Volume 5 Page 33 Figure 4.6	2	The graphic does not include the location of the historic artifact. Please include that at STP N500 E400. Also, why not delineate the area around the STP with the positive historic find?
25	Volume 5 Page 36 Section 4 Test Units	2	It would be nice if the report included drawings of the TU wall profiles.
26	Volume 5 Page 40 Section 4 Top Paragraph Line 5	3	The sentence discussing the artifacts from the B2 horizon erroneously mentions historic finds twice, making the total count 5. In reality, there were 4 historic objects in that horizon.
27	Volume 5 Page 41 Section 4 1 st Full Paragraph Line 9	3	TU 3 produced four fragments of charcoal. Is there enough for carbon dating? Were the specimens collected and stored with that potential in mind?
28	Volume 5 Page 42 Section 4 Feature 1	3	Was a soil sample collected from Feature 1 for future testing? Would it be possible to include plan and profile drawings of the feature in this report?

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

29	Volume 5 Page 53 Section 4 3 rd line from top	3	Change “was” to were.
30	Volume 5 Page 56 Section 4 Artifact images	3	It would be nice to see an image of the metate/anvil/core included in this section on site 18MO749. Additionally, including an image of the historic artifacts from the site would be very useful.
31	Volume 5 Page 73 Section 5 Paragraph 3 Line 7	2	The discussion of the new foundation located south of Lock 12 should not include the speculation that it was perhaps the original location of the lockhouse at Lock 12. The Canal Company land records show that the structure lies outside of their original holdings. I agree that it may have been constructed as a result of the concentration of canal locks and lockhouses there and supported some form of commercial activity.
32	Volume 5 Page 75 Section 5 Site History 1 st paragraph Line 7	3	Insert that the construction of the canal ended in 1850 with Cumberland, MD as the ultimate terminus. Dreams of reaching Pittsburgh, PA were long gone.
33	Volume 5 Page 75 Section 5 Site History 1 st paragraph Lines 12 - 14	2	Despite what past NPS and other documents have related concerning the B&O RR and control of the Canal Company, the fact stands in the Washington County Circuit Court Equity Cases No. 4191 and 4198 that the B&O did not legally own, nor could sell the canal to the Federal Government. The Canal Company continued to legally exist by court order and was required to report to the court concerning its affairs. It is true that B&O executives owned the majority of the canal company shares and, therefore, had a controlling interest, but their authority over the company has been greatly misconstrued. The court appointed Receivers who were responsible for selling the canal after they gained the court’s approval.
34	Volume 5 Page 75 Section 5 Paragraph 3 Line 13	3	Please change <i>east</i> to west. The lock gates swing open against the flow of water. At Lock 12 the direction of opening is to the west.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

35	Volume 5 Page 81 Section 5 Figure 5.7	3	The labels for the TUs are incredibly difficult to read in this graphic. A larger size and color change is suggested.
36	Volume 5 Page 99 Section 5 Artifacts Paragraph 1	3	Colluvial processes are asserted as the likely cause of prehistoric artifact concentrations in TU 4. I do not disagree with the notion of potentially attributing some of the material to those processes. However, as the second sentence is written, it sounds as if the manmade I-495 bridge embankment is a major contributing factor to the accumulation of prehistoric artifacts in TU 4. It also appears from Topo maps and LIDAR that the location of TU 4 is relatively level. That, along with the accumulation of 56 prehistoric artifacts makes me less inclined to concur that colluvial processes alone caused this collection, even in spite of the geomorphological assessment.
37	Volume 5 Page 114 Section 5 Paragraph 2 Line 8	2	Once again, the B&O was not legally able to sell the canal to the federal government. Please revise to say that the court appointed Receivers sold the canal after gaining the approval of the court.
38	Volume 5 Page 114 Section 5 Paragraph 3	3	Lockkeeper or Lock Tender are the preferred terms when talking about those who ran the locks. I would avoid or limit the use of the term operator with respect to the canal.
39	Volume 5 Page 126 Section on 18MO750	2	I was wondering if the analysis of the extended site boundary of 18MO750 accounted for the fact that the Lockhouse at Lock 14 was once located just south of the towpath in the vicinity of artifacts clustered around STP 1-15? The house almost certainly abutted Feature 2, the towpath retaining wall. Also, there is a quarry cut into the natural hillside just south of the N500 Transect and between approximately E650 and E700. Knowledge of the existence of the lockhouse and quarry may change the interpretation of the artifact assemblage.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).



Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

March 12, 2020

Dr. Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division
MDOT State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Re: I-495 & I-270 Managed Lanes Study (MLS)
Montgomery and Prince George's Counties, Maryland
MDOT SHA Project No. AW073A11

Dear Dr. Schablitsky:

Thank you for providing the Maryland Historical Trust (Trust) with the six-volume *Cultural Resources Technical Report* for the above-referenced project. The Maryland Department of Transportation State Highway Administration's (MDOT SHA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. Trust staff have conducted a thorough review of the materials and we are writing to provide our comments and concurrence below and in an attachment to this letter.

Architectural Historic Properties Comments for Maryland Sections of the Area of Potential Effects (APE): MDOT SHA's extensive efforts to identify historic properties produced the well-written and effective *Suburbanization Historic Context Addendum (1961-1980), Montgomery and Prince George's Counties* (May 2019) and resulted in the survey and evaluation of 329 resources within the built environment. A total of 51 historic properties listed in or determined eligible for the National Register of Historic Properties were identified within the undertaking's APE, as noted in Table 2.2 of *Cultural Resources Technical Report Volume 3: Architectural Historic Properties Identification* (RK&K 2019). Our comments on the undertaking's effect on these historic properties are presented below.

Archeology Comments for Maryland Sections of the APE: Trust staff reviewed the following two draft reports included in the submittal:

1. *Cultural Resources Technical Report Volume 4: Phase I Archaeological Investigation for the I-495 & I-270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia* (Arnold et al. 2019) and
2. *Cultural Resources Technical Report Volume 5: Supplemental Phase I Archaeological Survey and Phase II Archaeological Evaluation of Sites 18PR750, 18MO749, and 18MO751 for the I-495/I-270 Managed Lanes Study Project, Prince George's County and Montgomery Counties, Maryland* (Millis et al. 2019).

The reports present detailed documentation on the goals, methods, results and recommendations of Phase I initial and supplemental archeological survey conducted within accessible portions of the corridor study boundary and Phase II evaluations of three sites. The drafts generally meet the reporting requirements of the Trust's *Standards and Guidelines for Archeological Investigations in Maryland*. Attachment 1 lists the Trust's specific comments on the two reports. We ask SHA to have the consultants address these issues, in addition to applicable comments provided by the other consulting parties, in the preparation of the final documents. We await two hard copies and one electronic copy on disk of each final report for our Library, when available.

Based on the information presented in the report, the Trust agrees with MDOT SHA's findings as follows:

- We concur with MDOT SHA's evaluations that the following sites do not meet the criteria for eligibility in the National Register of Historic Places: 18MO22, 18MO750, 18MO753, 18MO754, 18MO755, 18MO756, 18PR425, 18PR750, 18PR1131 and 18PR1133.
- We concur with MDOT SHA's determination that sites 18MO749 and 18MO751 are eligible for inclusion in the National Register of Historic Places.
- We agree that further Phase I and II archeological investigations are warranted in specified areas to which access was denied, for indicated previously inventoried sites once more detailed project plans are developed, and in areas recommended for deep testing as stated in the draft reports.
- Based on the underwater archeological assessment of the American Legion Bridge crossing presented in the draft Phase I report, we agree that significant submerged cultural resources are unlikely to be located within the corridor study boundary and underwater archeological investigations are not warranted at this time.
- We agree that further consultation and coordination are needed to address the appropriate identification and treatment of cemeteries that may be impacted by the undertaking.

Assessment of Effects on Historic Properties: Trust staff carefully reviewed the information presented in MDOT SHA's *Cultural Resources Technical Report Volume 1: Overview and Effects Assessment* (December 2019) and other materials accompanying the submittal. Based on the supporting documentation, the Trust concurs with MDOT SHA's determination that the proposed undertaking will have an adverse effect on historic properties, including archeological properties, in Maryland. Furthermore, the Trust agrees with the following specific findings stated in MDOT SHA's submittal letter dated January 10, 2020 and accompanying attachments:

- We agree that the undertaking will adversely affect the historic properties listed in Table 1 (Attachment #2) and will also adversely affect archeological historic properties 18MO749 and 18MO751.
- We agree that the undertaking may adversely affect the historic properties listed in Table 2 (Attachment #2) and further consultation will be needed during design development to consider and address effects.
- We concur that the undertaking will have no adverse effect on the historic properties listed in Table 3 (Attachment #2).
- We acknowledge that MDOT SHA intends to request that the Federal Highway Administration make a de minimis finding for the minor Section 4(f) use of nine properties listed in Table 4 (Attachment #2). We are also including a signed concurrence sheet to facilitate the de minimis approval process.
- MDOT SHA was not able to fully complete its efforts to identify and evaluate archeological sites that may be impacted by the project given access denial issues and lack of construction

engineering details regarding the full limits of disturbance. Thus, we agree that further Phase I and II investigations may be warranted as planning develops for the following: five survey areas (Areas S-8, S-37, S-44, S-53, S-54), areas recommended for deep testing, the six sites listed in Attachment #3 to the submittal letter (18MO190, 18MO191, 18MO457, 18MO510, 18MO514, and 18MO752), plus the Moses Hall property.

- We agree that further consultation and coordination are needed to address the appropriate identification and treatment of cemeteries that may be impacted by the undertaking.

We understand that MDOT SHA intends to negotiate a Programmatic Agreement (PA), pursuant to 36 CFR 800.14(b) for this undertaking. The PA will not only stipulate mitigation measures to resolve the undertaking's adverse effect on individual historic properties, but also establish a process for ongoing identification of historic properties that may be affected, consideration and resolution of effects on additional resources, and further coordination among the various parties involved in the Section 106 consultation for this complex undertaking. We look forward to a meeting of consulting parties to fully discuss the anticipated effects and begin negotiation of appropriate mitigation measures.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer
EH/BC/TJT/202000116

cc: Caryn Brookman (SHA)
Jeanette Mar (FHWA)
Julie Langan (VDHR)
Rebecca Ballo (Montgomery County Planning)
Joey Lampl (Montgomery County Parks)
Sarah Rogers (Heritage Tourism Alliance of Montgomery County, Inc.)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

Attachment 1
Trust Comments on Draft Archeological Reports

Phase I Archeological Survey Report

1. In the Field Results chapter, please include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing that illustrate the location of the various Survey Areas within the Corridor Study Boundary, so the reader may readily find the survey areas' positions within the larger study area. For instance, on page 15: *Area S-1 is a 0.99-acre limited survey area located within the cloverleaf off-ramp connecting the northbound lands of I-270 to West Montgomery Avenue (Figure 4) (Appendix E, Page 27).*
2. Several figures are missing from the draft report: Figures 17, 47, 75, 84.
3. Add artifact tables to the results discussion for 18MO22, survey area S-13.
4. The report recommends deep testing for multiple locales. The corresponding survey area figures in the text and those in Appendix E should map the areas where deep testing is recommended. For instance: S-16a (Figure 55, Appendix E map 5-6), S-16c (Figures 57, 58, 59 and Appendix E map 5-6), S-17 (Figure 70, Appendix E map 6), S-33 (Figure 91, Appendix E map 6).
5. Double check all the Appendix E keys for archeological testing results to ensure that the color code matches the recommendations in the text and correct as needed. For instance: S-37 on page 9 is keyed in black (no further work recommended) yet the text recommends full Phase I survey; S-39 on page 12 is coded for Phase I survey, yet the text recommends no more work.
6. In the Summary and Recommendations chapter, please include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing that illustrate the location of the various Survey Areas and inventoried archeological site locations within the Corridor Study Boundary, so the reader may readily find the various sites and survey areas' positions within the larger study area. (See example noted in item #1.) This applies to all sections of this chapter.
7. On page 183, the report needs to include explicit recommendations in the discussion for Gibson Grove African Methodist Episcopal Zion Church and include an accompanying figure documenting the location of prior archeological testing on the parcel. Is additional archeological investigation warranted or only further consideration of the Moses Lodge Cemetery discussed in Section 5.2.5 D?
8. Table 15 (page 184) should include add National Register eligibility recommendations to column six.
9. Page 194, please check the accuracy of the overlaid mapping of the American Legion Bridge location on Figures 116 and 117 as it appears to be shown in different locations relative to the Rock Run drainage situated west of the study area.
10. Section 5.2.4 Additional Archaeological Studies Recommended needs to add figures and/or include reference to the corresponding maps in Appendix E – Results and Recommendations of Archaeological Testing. (See example noted in item #1.)
11. Section 5.2.4 should include a table with the recommendations for the sites discussed in this section or add these sites to Table 15.

12. Section 5.2.5 should include a table with the recommendations for the cemeteries discussed in this section or add them to Table 15.
13. Appendix C – Artifact Inventory needs careful editing for consistency and accuracy. Pages 10 – 27 have no provenience information for the artifacts listed. Pages 28 – 50 provide additional inventories for multiple sites and isolates distinctly grouped by site – likely these are the sites from federal NPS lands?

Supplemental Phase I Archeological Survey and Phase II Archeological Evaluations

1. The report's discussion of National Register eligibility for site 18MO751 in the Results and Conclusions and Recommendations chapters should solely reference Criterion D. The report does not present sufficient justification to support significance under Criteria A and C.
2. Please complete site update forms for 18MO22 and 18MO750 to reflect the results of the supplemental Phase I investigations, provide the original forms to Jennifer Cosham for entry in the Inventory records, and include a copy of the updates in Appendix 2.
3. The report needs to add an appendix that documents the professional qualifications of the principal investigator.

**Concurrence with the MDOT State Highway Administration's
Determination(s) of Eligibility and/or Effects**

Project Number: AW073A11

MHT Log No. 2020 00116

Project Name: I-495 & I-270 Managed Lanes Study (MLS)

County: Montgomery and Prince George's

Letter Date: January 10, 2020

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MDOT State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [Attachments 2 & 3]):

- ☒ Concur
☐ Do Not Concur

Effect (as noted in the Effects Table [Attachments 2 & 3]):

- ☐ No Properties Affected
☐ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☒ Adverse Effect


Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter, if applicable):

☒ Acknowledge

Comments:

SEE LETTER DATED 12 MARCH 2020 FOR ADDITIONAL COMMENTS.

By:


MD State Historic Preservation Office/
Maryland Historical Trust

3.12.20
Date

Section 4(f) Criteria of Temporary Occupancy or *de minimis* Finding Approval, if applicable:

**Federal Highway
Administration**

Printed Name

Date

Return by U.S. Mail or Facsimile to:
Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,
MDOT State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046
A_Proj Number: 11729

Comments submitted by (Name):

M. Joseph

On behalf of (Agency/Consulting party): NPS

Comment No.	Volume Page and Section	Priority*	Comment
Example	Volume 1 Page 34 Section 2.1.1	2	Please clarify relation of the text in the table to the numbering on Figure Z-99
1	Volume 1 Page 18 Section 3.1		Explain why the effects can not be determined on 7 architectural properties. Elaborate
2	Volume 1 Page General Section		Check sentence structure throughout the document. There are several awkwardly phrased sentences that would benefit from being two sentences. Also, do not start a sentence with the word "Because" as it is a connecting clause. Check grammar throughout.
3	Volume 1 Page 18 Section 3.1.1.		The Period of Significance for each property should be explained as the narratives do not reflect how the value was determined. The reader should also have a brief introduction to each resources, no more than two sentences.
4	Volume 1 Page 19 Section 3.1.1.		The "Unspecified" Criterion and Period of Significance really should be defined or at least attempted to be defined.
5	Volume 1 Page 20 Section 3.1.1 A		The actions described will also impact the "design, workmanship, feeling, and materials" of the Baltimore- Washington Parkway. Address
6	Volume 1 Page 20 Section 3.1.1. C		Divide the conversation of the impacts to the two parkways to two separate sections.
7	Volume1 Page 23 Section 3.1.1. E		The "feeling" would be diminished after construction of the interchange.
8	Volume 1 Page 23 Section 3.1.1.G		The realignment would effect the "location" of the railway as well.
9	Volume 1 Page 24 Section 3.1.1. H		"Feeling" would also be effected.

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

10	Volume 1 Page 26 Section 3.1.2.		Again, explain why the effects cannot be determined at this time. See previous comments regarding Period of Significance.
11	Volume 1 Page 27 Section 3.1.2. B		What is Carderock Springs Historic District? Where is it located? Managed by whom? Feeling would also be adversely effected by that removal of trees.
12	Volume 1 Page 28 Section 3.1.2. F		The design of stormwater management facilities and features will have an adverse impact on the character of the parkway.
13	Volume3 Page 12 Section 2.5		Does the note "Eligible(for the purpose of Section 106)" have to be placed in the chart for Greenbelt Park?
14	Volume 3 Page Section Appendix C		Was a form prepared for Greenbelt Park? If not- why?
15	Volume 1 Page 2 Section 1.1		Do we have idea where the three proposed stormwater management features will be located? One is mention for the ALB replacement within the Clara Barton Parkway vicinity (pg. 21)
16	Volume 1 Page 13 Section 2.3.1		Need to mention Clara Barton Parkway, a NPS property in Maryland, is also located with the APE for the ALB replacement project.
17	Volume 1 Page 19 Section 3.1.1		Table 3-1 – Update Period of Significance for the GWMP and Clara Barton Parkway from 1930- 1970 and the NRHP Criteria to include criteria A , in addition to B & C.
18	Volume 1 Page 20 Section C.		GWMP and Clara Barton Parkway are eligible under criteria A, B, & C
19	Volume 1 Page 21 Section C.		In the DEIS it indicated that the project is just new bridges but is widening the bridge as well. Update the text to reflect the nature of the project and its impacts.
20	Volume 1 Page 21 Section C.		The NPS is trying to reduce the LOD because of the sensitive Potomac River Gorge ecological communities and sensitive archeological features within the vicinity of the American Legion Bridge (ALB).

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).

21	Volume 1 Page 21 Section C.		Major impacts are projected for three of the quadrants for construction access to replace the ALB. Need to look at this location as a sensitive ecological and sensitive archeological zone related to the Potomac River Gorge.
22	Volume 1 Page 21 Section C.		Stormwater Management Facility should not be located on NPS lands. Suggest trying to keep it on MDOT land with the Clara Barton Parkway interchange with the beltway.
23	Volume 1 Page 21 Section C.		Need to state this differently – the expansion of the ALB within the NPS boundaries (effecting the following NR districts – C&O Canal, Clara Barton Parkway and George Washington Memorial Parkway). Adverse effect to the visual and physical quality of these NPS properties with the introduction of new structural features, removal of sensitive vegetation, possible regarding activities and possible destruction of archeological sites.
24	Volume 1 Page 25 Section K.c.		Virginia DHR does not support defining the Dead Run Ridges area as an archeological district.
	Volume Page Section		
	Volume Page Section		
	Volume Page Section		
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	Volume Page Section		

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).



*Priority: **(1)** Substantive comment regarding analysis or findings **(2)** supplementary information or technical comment not significantly affecting analysis **(3)** minor technical corrections (formatting, spelling, clarity, etc).

Cultural Resources Technical Report, Volume 4: Phase I Archaeological Survey, Intensive Phase I Archaeological Investigation For the I-495 & I 270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia

Draft dated December 2019 and

Volume 5: Supplemental Phase I Archaeological Survey and Phase II Archaeological Evaluation of Sites 18PR750, 18MO749, and 18MO751, Prince George's and Montgomery Counties, Maryland. The I_495/I-270 Managed Lanes Study (Maryland Department of Transportation), Fairfax county, Virginia Draft dated December 2019

Reviewer: *Marian Creveling (MCC)*

March 2020

Volume 4

No.	Reviewer	Page	Line	Comment	Response
	MCC	30		Figure is missing	
	MCC	36	¶5 L1 & L4	Line 1 says Grosvenor Place but line 4 says Grosvenor Lane is this a typo or are there two different street names. Could not confirm by looking at the map	
	MCC	69	Figure 47	Figure is missing	
	MCC	72	¶2 L1	"..1 and 2 are were located..." Need to pick one and delete the other	
	MCC	107	Figure 75	Figure is missing	
	MCC	120	Figure 84	Figure is missing	
	MCC	120		General observation – 18PR1131 – located along BAWA and identified as a new site during this project – hopefully this was not also recorded by Berger during their recent survey	
	MCC	149	¶2	Only one Thomas et al.. in bibliography, 1992. Is the 1993 citation missing or is it a typo?	
	MCC	176	¶1	Refers to table 18 but the tables only go to 15	
	MCC			General comments – The report is easy to read and follow. The text frequently referred to streets or other landmarks as site boundaries, but they were not always marked on the maps. I found the photo scale overwhelmed the artifacts in some of the images. Finally, my copy appeared to have two Appendix E, but the maps in the first appear to be the same as in Appendix D	

Cultural Resources Technical Report, Volume 4: Phase I Archaeological Survey, Intensive Phase I Archaeological Investigation For the I-495 & I 270 Managed Lanes Study, Montgomery and Prince George's County, Maryland and Fairfax County, Virginia

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Volume 5: Supplemental Phase I Archaeological Survey and Phase II Archaeological Evaluation of Sites 18PR750, 18MO749, and 18MO751, Prince George's and Montgomery Counties, Maryland. The I_495/I-270 Managed Lanes Study (Maryland Department of Transportation), Fairfax county, Virginia Draft dated December 2019

Reviewer: *Marian Creveling (MCC)*

March 2020

No.	Reviewer	Page	Line	Comment	Response
	Volume 5				
	MCC	Viii	Figure 5.17	Is it facing South or facing East? The list of figures does not match the figure caption	
			Figure 6.9	Missing part of the site number	
		9	¶4 L4	Sullivan & Rozen not in the bibliography	
		32	Table 4.1	Check counts across Horizons for Untyped PPK, Biface Med Stage and Metate/Anvil/Core then check the final count	
		40	¶2 L1	Should be figure 4.6 not 4.7	
		66	Table 4.6	Check total under B5 3.75-4.75	
			¶2 L1	Total of artifacts in Ab horizon doesn't match that in the table	
		87	Table 5.3	Activities sub-total should be under feature 2 not feature 1	
				General comments – Well written easy to follow report. However, the format of my copy was off in that the abstracts, tables, chapters, etc.. all began on the left page instead of the right. In addition, I had an extra page 21/22 between pages 28 and 29.	



CARDEROCK SPRINGS

National Register of Historic Places

March 16, 2020

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study, comments from CSCA to the Draft Cultural Resources Technical Report, dated December 2019

Dear Mr. Archer,

Thanks for the opportunity to provide you with our community comments (see below).

It is our understanding that the draft Cultural Resources Technical Report was prepared to comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations at 36 CFR Part 800, with the intent of considering the effects of the proposed I-495 & I-270 Managed Lanes project on adjacent historic properties. As part of this report, MDOT SHA and FHWA identified historic properties within the project's area of potential effects (APE); assessed effects to those properties; and is consulting with the Maryland Historic Trust (MHT) and additional consulting parties through the Section 106 process. The above-referenced report will also serve to inform the EIS.

In its role as a Consulting Party within the Section 106 process, the Carderock Springs Citizens Association (CSCA) has reviewed the Draft Cultural Resources Technical Report, particularly those parts relevant to our community, which includes the Carderock Springs Historic District and Carderock Springs South, both located at least partially within the APE and the CSB. We are also including comments regarding the neighboring Gibson Grove Church and Moses Hall Lodge and Cemetery properties, in coordination with the Cabin John Citizens Association.

I. BACKGROUND

- A. Carderock Springs is a historic district included in the National Register of Historic Places (NRHP). Developed by Edmund J. Bennett and designed by Keyes, Lethbridge, and Condon between 1962 and 1966, Carderock Springs is a subdivision of 275 modernist houses and a recreation center. Typical of Bennett / KLC subdivisions, Carderock Springs was planned to take full advantage of the existing landscape and topography, with curvilinear streets and cul-de-sacs serving wooded, sloping lots. Houses represent a range of models suited to varying site conditions, unified by a consistent design aesthetic to create Bennett's goal of a "visual community."
- B. Carderock Springs South is listed as an eligible historic district in the Cultural Resources Technical Report. Also designed by Keyes, Lethridge and Condon and developed by Bennett between 1967 and 1970, Carderock Springs South consists of 45 contemporary homes and is the last and final

section of the Carderock Springs community. In the Report, it is described as having "a naturalistic setting" with "some natural topographic features retained along with mature trees throughout the neighborhood."

- C. The Gibson Grove A.M.E. Zion Church derives its significance from its association with the African American settlement of Gibson Grove that was founded in the 1880s by former slaves. The original church was a log structure that was replaced with the current edifice in 1923. It is the only remaining structure associated with the African-American Gibson Grove community and is eligible for listing in the NRHP (filed in 2000).
- D. Moses Hall (Morningstar Tabernacle #88) and Moses Lodge Cemetery were established by the Grand United Order of Brothers and Sisters, Sons and Daughters of Moses (the Lodge). The Lodge was founded in 1868 as a fraternal organization for the maintenance of orphans, for burials, and for the care of the sick and destitute members. Moses Hall was destroyed by fire in the late 1960's and the Lodge organization is no longer extant; however, the membership of the Lodge was largely the same as the Gibson Grove AME Zion church congregation, whose family members are buried in the Moses Lodge cemetery. The cemetery was in use between 1912 and 1970, and it is thought that it contains at least 50 graves. The exact number is unknown and the site is currently overgrown, albeit in the process of being cleared of vegetation to facilitate a more complete survey of the graves and extant elements of the hall.

II. SUMMARIZED COMMENTS

Portions of the Carderock Springs Historic District, the Gibson Grove Church, and Moses Hall and Cemetery are all within the Corridor Study Boundary (CSB) and likely within the Limits of Disturbance (LOD), once they are determined. Carderock South is within the Area of Potential Effects (APE). Given this, it is clear that there will be adverse effects to these neighborhoods and properties if any alternative other than the "No Build" alternative is selected. These adverse effects would include property loss, loss of mature trees and landscape buffer, an increase in noise levels, changes to the historic settings and feeling due to tree loss and highway encroachment, potential increase of stormwater runoff and erosion, and, for the Moses Lodge Cemetery, potential loss / displacement of existing graves and of the remains of Moses Hall.

Section 106 promotes avoidance of adverse effects, which would require no encroachment on the Carderock Springs Historic District, Carderock Springs South, Gibson Grove Church, or Moses Hall and Cemetery or adverse impacts on its environmental qualities. However, this does not appear to be possible with many of the alternatives being considered. What steps will SHA take to avoid, minimize or mitigate adverse impacts? As the evaluation and design process continues, we request that periodic meetings be held to inform our communities of the status of the proposed project and any changes to the design. These meetings should also allow the community to voice concerns and ask questions. As part of the Programmatic Agreement (PA), we also request that we be a part of the design review process in our continuing role as a Consulting Party and be given the opportunity to provide formal comments in response to the proposed design once it is developed.

III. DETAILED COMMENTS

A. Volume 1, Section 1.4: Alternatives Evaluated

Seven screened alternatives were identified in the report. These are summarized below for ease of reference, with focus on the proposed changes to I-495:

Alternative 1: No Build (Existing). Width of I-495 ranges from 138' to 146'.

Alternative 5: Add one High-Occupancy Toll (HOT) Managed Lane in each direction and convert one existing HOV lane to a HOT Managed Lane in each direction. Buses would be permitted on the HOT lanes. Resulting width of I-495 ranges from 170' to 174'.

Alternatives 8, 10 and 13C: Add two Express Toll Lanes (ETL) in each direction. Differences between these alternatives are in the I-270 component of the proposed work. Resulting width of I-495 ranges from 194' to 198'.

Alternatives 9 and 13B: Add two HOT lanes in each direction. Buses would be permitted on the HOT lanes. Differences between these alternatives are in the I-270 component of the proposed work. Resulting width of I-495 ranges from 194' to 198'.

Comments:

- *The Carderock Springs Historic District, Carderock Springs South, the Gibson Grove Church and the Moses Hall Lodge/Cemetery properties will all be affected by any alternative that results in expansion of the lanes on I-495. Our communities border the Beltway, and there are no sound barriers to mitigate and diffuse the heightened level of noise and air pollution that an increased number of cars and trucks traveling on a widened Beltway would generate. This includes all Alternatives listed above with the exception of Alternative 1, the No Build option. For this reason, the No Build Option is the preferred option for our communities.*
- B. *Alternative 5, which adds one new lane in each direction, would be preferable to the options that add two lanes in each direction (Alternatives 8, 9, 10, 13B and 13C) in order to minimize the encroachment of roadway construction on our properties and keep the SHA and Montgomery County commitment to limit the Beltway expansion to the current SHA ROW in Carderock Springs. If more traffic needs to be accommodated, we would recommend that reversible lanes be reconsidered for the I-495 component. This solution would have a similar spatial impact to Alternative 5* Volume 1, Section 2.3.1: Area of Potential Effects

The APE is defined as the geographic area within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties. For this proposed project, since the precise limits of disturbance (LOD) are currently still unknown, a corridor study boundary (CSB) has been defined as a line extending 300 feet from the centerline on either side of I-495 and I-270 within the study limits, expanding farther at certain interchanges. To capture anticipated visual, atmospheric, or audible effects, the APE generally encompassed an additional 250 feet on either side of the CSB. MHT accepted this APE without additional comments on May 17, 2018. The APE was updated in areas surrounding the American Legion Bridge, the C&O Canal, and the GW Parkway; however, these changes do not appear to pertain to the areas of the Carderock Springs Historic District, Gibson Grove Church or Moses Hall and Cemetery.

Comments:

- *The APE and CSB clearly include a section of the Carderock Springs Historic District running closest to the Beltway along Hamilton Springs Drive and Stone Trail Drive. It appears that the APE also extends to border of Carderock Springs South.*



- *The Gibson Grove Church, Moses Hall and the Moses Lodge Cemetery are also clearly located within the APE and the CSB. The remains of Moses Hall are directly adjacent to the existing I-495 and it seems likely that portions of the cemetery / interments are also located within the LOD. This needs to be investigated further.*

C. Volume 1, Section 3: Effects Assessment and Section 3.1.2: Properties Where Effects Cannot be Fully Determined

Per the Draft Cultural Resources Technical Report, Carderock Springs Historic District is eligible for the NRHP under Criteria A and C and is currently listed, and Carderock Springs South is eligible under Criterion C. Gibson Grove A.M.E. Zion Church is eligible for the NRHP under Criterion A.

The following are definitions of Criteria A and C:

Criterion A - historic properties that are associated with events that have made a significant contribution to the broad patterns of our history.

Criterion C - historic properties that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Moses Hall and Cemetery are not currently listed on the NRHP.

Comments:

- *Gibson Grove Church is noted to meet only NRHP Criterion A. It seems that it should meet both NRHP Criteria A and C.*
- *While Moses Hall and Cemetery are not currently listed, we believe that they should be eligible for the NRHP. Clearing of vegetation from the site is underway to allow a more detailed archaeological and architectural survey and evaluation of the site, with likely application for listing on the NRHP.*

The Carderock Springs Historic District and the Gibson Grove Church have both been identified as "historic properties where effects cannot be fully determined," not as "properties experiencing adverse effect." Carderock Springs South is identified as "experiencing no adverse effect". Adverse effects on historic properties are found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Specific examples of adverse effects include:

- Physical destruction of or damage to all or part of the property;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

Per the Draft Cultural Resources Technical Report:

"Carderock Springs Historic District is eligible for the NRHP under Criteria A and C. The LOD avoids immediate physical impacts to contributing properties but may result in loss of tree and landscape buffer that could create a diminishment of the design and setting of contributing elements of the district. MDOT SHA proposed to include measures to avoid adverse effects in the PA, and if avoidance is not possible, a process to identify minimization and/or mitigation measures will be followed."

"Carderock Springs South is eligible for NRHP under Criterion C." We note that while outside the LOD, a portion of Carderock Springs South is within the APE, and like Carderock Springs Historic District is impacted by noise and air pollution from the Beltway currently.

"Gibson Grove A.M.E. Zion Church is eligible for the NRHP under Criterion A. The LOD at this location represent above-grade impacts, and no physical impacts to the historic property are anticipated. The south side of the parcel is within the LOD, but the church itself occupies the north side of the parcel, across a small gully. The nearby segment of I-495 forms an overpass crossing Seven Locks Road southeast of the church. The LOD at the overpass extends along Seven Locks Road in front of the church; dependent on design and construction needs, there may be diminishment of setting and feeling for the duration of construction. MDOT SHA proposed to include measures to avoid adverse effects in the PA, and if avoidance is not possible, a process to identify minimization and/or mitigation measures will be followed."

Comments:

- *It is not clear why Carderock Springs Historic District and Gibson Grove Church were deemed to be properties where effects cannot be fully determined. Similarly, we believe that there would be adverse impact on Carderock Springs South. We feel strongly that the effects can and should be evaluated and fully determined, as the specific examples of potential adverse effects listed above apply to these properties. These are discussed in more detail in the additional comments below.*

- *Carderock Springs Historic District and Carderock Springs South:*

One of the important factors in Carderock Springs being named on the National Register of Historic Places was the environmental sensitivity of the builder in siting the homes. For example, the NRHP submission for Carderock Springs included the following statements:

- *"The [subdivision] is respectful of its natural surroundings".*
- *"Tree preservation was a major concern for Bennett and his architects. In addition to moral and emotional benefits, there were also practical advantages to wooded home sites. Not only did they protect privacy, but they also attenuated the noise of vehicular traffic."*
- *"Mr. Bennett belonged to a small but significant category of mid-century builders who, for reasons that were not only ethical and aesthetic but also practical (they sought to provide privacy and shade, for instance), took the conscious decision to interfere minimally with natural site conditions."*
- *"Edmund Bennett believed that 'the difference between an average subdivision and an outstanding one is the way the land is planned.' Environmental friendliness is common to all KLC-designed and Bennett-built houses and subdivisions. The sales brochure for the third section of Carderock Springs claimed 'We agree with Frank Lloyd Wright that the house should be "of the site and not on it".'*

The report of the Maryland Historic Trust on Carderock Springs South attached as an Exhibit to the Report states "Typical of Bennett's subdivisions during the period, Carderock Springs South reflects leading design concepts in its use of cluster development, landscape preservation techniques, buried power lines, community facilities and architectural covenants to create a picturesque and environmentally sensitive neighborhood that stood apart from the work of his contemporaries."

It seems clear that any Alternate other than the "No Build" Alternate will diminish the natural surroundings through removal of mature trees and landscape buffer. If mature trees, which cannot be easily or cheaply replaced, are cut down, this would significantly degrade the overall vision which resulted in Carderock Spring's inclusion on the NRHP. In addition, many mature trees cannot stand root cutting beyond their drip lines nor temporary or permanent soil piling around trunks or heavy equipment loads, so it is likely that an additional band of trees would be adversely affected beyond the immediate LOD. This degradation does not only affect the owners of these homes, but also the entire feel of the neighborhood's streets.

- *The noise level from the Beltway currently exceeds the MD SHA's Noise Abatement Approach Criteria of 66 dBA for exterior residential noise levels. This is based on a study conducted by SHA in April of 2001 to monitor noise levels at 1988 impacted residences in Carderock Springs, with residences along the Beltway having maximum measured noise levels of 68 to 80 dBA. Sounds louder than 80 DBA are understood to harm the human ear. The noise levels will only increase with more lanes, with the affected number of residences also increasing due to closer proximity to the Beltway. SHA should perform a noise study to determine what the effects of the proposed Beltway expansion would have on surrounding properties, including Carderock Springs, Carderock Springs South, Gibson Grove Church, and the Moses Hall and Cemetery property. The construction of a noise barrier will need to be considered to mitigate increases in noise levels and air pollution, as well as any adverse visual impact on the historic character of the neighborhood. Those considerations should be shared with the Consulting Parties so they may provide comments on those considerations.*

D. Volume 1, Section 3.1.5: Indirect and Cumulative Effects

It is noted that "adverse effects 'may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative'" and that "past actions that have impacted historic properties include the numerous infrastructure and land development activities that have occurred in the APE." The report asserts that "the study is responding to other large-scale pressures resulting in increased population and development that result in depleted capacity and congestion on I-495 and I-270; it is not the case of generalized degradation of historic properties in the APE due to development. As a result, there are no indirect or cumulative adverse effects to historic properties specifically caused by the undertaking."

Comments:

- *Two specific issues related to the cumulative effects of the previous Beltway widening project and the proposed future undertaking have been identified and are of great concern to the affected communities:*
 - *As noted above, the first Beltway expansion (ca. 1988) diminished the distance from the Beltway to property lines. Most alternatives for this expansion propose to take property away from homeowners, bringing the community's homes essentially up to the very edge of the*



Beltway. What had been a bucolic setting worthy of listing on the National Register of Historic Places will become a louder and more polluted community if sound barrier walls are not built; or, if sound barrier walls are built, a neighborhood defined by walls rather than trees. In either scenario, for a community whose primary historic value is its modern architecture embedded in nature, the nearer encroachment of the Beltway is a grim prospect.

- *A significant concern shared by both the Gibson Grove Church and Moses Hall Lodge/Cemetery property stakeholders relate to ongoing erosion. Dr. Alexandra Jones, in her 2010 UC Berkeley doctoral thesis titled "Gibson Grove A.M.E. Zion Church Gone But Not Forgotten: The Archaeology of an African American Church," stated: "The south side of the church has a slope of about 70% making it impossible to survey. The state had built Interstate 495 on the property adjacent to the church, under the claim of eminent domain. During the construction of the interstate the land to the south of the church was graded to create a drain ditch. The hill was graded so steep that over time the south side of the church property had eroded leaving very little area to walk." The state's insufficient approach to stormwater drainage during the Beltway construction continues to threaten adjacent properties and make restoration efforts for Gibson Grove Church and Moses Hall nearly impossible. We appreciate MDOT SHA's intention to determine appropriate measures to reverse damage to these properties from erosion and stormwater runoff and prevent any worsening of these conditions.*

E. Volume 1, Section 4: Next Steps

Additional Archaeological Investigations.

Moses Hall and Moses Lodge Cemetery were both identified during the Gap Analysis as archaeological resources within the LOD recommended for additional testing and evaluation to determine eligibility for the NHRP. "MDOT SHA would include commitments in the PA for phased evaluation of these sites, and provisions for avoidance, minimization, or mitigation of adverse effects should any of the resources be NRHP-eligible." In the case of cemeteries in this category, "should these cemeteries be located, found to have integrity, and also meet the criteria for the NRHP, MDOT SHA would make eligibility determinations after such investigations. Whether determines to be historic properties or not, MDOT SHA would first endeavor to avoid disturbance of human remains and remove and relocate any remains as a less preferred option."

Comments:

- *There is conflicting information in different sections of the report regarding the cemetery. In Volume 2 of the report, the Gap Analysis, Section 7.5.3 identifies Gibson Grove AME Church Cemetery as a location with potential for human burials and notes that there are seven known burials within the cemetery dating from around 1921 to 1975. In Volume 4, the Phase I Archaeological Investigation, there is additional reference to Dr. Alexandra Jones' dissertation (referenced above) and her finding approximately 50 graves that could not be identified (see pp. 183 and 205). The background information on the cemetery should be consistent within all sections of the report.*
- *As a first step, before potential adverse effects can be evaluated, it is imperative that a more detailed (non-invasive) survey and mapping exercise of any surface evidence of Moses Hall and graves such as field stones or depressions be performed, as has been indicated is the intent by SHA. This should include mapping of discernable surface features within the proposed limits of disturbance and the right-of-way-line, using effective approaches such as*

ground penetrating radar, photogrammetry, and any other available and appropriate tools. Efforts are underway to clear the site of vegetation to allow evaluation and survey of the site. Every effort should be made to identify remains at the property.

- *Notwithstanding the many gravesites at the property that will fall within the LOD, the Moses Hall Lodge site looks to be entirely within the LOD on the map provided by SHA. For this reason, we feel compelled to work towards ensuring that the site is identified as "eligible" under Section 106. While the financial resources haven't been there to restore and protect this property over the last 50+ years since the building was destroyed by fire, the cultural and historical significance of Moses Hall Lodge is of great importance to the Cabin John community and descendants of Morningstar Tabernacle #88 members. Sites like Moses Hall offer descendants a sense of pride, belonging, and cultural heritage in our community - a place to point to when sharing family history with the next generation.*

Programmatic Agreement.

Per the report, "Due to the complexity of the undertaking, the current state of design, and its uncertain effects to historic properties, MDOT SHA expects Section 106 review to be completed through the execution of a PA [Programmatic Agreement], documenting the assessment and resolution of effects to known historic properties and providing protocols for additional consultation, evaluations, and resolution of effects following advancement of design. Additionally, it is known the Study will have mitigation development needs for stream, wetland, and other environmental impacts. A preliminary list of sites under consideration has been identified in the Draft EIS, Appendix K. MDOT SHA will include procedures to evaluate and assess effects to cultural resources for these sites and other expansions or revisions to the APE in the PA. MDOT SHA has communicated the intent to complete Section 106 review via a PA to consulting parties since the inception of the PA. MDOT SHA shared a conceptual outline of the PA with consulting parties on June 17, 2019 (Appendix C of Volume 1). FHWA has notified ACHP of the proposed PA and ACHP has elected to participate in consultation, which will continue. MDOT SHA will oversee implementation of the stipulations of the PA as the program continues into design and construction."

Comments:

- *We are very concerned about the PA being executed before a final design is known. Deferral of the real considerations of the impact on our communities has the potential to result in the design process becoming so far advanced that it will be impossible to avoid adverse impacts on our communities as promoted by Section 106.*

Appendix C of Volume 1, the Conceptual Outline of the PA, indicates that:

- The PA "will describe process for effects of assessments to identified historic properties currently with 'unknown' effects upon further design, or should design within the APE evolve to change effect determinations."
- The PA "will describe the consultation process on substantial APE revisions where historic properties may be additionally or differently affected."
- "In addition to the above, there may be ongoing consultation required for properties where effects cannot yet be fully determined, design of certain elements in proximity to historic properties (such as elevated structures), where consultation may be requested to achieve context-sensitive design and minimize effects."




CARDEROCK SPRINGS
National Register of Historic Places

Comments:

- *As part of the PA, we request the following:*
 - *Section 106 promotes avoidance, which would require no encroachment on Carderock Springs Historic District, Carderock Springs South, Gibson Grove Church or Moses Hall and Cemetery, or adverse impacts on their environmental qualities. Given that the maps of certain alternatives published by SHA show the LOD to encroach on the yards of several properties in Carderock Springs, as well as onto the Gibson Grove Church and Moses Hall and Cemetery properties, and the destruction of the natural barrier of trees and plantings that now exists between the neighborhoods and the Beltway, however, this does not appear to be possible with many of the alternatives being considered. What steps will SHA take to avoid or mitigate adverse impacts? These need to be communicated to all parties concerned.*
 - *that periodic meetings be held to inform our communities of the status of the proposed project and any changes to the current design and to allow the community to voice concerns and ask questions; and*
 - *that we be a part of the design review process and given the opportunity to provide formal comments in response to the proposed design once it is developed.*

Thank you for consideration of these comments.



John Orrick
President, Carderock Springs Citizens Association

Comments submitted by (Name): Jeanette Mar

On behalf of (FHWA): Federal Highway Administration

Comment No.	Volume Page and Section	Priority*	Comment
1	Volume 1 Page 28 Section F	1	Determine/update whether contributing features of Suitland Parkway are transferred out of federal control to see if there is an adverse effect.
2	Volume 2 Page 6 Section 2.2	2	Is the Shaffer and Cole 1994, the latest standards?
3	Volume 2 Page 41 Section 5.1	1	Determine /update whether cemeteries are impacted.
4	Volume 2 Page 48 Section	3	3 rd paragraph "Built between 1987 and 1900", maybe 1897?
5	Volume 2 Page 93 Section 7.3	2	Confusing terms "unevaluated and unsurveyed". Are they meant to be used interchangeably?

*Priority: (1) Substantive comment regarding analysis or findings (2) supplementary information or technical comment not significantly affecting analysis (3) minor technical corrections (formatting, spelling, clarity, etc).



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 16, 2020

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study: Section 106 Comments, Vols.1-6

Dear Mr. Archer:

Thank you for providing the opportunity to review and comment on the complete Section 106 Technical Reports and materials as part of the I-495/I-270 Managed Lanes Study. These comments reflect the comprehensive comments from the Cultural Resources Sections of the M-NCPPC Park and Planning Departments. Our comments are focused on Volumes 1-6, in particular the archaeological reports and National Register determinations.

We commend State Highways and the project consultants for compiling this information, and for allowing the consulting and cooperating parties ample time to review these reports. We have learned a great deal of new information through the survey work completed to date. We are offering the following comments on this phase of the project only; previous memos and letters submitted to SHA already contain our comments on the Gap Analysis and other technical documents. These comments are solely limited to the Section 106 review and do not yet contain our full comments on the NEPA/4F reviews or on the draft Programmatic Agreement. These comments, as well as comments that will be forthcoming regarding NEPA and 4F will be considered by the full Commission of the MNCPPC as they complete the agency's analysis at a later date this Spring.

In general, we concur with the recommendations where archaeological testing was completed but have concerns regarding areas where no archaeological testing was completed yet further work is not recommended. Specific instances are detailed in the table of comments that follows. We are also concerned about postponing basic identification and boundary delineation at the Poor Farm and Moses Hall Cemetery sites until after a Programmatic Agreement (PA) is executed. Delaying identification of the boundaries and evaluation of the NRHP eligibility of these sites prevents consideration of impacts to them during alternative selection under NEPA and undermines consideration of potential mitigation measures for any adverse effects during development of the PA.

MNCPPC Planning and Parks requests that the National Register determinations for the Moses Hall Cemetery and Poor Farm be completed as soon as possible and prior to continuing with finalizing the Draft Programmatic Agreement. We maintain that complete identification of known resources is an essential first step of the Section 106 review, and these determinations will help all parties complete detailed and complete stipulations in the Programmatic Agreement. Leaving this determination for subsequent phases is not necessary in our estimation. The cemetery's association with the NR-eligible Gibson Grove AME Zion Church would bolster its potential eligibility, though we believe based on documentation that the site merits further consideration in its own right. We offer to work closely with

SHA to provide additional information from our office and from the community to assist with these determinations so that they can be completed as soon as possible while we work on completing the draft agreement documents.

Thank you again for the opportunity to comment. If you have any questions or need to discuss this matter, please feel free to contact us at 301-563-3404; Rebecca.Ballo@montgomeryplanning.org, or 301-563-3414; Joey.Lampl@montgomeryparks.org.

Please see additional technical comments in the tables on subsequent pages.

Sincerely,



Rebecca Ballo
Historic Preservation Supervisor, Montgomery County Planning



Joey Lampl
Cultural Resources Manager, Montgomery County Parks

cc: Jeannette Mar, FHWA
Jason Shellenhammer, RKK
Tim Tamborino, Maryland Historical Trust
Beth Cole, Maryland Historical Trust

Volume 1		
Page	Line	Comment
18	Table 3-1	Table seems premature given the number of areas/sites that require additional investigation and evaluation.
27	D. Gibson Grove A.M.E. Zion Church	What about the potential for noise effects?
30	Table 3-3	Have noise impacts to the Forest Glen historic district been evaluated?
35	4 Next Steps	Site 18MO189 is within the LOD, and identified as unevaluated in the Gap Analysis, but it is nowhere discussed in the Section 106 reports.
35	Para 2 Line 3 “possible location of Moses Hall”	Why possible? We know where it was and portions of the building foundation are visible on the surface.
36	Paragraph 1	The location of the Moses Hall Cemetery is known, but the boundaries are not.
36	Table 4-2	Most of these sites have had very little examination, and their boundaries are unknown. There is no evidence to support the assertion that these are outside the LOD.
36	Table 4-2: 18MO64	Site form does not indicate any subsurface testing near this site. Notes read “Area unknown, due to light woods cover.” There is no basis for concluding the site is outside LOD.
36	Table 4-2: 18MO66	Site form notes read: “Tall grass prohibited survey.” There is no basis for concluding the site is outside LOD.
37	Table 4-2: 18MO602	Site form indicates no systematic survey or subsurface testing. There is no basis for concluding that the site is outside the LOD.
Vol.3		
Appendix A	Map 7, page 8	Please provide a reason why Sligo Creek Parkway is not listed as eligible for the NR.
Vol 4		
Page	Line	Comment
ii	Paragraph 1: Area S-10, 11	Text for S-10 on page i says deep testing may be needed and page 41 says that additional survey will be done. Survey appears to be warranted in untested portions of S-10. S-11 includes a Montgomery County Master Plan Historic Site (Wilde Acres 30/15).
ii	4 th paragraph: Ball Family Cemetery	Discussion in pages 199-205 suggests that the “alternate” location is more likely, outside the LOD but within the APE.
15	Table 3	Why limited survey for S-11? This includes a Montgomery County Master Plan Historic Site.
25	4.4 S-7 1 st Paragraph	List which two archaeological sites were identified in this area.
31	2nd paragraph	Need to confirm that the LOD has not changed since the report was written last year and this site 18MO752 will not be impacted.
37	Paragraph 2 line 1	Delete redundant word “area”
68	Last paragraph	Including graphics with the referenced historic maps would be very helpful.

70	Last paragraph	Concurr that Site 18MO22 does not warrant additional work.
132	Section 4.26 Area S-32	Why was the western portion of S-32 not tested? It appears to have a relatively low slope like the portion on M-NPPC land that was tested. Also, the portion of the study area within the “In the Woods” NRHP eligible and Montgomery County Master Plan Historic Site was not tested. Assessment of this part of the survey area was limited to the visual observation of paved areas. There is no evidence of any sort of cut-and-fill analysis or other historical analysis showing the area does not warrant testing. The conclusion that no further testing is needed in S-32 is not supported.
141	1 st paragraph	Need to confirm that the LOD has not changed since the report was written last year and this site 18MO756 will not be impacted.
144	2 nd paragraph	Table 11 reference error in text
175	Sites 18MO754-755	Table says deep testing is recommended; elsewhere in the report the text says no further work is recommended. Please clarify.
178	Table 14 S-23	No survey in Area S-23 is justified on the basis of similarity with S-36, an area over 7 miles away. This seems like a dubious comparison, and poor rationale for not completing survey in this area.
	Table 14 S-24	This appears to be a highway ROW. Why was permission for access not obtained?
181	S-11	Most of the area in this study area has slopes of less than 15%, much of it less than 10% and should have been surveyed. This area also covers part of the 1928 Wild Acres Grosvenor Estate property. It is NRHP eligible, and not mentioned in the discussion.
187	Moses Hall	The level of effort expended on this site is not adequate to support management decisions. We realize that site ownership questions may complicate access for intensive survey, but why was background research so limited at this location? Those results will be needed to appropriately design intensive field survey. The report says that pedestrian survey was completed, but the site is entirely overgrown, and no effort was made to clear it. Why was no site number generated? Why are there no detailed maps, photographs, or graphics related to this site?
196	5.2.4	<p>Leaving boundary delineation and NRHP evaluation investigations at the Moses Hall Site and Cemetery to a later date precludes potential impacts to this site from being considered during current project design and NEPA consultations, or discussions about the potential scope of mitigation efforts under Section 106.</p> <p>At a minimum, a map that shows the location of significant site features to the proposed LOD is needed. Significant features would include any graves as well as the foundation and other features or artifact concentrations associated with Moses Hall. We recommend that grave locations be identified with a combination of close-interval (20cm or less) Ground Penetrating Radar and Magnetometer or Gradiometer survey along with limited shallow archaeological excavation to confirm grave shafts. Documentation should include time-slice plan and profile views of the GPR data to allow readers the ability to evaluate the results. Effective completion of such survey will likely require clearing the site of bamboo and other heavy growth obscuring the ground surface.</p>

		Montgomery County Guidelines for delineating cemetery boundaries are available as Appendix A at: https://montgomeryplanning.org/wp-content/uploads/2019/06/PB-Guidelines-for-Burial-Sites_final.pdf
198	Poor Farm Cemetery Site	Why are there no historical maps to bolster discussion of this site? Delaying identification of the location and boundaries of this site until after implementation of a Programmatic Agreement prevents consideration of the impacts to the site during alternative selection under NEPA and undermines discussion of potential mitigation measures for any adverse effects under Section 106.
203	3 rd Paragraph.	Updated information is available from M-NCPPC files to help resolve the location of the Ball Family Cemetery.
203	4 th Paragraph	The best available evidence is that the Ball Family Cemetery is not under I-270, but is inside the APE, but outside the LOD.
205	Moses Hall Cemetery	Why was no map analysis done of this location as was done with the Ball Family Cemetery? Why is there such a difference between the level of effort expended for archival research for the Ball Cemetery vs the Poor Farm and Moses Hall Cemeteries? These records are available and can be provided to SHA.
206	Paragraph 1	The discrepancy between the results described in paragraph 1 and paragraph 2 on this page need to be explained. Does the first paragraph refer to pedestrian survey? What was the methodology? When was this done? Had vegetation died back? How many personnel on site? Were transects walked? How many? Any vegetation clearing? Maps drawn? The site is heavily overgrown obscuring known cemetery features making the observations about the number of markers unreliable. What is the statement “seven known burials” based on? The following paragraph citing Alexandra Jones’ 2010 dissertation mentions 50 burials.
206	Paragraph 2	Members of Gibson Grove and the local community, including descendants of the Moses Hall membership, have been conducting extensive historical research on this site. This knowledge should be incorporated into the report.
206	Paragraph 3 “Visible evidence of the cemetery ceases approximately 50 ft south of the MDOT SHA ROW. It is unlikely but still possible that additional burials extend farther north into the existing ROW, because a former	This statement is not supported by the methodology used on this heavily overgrown site. The level of effort and documentation provided in this report is insufficient to allow the reader to reach an informed opinion on the relationship of the LOD to graves on site. The part of the site closest to the ROW is covered by impenetrable bamboo. Why was the site not cleared? Why were none of the usual geophysical techniques for identifying graves used in this study?

	structure, Moses Hall, once occupied the north boundary of the cemetery parcel.”	
206	Last Paragraph “archaeological investigations are recommended if the Moses Lodge Cemetery remains within the LOD.”	<p>Delaying identification of the location and boundaries of this site until after implementation of a Programmatic Agreement prevents consideration of the impacts to the site during alternative selection under NEPA and undermines discussion of potential mitigation measures for any adverse effects under Section 106.</p> <p>Archaeological investigations, including geophysical survey, should be completed as soon as practical so that discussions regarding alternative selection, design, and potential mitigation will include evaluation of the Moses Hall Site and cemetery extent.</p>
App. F	MNCPPC site forms	Montgomery Parks address for these forms should be MNCPPC Montgomery Parks Archaeology Office, 6700 Needwood Road, Derwood, MD 20855. Main phone – 301-563-7530
Vol 5		
Page	Line	Comment
71	Summary	Concur with the eligibility recommendation for Site 18MO749. Some of the diagnostic prehistoric ceramics appear to be rare or uncommon in this part of Maryland. It would be useful to address that and how this compares to other sites along that stretch of the Potomac. That would help frame any potential mitigation/data recovery efforts that may be necessary here.
114	Summary	Concur that Site 18MO751 is eligible for the NRHP.
122		Concur that Site 18MO22 is not eligible for the NRHP
136		Concur that Site 18MO750 is not eligible for the NRHP
142	supplemental survey area east of I-495 and south of the Clara Barton Parkway	Concur with recommendations.
146	Paragraph 3	“There is no indication that site 18MO749 may warrant preservation in place” is contradicted by “Avoidance and/or minimization measures should also be considered.” We note that the Secretary of the Interior’s Standards for Treatment state: “Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”

MONTGOMERY PRESERVATION

Post Office Box 4661
Rockville, MD 20849-4661

Web: www.montgomerypreservation.org
Email: mpi@montgomerypreservation.org

To Promote the Preservation, Protection and Enjoyment of Montgomery County's Rich Architectural Heritage and Historic Landscapes

March 16, 2020

Mr. Steve Archer, Cultural Resources Team Leader
Environmental Planning, MDOT SHA
707 North Calvert Street
Baltimore, MD 21202

Re: I-495/I-270 Managed Lanes Study

Dear Mr. Archer,

Thank you for the opportunity to review materials that constitute the Capital Beltway/I-270 Managed Lanes Study thus far. As a consulting party, Montgomery Preservation (MPI) wishes to comment on four identified historic sites in Montgomery County, three cemeteries and one church.

In general, MPI is concerned about the lack of specific information about these historic properties and their treatment and recommends that all such treatments be included in the agreement document that is prepared for this project. As demonstrated in our comments below, MPI advises against SHA prematurely scheduling a Programmatic Agreement before more information is assembled and more decisions are made regarding final project design.

MONTGOMERY COUNTY POOR FARM AND CEMETERY SITE:

This site is ID#196 of the Montgomery County Cemetery Inventory-Revisited project. Now is the time to add new information (available from Montgomery Planning) and to properly define boundaries of the site on both sides of the interstate. This information is needed prior to discussing and executing the Programmatic Agreement and should assist with development of appropriate mitigation measures for any adverse effects under Section 106. In terms of treatment, archaeological investigation must be built into the SHA program. On a property that for two centuries was used for burials, it seems impossible that all human remains were removed in the hurried, scanty excavations that were conducted in the 1980s and 1990s.

BALL FAMILY CEMETERY SITE:

Location of Ball Family Cemetery is not in question. It was researched and described as ID#279 of the Montgomery County Cemetery Inventory-Revisited project in 2018. It seems that this site is outside of the LOD but inside the APE. Please include this complete research as part of the project.

GIBSON GROVE AME ZION CHURCH:

This site (MO 29/39) is designated on the Montgomery County Master Plan for Historic Preservation, and clearly would be negatively affected by any Beltway widening or improvements. Determination of the site's eligibility for the National Register of Historic Places should be expanded to include the Moses Hall Morningstar No. 88 Cemetery with which it was associated for most of its lifetime.

MOSES HALL CEMETERY, CABIN JOHN:

Morningstar No. 88 Moses Hall Cemetery was researched and described as ID#196 of the Montgomery County Cemetery Inventory-Revisited project. Reconnaissance of the property will confirm that this is a historic site with a fixed location and rich history. SHA's proposal to move ahead with planning before fully understanding the presence of this site is alarming. The extents of this African American cemetery and its National Register eligibility ought to be determined now, particularly given recent activities in Montgomery County and around our state. Any Beltway widening or improvements would directly, negatively impact this historic site, as well as other properties associated with the Cabin John black community.

Even before recent clean-up sessions at the cemetery, its location was well known and apparent. Now that most bamboo and felled trees have been removed, graves and the hall foundations are even more visible. In recent years, in-depth documentation has been conducted by community scholars, descendants, and a scholar doing research for her dissertation. Maps have been assembled, deeds and incorporation records consulted, and work sessions held to remove modern debris.

Below are preliminary significance and description summaries. We hope this research and identification of site boundaries will assist consideration of impacts to the site, development of a Programmatic Agreement, and discussion of mitigation measures for any adverse effects. MPI recommends that archaeological investigations be undertaken now to assist with evaluation of the site's history, significance and eligibility, and boundaries.

Summary Statement of Significance:

Morningstar Tabernacle No. 88 Moses Hall and Cemetery

With few options available in public cemeteries and the churchyards of largely white congregations, African Americans often turned to mutual beneficial societies for assistance with burials and funeral costs in the 19th and early 20th centuries. One organization operating in Maryland -- the Ancient United Order of the Sons and Daughters, Brothers and Sisters of Moses -- was a vital support center for Cabin John's black community in the post-slavery era.

As the first known Order of Moses organization in Montgomery County, the Moses Hall and burial ground of Morningstar No. 88 are representative of this Mid-Atlantic area self-help movement. In the 1880s, free and formerly enslaved blacks purchased land from a local white landowner to begin a new community close to jobs, family, and friends. By the end of the 19th century, four important components of the settlement were operating -- church, school, fraternal society hall, and burial ground. Morningstar No. 88 provided a safety net and economic security, increased civic participation, and promoted educational programs. The Moses Hall hosted dinners, funerals, business meetings, dances, and other community events. When needed, it also served as the local school.

Known burials range from 1894 to 1973. About 51 burials thus far have been verified through engraved markers, death certificates, obituaries, oral histories of descendants, and a 1904-1914 minute book. One individual maintained a two-decades-long relationship with Clara Barton, whose home and Red Cross headquarters is nearby. Incorporating in 1933, Morningstar No. 88 served this community until its Hall was destroyed by arson in the late 1960s, a few years after the Capital Beltway separated its cemetery from nearby Gibson Grove AME Zion Church.

Summary Description:**Morningstar Tabernacle No. 88 Moses Hall and Cemetery**

Morningstar No. 88 Moses Cemetery is situated on a steep hillside on the west side of and overlooking Seven Locks Road. There are two adjacent parcels of land, one a narrow entry from Seven Locks Road measuring 8' wide and containing .0488 acres, and the other a larger squared one-acre lot set between the highway and behind houses; together the lots look like a giant ladle. The cemetery holds the graves of the earliest African American settlers of Cabin John, including community founder Sarah Gibson, whose name gave rise to Gibson Grove. Descendants still reside in the community. Rows of graves are generally oriented North-South, and all markers face East. Known burials range from 1894 to 1973, with earlier burials presumed but not confirmed.

Approximately 70 grave markers can be observed today, 10 with inscriptions, 60 fieldstone markers, also numerous funeral home markers. Stones range from carved and inscribed headstones to fieldstones of all sizes and shapes. Many more graves on the site are unmarked, and 16 depressions were found without a fieldstone or headstone. Walking paths are woven in between rows of burials for access to graves and to the Moses Hall building site. Periwinkle is found throughout the site.

While none of the three known Moses Hall buildings (Gibson Grove, Emory Grove, and Mackalls) in Montgomery County are standing today, all were constructed with a standard template. The two-story rectangular frame building stood on a fieldstone foundation, with an entrance at one gable end and windows on the East and West facades. The Morningstar Moses Hall building was completely destroyed by arson in the 1960s; remaining on site are bricks, concrete, and other rubble from the original structure. These materials mark the structure's location, size, orientation, and access.

The present condition of the Morningstar Hall and cemetery is poor, with significant vegetation overgrowth, felled trees, and natural debris. Until recently bamboo, felled trees, and layers of leaves hampered visitation. Recent community work sessions have enabled improved access and on-site observation, and flags currently indicate grave markers of all kinds.

The context of both Morningstar Moses Hall and its cemetery continues to be their relationship to Gibson Grove AME Zion Church and the surrounding post-Emancipation African American community, and to its high position on a hill overlooking a two-lane road that dates to the early 19th century. Numerous homesites along (today's) Seven Locks Road still remain in black family hands.

Construction of the Capitol Beltway in the mid-1960s split the church and Moses Hall/cemetery properties, and some graves may have been moved at that time. A 2' x 3' interpretive sign erected with help from the Montgomery County Historic Preservation Commission at the foot of the cemetery hill in 2007 describes the historic close proximity of Gibson Grove Church, Moses Hall, and Morningstar Moses cemetery.

Marked and unmarked graves, as well as the Moses Hall site, are within the proposed limits of disturbance (LOD). So is the property of Gibson Grove AME Zion Church. The potential for archaeological investigation on this site is high, as is continued identification of individuals buried here. Potential for further documentation about Moses Hall, the cemetery, Gibson Grove Church, and this historic African American community is considerable. Research in primary source materials is ongoing. Morningstar Moses Cemetery and Hall meet multiple criteria for designation on the Montgomery County Master Plan for Historic Preservation.

In conclusion, MPI believes that additional historical and archaeological information about these four known historic resources must be obtained and included in the Section 106 review at this time, prior to development of the Programmatic Agreement. More thorough documentation will assist the Programmatic Agreement in accuracy and usefulness.

MPI appreciates the opportunity to participate as a consulting party and looks forward to continuing to work with all concerned.

Thank you very much,

A handwritten signature in black ink, reading "Eileen S. McGuckian". The signature is written in a cursive, flowing style.

Eileen McGuckian, president
Montgomery Preservation, Inc.

Cc:

Tim Tamburrino, Maryland Historical Trust
Rebecca Ballo, Montgomery Planning
Cabin John Citizens Association
Peerless Rockville

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

March 16, 2020

RE: I-495/I- 270 Managed Lanes Study: Section 106 Comments, Vols.1-6

Dear Mr. Archer:

Thank you for providing the opportunity to review and comment on the complete Section 106 Technical Reports and materials as part of the I-495/I-270 Managed Lanes Study. We commend State Highways and the project consultants for compiling this information, and for making it available to consulting and cooperating parties. Peerless Rockville Historic Preservation's comments are focused on resources located in and near the City of Rockville, Maryland.

We note the identification of National Register eligible or designated properties in or near the City of Rockville, and sites listed as within the Corridor Study Boundary and Area of Potential Effect. The documents mark that most of these sites require great evaluation and we request that that evaluation be prioritized before execution of the Programmatic Agreement.

We further note the presence of two established Rockville neighborhoods, Woodley Gardens and New Mark Commons. We remain gravely concerned by any option for I-270 expansion that widens the footprint of the roadway in Rockville, threatening these long-standing communities, and we strongly urge you to choose alternate plans.

MONTGOMERY COUNTY POOR FARM AND CEMETERY SITE:

This site requires further research and work. Boundaries of the site on both sides of the interstate must be identified prior to discussing and executing the Programmatic Agreement to assist with development of appropriate mitigation measures for any adverse effects under Section 106. Further excavations or non-invasive methods of identifying potential burials should be explored. Current research suggests it is highly likely that human remains are present.

ARCHAEOLOGICAL TESTING

For the majority of the sites where archaeological testing was completed, the evaluations and recommendations are sound. It is concerning that no mention is made of further testing for the 18 areas that remain untested because access could not be secured. Peerless Rockville requests that all sites be given a thorough evaluation before any other actions that will impact the sites are considered. The complete identification of known resources needs to be completed as other factors, such as National Historic Register designation status, are contingent on the findings.

Peerless Rockville looks forward to working with SHA and other partners in protecting Rockville and Montgomery County's important historic resources throughout this process. As a community advocate, we stand strong in our desire to protect the rich heritage of our community.

Peerless Rockville Historic Preservation, Ltd. possesses an abundance of materials on Rockville's history, heritage, and historic homes and sites. We encourage all researchers and consultants documenting areas impacted by the I-270 expansion project to visit our office and utilize our archives and collections located in the historic Old Red Brick Courthouse in downtown Rockville.

Sincerely,

Nancy Pickard
Executive Director
Peerless Rockville Historic Preservation

From: [Steve Archer](#)
To: [Jason Shellenhamer](#)
Subject: Fw: I-495 and I-270 Managed Lanes Study: Section 106 Technical Reports Updates, Comments Requested by March 16
Date: Monday, March 16, 2020 11:11:25 AM

From: Moore, William <william.moore@vdot.virginia.gov>
Sent: Monday, March 16, 2020 11:03 AM
To: Steve Archer <SArcher@mdot.maryland.gov>; Opperman, Antony <a.opperman@vdot.virginia.gov>; Clarke, Sarah <sarah.clarke@vdot.virginia.gov>; Richard Ervin <RErvin@mdot.maryland.gov>
Subject: Fwd: I-495 and I-270 Managed Lanes Study: Section 106 Technical Reports Updates, Comments Requested by March 16

Steve,

I apologize for our delay in responding to your request for comments on Volume 6 of the I-495 & I-270 Managed Lanes Study Cultural Resources Technical Report.

We have finished reviewing the report and offer only the following comments:

In the abstract and subsequent sections of the report where recommendations are discussed consider addressing the individual NRHP eligibility of each site. As currently presented, it is unclear whether or not Sites 44FX0374 and 44FX0379 are being recommended eligible for the NRHP as individual resources or only as contributing resources to the proposed archaeological district.

Please let us now if you have any questions or need any clarification.

Respectfully,

Will Moore
Cultural Resources Statewide Archaeology Team Leader
Virginia Department of Transportation
1401 E. Broad Street
Richmond, VA 23219
804-786-2852

----- Forwarded message -----

From: Stacy Talmadge <STalmadge@mdot.maryland.gov>
Date: Fri, Jan 10, 2020 at 10:21 AM
Subject: I-495 and I-270 Managed Lanes Study: Section 106 Technical Reports Updates, Comments Requested by March 16
To: william.moore@vdot.virginia.gov <william.moore@vdot.virginia.gov>
Cc: Steve Archer <SArcher@mdot.maryland.gov>, Caryn Brookman <CBrookman@mdot.maryland.gov>, Jason Shellenhamer <jshellenhamer@rkk.com>

Section 106 Consulting Parties,

Per the email you should have received from Steve Archer on Thursday, January 9th, please see the details below for your use in downloading the I-495 & I-270 Managed Lanes Study Cultural Resources Technical Report for review and comment. As Steve mentioned, comments are requested by March 16, 2020.

<https://sftp1.mdot.state.md.us/~>

Username: WMoore

Password: threeuser1

[Please note, the FTP site works best using google chrome.]

As a reminder, your individual login/password information should not be shared or forwarded, nor should unredacted reports be distributed further. The download link will be available for **two weeks only** (files will be removed after **January 24, 2020**), to limit access. Even if you do not have time to review now, please download the files you wish to look at as soon as possible.

If you have any issues accessing or downloading the files, please feel free to contact me. Any other questions regarding the documents or content should be directed to Steve Archer.

Thank you,
Stacy.

I-495 & I-270 P3 Office
601 North Calvert
Street
Baltimore, MD 21202

Mailing Address
707 North Calvert
Street P-601
Baltimore, MD 21202

Stacy Talmadge
Environmental Program Support
I-495 & I-270 P3 Office

Email: stalmadge@mdot.maryland.gov
Office: 410.637.3349
www.roads.maryland.gov
www.495-270-P3.com

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CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation

March 16, 2020

By Email to:

Mr. Steve Archer
Cultural Resources Team Leader
MDOT State Highways Administration
707 North Calvert Street Baltimore, MD 21202

Re: Comments from The Cabin John Citizens Association, Consulting Party
Regarding the I-495/I-270 Managed Lanes Study Draft Cultural Resources Technical Report

Dear Mr. Archer:

As you know, the Cabin John Citizens Association only recently became aware of your efforts and was granted consulting party status just a few weeks ago. Consequently, we have not had much time to review this report, nor have we been able to see the numerous redacted photos and figures pertaining to the various sites of historical significance within the geographic boundary of the community of Cabin John.

It is the CJCA's understanding that the Moses Hall/Morningstar cemetery and lodge property would be included in a "gap analysis" that outlined cultural resources evaluation needs for the Managed Lanes Study. As the first known Moses organization and burial ground in Montgomery County, this site is clearly of historical significance and of significance to current Cabin John families, who are descendants of Moses Hall and have family buried in its cemetery.

The original beltway project displaced many members of the African American community in Cabin John. The community's remaining cultural resources are being threatened once again by the beltway expansion. This alarms many of us concerned about social and racial justice. You have given assurances that the intent of MDOT SHA would be "first and foremost to avoid, but also to work with the community on respectful approaches to treatment if there are (or may possibly be) interments within the right-of-way, and we have definitely have some time on our side to work through the issue, including additional evaluation of archaeology related to Moses Hall outside the cemetery."

The assurances are encouraging, but they do not erase concerns raised by the Technical Report itself. Many gravesites at the property that appear to fall within the Limits of Disturbance (LOD), the foundation of the former Moses Hall lodge building appears to us to be entirely within the LOD according to map exhibits to the Technical Report. MDOT SHA's consultants' apparently brief visit was performed without clearing the site first; therefore, the Report's observations about the relationship of graves or the Moses Hall foundation to the LOD are not reliable. On page 208 in Volume 4, the report describes the Moses Hall cemetery this way:

'Presently the cemetery is very overgrown and not tended. Two plots are fenced with low white garden fencing. There are seven known burials within the cemetery dating from around 1921 to 1975. There are three concrete square markers with no writing and only two markers with visible writing.'

CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation

As you know from your recent visit to the site to assist with its cleanup, there are more than 100 grave markers, depressions and other indicators of graves at the property.

Even without spending time at the site, one just has to read the 2010 UC Berkeley doctoral thesis of Alexandra Jones, title "Gibson Grove A.M.E. Zion Church Gone, But Not Forgotten: The Archaeology of an African American Church" which your technical report references, to know that she identified at least 50 gravesites.

It seems imperative that before potential adverse effects can be evaluated, more detailed survey and mapping of the property needs to be undertaken. This should include mapping of discernable surface features within the proposed limits of disturbance and the right-of-way-line, using effective approaches such as ground penetrating radar, photogrammetry, and any other available and appropriate tools. Every effort should be made to identify remains at the property. These detailed investigations at the site should not wait until after the Programmatic Agreement is executed. The number and location of graves and other significant features needs to be identified in relationship to the LOD as soon as is practical. This knowledge needs to inform project design decisions and development of the PA rather than being addressed after the fact.

MDOT SHA has ignored long-standing Cabin John community concerns about the damaging effects of stormwater runoff, erosion, and traffic noise that have impacted the Moses Hall and the Gibson Grove Church properties as well as the Cabin John creek parklands and the neighborhood in general. It is understandable that neglect of these cultural, historical and natural resources has left us feeling skeptical that these sites can be protected without NRHP identification before the PA is drafted.

The noise level from the Beltway currently exceeds the MD SHA's Noise Abatement Approach Criteria of 66 dBA for exterior residential noise levels in the Cabin John and Carderock Springs area, including the Gibson Grove and Moses Hall properties. The construction of a noise barrier will need to be considered to mitigate increases in noise levels, as well as any adverse visual impact on the historic character of these areas. Those considerations should be shared with the Consulting Parties so they may provide comments on those considerations.

As you know the C&O Canal also borders Cabin John and while I did not have a chance to understand what the draft technical report says in conjunction with those sites, I would urge the SHA to ensure that the two sites identified for NRHP, 18MO749 (C&O Canal Site 1) and 18MO751 (C&O Canal Site 3), be adequately protected and that careful consideration be given to 18MO22 (The Potter Site/Clara Baron Parkway Site 1) as the initial Beltway construction forced the Potter home to be moved from its original site.

Thank you for your consideration on these matters and for the opportunity to work with you going forward to ensure that our cultural and historical landmarks in Cabin John are properly preserved.

Sincerely,

Susan Shipp
President of the Cabin John Citizens Association

**DRAFT 1 – Deliberative and Pre-Decisional
3/10/2021**

PROGRAMMATIC AGREEMENT

Among the

**FEDERAL HIGHWAY ADMINISTRATION,
MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY
ADMINISTRATION,
NATIONAL PARK SERVICE
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
ADVISORY COUNCIL ON HISTORIC PRESERVATION, and
MARYLAND-NATIONAL CAPITAL PARK & PLANNING
COMMISSION**

**Implementing Section 106 of the National Historic Preservation Act for the
I-495 and I-270 Managed Lanes Study**

**Anne Arundel, Frederick, Montgomery and Prince George’s Counties, Maryland and
Fairfax County, Virginia**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) plans to approve The I-495 and I-270 Managed Lanes Study (MLS), a proposed Public-Private Partnership (P3) administered by the Maryland Department of Transportation State Highway Administration (MDOT SHA); and

Commented [BR1]: Please include a WHEREAS clause identifying Capper-Cramton Lands and the joint role of NCPC and MNCPPC in approving and managing projects in those land areas.

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 C.F.R. §800.16(y), and thus is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the MLS Preferred Alternative (Project) consists of construction of Priced Managed Lanes along Interstates 495 and 270, beginning in Fairfax County, Virginia, and extending North to Approximately Interstate 370, and East and Southward to Approximately Maryland Route 5 in Prince George’s County, as described in detail in **Attachment**; and

WHEREAS, the MDOT SHA, with the approval of FHWA, intends to deliver the Project as a Public-Private Partnership (“P3”) using the services of a private sector developer or multiple developers who will advance the project and be responsible for design, construction, operation and maintenance, subject to approvals by MDOT SHA and/or FHWA; and

WHEREAS, the MLS will be implemented in Phases, yet to be fully defined, and although this agreement reflects evaluation of the entire defined Preferred Alternative project, certain commitments may require phased implementation; and

WHEREAS, MDOT SHA has identified “Phase I South” (**Attachment**) extending approximately from the portion of the project in Virginia North to I-370 as the first phase of implementation; and

WHEREAS, FHWA has been designated the lead agency for purposes of ensuring that the Project complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C.

§ 306108), as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

WHEREAS, The National Park Service (NPS) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, and has agreed to participate in this PA as an Invited Signatory. NPS will accommodate the project through land transfers via Highway Deed Easement and other permitting actions or accommodations that will result in an adverse effect to NRHP-listed or eligible properties including The Baltimore-Washington Parkway, Greenbelt Park, George Washington Memorial Parkway (Clara Barton Parkway), the Chesapeake and Ohio Canal National Historical Park, and intends to use this Programmatic Agreement (PA) to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14; and

WHEREAS, FHWA has elected to phase the identification, evaluation, and effects assessment of certain portions of the APE and historic properties where unavailability of access or design information precluded such identification, evaluation and assessment, as provided in 36 C.F.R. 800.4(b)(2), and 36 C.F.R. 800.5(a)(3); and

WHEREAS, FHWA will ensure additional identification, evaluation, assessment, is completed in a timely manner prior to construction, to allow practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties, as stipulated under this PA; and

WHEREAS, FHWA has initiated consultation pursuant to 36 C.F.R. 800.3(c) with the Maryland State Historic Preservation Office (MD SHPO) and the Virginia State Historic Preservation Office (VA SHPO), (collectively referred to as SHPO where the specific office is not specified) by letter on **DATE** and MDOT SHA on behalf of FHWA will continue to consult with the appropriate SHPO(s) under the terms of this PA in order to identify historic properties, assess the effects of the Project on historic properties, and, if necessary, resolve adverse effects to historic properties; and

WHEREAS, in accordance with 36 C.F.R. 800.6(a)(1)(i)(C), the FHWA, on **DATE**, initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP) and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

WHEREAS, pursuant to 36 C.F.R. § 800.10(c) MDOT SHA invited the Secretary of the Interior (the "Secretary") to participate in consultation by letter dated **[date]**, as the Undertaking includes National Historic Landmarks within the Area of Potential Effects (APE), and the National Park Service, National Capital Region NHL Program (NPS-NHL) has represented the Secretary concerning the NHLs within the project throughout consultation and will continue to participate in future consultations involving the National Historic Landmarks, and

WHEREAS, The Maryland-National Capital Park and Planning Commission (M-NCPPC) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, and has agreed to participate in this PA as an Invited Signatory and in order for the project to move forward as proposed M-NCPPC would need to accommodate the project through land transfers via Highway Deed
I-495 and I-270 Managed Lanes Study DRAFT Section 106 Programmatic Agreement
March 2021

Easement and/or other legal instruments and other permitting actions (including the requirement of a Park Construction Permit) that will result in an adverse effect to NRHP-listed or eligible properties including Rock Creek Park Units 2 & 3, Sligo Creek Parkway, Part 14, and Baltimore-Washington Parkway; Greenbelt NHL Carondeale; and Glenarden and intends to use this Programmatic Agreement (PA) to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14, and

WHEREAS, under the *Amended Programmatic Agreement Among The Federal Highway Administration, the Maryland Department of Transportation State Highway Administration, the Advisory Council on Historic Preservation, the Maryland State Historic Preservation Officer,*

Implementing Section 106 of the National Historic Preservation Act for the Federal-aid Highway Program in Maryland (“Statewide PA” see [Attachment](#)), FHWA, the Advisory Council on Historic Preservation (ACHP), MDOT SHA, and the Maryland Historical Trust (MD SHPO) have agreed to delegate certain authorities relating to Section 106 of the NHPA to MDOT SHA for Federal-aid Highway projects in Maryland; and

WHEREAS, pursuant to the above agreement, MDOT SHA employs Secretary of Interior-qualified professionals in the fields of archaeology, architectural history and/or history who will oversee implementation of stipulations in this agreement; and

WHEREAS, Pursuant to 36 C.F.R. 800, MDOT SHA, on behalf of FHWA, has established and updated the APE for the project in consultation with SHPO, has identified historic properties within the APE, and identified adversely affected properties where feasible, as described in the *Draft Section 106 Technical Report* of January 2020, and subsequent documentation ([Attachment/Link](#)); and

WHEREAS, MDOT SHA, during the course of consultation, has invited the parties listed in [Attachment](#) to participate in consultation on the Project; and

WHEREAS, The following parties, based on their relationship to specific actions as specified in this agreement, have been invited to concur in the agreement ([Placeholder](#)); and

WHEREAS, during the course of consultation, MDOT SHA and FHWA have initiated consultation with the following Federally-recognized Native American tribes ([Tribes](#)) and provided the Tribes with information about the Project: ([Placeholder List](#)). The ([Placeholder List](#)) have been invited to become concurring parties to this agreement; and

WHEREAS, Federal Agencies who recognize FHWA as the lead federal agency for the Project may fulfill their obligations under Section 106 of the NHPA according to 36 C.F.R. 800.2(a)(2), provided that FHWA follows the requirements of this agreement.

WHEREAS, FHWA, ACHP, [M-NCPPC](#), MD SHPO and VA SHPO, who are signatories to this agreement, have invited MDOT SHA and NPS to be additional invited signatories to this agreement, and all signatories, required and invited, are referred to as “signatories” to this document; and

WHEREAS, FHWA has determined that historic properties will be adversely affected by the undertaking, and as described in 36 C.F.R. 800.14(b), a programmatic agreement is appropriate to govern the implementation of the undertaking and the resolution of adverse effects from the complex project; and

NOW, THEREFORE, FHWA, NPS, [M-NCPPC](#), ACHP, MDOT SHA, MD SHPO, VA SHPO, I-495 and I-270 Managed Lanes Study DRAFT Section 106 Programmatic Agreement
March 2021

Commented [BR2]: Consulting parties do not need to concur with the undertaking. Entities may sign but not concur and preserve their rights under 36 CFR 800. Perhaps reword?

Commented [CB3]: There are no federally recognized tribes in Maryland. Will MDOT SHA consult with tribes recognized by Maryland?

a(hereinafter
“Signatories”) agree that the Project will be implemented in accordance with the following

Stipulations in order to take into account the effect of the undertaking on historic properties and that these Stipulations will govern compliance of the Project with Section 106 of the NHPA until this PA expires or is terminated.

Stipulations

I. Roles and Responsibilities

A. FHWA is the lead federal agency and is responsible for ensuring the terms of this agreement are carried out.

Commented [BR4]: Better define who is the 'public' versus the consulting parties under 36 CFR 800.

B. MDOT SHA is delegated authority under this PA and the Statewide PA to continue defined aspects of consultation, project compliance review, and mitigation implementation. MDOT SHA will be primarily responsible for implementation of this PA excepting where otherwise specified.

Commented [BR5]: MNCPPC would also have a role with our actions defined as a permitting agency and landowner.

1. Developer MDOT SHA will enter into agreements with one or more developers to design, build, and operate the project. MDOT SHA will ensure the work of the developer or developers conform to the requirements of this agreement and may task the developer with assistance with certain commitments (such as context-sensitive design); however MDOT SHA may not delegate consultation obligations or other responsibilities specified in this agreement to the developer.

(1) MDOT SHA will require the developer or developers to retain qualified Secretary of Interior-qualified cultural resources staff for the duration of design and construction to assist with design commitments, liaise with MDOT SHA cultural resources staff and facilitate compliance with this PA.

Commented [BR6]: Can this specifically reference the professional qualifications from the code?

(2) MDOT SHA, on behalf of FHWA, will consult with the relevant SHPO(s) for actions under this PA and 36 C.F.R. 800.

(3) MDOT SHA will provide for notification to ~~of~~ the public of substantial changes to the Project that would result in expanded APE or new effects to historic properties consistent with the requirements of the National Environmental Policy Act (NEPA) to ensure ongoing opportunities for input. As appropriate, this process may identify new consulting or concurring parties who may wish to join the agreement at a later time in response to project refinement.

C. National Park Service (*MDOT SHA requests proposed language from NPS*)

describing details of NPS action)

- D.** M-NCPPC: Land owner with both permit approval authority for any work done on public park land, plus authority to grant or withhold land via various legal instruments for conveyance.

E. ~~(b)(7)(C)~~ **SHPOs** The Maryland Historical Trust (MD SHPO) has jurisdiction as established in the National Historic Preservation Act for historic properties in Maryland. The Virginia Department of Historic Resources (VA SHPO) has jurisdiction as established in the National Historic Preservation Act for historic properties in Virginia. MDOT SHA, on behalf of FHWA, will consult with the relevant SHPO(s) for actions under this PA and 36 C.F.R. 800. Timelines for concurrence with or response for eligibility findings, effects determinations (generally 30 days unless otherwise specified) are established in 36 C.F.R. 800. MDOT SHA and FHWA may assume concurrence or no objection to findings and submittals if no response is received within the established timeline, or 30 days if no timeline is specifically established in 36 C.F.R. 800.

F. **ACHP** will provide policy guidance, provide comment on issues that may arise as requested by parties to this agreement, and participate in dispute resolution as specified in **Stipulation**

G. **NCPC?** Role in managing Capper-Cramton lands and our role with NCPC (we can bring up here again why NCPC should perhaps be a signatory or request language as to why they declined. Who is managing Capper Cramton lands/who is this delegated to?)

F.H. **Concurring Parties/Public**

1. Other consulting parties concurring in this agreement have ongoing opportunities to provide input, and participate in consultation where specified. Concurring parties may join this agreement at any time after execution of the agreement with the invitation of MDOT SHA or FHWA.
2. Concurrence with the agreement by a party does not necessarily indicate that the party supports the project or the preferred alternative or endorses all stipulations of this Agreement, but rather indicates the desire of such parties to remain involved in implementation of the terms of this agreement.
3. ~~For substantial changes to the undertaking that would result in expanded APE or new effects to historic properties, MDOT SHA will provide for notification of the public consistent with the requirements of the National Environmental Policy Act (NEPA) to ensure ongoing opportunities for input. As appropriate, this process may identify new consulting or concurring parties who may wish to join the agreement at a later time in response to project refinement.~~

Commented [BR7]: These are separate groups as defined by 36 CFR 800. The roles under NHPA for Consulting Parties should be pulled apart from the General public.

II. **Professional Standards**

A. Guidelines, standards and regulations relevant to this agreement and its purposes are listed below. Additionally, it is the intention of the signatories to interpret this agreement to incorporate any subsequent standards, revisions of standards, or applicable guidance issued by the Secretary of Interior, ACHP, or MD SHPO or VA SHPO as then in force during this agreement.

Commented [CB8]: This section should reference 36 CFR Part 61: Secretary of the Interior's Professional Qualifications Standards.

1. 36 C.F.R. Part 800: Protection of Historic Properties, as amended (2004);
2. *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983);
3. *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994);
4. *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Maryland Historical Trust, Revised 2019);
5. *Guidelines for Conducting Historic Resources Survey in Virginia* (Virginia Department of Historic Resources, revised September 2017)
6. 36 CFR Part 79: Curation of Federally-Owned and Administered Archeological Collections
7. *Museum Handbook on Accessioning and Cataloging Museum Objects*, National Park Service, revised
8. Program Comment for Actions Affecting Post-1945 Concrete Steel Bridges (77 FR 68790);
9. Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (ACHP February 2007);
10. National Register of Historic Places Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (National Park Service revised 1997), and other National Register Bulletins as applicable

III. Project-wide Mitigation and Commitments

- A. MDOT SHA will implement mitigation concurrent with construction phasing where impacts will occur; in the event that the undertaking is modified or certain elements causing adverse effects are not constructed, MDOT SHA will notify signatories of the change at such time as a final decision is made removing such elements and amend the agreement as necessary.
- B. MDOT SHA cultural resources staff will oversee implementation of all mitigation commitments and other terms of this agreement.
- C. Reforestation

Commented [BR9]: Note for Parks to make sure reforestation stipulations are in line with all other agreement documents.

MDOT SHA is obligated to provide reforestation mitigation for the project pursuant to the Maryland Reforestation Law (MD Nat Res Code § 5-103). Reforestation must occur within 2 years or 3 growing seasons of completion of construction. The locations for reforestation credit are not yet fully identified. Reforestation activities may take the form of conservation easements or other noninvasive activities which would not affect historic properties. MDOT SHA will not consult on easements or conservation actions where no ground disturbance is involved. If areas outside the APE are identified for reforestation where plantings or other activities with the potential to affect historic properties are identified, MDOT SHA will consult in accordance with Stipulation to add such areas to the APE, identify historic properties, and evaluate effects to historic properties. MDOT SHA will avoid adverse effects to historic properties to the maximum extent practicable. If adverse effects are unavoidable, MDOT SHA will amend this agreement in accordance with Stipulation to resolve any such adverse effects.

Commented [BR10]: Add specific timing requirement. Add language that all consulting parties and signatories will be notified, given 30 days to review design documents and provide comments.

~~D. Compensatory Stormwater Mitigation Plan locations to be included in Final LOD~~

~~E. Culvert Augmentation locations will be included in Final LOD~~

Commented [BR11]: See below we suggest combining into one Stipulation instead of separate ones, or having them be landowner based—one for M-NCPPC, one for NPS, etc.

F. Stream and Wetland Mitigation on NPS lands – locations to be included in Final LOD

G. Mitigation Measures on M-NCPPC Lands

H. For impacted land and separate, non-contiguous mitigation sites that may become part of M-NCPPC parkland in the future, the transfer of land to M-NCPPC will be evaluated for adverse effect at such time prior to MNCPPC taking ownership, and that transfer may require additional Section 106 consultation including mitigation, additional consultations with other named Signatories to this undertaking, or others identified in subsequent agreement documents, for example on Capper Cramton lands, if required. Examples of types of activities and disturbances that this will apply to include the Compensatory Stormwater Mitigation Plan, culvert augmentation, stream and wetland mitigation on M-NCPPC and NPS land, park enhancement projects, parkland mitigation measures, environmental stewardship projects.

~~G.I.~~ Other Mitigation and Revisions to Mitigation Locations

As project development proceeds, additional mitigation or enhancement locations may be identified or proposed locations revised. MDOT SHA will follow the procedure described in Stipulation below for any changes to the APE resulting from new or revised mitigation or enhancement locations.

IV. Consultation Regarding Project Development

Commented [BR12]: Can this be in with Project Specific Mitigation section?

A. MDOT SHA will initiate consultation with SHPOs and other consulting parties (as described below) at the following points in project development:

1. Upon advancement of design wherein effects can be assessed to Gibson Grove A.M.E. Zion Church (*note effect determination for Gibson Grove may be made prior to next draft of PA*), Carderock Springs Historic District and Polychrome Historic District

2. Upon changes proposed by MDOT SHA that would result in an expansion of the APE, or that would affect historic properties differently than described in this PA

Commented [BR13]: Adverse effects have already been determined. More language about consultation during development of construction design documents, re-assessment of the APE based on sound walls and location of new signage, etc. Gibson Grove to have a note about mitigation from improvements to stormwater management.

3. If MDOT SHA, working with the Developer, finds design or construction solutions that avoid or further minimize adverse effects to historic properties, MDOT SHA shall consult in accordance with the procedures in **Stipulation** to seek concurrence with any revised findings of effect, and amend this PA in accordance with **Stipulation**

4. Upon changes to the LOD within the existing APE where additional archaeological investigation is recommended in the Cultural Resources Technical Report or subsequent consultation documentation.

V. Consultation Process:

MDOT SHA will consult with the relevant SHPO(s), concurring parties to this agreement, tribes, local governments and other consulting parties as appropriate on any amendments to the APE, new or revised determinations of National Register of Historic Places (NRHP) eligibility, new or revised determinations of effects to historic properties, or other findings and decisions to the relevant SHPO(s) and relevant consulting parties consistent with its Statewide PA and 36 C.F.R. 800.

Commented [BR14]: Should go at the end?

Commented [BR15]: Again, note that a revised APE may result in new consulting parties coming forward and being added to this agreement. See language from above.

VI. Property-Specific Mitigation and Commitments - Phase I South

MDOT SHA will be responsible for ensuring the following mitigation is carried out, under the oversight of FHWA. MDOT SHA will either complete mitigation itself, or enter into legally binding agreements with partner agencies to ensure the following stipulations are fulfilled, subject to the requirements of each stipulation below. Mitigation and commitments will be implemented by authorized construction phase, unless there is opportunity to provide advanced mitigation that is mutually agreeable to all parties, is feasible to advance, and is identified by MDOT SHA as a priority. Preliminary engineering activities to support design of future phases, such as geotechnical studies or other similar activities with limited potential to affect historic properties may proceed within the APE prior to construction authorization and will not require mitigation.

A. George Washington Memorial Parkway/Clara Barton Parkway

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the George Washington Memorial Parkway/Clara Barton Parkway as a historic property.

2. MDOT SHA will ensure revisions and updates are made to the Clara Barton National Historic Site National Historic Landmark Nomination.

Commented [BR16]: Mirror this language for all M-NCPPC properties.

3. MDOT SHA will ensure completion of a Cultural Landscape report with treatment recommendations for the North Parkway, and provide funding for implementation of recommendations resulting from the cultural landscape report to be negotiated with NPS as part of a separate agreement or agreements. (MDOT SHA requests additional detail on scope of this proposed mitigation from NPS to include in the agreement)

B. Dead Run Ridges Archaeological District

(This property may be avoided through ongoing minimization efforts; if avoidance is not confirmed, MDOT SHA will include provisions in the archaeological treatment plan as specified in Stipulation)

C. Chesapeake and Ohio Canal National Historical Park

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize to the extent practicable, impacts to character-defining features and resources that contribute to the Chesapeake and Ohio Canal National Historical Park as a historic property.

2. MDOT SHA will remove the bridge pier from Lock 13 as part of removal of the existing Clara Barton Parkway Bridge, and, subject to engineering and safety considerations, attempt to avoid new structure within Lock 13.

3. MDOT SHA will provide for reconstruction of Lock 13.

4. MDOT SHA will provide for rehabilitation of the Canal and Towpath at Widewater to Lock 5. (MDOT SHA requests additional detail on scope of this proposed mitigation from NPS to include in the agreement)

D. 18MO749 Archaeological Site (C&O Canal)

MDOT SHA will develop a Data Recovery research design and interpretation commitments as part of the Archaeological Treatment Plan in Stipulation

E. 18MO751 Archaeological Site (C&O Canal)

MDOT SHA will develop a Data Recovery research design and interpretation commitments as part of the Archaeological Treatment Plan in Stipulation

F. Morningstar Tabernacle No. 88 Moses Hall and Cemetery

MDOT SHA continues to pursue avoidance and minimization efforts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. If these efforts result in a revised finding of no adverse effect to the property, MDOT SHA will continue to include context-sensitive commitments adjacent to the cemetery including:

1. Design-review of treatment of sound barrier facing the cemetery
2. Commitment to evaluate existing right-of-way adjacent to the cemetery to ensure no undocumented burials or human remains would be affected, as part of the treatment plan specified in Stipulation

Commented [BR17]: How do we get specific without additional work to help us better determine appropriate mitigation. The stipulations can acknowledge now that it is known there are graves within the right of way. Perhaps more language about GPR, boundary delineation, all items related to more work to identify the resource, timing to review this work, pulling in the relevant consulting parties and SHPO at these stages, then mitigation to be further discussed during design stages with MDOT SHA and the contractor.

Commented [CB18]: Graves have already been identified within SHA's ROW.

3. MDOT SHA will consult with descendants of those interred at Morningstar Tabernacle Cemetery as identified by the Friends of Moses Hall and the Trustees of Morningstar Tabernacle 88 regarding all phases of archaeological work in the cemetery including but not limited to:
 - (1) Development of methodologies for identifying graves (geophysical survey, testing of anomalies)
 - (2) Decisions to avoid or exhume remains
 - (3) Exhumation methodology
 - (4) Archaeological Excavation
 - (5) Grave documentation
 - (6) Transport of human remains and associated artifacts
 - (7) Storage of human remains and associated artifacts
 - (8) Analysis of human remains and associated artifacts
 - (9) Selecting reburial site
 - (10) Reburial
 - (11) Dissemination of imagery and archaeological results
4. MDOT SHA shall provide for final disposition of remains and associated artifacts as directed by the Trustees of Morningside Tabernacle Number 88, Inc.
5. Dissemination of information and imagery of human remains and associated artifacts by MDOT SHA shall be at the discretion of descendants of those interred at Morningstar Tabernacle Cemetery as identified by the Trustees of Morningside Tabernacle Number 88, Inc. and the Friends of Moses Hall.

Commented [CB19]: This added text could be included in a treatment plan

G. Gibson Grove A.M.E. Church

MDOT SHA and FHWA have not identified an adverse effect to Gibson Grove A.M.E. church currently; however, based on design refinements to avoid and minimize effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, the church may be subject to additional temporary construction related impacts causing an adverse effect to the property. In this event, MDOT SHA and Gibson Grove A.M.E. church will continue to explore preservation enhancements to the property suggested by Church leadership to be specified in subsequent drafts of this agreement. This consultation will include MNCPPC as this is a designated Master Plan Historic Site and the MD SHPO. Consultation to occur at 30, 60, and 95% design document stage for areas within the LOD adjacent to the Church property. All parties will have 30 days to review design documents and provide comments to MDOT SHA and FHWA. Additional stipulations to mitigate future adverse effects from direct or indirect impacts (auditory, visual, etc.) shall be discussed as part of the design. The design will explore ways to physically reconnect the Church with the Morningstar Tabernacle No. 88 Moses Hall and Cemetery to the extent possible within the LOD. Additional educational items including interpretive signage, brochures, web media, or other measures to tell the history of this historically African American community can be discussed during design consultation.

H. Carderock Springs Historic District

1. MDOT SHA has found that effects to Carderock Springs Historic District cannot be determined based on the level of design at the time of the FEIS. MDOT SHA will work with the developer to advance design in a context-sensitive manner within and adjacent to the historic district in a manner that would avoid an adverse effect. These goals include such elements as: preservation of existing contours and limiting vegetation removal to the extent practicable, screening the highway from bordering houses by planting new trees of a similar type replacing those removed during construction, and placing noise walls incorporating design materials compatible with the houses and natural terrain.
2. At such time as the design is sufficient to make a determination of effect, MDOT SHA will submit the finding of effect to MD SHPO and relevant consulting parties, including Carderock Springs Citizens Association, for review and comment, and request concurrence on the finding by MD SHPO.
3. If MDOT SHA determines an adverse effect is unavoidable following this consultation, MDOT SHA will develop a treatment plan including mitigation for the Carderock Springs Historic District, in consultation with Carderock Springs Citizens Association and MD SHPO. The treatment plan will not require amendment of this agreement; if MD SHPO fails to concur on the proposed treatment plan, the parties will consult to revise the plan until concurrence is reached, or follow the dispute resolution provisions of **Stipulation**

VII. Mitigation and Commitments for Phases Subsequent to Phase I South

A. ~~M-NCPPC Stream Valley Parks System~~~~Rock Creek Stream Valley Park Units 2 and 3~~

1. MDOT SHA will ensure completion of a Multiple Property Nomination for the M-NCPPC Stream Valley Park system in Montgomery and Prince George's Counties before Park Construction Permit is granted for work in any of these parks. Such documentation will include historic context, description and significance, and registration requirements for listing of, at a minimum, Cabin John SV Park, Rock Creek Park, Sligo Creek Park, Northwest Branch SV Park, Paint Branch SV Park and any other stream valley parks of the early M-NCPPC Park system that protects the Anacostia and Potomac watersheds. MDOT SHA will ensure completion of National Register of Historic Places Nomination Forms for Rock Creek Stream Valley Park Units 2 and 3 and Sligo Creek Parkway before a Park Construction Permit is granted for work in either of the two above parks. Such National Register nominations shall conform to the Registration Requirements laid out in the Multiple Property Nomination (referenced above) and also include a complete cultural landscapes inventory of all contributing and non-contributing features as well as defined Periods of Significance.

2. MDOT SHA will ensure completion of a Cultural Landscape Report on the parkways of M-NCPPC, Montgomery Parks (Beach Drive in Rock Creek SV Park, Sligo Creek Parkway in Sligo Creek Park and Little Falls Parkway in Little Falls SV Park) with treatment recommendations for these parkways, and provide funding for implementation of recommendations resulting from the Cultural Landscape Report to be negotiated with M-NCPPC as part of a separate agreement or agreements.

4.3. MD SHA will ensure completion of interpretive signage as part of a negotiated design package to be placed within the Montgomery County Parks stream valley park system covering the histories of indigenous peoples, people of color, immigrant communities, and other under-represented peoples. Such interpretive signage content must be approved by M-NCPPC, Montgomery County Department of Parks, Cultural Resources Stewardship Section and conform to the standard specifications and appearance of Parks interpretive signage with MDOT SHA logos added in addition to that of M-NCPPC, Montgomery Parks.

4. MDOT SHA will provide for assistance with wayfinding/branding/signage for M-NCPPC historic properties (Such heritage tourism and/or cultural resources destinations to be negotiation in a future PA. MDOT SHA requests additional detail on scope of this proposed mitigation from M-NCPPC to include in the

Commented [BR20]: Combine M-NCPPC stream valley parks.

Commented [LJ21]: M-NCPPC will require a separate MOU with SHA/FHWA and MHT regarding the operations and maintenance of the stream valley park system such that M-NCPPC can fulfill its statutory obligations for park management.

agreement).

5. MDOT SHA will continue property-specific Design-Review consultation with Commission at 30%, 60%, 90% and 100% to develop Context-sensitive design for new facilities, including proposed new bridges and sound wall. 30 day-minimum comment review period by M-NCPPC, Montgomery Parks, MHT, and all consulting parties.

VIII. 7. MDOT SHA will ensure historically compatible restoration and revegetation of land disturbed by construction, with a focus on minimizing disturbance to the existing landscape, and appropriate restoration when such disturbance is unavoidable. Such plans to be made available to Commission for review at 30%, 60%, 90%, and 100% with 30-day minimum comment review period by M-NCPPC, Montgomery Parks, MHT, and all consulting parties.

IX. MDOT SHA, through use of Best Management Practices during construction, will ensure protection of existing vegetation outside the LOD for the duration of construction.

i.—

~~B.A.~~ National Park Seminary Historic District (Forest Glen)

1. MDOT SHA will continue property-specific Design-Review consultation with Save Our Seminary and National Park Seminary residents to develop Context-sensitive design for new facilities, including proposed new bridges and sound wall;
2. MDOT SHA will ensure historically compatible restoration and revegetation of land disturbed by construction, with a focus on minimizing disturbance to the existing landscape, and appropriate restoration when such disturbance is unavoidable
3. MDOT SHA, through use of Best Management Practices during construction, will ensure protection of existing vegetation outside the LOD for the duration of construction.
4. MDOT SHA will ensure completion of a Cultural Landscape Inventory (or measured drawings) of key Seminary Resources *MDOT SHA requests additional detail from National Park Seminary Consulting parties on these requests*
5. MDOT SHA will identify NRHP eligibility criteria for National Park Seminary Historic District and update National Register documentation accordingly.

~~C.B.~~ Sligo Creek Parkway

1. MDOT SHA will develop historical information about the park and the golf course in collaboration with M-NCPPC, Friends of Sligo Creek and the Sligo Creek Golf Association and will offer to incorporate historical information on the sign for each hole, or at another location as appropriate. M-NCPPC shall have final approval for any interpretive materials developed that describe the history of their parkland.
2. MDOT SHA will identify a period of significance for the Parkway and update National Register information to document the period of significance.

~~D.C.~~ Polychrome Historic District

1. MDOT SHA has found that effects to the Polychrome Historic District cannot be determined based on the level of design at the time of the FEIS. MDOT SHA will work with M-NCPPC, the MD-SHPO, and the developer to advance design in a context- sensitive manner within and adjacent to the historic district, including such elements as preservation of the existing stairs and retaining wall at 9900 and 9904 Colesville Road. And avoidance of new above-grade elements along US 29 adjoining the historic district.
2. At such time as the design is sufficient to make a determination, MDOT SHA will submit the finding of effect to MD SHPO and consulting parties, for review and comment, and request concurrence on the finding by MD SHPO.

Commented [BR22]: This is also a locally designated Master Plan Historic District with regulatory control directed by the Montgomery County Historic Preservation Commission and the CLG. Can develop a process in subsequent PA.

| and M-NCPPC.

3. If MDOT SHA determines an adverse effect is unavoidable following this consultation, MDOT SHA will develop a treatment plan including mitigation for the Polychrome Historic District, in consultation with relevant consulting parties, M-NCPPC, and MD SHPO. The treatment plan will not require amendment of this agreement; if MD SHPO fails to concur on the proposed treatment plan, the parties will consult to revise the plan until concurrence is reached, or follow the dispute resolution provisions of Stipulation

F.D. Indian Springs Estates and Country Club

MDOT SHA, in consultation with the Silver Spring YMCA and other appropriate consulting parties, will prepare and fund interpretive materials describing developer Abraham Kay, the Jewish history of the club and development, and influential Jewish people in the DC suburbs during the 1940s and 50s, and seek a partnership with the Silver Spring YMCA or Montgomery County Parks to host and locate the materials where they are accessible to the public.

F.E. Greenbelt Park

(Adverse effects to this property may be avoided through ongoing minimization efforts including proposed removal of direct access ramps to the Baltimore-Washington Parkway interchange; in this event MDOT SHA will revise the effect determination and no mitigation would be required if concurrence is reached with a revised finding)

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the Greenbelt Park as a historic property.

2. MDOT SHA will provide funds to NPS for preparation of a Cultural Landscape Inventory of Greenbelt Park.

G.F. Baltimore-Washington Parkway

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the Baltimore-Washington Parkway as a historic property.

2. *NPS has proposed general park mitigation for the Baltimore-Washington Parkway but not Section 106-specific items; MDOT SHA could complete a boundary survey as mitigation, we request NPS input here.*

H.G. Carsondale

1. MDOT SHA will complete a NRHP nomination of the district, identifying contributing and non-contributing resources.

Commented [BR23]: What does NPS/NHL have to say about this?

Commented [BR24]: Notes for Prince George's to beef up mitigation for this, Glenarden, and other communities.

Commented [SJ25R24]: Other mitigation measures for the following properties could include oral histories, collection of historic photographs and other information for story maps, documentary videos, history modules for use in schools, displays in local libraries. Collect oral histories in the Glenarden and Carsondale communities; effects of Urban Renewal on Glenarden - collection of oral histories comparing what the community was like before and after Urban Renewal.

2. MDOT SHA will complete an NRHP multiple property documentation form for post- World War II African-American associated developments in Prince George's County, with particular emphasis on African-American Veterans and Veterans Administration-assisted housing for African-American Veterans in Prince George's County, as mitigation for effects to Carondale as well as Glenarden as described in **Stipulation** below.

3. MDOT SHA will ensure the results of this research are also accessible to the communities in a public format such as a web-accessible presentation; and to meet these goals, the work may be supplemented by oral histories, historic imagery or other appropriate content as practicable to obtain.

4. Subject to community approval and the identification and approval of a suitable location, MDOT SHA will install a physical marker, plaque, or interpretive signage commemorating this history.

H.H. Glenarden Historic District

1. MDOT SHA will complete the documentation and interpretive effort described above in **Stipulation** above, which is also applicable to the history of Glenarden.

2. Subject to community approval and the identification and approval of a suitable location, MDOT SHA will install a physical marker, plaque, or interpretive signage commemorating this history.

Commented [SJ26]: Should the Greenbelt National Historic Landmark be added to this section?

VIII.X. Archaeological Treatment Plan (ATP)

MDOT SHA's goal is to have a comprehensive but flexible archaeological treatment plan that addresses the project LOD but can be revised and updated in response to project design advancement. Prior to construction within affected areas, MDOT SHA will develop an archaeological treatment plan in consultation with relevant parties that includes:

M-NCPPC, Montgomery Parks Archaeological Mitigation Requirements to be Inserted Here or Other Logical Places

A. Requirements for site specific mitigation measures for impacts to Parks archaeological resources, once the scope of those impacts are identified. Impacts are not yet known for M-NCPPC archaeological resources and therefore mitigation requirements cannot be articulated at this time.

B. Archaeological Monitoring Requirements during construction

A.C. Additional Phase I Survey and deep testing as appropriate in areas partially surveyed (as identified in the 2020 Technical Report, Volume 4, Chapter 5): S-10, S-16c, S-17, S-27, SWM S-27, S-28, and S-33

B.D. Phase I Survey in areas where property access could not be obtained (as identified

Commented [BR27]: Need to include specifics about process for review of draft ATP.

Commented [MC28R27]: I don't understand the point of the ATP as a separate layer. Aren't these just the stipulations for Archaeology? Is there more information that SHA plans to include in the ATP?

Commented [BR29]: With the Signatories and consulting parties

Commented [CB30]: These areas were recommended for further work, but not included in the draft PA.

Commented [BR31]: Go back to the table to include properties where more work had been recommended but these did not all make it into this agreement document. Put all of those and SHA can address specifically what should be taken out based on a revised LOD—they need to address this.

in the 2020 Technical Report, Volume 4, Chapter 5): S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6, RS-1, RS-2; S-8, S-37, S-44, S-53, and S-54

E. Phase I Survey in the vicinity of three sites within the LOD to define site boundaries and determine potential impacts; ~~to~~ 18MO457, 18MO190, 18MO510.

~~C.F.~~ Phase I survey of sites within the APE but not currently identified as being within the LOD: 18MO63, 18MO64, 18MO65, 18MO332, 18MO556, 18MO602, as identified in Table 4-2 of the 2020 Cultural Resources Technical Report Volume 1 update., and 18MO64

~~D.G.~~ Phase II evaluation of 18MO191, which may represent the Ball family farmstead, 18MO752, 18MO514 (the Forest Glen site on the National Park Seminary property)

H. Phase III Data Recovery investigations, including public interpretation at 18MO749 and 18MO751 within the C&O Canal NHP and the Dead Run Ridges Archaeological District within the GWMP.

~~E.I.~~ Archaeological work on M-NCPPC land ~~will~~ undergo additional review during the Montgomery Parks construction permit process.

~~F.J.~~

G.K. If sites or areas proposed for treatment in the ATP are avoided by revising the project LOD or other actions, MDOT SHA will document the revision, including revising effect determinations and seeking SHPO concurrence and concurrence of affected land owners, including M-NCPPC and others, where required. MDOT SHA will provide such information to consulting parties, and will thereby not need to complete treatment or investigation at such locations.

H.L. MDOT SHA will complete the archaeological treatment plan and implement required research and obtain concurrence from SHPO on eligibility, effects, and treatment approaches in accordance with Stipulation for any newly identified archaeological resources found through implementation of the treatment plan prior to construction in areas identified for further archaeological treatment.

I.M. MDOT SHA will consult with SHPO and relevant consulting parties on the treatment plan and any revisions or modifications to the archaeological treatment plan. If SHPO concurs with the treatment plan or future revisions, no amendment of this agreement is needed to implement or update the treatment plan. If SHPO does not agree with the treatment plan or future proposed changes to the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation

IX.XI. Cemeteries and Human Remains Treatment Plan

A. MDOT SHA acknowledges there is potential for human remains associated with historic properties to be present in at least two areas of the LOD (adjacent to Morningstar Tabernacle No. 88 Moses Hall and Cemetery, and Montgomery County Poor Farm) which are not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. MDOT SHA will work with the developer to minimize LOD to the maximum extent practicable in these areas.

A.B. MDOT SHA shall complete geophysical survey (magnetometer and ground penetrating radar) within and adjacent to Morningstar Tabernacle cemetery to establish the relationship between the cemetery and MDOT SHA's ROW and the LOD.

B.C. MDOT SHA will consult with SHPO, descendants, descendant communities and other relevant consulting parties on a treatment plan to fully identify, recover, and respectfully treat human remains within LOD.

C.D. MDOT SHA will consult with SHPO, descendants, descendant communities and other relevant consulting parties on archaeological monitoring requirements for locations within LOD where potential for human remains is likely during construction, including unverified but reported locations of the Ball Family Cemetery.

D.E. MDOT SHA will seek input shall consult with descendants, descendant communities and other from affected consulting parties and concurrence from the SHPO on the treatment plan prior to implementation of the cemetery treatment plan. If the SHPO, descendants or descendant community does not agree with the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation

Commented [CB32]: John Diggs-Dorsey and Sidney Randolph, two of three known victims of lynching in Montgomery County, were reportedly buried at the Poor Farm in unmarked graves in 1880 and 1896. MDOT SHA should consult with the Maryland Lynching Memorial Project about work at the Poor Farm site. And consult with Montgomery County Commission on Remembrance and Reconciliation on interpretation materials as mitigation.

Commented [CB33]: This appears to be not up to date as MDOT SHA has conducted mapping and bamboo clearing at Morningstar Tabernacle Cemetery.

F. MDOT SHA will fully implement all required provisions of the cemetery treatment plan prior to any construction impacts within specified cemetery investigation locations.

G. MDOT SHA will assess and mitigate noise and vibration adverse effects to Morningstar Tabernacle No. 88 Moses Hall and Cemetery and Gibson Grove Church:

1. Vibration Studies and Monitoring Plan

- (1) Development of Vibration Monitoring Plan: MODT SHA's Geotechnical Engineering Unit, in consultation with MODT SHA Division 13, shall develop a vibration monitoring plan for the Undertaking, to include on-site research during final design as well as monitoring during construction. The recommendations of the plan shall be provided to SHPO and concurring parties for their comments prior to adoption.
- (2) Baseline Studies: On-site research, done prior to construction, will measure existing vibration exposure, determine sensitivity of key funerary monuments, and assign thresholds accordingly.
- (3) Vibration Monitoring: Vibration monitoring will be conducted on key funerary monuments within Morningstar Cemetery and Gibson Grove Church, recommended in the aforementioned vibration monitoring plan. When a reading exceeds the established threshold, an alarm will sound and the Contractor - or the cemetery manager – shall immediately contact {insert position title here}.
- (4) Pre-construction Surveys: MODT SHA will conduct pre-construction surveys of all key funerary monuments within Morningstar Cemetery and Gibson Grove Church to record a "before" condition so that any construction-related damage can be accurately identified.

2. Auditory Effects: Studies of predicted noise level increase attributable to the Undertaking within Morningstar Cemetery and Gibson Grove Church are three decibels (3 dB(A)) or less and are considered "barely perceptible" to normal human hearing. Therefore, the Undertaking will not substantially interfere with the use and enjoyment of the cemetery as currently planned. Changes to the plans after the execution of this MOA may require additional noise studies and if the levels increase above five decibels (5 dB(A)), additional consultation between the signatories and concurring parties to this MOA will be required.

3. Noise Abatement: Upon satisfactory completion of the work, MODOT SHA will reimburse the property owner for the costs to install central heat/AC, storm windows, and insulation based on the lowest of 3 bids provided to MODT SHA by the property owner. If the property owner chooses, MODT SHA will make payment directly to a third-party contractor(s).

X.XII. Monitoring of Performance

- A. Specific points for continued consultation are defined in **Stipulation**
- B. MDOT SHA will, for the duration of the project, provide concurring parties with a written annual progress report describing status of implementation of this agreement.
- C. MDOT SHA will provide for a meeting of concurring parties following issuance of each annual progress report.
- D. MDOT SHA will convene additional consulting party meetings as necessary or requested by signatories;
- E. MDOT SHA may cancel individual annual meetings if there are no significant issues for discussion and no signatory or consulting party objects to the cancellation.

XI.XIII. Post-Review Discovery of Human Remains

In addition to the human remains treatment conditions developed as part of the archaeological and cemetery and human remains treatment plans in **Stipulations**, MDOT SHA will follow the standard procedure (Appendix 3) for inadvertent discovery of human remains for any areas or situations not covered by other specifications in the archaeological or cemetery treatment plans.

Commented [CB34]: These stipulations and standard procedures must be developed in consultation with descendants and descendant communities and include descendants and descendant communities in the decision process for any exhumation, transport, storage, study, and reinterment of human remains.

XI.XIV. Other Post-Review Discoveries

MDOT SHA will follow its standard procedures (Appendix 3) described in the statewide Programmatic Agreement for any inadvertent discoveries or inadvertent effects to historic properties during construction.

XI.XV. Confidentiality

MDOT SHA, FHWA, and all other signatories to this agreement agree to provide by the provisions of Section 304 of the NHPA, and other applicable requirements to withhold information concerning the location, character, or ownership of resources where release of such information may endanger the integrity of the resource.

XIV.XVI. Amendment

Any signatory to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 C.F.R. § 800.14 to consider such an amendment. Amendments will be executed only upon signature by all signatories to this agreement.

XV.XVII. Dispute Resolution

- A. Should any signatory or consulting party to this Agreement or member of the public object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

1. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to ACHP. ACHP shall provide FHWA with its comment on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, signatories and consulting parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

2. If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the Agreement and provide them and ACHP with a copy of such written response.

B. FHWA's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XVI, XVIII. Termination

A. Any signatory to this Agreement may terminate it by providing 30 calendar days' notice in writing to the other signatories, provided that the signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

B. If any signatory to this Agreement determines that a term will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation XIV, above. If within thirty (30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

C. In the event of termination, FHWA will comply with 36 C.F.R. § 800 for all remaining actions, or until a new agreement is reached fulfilling such requirements.

This PA shall continue in full force and effect until twenty (20) years from the date of execution of the PA, or such time of final acceptance of the Project and when all terms of this agreement have been met, unless the project is terminated or authorization for the project is rescinded. At any time in the six-month period prior to its expiration, the signatory parties will consult to consider an extension or amendment of the PA. At such time, the signatories may consider an amendment to extend the PA unmodified for an additional specified duration, or consult to amend the PA in accordance with **Stipulation**. No extension or amendment will be effective unless all parties to the PA have agreed to it in writing by amending the PA.

Commented [BR35]: Can we have a note about Phasing?
Is it 20 years from the final ROD, or 20 years for this PA that is for the first phase?

Signature Pages

Signatory Parties: FHWA (Maryland Division), ACHP, MD SHPO, VA SHPO, NPS,
MDOT SHA, M-NCPPC.

Concurring Parties: To Be Determined

Attachments/Appendices

(To be added to subsequent drafts)



FRIENDS OF MOSES HALL MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS, BROTHERS AND SISTERS OF MOSES
7550 Seven Locks Road
Cabin John, MD 20818
morningstarmosesdj@gmail.com
<https://www.friendsofmoseshall.org/>

April 12, 2021

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: Draft PA – Comments from Friends of Moses Hall Consulting Party for Morningstar Moses No. 88 Cemetery and Hall Site, Cabin John, MD

Dear Mr. Archer:

Thank you for the opportunity to review and comment on the first draft of the Section 106 Programmatic Agreement (“PA”) for the I-495/I-270 Managed Lanes Study (“Project”). Friends of Moses Hall enter the PA discussions recognizing the adverse cumulative impacts the Project will cause on the historic and culturally significant Morningstar Tabernacle No. 88 Moses Hall and Cemetery (“Moses Hall”).

While we appreciate MDOT SHA’s continued effort in evaluating and minimizing adverse impacts to Moses Hall, we have concerns regarding (1) the site design elements currently being considered and (2) certain provisions of the draft PA. Our comments on both are stated below.

I. SITE DESIGN CONCERNS

Friends of Moses Hall is pleased that MDOT SHA has developed preliminary design avoidance and minimization concepts that may substantially reduce ground impacts at Moses

Hall. However, we have serious concerns with the potential impacts resulting from the proposed cantilevered roadway design as well as the ability of MDOT SHA to commit to a design that will minimize impacts to the Moses Hall site.

First, while we support revisions to the site design that minimize ground disturbance, we are concerned about impacts from a cantilevered roadway bed. Although the cantilevered design may reduce ground disturbance on the Moses Hall property, the roadway bed's encroachment over the Moses Hall property may render portions of the cemetery bordering the LOD inaccessible to descendants and could still result in ground disturbing impacts. For example, it is currently not clear how water running down the sound barrier or off the cantilevered roadway bed would be managed in order to avoid eroding the cemetery grounds below. Ultimately, the cantilevered roadway design will still impact burial sites. This is unacceptable.

Additionally, though we support site-design revisions that shift roadway alignment and move the fly-over ramp location away from the Moses Hall site, we disagree that a fly-over ramp is necessary to accomplish the Project's Purpose and Need. Such elevated ramps are out of character with Moses Hall and the Gibson Grove area. At-grade options, such as those proposed at Clara Barton Parkway, are the more appropriate choice.

Second, we are concerned about the uncertainty regarding a possible revision of MDOT SHA's adverse impact finding for the Moses Hall site. By the time the PA is executed, the project will only be at the 2-3% design stage. It is unclear to what degree MDOT SHA will be able to commit to one of the proposed designs that minimize effects. Further, there is strong evidence to suggest that there are a number of burials within the LOD, as well as within the current state right-of-way, and more may be identified as project planning continues. Given the uncertainty over whether the site-design changes will result in a revised adverse impact finding, Friends of Moses Hall have reviewed the draft Programmatic Agreement assuming that the Moses Hall site will be adversely impacted.

II. COMMENTS ON THE DRAFT PROGRAMMATIC AGREEMENT

Considering the longstanding impacts to Moses Hall caused by the construction of I-495 in the 1960s, a stronger commitment to minimizing and mitigating adverse impacts to the site is needed. The highway's original construction physically impacted the property and separated Moses Hall and the Gibson Grove community from significant community resources, including the Gibson Grove AME Zion Church. Those who remained saw their sense of community connectedness dwindle. The mitigation requested below should be honored in light of current and past environmental impacts to the site's physical, cultural, and historic characteristics.

We are also concerned about working through this and subsequent drafts of the PA without being provided copies of the archaeology reports needed to fully evaluate the Project's impacts on the cemetery. The following comments assume that MDOT SHA will timely provide copies of the relevant archeological reports to Friends of Moses Hall prior to reviewing and commenting on the next PA draft.

1) More specificity on the timing of activities throughout the PA is needed.

Generally, the PA is lacking in identifiable and concrete timing commitments for the impact analyses, mitigation, monitoring, and reporting required by the PA. The PA should provide more nuance about the activities that occur during the pre-development construction and the operational period. Such clarity will better articulate to consulting parties MDOT SHA's obligations under the PA and allow for better accountability and performance monitoring throughout the PA's duration.

2) The term “Secretary of the Interior-qualified professionals” needs clarification.

The PA provides, in relevant part:

WHEREAS, pursuant to the above agreement, MDOT SHA employs Secretary of the Interior- qualified professionals in the fields of archaeology, architectural history and/or history who will oversee implementation of stipulations in this agreement

As written, it is not clear which standards are being referred to in order to determine the qualifications of cultural resources professionals employed to oversee the PA's implementation. We recommend citing the Department of the Interior's guidance establishing qualification standards for cultural resources professionals. Suggested language is below:

WHEREAS, pursuant to the above agreement, MDOT SHA employs professionals meeting *The Secretary of the Interior's Professional Qualification's Standards* (48 FR 44716) (hereinafter “qualified professionals”) with experiences and background in the fields of archaeology, architectural history and/or history who will oversee implementation of the stipulations in this agreement”

Similarly, Stipulation I.B.1(1) should be revised to state the following:

Archaeological studies required under the terms of this PA shall be carried out by, or under the direct supervision of, a qualified professional who, at a minimum, meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716, September 29, 1983) in archaeology or architectural history, as appropriate.

3) MDOT SHA must ensure the project's developer conforms to the PA.

We support Stipulation I.B. It reflects our belief that the government agencies involved in the Project, including MDOT SHA, should remain responsible for the obligations specified in the PA. We are encouraged by the degree of oversight the PA requires MDOT SHA to exercise to ensure the developer adheres to the requirements of this agreement.

However, we are concerned with the generality of MDOT SHA's responsibilities under Stipulation I.B. The duration and scope of the Project, the numerous stakeholders involved, and the number of potentially impacted historic properties necessitate requiring dedicated cultural resources staff to be assigned to oversee the implementation of this PA. We suggest MDOT SHA incorporate the following provisions to clarify its obligations in overseeing the PA's implementation:

- MDOT SHA will ensure Secretary of the Interior qualified professionals will be onsite where there is potential for historic properties to be affected by construction and will monitor all ground-disturbing activities that may affect historic and archeological resources when warranted and/or upon request of consulting parties.
- MDOT SHA will train the Developer and appropriate on-site contractor staff on the stipulations of this PA, including the Archeological Treatment Plan specified in Stipulation VIII and any human remains and cemetery treatment plan specified in Stipulation IX. A copy of the training will be provided to consulting parties for review and comment prior to implementation.
- A requirement to comply with the provisions of the PA in cooperation with MDOT SHA and the consulting parties will be included in all design and construction contracts.

MDOT SHA should also consider establishing a Cultural Resources Management Team (CRMT) to carry out the cultural resources work of the PA and undertake the responsibilities stated above. This approach is frequently taken in Section 106 compliance for large-scale infrastructure projects and would assure consulting parties of MDOT SHA's dedication to fulfilling its obligations agreed upon in the PA.

4) MDOT SHA must confer with consulting parties regarding project developments that impact the consulting parties.

We support Stipulations IV and V. MDOT SHA is obligated to keep consulting parties apprised as to project developments, both expected and unforeseen, that affect historic properties. We support the need for MDOT SHA's continued engagement with consulting parties for new and revised determinations of effects on historic properties.

5) The provision allowing preliminary engineering activities needs to be clarified.

Stipulation VI provides:

Preliminary engineering activities to support design of future phases, such as geotechnical technical studies or other similar activities with limited potential to affect historic properties may proceed within the APE prior to construction authorization and will not require mitigation.

We are concerned that this provision could potentially allow for ground-disturbing activities affecting burial sites adjacent to Moses Hall to be conducted within the APE. If the only "preliminary engineering activities" referred to are technical studies, the provision should be revised to better clarify which types of studies MDOT SHA anticipates may take place. Specific reference to more than one type of study narrows the scope of "other similar activities" and would better protect against the clause being used to justify more intrusive pre-construction activities.

Additionally, it is not clear whether "future phases" refers to project phases including Phase I or *after* Phase I. The latter reading permits certain preconstruction

activities to occur within Moses Hall without mitigation. If this is not the intended effect of the provision, we suggest revising this section accordingly to clarify as such.

6) The “design-review” provision in Stipulation VI.F.1 is inadequate.

The likelihood that the project LOD will, at the very least, directly abut the Moses Hall property line necessitates Friends of Moses Hall’s continued consultation on the relevant site design elements, including potential ground disturbances and impacts to the site’s character.

The design-review provision should state that (1) “MDOT SHA will continue property-specific Design-Review” consultation with FMH to ensure context-sensitive design for project elements within, abutting, or facing the cemetery”; and (2) that MDOT SHA “through the ongoing design process,” shall “minimize to the extent practicable, impacts to the character-defining features that contribute to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery as a historic property.”

7) The monitoring of ground-disturbing and archaeological activities on the Moses Hall site must be carried out by an *appropriate*, qualified professional.

Moses Hall’s cultural and historic importance requires any professional supervising ground-disturbing and archaeology-related activities to have extensive experience in African American cemetery archaeology. Stipulation VI should include the following:

The archaeological studies of Moses Hall cemetery required under the terms of this PA shall be carried out by a cultural resources management (CRM) firm with extensive experience in African American archaeology, African American cemetery archaeology, community archaeology, and oral history selected by Friends of Moses Hall and under the direct supervision of a qualified professional approved by Friends of Moses Hall.

Additionally, the following should be added to Stipulation VIII:

A cultural monitor selected by Friends of Moses is required at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery project location, at all times to monitor archaeology project activity. MDOT SHA shall cover the cost of the cultural monitor.

8) Any treatment plan and mitigation commitment must require the reinterment of human remains on the Moses Hall property.

There is strong evidence that burials likely took place beyond the currently estimated property line for the Moses Hall cemetery. Thus, it is likely that human remains **will** be discovered within the LOD area adjacent to Moses Hall. Any treatment plan and mitigation commitment **must** require the reinterment of human remains on Moses Hall. Prior to any such reinterment, a proper archaeological survey of the graveyard would be required to identify locations for reinterment. While Friends of Moses Hall supports drafting a specific treatment plan, Stipulation VI.F must ensure MDOT SHA commits to such a treatment plan, irrespective of whether the adverse effect finding for Moses Hall is revised.

Stipulation VI.F.2 should be replaced with the following:

- (1) “MDOT SHA will continue to evaluate the existing right-of-way adjacent to the cemetery to ensure no undocumented burials or human remains would be affected. Prior to any ground-disturbing activities, MDOT SHA will conduct a thorough investigation of the LOD adjacent to Moses Hall to identify undocumented burials or human remains, pursuant to the Cemetery and Human Remains treatment plan specified in Stipulation IX.
- (2) If MDOT SHA determines an adverse impact to Moses Hall is unavoidable OR if human remains are discovered within the LOD adjacent to Moses Hall, MDOT SHA will conduct an archeological survey of the Moses Hall property pursuant to the agreements specified in Stipulations VIII and IX to identify plots for the reinterment of human remains.

9) Any treatment and mitigation stipulations for Moses Hall must incorporate stronger vibration and noise impact analysis and monitoring requirements.

The archaeological and impact monitoring commitments in the draft PA are insufficient. Given the sensitivity and historical significance of the Moses Hall site, a comprehensive cultural resources investigation is necessary to fully evaluate and understand **all** impacts on the site resulting from the Project’s development and construction. In addition, further studies and monitoring of vibration and noise impacts are needed to properly mitigate adverse impacts from construction.

Stipulation VI.F should include the following:

“In order to lessen impacts on Moses Hall resulting from the Project, MDOT SHA shall:

- (1) conduct pre-construction surveys on all key funerary headstones within Moses Hall record a “before” condition so that any construction-related damage can be accurately identified;
- (2) conduct baseline studies to measure existing vibration exposure to determine the sensitivity of key funerary monuments and assign thresholds accordingly;
- (3) develop a vibration monitoring plan that includes on-site research during final design and monitoring during construction; and
- (4) conduct further studies of noise level impacts attributable to the Project within the Moses Hall site, with additional consultations between the signatories and the Friends of Moses Hall if the noise level increases attributable to the Project within the Moses Hall site exceed 5 dB(A)).”

10) Cumulative impacts to the character of the Moses Hall site caused by the Project warrant stronger mitigation commitments.

We recognize that MDOT SHA’s efforts to minimize direct impacts to the Moses Hall site may result in a revised adverse effect finding. Yet, in spite of these impact minimization

efforts, impacts from the Project will irreparably change the character of the Moses Hall site. In addition to construction-related impacts, decades of stormwater damage, increased noise, and visual impacts have irreparably damaged the cemetery's physical environment, quality, and character. Given the extent of these cumulative adverse impacts—both ongoing and projected—directly attributable to I-495 and the Project, Stipulation VI.F should include stronger mitigation commitments:

- MDOT SHA will develop a context-sensitive design for interpretive plaques, seating, fencing, and a memorial.
- MDOT SHA will ensure historically compatible restoration and re-vegetation of land disturbed by construction, with a focus on minimizing disturbance to the existing landscape, and appropriate restoration when such disturbance is unavoidable.
- MDOT SHA will seek an NRHP nomination for the property.
- MDOT SHA will identify Montgomery County Master Plan for Historic Preservation criteria and nominate Morningstar Tabernacle No. 88 Hall and Cemetery for designation.
- MDOT SHA will provide Friends of Moses Hall with a full topographical land title survey of the three property parcels (Parcel P528 - Account #07-00430703, Parcel P501 - Account #07-00430691, and Plat 12551 Outlot A - Account #07-01915930) that make up the Morningstar Tabernacle No. 88 Hall and Cemetery property.
- MDOT SHA will work with Friends of Moses Hall to improve ADA-compliant access to the site, including developing ADA compliant parking options.
- MDOT SHA will mitigate the soil erosion at the site that has been caused by stormwater runoff from the existing highway.
- MDOT SHA will remove the broken pipe culvert and clean up or repair the ravine area.
- MDOT SHA will assist in cleaning the trash and debris on the site.
- In collaboration with identified stakeholders, MDOT SHA will commit sufficient funds to the Board of Trustees of Morningstar Tabernacle Number 88, Incorporated, Montgomery Preservation, or other recognized preservation nonprofit, earmarked for restoration and maintenance of the cemetery grounds for long-term preservation.
- MDOT SHA shall reconstruct the Moses Hall foundation in situ using the original masonry.
- MDOT SHA will provide Friends of Moses Hall \$20,000 for the purpose of producing a documentary and other educational materials about the Moses Hall site for use in Montgomery County Public Schools.

11) The Archeological Treatment Plan (ATP) should be developed simultaneously to the PA and included as an appendix to the Final PA.

Given the Project's impacts on the Moses Hall cemetery, we agree that a comprehensive archeological treatment plan is needed to ensure a proper accounting of the historic and cultural resources on the Moses Hall site. Any such treatment plan should ensure MDOT SHA fully

evaluates the archeological resources within the cemetery that may be impacted by the Project. However, we are concerned about developing the treatment plan separately from the PA. While we understand the need for flexibility, we do not support agreeing to a PA without reviewing and agreeing to the terms and conditions of the ATP. The ATP should accordingly be developed simultaneously to the PA and circulated for review and approval prior to the signing of the final PA.

12) Stipulation VIII must require a Phase I cultural resources investigation of Moses Hall.

The 2020 Technical Report, Volume 4, Chapter 5 provides that “if the undertaking impacts [the Moses Hall] area, further archeological investigations at the site of Moses Hall will be identified during development of the project’s anticipated Programmatic Agreement.” The Technical Report further recommends Phase I identification at Moses Hall and that “MDOT SHA would include commitments in the PA for phased evaluation of the above archeological resources warranted.”

MDOT SHA should ensure in the PA that a Phase I survey *will* be accomplished prior to any ground disturbing activities. Any such survey should be conducted within the cemetery utilizing various forms of geophysical techniques to identify cemetery features, i.e. graves, markers, grave depressions, and potential burial shafts.

Stipulation VIII should be revised to require a Phase I cultural resources investigation of the Moses Hall site by incorporating the following provision:

“MDOT SHA will conduct a Phase I survey of the complete cultural property that is known as Morningstar Tabernacle No. 88 Moses Hall and Cemetery (including right of way and three identified parcels that comprise the Morningstar Tabernacle No. 88 Moses Hall and Cemetery property). The cultural resources investigation will consist of an intensive geophysical survey (GPR and magnetometry, as appropriate) and LIDAR of the area sufficient to determine the number and extent of the resources present and their relationships to project features. It shall also produce a map delineating the boundaries of the cemetery and identify burials present. If burials are identified within the LOD, the goal is for all parties to have a clear idea of where the human remains can be repatriated.”

13) Stipulation VIII must require a Phase II evaluation of the Moses Hall cemetery.

In addition to the Phase II studies currently required in Stipulation VIII, Stipulation VIII should require a Phase II evaluation of the Moses Hall cemetery:

“MDOT SHA will conduct a Phase II evaluation of Moses Hall for National Register eligibility that includes Traditional Cultural Place analysis and analysis of historic buildings and archaeological sites. Evaluation of the Moses Hall structure shall only include Shovel

Test Pits (within the structure area only) to obtain information for use in National Register of Historic Places designation.”

14) Stipulation VIII should require Phase III data recovery conducted at the Moses Hall cemetery.

The importance of Moses Hall as a cultural resource necessitates a Phase III Data Recovery investigation. Currently Phase III Data Recovery investigations are limited to “18MO749 and 18MO751 within the C&O Canal NHP and the Dead Run Ridges Archaeological District within the GWMP.” Stipulation VIII should be revised to require Phase III data recovery for the Morningstar Tabernacle No. 88 Moses Hall and Cemetery as part of the Archeological Treatment Plan. Only hand excavations shall be permitted; mechanical excavations shall not be utilized.

15) Stipulation VIII should require the Archeological Treatment Plan to include stronger commitments on reporting, artifacts curation, and site-specific treatment plans.

The reporting and consultation provisions Stipulation VIII requires for the ATP are insufficient. Greater assurance is needed that (1) artifacts will be treated properly and respectfully, (2) that consulting parties will be timely informed of MDOT SHA’s actions pursuant to the Stipulations of the PA, and (3) that consulting parties have the opportunity to review and provide critical feedback on MDOT SHA’s archeological reports prior to publication.

The following provisions should be incorporated into Stipulation VIII:

- Upon completion of field testing/data gathering, and analysis, MDOT SHA shall submit a draft report describing the findings of the identification study to the SHPO and the relevant consulting party. All parties will have 30 days to review and comment on any draft reports furnished to them.
- MDOT SHA or its contractors shall ensure that all materials and records resulting from the survey, evaluation, and data recovery or mitigation conducted for the Project, or recovered during Project construction, will be curated in accordance with Standards and Guidelines for Archaeological Investigation in Maryland established by the Maryland Historic Trust at a facility within the state of Maryland, unless the relevant consulting party wishes to retain ownership of artifacts recovered from the cultural property.
- MDOT SHA shall ensure that draft and final reports resulting from actions pursuant to the Stipulations of this Programmatic Agreement will be provided to the SHPO and relevant consulting party upon request. All parties will have 30 days to review and comment on any draft reports furnished to them.
- MDOT SHA shall confer with consulting parties to identify appropriate measures that are in the public interest to avoid, minimize, or mitigate adverse effects to historic property and burials. When an agreement between MDOT SHA and consulting parties can be reached on how to resolve the adverse effects, MDOT SHA in consultation with consulting parties shall prepare a Treatment Plan describing the

measures to be carried out, the manner in which they will be carried out, and a schedule for their implementation.

16) Stipulation VIII.F should specify that any treatments and investigations that have begun will be finished.

Stipulation VIII.F provides:

“If sites or areas proposed for treatment in the ATP are avoided by revising the project LOD or other actions, MDOT SHA will document the revision, including revising effect determinations and seeking SHPO concurrence where required. MDOT SHA will provide such information to consulting parties, and will thereby not need to complete treatment or investigation at such locations.”

We suggest rephrasing to:

“If sites or areas proposed for treatment in the ATP are avoided by revising the project LOD or other actions, MDOT SHA will document the revision, including revising effect determinations and seeking SHPO concurrence where required. MDOT SHA will provide such information to consulting parties *in a timely manner* and will thereby not need to complete *additional* treatment or investigation at such locations.”

The changes added in italics denote that unreasonable delay in sharing information is not permitted and makes it clear that MDOT SHA will not be required to do any treatment or investigation beyond what they have already begun. This revised phrasing ensures that any treatment or investigation that has been initiated prior to a revised adverse effect determination will be completed.

17) Stipulation IX should establish firmer guidelines for developing a cemetery and human remains treatment plan.

As written, Stipulation IX is too general and vague to guarantee that human remains discovered during the LOD will be treated appropriately. More specific guidance is needed in the PA to ensure the sufficiency of any human remains treatment plan developed by MDOT SHA, SHPO, and the relevant consulting parties. The following provisions should be included in Stipulation IX:

- If any human remains are encountered during the cultural resources field work or Project construction, MDOT SHA and its contractors will adhere to the human remains treatment plan developed in consultation with SHPO and relevant consulting parties. If no human remains treatment plan has been developed, MDOT SHA will adhere to the Inadvertent Discovery Plan included as Appendix 3 to the statewide PA and, in consultation with the SHPO and the relevant consulting party, develop a site-specific treatment plan.

- Suspected human remains shall not be further disturbed or removed until guidance has been given from MDOT SHA and the relevant consulting party.
- At all times, human remains must be treated with the utmost dignity and respect and in a manner consistent with the ACHP's Policy Statement on the Treatment of Human Remains, Burial Sites and Funerary Objects.
- No photographs of any of the gravesites and/or associated funerary objects will be released to the press or to the general public.
- MDOT SHA shall cover all expenses associated with the removal, treatment and repatriation of the human remains into Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

18) Stipulation IX.C should include Moses Hall.

Stipulation IX.C provides:

MDOT SHA will consult with SHPO and relevant consulting parties on archaeological monitoring requirements for locations within the LOD where potential for human remains is likely during construction, including unverified but reported locations of the Ball Family Cemetery.

This stipulation should also include Moses Hall, as Moses Hall is in fact a location "within the LOD where potential for human remains is likely."

19) The cross references in Stipulation IX.D and VIII.H should be clarified.

Both Stipulation IX.D and Stipulation VIII.H conclude by stating: "If SHPO does not agree with the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation."

The stipulation referenced in this section is unclear. We assume this refers to the Dispute Resolution Stipulation, but as written, it is difficult to assess the effect of this provision without a clearly stipulated cross-reference.

20) The provisions of the cemetery treatment plan must be implemented prior to *any* ground-disturbing activities.

Stipulation IX.E provides that MDOT SHA will implement the "required provisions of the cemetery treatment plan prior to any *construction impacts*" (emphasis added). This is problematic, as it allows for any ground-disturbing activities not considered to be *construction impacts* to take place prior to a full evaluation of the potential for human remains within the ROW adjacent to Moses Hall. This provision should be revised by replacing "construction impacts" with the term "ground disturbing activities." This revision would ensure a proper treatment of areas with potential for human remains *before* any construction-related activities occur.

21) Stipulation X must be more specific on how activities will be monitored beyond the construction period and into the operations period.

As currently written, Stipulation X provides little guidance to consulting parties on how MDOT SHA will monitor performance of the PA and the duration over which the monitoring will take place. At minimum, MDOT SHA should clarify that performance monitoring will continue through the predevelopment/construction period and into Project's operational period.

22) Annual progress reports are insufficient.

Stipulation X.B states that MDOT SHA will provide concurring parties with written annual progress reports. Given the complexity of this project, this frequency is insufficient. Continued consulting party engagement is essential to ensure MDOT SHA and the Project Developer act in compliance with the entire PA. This provision should be revised to provide for quarterly progress reports during the pre-development and construction period, and semi-annual reports for the periods thereafter.

23) The cross reference in Stipulation XI should be clarified.

Stipulation XI provides, in relevant part, that "MDOT SHA will follow the standard procedure (Appendix 3) for inadvertent discovery of human remains for any areas or situations not covered by specifications in the archeological or cemetery treatment plans." It is our understanding that Appendix 3 refers to the Inadvertent Discovery Plan included as an appendix to the 2017 Amended Section 106 Programmatic Agreement between MDOT SHA and FHWA. This cross-reference needs to be clarified for FMH to properly assess this provision's effect.

24) Stipulation XV.A.2 should be rephrased to ensure FHWA to take comments into consideration.

Stipulation XV.A.2 provides:

"If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the Agreement and provide them and ACHP with a copy of such written response."

We suggest rephrasing to:

"If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute, *taking into consideration any timely comments*, and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the Agreement and provide them and ACHP with a copy of such written response."

The change added in italics makes it so that FHWA not only has to respond to comments via a written response, but must also take those comments into consideration in their final decision. As the provision is currently written, it seems as though FHWA does not have to contemplate the

comments in their decision and must only consider such comments when drafting its response regarding its final decision.

25) The programmatic agreement must include a Design-Review provision.

Though the PA refers to a “Design-Review” process several times, there are no provisions that identify and explain what that process entails. Design-Review provisions are frequently included in PAs for complex transit infrastructure projects and the absence of one is concerning. MDOT SHA must include a Design-Review provision that incorporates the following elements:

- When the phase of a project is ready for initial ground disturbing activities, MDOT SHA and the Developer will hold preconstruction review meetings for areas of the Project within the vicinity of historic properties (including site plan, elevation, and specifications) complete to 30%.
- MDOT SHA and the Developer shall submit drawings of the project in the vicinity of historic properties when the design is complete to 60% or equivalent and 90% or equivalent for review and comment from consulting parties with an interest in the affected property.
- MDOT SHA must carefully consider comments provided by other signatory parties and consulting parties and incorporate suggested modifications as appropriate.
- MDOT SHA shall also provide opportunity for public input on the design development process by soliciting comments through community meetings and ongoing outreach efforts.

26) The 20-year duration of the PA is too long.

We are concerned that the proposed duration of the PA is too long. A shorter time span, with the opportunity to renew, would better account for the concerns of the relevant consulting parties concurring in the agreement. The PA should be revised to state that the “PA shall continue in full force and effect until *seven (7) years* from the date of execution”

III. CONCLUSION

The Morningstar Tabernacle No. 88 Moses Hall and Cemetery is a key and central feature of the historic African American community in the Cabin John area. MDOT SHA should ensure it accounts for the environmental injustices attributed to the original highway construction and appropriately addresses and mitigates any and all adverse impacts to this site, as well as to the First Agape A.M.E. Zion Church (a/k/a Gibson Grove Church) site, attributable to the Project.

We appreciate your consideration of these comments and their incorporation into the next PA draft. We are seeking Concurring Party status and look forward to engaging with MDOT SHA on the matter during review of subsequent PA drafts.

Sincerely,

FRIENDS OF MOSES HALL

Alexandra Jones, PhD, RPA

Executive Director and Founder, Archaeology in the Community
Trustee, Morningstar Tabernacle Number 88, Incorporated

Austin E. White

Descendant
Trustee, Morningstar Tabernacle Number 88, Incorporated

Eileen McGuckian

Historian and President, Montgomery Preservation
Trustee, Morningstar Tabernacle Number 88, Incorporated

Diane E. Baxter

Descendant

Montgomery Crawford

Descendant

Shannon S. Steward

Descendant

Christopher Waynes

Descendant

Charlotte Troup Leighton

Vice President of Advocacy, CJCA

Austin White II

Descendant

Nathan White II

Descendant

Pandora White

Descendant

Rev. Edgar S. Bankhead, Sr.

First Agape A.M.E. Zion Church at Gibson Grove

Eddie Bankhead

First Agape A.M.E. Zion Church at Gibson Grove

Judi Bankhead

First Agape A.M.E. Zion Church at Gibson Grove

L. Paige Whitley

Independent Researcher

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
John Simkins, FHWA Virginia Division - john.simkins@dot.gov
Rebecca Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
Carol Rubin, M-NCPPC – carol.rubin@montgomeryplanning.org
Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
Greg Pawlson, Cabin John Citizens Association – gpawlson@gmail.com
Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
Sara Love, Maryland State Delegate – sara.love@house.state.md.us
Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org

Natali Fani-Gonzalez, Vice-Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Gerald Cichy, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
Gabe Albornoz, Montgomery County Councilmember - councilmember.albornoz@montgomerycountymd.gov
Andrew Friedson, Montgomery County Councilmember - councilmember.friedson@montgomerycountymd.gov
Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

Karen Hutchins-Keim

From: Eddie Bankhead <esbj@pobox.com>
Sent: Monday, April 12, 2021 11:10 PM
To: Steve Archer
Subject: Draft PA - Comments from First Agape AMEZ Church

April 12, 2021

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Good evening,

Thank you for your participation with us in protecting our church (First Agape AMEZ church at Gibson Grove) and other historic sites impacted by the beltway and its expansion for the I-495/I-270 Managed Lanes Study(Project).

We look forward to revisions of our church property's effect determination located at 7700 Sevel locks Road, as discussed during our April 6 meeting. We agree with Friends of Mosses Hall for the programmatic agreement to include a Design-Review provision[1]. As we work toward stabilizing and rebuilding our church, we wish to ensure our construction efforts do not conflict with the developer for the Managed Lanes project. We must have the means and mechanisms necessary to deconflict construction objectives and timing. We will continue to share our planning (Site work, design, and construction) of our stabilization and rebuilding projects with the state and the future developer. We seek to provide effective feedback to the developer as we continue to be stewards of our historic site.

Thank you for taking our comments. Your help in this matter is greatly appreciated.

In God We Trust,

--ES Bankhead jr.

Chair Trustee Board
First Agape AMEZ Church
7700 Seven Locks Road

Church web site :

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.1stagape.com%2F&data=04%7C01%7CSArcher%40mdot.maryland.gov%7Ce6cc4f89f1e241dfc81e08d8fe29bb07%7Cb38cd27c57ca4597be2822df43dd47f1%7C0%7C0%7C637538802480600624%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=Zx6bV7FRHFleqQr5wVOIAT2ncwMQZPKZb42%2FJ2JMeOY%3D&r eserved=0>

Correspondence Address:
First Agape AMEZ Church
PO BOX 1016

Burtonsville MD 20866

[1] Friend of Mosses Hall email 4-12-2021 Subject:Draft PA - Comments from Friends of Moses Hall Consulting Party for Morningstar Moses Cemetery and Hall Site

To: Steve Archer <SArcher@mdot.maryland.gov> Attached document Title: FMH PA Draft Comments_FINAL.pdd, page 13 Section 25.



SIERRA CLUB

MARYLAND CHAPTER

Sierra Club Maryland Chapter

P.O. Box 278

Riverdale, MD 20738

(301) 277-7111

April 12, 2021

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

Jeanette Mar
Environmental Program Manager
Federal Highway Administration, Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore MD 21201

RE: SECTION 106 COMMENTS FOR THE I-495 & I-270 MANAGED LANES STUDY

Dear Mr. Archer and Ms. Mar,

We appreciate the opportunity to participate in the I-495/I-270 Managed Lanes Study (MLS) Section 106 process as a consulting party. Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization, and nationwide it has approximately 800,000 members. The Maryland Chapter has over 70,000 members and supporters, a large number of whom reside in communities in Prince George's and Montgomery Counties that would be impacted, injured, and aggrieved by the planned I-495 & I-270 Managed Lanes Study project area, and who would be adversely affected. Many historic areas and sites of importance to these members and the counties at large are in the path of the project and will experience adverse effects that are not identified, assessed or resolved by the draft Programmatic Agreement circulated for public comment.

Our partners and the 50 groups that have signed on to our I-495 & I-270 MLS Draft Environmental Impact Assessment (DEIS) comments¹ have already expressed major concerns about the way the State of Maryland has conducted its environmental review and analysis of foreseeable adverse impacts on historic sites in the DEIS. Even in Phase 1A South of the project, there are at least four historic sites that have not been identified or accorded adequate assessment of adverse effects and avoidance, minimization, and mitigation measures. These include

¹ Sierra Club Maryland Chapter and Rock Creek Conservancy Comments on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA), November 9, 2020. <https://jillgrantlaw.com/wp-content/uploads/2020/11/2020-11-06-Comments-on-DEIS-4f-and-JPA.pdf>

Plummers Island, Morningstar Tabernacle No. 88 Cemetery and Hall, Gibson Grove A.M.E. Zion Church, and Cedar Lane Unitarian Universalist Church.

Our comments are structured to address concerns with the programmatic agreement approach, the reasoning behind those concerns, site-specific comments for sites impacted by Phase IA South, and omitted or excluded alternatives whose lack of consideration limits opportunities for avoidance of impacts on historic sites. Lastly, we provide recommendations on the project's overall Section 106 approach.

We will not address historic sites in other potential phases of the project here but those sites' concerns need to be addressed fully as part of the Section 106 process, unless the I-495 & I-270 MLS is reduced to cover only Phase IA South while the remainder of the project is officially designated "no build."

1. ISSUES WITH THE PROGRAMMATIC AGREEMENT APPROACH

The purely Programmatic Agreement approach for this project is inappropriate and inadequate as it impermissibly forecloses large measures to avoid impacts to historic properties (such as project scope, number of new lanes, and road alignment).

The Programmatic Agreement approach to the I-495 & I-270 MLS Section 106 process is not adequate to meet the requirements of federal law. The Section 106 regulations provide that a Programmatic Agreement approach is appropriate in certain limited situations, including "[w]hen effects on historic properties cannot be fully determined prior to approval of an undertaking." 36 C.F.R. §800.14(b)(1)(iii). Here, however, there is no reason to defer all identification of historic properties within the area of potential effects or the assessment of adverse effects and any measures to avoid and mitigate until later. While there may be alignment refinements that will occur during the design-build process, there are no other circumstances to warrant a departure from the normal section 106 process.

To the contrary, deferral of the Section 106 process until after major decisions are made about alternatives during the NEPA process will foreclose many reasonable, feasible, and prudent measures for avoiding, minimizing, or mitigating adverse effects to historic properties. It is immediately apparent, for example, that the historic Plummers Island, which will be impacted by the widening of the American Legion Bridge, will experience major adverse impacts from the alternatives currently being considered during the NEPA process. Upstream bridge alternative won't be available to avoid major impacts to Plummers Island if Section 106 analysis is deferred until after the alignment is already selected. Impacts to Plummers Island and numerous other historic properties discussed in more detail below that will clearly be affected by the proposed project must be considered now before the Record of Decision (ROD) is approved.

This is particularly critical, as the assessment of adverse effects is directly relevant to determinations of whether the project will use Section 4(f)-protected historic properties. The Federal Highway Administration's (FHWA's) determinations under Section 4(f) must be made in the ROD, and cannot lawfully be deferred. 23 C.F.R. § 774.7(e)(3) The assessment of NHRP eligibility, identification of foreseeable impacts, and measures to avoid adverse effects can be determined with information currently available. This is important reason to do identification of

historic property, determination of impacts and possible avoidance and minimization/mitigation measures upfront or else such measures may be foreclosed later by subsequent project decision making.

2. MORE DETAILED PROGRAMMATIC AGREEMENT APPROACH COMMENTS

The approach to Section 106 taken here impermissibly defers full consideration of historic properties listed in or eligible for listing in the National Register of Historic Places by relying on a boilerplate Programmatic Agreement that the Agencies will not execute until after selecting a Preferred Alternative. Among other things, delaying full assessment of historic properties until a Programmatic Agreement is executed ignores the Agencies' present duty to comply with NEPA, which requires a "hard look" at all of the environmental consequences that will flow from the Project if the Agencies grant the permits needed for the Project to proceed. Selection of an Alternative in the ROD, including impacts on historic properties. For these reasons, relying on an unexecuted Programmatic Agreement to carry out the Section 106 review process precludes, rather than assists, the Agencies and the public from understanding how these effects might harm historic and cultural resources as required by NEPA.

Without a complete understanding of the Project's full range of environmental effects, including harm to historic properties, there is no way that the Agencies can reasonably select a preferred alternative as required by NEPA or identify an alternative that avoids use of historic properties, parks, and recreation areas unless no other feasible and prudent alternative is available as required by Section 4(f).

Deferring the full identification of historic properties may be acceptable where the nature and scope of the resources would allow them to be easily avoided, as in the case of archaeological sites that are significant under National Register Criterion D. However, resources such as historic properties require an entirely different approach, because preservation in-place is the preferred treatment, and options to avoid harm to these resources may be foreclosed once an alternative is selected. The identification of those historic properties and the Project's potential effects on them must be completed at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed.

For the reasons discussed above, it is impossible to comment meaningfully on the Agencies' plans concerning historic and cultural resources because important baseline questions have not been decided. Outstanding issues that need to be resolved include the complete identification of historic properties affected and how the Project will affect them

Moreover, the Agencies' Draft Section 4(f) Evaluation is likewise insufficient because it does not have full information needed to understand the complete range of adverse effects of the Project and therefore cannot know how the Project will use historic properties. For these reasons, among others, the Agencies should undertake a thorough identification of historic properties and assessment of adverse effects immediately, so that any findings can be incorporated into the Final EIS. As Sierra Club noted in its comments on the DEIS, the assessment of impacts on cultural and historic sites was grossly inadequate and incomplete.

3. SITE-SPECIFIC COMMENTS

Plummers Island: One of the first sites at risk from Phase 1 of the I-495/I-270 Managed Lanes Project (MLP) is Plummers Island, an NPS historic site of ongoing long-term research. Plummers Island has historic status as part of the Chesapeake and Ohio (C&O) Canal National Historical Park. In addition to being part of C&O Canal NHP, Plummers Island also has historic significance distinct from the C&O Canal NHP designation. Yet Plummers Island is not even mentioned in the March 10, 2021 draft of the Section 106 Programmatic Agreement. The importance of Plummers Island has not yet been adequately recognized in the NEPA DEIS and Section 106 process. See Washington Biologist Field Club Section 106 letter to Steve Archer dated April 9, 2021.

There is a need to build in more specific avoidance, minimization, and mitigation measures for Plummers Island. Context sensitive design option for Plummers Island need to be pursued for an area of unique concern that will experience serious adverse effects. The WBFC has proposed specific mitigation measures that should be considered in the Section 106 process. Avoidance measures should be identified now and not deferred to the design review consultations during the design-build process. Delaying identification of the location and boundaries of this site until after implementation of a Programmatic Agreement prevents consideration of the impacts to the site during alternative selection under NEPA and undermines discussion of potential mitigation measures for any adverse effects under Section 106.

Morningstar Tabernacle No. 88 Moses Hall and Cemetery: Leaving boundary delineation and NRHP evaluation investigations at the Moses Hall Site and Cemetery to a later date prevents potential impacts to this site from being considered during current project design and NEPA consultations. It also does not allow for discussion of potential scope of mitigation efforts under Section 106.

In the draft Section 106 Programmatic Agreement no specific consideration appears to be given to protecting the Morningstar Tabernacle No. 88 Moses Hall foundation. The hall foundation needs to be evaluated as a contributing resource to the overall site. This ruins is historically significant, and is a significant contributory element to Moses Hall. The destruction of the foundation of Moses Hall, the site of an important 19th century African American benevolent society is not a small thing, and any significant adverse effect to it could also be seen as an environmental justice impact.

Gibson Grove A.M.E. Zion Church: In DEIS [Appendix F](#), page 26, Gibson Grove A.M.E. Zion Church is listed as one of the “Section 4(f) Properties where there is no Use or Impact.” on the 0.4 acre site. Similarly, the most recent draft Programmatic Agreement states:

“MDOT SHA and FHWA have not identified an adverse effect to Gibson Grove A.M.E. church currently, ...MDOT SHA and FHWA have not identified an adverse effect to Gibson Grove A.M.E. church currently; however, based on design refinements to avoid and minimize effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, the church may be subject to additional temporary construction related impacts causing an adverse effect to the property. In this event, MDOT SHA and Gibson Grove A.M.E. church will continue to explore preservation enhancements to the property suggested by

Church leadership to be specified in subsequent drafts of this agreement.” (I-495 and I-270 Managed Lanes Study DRAFT Section 106 Programmatic Agreement, March 10, 2021)

This is incorrect. The NRHP eligible Gibson Grove A.M.E. Zion Church will unquestionably be adversely impacted by the project. The highway is next to the church as it is, and the Beltway runoff is likely why the church was damaged by treefall in the first place. Any parking, staging or construction on the church side of the road will adversely impact the church property. It will require infilling and have visual impacts detracting for the character and viewshed of the little white church on the hill. That no measures are being taken now to avoid, minimize, and mitigate adverse impacts to the church is a major omission, as the likely adverse impacts to the site are significant.

Cedar Lane Unitarian Universalist Church: Cedar Lane Unitarian Universalist Church, which predates the Beltway, has a unique [architectural design](#) meant to blend with the environment. Designed by renowned architect Pietro Belluschi who designed the Julliard School building, Cedar Lane Unitarian Universalist Church should be considered for potential NRHP eligibility. This church is listed in the same table as the Gibson Grove A.M.E. Church, the table entitled: “Section 4(f) Properties where there is no Use or Impact”. This church will be impacted. As was pointed out in DEIS testimony:

“Cedar Lane Unitarian Universalist Church would be greatly impacted by this project, although the DEIS chart lists it as “no impact”. The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane’s appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The noise level is already extremely high and would be higher with this project.” (DEIS testimony of Montgomery County Faith Alliance for Climate Solutions, October 27, 2020)

There are undoubtedly many other sites deserving of historic status and protections, including in Environmental Justice communities in Prince George’s County who have not been invited to be a part of the Section 106 process. The I-270 expansion will disturb burial sites in the Poor Farm Cemetery in Rockville, and the descendants of those buried there and other concerned stakeholders also should have a voice in the Section 106 process.

Although not impacted by the first phase of the project, Sligo Creek Parkway and Indian Springs community (beyond the YMCA properties) in Silver Spring should be promptly screened for National Register of Historic Places eligibility, with special attention to their Native American history in addition to their more recent history connected to the early days of settlement in the area (the Blair family, etc.) and the 20th Century.

4. BRIDGE ALTERNATIVES NOT CONSIDERED

A one-lane addition per side alternative was not fully considered for the American Legion Bridge and should have been. Over a decade of study by MDOT, VDOT, and FHWA conclude that: “

"Along the Capital Beltway, there were two proposed typical sections for the long-term alternatives: a one-lane and a two-lane managed system. However, the physical footprint for all of the alternatives was the same and it included widening for two lanes per direction in Virginia and widening for one lane per direction on the American Legion Bridge and in Maryland. The widening in Maryland was constrained by the right-of-way, proximity to sensitive environmental features, and proximity to adjacent residences" ([West Side Mobility Study](#), 2009, p. 21).

A one-lane addition per side, rather than two, would significantly reduce risks and adverse impacts to historical sites, among others. Previous studies only considered it possible to widen the Capital Beltway by one lane per direction on the American Legion Bridge and in Maryland. Yet a one-lane addition per side alternative (Alternative 5) for the American Legion Bridge and most of the Maryland Beltway was rejected by MDOT and FHWA as "not a reasonable alternative" ([DEIS Appendix D](#), p. 1) and excluded from the Joint Permit Application alternatives.). It is worth asking again in this context why a one-lane addition per direction alternative was not considered more fully, an alternative which would entail less harm to Plummers Island and would preserve the integrity and reduce the closure time of the C&O Canal NHP towpath. A one additional lane per side alternative would also be much less disruptive for the adjacent impacted historical sites all along the entire MD Beltway, including the two Gibson Grove historical sites.

The DEIS failed to include any upstream alternative (adding new lanes and bike/pedestrian path only to the upstream side of the American Legion Bridge), so no one was able to comment on it. It should have been included and would significantly reduce harm to Plummers Island and the C&O Canal NHP. In 2021, an MDOT "strike team" noted the possibility of an upstream bridge alternative in which new lanes would all be added to the upstream side of the American Legion Bridge. Yet, this option was not presented in the DEIS for public comment, which is a major omission. If more people had known about it through the DEIS process, they would have had a chance to comment. Bridge options deserve discussion and analysis. The same error should not be made as a part of the Section 106 process.

The addition of lanes only to the upstream side of the bridge would better protect Plummers Island from the worst adverse impacts of bridge construction.

Bridge construction alternatives were not considered by Virginia in their I-495 Express Lanes Northern Extension (495 NEXT) Environmental Assessment (EA). Bridge construction alternatives could have avoided and minimized impacts to some historic properties. Virginia owns 21% of the American Legion Bridge, while Maryland owns 79% of it and the Potomac River. Virginia's EA for the bridge analyzed only Build or No Build alternatives, assuming continuation of Virginia's pattern of adding two new toll lanes, which does not consider what might be in the best interests of Maryland. This means that Virginia did not pose any bridge alternatives and by doing so may have foreclosed options for other alternatives. It is unclear to what extent the Capital Beltway Accord (an "agreement on principles" announced November 12, 2020 by VA Governor Ralph Northam and MD Governor Larry Hogan) may have biased the process and foreclosed opportunities for other alternatives, including in the design and reconstruction of the bridge. The misalignment of the processes with an EA in Virginia and EIS in Maryland also raises questions about the appropriateness and

adequacy of the analysis of alternatives for the bridge. This inattention to bridge alternatives in a NEPA process contrasts starkly with the thorough process of review, analysis, and vetting that occurred for the Woodrow Wilson Bridge, which was ultimately built to accommodate heavy rail to support multimodal connectivity. It also begs the question why the Virginia side of the Beltway expansion project was not subjected to an equivalent level of review as the Maryland side if they are supposed to be coordinating the projects.

The MDOT Recommended Preferred Alternative, announced on January 27, 2021, which includes four new tolled lanes on the American Legion Bridge, further seems to have foreclosed alternatives from consideration that could have been explored during the NEPA process and been informed by the Section 106 process. The MDOT Recommended Preferred Alternative is also premature given the inadequacy of the analysis presented in the DEIS and the early stage of the Section 106 process.

A serious study of bridge alternatives and bridge construction impacts has not been undertaken. Instead, the DEIS merely notes that “Other minimizations options were also considered and discussed with NPS such as a double deck bridge, top-down construction and reduced typical sections and pier locations (Appendix F, Section 2.1.2.C).” Given the scenic value of the river and the sensitivity of the historic sites and ecological significance of the sites under the American Legion Bridge, this is not acceptable. Further, the project will have adverse effects on the George Washington Memorial Parkway and the Clara Barton Parkway as a result of the American Legion Bridge and 495 Next project in Virginia.

5. RECOMMENDATIONS ON THE OVERALL SECTION 106 APPROACH

While it may be appropriate to provide a process for continuing to consider ways to reduce impacts on historic properties throughout the design-build process, wholesale deferral of the Section 106 process is not appropriate. Other projects have instead used a hybrid approach, such as that used by the U.S. Coast Guard for a bridge project in Bismarck, ND, in which only some reviews were deferred to allow design flexibility.

We recommend that the PA’s dispute resolution mechanism include the two State Historic Preservation Offices (MD SHPO and VA SHPO) and also give both SHPOs an opportunity to comment.

The project’s predevelopment contract documents should be immediately scrutinized for language that could be harmful to historic sites, and any such wording discovered should be flagged by those involved in the Section 106 process to MDOT to have it amended or removed. The heavy involvement of the profit-driven private developer in the remainder of the NEPA process is concerning in its own right. The predevelopment contract expected to be signed within a month directs the developer team to: “eliminate the potential for Unknown Archaeological Remains and Unknown Endangered Species”² “Eliminate” is a very odd use of language to use when considering what that could mean in our historical areas and sites of

² Phase P3 Agreement RFP, Exhibit 6 Predevelopment Work Requirements, December 18, 2020, p. 15. <https://495-270-p3.com/wp-content/uploads/2020/12/Phase-P3-Agreement-Exhibit-6-RFP-December-18-2020.pdf>

concern, including Morningstar Tabernacle No. 88 Cemetery and Plummers Island. Contract language like that does not impart confidence about what future contracts may look like. Less extreme language such as “re-assess” and “document any” seems more appropriate.

More information should be disclosed about the construction contractor to the project team and the Section 106 consulting parties. It is concerning that developer team did not put forth a construction contractor as the bid process required. Omitting the name of a construction contractor from the bid upon contract submission introduces a further uncertainty for the public and Section 106 consulting parties as nothing is known about the construction contractor or its reputation and track record of handling adjacent or impacted cultural and historic properties.

Although the DEIS mentioned a U.S. Coast Guard (USCG) letter stating that a [bridge permit](#) for the American Legion Bridge would not be required,³ a bridge permit should be required. The bridge permit process is a standard requirement that should be followed, and can further build awareness of and protection for sensitive historic and ecological sites that fall in the vicinity of the American Legion Bridge, including Plummers Island and the C&O Canal NHP.

Dust minimization and specifically OSHA crystalline silica construction dust standards must be upheld and the users and visitors of historic parkland and sites adjacent to the widening must be protected. Requirements for this should be included in the Programmatic Agreement. The roads and bridges deconstruction processes required for the Project will create massive amounts of toxic crystalline silica construction dust. This will occur on the American Legion Bridge and the toxic dust will drift downriver and impact Plummers Island and the C&O Canal National Historic Park (the [eighth](#) most visited national park during 2020), including its popular towpath. Plummers Island animal and plant life and the biologists studying it would be at risk from this dust. Visitors to the C&O Canal NHP and its towpath will be as well. Such toxic air pollution causes respiratory diseases including asthma, silicosis, chronic obstructive pulmonary disease (COPD), and lung cancer. This is an urgent public health issue. It is not addressed in the DEIS⁴ nor in the Programmatic Agreement to date and it needs to be.

CONCLUDING REMARKS

In conclusion, deferral of federally required assessment of impacts impermissibly forecloses opportunities to avoid, minimize, and mitigate impacts to historic properties. The purely Programmatic Agreement approach to Section 106 is inadequate to meet federal regulations, given the incomplete identification of historic properties and assessment of impacts to them in the I-495 & I-270 MLS DEIS.

³ Sierra Club Maryland Chapter and Rock Creek Conservancy Comments on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA), November 9, 2020, p. 64. <https://jillgrantlaw.com/wp-content/uploads/2020/11/2020-11-06-Comments-on-DEIS-4f-and-JPA.pdf>

⁴ For further information, see Sierra Club Maryland Chapter and Rock Creek Conservancy Comments on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA), November 9, 2020, pp. 108-109. <https://jillgrantlaw.com/wp-content/uploads/2020/11/2020-11-06-Comments-on-DEIS-4f-and-JPA.pdf>

The project's planned deferral of assessment of impacts offers inadequate protection for historical and cultural sites, many of which are known now to face significant adverse effects. Deferral of identification and assessment of impacts forecloses to these historical sites the opportunity of benefiting from important avoidance, minimization, and mitigation measures.

A hybrid approach to the Section 106 process which involves Programmatic Agreement for some sites and Memoranda of Agreement for sites that will experience known adverse impacts is appropriate for a project of this nature, magnitude, and complexity.

With reference to historic properties, there remain issues with the lack of appropriate alternatives analysis for the American Legion Bridge.

Several specific sites impacted by Phase 1A South of the project deserve significantly greater attention and assessment of impacts, including in some cases screening for a determination of National Register of Historic Places eligibility. This includes Plimmers Island and the Cedar Lane Unitarian Universalist Church in Bethesda.

Sligo Creek Parkway and Indian Springs community in Silver Spring should be screened for National Register of Historic Places eligibility, with special attention to their Native American history in addition to their more recent history connected to the early days of settlement the area (the Blair family, etc.) and the 20th Century.

We look forward to your prompt attention to the issues raised in our comments.

Thank you.

Josh Tulkin, State Director
Sierra Club Maryland Chapter

**DRAFT 1 – Deliberative and Pre-Decisional
3/10/2021**

**PROGRAMMATIC AGREEMENT
Among the
FEDERAL HIGHWAY ADMINISTRATION,
MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY
ADMINISTRATION,
NATIONAL PARK SERVICE**

**NATIONAL CAPITAL PLANNING COMMISSION
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Implementing Section 106 of the National Historic Preservation Act for the
I-495 and I-270 Managed Lanes Study
Anne Arundel, Frederick, Montgomery and Prince George’s Counties, Maryland and
Fairfax County, Virginia**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) plans to approve The I-495 and I-270 Managed Lanes Study (MLS), a proposed Public-Private Partnership (P3) administered by the Maryland Department of Transportation State Highway Administration (MDOT SHA); and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 C.F.R. §800.16(y), and thus is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the MLS Preferred Alternative (Project) consists of construction of Priced Managed Lanes along Interstates 495 and 270, beginning in Fairfax County, Virginia, and extending North to Approximately Interstate 370, and East and Southward to Approximately Maryland Route 5 in Prince George’s County, as described in detail in Attachment; and

WHEREAS, the MDOT SHA, with the approval of FHWA, intends to deliver the Project as a Public-Private Partnership (“P3”) using the services of a private sector developer or multiple developers who will advance the project and be responsible for design, construction, operation and maintenance, subject to approvals by MDOT SHA and/or FHWA; and

WHEREAS, the MLS will be implemented in Phases, yet to be fully defined, and although this agreement reflects evaluation of the entire defined Preferred Alternative project, certain commitments may require phased implementation; and

WHEREAS, MDOT SHA has identified “Phase I South” (Attachment) extending approximately from the portion of the project in Virginia North to I-370 as the first phase of implementation; and

WHEREAS, FHWA has been designated the lead agency for purposes of ensuring that the Project complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C.

§ 306108), as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

WHEREAS, The National Park Service (NPS) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, and has agreed to participate in this PA as an Invited Signatory. NPS will accommodate the project through land transfers via Highway Deed Easement and other permitting actions or accommodations that will result in an adverse effect to NRHP-listed or eligible properties including The Baltimore-Washington Parkway, Greenbelt Park, George Washington Memorial Parkway (Clara Barton Parkway), the Chesapeake and Ohio Canal National Historical Park, and intends to use this Programmatic Agreement (PA) to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14; and

WHEREAS, FHWA has elected to phase the identification, evaluation, and effects assessment of certain portions of the APE and historic properties where unavailability of access or design information precluded such identification, evaluation and assessment, as provided in 36 C.F.R. 800.4(b)(2), and 36 C.F.R. 800.5(a)(3); and

WHEREAS, FHWA will ensure additional identification, evaluation, assessment, is completed in a timely manner prior to construction, to allow practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties, as stipulated under this PA; and

WHEREAS, FHWA has initiated consultation pursuant to 36 C.F.R. 800.3(c) with the Maryland State Historic Preservation Office (MD SHPO) and the Virginia State Historic Preservation Office (VA SHPO), (collectively referred to as SHPO where the specific office is not specified) by letter on **DATE** and MDOT SHA on behalf of FHWA will continue to consult with the appropriate SHPO(s) under the terms of this PA in order to identify historic properties, assess the effects of the Project on historic properties, and, if necessary, resolve adverse effects to historic properties; and

WHEREAS, in accordance with 36 C.F.R. 800.6(a)(1)(i)(C), the FHWA, on **DATE**, initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP) and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

WHEREAS, pursuant to 36 C.F.R. § 800.10(c) MDOT SHA invited the Secretary of the Interior (the “Secretary”) to participate in consultation by letter dated **[date]**, as the Undertaking includes National Historic Landmarks within the Area of Potential Effects (APE), and the National Park Service, National Capital Region NHL Program (NPS-NHL) has represented the Secretary concerning the NHLs within the project throughout consultation and will continue to participate in future consultations involving the National Historic Landmarks, and

WHEREAS, under the *Amended Programmatic Agreement Among The Federal Highway Administration, the Maryland Department of Transportation State Highway Administration, the Advisory Council on Historic Preservation, the Maryland State Historic Preservation Officer,*

Implementing Section 106 of the National Historic Preservation Act for the Federal-aid Highway Program in Maryland (“Statewide PA” see [Attachment](#)), FHWA, the Advisory Council on Historic Preservation (ACHP), MDOT SHA, and the Maryland Historical Trust (MD SHPO) have agreed to delegate certain authorities relating to Section 106 of the NHPA to MDOT SHA for Federal-aid Highway projects in Maryland; and

WHEREAS, pursuant to the above agreement, MDOT SHA employs Secretary of Interior-qualified professionals in the fields of archaeology, architectural history and/or history who will oversee implementation of stipulations in this agreement; and

WHEREAS, Pursuant to 36 C.F.R. 800, MDOT SHA, on behalf of FHWA, has established and updated the APE for the project in consultation with SHPO, has identified historic properties within the APE, and identified adversely affected properties where feasible, as described in the *Draft Section 106 Technical Report* of January 2020, and subsequent documentation ([Attachment/Link](#)); and

WHEREAS, MDOT SHA, during the course of consultation, has invited the parties listed in [Attachment](#) to participate in consultation on the Project; and

WHEREAS, the National Capital Planning Commission (NCPC) is a Consulting Party in the Section 106 process pursuant to 36 CFR § 800.3(f)(1), and NCPC has advisory authority over Federal projects located in the Environs pursuant to the National Capital Planning Act 40 U.S.C. § 8722(b)(1); and

WHEREAS, NCPC has approval authority over projects on property acquired with Federal and state funding appropriated under the 1930 Capper-Cramton Act, 46 Stat. 482; and

WHEREAS, FHWA invited NCPC to sign this PA as an Invited Signatory; and NCPC has elected to fulfill its Section 106 responsibilities by participating in this consultation and signing this PA pursuant to 36 CFR § 800.6(c)(2); and

WHEREAS, The following parties, based on their relationship to specific actions as specified in this agreement, have been invited to concur in the agreement (Placeholder); and

WHEREAS, during the course of consultation, MDOT SHA and FHWA have initiated consultation with the following Federally-recognized Native American tribes (Tribes) and provided the Tribes with information about the Project: (Placeholder List). The (Placeholder List) have been invited to become concurring parties to this agreement; and

WHEREAS, Federal Agencies who recognize FHWA as the lead federal agency for the Project may fulfill their obligations under Section 106 of the NHPA according to 36 C.F.R. 800.2(a)(2), provided that FHWA follows the requirements of this agreement.

WHEREAS, FHWA, ACHP, MD SHPO and VA SHPO, who are signatories to this agreement,, have invited MDOT SHA and NPS to be additional invited signatories to this agreement, and all signatories, required and invited, are referred to as “signatories” to this document; and

Stipulations in order to take into account the effect of the undertaking on historic properties and that these Stipulations will govern compliance of the Project with Section 106 of the NHPA until this PA expires or is terminated.

Stipulations

I. Roles and Responsibilities

A. FHWA is the lead federal agency and is responsible for ensuring the terms of this agreement are carried out.

B. MDOT SHA is delegated authority under this PA and the Statewide PA to continue defined aspects of consultation, project compliance review, and mitigation implementation. MDOT SHA will be primarily responsible for implementation of this PA excepting where otherwise specified.

1. Developer MDOT SHA will enter into agreements with one or more developers to design, build, and operate the project. MDOT SHA will ensure the work of the developer or developers conform to the requirements of this agreement and may task the developer with assistance with certain commitments (such as context-sensitive design); however MDOT SHA may not delegate consultation obligations or other responsibilities specified in this agreement to the developer.

(1) MDOT SHA will require the developer or developers to retain qualified Secretary of Interior-qualified cultural resources staff for the duration of design and construction to assist with design commitments, liaise with MDOT SHA cultural resources staff and facilitate compliance with this PA.

C. National Park Service (*MDOT SHA requests proposed language from NPS describing details of NPS action*)

D. NCPC

A. NCPC will review project submittals according to the timeframes defined

within this PA and will participate in consultation, as requested by FHWA.

B. These reviews do not supersede the statutory or regulatory obligations NCPC has, and its Commission will review and approve the project components as required based on its authorities, primarily under the Capper-Cramton Act.

D. SHPOs The Maryland Historical Trust (MD SHPO) has jurisdiction as established in the National Historic Preservation Act for historic properties in Maryland. The Virginia Department of Historic Resources (VA SHPO) has jurisdiction as established in the National Historic Preservation Act for historic properties in Virginia. MDOT SHA, on behalf of FHWA, will consult with the relevant SHPO(s) for actions under this PA and 36 C.F.R. 800. Timelines for concurrence with or response for eligibility findings, effects determinations (generally 30 days unless otherwise specified) are established in 36 C.F.R. 800. MDOT SHA and FHWA may assume concurrence or no objection to findings and submittals if no response is received within the established timeline, or 30 days if no timeline is specifically established in 36 C.F.R. 800.

E. ACHP will provide policy guidance, provide comment on issues that may arise as requested by parties to this agreement, and participate in dispute resolution as specified in **Stipulation**

F. Concurring Parties/Public

1. Other consulting parties concurring in this agreement have ongoing opportunities to provide input, and participate in consultation where specified. Concurring parties may join this agreement at any time after execution of the agreement with the invitation of MDOT SHA or FHWA.
2. Concurrence with the agreement by a party does not necessarily indicate that the party supports the project or the preferred alternative or endorses all stipulations of this Agreement, but rather indicates the desire of such parties to remain involved in implementation of the terms of this agreement.
3. For substantial changes to the undertaking that would result in expanded APE or new effects to historic properties, MDOT SHA will provide for notification of the public consistent with the requirements of the National Environmental Policy Act (NEPA) to ensure ongoing opportunities for input. As appropriate, this process may identify new consulting or concurring parties who may wish to join the agreement at a later time in response to project refinement.

II. Professional Standards

A. Guidelines, standards and regulations relevant to this agreement and its purposes are listed below. Additionally, it is the intention of the signatories to interpret this agreement to incorporate any subsequent standards, revisions of standards, or applicable guidance issued by the Secretary of Interior, ACHP, or MD SHPO or VA SHPO as then in force during this agreement.

1. 36 C.F.R. Part 800: Protection of Historic Properties, as amended (2004);
2. *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983);
3. *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994);
4. *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Maryland Historical Trust, Revised 2019);
5. *Guidelines for Conducting Historic Resources Survey in Virginia* (Virginia Department of Historic Resources, revised September 2017)
6. 36 CFR Part 79: Curation of Federally-Owned and Administered Archeological Collections
7. *Museum Handbook on Accessioning and Cataloging Museum Objects*, National Park Service, revised
8. Program Comment for Actions Affecting Post-1945 Concrete Steel Bridges (77 FR 68790);
9. Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (ACHP February 2007);
10. National Register of Historic Places Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (National Park Service revised 1997), and other National Register Bulletins as applicable

III. Project-wide Mitigation and Commitments

- A. MDOT SHA will implement mitigation concurrent with construction phasing where impacts will occur; in the event that the undertaking is modified or certain elements causing adverse effects are not constructed, MDOT SHA will notify signatories of the change at such time as a final decision is made removing such elements and amend the agreement as necessary.
- B. MDOT SHA cultural resources staff will oversee implementation of all mitigation commitments and other terms of this agreement.
- C. Reforestation

MDOT SHA is obligated to provide reforestation mitigation for the project pursuant to the Maryland Reforestation Law (MD Nat Res Code § 5-103). Reforestation must occur within 2 years or 3 growing seasons of completion of construction. The locations for reforestation credit are not yet fully identified. Reforestation activities may take the form of conservation easements or other noninvasive activities which would not affect historic properties. MDOT SHA will not consult on easements or conservation actions where no ground disturbance is involved. If areas outside the APE are identified for reforestation where plantings or other activities with the potential to affect historic properties are identified, MDOT SHA will consult in accordance with **Stipulation** to add such areas to the APE, identify historic properties, and evaluate effects to historic properties. MDOT SHA will avoid adverse effects to historic properties to the maximum extent practicable. If adverse effects are unavoidable, MDOT SHA will amend this agreement in accordance with **Stipulation** to resolve any such adverse effects.

D. Compensatory Stormwater Mitigation Plan – *locations to be included in Final LOD*

E. Culvert Augmentation – *locations will be included in Final LOD*

F. Stream and Wetland Mitigation on NPS lands – *locations to be included in Final LOD*

G. Other Mitigation and Revisions to Mitigation Locations

As project development proceeds, additional mitigation or enhancement locations may be identified or proposed locations revised. MDOT SHA will follow the procedure described in **Stipulation** below for any changes to the APE resulting from new or revised mitigation or enhancement locations.

IV. Consultation Regarding Project Development

A. MDOT SHA will initiate consultation with SHPOs and other consulting parties (as described below) at the following points in project development:

1. Upon advancement of design wherein effects can be assessed to Gibson Grove A.M.E. Zion Church (*note effect determination for Gibson Grove may be made prior to next draft of PA*), Carderock Springs Historic District and Polychrome Historic District

2. Upon changes proposed by MDOT SHA that would result in an expansion of the APE, or that would affect historic properties differently than described in this PA

3. If MDOT SHA, working with the Developer, finds design or construction solutions that avoid or further minimize adverse effects to historic properties, MDOT SHA shall consult in accordance with the procedures in **Stipulation** to seek concurrence with any revised findings of effect, and amend this PA in accordance with **Stipulation**

4. Upon changes to the LOD within the existing APE where additional archaeological investigation is recommended in the Cultural Resources Technical Report or subsequent consultation documentation.

V. Consultation Process:

MDOT SHA will consult with the relevant SHPO(s), concurring parties to this agreement, tribes, local governments and other consulting parties as appropriate on any amendments to the APE, new or revised determinations of National Register of Historic Places (NRHP) eligibility, new or revised determinations of effects to historic properties, or other findings and decisions to the relevant SHPO(s) and relevant consulting parties consistent with its Statewide PA and 36 C.F.R. 800.

VI. Property-Specific Mitigation and Commitments - Phase I South

MDOT SHA will be responsible for ensuring the following mitigation is carried out, under the oversight of FHWA. MDOT SHA will either complete mitigation itself, or enter into legally binding agreements with partner agencies to ensure the following stipulations are fulfilled, subject to the requirements of each stipulation below. Mitigation and commitments will be implemented by authorized construction phase, unless there is opportunity to provide advanced mitigation that is mutually agreeable to all parties, is feasible to advance, and is identified by MDOT SHA as a priority. Preliminary engineering activities to support design of future phases, such as geotechnical studies or other similar activities with limited potential to affect historic properties may proceed within the APE prior to construction authorization and will not require mitigation.

A. George Washington Memorial Parkway/Clara Barton Parkway

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the George Washington Memorial Parkway/Clara Barton Parkway as a historic property.

2. MDOT SHA will ensure revisions and updates are made to the Clara Barton National Historic Site National Historic Landmark Nomination.

3. MDOT SHA will ensure completion of a Cultural Landscape report with treatment recommendations for the North Parkway, and provide funding for implementation of recommendations resulting from the cultural landscape report to be negotiated with NPS as part of a separate agreement or agreements.
(MDOT SHA requests additional detail on scope of this proposed mitigation from NPS to include in the agreement)
- B. Dead Run Ridges Archaeological District
(*This property may be avoided through ongoing minimization efforts; if avoidance is not confirmed, MDOT SHA will include provisions in the archaeological treatment plan as specified in Stipulation*)
- C. Chesapeake and Ohio Canal National Historical Park
 1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize to the extent practicable, impacts to character-defining features and resources that contribute to the Chesapeake and Ohio Canal National Historical Park as a historic property.
 2. MDOT SHA will remove the bridge pier from Lock 13 as part of removal of the existing Clara Barton Parkway Bridge, and, subject to engineering and safety considerations, attempt to avoid new structure within Lock 13.
 3. MDOT SHA will provide for reconstruction of Lock 13.
 4. MDOT SHA will provide for rehabilitation of the Canal and Towpath at Widewater to Lock 5.(MDOT SHA requests additional detail on scope of this proposed mitigation from NPS to include in the agreement)
- D. 18MO749 Archaeological Site (C&O Canal)
MDOT SHA will develop a Data Recovery research design and interpretation commitments as part of the Archaeological Treatment Plan in Stipulation
- E. 18MO751 Archaeological Site (C&O Canal)
MDOT SHA will develop a Data Recovery research design and interpretation commitments as part of the Archaeological Treatment Plan in Stipulation
- F. Morningstar Tabernacle No. 88 Moses Hall and Cemetery
MDOT SHA continues to pursue avoidance and minimization efforts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. If these efforts result in a revised finding of no adverse effect to the property, MDOT SHA will continue to include context-sensitive commitments adjacent to the cemetery including:
 1. Design-review of treatment of sound barrier facing the cemetery
 2. Commitment to evaluate existing right-of-way adjacent to the cemetery to ensure no undocumented burials or human remains would be affected, as part of the treatment plan specified in Stipulation

G. Gibson Grove A.M.E. Church

MDOT SHA and FHWA have not identified an adverse effect to Gibson Grove A.M.E. church currently; however, based on design refinements to avoid and minimize effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, the church may be subject to additional temporary construction related impacts causing an adverse effect to the property. In this event, MDOT SHA and Gibson Grove A.M.E. church will continue to explore preservation enhancements to the property suggested by Church leadership to be specified in subsequent drafts of this agreement.

H. Carderock Springs Historic District

1. MDOT SHA has found that effects to Carderock Springs Historic District cannot be determined based on the level of design at the time of the FEIS. MDOT SHA will work with the developer to advance design in a context-sensitive manner within and adjacent to the historic district in a manner that would avoid an adverse effect. These goals include such elements as: preservation of existing contours and limiting vegetation removal to the extent practicable, screening the highway from bordering houses by planting new trees of a similar type replacing those removed during construction, and placing noise walls incorporating design materials compatible with the houses and natural terrain.

2. At such time as the design is sufficient to make a determination of effect, MDOT SHA will submit the finding of effect to MD SHPO and relevant consulting parties, including Carderock Springs Citizens Association, for review and comment, and request concurrence on the finding by MD SHPO.

3. If MDOT SHA determines an adverse effect is unavoidable following this consultation, MDOT SHA will develop a treatment plan including mitigation for the Carderock Springs Historic District, in consultation with Carderock Springs Citizens Association and MD SHPO. The treatment plan will not require amendment of this agreement; if MD SHPO fails to concur on the proposed treatment plan, the parties will consult to revise the plan until concurrence is reached, or follow the dispute resolution provisions of **Stipulation**

VII. Mitigation and Commitments for Phases Subsequent to Phase I South

A. Rock Creek Stream Valley Park Units 2 and 3

1. MDOT SHA will ensure completion of a Multiple Property Nomination for the M-NCPPC Stream Valley Park system in Montgomery and Prince George's Counties. **The effort will be undertaken in collaboration with MNCPPC and NCPC.**

2. MDOT SHA will provide for assistance with wayfinding/branding/signage for M-NCPPC historic properties (MDOT SHA requests additional detail on scope of this proposed mitigation from M-NCPPC to include in the agreement) **The effort will be undertaken in collaboration with MNCPPC and NCPC.**

B. National Park Seminary Historic District (Forest Glen)

1. MDOT SHA will continue property-specific Design-Review consultation with Save Our Seminary and National Park Seminary residents to develop Context-sensitive design for new facilities, including proposed new bridges and sound wall;
2. MDOT SHA will ensure historically compatible restoration and revegetation of land disturbed by construction, with a focus on minimizing disturbance to the existing landscape, and appropriate restoration when such disturbance is unavoidable
3. MDOT SHA, through use of Best Management Practices during construction, will ensure protection of existing vegetation outside the LOD for the duration of construction.
4. MDOT SHA will ensure completion of a Cultural Landscape Inventory (or measured drawings) of key Seminary Resources *MDOT SHA requests additional detail from National Park Seminary Consulting parties on these requests*
5. MDOT SHA will identify NRHP eligibility criteria for National Park Seminary Historic District and update National Register documentation accordingly.

C. Sligo Creek Parkway

1. **MDOT SHA will develop historical information about the park and the golf course in collaboration with M-NCPPC, NCPC, Friends of Sligo Creek and the Sligo Creek Golf Association and will offer to incorporate historical information on the sign for each hole, or at another location as appropriate.**
2. **MDOT SHA will identify a period of significance for the Parkway and update National Register information to document the period of significance.**
3. **MDOT SHA will reconstruct the I-495/Beltway Bridge over the Sligo Creek Parkway based on relevant M-NCPPC/Montgomery County design standards.**

D. Polychrome Historic District

1. MDOT SHA has found that effects to the Polychrome Historic District cannot be determined based on the level of design at the time of the FEIS. MDOT SHA will work with the developer to advance design in a context-sensitive manner within and adjacent to the historic district, including such elements as preservation of the existing stairs and retaining wall at 9900 and 9904 Colesville Road. and avoidance of new above-grade elements along US 29 adjoining the historic district.
2. At such time as the design is sufficient to make a determination, MDOT SHA will submit the finding of effect to MD SHPO and consulting parties, for

3. If MDOT SHA determines an adverse effect is unavoidable following this consultation, MDOT SHA will develop a treatment plan including mitigation for the Polychrome Historic District, in consultation with relevant consulting parties and MD SHPO. The treatment plan will not require amendment of this agreement; if MD SHPO fails to concur on the proposed treatment plan, the parties will consult to revise the plan until concurrence is reached, or follow the dispute resolution provisions of **Stipulation**

E. Indian Springs Estates and Country Club

MDOT SHA, in consultation with the Silver Spring YMCA and other appropriate consulting parties, will prepare and fund interpretive materials describing developer Abraham Kay, the Jewish history of the club and development, and influential Jewish people in the DC suburbs during the 1940s and 50s, and seek a partnership with the Silver Spring YMCA or Montgomery County Parks to host and locate the materials where they are accessible to the public.

F. Greenbelt Park

(Adverse effects to this property may be avoided through ongoing minimization efforts including proposed removal of direct access ramps to the Baltimore-Washington Parkway interchange; in this event MDOT SHA will revise the effect determination and no mitigation would be required if concurrence is reached with a revised finding)

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the Greenbelt Park as a historic property.

2. MDOT SHA will provide funds to NPS for preparation of a Cultural Landscape Inventory of Greenbelt Park.

G. Baltimore-Washington Parkway

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the Baltimore-Washington Parkway as a historic property.

2. *NPS has proposed general park mitigation for the Baltimore-Washington Parkway but not Section 106-specific items; MDOT SHA could complete a boundary survey as mitigation, we request NPS input here.*

H. Carsondale

1. MDOT SHA will complete a NRHP nomination of the district, identifying contributing and non-contributing resources.

2. MDOT SHA will complete an NRHP multiple property documentation form for post- World War II African-American associated developments in Prince George's County, with particular emphasis on African-American Veterans and Veterans Administration-assisted housing for African-American Veterans in Prince George's County, as mitigation for effects to Carsondale as well as Glenarden as described in **Stipulation** below.

3. MDOT SHA will ensure the results of this research are also accessible to the communities in a public format such as a web-accessible presentation; and to meet these goals, the work may be supplemented by oral histories, historic imagery or other appropriate content as practicable to obtain.

4. Subject to community approval and the identification and approval of a suitable location, MDOT SHA will install a physical marker, plaque, or interpretive signage commemorating this history.

I. Glenarden Historic District

1. MDOT SHA will complete the documentation and interpretive effort described above in **Stipulation** above, which is also applicable to the history of Glenarden.

2. Subject to community approval and the identification and approval of a suitable location, MDOT SHA will install a physical marker, plaque, or interpretive signage commemorating this history.

VIII. Archaeological Treatment Plan (ATP)

MDOT SHA's goal is to have a comprehensive but flexible archaeological treatment plan that addresses the project LOD but can be revised and updated in response to project design advancement. Prior to construction within affected areas, MDOT SHA will develop an archaeological treatment plan in consultation with relevant parties that includes:

A. Archaeological Monitoring Requirements during construction

B. Phase I Survey in areas where property access could not be obtained (as identified in the 2020 Technical Report, Volume 4, Chapter 5): S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6, RS-1, RS-2; S-8, S-37, S-44, S-53, and S-54

C. Phase I Survey in the vicinity of three sites to define site boundaries and determine potential impacts to 18MO457, 18MO190, 18MO510, and 18MO64

D. Phase II evaluation of 18MO191, which may represent the Ball family farmstead, 18MO752, 18MO514 (the Forest Glen site on the National Park Seminary property)

E. Phase III Data Recovery investigations, including public interpretation at 18MO749 and 18MO751 within the C&O Canal NHP and the Dead Run Ridges Archaeological District within the GWMP.

F. If sites or areas proposed for treatment in the ATP are avoided by revising the project LOD or other actions, MDOT SHA will document the revision, including revising effect determinations and seeking SHPO concurrence where required. MDOT SHA will provide such information to consulting parties, and will thereby not need to complete treatment or investigation at such locations.

G. MDOT SHA will complete the archaeological treatment plan and implement required research and obtain concurrence from SHPO on eligibility, effects, and treatment approaches in accordance with **Stipulation** for any newly identified archaeological resources found through implementation of the treatment plan prior to construction in areas identified for further archaeological treatment.

H. MDOT SHA will consult with SHPO and relevant consulting parties on the treatment plan and any revisions or modifications to the archaeological treatment plan. If SHPO concurs with the treatment plan or future revisions, no amendment of this agreement is needed to implement or update the treatment plan. If SHPO does not agree with the treatment plan or future proposed changes to the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of **Stipulation**

IX. Cemeteries and Human Remains Treatment Plan

A. MDOT SHA acknowledges there is potential for human remains associated with historic properties to be present in at least two areas of the LOD (adjacent to Morningstar Tabernacle No. 88 Moses Hall and Cemetery, and Montgomery County Poor Farm) which are not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. MDOT SHA will work with the developer to minimize LOD to the maximum extent practicable in these areas.

B. MDOT SHA will consult with SHPO and relevant consulting parties on a treatment plan to fully identify, recover, and respectfully treat human remains within LOD.

C. MDOT SHA will consult with SHPO and relevant consulting parties on archaeological monitoring requirements for locations within LOD where potential for human remains is likely during construction, including unverified but reported locations of the Ball Family Cemetery.

D. MDOT SHA will seek input from affected consulting parties and concurrence from SHPO on the treatment plan prior to implementation of the cemetery treatment plan. If SHPO does not agree with the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of **Stipulation**

E. MDOT SHA will fully implement all required provisions of the cemetery treatment plan prior to any construction impacts within specified cemetery investigation locations.

X. Monitoring of Performance

- A. Specific points for continued consultation are defined in **Stipulation**
- B. MDOT SHA will, for the duration of the project, provide concurring parties with a written annual progress report describing status of implementation of this agreement.
- C. MDOT SHA will provide for a meeting of concurring parties following issuance of each annual progress report.
- D. MDOT SHA will convene additional consulting party meetings as necessary or requested by signatories;
- E. MDOT SHA may cancel individual annual meetings if there are no significant issues for discussion and no signatory or consulting party objects to the cancellation.

XI. Post-Review Discovery of Human Remains

In addition to the human remains treatment conditions developed as part of the archaeological and cemetery and human remains treatment plans in **Stipulations**, MDOT SHA will follow the standard procedure (Appendix 3) for inadvertent discovery of human remains for any areas or situations not covered by other specifications in the archaeological or cemetery treatment plans.

XII. Other Post-Review Discoveries

MDOT SHA will follow its standard procedures (Appendix 3) described in the statewide Programmatic Agreement for any inadvertent discoveries or inadvertent effects to historic properties during construction.

XIII. Confidentiality

MDOT SHA, FHWA, and all other signatories to this agreement agree to provide by the provisions of Section 304 of the NHPA, and other applicable requirements to withhold information concerning the location, character, or ownership of resources where release of such information may endanger the integrity of the resource.

XIV. Amendment

Any signatory to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 C.F.R. § 800.14 to consider such an amendment. Amendments will be executed only upon signature by all signatories to this agreement.

XV. Dispute Resolution

- A. Should any signatory or consulting party to this Agreement or member of the public object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

1. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to ACHP. ACHP shall provide FHWA with its comment on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, signatories and consulting parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

2. If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the Agreement and provide them and ACHP with a copy of such written response.

B. FHWA's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XVI. Termination

A. Any signatory to this Agreement may terminate it by providing 30 calendar days' notice in writing to the other signatories, provided that the signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

B. If any signatory to this Agreement determines that a term will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation XIV, above. If within thirty (30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

C. In the event of termination, FHWA will comply with 36 C.F.R. § 800 for all remaining actions, or until a new agreement is reached fulfilling such requirements.

This PA shall continue in full force and effect until twenty (20) years from the date of execution of the PA, or such time of final acceptance of the Project and when all terms of this agreement have been met, unless the project is terminated or authorization for the project is rescinded. At any time in the six-month period prior to its expiration, the signatory parties will consult to consider an extension or amendment of the PA. At such time, the signatories may consider an amendment to extend the PA unmodified for an additional specified duration, or consult to amend the PA in accordance with **Stipulation**. No extension or amendment will be effective unless all parties to the PA have agreed to it in writing by amending the PA.

Signature Pages

Signatory Parties: FHWA (Maryland Division), ACHP, **NCPC?**, MD SHPO, VA SHPO, NPS, MDOT SHA.

Concurring Parties: To Be Determined

Attachments/Appendices

(To be added to subsequent drafts)

DRAFT



Christopher Oswald
Treasurer
National Park Seminary Master Association
9562 Ament St.
Silver Spring, MD 20910

April 12, 2021

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202
Sent via e-mail to sarcher@mdot.maryland.gov

Dear Mr. Archer:

Thank you for the opportunity to comment on the Draft 1 of the “Programmatic Agreement regarding Implementing Section 106 of the National Historic Preservation Act for the I-495 and I-270 Managed Lanes Study dated March 10, 2021” (the Draft PA). These comments have been developed by National Park Seminary Master Association, a registered homeowners’ association in the State of Maryland representing the National Park Seminary (NPS).

NPS is a unique and historic residential community of single-family homes, condominiums, townhouses, and apartments located in the Forest Glen section of Silver Spring, MD, with almost 900 linear feet abutting I-495. Our community encompasses 25 acres of land that includes 7 single-family homes; 90 townhomes; 76 condominiums; a county-managed facility currently used as office space for homeless housing assistance organizations; and 66 apartments. Six of the single-family homes, and all the condominiums and apartments, are situated in historic structures. Forty-four of the 66 apartments are Section 42 affordable housing units, reserved for those with incomes at or below 60% of our area’s median income, creating a diverse neighborhood serving people of all incomes.

Although the comments that follow are our own, we have consulted with Save Our Seminary (SOS) during their development. SOS is a volunteer, nonprofit membership organization formed by preservationists and concerned citizens in 1989 to marshal public and private support and resources

to preserve the historic buildings and grounds of the National Park Seminary. We also support the comments that SOS has submitted regarding the Draft PA.

We note that the NPSMA opposes the expansion of I-495 and I-270 (the Project). The reasons for our opposition to the Project are articulated in the comments we submitted regarding the Draft Environmental Impact Statement (DEIS) for the Managed Lanes Study. This said, we appreciate the opportunity to work as a Consulting Party in the development of the Draft PA.

NPSMA respectfully requests that the following comments be incorporated into the PA.

- The Draft PA defines the term “Area of Potential Effects” (APE), but we are unfamiliar with how the APEs have been delineated for the Project.¹ Please clarify the source documentation in which the APEs for the Project have been defined. We also request that these source documents be shared with all consulting parties.
- Section II.A, “Professional Standards”, should include applicable references to reforestation standards published by Montgomery County, Maryland, and the State of Maryland, National Park Service, or other relevant local, state, or federal agencies.
- In Section III.C, “Reforestation”, please clarify that “ground disturbance” is inclusive of ground disturbance associated with construction activities as well as by the final expanded highway right of way and associated relocated bridges/rights of way.
- In Section III.C, we object to reforestation outside of the APE, particularly with respect to NPSMA property. Reforestation, particularly on the NPSMA property, should focus on preserving or enhancing the existing natural environment on-site, rather than off-site or via a mitigation bank. Also, many of the trees within the Delineation Limits defined in the Project’s DEIS (and what we presume is the APE defined for the Section 106 mitigation effort) are large and mature specimens, providing a substantial overstory layer on our property. Any mitigation programs should focus on preserving these mature trees.
- Please note that natural setting of the National Park Seminary—inclusive of the forestation of the Glen area—is fundamental to the property’s designation as a Historic District. As noted on the nomination form that led to the property’s inclusion in the National Register, “[The] acres of wooded land create a rural vista in the midst of congested, suburban Washington. The Seminary grounds offer welcome open space and lend an air of bucolic dignity to homeowners in the vicinity.”²

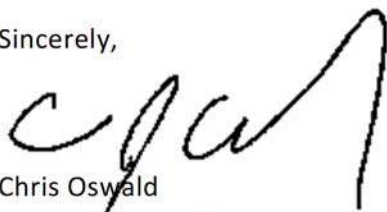
¹ If the APEs are synonymous with either the “Areas of Disturbance” or “Delineation Limits” defined in the DEIS, please specify.

²P. 7, *National Register of Historic Places Nomination Form—National Park Seminary Historic District*, September 14, 1972. (Available at <https://catalog.archives.gov/id/106777846>)

- In Sections III.D and III.E we would like to reserve our opportunity to comment at a future date given that no details are currently provided. We do note that stormwater management facilities and culverts are present on NPSMA property and will likely be impacted by the Project.
- Section IV.A appears to set substantial limits on the consultation process during project development. This section needs to be rewritten to ensure that consultation processes take place at each stage of Project design refinement. We propose this should occur at 30% design, 60% design, and 90% design stages for Phase 1 and Phase 2 of the Project, followed by ongoing consultation during construction as conditions and Project progress warrant. These consultation milestones can be adjusted to reflect the actual design review process that the State Highway Administration and the P3 contractor establish.
- In Section VII.B.1, we request that all consultation processes involve both the MDOT SHA and the P3 developer so there is no break in communication or collaboration with the entities that will perform project design and construction. We also request that the NPSMA be explicitly mentioned as a consulting party (i.e., "MDOT SHA will continue property-specific Design-Review consultation with Save Our Seminary, *the National Park Seminary Master Association*, and National Park Seminary residents to develop Context-sensitive design for new facilities, including proposed new bridges and sound wall").
- In Section VII.B.2, we request addition of the following provision: "Restoration and revegetation plans will be developed in coordination with the NPSMA and SOS."
- We support and appreciate the provisions in Sections VII.B.4 and VII.B.5.

Thank you again for the opportunity to provide these comments. Please contact me at 301.980.7297 if you have questions or need additional information.

Sincerely,



Chris Oswald
Treasurer, NPSMA

cc: National Park Seminary Board of Directors
Bonnie Rosenthal, Save Our Seminary

SAVE OUR
SEMINARY



AT FOREST GLEN

9615 Dewitt Drive #68
Silver Spring, MD 20910
301-589-1715
info@saveourseminary.org
www.saveourseminary.org

Officers and Directors

Donald Hall, President
Eugene Rich, Vice President
Ann Hall, Treasurer
Erin Mielke, Secretary
Toni Bailey
Anne Brockett
Pat Crawford
Patti Horrall
Linda Lyons
Chris Maines
Frank Riley

Executive Director

Bonnie Rosenthal

April 12, 2021

Steve Archer

Cultural Resources Team Leader

Maryland Dept. of Transportation State Highway Administration

Environmental Planning Division

707 N. Calvert Street

Baltimore, MD 21202

Dear Mr. Archer:

Thank you for providing Save Our Seminary at Forest Glen Inc. (SOS) the opportunity to comment on the Draft 1 of the "Programmatic Agreement regarding Implementing Section 106 of the National Historic Preservation Act for the I-495 and I-270 Managed Lanes Study dated March 10, 2021" (the Draft PA). In previous comments to the "I-495 and I-270 Managed Lanes Study Historic Resources Technical Report" on March 10, 2020, SOS established its standing to participate as a Consulting Party.

While preparing the following comments, SOS had the opportunity to review the comments submitted by the National Park Seminary Master Association (NPSMA) in its April 12, 2021 letter to you. Our organization agrees with and supports the position of the NPSMA. SOS respectfully requests that the following supplemental comments be incorporated into the Draft PA:

- On the second page, the Draft PA states, "NPS will accommodate the project through land transfers via Highway Deed Easement and other permitting actions or accommodations that will result in an adverse effect to NRHP-listed or eligible properties..." However, the Draft PA does not explain how NRHP-listed properties, such as National Park Seminary, that are not managed by NPS might be transferred. We would appreciate an explanation of how transfers would be made for privately owned NRHP-listed properties.
- In Section II.A, SOS requests that the "Secretary of the Interior's Standards for the Treatment of Historic Properties, Guidelines for the Treatment of Cultural Landscapes" be added to the professional standards adhered to by MDOT.

- Regarding Section III, Project-wide Mitigation and Commitments:
 - SOS would like to participate in the reforestation contractor selection, with hiring contingent upon consensus among SOS and the property owners.
 - SOS would like to participate in reforestation planning, including approval of the final plan by SOS and property owners.
 - SOS strongly concurs with the stipulation by NPSMA that all reforestation mitigation be accomplished on site.
 - SOS requests details of any Stormwater Mitigation Plan, including stream impacts, recommended for National Park Seminary.
 - SOS requests design details of any recommended Culvert Augmentation at National Park Seminary.
 - SOS requests specific, detailed information on any WSSC infrastructure reconfiguration at National Park Seminary and the effects of such reconfiguration on the historic site.

- Regarding Section VII.B, Mitigation and Commitments for Phases Subsequent to Phase I South:
 - SOS requests that there be a Memorandum of Agreement (MOA) among MDOT, SOS, and NPSMA, and that the selected mitigation contractor also be a party to the MOA.
 - SOS strongly concurs with the provision that MDOT SHA will continue property-specific Design-Review consultation with Save Our Seminary and National Park Seminary residents to develop Context-sensitive design for new facilities, including proposed new bridges and sound wall.
 - Please provide additional details about sound barriers. SOS requests that sound barriers be extended parallel to the relocated railroad tracks because of the impact on historic resources and loss of green space.
 - SOS would like to participate in the selection of mitigation contractors.
 - Please confirm that mitigation measures will include repair of affected built features in addition to reforestation.
 - SOS requests that MDOT mark the location of the LOD for Alternative 9 so that it is clear on the ground where construction impacts will be, including impacts to the natural and built features affected, and that the marking occur as soon as possible, during the course of developing the Programmatic Agreement.
 - SOS concurs with the provision of an updated NRHP nomination that identifies criteria. SOS also asks that the NRHP nomination be expanded to include the significance of the landscape.
 - SOS appreciates the provision of an Archaeological Treatment Plan (ATP) and would like to know the physical extent of the Phase II evaluation.
 - SOS notes with appreciation the adoption of its suggestion that a Cultural Landscape Inventory (CLI) be provided. After further deliberation, SOS asks that

MDOT consider providing a Cultural Landscape Report (CLR) in addition to a CLI, for the following reasons:

- National Park Seminary is a publicly accessible site per the historic easement covering the property;
 - A CLR will aid in preparation of an updated National Register nomination and assist with National Register criteria;
 - A CLR will provide useful information for mitigation;
 - A CLR will document existing conditions and features prior to project construction;
 - A CLR guides the management and treatment decisions about a landscape's physical attributes, biotic systems, and use;
 - A CLR is the basis for making sound decisions about cultural landscape preservation and treatment; and
 - A CLR will inform the archaeological evaluation of the site.
- SOS requests participation in the selection of the CLI and CLR consultant.
 - SOS asks that MDOT map APE and the historic and natural features within it, locating the proposed footprint, extent, and LOD of Build Alternative 9. This information is crucial to a full and complete understanding of the impacts of the construction project, and will aid SOS in its participation as a Consulting Party to the PA.

Finally, SOS wishes to point out that while it is pleased to participate as a Consulting Party to the PA, our organization nevertheless reiterates its position of opposition to the I-495 and I-270 expansion project. It is our conviction that the adverse effects on the National Park Seminary historic site, as well as the region, are too severe for the project to proceed.

Sincerely,



Bonnie Rosenthal
Executive Director

Cc: National Park Seminary Master Association

Washington Biologists' Field Club

April 9, 2021

Dear Mr. Archer,

We write you on behalf of the Washington Biologists' Field Club (WBFC), which is a nonprofit organization charged by the National Park Service with the care and maintenance of Plummers Island. Plummers Island is part of the Chesapeake and Ohio (C&O) Canal National Historic Park, and is an historic site of unique and ongoing scientific research value. WBFC owned the land from 1908 to 1959, when it deeded Plummers Island to the United States Government while preserving the right to maintain the island as a natural wild area and use it for scientific research, as set forth in the attached Agreement (Appendix A).

We are concerned about the proposed I-495/I-270 and American Legion Bridge toll lane widening project and the significant, probable threats from bridge construction, operation, and maintenance to Plummers Island and its historic character, including its biota, and the century of intensive research activities that have taken place on the island. In order to ensure that project's impacts on Plummers Island receive adequate consideration, we request that you (1) designate WBFC as a consulting party to the National Historic Preservation Act Section 106 process immediately, (2) assess adverse effects from and consider alternatives to the project that will not impact Plummers Island, (3) consider Plummers Island for individual eligibility for the National Register of Historic Places, and (4) commit to undertaking the mitigation measures listed in this letter to minimize harm to Plummers Island resulting from the Maryland Department of Transportation's (MDOT's) current preferred alternative.

1) We request WBFC be added as a consulting party to Section 106 immediately due to our special relationship to Plummers Island.

We appreciate that an MDOT "strike team" came to learn more about Plummers Island on March 1, 2021. However, this was the first time anyone on this project communicated with us, and we continue to have major concerns with the proposed plan and the failure to acknowledge or assess its impacts on Plummers Island.

It came to our attention, not through the project team, that we were not invited to participate in the I-495/I-270 Managed Lanes Project Section 106 process, despite our unique relationship to Plummers Island. We learned just two weeks before the deadline that comments on the draft Section 106 Programmatic Agreement would be due on April 12, 2021.

This is an unfortunate oversight. WBFC has been responsible for the day-to-day maintenance of the island for almost 120 years, and is the entity most knowledgeable about the island, its historical status, and the long-term scientific studies ongoing on the island. Plummers Island is uniquely significant, independent of the historic

characteristics of the C&O Canal National Historical Park as a whole. Our organization, with its long relationship to the site, is uniquely suited to provide information that is directly relevant to the Section 106 process.

Any mitigation measures for the C&O Canal National Historical Park as a whole would not be sufficient to protect Plummers Island. The WBFC, as a discrete entity that has engaged in biological research on the Island since 1901, is best able to determine which impacts would or could result from American Legion Bridge construction and operation activities and which measures are needed to avoid, minimize, and mitigate these impacts.

Accordingly, WBFC should immediately be afforded consulting party status, and should be included in all communications in connection with the Section 106 process.

2) We are dismayed that the cultural resource evaluations circulated as part of the DEIS fail to specifically identify or discuss the historic significance of Plummers Island. The Section 106 identification process should include an evaluation of the significance of Plummers Island as an individually significant historic site independent of the C&O Canal National Historical Park, or at minimum, should include additional descriptions of its contributing significance to that site. The cultural resource evaluations undertaken to date have largely ignored Plummers Island and its unique historic characteristics.

3) We are troubled by the approach taken by the draft Section 106 Programmatic Agreement, which does not contemplate identifying the adverse impacts on Plummers Island or looking at ways to resolve those impacts until after key decisions about the project are made and mitigation measures foreclosed. It is not appropriate to defer the assessment of these impacts or any analysis of measures to mitigate adverse effects until after key decisions have been made about alternatives and the preferred alignment for the project, as avoiding or minimizing impacts to Plummers Island will require selecting appropriate bridge alignment and construction alternatives. There is sufficient information available now to undertake these evaluations, and this should be done now, before the widest range of options for mitigating and minimizing adverse effects to Plummers Island have been foreclosed.

The measures to protect the island and its biota (the subject of long-term ongoing research) need to be considered now and in detail. A memorandum of agreement, which would be executed before the Record of Decision, is a more appropriate vehicle for resolving adverse effects on Plummers Island than a programmatic agreement.

Due to the extraordinary sensitivity of the resources and the research that will be impacted by the Project, it is imperative that measures to avoid, reduce, and minimize impacts to Plummers Island be considered now, not deferred until after key project decisions have been made. We therefore request those protections be evaluated as part of the Section 106 process now, and specific commitments to resolve adverse effects be included in a memorandum of agreement and ultimately, in the Record of Decision for the project.

4) The unique history and significance of Plummers Island must be assessed independently of its status as part of the Chesapeake & Ohio Canal National Historical Park. A December 11, 2020 *Washington Post* [article](#) states: “Caryn Brookman, who oversees Maryland’s environmental analysis of the highway expansion plan, said Plummers Island is protected as part of the 184-mile Chesapeake & Ohio Canal National Historical Park.” However, the significance of Plummers Island goes beyond that. The significance of the island as a long-term research site should give it protection as a wildlife management area, and it is also a unique and significant historical site in its own right. The island’s unique historic attributes include its value and history as an important research site (historic attributes are further reviewed in Appendix B).

The Federal Government acknowledged the importance of Plummers Island as a unique and special place in a unique management agreement with WBFC executed when Plummers Island was added to the C&O Canal National Historical Park in 1959 (see Appendix A). This agreement with the U.S. Government spared Plummers Island from destruction in the 1960 building of the American Legion Bridge, and the 1990s infilling of lanes in the middle of the bridge.

This 1959 agreement names some of the very unique and exceptional features of the island to the United States and to the world (full text below):

- The said Plummers Island has become among systematic biologists one of the world’s most famous collecting spots and type localities, and
- The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and
- The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and
- The Washington Biologists’ Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.

The current plan to build on the island or use it as a construction platform is in violation of the 1959 agreement. Any construction or other activity on the island scarring the landscape destroys the natural biota and opens up the island’s habitats to invasive species. Any such activity would violate the vitality, integrity and continuity of the ecosystem WBFC is warded to conserve, protect, study and report on.

It is now 2021 and WBFC has invested in 120 years of research, producing over 400 scientific papers on the flora and fauna of Plummers Island, documenting over 4,000 species there. The integrity of the island’s ecosystem is crucial to our long-term research, of following trends over many years. This is a unique biological reserve and resource. Plummers Island is a special place within the Mather Gorge of the Potomac River, one of the most biotically diverse areas in the United States given its small geographical area. There are many endangered, threatened, and rare species on Plummers Island, many known only from the gorge or the island.

Among the 19,000+ pages of the DEIS, the only mention of Plummers Island is buried in the DEIS technical reports. It is in the 18th Appendix of Appendix L (i.e. sub-Appendix R of Appendix L) that Plummers Island is mentioned. The entirety of the comments about Plummers Island in DEIS or appendices are: “The study area includes a portion of Plummers Island south of the American Legion Bridge and a small stream known as Rock Run Culvert. Exposed bedrock occurs on Plummers Island.” (DEIS, [Appendix R of Appendix L](#), p. 1) In this Appendix, RTE (Rare Threatened and Endangered) survey maps are shown as occurring on and around the Maryland side of the American Legion Bridge, including parts of Plummers Island. Yet, the DEIS erroneously states: “None of the targeted RTE plant species were found during the surveys” ([Full DEIS](#), p. 4-115).

5) There are significant, irreversible adverse effects that would accrue to Plummers Island and WBFC research projects under the MDOT American Legion Bridge expansion plan. The ongoing and active research spaces on this island are contributing historic features of the island, in addition to the architectural resources (the cabin built in 1901). There are distinct adverse effects that impact a property of such high research value, these include destruction of areas of the island, noise pollutants that impair the quality of studies, and many more things listed below and described in greater detail in Appendix C.

In the *Washington Post* article on Plummers Island, it is said the bridge would nearly double in size due to the new lanes, shoulders, and bike path. This would increase the runoff from the road, most of which is currently piped off the bridge low-point, and drained into a gully feeding into the bend of the channel adjacent to Plummers Island. In the draft Programmatic Agreement ([Appendix H](#) on an unnumbered page, PDF page 7) in the project DEIS, it states:

Duration: Because of the anticipated duration of this project, and that there may be additional elements that continue, a 15-year duration may be appropriate, or until all terms of the agreement are fulfilled or the project becomes inactive; can include provisions for extension of the agreement.

This is a very substantial amount of time to be impacted by construction. For a small federally protected island immediately downriver of the American Legion Bridge with unique biological, historical, and research value, the magnitude of these threats is extraordinary.

The adverse effects to the island’s historic features and significance as a research site posed by the I-495/I-270 project are extensive and further detailed in Appendix C of this letter. They include:

1. Damage to waterways
2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the island within the Zone of Destruction
3. Destruction of WBFC research plots
4. Destruction of past collection sites
5. Habitat destruction and disturbance lead to more invasive organisms

6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out
7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge
8. Impacts on biota from salt and oil runoff from the bridge
9. Violation of long-term continuity of 120 years of research.

6) Below are the minimum avoidance measures, design considerations, and mitigations to avoid or reduce impacts that should be made to avoid, minimize, and mitigate adverse effects to Plummerville Island and the ongoing research there. These provisions should have been considered from the beginning of the MDOT-SHA project development and in the DEIS.

As noted above, on March 1, 2021, an MDOT strike team for the project came to the island and spoke with the Washington Biologists' Field Club for the first time. It appeared the strike team had no idea of the significance of the island, and the information shared took them by surprise. Also, for the first time, we learned of the possibility of an upriver bridge alternative for addition of lanes only to the upriver side of the American Legion Bridge. No bridge alternatives were discussed in the Draft Environmental Impact Statement (DEIS), which is a major omission, and should have been presented there so that the public could have the same information to comment on. We would have certainly made DEIS comments on the bridge alternatives if any relevant information on bridge alternatives had been discussed in the DEIS. That information was lacking and clearly should have been included in the DEIS.

Clearly there needs to be a specific focus on design changes that will reduce and avoid impacts to Plummerville Island. The first obvious choice for reducing and avoiding impacts is the "no build" option. Second is the upriver bridge alternative, which should have been evaluated in the DEIS and certainly must be now before the project is advanced.

Although WBFC is opposed to the American Legion Bridge expansion, particularly with toll lanes and lack of mass transit in the design (vans and buses from a few points are not an acceptable replacement for dedicated mass transit), the following types of mitigations are necessary and non-negotiable.

To protect Plummerville Island, the minimum mitigations follow:

- Plan for major (not minor) flooding during the construction period.
- Avoid obstructing natural water flow into the Plummerville Island channel.
- Build all the new lanes on the upriver side of the bridge.
- Build the access to and the construction platforms themselves only on the upriver side of the bridge and under the bridge.
- In any case, add sound barriers to the downstream side of the bridge.
- Use lane surfacing that is as quiet as possible.
- Place the outflow from bridge scuppers somewhere the runoff will not enter into Plummerville Island waters.

- Avoid fugitive dust blowing onto the island by use of dust minimization measures including spraying.
- A waste and hazardous material disposal plan must ensure off-site disposal so as not to flow to or near Plummers Island.
- Provide prior notification informing WBFC of work schedules so notice can be given to researchers.
- Piping of road runoff (that contains oil and salt) is a major issue; currently the main scupper drainage flows into the channel separating the island from the mainland; future drainage should avoid the wetlands including the channel.
- For the duration of construction, any construction infrastructure should be designed to withstand major floods (over 14 feet) not minor (10-12 feet) floods; there have been 3 moderate (12-14 feet) and 2 major floods (17-19 feet) in the past 25 years. However, even minor floods recorded at Little Falls produce major flooding in the Plummers Island channel adjacent to the bridge (see Appendix D, point 6).
- Monitor during construction to ensure that construction work is not impacting the island and no construction workers or project personnel visit the island unless oriented and approved by the Washington Biologists' Field Club. These requirements should be included in bidding document and contractor's work plan as part of the environmental specifications that will be followed.
- Chance find or inadvertent discovery procedures should be followed and incorporated into bidding documents and contracts. Please provide a copy for our review to ensure they meet the requirements for protection of Plummers Island.

7) To conclude, WBFC has had and continues to have a significant and primary responsibility to maintain this island as a long-term research site high in biodiversity with minimal disturbance. It must be protected. We fund research studies each year. The island was already historically significant 60 years ago when the American Legion Bridge was built. It is only more significant and rarer today. It is nationally and globally significant, it is historically significant, and it is highly significant for ongoing research purposes. The research on the island is a historic feature.

We are not comfortable with the open-ended, non-committal attempts to reassure us that the strike team made. Under the Section 106 process, requests can be made for mitigations. There is a direct use of the island for purposes of Section 4(f) and a significant adverse effect under Section 106. Avoidance and mitigation measures cannot be deferred until later, after the Final Environmental Impact Statement, after the Record of Decision, or after predevelopment. That is already too late. We require assurances at an administrative level at all costs that the upriver bridge alternative (with all lanes added to the upriver side of the bridge) will be pursued and mitigation measures put in place to protect Plummers Island. Plummers Island is federally protected under legal agreements with the National Park Service and should become additionally protected with a determination of individual National Register of Historic Places eligibility or, at a minimum, assessment of contributing significance to the C&O Canal National Historic Park as soon as possible, with the biodiversity, engendered species, and research value of the island specifically identified as historical features of contributing importance.

8) We reiterate our concerns with the nature of this process that does not allow the public to have adequate, timely information to advocate for their interests. We also reiterate that we support the no-build option. Any proposals for redecking and rebuilding/refurbishment of the American Legion Bridge should fully assess potential alternatives and allow for public comment. Such proposals should also require, at a minimum, early focused attention on the high priority to avoid impacts on Plummers Island and to minimize and mitigate any potential adverse impacts to Plummers Island that may remain.

Respectfully,

Ralph Eckerlin, President

Robert Soreng, Vice President

Lowell Adams, Secretary

On behalf of the 85 members of the Washington Biologists' Field Club

APPENDIX A: Full Text of Agreement with National Park Service

AGREEMENT WITH NATIONAL PARK SERVICE

AGREEMENT AND STIPULATIONS BETWEEN THE WASHINGTON BIOLOGISTS' FIELD CLUB, INC. AND THE UNITED STATES OF AMERICA

This agreement made this 5th day of March, 1959, by and between the Washington Biologists' Field Club, Inc. and the United States of America.

WITNESSETH:

WHEREAS, The United States Government has by condemnation proceedings, in the United States District Court for the District of Maryland in Civil No. 10676 and by order of Court made the 24th day of June, taken possession of the defendant's Washington Biologists' Field Club, property designated in said proceedings as parcels "A" and "B" in tract no. 7, and

WHEREAS, This property was acquired by the Washington Biologists' Field Club, Inc. and has been used by the said Club as a natural wild area for scientific research for over 50 years and a great many scientific papers have been written in reference to biological and natural history discoveries made on said land and, more particularly, on that part of said land known as parcel "B" and more familiarly known as Plummers Island containing some 12.238 acres more or less, and

WHEREAS, The said Plummers Island has become among systematic biologists one of the world's most famous collecting spots and type localities, and

WHEREAS, The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and

WHEREAS, The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and

WHEREAS, The Washington Biologists' Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.

Therefore, The United States Government's petitioner in the United States District Court for the District of Maryland in Civil No. 10676 and the Washington Biologists' Field Club, Inc., defendant, and the owner of said parcel of land known as parcel "B" containing some 12.238 acres more or less which said land is an island in the Potomac River and is more familiarly known as Plummers Island, do hereby stipulate and agree that the said parcel "B" be withdrawn from these proceedings and that the said Washington Biologists' Field Club, Inc. does hereby agree to deed the said island to the United States Government without monetary consideration reserving in said deed to the Washington Biologists' Field Club, Inc., the right to

continue to maintain the island as a natural wild area and use it for scientific research and for meetings of the Club and to pursue its studies in the field of biology and natural history on the said island so long as the Washington Biologists' Field Club, Inc. exists and desires to continue to use the island for scientific research and so long as the further provisions and stipulations contained herein are complied with which are as follows:

1. The Washington Biologists' Field Club, Inc. agrees to supply the National Park Service with copies of scientific papers resulting from research conducted on said island when available.
2. The Washington Biologists' Field Club, Inc. will supply the National Park Service with an annual report and will include the names and addresses of the officers, list of the members, and a summarization of the scientific investigations carried on.
3. The Washington Biologists' Field Club, Inc. will indemnify the United States against any loss or damage or injury due to the Club's negligence or any of its members or guests in the use and occupancy permitted under this agreement.
4. The Washington Biologists' Field Club, Inc. shall maintain its building and facilities on the island or replace the same in orderly and safe condition without expense to the United States.
5. No additional buildings, structures, or other physical facilities shall be constructed on the island by the Washington Biologists' Field Club, Inc. without first obtaining written approval of the National Park Service.
6. It is further stipulated and agreed between the United States Government and the Washington Biologists' Field Club, Inc. that the membership of the Club as constituted on 1 August 1958,

Honorary Members:	Compton, Lawrence V.	Krombein, Karl V.
	Davis, Malcolm	Leonard, Emery C.
Bartsch, Paul	Duvall, Allen J.	Lincoln, Frederick C.
Mann, William M.	Erickson, Ray C.	Linduska, Joseph P.
Ricker, P. L.	Erlanson, C. O.	Meehean, O. Lloyd
	Fredine, C. Gordon	Morrison, J. P. E.
Active Members:	Fuller, Henry S	Nelson, A. L.
	Gabrielson, Ira N.	Oehser, Paul H.
Aldrich, John W.	Gardner, Marshall C.	Parker, Kenneth W.
Appel, William D.	Graham, Edward H.	Presnall, Clifford C.
Benedict, J. E.	Griffith, Richard E.	Reed, Theodore H.
Blake, S. F.	Handley, C. O., Jr.	Russell, Paul G.
Brown, Edgar	Hotchkiss, Neil	Setzer, Henry W.
Clarke, J. F. G.	Jackson, Hartley H. T.	Smith, Albert C.

Smith, Lyman B.	Nonresident Members:	Eklund, Carl R.
Sohns, Ernest R.		Fowler, James A.
Stevenson, James O.	Allan, Philip F.	Hamlet, John
Stewart, Robert E.	Allen, Durward L.	Holt, Ernest O.
Stickel, William H	Archino, Samuel	McAtee, W. L.
Swift, Ernest F.	Bartlett, H. H.	Myers, G. S.
Uhler, F. M.	Bryant, Harold C.	Peterson, Roger T.
Vogt, George B.	Cahalane, Victor H.	Wallis, William W.
Walker, Ernest P.	Cottam, Clarence	Wherry, Edgar T.
Wetmore, Alexander	Couch, Leo K.	
Zahniser, Howard	Dargan, Lucas M.	

shall have the privilege of having their ashes placed on said island and a small bronze plaque in their memory placed on the stones of said island and that this privilege shall apply only to the membership as named above as it shall exist as of 1 August 1958.

7. It is further stipulated and agreed that the United States Government will allow the membership of the Washington Biologists' Field Club, Inc. to have access by foot over the land owned by the United States Government to the island at all times and whenever desired.
8. The Washington Biologists' Field Club, Inc. will be permitted to maintain and operate passenger-carrying ferry boats from and to the island which is to be for the exclusive use of the Club and its members and guests for access to the island.
9. The Washington Biologists' Field Club, Inc. will be permitted to erect and maintain a fence and gate at a suitable location to exclude the general public from the island, but the National Park Service is to be furnished keys to the lock or the National Park Service may provide its own lock if keys are delivered to the Washington Biologists' Field Club, Inc., and will also be permitted to clear the channel between the island and the Maryland shore to maintain a free flow of water therein.
10. It is further stipulated and agreed that authorized agents and personnel of the National Park Service shall have access to the island and the right to take scientists to the island, but, in that event, the Washington Biologists' Field Club, Inc. shall not be responsible for any injuries or damages resulting to said persons due to conditions upon said island provided said injuries or damages are not caused by negligence of the Club or by a failure on the part of said Washington Biologists' Field Club, Inc. to comply with the requirements of this stipulation.
11. It is further stipulated and agreed that all rights accruing to the Washington Biologists' Field Club, Inc. or to any member thereof by reason of the provisions of this stipulation or any amendment thereto may be terminated if said Washington Biologists' Field Club, Inc. no longer exists or in the event after due written notice

that the provisions of this stipulation and/or deed which will be executed following signing of this stipulation have been violated and continue to be violated by said Washington Biologists' Field Club, Inc. or its members, guests, employees, or servants for a period of time in excess of six months after receipt of said notice, and further in the event the island shall be no longer used for scientific research by the Washington Biologists' Field Club, Inc. for more than two years then this stipulation and any like provisions of the deed to be executed conveying the property to the United States shall terminate.

12. It is further stipulated and agreed that the United States may construct or permit the construction of needed nonrecreational public improvements upon the island or a portion thereof, which said improvements shall not be inconsistent with the uses to which the island has been dedicated by the Washington Biologists' Field Club, Inc.

13. It is further stipulated and agreed that this stipulation shall become effective after the filing and acceptance by the United States of a deed of conveyance containing the provisions outlined herein.

The United States of America

By: WILLIAM E. FINLEY

Director of the National Capital Planning Commission

Condemning Authority

The Washington Biologists' Field Club, Inc.

By: LLOYD W. SWIFT

President

I, Albert C. Smith, certify that I am the Secretary of the corporation named as party herein; that Lloyd W. Swift, who signed this contract on behalf of the party, was then President of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

ALBERT C. SMITH, *Secretary*

APPENDIX B: Historical Importance of Plummers Island, Maryland (Feb 2021)

Background:

The Washington Biologists' Field Club (WBFC) was established in 1901 by a group of prominent biologists for the purpose of acquiring a parcel of land and carrying out intensive studies of all groups of plants and animals living in the same area. For this purpose, WBFC bought Plummers Island and adjacent land on the Maryland shore of the Potomac (leased in 1901 and purchased 1908), and WBFC biologists and their colleagues have been carrying out intensive research into the biology of the area for the past 120 years. The island became part of C&O Canal National Historic Park in 1961, but WBFC has retained stewardship of Plummers Island and continues to manage it as a research area.

Under the stewardship of WBFC, Plummers Island and adjacent land on the Maryland shore of the Potomac have been the subject of continuous long-term ecological research stretching over more than a century, providing an unequalled depth for study of long-term ecological change. Almost 400 scientific publications have documented many aspects of the island's biology, and current scientific studies are extending a foundation that has been almost 120 years in the making. We live in a time of extreme environmental change, and research on long-term changes in populations of organisms is of vital importance for understanding how to manage human activities in our changing world. The century-long record of studies on Plummers Island makes it a unique and extremely valuable resource for such studies, and it is sometimes called "the most thoroughly studied island in North America."

WBFC has also served to promote communication and collaboration among biologists working on all groups of organisms, partly through meetings and joint projects on Plummers Island. WBFC membership has included many scientists with international reputations, who have carried out research whose importance extends far beyond their own specialties. In particular, WBFC membership has included several of the major figures in the twentieth-century environmental movement (see especially Bailey, Peterson, Pinchot, Swift, and Zahniser, below). Much information about WBFC and Plummers Island, including documentation for much of this information, is in its website (<https://wbfc.science>) and a published history:

Perry, M. C. 2007. The Washington Biologists' Field Club: Its Members and Its History. Washington DC.

Extensive records for WBFC are archived at the National Museum of Natural History.

There are four categories that confer significance for the National Register of Historic Places.

Plummers Island has important associations under three of them:

1. Is the property associated with events, activities, or developments that were important in the past?

Long-term studies of factors influencing lichen growth and mortality on Plummers Island allowed Mason Hale and Jim Lawrey to provide compelling evidence that lichen decline following the opening of the new American Legion Bridge was due to uptake of pollutants from automobile exhaust. This evidence that was important in driving antipollution legislation in the second half of the twentieth century, and especially in convincing Congress to ban the use of tetraethyl lead in gasoline (see Hale, below).

2. With the lives of people who were important in the past?

Many members were well known in their fields and made important scientific contributions. Members that are remembered outside the immediate biological community for their contributions include:

Vernon Bailey - Chief Field Naturalist for the Biological Survey (Dept. of Agriculture). He played a leading role in documenting the diversity of wildlife in the U. S., and he developed no harm live traps and catch-and-release sampling methods to replace the wasteful sampling with lethal traps that had long been the norm for studying populations of small animals.

Frederick Vernon Coville - a Dept. of Agriculture scientist, his research allowed blueberries and cranberries to be cultivated commercially; before this work, they could not be grown and could only be collected from wild shrubs. Coville was also important in developing conservation policy for arid lands, and served as the first Director of the U. S. National Arboretum. He was a life trustee of the National Geographic Society and longtime chair of its Committee on Research, and a longtime advisor to the Carnegie Institution of Washington.

Mason Ellsworth Hale Jr. - an expert on lichens at the Smithsonian Institution; his work on factors influencing lichen growth and mortality allowed him to provide detailed evidence of lichen decline caused by uptake of pollutants from auto exhaust following the opening of the American Legion Bridge, evidence that was important in convincing Congress to ban the use of tetraethyl lead in gasoline (see above).

Henry Weatherbee Henshaw - a zoologist and ethnologist with the Bureau of Ethnology, later the Biological Survey (Dept. of Agriculture), he did important work on native North American languages, and produced the first serious study classifying languages for the continent as a whole.

Frederick Gustav Meyer - a Dept. of Agriculture scientist, he was the first to make scientific observations and collections of wild Arabica coffee in its native range in southwestern Ethiopia; led a UN-FAO expedition to collect genetically diverse coffee in Ethiopia and establish international germplasm repositories for coffee, resulting in development of high-quality disease-resistant arabica coffee; also much work on ornamental and medicinal plants.

Roger Tory Peterson - credited as the inventor of the modern field guide, and a major figure in the twentieth-century environmental movement; his field guides have been used by many millions of people.

Gifford Pinchot - first Chief of the US Forest Service and founder of the Society of American Foresters, considered the "father" of modern forestry; his decisions on management of multiuse lands set the agenda for American conservation; later a 2-term governor of Pennsylvania.

Charles Vancouver Piper - a Dept. of Agriculture scientist, he played the central role in bringing the soybean to American agriculture (now our second most important crop, worth \$40 billion/year), and he was the first to apply modern plant breeding techniques to grasses for golf course greens.

Lloyd W. Swift - Director, Division of Wildlife Management, U. S. Forest Service, where he was responsible for coordinating management of game, fish, non-game, and endangered species within multiple-use management programs on the 200-million acres of National Forest lands; after retiring, he served as Secretary and board member of the World Wildlife Fund.

Alexander Wetmore - an internationally known ornithologist, served for seven years as Secretary of the Smithsonian Institution and a longtime trustee of the National Geographic Society.

Howard Clinton Zahniser - Director of the Wilderness Society, he played a major role in formulating the 1964 Wilderness Act.

3. With significant architectural history, landscape history, or engineering achievements?

Architectural history - The WBFC cabin on Plummers Island was built in 1901. We have very good documentation of its construction, and it has been well maintained, substantially in its original condition.

Landscape history - We have 120 years' data documenting the history of the return of natural vegetation to a heavily disturbed site (logged and farmed), and of factors influencing the spread of invasive species. This historical data has been essential to important accomplishments of scientists on Plummers Island. For instance, detailed documentation of lichen decline following the opening of I-495, crucial in convincing Congress to ban lead in gasoline (see above), would not have been possible without long-term historical data and collections that allowed them to document the abundance, health, and lead content of lichens on Plummers Island before and after the freeway construction. Long-term monitoring of the plants on Plummers Island has also been crucial for documenting when various invasive species first appeared, and what environmental factors may have led to their introduction and establishment.

Engineering achievements - None.

4. Does it have the potential to yield information through archeological investigation about our past?

No archaeological work has been done on Plummers Island. There are remnants of old rock walls, and possible hides for guards (Civil War era?) facing the Potomac River. Several past members have done important linguistic and ethnological work on North American cultures (especially Henshaw, above).

Appendix C: Endangered, Threatened, and Rare Species on Plummers Island

The species on Plummers Island, including endangered, threatened, and rare species, have been studied since 1901. They are part of the island's historic and ongoing research value. Current awareness of and attention to their protection in the state's DEIS process has been inadequate.

Plummers Island has numerous state endangered, threatened, and rare species. Plummers Island has three extant endangered plants that have been considered endangered in Maryland for [many years](#) and were mentioned as endangered in the I-495/I-270 Managed Lanes DEIS, [Appendix R of Appendix L](#), page 1. These state endangered plants are:

1. Coville's Phacelia (*Phacelia covillei*)
2. Horse-tail Paspalum (*Paspalum fluitans*)
3. Pale Dock (*Rumex altissimus*)

Curiously in [March 2021](#), Maryland DNR downgraded two of those species (Coville's Phacelia and Horse-tail Paspalum) from endangered to threatened although their status, if anything, is more imperiled by the planned widening of the American Legion Bridge. On what basis could these species have been downgraded? The WBFC cannot agree with this change without compelling evidence.

The above list of three state RTE plant species is not complete or exhaustive (see Simmons et al. 2020); there are additional Maryland RTE plants on the island, such as Smooth Rose Mallow (*Hibiscus laevis*) which is a rare plant of concern; Pink Valerian (*Valeriana pauciflora*) which is endangered; Leatherwood (*Dirca palustris*) which is threatened; and Sticky Goldenrod (*Solidago racemosa*) which is threatened and part of a rare natural community. There are also several grass and sedge species including Flat-spiked Sedge (*Carex planispicata*) and Open-flower Panic Grass (*Dichanthelium laxiflorum*). Other rare species include Ostrich Fern (*Matteuccia struthiopteris*) and Smooth Wild-petunia (*Ruellia strepens*).

RTE animals that live on or utilize the island include Eastern Small-footed Myotis (state endangered) and Northern Long Eared Bat (state threatened/US threatened). We can provide recent inventories of species on Plummers Island upon request.

The Endangered Species Act protects both federally listed endangered species and those species deemed endangered, threatened, or in need of conservation within the state, based on habitat and conservation factors. At the state level, threatened and endangered species are regulated under the Maryland Non-game and Endangered Species Act (Annotated Code of Maryland 10-2A-01).

Excerpts from a December 2020 *Washington Post* article by Katherine Shaver tell more of the story:

Tucked below the American Legion Bridge on the Maryland side of the Potomac River ... Plummerville Island, ... "the most thoroughly studied island in North America."

For nearly 120 years, the 12-acre patch of rock and woods has been home to the Washington Biologists' Field Club. Its 85 botanists, entomologists, ornithologists and other scientists have spent decades scrutinizing the island's thousands of species of plants, insects and wildlife.

Robert Soreng, the club's vice president and a botanist at the Smithsonian National Museum of Natural History, said Plummerville Island provides a critical research site because of its remarkable biodiversity and protected status under the National Park Service. Studying the same wilderness since 1901, he said, has revealed how nature responds to human development, climate change, invasive species and other changes.

"This is incredibly valuable for studying long-term trends," Soreng said. "We know more about what's there than in any other place."

But Soreng and other scientists say the island's research value is in danger of being lost to a new, wider American Legion Bridge. Under a plan by Maryland Gov. Larry Hogan (R) to relieve traffic congestion on the Capital Beltway, an expanded bridge between Virginia and Maryland could require piers on the island's western edge. Trees would also have to be cut in that area to build a road for construction vehicles to access the bridge site over four to five years.

Plummerville Island is in the Potomac Gorge, between Great Falls and Georgetown. The gorge is home to hundreds of rare species, including the highest concentration of rare plants in Maryland, according to the National Park Service.

Moreover, the biologists say, its protection from development has provided a rare chance to do fieldwork nine miles from downtown Washington.

"When you think about the Washington area, there aren't many places that haven't been disturbed by humans," said Matthew Perry, a club member and emeritus scientist with the Patuxent Wildlife Research Center in Laurel.

Soreng said more than 400 scientific papers have emerged from Plummerville Island research. The most well-known study showed that many of the island's lichen species had died off and others had soaked up significantly more lead after the bridge was built, because of emissions from leaded gasoline used at the time.

... Club members have included legendary ornithologist Roger Tory Peterson; Gifford Pinchot, the first chief of the U.S. Forest Service; and Frederick Coville, who helped establish the National Arboretum.

"There's an extraordinary concentration of world-class biologists," said Bruce Stein, a club member and chief scientist for the National Wildlife Federation.

"Everything that's in there," Soreng said, "someone is recording."

Ralph Eckerlin, the club's president and a Northern Virginia Community College biology professor, said he worries about the birds, crickets, katydids and other species that rely on calling out to one another.

Pamela Goddard, a Mid-Atlantic specialist for the National Parks Conservation Association, said Plummerville Island must be spared as precious urban green space.

"The promise for national parks is that they'll be protected," Goddard said. "They're not here as land to be developed for a highway."

APPENDIX D: WBFC Comments on American Legion Bridge Construction and Expansion Impacts to Plummerville Island

Threats to Plummerville Island from American Legion Bridge Construction and Expansion (Submitted to the MDOT-SHA Strike Team, February 28, 2021 for the March 1 joint meeting with WBFC)

1. Damage to waterways:

- a. Potomac River shore: mud flats and sandbars are wetland features in the MDOT recalibrated (post the DEIS comments) Zone of Destruction.
- b. We don't know what the new and reconstructed bridge piers will do to flow along the river or channel, particularly if the point of rocks and Rock of Gibraltar (at the upper tip of the island) are destroyed or significantly altered. Sand bars and mud flat habitats could be substantially reduced for plants and animals that depend on these.
- c. The Island Channel (AKA "Rock Run Culvert"). The head of the channel down to the dog leg would not see daylight for years of construction. After which this part of the channel would be overshadowed by the 2 added lanes on the island side of the bridge. What are the consequences to waterways there and downstream?
- d. With the Channel covered by planking for the construction platform, high and mid-level floods will be redirected over those onto the island flood plain, potentially adversely affecting much of that flood plain.
- e. If sub-point d happens, all research plots in the flood plain could be substantially altered, (including vegetation plots 1, 3, 9, 10, 11, 12, and habitats for plants and animals)
- f. The "frog water" pools at the head of the island noted in the DEIS and circumscribed in subsequent documents are highly vulnerable to disturbance (vegetation plot 3 is in this zone).
- g. Zone of potential effects/disturbance uncertain, but estimated by DEIS to be 2/5 of the island. What is the MDOT plan for protecting this zone?
- h. Amphibians are in global and local decline due to pollution, diseases, ozone, and habitat destruction. Eleven species of amphibians are known from Plummerville Island (Manville 1968 and <https://collections.nmnh.si.edu/search/herps/>): *Acris crepitans*, northern cricket frog; *Hyla versicolor*, eastern gray treefrog; *Lithobates clamitans*, green tree frog; *Lithobates palustris*, pickerel frog; *Lithobates sylvaticus*, wood frog; *Pseudacris crucifer*, spring peeper; *Pseudacris feriarum*, upland chorus frog; *Ambystoma maculatum*, spotted salamander; *Eurycea longicauda longicauda*, long-tailed salamander; *Hemidactylium scutatum*, four-toed salamander; *Notophthalmus viridescens viridescens*, eastern newt; *Pseudotriton ruber*, northern red salamander.

2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of Plummerville Island within the Zone of Destruction:

- a. *Hibiscus laevis* (mud flats just below and above point of rocks)
- b. *Solidago racemosa* (point of rocks, below Rock of Gibraltar)
- c. *Hypericum prolificum* (point of rocks, below Rock of Gibraltar)
- d. *Paspalum fluitans* (mud flats just below and above point of rocks)
- e. other native plants rare on the island occurring only on west end in Zone of Destruction: e.g., *Sedum ternatum*. (on Rock of Gibraltar)
- f. Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEG006483). Non-tidal mudflats. Global/State Ranks: G3/SNR (Simmons et al. 2016)
- g. Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosa*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEG006491). Global/State Ranks: G2/S1.

3. Destruction of WBFC research plots:

- a. Vegetation research plots from 1997 and 2013-2015 will be destroyed (plots 4, 5, on the sandbar at the head of the island will be totally destroyed [see also sub-point 1e]), A historic National Park Service vegetation plot on the Potomac River sandbar could be destroyed.

4. Destruction of past collection sites:

- a. many plants and animals were vouchered or recorded from the west end of the island, some are only known on the island from there.

5. Habitat destruction and disturbance lead to more invasive organisms:

- a. the west end of the island is covered in a tangle of oriental bittersweet (first recorded from the island in 1982), and shrubs of amur honeysuckle (first recorded from the island in 1997), among many other invasive plants recorded there. Invasive species establishment and expansion will be sorely exacerbated by disturbance involved the construction process.

6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out.

Construction timbers potentially could rip out acres of trees and other vegetation in the island flood plain. Note 1: 51 out of the 100 recorded historic

Potomac River floods (over 9.4 ft at Little Falls Gauge, NOAA data) were recorded since the first bridge was built in 1962, 33 since the midsection of the bridge was filled in 1992, 1996 included 2 of the top 7 floods, and 2018 included 4 historic floods. In 2019 the island flood plain was inundated on and off for much of winter and spring. **Note 2:** Mather Gorge (Cohn 2004) is much narrower at the American Legion Bridge and Plummers Island than at Little Falls Gauge, so the high-water marks listed below substantially underestimate the peak flows at the

bridge and head of Island by as much as 7 ft (verified at the bridge side of the channel bend, March 25, 2021).

rank	height	ft	date			
				47	11.68 ft	4/18/2011
5	19.29	ft	1/21/1996	50	11.56 ft	12/17/2018
7	17.84	ft	9/8/1996	54	11.44 ft	9/21/2003
31	12.82	ft	3/15/2010	58	11.3 ft	5/20/2011
36	12.38	ft	6/5/2018	61	11.17 ft	1/27/2010
37	12.35	ft	3/6/1993	65	11.01 ft	9/29/2018
46	11.7	ft	5/18/2014	66	10.88 ft	3/12/2011
67	10.87	ft	12/12/2003	90	10.16 ft	3/25/1993
68	10.85	ft	9/11/2018	92	10.13 ft	1/29/1993
70	10.79	ft	3/22/1998	95	10.09 ft	11/29/1993
77	10.55	ft	4/18/1993	96	10.04 ft	5/13/2008
81	10.43	ft	1/10/1998	97	9.97 ft	9/23/2003
82	10.37	ft	3/30/1994	98	9.78 ft	9/9/2011
86	10.33	ft	10/31/2012	99	9.67 ft	5/6/2009
87	10.28	ft	3/30/2005	100	9.43 ft	4/17/2007

7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge:

- a. The noise factor cannot be ignored by humans or wildlife. Already the sound of traffic is disturbing to human conversation at our meeting place the WBFC Cabin grounds.

8. Salt and oil runoff impacts on biota from the bridge:

- a. This depends on where the outflow is drained from the bridge drainage scuppers (particularly at the bridge's low-point)
- b. The unintended consequences of that volume of road salts on freshwater ecosystems can be severe. A colleague is working on this very subject on area highways, and the impacts he found were surprisingly devastating. One of the worst impacts was mobilizing (and making bioavailable) toxic metals in waterways.

9. Violation of long-term continuity of 120 years of research (Perry 2007; Shetler et al. 2006):

- a. Lichen study on Plummers Island validated essentiality of long-term research contributing to national and global removal of Lead from gasoline: A drop from 70 species to 20 species due to sensitivity to Lead pollution on the island (Lawrey & Hale 1979).
- b. The decline of forest breeding birds on Plummers Island is related to the American Legion Bridge (Johnston & Winings 1987).

- c. Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, *Compsilura concinna*, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long history of research on insects of Plummers Island (**more than 3000** species documented there; Brown & Bahr 2008a,b), the island is a key place to further document this aspect of “insect apocalypse” (Jarvis 2018) assuming the island remains intact. Erwin (1981) and Brown (2001) have documented long-term trends in beetles and moths, respectively, with shifts in species composition related mainly to vegetation succession. The AL Bridge project puts WBFC Plummers Island research on trends in biodiversity in jeopardy.
- d. Bellwether issues of plagues, invasions and expansion of exotic species are expected to be exacerbated due to disturbance from construction – some examples of timing of introductions spread, and manifestations of infestations of plants animals, and diseases from around the region are recorded from Plummers Island (plant records from Shetler et al. 2006, WBFC Invasive Biota Committee reports 2015-2020), and <https://collections.nmnh.si.edu/search/botany/>)
 - i. arrival and expansion of garlic mustard (1915), now rampant
 - ii. arrival and expansion of tree of heaven (or hell) (1933), now 50+ trees
 - iii. arrival and expansion of Japanese honeysuckle (1949), now dominant
 - iv. arrival and expansion of Japanese stilt grass (1979), now locally dominant
 - v. arrival and expansion of oriental bittersweet (1982), now all over and covering trees
 - vi. arrival and expansion of amur honeysuckle (1997), now dominant on west end
 - vii. arrival and expansion of winter creeper (1997), now patchily established but potentially widespread.
 - viii. arrival and expansion of ivy (ca 2015), now patchily established but potentially widespread
 - ix. Emerald Ash Borer (EAB) arrival and expansion in 2015 and death of ash trees (2016), mass die off of ash trees, a major shift in forest climax community (Simmons et al. 2016)
 - x. fig buttercup arrival and expansion and expansion (3 plants 2017, 50 plants in 2019, 160 plants 2020), expanding exponentially

- xi. arrival and expansion of European and Asian earthworms, which rapidly consume forest detritus and restructure soils, upending soil ecological processes and networks of indigenous species adapted to them, favoring colonization and replacement by invasive species,
https://en.wikipedia.org/wiki/Invasive_earthworms_of_North_America
- xii. arrival and expansion of Asian clams (*Corbicula fluminea*), shells now abundant in sandy soils across the island (arrived in Ohio River Valley ca 1959, established in the Potomac River by 1982)
- xiii. Chestnut blight, was discovered in the USA in New York in 1904, arrived in Maryland by 1906, Chestnuts were historically on Plummers Island adjacent mainland, last documented in 1934, but considered extinct there by 1935. This once dominant species of the eastern deciduous forest was mostly wiped out within 50 years.
- xiv. Beech blight is coming. Popkin (2019) documents a deadly beech disease is spreading in the northeast USA. There is a mature beech forest on the mainland side of Plummers Island, near Lock 12. We will be watching for the blight here, unless the forest is cut down for the bridge construction.
- e. Research following climate change impacts to the ecosystems and organisms on Plummers Island will be conflated with issues involved with disturbance from bridge construction and emplacements.

References

- Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. *The Washington Post -HEALTH & SCIENCE* (2018-09-25).
- Brown, J. W. 2001. Species turnover in the Leafrollers (Lepidoptera: Tortricidae) of Plummers Island, Maryland: Assessing a century of inventory data. *Proceedings of the Entomological Society of Washington* 103(3): 673-685.
<https://www.biodiversitylibrary.org/bibliography/2510>
- Brown, J. W., & S. M. Bahr II. 2008a. The Insect (Insecta) Fauna of Plummers Island, Maryland: Brief Collecting History and Status of the Inventory. *Bulletin of the Biological Society of Washington* 15: 54-64. [http://dx.doi.org/10.2988/0097-0298\(2008\)15\[54:TIIFOP\]2.0.CO;2](http://dx.doi.org/10.2988/0097-0298(2008)15[54:TIIFOP]2.0.CO;2)
- Brown, J. W., & S. M. Bahr II. 2008b. Appendix List of the Invertebrates of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 192-226
[http://dx.doi.org/10.2988/0097-0298\(2008\)15\[192:ALOTIO\]2.0.CO;2](http://dx.doi.org/10.2988/0097-0298(2008)15[192:ALOTIO]2.0.CO;2)
- Brown, J. W., Epstein, M., Vann, K., Watkins, R., Bahr, S. M., Kolski, E. 2008. An overview of the Lepidoptera (Insecta) of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 65–74.
- Cohn, J.P. 2004. The Wildest Urban River: Potomac River Gorge. *BioScience*, Volume 54(1): 8–14, [https://doi.org/10.1641/0006-3568\(2004\)054\[0008:TWURPR\]2.0.CO;2](https://doi.org/10.1641/0006-3568(2004)054[0008:TWURPR]2.0.CO;2)

- Erwin, T. L. 1981. Natural History of Plummers Island, Maryland. XXVI. The ground beetles of a temperate forest site (Coleoptera: Carabidae): an analysis of fauna in relation to size, habitat selection, vagility, seasonality, and extinction. *Bulletin of the Biological Society of Washington* 5: 105-224.
- Hallmann, C. A., Sorg, M., Jongejans, E., Siepel, H., Hofland, N., Schwan, H., et al. 2017. More than 75 percent decline over 27 years in total flying insect biomass in protected areas. PLoS ONE 12 (10): e0185809. <https://doi.org/10.1371/journal.pone.0185809>
- Jarvis, B. 2018. The insect apocalypse is here: What does it mean for the rest of life on Earth? *The New York Times Magazine*, 27 November 2018, pp. 41–48.
- Johnston, W. H. & D.L. Winings. 1987. Natural History of Plummers Island, Maryland XXVII. The decline of forest breeding birds on Plummers Island, Maryland, and vicinity, by David W. Johnston and Daniel L. Winings. *Proceedings of the Biological Society of Washington* 100:762- 768. (December 31, 1987).
- Lawrey, J. D., M. E. Hale Jr. 1979. Lichen Growth Responses to Stress Induced by Automobile Exhaust Pollution. *Science* Vol. 204, Issue 4391, pp. 423-424 <https://dx.doi.org/10.1126/science.204.4391.423>
- Manville, R. H. 1968. Natural History of Plummers Island, Maryland XX. Annotated list of the vertebrates, by Richard H. Manville, except birds by Alexander Wetmore and Manville. Special Publication, Washington Biologists' Field Club, pp. 1-44. (January 1968.)
- Perry, M. C. (ed.) 2007. THE WASHINGTON BIOLOGISTS' FIELD CLUB: ITS MEMBERS AND ITS HISTORY (1900-2006). The Washington Biologists' Field Club, printed by The Maple Press Company, York Pennsylvania. Pdf available under the About dropdown as WBFC Book at https://WBFC.science/wp-content/uploads/2019/09/wbfc_booksm.pdf
- Popkin, G. 2019. A mysterious disease is striking American beech trees. *Science* Nov 14 2019 <https://dx.doi.org/10.1126/science.aba2201>
- Shetler, S. G., S. S. Orli, E. F. Wells & M. Beyersdorfer. 2006 CHECKLIST OF THE VASCULAR PLANTS OF PLUMMERS ISLAND, MARYLAND. *Bulletin of the Biological Society of Washington*, 14(1): 1-57 https://wbfc.science/wp-content/uploads/2020/07/Checklist_Vasc_Plants_Plummers.pdf
- Simmons, R.H, Fleming A.H., Soreng R.J. 2016. Natural Communities of Plummers Island, Montgomery County, Maryland. Appendix 6, pdf. available at https://wbfc.science/wp-content/uploads/2019/09/plummer_island_nc_map_v1.3.pdf
- Simmons R.H., Soreng R.J., Barrows E.M., Emmons L.H. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland. Report prepared for the National Parks Conservation Association, July 2020. Appendix 5, pdf. available at <https://WBFC.science>
- Vogel, G. 2017. Where have all the insects gone! *Science* 2 May 2017, Vol. 356, Issue 6338, pp. 576-579 <https://science.sciencemag.org/content/356/6338/576.full>

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202
Sent via electronic transmission: sarcher@mdot.maryland.gov

April 17, 2021

Mr. Archer:

Rock Creek Conservancy (the Conservancy) submits these comments on the I-495 and I-270 Managed Lanes Study - Draft Section 106 Programmatic Agreement (the Agreement) emphasizing the need for further analysis of runoff and downstream impacts in the Rock Creek watershed, and consideration for increased monitoring to mitigate impacts.

Rock Creek Conservancy is a non-profit organization based in Bethesda, Maryland, that restores Rock Creek and its parklands for all people to appreciate and protect, and annually engages more than 4,500 volunteers in people-powered restoration.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) recently updated the Area of Potential Effects (APE) for the Managed Lane Study (the MLS) by letter dated July 23, 2020. The update was prompted by the identification of potential stream and water quality mitigation sites in Maryland, and Maryland Historical Trust agreed with the APE revision on September 4, 2020. MDOT SHA conducted an archeological survey to evaluate the status of historic sites within the APE and any potential impacts on those sites.

The archeological survey conducted in accordance with Section 106 of the National Historic Preservation Act included a historic site with direct relationships to Rock Creek: Rock Creek Stream Valley, Units 2 and 3. The conclusion of MDOT SHA's Section 106 assessment is that none of Rock Creek Park's historic properties will be significantly impacted by the MLS. However, the Draft Environmental Impact Statement (DEIS) for the MLS notes that, in addition to the negative effects of permanent conversion of Rock Creek Stream Valley, Units 2 and 3, from parkland to highway/use for transportation, "construction impacts MAY also temporarily diminish the integrity of the setting and feeling of the property."

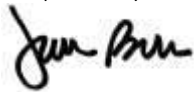
The setting and feeling of the property are not only integral to the historic value of Units 2 and 3, but to the value of the Rock Creek Valley Park system as a whole. The Maryland Historical Trust published a report in 2012 on the eligibility of Unit 2 as a historic site, and recommended its eligibility for the National Register of Historic Places specifically for its "association with the maintenance of the larger Rock Creek Park system." Units 2 and 3 are maintained holistically by Maryland-National Capital Park and Planning Commission along with the rest of the Rock Creek Stream Valley Park. The impacts to the historic value of individual portions of the Stream Valley Park must be considered as impacts to the Park as a whole.

Construction-related inputs into Rock Creek will ultimately impact the sites with historic value located along Rock Creek. The DEIS includes only rudimentary information about Rock Creek stream valley parks, Units 2 and 3, which are part of a National Register-eligible site, and does not consider the project's proximity impacts to parkland. These stream valley parks are part of the APE and were included in the Section 106 assessment, but were not deemed to be at risk for significant direct impacts from construction. The health of the land around Rock Creek is impacted by Rock Creek itself, so the impacts mentioned in the DEIS will have ramifications for historically designated areas that were not found to be at risk in the Section 106 assessment, due to the hydrology of Rock Creek. I urge MDOT SHA to give a more holistic review of the impacts on Rock Creek and how they will affect the proximally distant but nevertheless related historic value of the Stream Valley Parks.

Mitigation planning will help to avoid quantifiable and aesthetic impacts on downstream conditions in the Rock Creek watershed, such as environmental damage caused by increased impervious surface runoff and sedimentation from construction materials. Monitoring Rock Creek during and after construction to ensure there are no impacts to the creek, like siltation and erosion, which endanger infrastructure and historic buildings along Rock Creek both within the stream valley parks and further downstream, will be critical to identifying and responding to impacts. Considering the hydrologic factors of the area, I am asking MDOT SHA to consider the significance of heavy construction on the downstream portions of the Rock Creek watershed, and the historically significant sites located there, and include monitoring programs before, during, and after construction. Any impacts identified from monitoring will need to be mitigated to maintain the qualities of both the stream valley parks and the downstream historically designated places.

Preserving the health of Rock Creek and its historic sites is of utmost concern for the Conservancy and residents in Montgomery County who utilize the park space and activities offered by Rock Creek. There must be parallel studies of the impacts on Rock Creek and the impacts on historic sites located on Rock Creek, and how changes to one affects the other. Neglecting the nature of these relationships will cause further damage to the health of Rock Creek's environment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeanne Braha".

Jeanne Braha, Executive Director

Indian Spring Citizen Association comments on draft NHPA 106 Programmatic Agreement dated 4/12/21

On behalf of the Indian Spring Citizen Association, we thank you for reaching out to us as a consulting party and providing us an opportunity to play this role in this NHPA process. The following comments respond to your request for specific suggestions to improve the NHPA 106 Programmatic Agreement.

In draft 1 of the PA, MDOT SHA suggests the following mitigation:

E. Indian Springs Estates and Country Club

MDOT SHA, in consultation with the Silver Spring YMCA and other appropriate consulting parties, will prepare and fund interpretive materials describing developer Abraham Kay, the Jewish history of the club and development, and influential Jewish people in the DC suburbs during the 1940s and 50s, and seek a partnership with the Silver Spring YMCA or Montgomery County Parks to host and locate the materials where they are accessible to the public.

Comment: We appreciate your email confirming that ISCA is one of the consulting parties and provide the follow specific suggested test for this paragraph:

E. Indian Spring Estates and Country Club

MDOT SHA, in consultation with the Silver Spring YMCA, the Indian Spring Citizens Association (ISCA) and other appropriate consulting parties, will prepare and fund interpretive materials describing developer Abraham Kay, the Jewish history of the club and development, and influential Jewish people in the DC suburbs during the 1940s and 50s, and seek a partnership with the Silver Spring YMCA or Montgomery County Parks to host and locate the materials where they are accessible to the public.

MDOT SHA, in consultation with ISCA, will also cooperate with ISCA in adding interpretive materials describing this history of Indian Spring that preceded the development of the Indian Spring Estates and Country Club including the purchase of the land from the farmer on whose land there was an Indian Spring House as well as the prehistory or lore of visitation and use by Native Americans that inspired the name of the spring house, and the Indian Spring Estates and Country Club. Consistent with the “Criteria for Archaeological Potential” DEIS Appendix G Cultural Resources Technical

Indian Spring Citizen Association comments on draft NHPA 106 Programmatic Agreement dated 4/12/21

Report, Volume 2: Archaeological and Historic Architectural Gap Analysis and Assessment (2.3.2 Criteria for Archaeological Potential) will conduct excavation surveys within 500 feet of the creek and surrounding wetlands in Indian Spring Terrace Park that appear associated with Indian Spring that is reported to have been used by Native Americans in order to avoid or mitigate adverse effects to prehistoric resources as part of the planning for any excavation and construction of the highway between Coleville Road and University Boulevard, including but not limited to the noise barrier and storm water work.

STIPULATIONS

Under F. Concurring Parties/Public, G. Other Mitigation and Revisions to Mitigation Locations or under IV Consultation Regarding Project Development

[x] MDOT SHA shall consult with ISCA in the planning of any excavation, demolition, modification, building or rebuilding of the ramps and/or noise barriers for the Indian Spring community (south of the Beltway between Coleville Road and University Boulevard) this specifically includes the initial planning stage as well as consulting on design at the 30, 60, 90 and 100 percent design stages to develop context sensitive approaches. ISCA shall have a minimum of 30 days to review and comment. The scope of review shall include the avoidance or mitigation of adverse effects from direct and indirect impacts from proposed plans. The audio and visual effects are also within this scope of review of potential adverse effects.

VIII. Archaeological Treatment Plan

[x] Phase I survey within 500 feet of the stream/creek and wetlands associated with planned demolition, excavation, construction and reconstruction of the Indian Spring Country Club and Estates and associated Indian Spring Terrace Park.

X. Monitoring of Performance

A. FHWA and MD-DOT commit to an archaeological construction monitoring in accordance with the Monitoring and Reporting Plan to be developed prior to any excavation, demolition or construction in consultation with the Signatories and consulting parties.

Indian Spring Citizen Association comments on draft NHPA 106 Programmatic Agreement dated 4/12/21

XII. Other Post-Review Discoveries

- A. If, during implementation of the Undertaking, monitors or other Project personnel discover archaeological resources that have not been previously identified and assessed or witness that a known historic property previously determined to be eligible for listing on the National Register are going to be effected in a manner not previously documented shall result in a work stoppage so that the Signatories and appropriate consulting parties consult in regard to next steps to avoid or mitigate the effects consistent with the NHPA.

Appendix 3 Inadvertent Discovery Plan

- A. [corresponding change]

CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 -- Charter Member Montgomery County Civic Federation

April 12, 2021

Via Email

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

RE: Cabin John Citizens Association Comments Regarding the I-495/I-270 Managed Lane Study Draft Programmatic Agreement

Dear Mr. Archer:

On behalf of the 2,100 residents of Cabin John, Maryland, the Cabin John Citizens Association would like to provide the following comments on the Draft Programmatic Agreement (PA).

With our community borders defined by the Clara Barton Parkway and the C&O Canal on one side, I-495 itself on another side and the Cabin John Parkway completing the triangle in which we live, many of our concerns with respect to the PA mirror those of the National Park Service, the Friends of Moses Hall and the Maryland-National Capital Parking and Planning Commission.

Moses Hall and Cemetery and the Reinternment of Human Remains

The cemetery is the final resting place of a number of people who lived in Cabin John all their lives. Descendants of those buried there still call Cabin John home. In the early 2000s members of the community along with the Cabin John Citizens Association started a multi-year effort to preserve the cemetery. We have worked with renewed effort in recent years.

There is now strong evidence to suggest that there are a number of burials within the LOD, as well as within the current state right-of-way, and more may be identified as project planning continues. The Cabin John Citizens Association concurs with the comments to the first draft of the Section 106 Programmatic Agreement ("PA") from Friends of Moses Hall consulting party, most especially when it comes to all of its stipulations regarding human remains.

Furthermore, we concur with the Friends of Moses Hall that MDOT SHA should ensure it accounts for the environmental injustices attributed to the original highway construction and appropriately addresses and mitigates any and all adverse impacts to this site, as well as to the Gibson Grove (First Agape A.M.E. Zion Church) Church site, attributable to the Project.

Noise Barriers, Stormwater Mitigation and Limit of Disturbance (LOD)

As the current version of the MDOT I-495 and I-270 Managed Lane Study Interactive Map indicates the Limits of Disturbance to be -- at the very least -- to the border of the property lines of residential properties in Cabin John as well as the Moses Hall and Cemetery and the Gibson Grove Church sites.

Actual encroachment on to these two historic properties as well as the detrimental effects posed by stormwater runoff, loss of vegetation and other environmental impacts in conjunction with the Project are all adverse effects that are not adequately identified in the PA. This, in turn, makes the Design-Review process a critical component of collaborative mitigation.

We would like to see the stipulations for these two properties be rewritten to ensure there is ongoing consulting party collaboration regarding context-sensitive design of noise barriers as well as ongoing collaboration on minimizing and mitigating impacts to character-defining features and resources. Given the environmental vulnerability of the Moses Hall property in its current state and the reality that the Project will take years to complete, we would like the SHA to stipulate that stormwater runoff mitigations and noise barriers be put in place at the onset of the Project.

River Rd. and Cabin John Parkway Interchange Design

Elevated ramps in the vicinity of Moses Hall and Cemetery, the Gibson Grove Church and the Cabin John Valley Stream Park across Seven Locks Rd. from these two historic sites would be totally out of character with these historic sites, the parkland and the broader residential area of Cabin John.

We would like to see a stipulation that the SHA should require the pre-development contractor to reassess this interchange with the goal of developing new design alternatives that avoids a flyover or other aerial structures that cause adverse visual impacts affecting these historic properties.

The Clara Barton Parkway and the C&O Canal National Historic Park

When it comes to both of these historic entities, the draft PA is essentially incomprehensible as it is filled with placeholders apparently awaiting input from the National Park Service.

Cabin John homes abut both sides of the parkway and a stretch of the C&O Canal. The access road to the Clara Barton Parkway in Cabin John is **the only way** some 100 CJ homes can enter or exit the neighborhood. It is extremely important that the final design, the construction period and the new Clara Barton Parkway interchange take into account that hundreds of homes are adjacent to these historic sites.

Given the lack of information, it is imperative that the Cabin John Citizens Association be designated a property-specific consulting party with regard to the design-review process for both of these entities. With regard to the Clara Barton Parkway, we also ask the SHA stipulate that the contractor will protect trees and other vegetation outside the LOD, limit vegetation removal to the extent practicable and screen the parkway from bordering houses by planting new trees of a similar type replacing those removed during construction.

Progress Reports

The draft PA proposes written annual progress reports to concurring parties with a meeting to follow. This proposal is inadequate given the complexity of this project. The PA should stipulate that the SHA and the developer should provide written updates and meet with consulting parties at least quarterly during the pre-development period with an understanding that a mutually agreeable frequency will be established for information sharing during the construction period itself.

The Cabin John Citizens Association appreciates your consideration of our comments and proposed stipulations and we look forward to their incorporation into the next draft of the PA. WE are seeking Concurring Party status and look forward to continuing to provide input on subsequent PA drafts as well as throughout the design-review process.

Sincerely,

Susan Shipp
President, Cabin John Citizens Association

cc:

Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
State Sen. Susan Lee, Susan.lee@senate.state.md.us
Del. Ariana B. Kelly, Ariana.kelly@house.state.md.us
Del. Marc Korman, marc.korman@house.state.md.us
Del. Sara Love, Sara.love@house.state.md.us
Montgomery County Executive Marc Elrich, marc.elrich@montgomerycountymd.gov
Montgomery County Council President Tom Hucker,
Councilmember.Hucker@montgomerycountymd.gov
County Councilmembers:
Andrew Friedson, Councilmember.Friedson@montgomerycountymd.gov
Gabe Albornoz, Councilmember.Albornoz@montgomerycountymd.gov
Evan Glass, Councilmember.Glass@montgomerycountymd.gov
Will Jawando, Councilmember.Jawando@montgomerycountymd.gov
Hans Reimer, Councilmember.Reimer@montgomerycountymd.gov
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
Rebecca Ballo, Montgomery County Planning Department –
rebeccah.ballo@montgomeryplanning.org
Carol Rubin, M-NCPPC – carol.rubin@montgomeryplanning.org
Brian Crane, Montgomery County Planning Department –
brian.crane@montgomeryplanning.org



CARDEROCK SPRINGS
National Register of Historic Places

April 12, 2021

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I-270 Managed Lane Study Draft Programmatic Agreement

Dear Mr. Archer:

On behalf of the Carderock Springs Citizens Association, a community organization that represents Carderock Springs and Carderock Springs South, we appreciate the opportunity to provide comment on the Draft Programmatic Agreement (PA). Carderock Springs is designated as a National Historic District as a notable example of "situated modernism," and Carderock Springs South is designated as an eligible historic district.

We note and appreciate the stipulations identified for the Carderock Springs Historic District and recognize the attention that SHA has paid to the concerns that we raised in our previous comments. Based on our review of the initial draft of the Programmatic Agreement, we have identified eight substantive issues for the Carderock Springs Historic District that should be addressed in the next draft. We summarize these concerns below:

- **Effects Determination:** We disagree that a determination of effects cannot be made at this time. As we indicated in our comments last year, the *Cultural Resources Technical Report* acknowledged that the Project "may result in loss of tree and landscape buffer that could create a diminishment of the design and setting of contributing elements of the district" (Pg. 27). We believe that this loss, as well as any associated property impacts, *would* have an adverse effect on the Historic District. Trees are a character-defining feature of the Historic District. Their substantial removal would alter the visual character of the community, in addition to its bucolic setting. In the absence of any clear indication that tree loss or property impacts have been substantively avoided, we believe that a determination of adverse effect is appropriate.
- **Noise Barriers and Limit of Disturbance (LOD):** As the current version of the MDOT I-495 and I-270 Managed Lane Study Interactive Map indicates that the extent of the indicated Limits of Disturbance will be extended to the border of the property lines of many properties in Carderock Springs and Carderock Springs South, and that noise barriers are to be constructed at the edge of the indicated LOD, we are concerned about

whether the final design of the Project will maintain the actual LOD within the public right-of-way and still provide for tree preservation and placement of noise barriers along this right-of-way without encroachment onto private properties. Encroachment onto these properties would be further cause for a finding of an adverse effect. We note that there have been recent alternative proposals advanced on the location of the Project in order to mitigate the impacts on the Moses Hall Cemetery that appear to have the effect of shifting the roadway to the northwest from the location indicated on the interactive map published in June 2020. We believe that the Draft PA should be refined to better address the LOD and associated property impacts as potential mitigation.

- **Avoidance and Minimization:** We appreciate SHA's commitment to working with us to avoid any potential effect, as avoidance and minimization continue to remain the appropriate first steps and our priority. We would benefit from a clear understanding of the timeline of our work together to achieve such avoidance, given the upcoming pre-development work of the P3 Developer.
- **Treatment Plan:** As noted above, we believe that more work can and should be done to avoid and minimize potential effects. We do appreciate the inclusion of the Treatment Plan for potential mitigation, but we need greater clarity on the timing of the Treatment Plan in relation to the further development of the Project. When will the Plan be developed and what process will be available to work with SHA and the P3 Developer to refine and confirm approaches? This information should be included in the PA.
- **Addressing MD 190 and Cabin John Parkway Interchange Design:** We remain very concerned that the Project includes multiple flyover ramps connecting the proposed managed lanes with the MD 190/Cabin John Parkway interchange. These elevated ramps are out of character with the Carderock Springs Historic District and the broader residential (non-commercial) area and are a major driver of the effects to the historic resource. We continue to believe that these ramps are not needed to meet the Project's Purpose and Need as practicable alternatives to providing access exist that SHA is employing elsewhere on I-495. At-grade options, as proposed at Clara Barton Parkway, are most appropriate given the parkland and historic resource context of this area, as well. SHA should advance this modification as a meaningful way to avoid effects to the Historic District.
- **Operational Period Monitoring:** We note that, throughout the document, the Draft PA is largely silent on the operational period of the Project. While the construction period effects are meaningful, operational issues related to noise could have a meaningful long-term effect on Carderock Springs. While noise barriers should ameliorate this issue, ongoing noise monitoring near historic resources like Carderock Springs would be important to ensure that noise mitigation measures are effective and do not disrupt historic resources' bucolic setting.
- **Clarifying and Refining Timing:** As mentioned in part above, different dimensions of the timing of certain activities in the Draft PA should be clarified or refined:



- Meaningful coordination on avoidance, minimization, and potential treatment plans needs to occur during the Project design period, with a focus on the pre-development phase where Project elements can more easily be modified and refined. The Draft PA lacks any commitments related to timing for this coordination. Clear timelines should be provided.
- The frequency of meetings proposed in Section X is insufficient. Particularly during the upcoming pre-development period, SHA should meet with Consulting Parties far more frequently than annually. At a minimum, regular meetings with all Parties, perhaps monthly during the pre-development period and at least quarterly thereafter, in addition to the ad hoc meetings when required between individual Parties and SHA to resolve issues, should be the standard.
- The proposed duration of the PA is too long. While we appreciate SHA's effort to signal a commitment to long-term engagement, we believe that a shorter timeframe would force a focused consideration of the issues and an early evaluation of whether conditions have changed and how a renewed PA might be revised. We understand seven years to be a more traditional duration.
- **Dispute Resolution Procedures:** The Draft PA provides that in the event any disputes arise amongst the parties to the PA, the FHA will be the determining party to resolve such disputes. Given the role of the FHA as an advocate for this Project and the expertise that other parties to the agreement have in historic preservation, we believe that the party that is more appropriately situated to resolve such disputes is the Advisory Council on Historic Preservation. The model template programmatic agreement that the ACHP has posted on its website provides for the ACHP to be the determining party to resolve disputes.

Carderock Springs Citizens Association appreciates your consideration of these comments. We note that we are seeking Concurring Party status to remain an active and engaged participant through Project development. We will engage further with SHA on Concurring Party status during review of subsequent PA drafts.

We appreciate your consideration of these comments and look forward to their incorporation into the next draft of the PA.

Sincerely,


Jack Orrick
CSCA President



CARDEROCK SPRINGS
National Register of Historic Places

CC:

Governor Lawrence J. Hogan
Comptroller Peter V.R. Franchot
Treasurer Nancy Kopp
County Executive Marc Elrich
Councilmembers Andrew Friedson, Gabe Albornoz, Evan Glass, Will Jawando, and Hans Riemer
Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love
Carol Rubin, Maryland National Capital Park and Planning Commission
Rebecca Ballo, Montgomery County Planning Department
Elizabeth Hughes, Maryland Historic Trust
Beth Cole, Maryland Historic Trust
Tim Tamburrino, Maryland Historic Trust

Karen Hutchins-Keim

From: Eddie Bankhead <esbj@pobox.com>
Sent: Monday, April 12, 2021 11:10 PM
To: Steve Archer
Subject: Draft PA - Comments from First Agape AMEZ Church

April 12, 2021

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Good evening,

Thank you for your participation with us in protecting our church (First Agape AMEZ church at Gibson Grove) and other historic sites impacted by the beltway and its expansion for the I-495/I-270 Managed Lanes Study(Project).

We look forward to revisions of our church property's effect determination located at 7700 Seven Locks Road, as discussed during our April 6 meeting. We agree with Friends of Mosses Hall for the programmatic agreement to include a Design-Review provision[1]. As we work toward stabilizing and rebuilding our church, we wish to ensure our construction efforts do not conflict with the developer for the Managed Lanes project. We must have the means and mechanisms necessary to deconflict construction objectives and timing. We will continue to share our planning (Site work, design, and construction) of our stabilization and rebuilding projects with the state and the future developer. We seek to provide effective feedback to the developer as we continue to be stewards of our historic site.

Thank you for taking our comments. Your help in this matter is greatly appreciated.

In God We Trust,

--ES Bankhead jr.

Chair Trustee Board
First Agape AMEZ Church
7700 Seven Locks Road

Church web site :

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.1stagape.com%2F&data=04%7C01%7CSArcher%40mdot.maryland.gov%7Ce6cc4f89f1e241dfc81e08d8fe29bb07%7Cb38cd27c57ca4597be2822df43dd47f1%7C0%7C0%7C637538802480600624%7CUnknown%7CTWFpbGZsb3d8eyJWljoImMc4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=Zx6bV7FRHFleqQr5wVOIAT2ncwMQZPKZb42%2FJ2JMeOY%3D&r eserved=0>

Correspondence Address:
First Agape AMEZ Church
PO BOX 1016

Burtonsville MD 20866

[1] Friend of Mosses Hall email 4-12-2021 Subject:Draft PA - Comments from Friends of Moses Hall Consulting Party for Morningstar Moses Cemetery and Hall Site

To: Steve Archer <SArcher@mdot.maryland.gov> Attached document Title: FMH PA Draft Comments_FINAL.pdd, page 13 Section 25.



CARDEROCK SPRINGS

National Register of Historic Places

October 8, 2021

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 and I-270 Managed Lanes Study, Comments from CSCA about Section 106 Materials, letter to MHT and VDHR from State Highway Administration dated September 8, 2021 ("SHA Letter")

Dear Mr. Archer,

Thank you for the opportunity to provide you with our comments, as a Consulting Party to the NHPA Section 106 process, to the SHA letter referenced above, including the revision of the Area of Potential Effects (APE) and the updated Limits of Disturbance (LOD). It is our understanding that the Preferred Alternative represented in the current design is Alternative 9, which adds two HOT managed lanes in each direction to I-495 and I-270 in the current, reduced project area (Phase 1 South). This is consistent with the previous iteration of the design presented to us for the areas bordering the Carderock Springs Historic District (CSHD) and Carderock Springs South, although the APE and the LOD have shifted to minimize impacts on the Morningstar Tabernacle 88 Moses Hall and Cemetery and to incorporate changes due to the advancement of the design.

Consistent with our previous comments to the SHA, we request that the preferred alternative be modified so that only one lane be added to each side on I-495 to minimize negative impacts on our community and the adjacent Gibson Grove Church while continuing to minimize adverse effects on the Moses Hall Cemetery.

The currently introduced design includes an increase in impact on the CSHD from that indicated on the DEIS issued last fall due to the design refinements. These include design modifications at the Cabin John Parkway Interchange to minimize impacts to Morningstar Tabernacle No. 88 Moses Hall and Cemetery, resulting in shifting the centerline of I-495 towards the north (towards the CSHD) compared to existing conditions, as well as revisions to the locations of exchange ramps, construction of retaining and noise walls along the outer loop, and clearing and erosion and sediment control measures.

We disagree with SHA's determination that "the project will not adversely affect the Carderock Springs Historic District" and with SHA's statement that "these actions will not disturb the original topography and natural vegetation within Carderock Springs." Per SHA's letter, both physical effects and potential visual, atmospheric or audible effects within the APE were considered in this determination. SHA is also

requesting from the Maryland Historic Trust (MHT) that they concur with the “no adverse effects” determination for the Carderock Springs Historic District should the Preferred Alternative be selected and that they acknowledge FHWA’s intent to make a *de minimis* impact finding for the district. It is our understanding that a *de minimis* impact finding signifies that, after taking into account avoidance, minimization, mitigation and enhancement measures, no adverse effect to the activities, attributes or features of our historic site under Section 4(f) protection is found.

Physical Effects: It is noted in the letter that the Preferred Alternative would result in impacts of less than 0.1 acre of the Carderock Springs Historic District, including permanent and temporary impacts. This represents an increase from the no impact reported in the DEIS. Furthermore, it is stated that the LOD adjoining Carderock Springs Historic District will impact approximately 3.2 square feet of the rear yard at 7610 Hamilton Spring Road, a contributing resource within the district. Based on our review of Map 7 in Appendix D of the SDEIS, which contains the Environmental Resource Mapping, it appears that this impact occurs at 7608 Hamilton Spring Road, not at the adjacent property at 7610 Hamilton Spring Road. This should be verified and amended as appropriate and as needed in the Final EIS. This LOD impact is in part due to the shifting of the centerline of I-495 noted above in combination with the construction of the new noise barrier walls and the 10-foot offset of the LOD behind the proposed walls. While we consider the noise barrier walls an important part of this project if the Preferred Alternative moves forward, we still consider this physical effect to have a negative impact on the CSHD and specifically on the property at 7608 Hamilton Spring Road.

Visual and Audible Effects: The SHA letter states that “the proposed noise wall will further screen the district from visual and audible effects already present along I-495.” It is true that there are audible and visual effects already present at the properties bordering I-495, including numerous residences and the Carderock Springs Elementary School. There is a long history of noise levels that exceed the 66 dBA limits provided in the Noise Abatement Criteria (NAC) for Category B and Category C properties, resulting in letters to SHA and to our elected officials from affected residents, the Carderock Springs Citizens Association and the Carderock Springs Elementary School PTA Board requesting action to resolve these issues. These efforts date back to 1985 and have continued into the present with renewed energy every time the Beltway is widened or elevations are modified. Previous commitments to provide noise barriers following a 2001 SHA Sound Barrier Analysis fell through due to lack of funding. The results of that analysis showed noise levels reaching 80 dBA in properties adjoining the Beltway, and these noise levels still exist today. This is not an acceptable condition.

We have reviewed the proposed noise barrier information provided in the Supplemental Draft Environmental Impact Statement (SDEIS) Appendix E, the Noise Technical Report Addendum. Per this report, noise barriers that are typically 24 feet tall, but could reach 32 feet in some instances, are being proposed for the area that affects the CSHD and Carderock Springs South (NSA 1-03, NSA 1-04 and NSA 2-01). For the Preferred Alternative, estimated maximum noise levels were noted to be 78 dBA without noise barriers; these levels would be reduced to a maximum of 67 dBA with the proposed noise barriers. We agree that, should the Preferred Alternative, or any Alternative for that matter, move forward, that these noise barriers be included in the design to reduce the noise levels in the properties bordering the Beltway.

Regarding the visual effects of the Alternative 9, we do not agree that the proposed project does not have an adverse visual impact on the CSHD. As noted in the SHA letter, in addition to the CSHD's significance under Criterion A, it is also significant under Criterion C "for its distinctive examples of modernist houses in a carefully planned and landscaped development designed to have a 'natural' appearance by retaining most of the original vegetation and topography." This original vegetation includes large areas of mature trees, including in the areas bordering the Beltway. In addition to their contribution to the visual aesthetic and historic natural setting, the existing mature, tall trees also provide an additional measure of noise damping. The LOD includes a ten-foot offset behind the proposed noise wall, which will undoubtedly affect the mature trees that are either directly within the LOD or whose root systems extend into the LOD, and any other existing landscape buffer within the LOD.

We have not seen in any of the materials developed in connection the proposed I-495/I-270 Managed Lane Project, including the DEIS and the SDEIS, any specific information on the number and location of mature trees that are within the APE that will need to be removed. We believe that until a survey of the existing conditions of mature trees has been completed and an analysis of the number of trees that will need to be removed has been conducted the SHA cannot make a determination on the lack of visual impacts to the CSHD.

Our preferred course of action is to further limit the final width of the Beltway to minimize the impact on the historic landscape and mature trees in the CSHD. Where the landscape inevitably will be affected by the widening of the highway and the installation of the noise barriers, careful consideration should be given to the appropriate design for a noise barrier and the visual impact it will have on the area. Placing a tall barrier adjacent to our community's low-profile homes can impede the view and negatively impact the aesthetic dynamic. Additional discussions regarding potential mitigation of the visual impact of the noise barriers and the impact to the native vegetation will be an important part of the design process as it moves forward. This should include consideration of wall height, wall materials, and replacement of native vegetation and appropriate landscape elements to the foreground to reduce the barrier's visual impact. Please note that even replanting native trees adjacent to the noise walls will not immediately replace them due to the time it will take for their growth.

In addition to the visual effects from the noise barrier walls, we also understand that the current design incorporates fly-over ramps in several locations adjacent to the CSHD and Carderock South to allow traffic to access the managed lanes. While this design does not appear to have been presented in detail to date, we believe that these ramps will result in both a negative impact on the visual quality of our community due to their elevation and an increase in noise generated from the traffic utilizing these ramps, and recommend lowering the ramps, or allowing on-grade access to the managed lanes, to avoid both visual and audible negative impacts. It remains unknown what further impacts there may be from the placement of new signage for these entrance ramps, and their placement relative to the viewshed and property lines of the community and residential streets. Further information and consultation is requested as the project continues past the ROD so that CSHD will be consulted on these items to assess any as yet undefined visual impacts.

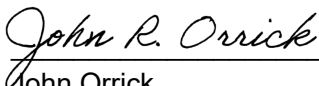
Atmospheric Effects: To date we have not seen a discussion of potential atmospheric effects, including air quality for the homes directly adjacent to the Beltway and at the Carderock Springs Elementary School. We request that air quality issues be addressed and discussed as part of the review process.

In summary, we contend that the project will adversely affect the Carderock Springs Historic District and disagree with SHA's statement that "these actions will not disturb the original topography and natural vegetation in Carderock Springs." In addition, we disagree with FHWA's intent to make a *de minimis* impact finding for the district for our historic site under Section 4(f) protection. We reiterate that the anticipated adverse effects will include property loss, loss of mature trees and landscape buffer, changes to the historic settings and feeling due to tree loss and highway encroachment, visual and sound impacts from the proposed fly-over ramps, and a potential increase in air pollution.

As part of the Programmatic Agreement, we request the following as a Consulting Party:

- to continue to search for creative design solutions that prioritize avoidance of adverse effects per Section 106, which would require no encroachment of the LOD on Carderock Springs Historic District, Carderock Springs South, Gibson Grove Church or Moses Hall and Cemetery, or adverse impacts on their visual and environmental qualities;
- that quarterly meetings be held to inform our communities of the status of the proposed project and any changes to the current design and to allow the community to voice concerns and ask questions;
- that we be a part of the design review process for the road, sound walls, and associated signage and lighting with the P3 partner, and be given the opportunity to provide formal comments in response to the proposed design at the 30% / 50% / 90% design phases; and
- that the Programmatic Agreement allow for continued consultation should any unexpected discoveries or changes to the design be found necessary within the portion of the APE adjacent to CSHD and Carderock South.

Thank you for consideration of these comments.



John Orrick

President, Carderock Springs Citizens Association

cc Elizabeth Hughes, State Historic Preservation Officer, Maryland Historical Trust
Julie Langan, State Historic Preservation Officer, Virginia Department of Historic Resources



FRIENDS OF MOSES HALL
The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated
7550 Seven Locks Road
Cabin John, MD 20818
morningstarmosescj@gmail.com
<https://www.friendsofmoseshall.org/>

October 8, 2021

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: Report on Geophysical Surveys and GPR Presentation

Dear Mr. Archer:

Thank you for the opportunity to review and comment on the Report on Geophysical Surveys and the GPR presentation developed by MDOT SHA. Friends of Moses Hall wish to again thank MDOT SHA for your reports and efforts to date.

Friends of Moses Hall particularly appreciates the GPR survey that was conducted, which sheds important light on the conditions at the cemetery. However, there are a number of concerns that we have with 1) the work completed and 2) SHA's resulting conclusion that burials have been "completely avoided." **We share the following comments:**

The GPR effort conducted does not appear to be complete. The tremendous volume of positive results should have resulted in a more thorough investigation of the area. We understand that incomplete bamboo removal and other physical obstacles prevented further GPR investigation in some locations; however, these problems can be undoubtedly addressed to allow for a more thorough investigation. It is appropriate practice in a GPR survey to cast a wider buffer than is apparent from this work. The investigation should have continued northward up to the edge of the highway, as well as extending further east and west. The fact that the investigation did not continue further northward precludes any determination that the graves have been "completely avoided." SHA simply did not give a hard or wide

enough look to prove that was the case. SHA's own study concludes that there is a notable possibility that graves were not captured by the GPR work thus far (pg. 13). These graves could be in highly sensitive areas quite close to the existing and potential future highway.

Therefore, on the basis of an incomplete GPR study, **it is imprudent for SHA to determine that the Preferred Alternative alignment completely avoids the cemetery.** In fact, the realization that SHA's understanding of this site has moved rapidly – from not incorporating it as a resource until Friends of Moses Hall's involvement, to identifying one potential burial in the ROW, to now identifying many – should give us substantial pause before declaring avoidance complete.

As a result, more GPR work should be done north, west, and east of the completed study limits, providing an appropriate buffer to what has been found to-date and deeply examining the most critical areas near the highway.

Additionally, the location of the limits of disturbance (LOD) in relation to the *known* burial sites raises substantial questions about physical avoidance. The updated LOD still appears to be immediately adjacent to a grave. As SHA's report acknowledges, GPR is imperfect. The entirety of the grave feature may not exactly correspond with the GPR findings. This risk is usually addressed by establishing a buffer, which does not appear to have been done for this LOD. Therefore, we remain concerned about physical impacts to burials.

To address this deficiency, **we strongly recommend that SHA establish both a buffer between graves and the LOD, as well as archaeological monitoring during construction.** In particular, we are extremely concerned about the impacts to graves that have already been affected by the establishment of ROW within the burial ground, and the Friends of Moses Hall needs to understand what will be done to protect these resources during construction.

As the previous point makes clear, the lack of any clear information about construction techniques also precludes any determination regarding physical avoidance. The sensitive nature of the site would require both an approach to construction itself and to monitoring that would ensure no physical impacts would occur. **SHA has not provided enough information about construction for the agency to claim physical avoidance nor for FMH to opine on the level of physical avoidance.**

With these comments, we request that SHA provide information on how they will address these meaningful limitations in the existing analysis. **This information is a prerequisite to any suggestion that physical effects to the site have been avoided.**

We appreciate your consideration of these comments.

Sincerely,

**FRIENDS OF MOSES HALL
The Board of Trustees of
Morningstar Tabernacle Number 88, Incorporated**

**Diane E. Baxter
President, Morningstar Tabernacle Number 88, Incorporated
Descendant**

Dr. Charles W. Harris
Vice President, Morningstar Tabernacle Number 88, Incorporated
Descendant

Eileen McGuckian
Secretary, Morningstar Tabernacle Number 88, Incorporated
Historian and President, Montgomery Preservation

Montgomery Crawford
Treasurer, Morningstar Tabernacle Number 88, Incorporated
Descendant

Alexandra Jones, PhD, RPA
Trustee, Morningstar Tabernacle Number 88, Incorporated
Executive Director and Founder, Archaeology in the Community

Austin E. White
Trustee, Morningstar Tabernacle Number 88, Incorporated
Descendant

Charlotte Troup Leighton
Trustee and Chair, Friends of Moses Hall Committee, Morningstar Tabernacle Number 88, Incorporated
Vice President of Advocacy, Cabin John Citizens Association

L. Paige Whitley
Chair, Research Committee, Morningstar Tabernacle Number 88, Incorporated
Independent Researcher

Sondra Raspberry
Descendant

Shannon S. Steward
Descendant

Christopher Waynes
Descendant

Austin White II
Descendant

Nathan White II
Descendant

Pandora White
Descendant

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
John Simkins, FHWA Virginia Division - john.simkins@dot.gov
Rebecca Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
Debra Borden, M-NCPPC – debra.borden@mncppc.org
Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
Sara Love, Maryland State Delegate – sara.love@house.state.md.us
Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Gerald Cichy, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
Gabe Albornoz, Montgomery County Councilmember - councilmember.albornoz@montgomerycountymd.gov
Andrew Friedson, Montgomery County Councilmember - councilmember.friedson@montgomerycountymd.gov
Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov



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The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated
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October 8, 2021

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 and I-270 Managed Lanes Study, Comments on Section 106 Materials, letter to MHT and VDHR dated September 8, 2021

Dear Mr. Archer:

Thank you for the opportunity to review and comment on the latest Section 106 materials, including the revision of the Area of Potential Effects (APE) and updated Limits of Disturbance (LOD). As a Consulting Party to the NHPA Section 106 process, in addition to our concerns about the GPR survey report findings, we wish to express our concerns about project design advancements that impact not only the Morningstar Tabernacle 88 Moses Cemetery and Hall, but adjacent historic properties, such as First Agape AME Zion Church (formerly Gibson Grove AME Zion Church) and the Carderock Springs Historic District.

While we appreciate design modifications that minimize impacts to Morningstar Tabernacle 88 Moses Cemetery and Hall, we object to SHA's "no adverse effect" determination for Carderock Springs Historic District. Additionally, we are deeply disturbed by the increased impacts to the historic First Agape AME Zion Church (Gibson Grove Church), which resulted in an "adverse effect" finding. The Gibson Grove Church property has suffered cumulative impacts from stormwater damage over many years due to the original I-495 Beltway construction. Instead of piling on, SHA must right past wrongs by minimizing impacts to the Gibson Grove Church property and by mitigating damage caused by poor stormwater management.

Additionally, SHA must minimize impacts to these historic areas by preserving most of the tree canopy and topography, constructing context sensitive noise barriers, preserving air quality, and minimizing visual impacts. These are sensitive areas with residential homes and historic resources within close proximity to the highway – all of which are adversely affected by this project.

We appreciate your consideration of these comments.

Sincerely,

FRIENDS OF MOSES HALL
The Board of Trustees of
Morningstar Tabernacle Number 88, Incorporated

Diane E. Baxter
President, Morningstar Tabernacle Number 88, Incorporated
Descendant

Dr. Charles W. Harris
Vice President, Morningstar Tabernacle Number 88, Incorporated
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Eileen McGuckian
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Historian and President, Montgomery Preservation

Montgomery Crawford
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Descendant

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Trustee, Morningstar Tabernacle Number 88, Incorporated
Executive Director and Founder, Archaeology in the Community

Austin E. White
Trustee, Morningstar Tabernacle Number 88, Incorporated
Descendant

Charlotte Troup Leighton
Trustee and Chair, Friends of Moses Hall Committee, Morningstar Tabernacle Number 88, Incorporated
Vice President of Advocacy, Cabin John Citizens Association

L. Paige Whitley
Chair, Research Committee, Morningstar Tabernacle Number 88, Incorporated
Independent Researcher

Sondra Raspberry
Descendant

Shannon S. Steward
Descendant

Christopher Waynes

Descendant

Austin White II

Descendant

Nathan White II

Descendant

Pandora White

Descendant

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
John Simkins, FHWA Virginia Division - john.simkins@dot.gov
Rebecca Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
Debra Borden, M-NCPPC – debra.borden@mncppc.org
Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
Sara Love, Maryland State Delegate – sara.love@house.state.md.us
Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Gerald Cichy, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
Gabe Albornoz, Montgomery County Councilmember - councilmember.albornoz@montgomerycountymd.gov
Andrew Friedson, Montgomery County Councilmember - councilmember.friedson@montgomerycountymd.gov
Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

I-495 & I-270 MLS Sept Materials Review- NPS

ID	Reviewer	Document	Page #/Section	Comment
	NPS-K.Smith (NHL Program All			I identified no potentially affected National Historic Landmarks in the revised APE.
	NPS-M.Joseph (GWMP)	Cover Letter	Page 4	Although the impacts to GWMP lands on the Virginia side of the project, may have been reduced from 7.8 acres to 4.4 acres, the impacts to the GWMP-Clara Barton Parkway have increased increase to 2.5 acres and are not enumerated in the cover letter. Recommend having George Washington Memorial Parkway - Virginia and Clara Barton Parkway - Maryland, as two separate entries on the table. They are shown as separate locations in SDEIS, even though they are managed by the GWMP.
	NPS-M.Joseph (GWMP)	Attachment 3 - Eligibility and Effect Tables	Table 6	



SIERRA CLUB

MARYLAND CHAPTER

Sierra Club Maryland Chapter

P.O. Box 278

Riverdale, MD 20738

(301) 277-7111

October 8, 2021

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

Jeanette Mar
Environmental Program Manager
Federal Highway Administration, Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore MD 21201

RE: SECTION 106 COMMENTS FOR THE I-495 & I-270 MANAGED LANES STUDY

Dear Mr. Archer and Ms. Mar,

We appreciate the opportunity to once again participate in the I-495/I-270 Managed Lanes Study (MLS) Section 106 process as a consulting party. Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization, and nationwide it has approximately 800,000 members. The Maryland Chapter has over 70,000 members and supporters, a large number of whom reside in communities likely to be impacted by the planned I-495 & I-270 Managed Lanes. Many historic areas and sites of importance to these members are in the path of the project and will experience adverse from it.

Further to our April 2021 comments, we write to you today with new concerns and requests regarding the historic sites of Plummers Island, Morningstar Tabernacle No. 88 Cemetery and Hall, and Gibson Grove A.M.E. Zion Church, and Cedar Lane Unitarian Universalist Church.

We continue to see the Programmatic Agreement approach for this project as inappropriate and inadequate, as it impermissibly defers and forecloses large measures to avoid impacts (such as project scope, number of new lanes, and road alignment) to historic properties, including Section 4(f)-protected historic properties. Please see our April comments in this regard.

It is worth noting, detailed identification and impact assessments of historic sites for all of the I-495 & I-270 MLS are required because the part left off was not officially designated "no build."

Before going into specific site comments, it also needs to be said that short and overlapping timing of three different comment periods for the I-495/I-270 Managed Lanes Study during a pandemic is contrary to reason and the principles of Section 106, which emphasize the importance of meaningful public participation. This timing does not allow consulting parties sufficient opportunity to

comment meaningfully on any one process. The 8,000+ page Supplemental Draft Impact Statement was published on October 1 with a 45-day comment period and a four-week Toll Rate Range Setting comment period was begun on the same day.

Today's October 8 deadline for the Section 106 process does not give time to reflect information from the SDEIS in these Section 106 comments.

We therefore request that the comment period for the Section 106 process be extended by one month beyond the point when the SDEIS comment period has closed so that those closely engaged in this process with the most at stake can reflect the most up to date information.

Our comments about specific sites follow:

Plummers Island: We are extremely concerned about severe adverse impacts that will occur to Plummers Island. We support the efforts by the Washington Biologists' Field Club ("WBFC") to protect Plummers Island, a National Register of Historic Places eligible site of great historical and ecological significance and ongoing long-term research.

As we said before, a context-sensitive design option for Plummers Island needs to be pursued for this area of unique concern that will experience serious adverse effects. The WBFC has proposed specific mitigation measures that should be considered in the Section 106 process. Avoidance measures should be identified now and not deferred to the design review consultations during the design-build process. Delaying identification of the location and boundaries of this site until after implementation of a Programmatic Agreement prevents consideration of the impacts to the site during alternative selection under NEPA and undermines discussion of potential mitigation measures for any adverse effects under Section 106.

Morningstar Tabernacle No. 88 Moses Hall and Cemetery: The new information on this site is extraordinary. The boundaries of the Moses Hall and Cemetery site need to be redrawn taking into account the new information found in the two studies. The NRHP eligibility designation form also needs to be updated to reflect the new information found in the study, including the hundreds of new graves located and their spacing and extent. We fully support the Friends of Moses Hall in their requests for additional mitigation measures.

Gibson Grove A.M.E. Zion Church: The changes in the planning of the highway has resulted in new and increased impacts on the historic Gibson Grove A.M.E. Zion Church. The church will experience dramatic loss of integrity under MDOT's new plan. This church has extraordinary historical significance, and there is no justification for increasing the LOD near it as excessively as has been done. In DEIS [Appendix F](#), page 26, Gibson Grove A.M.E. Zion Church is incorrectly listed as one of the "Section 4(f) Properties where there is no Use or Impact." on the 0.4 acre site. This assessment was incorrect then, and this adverse effect has now been magnified as reflected by the new plans in the SDEIS. MDOT's current actions are exacerbating a historic wrong to the Church, begun when the Church property was bisected by the original construction of the Beltway. Sarah Gibson, who gave her land for this church, is the Harriet Tubman of the Reconstruction Era who helped form the Gibson Grove community, and the impacts to the Church should be avoided to avoid environmental justice impacts as well. This is a grave historical error to harm the integrity of this site.

The new reports show graves in the church yard and other historical features. The boundaries of the Church need to be updated with the new information found in the reports shared as part of the Section 106 process. The NRHP eligibility form also needs to be updated with the new information and updated boundaries.

As we noted in prior comments, the Beltway runoff is likely why the Church was damaged by treefall in the first place, and this run-off will likely be exacerbated as a result of the project, posing a direct threat of damage to the historic structure. Any parking, staging, or construction on the church side of the road will adversely impact the church property. It will require infilling that dramatically changes the topography immediately adjacent to the church structure, which will have an adverse visual impact on the Church, detracting from the character and viewshed of the little white church on the hill. That no measures are being taken now to avoid, minimize, and mitigate adverse impacts to the Church is a major omission, as the adverse impacts to the site would be significant. Furthermore, as a place of worship, the site is highly sensitive to air quality and noise impacts, and the closer proximity of the highway to the Church will impair church activities, including the socializing and services and singing of hymns, which will no longer be able to occur in the ways that are needed for a church. There are many different dimensions of harm which the church will experience under MDOT's most recent plans. It also appears that there will be no space for congregants to park after MDOT has taken over all of this extra space, further harming the Church. The adverse impacts to the church site are exceptionally harmful and are certainly a very serious environmental injustice added to the historical injustice done in the building of the Beltway deliberately through the single Black settlement in the area.

Cedar Lane Unitarian Universalist Church: Cedar Lane Unitarian Universalist Church, which predates the Beltway, has a unique [architectural design](#) meant to blend with the environment. Designed by renowned architect Pietro Belluschi who designed the Julliard School building, Cedar Lane Unitarian Universalist Church should be considered for potential NRHP eligibility. This church is listed in the same table as the Gibson Grove A.M.E. Church, the table entitled: "Section 4(f) Properties where there is no Use or Impact". This church will be impacted. As was pointed out in DEIS testimony:

"Cedar Lane Unitarian Universalist Church would be greatly impacted by this project, although the DEIS chart lists it as "no impact". The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane's appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The noise level is already extremely high and would be higher with this project." (DEIS testimony of Montgomery County Faith Alliance for Climate Solutions, October 27, 2020)

In conclusion, without a complete understanding of the Project's full range of environmental effects, including harm to historic properties, there is no way that the Agencies can reasonably select a preferred alternative as required by NEPA or identify an alternative that avoids use of historic properties, parks, and recreation areas unless no other feasible and prudent alternative is available as required by Section 4(f).

The identification of those historic properties and the Project's potential effects on them must be completed at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed.

We look forward to an affirmative response to our request for an extension of the Section 106 comment period.

Thank you for the opportunity to comment on new information in the Section 106 process.

Josh Tulkin, State Director
Sierra Club Maryland Chapter

Comments on MDOT MLS Project Section 106 Materials provided 09/08/2021 by Steve Archer
Matt Virta, Cultural Resources Program Manager, NPS-GWMP for 10/08/21 Response

Archer letter of 09/08/21 includes on pp 2-3:

- 1) *“The APE for this project was previously defined as a 250-foot buffer of consideration on either side of the widest proposed build alternative’s LOD (Alternative 10) and included additional buffer areas at the American Legion Bridge and elsewhere to capture setting, feeling, and viewshed effects.” and “In Virginia, the revised APE generally follows the APE for the VDOT NEXT Project that was previously coordinated with VDHR, with some exceptions. The flyover ramps carrying managed lanes between the Capital Beltway and the George Washington Memorial Parkway have been eliminated. The revised APE includes a shared use path along the east side of I-495 in Virginia, across the American Legion Bridge to MacArthur Boulevard in Maryland.”*

In the MDOT/VDOT NPS Coordination Meeting of 09/30/21, the original flyover ramps were noted as being redesigned as stated but a possible need for other “flyover type” ramps was introduced and the shared use trail mentioned. These should be noted/described and possibly factored into a broader “buffer of consideration” for APE size and for viewshed impacts.

On page 5:

- 2) *“Additional minimization efforts at the GWMP include a new interchange configuration that pulls roadwork off the GWMP mainline within the park boundary, and a refined signing layout that limits ground disturbance to only those areas where signs will be removed or placed and where electrical conduit must be placed. The minimization efforts have succeeded in reducing impacts to the GWMP to 4.4 acres, a reduction of 7.8 acres compared to the DEIS Alternative 9.”*

In the MDOT/VDOT NPS Coordination Meeting of 09/30/21, there was stated a potential need for other signage to address latest ramp re-configurations. Additional signage possibilities should be noted/described and considered in APE size for impacts including viewshed.

On page 11:

- 3) *On “Site 44FX0381 is no longer impacted by the revised LOD, and MDOT SHA, on behalf of FHWA, finds that site 44FX0381 is no longer adversely affected. However, the remaining NRHP-eligible sites 44FX074, 44FX0379 and 44FX0389, and the Dead Run Ridges District (44FX3922) remain adversely affected, although the limits of disturbance have been minimized, and largely impact the margins of the affected sites.”*

Site 44FX0381 remains precariously close to impacts from project, and it and the other sites that still are “lesser impacted” by the LOD changes of the project should have physical barriers/protections (that do not contribute impacts on their own) from construction activities.

In attachments to letter:

4) *Attachment 1 Revised APE Corridor Map*

Archeological sites 44FX3160 (and 44FX3900) are not noted on mapping and, while they do not contribute to the NRHP Dead Run Ridges Archeological District for the purposes of Section 106 as historic properties (and 3900 is technically outside MDOT APE), their presence should be included because the NPS manages these sites as cultural resources and they are alarmingly close to/within LODs.



**National Trust *for*
Historic Preservation**
Save the past. Enrich the future.

October 8, 2021

Mr. Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

**Re: I-270 and I-495 Managed Lanes Study Section 106
Consultation – Response to Updated Section 106
Documentation**

To Mr. Archer:

The National Trust for Historic Preservation appreciates the opportunity to review the updated Section 106 documentation and revised Area of Potential Effects related to the I-270 and I-495 Managed Lanes Study, in particular the geophysical survey report generated for Morningstar Tabernacle No. 88 property and the Gibson Grove A.M.E. Zion Church.

We commend MDOT for pursuing the ground-penetrating radar (GPR) survey work on the Morningstar Tabernacle No. 88 property and the adjacent right-of-way, and for responding to the results of that survey by developing the option that avoids direct ground disturbance to the property and associated potential graves in a section of the adjacent right-of-way. Avoiding these areas significantly decreases the risk of impacting burial locations. Nonetheless, we appreciate and agree with the proposed determination that the Morningstar Tabernacle No. 88 property will still be adversely affected. We look forward to participating in the Section 106 consultation with the goal of seeking additional ways to avoid, minimize, and mitigate those adverse effects.

As MDOT and consulting parties consider further evaluation to assess and resolve the potential adverse effects to the cemetery, we strongly encourage MDOT to undertake additional non-invasive investigation in areas of the property and adjacent ROW that were not included in the previous GPR survey, in case additional potential graves may be found in these areas. We understand that lack of survey in these areas was due to obstacles; however,

obstacles such as bamboo stems, vegetation, fallen tree, and hay bales could be removed or temporarily relocated to allow additional study. Without additional study, our understanding of the footprint of the historic cemetery is incomplete, and direct adverse impacts to burial sites remains a serious risk.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra Parzen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kendra Parzen
Field Officer

A handwritten signature in black ink, appearing to read "Elizabeth Merritt". The signature is cursive and somewhat stylized.

Elizabeth S. Merritt
Deputy General Counsel

Washington Biologists' Field Club

October 8, 2021

Dear Mr. Archer,

We are writing you on behalf of the Washington Biologists' Field Club with regard to Plummers Island¹ and its associated channel and wetlands in response to the MDOT-SHA Section 106 letter of September 8, 2021 and including the email message from Mr. Archer entitled "I-495 and I-270 MLS Section 106 Materials, Comments Requested by October 8" and associated linked documents and attachments.

We frame our comments within the historical context of impacts to the long-term value of scientific research on Plummers Island and the biodiversity we have discovered there, and the quality of experience of the island, which are implicitly protected by recommendations for historical preservation of the place for future generations.

We remain highly concerned about the proposed I-495/I-270 and American Legion Bridge toll lane widening project and the significant, probable threats from bridge construction, operation, and maintenance to Plummers Island and its historic character, including its biota, and the century of intensive research activities that have taken place on the island. Since last writing and in line with our requests from [April 2021](#), the Washington Biologists' Field Club (WBFC) has been added as a Section 106 consulting party, been recognized as a site of historic significance with National Register of Historic Places (NRHP) eligibility independent of the C & O Canal National Historical Park. Some of the project's adverse effects on the WBFC have also been recognized. These steps are important but do not go nearly far enough to protect Plummers Island, which the Federal Government agreed in 1959 to protect in perpetuity as a site for long-term scientific research so long as the WBFC still exists as an incorporated entity. In order to ensure that the proposed project's impacts on Plummers Island receive adequate attention and consideration, we have several concerns and requests which will be detailed in the remainder of this comment letter.

As a reminder, Plummers Island is a small federally-owned island immediately downriver of the American Legion Bridge with unique historical, biological, and research value. Plummers Island is NRHP eligible "under Criterion A for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the club and as the meeting place for the club's collective membership of influential and accomplished scientists." The long-term, ongoing research value of Plummers Island is part of its NRHP eligibility. The I-495/I-270 project, which aims to nearly double the size of the American Legion Bridge, would have many adverse effects to the island's historic features and significance as a research site including:

¹ Montgomery County, Maryland, Potomac River, adjacent to the American Legion Bridge

1. Damage to waterways
2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the island within the Zone of Destruction
3. Destruction of WBFC research plots
4. Destruction of past collection sites
5. Habitat destruction and disturbance lead to more invasive organisms
6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out
7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge
8. Impacts on biota from salt, oil and other toxic runoff from the new bridge
9. Violation of long-term continuity of 120 years of research.

Plummers Island must be fully protected from the MDOT plan to expand the American Legion Bridge. The taking of Plummers Island lands by this project as well as the destructive proximity impacts are a violation of the agreement with the Federal Government signed in 1959 to protect the Island in perpetuity so long as the WBFC still existed as an incorporated entity. The damage proposed for the Island violates the very principal upon which the Federal Government signed the agreement with WBFC, that the value of the property was the historic nature of the long-term research on the biodiversity of the Island, which at that time exceeded 58 years with long-term goals. Now that research has extended to 120 years.

Yet, it appears that the most damaging project alternative has been selected and the necessary mitigations we discussed earlier in the year were ignored.² Plummers Island, far from being protected, will have most of the new bridge overhang, casting its rare, endangered, and threatened biota in shadow and increasing impacts of noise, runoff, and more. There is clearly a disconnect that the very process affirming that major historical and scientific research significance of the island. The plan seems to ignore the results of its own process, and the revised plan egregiously violates the historic and research integrity of the very property it is responsible for protecting.

1) Regarding the NRHP eligibility, we have the following requests:

- **The NRHP determination narrative should better contextualize Plummers Island in its unique location as highlighted below.** Plummers Island is located within the Potomac Gorge, which itself has unique and important features. This [publication](#) offers a suitable kind of description: “The 9,700-acre (3925.5 ha) Potomac Gorge project area (see map on inside front cover) is the 15-mile (21.4 km) river corridor from Great Falls to the Key Bridge, including parts of Maryland, Virginia, and the District of Columbia. It is in the midst of a major metropolitan region inhabited by over 4.5 million people (see Cohen, 2005). The Potomac Gorge is widely recognized as one of the most biologically rich areas in the eastern United States, with more than 400 known occurrences of 200 state or globally rare plant

² See Appendix B for more on our interactions with the MDOT Strike Team. (M: 12-46-2):

and animal species, and ten globally rare plant communities. The Gorge's unusual concentration of species diversity and rarity is the direct result of its unique hydrology, geology, and geomorphology. This wild and free-flowing section of the Potomac River is one of the most intact eastern Fall Zone river systems with an abundance of parkland not subject to the environmental pressures of residential or commercial development."

- **The NRHP determination narrative should recognize that the research sites within the WBFC are important contributing features.** Specifically, Plummers Island has had national and international significance and species not only rare but new to science continue to be found and studied there, as recently as 2014 ([Szlávecz et al, 2014](#)). It is worth recalling that the 1959 agreement between WBFC and the Federal Government states:
 - The said Plummers Island has become among systematic biologists one of the world's most famous collecting spots and type localities, and
 - The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and
 - The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and
 - The Washington Biologists' Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.
- **Correct inaccurate and misleading use of language related to Rock Run.** The Dovetail CRG report on the Maryland Historical Trust Determination of Eligibility Form continues the unprofessional practice of calling the channel separating Plummers Island from the mainland "Rock Run Culvert" (p. 1). This is an inaccurate and misleading name, mentioned in the DEIS, as the channel is neither a culvert nor is it any part of Rock Run (a nearby drainage with an outlet into the Potomac River about 1,000 ft. downstream from Plummers Island, and with its own real culvert passing under the C&O towpath just below Lock 11). The channel is a historical natural side stream of the Potomac River that prehistorically was more of a major river channel. When WBFC members reported this inaccurate name to the USGS and Board of Geographical Names, they fully agreed, and the name was removed from their listings (on or before 23 April 2021). The channel head has been displaced downstream about 40 feet (Soreng's estimate from a detailed 1950s topographical survey map and other observations), by ALB pier emplacements of 1960 and early 1990s, but the rest of the channel remains in its historical position from about 15 to 30 feet below the current channel head.

- 2) **We request that the understanding of the historic boundaries of Plummers Island be updated in all documentation pertaining to the project in light of the NRHP eligibility designation.** It is incorrect to say, "the majority of the historic features of the WBFC are outside the LOD." The entire island is NRHP eligible. Impacts to the

Western part of the island would be highly significant. The entire island is being used for research. Its associated channel and wetlands are, too. Encroaching on and over the island and placing piers on it is a direct adverse impact to one of the WBFC's most important and salient historic features: the long-term and ongoing use of the Island for research on the biodiversity of the Island.

3) We request that those involved with this project make greater efforts to understand and recognize the scale and irreversibility of the adverse impacts the proposed plan would have and prioritize avoidance and mitigation of impacts.

Appendix C contains some examples of impacts to promote better understanding. Additional impact concerns are detailed in Appendices D and E. It is WBFC's view that Plummers Island was not part (or sufficiently part of) of the American Legion Bridge alignment decision making, and WBFC was not weighted properly in making this decision. At that time, no one was even talking about Plummers Island as it had barely been mentioned in the DEIS and had not been recognized as a significant historic site at that time. Avoiding Plummers Island is possible, it has just not been prioritized in MDOT's process. See SDEIS, at pp. 4-14- and 4-15. **The adverse impacts to Plummers Island affect the research value of the island. That is to say, the adverse impacts impact the qualities and attributes of the site that make it historically significant.** By destroying the value of the island for research of rare plant, insect, and other life forms, the project would be destroying decades of research. A complete and accurate identification of the project's effects on these sites and attributes is needed.

4) More must be done to mitigate impacts. Moving the piers is not adequate mitigation. Documentation sent as part of the Section 106 process on September 8, 2021 shows some of the adverse impacts to Plummers Island and yet they are still underestimated. **Moving the piers, as proposed by MDOT (below) is not sufficient mitigation to address the full spectrum of mitigation.** Additional minimum mitigations measures that are needed are listed in Appendix F, including shifting the ALB's 4 new lanes to the upstream side, rather than dividing those between the up and downstream sides.

"The LOD adjoining Plummers Island along the American Legion Bridge will impact approximately 0.2 acre of the WBFC. This area is required for the bridge substructure, including permanent pier placement and construction activities.

Construction activities within the LOD at the WBFC may include excavation; demolition of the existing bridge foundation and piers; installation of proposed foundations, piers, or abutments; and slope protection. Access to the existing and proposed piers is required for these activities. Impacts were minimized by strategically locating the new piers near the existing piers such that a single access method could be used for demolition of the existing and construction of the proposed structures. However, some impact is unavoidable based on construction requirements and the structural requirements for pier locations.

Although the majority of the historic features of the WBFC are outside the LOD, the proposed construction activities at the western edge of Plummers Island will alter the natural landscape of the island, a character-defining feature of the WBFC, resulting in diminishment of the property's integrity of setting. MDOT State Highway Administration has determined the project will adversely affect the WBFC." (Sept 8, 2021 letter to Elizabeth Hughes and Julie Langan from Steve Archer for Julie M. Schablitsky, pages 7-8)

- 5) We have major concerns about damage from construction to the channel that separates Plummers Island from the mainland. More information needs to be provided to us about impacts to the channel as soon as possible. Some of the measures discussed for this sensitive area would exacerbate adverse effects.** We noted that on maps the LOD is marked on the land of the Island, while the channel itself is not identified as part of the WBFC are even with the area of potential effects. This channel is integral to the sustainability of the adjoining Plummers Island wetlands and floodplain. The channel and the Island's wetlands are Waters of the U.S. (WOTUS), thus requiring rigorous, protective oversight by the U.S. Army Corps of Engineers, Baltimore District. Yet, there is no discussion in the current plan of what MDOT plans to do with the channel, or with the wetlands along the Island's western perimeter. WBFC - and the National Park Service - consider the Island's emergent wetland perimeter to be part of the biodiverse whole, and since 1901 we have studied the biota of the wetlands and channel as an extension of the land above the official property waterline.

The MDOT Strike team indicated the original DEIS plan to fill in the "culvert" (channel) with spall for a construction platform has been modified. Now as we understand it MDOT intends to put planking of heavy timbers across the channel for a construction platform. This will have a serious adverse effect on the channel. With all the planned land-clearing and earth moving, and burning for construction ramps and the building of two new lanes on the downstream side of the ALB, there is no way MDOT can effectively protect the channel from excess accumulation of mud, rock, and other debris. This will adversely impact the water quality and wildlife of the channel and perimeter emergent wetlands of the Island in the short and long run. We have commented several times to MDOT that during the construction phase the elevated vulnerability of the Island and channel to damage from catastrophic flooding should be enhanced in construction plans. We have had no assurances on this front that adequate precautions will be taken to avoid damage in this time period. Catastrophic flooding could destroy much of the long-term, ongoing research value of Plummers Island, a part of the Island's NRHP eligibility. Further explanation of these concerns can be found in Appendix C.

- 6) WBFC has had and continues to have a significant and primary responsibility to maintain this island as a long-term research site high in biodiversity with minimal disturbance. It must be protected.** Under the Section 106 process, requests can be

made for mitigation measures. There is a direct use of the island for purposes of Section 4(f) and a significant adverse effect under Section 106. Avoidance and mitigation measures cannot be deferred until later, after the Final Environmental Impact Statement, after the Record of Decision, or after predevelopment. That is already too late. We require assurances at an administrative level that Plummers Island will be avoided and that the needed mitigation measures will be put in place after all avoidance options are exhausted.

Our mission is to protect the biodiversity of Plummers Island including its perimeter wetlands, our long-term research efforts, and the quality of the place as a whole for future generations. We need your attention, your understanding of the Island's value and sensitive ecology, and your support in this effort.

Respectfully,

Robert Soreng, President

Carla Dove, Vice President

Lowell Adams, Secretary

On behalf of the 88 members of the Washington Biologists' Field Club

Appendix A: Documentation of Experience with Strike Team

Two of the staff that have communicated with us have been professional and communicative with WBFC and led us to believe they have our best interests at heart. A MDOT-Strike Team asked WBFC to join them in a virtual video discussion in January of 2021. That hour long discussion considered our concerns documented by us as “Threats to Plummerville Island” (see <https://wbfc.science/plummerville-island-threatened/>) and discussed alternatives to the DEIS plans that might mitigate some damage to Plummerville Island. The initial minutes of that meeting produced by the Strike Team provided a cursory account that basically said the meeting had taken place. We protested those minutes, and a fuller account was submitted by the Strike Team, but to our knowledge our further suggestions for modifications to the minutes were not added.

In the following week after the MDOT Strike Team meeting of January of 2021, WBFC was invited to join the Section 106 process as a consulting party. We did not recognize that invite until March of that year because the initial offer made by MDOT was sent through a clogged email box of a secondary contact rather than through the WBFC leader of the discussions, and once unearthed was then misunderstood. While we were heartened to be acknowledged as a consulting party, this delay caused us serious consternation that could have been avoided. However, most of the deliberations and communications of the section 106 process have been in meetings between Agencies that we were not privy to attend or review.

At our request, the Section 106 process has led to Plummerville Island being recommended as a special historical place within the C & O Canal National Historical Park. We appreciate that MDOT hired a competent research company to study WBFC on Plummerville Island and to file the Maryland Historical Trust Determination of Eligibility Form (DOE). That Form and report were submitted to MDOT in June of 2021, and the Section 106 supervisory team accepted that company’s report (whether modified or not we do not know). The final report was sent to WBFC on 8 September 2021 and to the Maryland Historical Trust State Historic Trust Officer. The MDOT-SHA, Cultural Resources Team Leader, Mr. Archer, has answered multiple of our email questions in a prompt, professional and friendly manner, clarifying various aspects of the process and results. We believe that report represents a fair and unbiased, but brief, assessment of the history of the WBFC and some of its most prominent members.

The report notes that WBFC contributions to science are many and details a few, but does not go into depth. To investigate the deeper impacts of the WBFC, its membership on society, and its science on biodiversity of the Potomac Gorge, on local and national scales DoveTail would have to access the full WBFC archives, and do further research stemming from those files. The DoveTail report notes WBFC archives were accessed in June of 2021. While it is true that most scientific publications and many photographs have been digitized, and many are available on-line, we note that the actual archives are stored in the Department of Botany, at the Smithsonian Institution, and could not have been accessed at that time due to Covid-19, nor could they have been accessed without knowledge or permission of the WBFC Archivist. Our Archivist has indicated that there are many more documents and photographs in the Archives that have not been digitized.

MDOT “Strike Team” representatives misled us in the meeting of January 2021, when they said they could potentially limit construction access under the ALB to from the upstream side (west side). This is confusing as on p. 5 paragraph 2 (MLS_106_Sept_8_Letter_sig) they write that that construction access will only be from the west side, while the map of 1 September and other communications suggest that the access will be from the “north side,” which is both upstream and downstream through National Park land (i.e., nothing changed there). All this is disingenuous as in the building of the two east side lanes under Alternative 9, there is no way for them to not work on the east side of the bridge. The proposed solution of building the extra lanes only on the upstream side and other options presented to avoid damage to Plummers Island were rejected by the “stakeholders.”

We request the evidence that these options were seriously considered and the full accounting of the reasons for their rejection. The public, their representatives, consulting parties, agencies, and contractors are all stakeholders. And all stakeholders are equal but some stakeholders are more equal than others, it appears. The Supplemental Draft Environmental Impact Statement (pp. 4-14- and 4-15) gives the description of the decision-making about the bridge construction, but it still doesn’t explain how and to what extent Plummers Island was actually considered as a unique NRHP-eligible historical and important scientific research site within a national historical park.

In fact, WBFC was the prior owner of the NPS land on the downstream side of the ALB, now MDOT plans to turn that into a huge ramp to build the downstream lanes, if not to access the underside of the bridge and then to build it up and pave it over for new lanes.

MDOT, in the same January meeting, also said they could cantilever the bridge piers such that no piers would need to be placed on the island. That is not evident in the current MDOT plan. Moreover, they still plan to place a pier on the island.

The DEIS LOD on Plummers Island was crudely drawn, just a line across the head of the Island, with an additional 250-foot APE, extending to about 2/5ths of the Island. MDOT-SHA had Plummers Island LOD and APE zones surveyed in detail in the spring and summer of 2020 without consulting WBFC. Moreover, the survey team callously hacked down seven of the old age fringe trees on the island. The DEIS did not mention WBFC or consider the worth of 120 years of accounting and long-term research on the biota of Plummers Island by WBFC. Post the DEIS publication and comments period which ended in November of 2020, MDOT representatives keep saying in public comments, documents, and email messages to WBFC, that they had reduced the LOD on the Island significantly. Yet all they seem to have done in the current document (MLS_106_Sept_8_Att_1A_APE_Corridor_R, map 3) is draw a more precise but still-ragged LOD line of delineation. Map 3 also fails to capture lands in the NW corner of Plummers Island in Eligible / Listed, or Eligible – Pending SHPO Concurrence), and also fails in the same way to include the river front of Carderock section of the C & O National Historical Park upstream from the ALB. At one point this summer MDOT even publicized a map with no LOD line on the Island. We do not have faith that the LOD as currently mapped is more than a hollow public relations scheme to ward off complaints, or that it will even be adhered to if construction proceeds.

Appendix B: Views on the Project

From our (WBFC's) perspective, MDOT's selection of Alternative 9: Phase I South is the among the worst of the DEIS alternatives for it ignores and exacerbates climate change, puts the future of transit in the region in the reigns of a foreign conglomerate with a vested interest in opposing mass-transit options. Recent findings, detailed in [WTOP](#), the [Washington Post](#), and other media outlets, confirm what critics have been saying: that the whole freeway system is so backed up that adding capacity to a segment of I-495 is unlikely to result in long-term improvement to traffic flow. This undesirable alternative also has the most damaging impact on the Plummers Island scientific and historical site of the DEIS alternatives proposed.

From our perspective, the whole project was predicated on a need to rebuild the bridge in 10-15 years, when in fact the bridge is structurally sound and only requires redecking in 10 to 15 years.

From our perspective, reversing climate change requires doing things differently to reduce CO₂ output from personal vehicles, by adding mass transit alternatives and increasing people's reliance on telework, not to expand the current commuting status quo indefinitely.

From our perspective, adding 4 toll lanes to the ALB, is adding Luxury Lanes to keep those with deep pockets moving faster, while everyone else sits in congestion. And, as noted above, current [studies](#) using MWCOG traffic models confirm what critics have been saying: that the whole freeway system is so backed up that adding capacity to a segment of I-495 is unlikely to result in long-term improvement to traffic flow.

From our perspective, none of this achieves the goals of traffic improvement in the long-run. Recently published future congestion predictions tell us that within a decade after the project is completed (and noting there would be 10 years of miserable traffic during the construction project), in many places along the route and in the evening rush congestion would be no better that it is today. So, you get a 10-year window of viability of the project to reduce traffic ... and lots of damage to historical properties and more CO₂. There absolutely needs to be smarter thinking of how people and goods are moved.

The project has been falsely pushed as something that must be urgently approved and driven by a private company as part of a public-private partnership, because it is too costly to be done using state funds. Therefore, it is argued, it must be designed to be extensive enough to be lucrative for the private sector. Yet, this very day, Maryland is sitting on a \$5 billion dollar surplus of funds that could be used for transportation system improvements. *The Daily Record* reports on this in these articles: [Maryland's flush finances have some officials pushing for more borrowing](#) (Oct 4, 2021) and [Hogan takes combative stance over use of state's revenue windfall](#) (Oct 7, 2021).

Appendix C: Impact Concerns

On project maps, the limits of disturbance (LOD) is marked on the land of the Island, while the channel itself is not considered as integral to the sustainability of the adjoining Plummers Island wetlands and floodplain. The channel and the Island's wetlands are Waters of the U.S. (WOTUS), thus requiring rigorous, protective oversight by the U.S. Army Corps of Engineers, Baltimore District. Yet, there is no discussion in the current plan of what MDOT plans to do with the channel, or with the wetlands along the Island's western perimeter. WBFC - and the National Park Service - consider the Island's emergent wetland perimeter to be part of the biodiverse whole, and since 1901 we have studied the biota of the wetlands and channel as an extension of the land above the official property waterline. The MDOT Strike team indicated the original DEIS plan to fill in the "culvert" (channel) with spall for a construction platform has been modified. Now as we understand it MDOT intends to put planking of heavy timbers across the channel for a construction platform. Where is NEPA in this?

With all the planned land-clearing and earth moving, and burning for construction ramps and the building of two new lanes on the downstream side of the ALB, there is no way MDOT can effectively protect the channel from excess accumulation of mud, rock, and other debris. This will adversely impact the water quality and wildlife of the channel and perimeter emergent wetlands of the Island in the short and long run. We have commented several times to MDOT that during the construction phase the elevated vulnerability of the Island and channel to damage from catastrophic flooding should be enhanced in construction plans. We have had no assurances on this front that adequate precautions will be taken to avoid damage in this time period. Due to Climate Change, the NOAA Atlas 14 used in preparation of the DEIS, is well out-of-date for frequency and intensity of massive floods. So-called hundred-year floods in Atlas 14 Volume 2, Revision 3 (2006) are now 5-10-year events, and two such events occurred in the last 12 years.

Moreover, the DEIS planned their construction activities around flood levels recorded at Little Falls Gauging station 3 miles downstream from the ALB and in a wide section of the Potomac River. The flood levels at the ALB, situated in the narrows of Mather Gorge, are 7 feet higher than posted at Little Falls (Soreng observation, January 2021, photo documented). From our perspective what they need to do in the construction period, is build a flood protection wall on upstream side of the ALB that will withstand extreme floods. If this is not done all the heavy timber planking used to cover the channel for a construction platform could blow out in a high flood, and then wash across the Island along with other construction mud and debris, with catastrophic consequences.

Additionally, the LOD boundaries exclude the rocks at the head of the island situated in the Potomac River, which are connected to the Island except in flood stages and which harbor the highly rare Natural Community: Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosus*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEG006491).

Global/State Ranks: G2/S1. (Simmons et al., 2016, 2020). These rocks bear the only significant and sustainable population of this community on Plummers Island.

These rocks also protect and produce the rare Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEGL006483). Non-tidal mudflats. Global/State Ranks: G3/SNR. These communities occur downstream along the perimeter of Plummers Island and along the channel, and again are of small actual area on the Island such that any loss is a big loss to Plummers Island biodiversity.

MDOT representatives indicated that they considered our suggestion that the addition of 4 new lanes to the ALB could be made to the upstream side, rather than dividing those between the up and downstream sides. However, nothing changed their Alternative 9: Phase 1 South plan for two toll lanes on each side (in fact the bridge will have three lane widths added per direction!). These three additional lane widths on the downstream side would overshadow the Island by at least 20 ft. On top of this, MDOT's engineers ungraciously amended the Alternative 9 plans by placing a bike and foot traffic lane (requested by various consulting parties and DEIS comments) to the downstream side to further overshadow the Island.

Much of what we have discussed above relates to construction effects. However, there are myriad negative future effects to be concerned about.

Several rare plant species exist on the head of the Island adjacent to emergent perimeter wetlands. Their habitats will be utterly destroyed by the extended ALB lane overhang and emplacement of a pier on the Island. **This unnecessary “taking” of public lands and rare species cannot be mitigated with surveys, plant rescues/relocations, or other such measures. It will simply be forever lost. Moreover, there is no comparable occurrence of these rare species and habitats on the northwest side of the ALB.**

The noise in Plummers Island from the ALB, already injurious and distracting, will be exacerbated by the displacement of heavy vehicle traffic to the outermost lanes overhanging the Island, causing persistent and significant injury to the communications of native animals, human communications, and seriously impacting the quality of experience of the natural wild lands. We have discussed sound barriers and decking surfacing to reduce noise with MDOT representatives. However, we see nothing in the current document to address this.

WBFC has not found any MDOT plans to alter drainage to the channel or Plummers Island from the ALB in stormwater management (SWM) plans (Attachment 4 MLS Compensatory Stormwater Management Sites, September 2021). The low point on the ALB is just above the dogleg in the channel, and bridge scuppers drain the toxic runoff from there into the channel, further impacting and endangering the biota of the emergent wetlands and aquatic species. WBFC noted this problem in our DEIS comments and our Threats to Plummers Island document sent to MDOT and other organizations and agencies in early 2021.

Appendix D: Endangered, Threatened, and Rare Species on Plummers Island

The species on Plummers Island, including endangered, threatened, and rare species, have been studied since 1901. They are part of the island's historic and ongoing research value. Current awareness of and attention to their protection in the state's DEIS process has been inadequate.

Plummers Island has numerous state endangered, threatened, and rare species. Plummers Island has three extant endangered plants that have been considered endangered in Maryland for [many years](#) and were mentioned as endangered in the I-495/I-270 Managed Lanes DEIS, [Appendix R of Appendix L](#), page 1. These state endangered plants are:

1. Coville's Phacelia (*Phacelia covillei*)
2. Horse-tail Paspalum (*Paspalum fluitans*)
3. Pale Dock (*Rumex altissimus*)

Curiously in [March 2021](#), Maryland DNR downgraded two of those species (Coville's Phacelia and Horse-tail Paspalum) from endangered to threatened although their status, if anything, is more imperiled by the planned widening of the ALB. On what basis could these species have been downgraded? The WBFC cannot agree with this change without compelling evidence.

The above list of three state RTE plant species is not complete or exhaustive (see Simmons et al. 2020); there are additional Maryland RTE plants on the island, such as Smooth Rose Mallow (*Hibiscus laevis*) which is a rare plant of concern; Pink Valerian (*Valeriana pauciflora*) which is endangered; Leatherwood (*Dirca palustris*) which is threatened; and Sticky Goldenrod (*Solidago racemosa*) which is threatened and part of a rare natural community. There are also several grass and sedge species including Flat-spiked Sedge (*Carex planispicata*) and Open-flower Panic Grass (*Dichanthelium laxiflorum*). Other rare species include Ostrich Fern (*Matteuccia struthiopteris*) and Smooth Wild-petunia (*Ruellia strepens*).

RTE animals that live on or utilize the island include Eastern Small-footed Myotis (state endangered) and Northern Long Eared Bat (state threatened/US threatened). We can provide recent inventories of species on Plummers Island upon request.

The Endangered Species Act protects both federally listed endangered species and those species deemed endangered, threatened, or in need of conservation within the state, based on habitat and conservation factors. At the state level, threatened and endangered species are regulated under the Maryland Non-game and Endangered Species Act (Annotated Code of Maryland 10-2A-01).

Excerpts from a December 2020 *Washington Post* article by Katherine Shaver tell more of the story:

Tucked below the American Legion Bridge on the Maryland side of the Potomac River ... Plummers Island, ... "the most thoroughly studied island in North America."

For nearly 120 years, the 12-acre patch of rock and woods has been home to the Washington Biologists' Field Club. Its 85 botanists, entomologists, ornithologists and other scientists have spent decades scrutinizing the island's thousands of species of plants, insects and wildlife.

Robert Soreng, the club's vice president and a botanist at the Smithsonian National Museum of Natural History, said Plummers Island provides a critical research site because of its remarkable biodiversity and protected status under the National Park Service. Studying the same wilderness since 1901, he said, has revealed how nature responds to human development, climate change, invasive species and other changes.

"This is incredibly valuable for studying long-term trends," Soreng said. "We know more about what's there than in any other place."

But Soreng and other scientists say the island's research value is in danger of being lost to a new, wider American Legion Bridge. Under a plan by Maryland Gov. Larry Hogan (R) to relieve traffic congestion on the Capital Beltway, an expanded bridge between Virginia and Maryland could require piers on the island's western edge. Trees would also have to be cut in that area to build a road for construction vehicles to access the bridge site over four to five years.

Plummers Island is in the Potomac Gorge, between Great Falls and Georgetown. The gorge is home to hundreds of rare species, including the highest concentration of rare plants in Maryland, according to the National Park Service.

Moreover, the biologists say, its protection from development has provided a rare chance to do fieldwork nine miles from downtown Washington.

"When you think about the Washington area, there aren't many places that haven't been disturbed by humans," said Matthew Perry, a club member and emeritus scientist with the Patuxent Wildlife Research Center in Laurel.

Soreng said more than 400 scientific papers have emerged from Plummers Island research. The most well-known study showed that many of the island's lichen species had died off and others had soaked up significantly more lead after the bridge was built, because of emissions from leaded gasoline used at the time.

... Club members have included legendary ornithologist Roger Tory Peterson; Gifford Pinchot, the first chief of the U.S. Forest Service; and Frederick Coville, who helped establish the National Arboretum.

"There's an extraordinary concentration of world-class biologists," said Bruce Stein, a club member and chief scientist for the National Wildlife Federation.

"Everything that's in there," Soreng said, "someone is recording."

Ralph Eckerlin, the club's president and a Northern Virginia Community College biology professor, said he worries about the birds, crickets, katydids and other species that rely on calling out to one another.

Pamela Goddard, a Mid-Atlantic specialist for the National Parks Conservation Association, said Plummers Island must be spared as precious urban green space.

"The promise for national parks is that they'll be protected," Goddard said. "They're not here as land to be developed for a highway."

APPENDIX E: April 2021 WBFC Comments on American Legion Bridge Construction and Expansion Impacts to Plummerville Island

Threats to Plummerville Island from American Legion Bridge Construction and Expansion (Submitted to the MDOT-SHA Strike Team, February 28, 2021 for the March 1 joint meeting with WBFC)

1. Damage to waterways:

- a. Potomac River shore: mud flats and sandbars are wetland features in the MDOT recalibrated (post the DEIS comments) Zone of Destruction.
- b. We don't know what the new and reconstructed bridge piers will do to flow along the river or channel, particularly if the point of rocks and Rock of Gibraltar (at the upper tip of the island) are destroyed or significantly altered. Sand bars and mud flat habitats could be substantially reduced for plants and animals that depend on these.
- c. The Island Channel (AKA "Rock Run Culvert"). The head of the channel down to the dog leg would not see daylight for years of construction. After which this part of the channel would be overshadowed by the 2 added lanes on the island side of the bridge. What are the consequences to waterways there and downstream?
- d. With the Channel covered by planking for the construction platform, high and mid-level floods will be redirected over those onto the island flood plain, potentially adversely affecting much of that flood plain.
- e. If sub-point d happens, all research plots in the flood plain could be substantially altered, (including vegetation plots 1, 3, 9, 10, 11, 12, and habitats for plants and animals)
- f. The "frog water" pools at the head of the island noted in the DEIS and circumscribed in subsequent documents are highly vulnerable to disturbance (vegetation plot 3 is in this zone).
- g. Zone of potential effects/disturbance uncertain, but estimated by DEIS to be 2/5 of the island. What is the MDOT plan for protecting this zone?
- h. Amphibians are in global and local decline due to pollution, diseases, ozone, and habitat destruction. Eleven species of amphibians are known from Plummerville Island (Manville 1968 and <https://collections.nmnh.si.edu/search/herps/>): *Acris crepitans*, northern cricket frog; *Hyla versicolor*, eastern gray treefrog; *Lithobates clamitans*, green tree frog; *Lithobates palustris*, pickerel frog; *Lithobates sylvaticus*, wood frog; *Pseudacris crucifer*, spring peeper; *Pseudacris feriarum*, upland chorus frog; *Ambystoma maculatum*, spotted salamander; *Eurycea longicauda longicauda*, long-tailed salamander; *Hemidactylium scutatum*, four-toed salamander; *Notophthalmus viridescens viridescens*, eastern newt; *Pseudotriton ruber*, northern red salamander.

2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of Plummerville Island within the Zone of Destruction:

- a. *Hibiscus laevis* (mud flats just below and above point of rocks)
- b. *Solidago racemosa* (point of rocks, below Rock of Gibraltar)
- c. *Hypericum prolificum* (point of rocks, below Rock of Gibraltar)
- d. *Paspalum fluitans* (mud flats just below and above point of rocks)
- e. other native plants rare on the island occurring only on west end in Zone of Destruction: e.g., *Sedum ternatum*. (on Rock of Gibraltar)
- f. Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEGL006483). Non-tidal mudflats. Global/State Ranks: G3/SNR (Simmons et al. 2016)
- g. Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosa*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEGL006491). Global/State Ranks: G2/S1.

3. Destruction of WBFC research plots:

- a. Vegetation research plots from 1997 and 2013-2015 will be destroyed (plots 4, 5, on the sandbar at the head of the island will be totally destroyed [see also sub-point 1e]), A historic National Park Service vegetation plot on the Potomac River sandbar could be destroyed.

4. Destruction of past collection sites:

- a. many plants and animals were vouchered or recorded from the west end of the island, some are only known on the island from there.

5. Habitat destruction and disturbance lead to more invasive organisms:

- a. the west end of the island is covered in a tangle of oriental bittersweet (first recorded from the island in 1982), and shrubs of amur honeysuckle (first recorded from the island in 1997), among many other invasive plants recorded there. Invasive species establishment and expansion will be sorely exacerbated by disturbance involved the construction process.

6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out.

Construction timbers potentially could rip out acres of trees and other vegetation in the island flood plain. Note 1: 51 out of the 100 recorded historic

Potomac River floods (over 9.4 ft at Little Falls Gauge, NOAA data) were recorded since the first bridge was built in 1962, 33 since the midsection of the bridge was filled in 1992, 1996 included 2 of the top 7 floods, and 2018 included 4 historic floods. In 2019 the island flood plain was inundated on and off for much of winter and spring. **Note 2:** Mather Gorge (Cohn 2004) is much narrower at the American Legion Bridge and Plummers Island than at Little Falls Gauge, so the high-water marks listed below substantially underestimate the peak flows at the

bridge and head of Island by as much as 7 ft (verified at the bridge side of the channel bend, March 25, 2021).

rank	height	ft	date			
				47	11.68 ft	4/18/2011
5	19.29	ft	1/21/1996	50	11.56 ft	12/17/2018
7	17.84	ft	9/8/1996	54	11.44 ft	9/21/2003
31	12.82	ft	3/15/2010	58	11.3 ft	5/20/2011
36	12.38	ft	6/5/2018	61	11.17 ft	1/27/2010
37	12.35	ft	3/6/1993	65	11.01 ft	9/29/2018
46	11.7	ft	5/18/2014	66	10.88 ft	3/12/2011
67	10.87	ft	12/12/2003	90	10.16 ft	3/25/1993
68	10.85	ft	9/11/2018	92	10.13 ft	1/29/1993
70	10.79	ft	3/22/1998	95	10.09 ft	11/29/1993
77	10.55	ft	4/18/1993	96	10.04 ft	5/13/2008
81	10.43	ft	1/10/1998	97	9.97 ft	9/23/2003
82	10.37	ft	3/30/1994	98	9.78 ft	9/9/2011
86	10.33	ft	10/31/2012	99	9.67 ft	5/6/2009
87	10.28	ft	3/30/2005	100	9.43 ft	4/17/2007

7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge:

- a. The noise factor cannot be ignored by humans or wildlife. Already the sound of traffic is disturbing to human conversation at our meeting place the WBFC Cabin grounds.

8. Salt and oil runoff impacts on biota from the bridge:

- a. This depends on where the outflow is drained from the bridge drainage scuppers (particularly at the bridge's low-point)
- b. The unintended consequences of that volume of road salts on freshwater ecosystems can be severe. A colleague is working on this very subject on area highways, and the impacts he found were surprisingly devastating. One of the worst impacts was mobilizing (and making bioavailable) toxic metals in waterways.

9. Violation of long-term continuity of 120 years of research (Perry 2007; Shetler et al. 2006):

- a. Lichen study on Plummers Island validated essentiality of long-term research contributing to national and global removal of Lead from gasoline: A drop from 70 species to 20 species due to sensitivity to Lead pollution on the island (Lawrey & Hale 1979).
- b. The decline of forest breeding birds on Plummers Island is related to the American Legion Bridge (Johnston & Winings 1987).

- c. Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, *Compsilura concinna*, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long history of research on insects of Plummers Island (**more than 3000** species documented there; Brown & Bahr 2008a,b), the island is a key place to further document this aspect of "insect apocalypse" (Jarvis 2018) assuming the island remains intact. Erwin (1981) and Brown (2001) have documented long-term trends in beetles and moths, respectively, with shifts in species composition related mainly to vegetation succession. The AL Bridge project puts WBFC Plummers Island research on trends in biodiversity in jeopardy.
- d. Bellwether issues of plagues, invasions and expansion of exotic species are expected to be exacerbated due to disturbance from construction – some examples of timing of introductions spread, and manifestations of infestations of plants animals, and diseases from around the region are recorded from Plummers Island (plant records from Shetler et al. 2006, WBFC Invasive Biota Committee reports 2015-2020), and <https://collections.nmnh.si.edu/search/botany/>)
 - i. arrival and expansion of garlic mustard (1915), now rampant
 - ii. arrival and expansion of tree of heaven (or hell) (1933), now 50+ trees
 - iii. arrival and expansion of Japanese honeysuckle (1949), now dominant
 - iv. arrival and expansion of Japanese stilt grass (1979), now locally dominant
 - v. arrival and expansion of oriental bittersweet (1982), now all over and covering trees
 - vi. arrival and expansion of amur honeysuckle (1997), now dominant on west end
 - vii. arrival and expansion of winter creeper (1997), now patchily established but potentially widespread.
 - viii. arrival and expansion of ivy (ca 2015), now patchily established but potentially widespread
 - ix. Emerald Ash Borer (EAB) arrival and expansion in 2015 and death of ash trees (2016), mass die off of ash trees, a major shift in forest climax community (Simmons et al. 2016)
 - x. fig buttercup arrival and expansion and expansion (3 plants 2017, 50 plants in 2019, 160 plants 2020), expanding exponentially

- xi. arrival and expansion of European and Asian earthworms, which rapidly consume forest detritus and restructure soils, upending soil ecological processes and networks of indigenous species adapted to them, favoring colonization and replacement by invasive species,
https://en.wikipedia.org/wiki/Invasive_earthworms_of_North_America
- xii. arrival and expansion of Asian clams (*Corbicula fluminea*), shells now abundant in sandy soils across the island (arrived in Ohio River Valley ca 1959, established in the Potomac River by 1982)
- xiii. Chestnut blight, was discovered in the USA in New York in 1904, arrived in Maryland by 1906, Chestnuts were historically on Plummers Island adjacent mainland, last documented in 1934, but considered extinct there by 1935. This once dominant species of the eastern deciduous forest was mostly wiped out within 50 years.
- xiv. Beech blight is coming. Popkin (2019) documents a deadly beech disease is spreading in the northeast USA. There is a mature beech forest on the mainland side of Plummers Island, near Lock 12. We will be watching for the blight here, unless the forest is cut down for the bridge construction.
- e. Research following climate change impacts to the ecosystems and organisms on Plummers Island will be conflated with issues involved with disturbance from bridge construction and emplacements.

References

- Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. *The Washington Post -HEALTH & SCIENCE* (2018-09-25).
- Brown, J. W. 2001. Species turnover in the Leafrollers (Lepidoptera: Tortricidae) of Plummers Island, Maryland: Assessing a century of inventory data. *Proceedings of the Entomological Society of Washington* 103(3): 673-685.
<https://www.biodiversitylibrary.org/bibliography/2510>
- Brown, J. W., & S. M. Bahr II. 2008a. The Insect (Insecta) Fauna of Plummers Island, Maryland: Brief Collecting History and Status of the Inventory. *Bulletin of the Biological Society of Washington* 15: 54-64. [http://dx.doi.org/10.2988/0097-0298\(2008\)15\[54:TIIFOP\]2.0.CO;2](http://dx.doi.org/10.2988/0097-0298(2008)15[54:TIIFOP]2.0.CO;2)
- Brown, J. W., & S. M. Bahr II. 2008b. Appendix List of the Invertebrates of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 192-226
[http://dx.doi.org/10.2988/0097-0298\(2008\)15\[192:ALOTIO\]2.0.CO;2](http://dx.doi.org/10.2988/0097-0298(2008)15[192:ALOTIO]2.0.CO;2)
- Brown, J. W., Epstein, M., Vann, K., Watkins, R., Bahr, S. M., Kolski, E. 2008. An overview of the Lepidoptera (Insecta) of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 65–74.
- Cohn, J.P. 2004. The Wildest Urban River: Potomac River Gorge. *BioScience*, Volume 54(1): 8–14, [https://doi.org/10.1641/0006-3568\(2004\)054\[0008:TWURPR\]2.0.CO;2](https://doi.org/10.1641/0006-3568(2004)054[0008:TWURPR]2.0.CO;2)

- Erwin, T. L. 1981. Natural History of Plummers Island, Maryland. XXVI. The ground beetles of a temperate forest site (Coleoptera: Carabidae): an analysis of fauna in relation to size, habitat selection, vagility, seasonality, and extinction. *Bulletin of the Biological Society of Washington* 5: 105-224.
- Hallmann, C. A., Sorg, M., Jongejans, E., Siepel, H., Hofland, N., Schwan, H., et al. 2017. More than 75 percent decline over 27 years in total flying insect biomass in protected areas. PLoS ONE 12 (10): e0185809. <https://doi.org/10.1371/journal.pone.0185809>
- Jarvis, B. 2018. The insect apocalypse is here: What does it mean for the rest of life on Earth? *The New York Times Magazine*, 27 November 2018, pp. 41–48.
- Johnston, W. H. & D.L. Winings. 1987. Natural History of Plummers Island, Maryland XXVII. The decline of forest breeding birds on Plummers Island, Maryland, and vicinity, by David W. Johnston and Daniel L. Winings. *Proceedings of the Biological Society of Washington* 100:762- 768. (December 31, 1987).
- Lawrey, J. D., M. E. Hale Jr. 1979. Lichen Growth Responses to Stress Induced by Automobile Exhaust Pollution. *Science* Vol. 204, Issue 4391, pp. 423-424 <https://dx.doi.org/10.1126/science.204.4391.423>
- Manville, R. H. 1968. Natural History of Plummers Island, Maryland XX. Annotated list of the vertebrates, by Richard H. Manville, except birds by Alexander Wetmore and Manville. Special Publication, Washington Biologists' Field Club, pp. 1-44. (January 1968.)
- Perry, M. C. (ed.) 2007. THE WASHINGTON BIOLOGISTS' FIELD CLUB: ITS MEMBERS AND ITS HISTORY (1900-2006). The Washington Biologists' Field Club, printed by The Maple Press Company, York Pennsylvania. Pdf available under the About dropdown as WBFC Book at https://WBFC.science/wp-content/uploads/2019/09/wbfc_booksm.pdf
- Popkin, G. 2019. A mysterious disease is striking American beech trees. *Science* Nov 14 2019 <https://dx.doi.org/10.1126/science.aba2201>
- Shetler, S. G., S. S. Orli, E. F. Wells & M. Beyersdorfer. 2006 CHECKLIST OF THE VASCULAR PLANTS OF PLUMMERS ISLAND, MARYLAND. *Bulletin of the Biological Society of Washington*, 14(1): 1-57 https://wbfc.science/wp-content/uploads/2020/07/Checklist_Vasc_Plants_Plummers.pdf
- Simmons, R.H, Fleming A.H., Soreng R.J. 2016. Natural Communities of Plummers Island, Montgomery County, Maryland. Appendix 6, pdf. available at https://wbfc.science/wp-content/uploads/2019/09/plummer_island_nc_map_v1.3.pdf
- Simmons R.H., Soreng R.J., Barrows E.M., Emmons L.H. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland. Report prepared for the National Parks Conservation Association, July 2020. Appendix 5, pdf. available at <https://WBFC.science>
- Vogel, G. 2017. Where have all the insects gone! *Science* 2 May 2017, Vol. 356, Issue 6338, pp. 576-579 <https://science.sciencemag.org/content/356/6338/576.full>

Appendix F: Minimum Avoidance and Mitigation Measures Needed

Below are the minimum avoidance measures, design considerations, and mitigations to avoid or reduce impacts that should be made to avoid, minimize, and mitigate adverse effects to Plummers Island and the ongoing research there. These provisions should have been considered from the beginning of the MDOT-SHA project development and in the DEIS. This content comes from WBFC's April 9, 2021 Section 106 comments.

No bridge alternatives were discussed in the Draft Environmental Impact Statement (DEIS), which is a major omission, and should have been presented there so that the public could have the same information to comment on. We would have certainly made DEIS comments on the bridge alternatives if any relevant information on bridge alternatives had been discussed in the DEIS. That information was lacking and clearly should have been included in the DEIS. A Supplemental DEIS has now been issued (October 1, 2021), and still no bridge alternatives are clearly delineated.

Clearly there needs to be a specific focus on design changes that will reduce and avoid impacts to Plummers Island. The first obvious choice for reducing and avoiding impacts is the "no build" option. Second is the upriver bridge alternative, which should have been evaluated in the DEIS and certainly must be now before the project is advanced.

Although WBFC is opposed to the American Legion Bridge (ALB) expansion, particularly with toll lanes and lack of mass transit in the design (vans and buses from a few points are not an acceptable replacement for dedicated mass transit), the following types of mitigations are necessary and non-negotiable.

To protect Plummers Island and its significant historic features and attributes, the minimum mitigations follow:

- Plan for major (not minor) flooding during the construction period.
- Avoid obstructing natural water flow into the Plummers Island channel.
- Build all the new lanes for the ALB on the upriver side of the bridge.
- Build the access to and the construction platforms themselves only on the upriver side of the bridge and under the bridge.
- In any case, add sound barriers to the downstream side of the bridge.
- Use lane surfacing that is as quiet as possible.
- Place the outflow from bridge scuppers somewhere the runoff will not enter into Plummers Island waters.
- Avoid fugitive dust blowing onto the island by use of dust minimization measures including spraying.
- A waste and hazardous material disposal plan must ensure off-site disposal so as not to flow to or near Plummers Island.
- Provide prior notification informing WBFC of work schedules so notice can be given to researchers.
- Piping of road runoff (that contains oil and salt) is a major issue; currently the main scupper drainage flows into the channel separating the island from the mainland; future drainage should avoid the wetlands including the channel.

- For the duration of construction, any construction infrastructure should be designed to withstand major floods (over 14 feet) not minor (10-12 feet) floods; there have been 3 moderate (12-14 feet) and 2 major floods (17-19 feet) in the past 25 years. However, even minor floods recorded at Little Falls produce major flooding in the Plummers Island channel adjacent to the bridge (see Appendix D, point 6).
- Monitor during construction to ensure that construction work is not impacting the island and no construction workers or project personnel visit the island unless oriented and approved by the Washington Biologists' Field Club. These requirements should be included in bidding document and contractor's work plan as part of the environmental specifications that will be followed.
- Chance find or inadvertent discovery procedures should be followed and incorporated into bidding documents and contracts. Please provide a copy for our review to ensure they meet the requirements for protection of Plummers Island.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 8, 2021

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study: *Geophysical Survey of Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212) and Gibson Grove Church (M:29-39), Revised APE, and Proposed Compensatory Stormwater Management Locations*

Dear Mr. Archer:

Thank you for providing us the opportunity to review and comment on the latest cultural resources materials for I-495 & I-270 Managed Lanes Study, including the geophysical report for Morningstar Tabernacle Cemetery (M:35-212) and Gibson Grove Church (M:29-39), Montgomery County, Maryland from July 2021 and a Revised Area of Potential Effects (APE) including numerous Compensatory Stormwater Management (SWM) sites throughout the county. We reviewed the unredacted materials as part of our continuing consultation under Section 106 of the National Historic Preservation Act for Project No. AW073D12, the I-495 & I-270 Managed Lanes Study (MLS). This letter reflects the comments from the Cultural Resources Sections of the M-NCPPC Park and Planning Departments.

Morningstar Tabernacle 88 Moses Hall and Cemetery and Gibson Grove Geophysical Report

This is an excellent report that provides invaluable information about the number and extent of potential grave locations at Moses Hall and Gibson Grove Church, which is significantly larger than previously understood. However, the northern and southern boundaries of the Moses Hall Cemetery site remain undefined. Additional geophysical survey is needed to establish the relationship between the cemetery and the MLS LOD in the area north of the Moses Hall foundation that was not studied by this report.

Area of Potential Effects – Corridor Revised September 2021 Preferred Alternative

- Map 4: Boundaries along the north and northeast side of the Morningstar Tabernacle No 88 Moses Hall and Cemetery and the Beltway Right of Way remain unidentified.
- Map 14: The boundaries of Site 18MO266 (Poor Farm Cemetery) have never been defined. Graves may extend well beyond where they were found by limited archaeological testing in the 1980s.
- In the table *Archaeological Investigations Required for the Revised APE* Sites 18MO191, 18MO457, and 18MO752 all are located on MNCPPC land. The table only indicates 18MO752 is MNCPPC land.

Area of Potential Effects Compensatory SWM September 2021

Additional information is needed to document the identification of historic properties in the proposed SWM APEs. An explanation and justification in the SWM table indicating the reasons which some will not require archaeological field survey and evaluation would be very helpful. Where MDOT SHA maps show an overlap between SWM APEs and historic properties, or properties not yet evaluated for the NRHP, additional discussion of future archaeological investigations is necessary.

Several of the proposed areas are near or within the environmental settings of historic properties or cemeteries listed in inventories maintained by M-NCPPC, but not indicated on the provided maps. In some cases, M-NCPPC inventories have wider boundaries than those maintained by MHT in order to include the broader environmental setting significant to the site. These are viewable via an interactive map at mctalas.org. Sites not included in MDOT SHA maps include the following:

Sheet	APE	Cultural Resource	CR Type	Notes
Sheet 22	WAS-4020 WAS-4154	Welling Family Cemetery/Comus Seventh Day Adventist Cemetery (HP-004)	Montgomery County Burial Sites Inventory	The relationship between any ground disturbance for SWM and the cemetery needs to be established to assure that graves will not be impacted.
Sheet 23	WAS-4026	William T Poole Farm (MIHP 12-15)	Locational Atlas site	APE extends into environmental setting for the historic site.
Sheet 29	WAS-4534	Forest Oak Cemetery	Montgomery County Burial Sites Inventory	Frederick Road is much wider now that it was when the cemetery was established in the 1870s; archaeological investigations are needed to verify that graves did not once extend into or under what is now the road right of way.
Sheet 38	WAS-4206	L. Jones House (MIHP 12-37)	Locational Atlas site	APE extends into environmental setting for the historic site.
Sheet 40	WAS-4370 WAS-4371	Aix La Chapelle (MIHP 17-6) Brewer Family Cemetery	Locational Atlas Site Montgomery County Burial Sites Inventory	The location of the burial site is unknown.
Sheet 41	WAS-4352	John Dade House (MIHP 18-18)	Locational Atlas Site	APE extends into environmental setting for the historic site.
	WAS-4391	Hilary and Matilda Pyles Farm (MIHP 18-19)	Master Plan Site	APE extends into environmental setting for the historic site.
Sheet 43	WAS-4414 WAS-4415	Barn at Windolf-Williams Farm (MIHP 18-45)	Locational Atlas Site	APE extends into environmental setting for the historic site.
Sheet 51	WAS-4342	Richard T. White Farm (MIHP 18-13)	MP historic site	APE extends into environmental setting for the historic site.
Sheet 52	WAS-4347 WAS-4349	Joseph C White House (MIHP 18-14)	MP historic site and MHT easement	Are the APEs on the east side of Bucklodge Road? Note that the Joseph C White House is on the west side of Bucklodge Road in this location.

M-NCPPC Parks staff reviewed the proposed Compensatory SWM areas for their impacts to Parkland. The table below outlines the seven large SWM areas proposed for location within existing Parkland that require additional information before M-NCPPC staff can concur with the recommendation that no Phase I survey is

needed in the entirety of these areas. Any additional information MDOT/SHA has on what specific factors were used to determine that these areas require no archaeological testing would be appreciated. The current SWM APEs do not appear to include consideration for access roads, storage areas, or additional LOD modifications that are usually expanded later in project development. M-NCPPC will need to review any modifications to the LOD to ensure no additional areas require survey to identify unknown sites or will impact previously recorded sites. In addition, any areas on Park land will be required to go through Parks Construction Permit review.

SWM Site Name	Map Sheet	Location	MNCPPC comments
MO_00018	1	APE within Heritage Farm Neighborhood Park	Needs additional information
MO_00047A	2	APE within Gunner's Branch Local Park	Needs additional information
MO_00051	3	APE within Little Falls SVU2	Needs additional information
MPOC_0006_0010_0011	3	APE within Little Falls SVU2	Needs additional information
MO_1540045	4	APE within South Gunner's Branch LP	Needs additional information
MPOC-0009	5	Entire APE within Cabin Branch SVP	Needs additional information
MPOC_0008	6	Entire APE within Greenbriar LP	Needs additional information

While we appreciate the scale and complexity of this project, the format of the review material made review unnecessarily difficult. Map pages included with review materials differed widely in the north orientation of the page and roads on some maps lacked labels (especially true for MLS_106_Sept_8_Att_1C_APE_StreamWetland.pdf) making the individual APEs very difficult to find in our GIS. In the future, we request that SHA/MDOT provide GIS shapefiles to expediate the review.

Thank you again for the opportunity to comment. If you have any questions or need to discuss this matter, please feel free to contact us at 301-563-3404; Rebecca.Ballo@montgomeryplanning.org or 301-563-7532; Cassandra.Michaud@montgomeryparks.org.

Sincerely,



Rebecca Ballo
Historic Preservation Supervisor, Montgomery County Planning

&



Cassandra Michaud
Acting Cultural Resources Manager, Montgomery Parks

cc: Jeannette Mar, FHWA
Tim Tamborino, Maryland Historical Trust
Beth Cole, Maryland Historical Trust
Debra Borden, M-NCPPC
Darren Flusche, M-NCPPC
Matt Harper, M-NCPPC

CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 -- Charter Member Montgomery County Civic Federation

Oct 8, 2021

Via Email

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

RE: Cabin John Citizens Association Comments Regarding the I-495/I-270 Managed Lane Study Updated Section 106 documentation Transmitted Sept. 8

Dear Mr. Archer:

On behalf of the 2,100 residents of Cabin John, Maryland and as a consulting party to the NHPA Section 106 process, the Cabin John Citizens Association (CJCA) would like to provide the following comments regarding the latest Section 106 materials shared via your Sept. 8 letter.

Since our community rests within the triangle created by the Clara Barton Parkway and the C&O Canal on one side, I-495 itself on another side and the Cabin John Parkway completing the triangle, many of our concerns with respect to the Section 106 process mirror those of the Friends of Moses Hall, the National Park Service, the Carderock Springs Historic District and the Maryland-National Capital Parking and Planning Commission.

Moses Hall and Cemetery and the Discovery of Hundreds of Likely Gravesites

The cemetery is the final resting place of a number of people who lived in Cabin John all their lives. Descendants of those buried there still call Cabin John home. In the early 2000s members of the community along with the Cabin John Citizens Association started a multi-year effort to preserve the cemetery. We have worked with renewed effort in recent years.

The CJCA appreciates the various archeological efforts, especially the ground-penetrating radar (GPS) work, that the state has undertaken to date. The results of the GPR are quite shocking and point to the likelihood that the original Beltway construction in the 1960s and Beltway expansion work in the 1990s did not respect the historical boundaries of the Morningstar Moses property.

It is not acceptable for the cemetery boundaries to be disregarded again. The only way to know for sure that the latest Limits of Disturbance (LOD) put forth as part of Alternative 9 "completely avoids" gravesites is to conduct a complete GPR study of the cemetery and the existing right of

way north, west and east of the where the state has already done its work. This is not a time when cost considerations should determine how much the state does its due diligence.

When the state first started this project in 2018 the maps they shared with the public did not even acknowledge a cemetery where the Morningstar Moses Hall Cemetery property was located. Subsequently, there was documentation of asserting only a handful of graves at that location. With all due respect, having the State Highway Administration declare that this latest proposal completely avoids burial sites is suspect without completing the GPR work.

There is also significant concern that the lack of information about construction techniques also precludes a determination of no adverse affects not only to the Moses Hall Cemetery property, but also to the Carderock Springs Historic District. This dearth of construction information could also mean that the historic Gibson Grove Church property as well as the C & O Canal and other historic properties could suffer even greater impacts than what you are suggesting by the Limits of Disturbance.

The CJCA is concerned that the design modifications that minimize impacts to Morningstar Tabernacle 88 Moses Cemetery and Hall, are doing potential harm to historic properties on the other side of the Beltway, specifically the Carderock Springs Historic District and the historic Gibson Grove Church property.

Like the Moses Hall Cemetery property and local parklands, the church property has suffered cumulative impacts from stormwater damage over many years due to the original I-495 Beltway construction. Instead of piling on, SHA must right past wrongs by minimizing impacts to the Gibson Grove Church property and by mitigating damage caused by poor stormwater management.

Actual encroachment on to these two historic properties as well as the detrimental effects posed by stormwater runoff, loss of vegetation and other environmental impacts in conjunction with the project are all adverse effects that are still not adequately detailed in the latest materials. As we have noted before, this makes the Design-Review process a critical component of collaborative mitigation.

As part of the final Section 106 Programmatic Agreement, we request the following as a consulting party:

- A stipulation that the SHA should require the pre-development contractor to reassess the River Rd. interchange with the goal of developing new design alternatives that prioritize avoidance of adverse effects per Section 106, which would require no encroachment of the LOD on Carderock Springs Historic District, Carderock Springs South, Gibson Grove Church or Moses Hall and Cemetery.
- A stipulation that the pre-development contractor avoids a flyover or other aerial structures that cause adverse visual impacts affecting these historic properties.
- A stipulation that the SHA and the pre-development contractor provide regular written communications and hold quarterly meeting to inform our communities of the status of the proposed project and any changes to the current design and to allow the community to voice concerns and ask questions.

- A stipulation that consulting parties are brought into the design review process for the road, sound walls, and associated signage and lighting with the P3 partner, and be given the opportunity to provide formal comments in response to the proposed design at the 30% / 50% / 90% design phases.
- The Programmatic Agreement allow for continued consultation should any unexpected discoveries or changes to the design be found necessary within the portion of the APE adjacent to the Clara Barton Parkway, I-495 and the Cabin John Parkway, i.e. the “boundaries” of Cabin John.

Cabin John homes abut both sides of the parkway and a stretch of the C&O Canal. The access road to the Clara Barton Parkway in Cabin John is **the only way** some 100 CJ homes can enter or exit the neighborhood. It is extremely important that the final design, the construction period and the new Clara Barton Parkway interchange take into account that hundreds of homes are adjacent to these historic sites.

Given the lack of information, it is imperative that the Cabin John Citizens Association be designated a property-specific consulting party with regard to the design-review process for both of these entities. With regard to the Clara Barton Parkway, we also ask the SHA stipulate that the contractor will protect trees and other vegetation outside the LOD, limit vegetation removal to the extent practicable and screen the parkway from bordering houses by planting new trees of a similar type replacing those removed during construction.

The Cabin John Citizens Association appreciates your consideration of our comments and proposed stipulations.

Sincerely,

Susan Shipp
President, Cabin John Citizens Association

CC:

Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
John Simkins, FHWA Virginia Division - john.simkins@dot.gov
Rebecca Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
Debra Borden, M-NCPCC – debra.borden@mncppc.org
Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net

Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
Sara Love, Maryland State Delegate – sara.love@house.state.md.us
Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Gerald Cichy, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
Gabe Albornoz, Montgomery County Councilmember - councilmember.albornoz@montgomerycountymd.gov
Andrew Friedson, Montgomery County Councilmember - councilmember.friedson@montgomerycountymd.gov
Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

I-495 & I-270 MLS PA Draft #2

NPS Comment Tracking

ID	Reviewer	Stipulation	Comment
NPS		V. Property Specific Commitments; C. Chesapeake and Ohio Canal NHP	please include a stipulation to cover the cost of cataloging documents associated with this project (administrative record) as well as any documentation associated with treatment, excavation, and associated artifacts. Essentially, they would pay for the curation of the information/data/documents generated as a result of this project should be covered by MDOT.
NPS		Attachment 1, B.	If damage occurs to an arch site on NPS land, they must consult with the park staff and regional archeologist regarding review of the damage assessment report and negotiation of appropriate mitigation.
NPS		Page 2, 2nd para	<i>WHEREAS, the Project will involve the use of lands managed by the NPS within the Chesapeake and Ohio Canal National Historical Park, a unit of the National Park System, AND the George Washington Memorial Parkway (GWMP), a unit of the National Park System THAT INCLUDES THE and Clara Barton Parkway, a unit of the National Park System; and</i> <i>WHEREAS, the GWMP, a unit of the National Park System FEATURING THE SCENIC GWMP PARKWAY, with portions located in MONTGOMERY COUNTY, MARYLAND, Fairfax and Arlington Counties and TRAVERSING WASHINGTON STREET IN the City of Alexandria, Virginia, was established FOLLOWING THE AUTHORIZATION OF THE PARKWAY pursuant to what is known as the Capper-Cramton Act,.....</i> then add MD portion
NPS		Page 2, 4th para	Break into two Whereas clauses as follows: <i>WHEREAS, the National Park Service (NPS) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, and has agreed to participate in this PA as an Invited Signatory.</i>
NPS		Page 2 - Whereas clause at top of page	WHEREAS, NPS would authorize permanent use of the affected Federal park property for the Project through coordination with FHWA for a Highway Deed Easement and would issue a special use permit for temporary use of land under its administration for construction-related activities. NPS intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14; and

NPS

Add WHEREAS on page 2
after the GWMP whereas

Add WHEREAS on page 2
after the CHOH whereas
suggested above

WHEREAS, the Chesapeake and Ohio Canal National Historical Park, a unit of the national park system stretches along the Potomac River from Rock Creek at Georgetown in Washington, D.C., to Cumberland, Maryland, for 184.5 miles, was established as a national monument in 1961 and was then established as a national historical park by Congress in 1971, through Public Law 91-664 for the purpose of preserving and interpreting the 19th century transportation canal and its associated scenic, natural, and cultural resources; and providing opportunities for education and appropriate outdoor recreation. The C&O Canal NHP is listed on the National Register of Historic Places and contains more than 1,300 historic structures, including one of the largest collections of 19th century canal features and buildings in the national park system. The towpath and canal cross underneath I-495 at the American Legion Bridge, in Bethesda, Maryland.

WHEREAS, the Clara Barton Parkway, a portion of the George Washington Memorial Parkway that runs along the Maryland side of the Potomac River is the Clara Barton Parkway which also became part of the national park system through the Capper-Cramton Act (originally as the Maryland portion of the GW Memorial Parkway). The Clara Barton Parkway are on the National Register of Historic Places for its association with twentiethcentury parkway design, engineering, landscape architecture, park planning and conservation, commemoration, and an association with George Washington.

From: Virta, Matthew <Matthew_Virta@nps.gov>

Sent: Tuesday, February 1, 2022 4:02 PM

To: Steve Archer <SArcher@mdot.maryland.gov>

Subject: Re: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Second Draft, Comments Requested by February 3, 2022

Greetings Steve,

Hope 2022 is treating you well. Thanks for your continued assistance and patience on developing the PA. Quite the undertaking (no pun intended!). Seems to be shaping up quite well....

I have just a couple of clarifying editorial comments on the PA (most of my earlier comments on Draft 1 were addressed, subsumed under other comments, or are conditionally being addressed).

1. Page 2, 2nd para - correct the implication that Clara Barton Parkway is a **unit** of NPS (it is not a stand-alone park unit, but part of GWMP):

*WHEREAS, the Project will involve the use of lands managed by the NPS within the Chesapeake and Ohio Canal National Historical Park, a unit of the National Park System, **AND** the George Washington Memorial Parkway (GWMP), a unit of the National Park System **THAT INCLUDES THE and Clara Barton Parkway, a unit of the National Park System; and***

2. Page 2, 4th para - only Virginia portions noted of Capper Cramton- why?; correct the missing Montgomery County, MD section containing Clara Barton Parkway (was originally also called GWMP roadway in MD) and also add the Maryland portions of Capper Cramton. "Fun" Note - Capper Cramton Act actually restricted GWMP roadway from within bounds of City of Alexandria (uses Washington Street) and within bounds of DC, but some sections actually got built ... (original Mount Vernon Memorial Highway section was under construction on Columbia Island when Capper Cramton passed, and then later from MD-DC Line to Chain Bridge). Distinguishing GWMP the park and GWMP the road often gets messy (sorry).

*WHEREAS, the GWMP, a unit of the National Park System **FEATURING THE SCENIC GWMP PARKWAY**, with portions located in **MONTGOMERY COUNTY, MARYLAND**, Fairfax and Arlington Counties and **TRAVERSING WASHINGTON STREET IN** the City of Alexandria, Virginia, was established **FOLLOWING THE AUTHORIZATION OF THE PARKWAY** pursuant to what is known as the Capper-Cramton Act,..... then add MD portion*

FROM CAPPER CRAMTON ACT

to include the shores of the Potomac, and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side, except within the City of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side except within the District of Columbia,

Regards,

Matt Virta

Cultural Resources Program Manager/Archeologist
National Park Service - George Washington Memorial Parkway
700 George Washington Memorial Parkway
Turkey Run Park
McLean, VA 22101

(Tel) 703-289-2535

"...just trying to keep the Parkway a Park" (and maintain that thin green line...)

Work Hours M-F 7:30-4:00

The National Park Service cares for special places
saved by the American people so that all
may experience our heritage.
EXPERIENCE YOUR HERITAGE

From: Steve Archer <SArcher@mdot.maryland.gov>

Sent: Tuesday, January 4, 2022 12:43 PM

To: Steve Archer <SArcher@mdot.maryland.gov>

Cc: David Clarke, FHWA <david.clarke@dot.gov>; Jeanette Mar <jeanette.mar@dot.gov>; Marc Holma, Virginia DHR <marc.holma@dhr.virginia.gov>; Mandy Ranslow, ACHP <mranslow@achp.gov>; John Simkins, FHWA Virginia Division <john.simkins@dot.gov>; Beth Cole <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>

Subject: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Second Draft, Comments Requested by February 3, 2022

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Greetings I-495 and I-270 MLS Section 106 Consulting Parties,

MDOT SHA is pleased to provide you with additional Section 106 documentation for your review and comment. These materials include:

- APE mapping with minor updates to accommodate minor engineering adjustments, stormwater management, wetland and parkland mitigation
- Updated Eligibility and Effect findings, including for Morningstar Tabernacle No. 88 Moses Hall and Cemetery
- The Second Draft of the Project Programmatic Agreement (PA), including tables of contents for the treatment plans committed to in the PA
- A Comment-Response Matrix noting how comments received on the first draft of the PA have been taken into consideration

Further details are provided in the attached letter to the Maryland and Virginia State Historic Preservation Officers. Attachments 3, 4, 5, and 6 are embedded within the attached letter. Attachment 7, the second draft of the PA, is provided as a separate attachment to this email. Attachments 1 (APE mapbooks), 2 (Updated Morningstar Tabernacle DOE) (APE) and 8 (Comment-response matrix) are larger files and may be downloaded at the following link:

<https://sftp1.mdot.state.md.us/>

Username: MLSResource

Password: I495I270

Note that consulting parties with qualified archaeological staff will again receive a separate link in an email from me to access unredacted attachments (showing specific archaeological site locations/detail).

MDOT SHA respectfully requests comments on these materials by no later than **Thursday, February 3, 2022**, close-of-business. For the PA, *specific* comments or language suggestions, **keyed to stipulation number** are most helpful to the process. Comments emailed directly to me are the most effective way to provide your input. As MDOT SHA has noted in prior meetings and communications, we expect to have shorter review cycles for subsequent PA drafts, given that issues will have been considered or resolved and future changes to the PA will be less substantial.

Thank you, we appreciate your ongoing consultation. Feel free to contact me with any questions or concerns.

Steve Archer

Cultural Resources Team Leader

Maryland Department of Transportation State Highway Administration

Environmental Planning Division

707 North Calvert Street

Baltimore, MD 21202

Phone 410-545-8508

sarcher@mdot.maryland.gov

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**FRIENDS OF MOSES HALL
MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS, BROTHERS AND SISTERS OF MOSES
7550 Seven Locks Road
Cabin John, MD 20818
morningstarmosescj@gmail.com
<https://www.friendsofmoseshall.org/>**

February 3, 2022

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

**Re: Draft Programmatic Agreement and No Adverse Effects Finding for Morningstar
Tabernacle No. 88 Moses Hall and Cemetery, Cabin John, MD**

Dear Mr. Archer:

Thank you for the opportunity to review and comment on the Report on the draft Programmatic Agreement prepared by MDOT SHA. Friends of Moses Hall wish to again thank MDOT SHA for your reports and efforts to date.

Friends of Moses Hall (FMH) has serious concerns with the material presented to us and the decision-making approach that SHA has taken in the Section 106 and NEPA process. We believe that a reasonable third party would conclude that SHA has taken a series of arbitrary and capricious steps to avoid appropriate responsibility to the effects to the Morningstar site that are the result of proposed and past SHA actions.

We find the finding of no adverse effect to the site to be arbitrary in light of the facts on the ground. As we indicated in previous letters, the state's ground penetrating radar (GPR) efforts are incomplete. The tremendous volume of positive results should have resulted in a more thorough investigation of the area. We understand that incomplete bamboo removal and other physical obstacles prevented further GPR investigation in some locations; however, these

problems can be undoubtedly addressed to allow for a more thorough investigation. It is appropriate practice in a GPR survey to cast a wider buffer than is apparent from this work. The investigation should have continued northward up to the edge of the highway, as well as extending further east and west. The fact that the investigation did not continue further northward precludes any determination that the graves have been “completely avoided.”

Instead of appropriately addressing this deficiency with the GPR, SHA presented FMH with an aerial photograph and indicated its belief that the 1957 image suggests that the boundary of the cemetery was a roadway. This may be true, but even if we assume for the purposes of our analysis here that it is true, it does not yield SHA’s interpretation. The roadway curves northward into the limits of disturbance. The westernmost grave along the roadway is further north than the easternmost. Given the incomplete nature of the GPR, one might extrapolate that if the roadway is indeed the boundary of the cemetery and graves appear to be tracking it northward, graves may be located within the LOD. This conclusion is easily inferable from the provided material, but SHA chooses to make the inference that favors the agency’s interests.

In making that determination, SHA also disregards our reasonable concern regarding **the location of the limits of disturbance (LOD) in relation to the *known* burial sites, which raises substantial questions about physical avoidance.** The updated LOD still appears to be immediately adjacent to a grave. As SHA’s report acknowledges, GPR is imperfect. The entirety of the grave feature may not exactly correspond with the GPR findings. This risk is usually addressed by establishing a buffer, which still does not appear to have been done for this LOD.

Given these facts, one would reasonably conclude that a finding of direct **adverse effect** or **potential for adverse effect** would be appropriate. Instead, SHA has used a single picture from 1957 and an incomplete approach to GPR and setting of the LOD to make a definitive determination in the other direction that benefits the agency.

We find other evidence of arbitrary decision-making in the materials provided to us. SHA has made a reasonable commitment to transfer “the right-of-way where GPR has indicated potential burials to cemetery trustees.” However, it noted that “Based on FHWA input, this commitment will NOT be in the Section 106 PA but may be documented in the ROD.”

The decision to transfer the right-of-way is a *connected action* to the Managed Lane Study undertaking. If not for the study, SHA would not be engaging in this transfer. We and SHA know this because SHA took no action to engage in such a transfer until FMH and other stakeholders highlighted the Morningstar property. It even expanded the roadway in this vicinity previously while taking no such action. It is engaging in this transfer to respond to public policy concerns raised in the NEPA, Section 4(f), and Section 106 processes of this specific undertaking. It must, *not may*, be documented in the final documentation associated with all three regulatory processes. Failure to document this activity would violate the requirements under 40 CFR 1508.25 and represent an arbitrary approach to complying with well-established regulatory requirements and precedent.

We note briefly that the request for a shorter PA duration raised by multiple stakeholders was also met with arbitrary decision-making. We previously laid out our rationale for why seven years was more appropriate than 20. Rather than respond to any of the substantive points raised, MDOT SHA replied, “20-year agreement is FHWA’s decision.” FHWA has an obligation

to provide a rationale for this period. In fact, the FHWA template PA has a five-year duration.¹ Deviating from a standard “because FHWA said so,” does not represent reasoned decision-making.

Having identified a pattern of *arbitrary* behavior, we turn to the *capricious* steps that SHA has taken during this process. On September 9, 2021, the *Washington Post* ran a story covering SHA’s efforts to avoid impacts/effects to the Morningstar site.² In that story, Julie M. Schablitsky, chief archaeologist for the Maryland Department of Transportation, stated, “We own the faults of the Maryland Roads Commission impacting the community 60 years ago...It’s our responsibility now to repair the damage and come in and do the right thing.”

As chief archaeologist for MDOT, Ms. Schablitsky is in an appropriate position to make such a statement concerning the responsibility that the state feels it has and the actions it intends to take.

On January 4, 2022, SHA concluded that it did not have to consider cumulative effects to the site because “Impacts to the Gibson Grove community occurred with original I-495 construction, prior to the passage of NEPA and NHPA (Section 106).”³

This set of statements is galling on a number of levels. First, it is contrary to the regulations. Section 106 requires consideration of cumulative effects (36 CFR 800.5 (a)(1)) and provides no carve out for effects that began before NHPA’s passage. The NEPA regulations define cumulative impacts as those which result “from the incremental effect of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such actions” (40 CFR 1508.7). The regulations provide no carve out for excluding the pre-NEPA/NHPA timeframe from cumulative effects. In fact, CEQ’s handbook *Considering Cumulative Effects Under the National Environmental Policy Act*, in seeking to answer the question of how far back to look at cumulative effects, noted, “The availability of data often determines how far back past effects are examined. Although certain types of data (e.g., forest cover) may be available for extensive periods in the past (i.e., several decades), other data (e.g., water quality data) may be available only for much shorter periods.”⁴ In this case, the data are available and clear regarding the State’s continued actions in relation to the Morningstar site.

The second galling element at play here is that the framework for cumulative effects is clear. In building the Beltway, the State improperly incorporated a black cemetery into state public right-of-way. Several decades later, it widened the highway in the vicinity of the site without considering effects to it. And now, it aims to move that highway even closer, bringing the LOD immediately adjacent to the known burial site of a person whose resting place the state wrongly took control of several decades prior. These clear, discrete, definable additive effects are

¹ See here: https://www.fhwa.dot.gov/design/interstate/pa_template16.cfm

² Katherine Shaver, “African American gravesites detected near Capital Beltway will be spared in road-widening plans.” *Washington Post* September 9, 2021.

³ MDOT. “Morningstar/Moses Hall Cemetery Update.” January 4, 2022.

⁴ CEQ. *Considering Cumulative Effects Under the National Environmental Policy Act*. Section 2. Pages 17-19. <https://ceq.doe.gov/docs/ceq-publications/ccenepa/sec2.pdf>

precisely the kind of issue that NEPA/NHPA were designed to address. SHA must do so to comply with law and regulation.

But what is most concerning is the clear distinction between the public and the private statements. In a public forum in front of the media, the State declares, “We take responsibility.” It says SHA will “repair the damage.” In private, before the affected stakeholder, it declares, “We do not take responsibility.” It offers nothing to repair the physical damage to the site. Such an about-face is the definition of a capricious act.

FMH once again stresses that the original I-495 construction had significant economic, physical, and social impacts on this historic community through land takings and the splitting of this once vibrant African American community in Cabin John. Evidencing the cumulative effects of racial inequity inherent in the original land takings, FMH shares our report of findings following our examination of Maryland State Roads Commission (MD SRC) records pertaining to the construction of I-495 from the late 1950s through the early 1960s (**Attached Exhibit A**).

FMH also takes issue with the Determination of Eligibility (DOE) form submitted in December 2021 by MDOT SHA. As with the original DOE prepared in May 2020 (to which FMH submitted corrections and edits on August 24, 2021), substantial errors and omissions are contained in this second DOE. While MDOT SHA says it agrees that the site is National Register-Eligible, thus far its two DOE reports have consistently minimized or omitted historical and archaeological facts. It is unclear whether this newly completed form is replacing or adding to the DOE submitted in May 2020 to MHT. FMH is deeply concerned that its previous edits to MDOT SHA's first DOE have been disregarded by MDOT SHA and MHT. The DOE becomes a permanent, public document. We believe accurate and complete information should be the basis of this document. Accordingly, we include FMH's comments to the DOE, attached as **Exhibit B**.

While FMH has serious concerns about the process and we believe a third party reviewing the record would share these concerns, we remain willing to work with SHA on appropriate mitigations for the direct and cumulative effects that the Morningstar site is likely to experience as a result of this Project. Our previous comments have outlined an appropriate set of activities consistent with those effects. However, SHA has categorically rejected these comments due to their no adverse effect finding. We welcome the opportunity to coordinate with SHA on these mitigations upon the agency's review of the points raised in this letter.

We appreciate your consideration of these comments and look forward to further coordination on revisions to the assessment of effects and to the PA that reflect the likely effects to this site and the public commitments that SHA has made.

Sincerely,

**FRIENDS OF MOSES HALL
and The Board of Trustees of
Morningstar Tabernacle Number 88, Incorporated**

Diane E. Baxter

President, Morningstar Tabernacle Number 88, Incorporated
Descendant

Dr. Charles W. Harris

Vice President, Morningstar Tabernacle Number 88, Incorporated
Descendant

Eileen McGuckian

Secretary, Morningstar Tabernacle Number 88, Incorporated
Historian and President, Montgomery Preservation

Montgomery Crawford

Treasurer, Morningstar Tabernacle Number 88, Incorporated
Descendant

Alexandra Jones, PhD, RPA

Trustee, Morningstar Tabernacle Number 88, Incorporated
Executive Director and Founder, Archaeology in the Community

Austin E. White

Trustee, Morningstar Tabernacle Number 88, Incorporated
Descendant

Charlotte Troup Leighton

Trustee and Chair, Friends of Moses Hall Committee,
Morningstar Tabernacle Number 88, Incorporated
Vice President of Advocacy, Cabin John Citizens Association

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Shannon S. Steward

Descendant

Christopher Waynes

Descendant

Austin White II

Descendant

Nathan White II

Descendant

Pandora White

Descendant

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
 Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
 Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
 Jeffrey T. Folden, MDOT SHA – mls-nepa-P3@mdot.maryland.gov
 Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
 Elizabeth S. Merritt, National Trust for Historic Preservation - emerritt@savingplaces.org
 Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
 Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
 Steve Archer, MDOT SHA – sarcher@mdot.maryland.gov
 Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
 Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
 David Clarke, USDOT - david.clarke@dot.gov
 April Marchese, USDOT – april.marchese@dot.gov
 Colleen Vaughn, USDOT – colleen.vaughn@dot.gov
 Brenda Mallory, Chair, White House Council on Environmental Quality – brenda_mallory@ceq.eop.gov
 Vivian Lee, National Capital Planning Commission – vivian.lee@ncpc.gov
 Samantha Beers, US EPA - beers.samantha@epa.gov
 Emily Biondi, Federal Highway Administration – emily.biondi@dot.gov
 James Gavin, Federal Highway Administration – james.gavin@dot.gov
 Jitesh Parikh, Federal Highway Administration – jitesh.parikh@dot.gov
 Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
 Reid Nelson, ACHP – rnelson@achp.gov
 Mandy Ranslow, ACHP - mranslow@achp.gov
 Jaime Loichinger, ACHP - jloichinger@achp.gov
 Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
 Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
 Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
 John Simkins, FHWA Virginia Division - john.simkins@dot.gov
 Rebeccah Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
 Debra Borden, M-NCPPC – debra.borden@mncppc.org
 Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
 Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
 Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
 Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
 Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
 Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
 Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
 Sara Love, Maryland State Delegate – sara.love@house.state.md.us
 Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
 Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Carol Rubin, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Gerald Cichy, Commissioner, Montgomery County Planning Board -MCP-Chair@mncppc-mc.org
 Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
 Gabe Alborno, Montgomery County Councilmember- councilmember.alborno@montgomerycountymd.gov
 Andrew Friedson, Montgomery County Councilmember- councilmember.friedson@montgomerycountymd.gov
 Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
 Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
 Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
 Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
 Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
 Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
 Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

EXHIBIT A
FRIENDS OF MOSES HALL
REPORT OF FINDINGS FROM HISTORICAL I-495 RIGHT-OF-WAY RECORDS RESEARCH

In 2021, Friends of Moses Hall (FMH) received documents in response to our Maryland Public Information Act (PIA) requests to MDOT SHA. These documents, per our PIA request, included correspondence, appraisals, and other records pertaining to specific Right-of-Way (ROW) file numbers and court cases for the development of I-495 from the late 1950s through the early 1960s. Our PIA request was limited to those records involving landowners along the section of I-495 at Seven Locks Road. Friends of Moses Hall and others have been examining these documents and are alarmed by some of our findings.

FMH once again stresses that the original I-495 construction had significant economic, physical and social impacts on this historically black community through land takings and the splitting of this once vibrant Gibson Grove community in Cabin John. Furthermore, systemic racism ingrained in the state's land takings resulted in black landowners being compensated significantly less than adjacent white landowners. Different values were assigned to properties based on the race of the landowner, even though the properties were in the same neighborhood or even abutted each other. Additionally, there are noticeable record-keeping disparities between ROW files for black and white landowners. Many black landowner files delivered to us were heavily and inappropriately redacted, were of poor scanning copy quality compared to those of white landowner files, and contained scant records and/or inaccuracies. For example, the Morningstar Moses Cemetery file (MD SRC ROW files 46729 and 48363) incorrectly identified the site as "Moses Lodge #74" (Liber 344/F 274), a distant Order of Moses property located in Emory Grove. Additionally, the size of the land taking for this property was found to be inconsistent among the records reviewed.

Alarming, Law Case file 10749 "State Roads Commission vs. Mickens et al" involving Peter Jones property in MD SRC ROW file 48288 contains a "First and Final Account" of payouts in the case and we note specifically a 1963 payout to The McGuire Funeral Service, Inc. in the amount of \$411.00 (**See Attachment 1**). This indicates that the MD SRC knew that burials were on the site, casting doubt on MDOT SHA's current claim of prior ignorance when burials were found within the ROW by ground penetrating radar (GPR) study done in July 2021. The Jones property was directly adjacent to the Morningstar Moses cemetery property (**See Attachment 2**).

One notable example of racial inequity inherent in the original I-495 land takings can be found in the Peter and Dorcas Jones files (Law Case 10749 for MD SRC ROW file 48288). The assessed value for the 2.5-acre parcel was \$6,250.00 and the state's valuation for the complete taking of this land was \$5,000 (\$2,000 per acre). The case went to trial, with the state arguing that even the \$5,000 valuation was excessive. We highlight the following appraisal notes from Law Case 10749:

MD SRC ROW File 48288, scanned in three file sections for FMH, contains an appraisal from Samuel E. Bogley Realtors appraisal (Robert Lebling appraiser*) dated 2/20/1961. It valued the property at \$5,000 and noted "There are no improvements on the subject property. The surrounding neighborhood improvements at Seven Locks Road and along the deeded right of way, previously referred to, are of poor quality and negro inhabited. (See photographs herein)." Note that a photo of Moses Hall lodge is one of the referred photographs. See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 49-50 of 91.

Mr. Lebling's appraisal goes on to state: "It should be noted that the assessment on this property is extremely excessive in relation to the two nearest adjoining properties, both of which have access from dedicated and County maintained streets which the subject property lacks." The valuation summary states: "Seven Locks Road in this neighborhood consists of negro colony occupying, generally speaking, inferior and sub-standard homes in the price bracket ranging from an irreducible minimum of \$250 to around \$10,000. This value depressing influence has a very marked effect on the selectability of land in this negro inhabited pocket." See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 51-52 of 91.

The state's appraiser incorrectly states that the Jones and Morningstar Moses properties did not have road access from Seven Locks, while noting that the adjacent Farrar property had access to Seven Locks. In fact, all three properties had road access to Seven Locks.

*Robert Lebling conducted a number of appraisals for the I-495 land takings, but he was also a white landowner in the area subject to a land taking (MD SRC ROW file 46734) — an apparent conflict of interest.

The Jones defendants in Law Case 10749 retained a professional appraiser named Adolph C. Rohland to provide testimony at trial. The jury in the Jones Case 10749 ultimately awarded the Jones heirs \$7,210 plus interest (~\$3,000/acre) for a complete taking. Mr. Rohland was paid \$225 for his service in the case.

Only one other eminent domain case for a black landowner went to trial in the Gibson Grove community, which was Law Case 10748 State Roads Commission vs. Eliza Harris et al (heirs to Mary Eliza Harris, daughter of Peter Jones) for SRC ROW file 46730. Harris' heirs were awarded a total of \$3,500, with interest, at trial for a complete taking of 0.5 acres, including what the state's appraiser described as a "negro occupied" "shack" and 1-story frame "bungalow".

With the exception of these black landowner estate cases that went to trial, the ROW records for the Gibson Grove community revealed that black landowners were paid \$2,000 to \$2,500 per acre for their properties by the state. In stark contrast, white landowners were paid \$3,500 to \$7,000 per acre.

Wealthier white landowners in this area, such as the neighboring Lillie [sic] Stone estate (MD SRC ROW files 40826 and 46732), retained legal counsel to secure larger payments of \$4,000 per acre plus "damages" in the amount of \$21,000. Word of these larger payouts quickly spread within the white community in this area, causing other white landowners, like Frederick Farrar (MD SRC ROW file 46727), a US Navy doctor, to contest state payout offers. Although he initially demanded \$55,000, in the end, Farrar was paid \$33,000 for the state's taking of approximately 3.5 acres with a stucco cinder-block dwelling on the premises.

The apparent racial inequity evident in the records for the original I-495 construction project, as well as the detrimental social and economic impacts directly related to the project, set the stage for ongoing degradation of the Gibson Grove community in Cabin John, along with its historic and cultural resources. The psychological and economic damage inflicted on these once thriving and resilient communities is evidence of a history of racial inequity in infrastructure projects in Maryland.

State Rds Comm vs. Andrew Mickens and Jones' heirs

Plaintiff		Law No. 10749	
v.			
ANDREW MICKENS, et al			
Defendants.			
FIRST AND FINAL ACCOUNT			
Mr. James Harris		\$ 244.	01
Mrs. Ida Stewart Hall		238.	63
Mrs. Sarah Thompson		330.	85
Mr. Charles Harris		40.	67
The McGuire Funeral Service, Inc.		711.	00
Mrs. Delores Crawford		48.	81
Mrs. Susie Walker		48.	80
Mr. Charles Harris		48.	81
Miss Elizabeth Harris		48.	80
Mrs. Helen Branch	Executor's Fee	48.	80
Joseph N. Dodson		521.	29
Estate of Fannie Dodson		411.	75
Mr. Andrew Mickens		76.	74
Mrs. Lelia Lane		167.	93
Mr. Walter Stewart		442.	07
Miss Julia Stewart		346.	47
Miss Julia Stewart			
Mrs. Sadie Cross		48.	80
Mr. Leroy Harris		48.	80
Mr. Herbert Harris		48.	80
Mrs. Hazel McKay		48.	80
Mr. Ernest Harris		48.	81
Mrs. Jessie Toney		244.	01
Lester Harris		244.	01
Mrs. Hester Harris		71.	80
Mr. Worthy Harris		70.	67
Mrs. Cecelia Lindsay		70.	67
Mr. Leonard Harris		70.	66
Mr. Percy Harris		70.	67
Mrs. Lucille Cook		70.	67
Newman Insurance Agency		45.	00
Mrs. Mabel G. Matthews		140.	61
Mrs. Mildred Alexander		140.	60
Mrs. Edna G. Lindsay		140.	61
Mrs. Edna E. Gordon		140.	60
Total		\$ 6487.	19
Deposit in Riggs Bank 4th Branch			
Jan 28 - 1963		\$ 6,488.49	
Paid as above		6,487.19	
Balance		\$ 1.30	
Submitted by <u>Joseph N. Dodson</u>			
Subscribed and sworn to before me this <u>29th</u> day			
of January 1964			

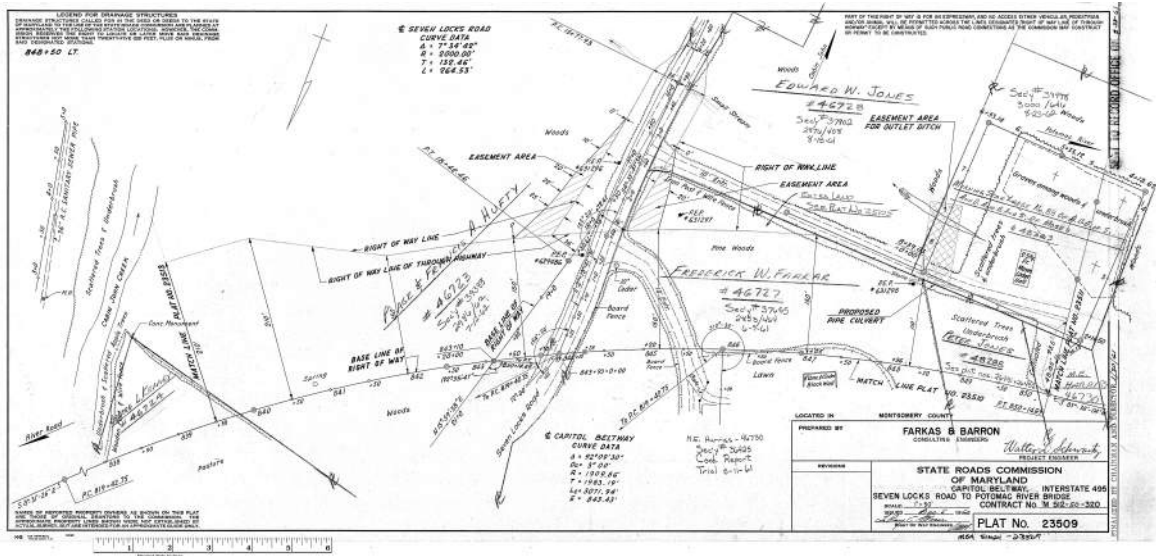


EXHIBIT B
FRIENDS OF MOSES HALL
COMMENTS REGARDING DETERMINATION OF ELIGIBILITY (DOE) FILED DECEMBER 2021

FMH takes issue with statements in the Determination of Eligibility (DOE) form submitted in December 2021 by Matt Manning of MDOT SHA. As was the case with the original DOE prepared in May 2020 (to which FMH submitted corrections and edits on August 24, 2021), substantial errors and omissions are contained in this second DOE. While MDOT SHA says it agrees that the site is National Register-Eligible, thus far its two DOE reports have consistently minimized or omitted historical and archaeological facts. Both now and in August 2020 FMH has submitted comments to correct and add information deemed vital to the Morningstar Moses Cemetery and Hall site in Cabin John, Maryland. In a virtual meeting on September 16, 2021, Steve Archer of MDOT SHA stated that there would be future opportunities to incorporate a detailed and more complete history of the site.

The first line of the *Description of Property & Justification* reads "*This update to the 2020 Determination of Eligibility form provides new information regarding the property based in part on archaeological surveys completed in May and September 2021.*"

It is unclear whether this newly completed form is replacing or adding to the DOE submitted in May 2020 to MHT. FMH is deeply concerned that its edits to MDOT SHA's first DOE, submitted in August 2020, have been disregarded by MDOT SHA and MHT. As the DOE becomes a permanent, public document, we believe it should contain accurate and complete information.

FMH identifies the following substantive areas of concern within the DOE form submitted in December 2021.

Morningstar Moses Hall foundation extant

On page 3, paragraph 2: DOE states "Two other Moses tabernacles established in Montgomery County before 1900 were Mackalls in Norbeck and Moses Lodge No. 74 in Emory Grove.¹ *Like Morningstar, neither organization's Moses Hall remains standing*, and the original construction dates of the buildings are unknown." (emphasis ours; please note corrected citations and references)

Correction: Morningstar Moses Hall is unique in Montgomery County in that its foundation *exists* as described by Horsley (August 2021) in his Geophysical Survey report.² *Nothing* remains of Mackalls Lodge in Norbeck and Moses Lodge No. 74 in Emory Grove, the other two Montgomery County Moses lodges. FMH disagrees with MDOT SHA's minimization of the existence of Morningstar's foundation and the future potential it holds for more information to be realized.

The Moses Hall lodge foundation joins a number of important Morningstar artifacts that contribute to our understanding of and greater appreciation for the interred individuals of the Morningstar Moses Cemetery and their lives within the greater context of Segregation and African American benevolent societies. These unique items include grave and fieldstone markers, 300+ presumed or potential gravesites, a casket handle, a ceremonial Order of Moses sword, the Morningstar Tabernacle No. 88 minutes book dated 1904-1914, an embossing seal used for official Morningstar business, and records of funeral homes.

¹ Montgomery County, Maryland, Circuit Court, Charter Record EBP 1/235, 28 May 1895, Mackall's Tabernacle, Maryland State Archives, Annapolis, MD; Montgomery Co., deed JA 34/468, A. Lancaster to J. Ennis et al, 1 Nov 1892;

² Horsley, T. J. (August 2021) *Morningstar Tabernacle No. 88 Moses Hall and Cemetery and Gibson Grove A.M.E. Zion Church, Cabin John, Montgomery County, Maryland. Report on Geophysical Surveys, July 6-9, 2021.*

Wrong conclusion re: use of Morningstar Moses Cemetery by other Moses tabernacles

MDOT SHA shows a lack of understanding of the relationship between Morningstar Tabernacle No. 88 and its juvenile division called Lily of the Valley No. 36 (noted as a "Jubinicki" or "Jubinise" in the *Morningstar Minutes Book*) in the following statement made on **page 4, paragraph 1**:

"The Morningstar minutes book also confirms the cemetery was used by more than just members of Morningstar Tabernacle No. 88. In July 1910, the Morningstar members voted to allow another Moses society, the "Jubinicki" or "Jubinise" (possibly Jubinacle or a misspelling of Gemini/Geminis) Tabernacle No. 36, free use of the cemetery in exchange for \$50 to be used for the repair of the Morningstar Moses Hall (Morningstar Tabernacle No. 88 1910, 143-145). It is possible similar arrangements were made with other Moses societies."

In fact, members of the juvenile division No. 36 were the sons and daughters of Morningstar members. When they "graduated" they advanced to the adult Morningstar Tabernacle No. 88 division. In making the offer of \$50 in June 1910 towards repairs of the hall, the younger set in effect asked that this payment be considered towards their cemetery dues normally paid as adults. The *Minutes Book* notes that the adult lodge accepted the \$50 offer and moved and seconded "that the Jubinise Tab should have a place to berry [sic] the ded [sic] a free of charge at No. 88 bering [sic] ground."³ Juvenile members of No. 36 mentioned in the *Morningstar Minutes Book* (1904-1914) included Sarah C. Gibson, granddaughter of Gibson Grove community founder Sarah Gibson; Leita Carter, daughter of early landowner Henry Carter and Delia Crawford; William Coates, son of early landowner James Coates; Jessie Harris, daughter of Charles D. Harris and Mary Eliza Jones and granddaughter of early landowners Peter and Dorcas Jones; and Lydia Burley, daughter of Rev. Lewis and Laura Virginia "Jennie" Burley. Most former juveniles of No. 36 named in the *Minutes Book* are buried in the cemetery. Their names can be found on the Morningstar Burial List provided in an email to Steve Archer and others at MDOT SHA on March 30, 2021 by L. Paige Whitley and in the updated additions contained in this document.

In sum, there is NO evidence in the *Morningstar Minutes Book* or other documents related to those buried in the cemetery that members of other local Moses tabernacles were sold plots and were buried in the Morningstar Moses Cemetery.

Demand for Removal of Sensitive Data on Plat of Survey

Continuation Sheet Page 6 of 6 shows sensitive private information regarding adjacent homeowners to the cemetery. Given that MDOT SHA required extensive redaction of 1960s-era ROW files shared with FMH, much of it containing addresses for lawyers and real estate offices involved in that era's land-taking, inclusion of current private information here is inconsistent with prior redaction of information. SHA should include an informative plat of survey that redacts sensitive information.

Updated Morningstar Moses Cemetery Burial Information

Since Whitley's 2021 research, more burials have been identified through careful examination of the *Morningstar Minutes Book*, death certificates, newspaper death notices and/or information provided by descendants. **Eighteen (18) additional burials have been discovered and are noted at the end of Exhibit B.** The

³ *Morningstar Minutes Book*, June 20, 1910 pp. 143-144.

total listed on **page 3, paragraph 5** should thus indicate 95 (not 77) and **Table 2** should indicate the following numbers:

Table 2. Confirmed Burials by Decade.

Decade # of Confirmed Burials Revised # of Confirmed Burials

1890	2	2
1900	4	13
1910	4	10
1920	10	10
1930	17	19
1940	18	18
1950	7	8
1960	8	8
1970	7	7
Total:	77	95

Please view **Updated Morningstar Moses Burial List** at end of this document.

Incorrect citations

There are numerous inaccurate citations made in the DOE text and in the references section. Sources were provided in FMH comments re: original DOE dated May 2020 and reaffirmed in attachment to FHM comments dated August 24, 2021. There is inconsistent use of secondary vs. primary sources, many with incorrect names. Corrections and comments are made in BOLD.

On page 2, paragraph 3: "It is possible one of these additions is a result of improvements by Charles Harris, who was approved in March 1910 to "make the hall larger" and plaster and wash coat the walls (Morningstar Tabernacle No. 88 1910, digital image 84 of 144). **This is a scanned book with digital page images; these images do not correspond to physical page numbers and should be noted accordingly. Also, convention in various documents until this DOE has been to use short form *Morningstar Minutes Book* as citation source. (The physical page is 140.)**

On page 2, paragraph 4: "The recovered portion of the minutes books also notes a "\$110.00 draft [unreadable text] repairing the hall" from the January 27, 1904, meeting (Morningstar Tabernacle No. 88 1904, **image 4 of 144**) **See above comment. (The physical page was also 4, in this case.)**

On page 3, paragraph 1: "In the minutes from a 1907 lodge meeting was a comment from Sarah Gibson that 'she had been a Moses since 1885' ... **(Morningstar Tabernacle No. 88 1907, image 56 of 144)** **See above comment. (The physical page is 87.)**

On page 3, paragraph 2: "*Two other Moses tabernacles established in Montgomery County before 1900 were Mackalls in Norbeck and Moses Lodge No. 74 in Emory Grove. (MCDB 1895, MCDB 1892, ~~Troup Leighton et al. 2020~~)* **DELETE Troup Leighton citation. The 1895 reference is to a charter document, not a land deed. The 1892 reference is to a land deed. The correct sources are as follows:**

Montgomery County, Maryland, Circuit Court, Charter Record EBP 1/235, 28 May 1895, Mackall's Tabernacle, Maryland State Archives, Annapolis, MD.

Montgomery County, Maryland, Circuit Court, land deed JA 34/468, A. Lancaster to J. Ennis et al, 1 Nov 1892.

Same paragraph: "However, an article from *The Village News* (Martin, 1985)." **Author was ignored in citation; should be included here and in references.**

On page 4, paragraph 1: "In ~~June~~ **July** 1910, the Morningstar members voted to allow another Moses society, the "Jubinickl" or "Jubinise" (possibly Jubinacle or a misspelling of Gemini/Geminis) Tabernacle No. 36, free use of the cemetery in exchange for \$50 to be used for the repair of the Morningstar Moses Hall (Morningstar Tabernacle No. 88 1910, **images 85-86 of 144.**) **(Physical pages 143-144)**

On page 5, References:

"Appraisal Report of Frederick W. Farrar Property." Part of MDOT SHA Office of Real Estate Item No. 46727. January 11, 1961. **Specific page numbers should be given if this is considered to be a subsection of larger file, e.g. chapter in a book.**

Falchetta, J., Slovinac, P., McCarthy Watts, K. Mikolic, F., and Stevenson, R. *Cultural Resources Technical Report: Documentation and Archaeological Monitoring for the I-495 & I-270 Managed Lanes Study, Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212), Montgomery County, Maryland.* A. D. Marble. Archaeological Report Number 560. May 2021.

"Frederick W. Farrar **Right of Way** Report." MDOT SHA Office of Real Estate Item No. 46727. 1961. **Is this not the same as first? And why is it not clearly stated "Right of Way" report? R.W. is not specific enough nor is it part of the original file name.**

Horsley, T. J. "Morningstar Tabernacle No. 88 Moses Hall and Cemetery and Gibson Grove A.M.E. Zion Church, Cabin John, Montgomery County, Maryland. Report on Geophysical Surveys, July 6-9, 2021." Horsley Archaeological Prospection, LLC. August 2021.

Jones, Alexandra. "Gibson Grove A.M.E. Zion Church Gone But Not Forgotten: The Archaeology of an African American Church." Dissertation, University of California, Berkeley. 2010. Electronic document. Accessed November 8, 2021. <https://escholarship.org/uc/item/8z67f3ns>.

Martin, Barbara. "The People of Cabin John: Bill White: Always Part of Cabin John." *The Village News*, Volume 18, Number 6. February 1985. ~~Article received from Charlotte Troup Leighton, Rockville, Cabin John, Maryland.~~ **Why is this latter statement necessary? Delete.**

Montgomery County, Maryland, Circuit Court, Charter Record EBP 1/235, 28 May 1895, Mackall's Tabernacle, Maryland State Archives, Annapolis, MD.

Montgomery County, Maryland, Circuit Court, Land Deed JA 34/468, A. Lancaster to J. Ennis et al, 1 Nov 1892; Archives of Maryland Online, Electronic document, <http://www.mdlandrec.net/>, accessed April 2020.

"Morning Star Lodge No. 88 **Right of Way** Report." MDOT SHA Office of Real Estate Item No. 48363. 1958-1962. **See Farrar comment above re: RW use**

Morningstar Tabernacle No. 88 of the Ancient United Order of the Sons and Daughters, Brothers and Sisters of Moses: Minutes Book, 1904-1914, unpublished manuscript. Electronic document, pp. 1–144, on file at the Montgomery County Historical Society, Rockville, Maryland. Accessed November 4, 2021. <https://mchdr.montgomeryhistory.org/xmlui/handle/20.500.12366/297> **Note title corrected as presented on Montgomery History website. Convention has used Morningstar Minutes Book as short form in text. Why not in this DOE?**

Nationwide Environmental Title Research, LLC [NETR]. Misc. years. Historic Aerial Mosaic Montgomery County, Maryland. Accessed May 20, 2021. <https://www.historicaerials.com/viewer>.

Whitley, L. Paige. "The History of the Gibson Grove Community and the Gibson Grove AMEZ Church, Cabin John School and Morningstar Tabernacle No. 88 Moses Hall and Cemetery." January 2021. Accessed September 28, 2021. <https://mchdr.montgomeryhistory.org/xmlui/handle/20.500.12366/381>.

Additional Morningstar Moses Cemetery Burials and Death Information, updated January 2022

The below burials were identified via official Death Certificates, newspaper Death Notices or Obituaries, oral interviews and/or references in the *Morningstar Tabernacle No. 88 of the Ancient United Order of the Sons and Daughters, Brothers and Sisters of Moses: Minutes Book, 1904-1914*, cited simply as *Morningstar Minutes Book*. Presented in chronological order of burial.

Compiled by L. Paige Whitley

1. Noah Mason, January 1904. Death mentioned in *Morningstar Minutes Book* on 27 Jan 1904 & 9 Mar 1904. *Minutes Book*, images 4-5 of 144.
2. Benjamin Harris, died 17 February 1904. *Morningstar Minutes Book* notes "About 4.20 oclock [sic] Bro Benjamin Harris departed his life." Burial on February 19. The *Minutes Book* notes member processional from place of death on nearby farm to Moses Cemetery. *Morningstar Minutes Book*, image 18 of 144.
3. George Washington, Sr., died June 7, 1904. *Morningstar Minutes Book* notes "departed this life about 2 o'clock June 7, 1904." Bro. Silas Richards bought a coffin on the 8th and on June 9 the lodge "Buried Bro. George Washington in proper stile [sic]". *Morningstar Minutes Book*, image 8 of 144.
4. Alfred Stewart, died February 1906? *Minutes Book* notes "Alferd [sic] Stewart grave." *Morningstar Minutes Book*, image 31 of 144.
5. **Two (2) Children of Lloyd Jackson**, mentioned March 1907 in the *Morningstar Minutes Book*. "... pass a resolution for Lloyd Jackson to fence his to [sic] children grave in to suit himself." *Morningstar Minutes Book*, images 47-48 of 144. **One possible child:** "Fannie" Jackson, age sixteen, died 30 November 1899 of severe burns received while working in the Miles Fuller home in Somerset Heights, MD. Daughter of **Lloyd Jackson, early landowner, deed EBP 35/105**. "Undertaker will remove the remains to the home of her father." News Article, *The Evening Times*, 30 Nov 1899, 1.
6. Annie Steward, died October 1908? *Morningstar Minutes Book* mentions Bro Samuel Steward paid \$3 for his Sister Annie Steward grave. *Morningstar Minutes Book*, image 70 of 144.
7. Henrietta Barber, died 14 April 1909. *Morningstar Minutes Book* mentions "death at 6 oclock [sic] this morning." Burial 16 April. Funeral preached at No. 10 Hall at 11 o'clock. *Morningstar Minutes Book*, image 74 of 144; *MD Death Certificate*.
8. Child of Ella Crawford, Oct 1909? *Morningstar Minutes Book* notes "It was moved and seckond [sic] to let sister Ellar Crofert [sic] have the hall anytime that she wanted it for to have her childe [sic] funel [sic] preached." *Minutes Book*, image 80 of 144.
9. Boy Stewart, died 28 July 1910 in Tenleytown, DC. *DC Death Certificate* indicates buried same day in Cabin John, Md.

10. Daisy Crockett, died December 1910. *Morningstar Minutes Book* on Dec. 28 notes "moved and Seckond [sic] to receive \$3 from Bro Smiel [Samuel?] Steward for Disey [sic] Crockett's graive [sic]" *Morningstar Minutes Book*, image 93 of 144. *MD Death Certificate* for Mazie [sic] Crockett, died 25 December 1910 at age 15. Daughter of Julia Stewart and John Crockett of Scotland.
11. John Price, died 15 January 1911, buried January 17 at No. 10 Moses Cemetery, *MD Death Certificate*. *Morningstar Minutes Book* notes "Brother Philip Jackson reported that he had \$3 for a grave which he sold for the body of John Price." *Minutes Book*, image 94 of 144.
12. Anna Jackson, died August 1911? *Morningstar Minutes Book* notes "receive the sum of \$3 from Bro Lloyd Jackson for Miss Anner [sic] Jack [Jackson] grave." *Morningstar Minutes Book*, image 103 of 144.
13. Lucy Dove, died 27? October 1911. *Morningstar Minutes Book* notes "Call a meeting on the 27 Friday night for to perpair [prepare] for sis L Dove buriel [sic] ... Sunday morning perpaired [sic] for Bro Silas Richard buriel [sic] ... fond Sistr Hellon Dove \$1 for not attending sister Lucie Dove funiel [sic]." *Morningstar Minutes Book*, images 107 & 111 of 144.
14. Louise Dorsey, died May? 1912. *Morningstar Minutes Book* mentions funeral expenses for Sis Louise Dorsey. *Morningstar Minutes Book*, image 114 of 144.
15. Stanley Butler, died 1 December 1936. Interment December 6. *Evening Star*, 5 December 1936, 12.
16. Mary Catherine (nee Gravatt) Warren, died 12 July 1937 age 37. Buried July 16, 1937 Cabin John #10 Cemetery. Father John Gravatt; mother Ada Stewart. *MD Death Certificate*.
17. Cora Ann Dove, died 20 April 1956. Funeral April 24th at Gibson Grove AME Church, Cabin John, Md. and burial at Moses Lodge Cemetery. *Evening Star*, 23 April 1956, A12.

CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation
Susan Shipp – President; Bob Walsh – Treasurer; Meredith Griggs – Secretary

February 3, 2022

By Email to:

Mr. Steve Archer
Cultural Resources Team Leader
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

Re: The Latest Draft Programmatic Agreement and “No Adverse Effect” Finding for Cabin John’s Morningstar Tabernacle No. 88 Moses Hall and Cemetery

Dear Mr. Archer:

In summer 2018 the Maryland State Highway Administration held a series of public workshops on the newly proposed \$11 billion Beltway expansion plan. The maps they shared at those workshops did not even mark the site of the historic Morningstar Moses Hall & Cemetery property in Cabin John.

However, in the intervening years, you and others at the SHA worked closely with descendants of the cemetery, the Friends of Moses Hall, the Cabin John Citizens Association (CJCA), county officials, historic preservation groups and others to do right by the cemetery. We appreciated that you conducted an archeological survey, cleared invasive bamboo and, most recently, conducted an expensive ground-penetrating radar (GPR) survey of part of the property to look for gravesites.

As you know, the results of the GPR survey were stunning: more than 189 probable burials and 188 possible graves within the surveyed portion of the cemetery itself and, shockingly, evidence of 34 likely gravesites in the existing Beltway right-of-way.

It is unconscionable that the SHA and the Federal Highway Administration (FHWA) are now reverting back to their original stance and attempting to negate the cemetery by reversing the assessment made earlier in the Section 106 process and determining that the proposed Beltway expansion would have “no adverse effect” on the cemetery.

If that were not bad enough, in the course of the Jan. 4 Zoom meeting informing stakeholders of this reversal, you announced that the SHA is not responsible for any detrimental impacts to the cemetery and the Gibson Grove community caused by the original Beltway construction, since it occurred before the passage of the National Environmental Protection Act (NEPA) in 1970 and the National Historic Preservation Act (NHPA) in 1966.

To say that we feel betrayed by the “no adverse effect” determination is an understatement. The CJCA, Friends of Moses Hall, Montgomery Planning, State Delegate Sara Love and others have long raised the issue of environmental justice going back to the construction of the Beltway

in the early 1960s. In a Nov. letter to the SHA, the National Trust for Historic Preservation summarized the issue forcefully:

“The most important part of the cumulative impact analysis will be the *past* impacts – the damage and destruction directly and indirectly inflicted on this historic property, as well as on the Gibson Grove AME Zion Church and the wider Black community of Cabin John, by the earlier highway construction.”

The Trust argued that the SHA should “ensure that robust mitigation is developed commensurate with the magnitude of these adverse cumulative impacts.”

The SHA had appeared to agree. In a Sept 2021 article in the *Washington Post*, Julie M. Schablitsky, the Maryland Department of Transportation's chief archaeologist is quoted as saying, “We own the faults of the Maryland Roads Commission impacting this community 60 years ago...It's our responsibility now to repair that damage and come in and do the right thing.”

The SHA abdicating its responsibility at this crucial juncture is clearly not the right thing. The SHA acknowledges redrawing the cemetery property lines and placing the Limits of Disturbance right next to the property line. Now the SHA is declaring no harm, no foul for the cemetery. These are all a bunch of words that mean nothing with regard to avoiding gravesites because the SHA did not finish the archaeological investigation of the cemetery or the existing Beltway right-of-way.

The SHA based its decision on where to conduct the July 2021 GPR survey, in part, on a 1957 aerial view of the property, deciding not to survey land where a parking lot stood at that time. The SHA also chose not to continue down the Beltway right-of-way until it was certain there were no more burial sites, ignoring stakeholder requests to use GPR to help identify the natural boundaries of the cemetery, which quite clearly do not conform with past or present property boundary lines.

There are many indications, including the sheer number of likely graves in the surveyed section of the cemetery, that this property could have been a burial site even prior to the establishment of the Morningstar 88 fraternal order in the late 1800s, making the SHA decision to not survey the area that served as a parking lot in 1957 totally arbitrary. The only way to know with certainty that the cemetery legitimately deserves a finding of “no adverse effect” is to conduct a full GPR survey of the adjacent state right-of-way, as well as the entire cemetery.

At the Jan. 4 meeting, the SHA even acknowledged that additional grave sites could be found during the construction phase of the project. Clearly, there are doubts about this declaration of “no adverse effect.” The SHA's suggestion to take a wait-and-see approach to this possibility is irresponsible, disrespectful and short-sighted.

The SHA made the correct decision when it announced plans to deed Morningstar Moses Hall and Cemetery the Beltway right-of-way land where the 2021 GPR survey found likely gravesites. But now the SHA and the FHWA face a quandary. Additional GPR work could find burials in the non-surveyed section of the existing Beltway right-of-way where it may not be feasible to deed the property to the cemetery. So, what to do?

The answer is not to redraw lines and play a game of semantics to be able to declare a “no adverse effect” finding. The right thing to do is to finish the GPR survey and continue to work with the descendants and other stakeholders. The GPR survey may find additional graves in the existing Beltway right-of-way that need to be reinterred within the cemetery boundaries. But the

only way to know where to possibly reintern the remains without desecrating another grave is if the GPR survey is completed.

It is clear that way back in 2018 when consultants for the SHA started to assess the land that would be impacted by a Beltway expansion, they thought no one would notice if they failed to acknowledge an old overgrown cemetery property with just a handful of headstones. In some ways, it may be a blessing that they made that flawed assumption.

In the three plus years since the SHA made its miscalculation, the descendants of those buried at the cemetery, including a number who live in Cabin John, the Friends of Moses Hall, the Cabin John Citizens Association, historical preservationists and others have banded together to protect and preserve this important historic African-American property. Documents, photographs and artifacts have been collected, enriching the story of the Morningstar Moses 88 Hall and Cemetery and the Gibson Grove community in Cabin John. A few intrepid researchers working countless hours have uncovered the identities and some history of 95 people buried in the cemetery. We all know there is much more to discover and share with the public.

As the Friends of Moses Hall has written in their "Report of Findings from Historical I-495 Right-of-Way Records Research" (*Attached below*), the original Beltway construction literally and figuratively tore through the historic Gibson Grove area, dealing a devastating blow to a once vibrant and resilient African-American community. The brief report provides specifics on the racial inequities in payments made for land takings along Seven Locks Rd. There is more history to tell here too.

The State Highway Administration and the Federal Highway Administration not only need to reverse themselves again and change their determination in the Section 106 Programmatic Agreement, they need to do so much more. They need to use the Programmatic Agreement to mitigate the cumulative effects of improperly incorporating a historic black cemetery into a highway right-of-way.

The state and federal Departments of Transportation and the State of Maryland need to find ways to go beyond the framework of this project and provide funding to ensure that this property and the important piece of African-American history that it represents is preserved, restored and developed in a way that respects the hundreds of people buried there. Wouldn't it be a fitting tribute if it also honored them by educating Marylanders about the rich but rarely-told stories of black communities post-Civil War and in the segregation era of the United States?

Thank you for your consideration on these matters and for the opportunity to work with you going forward to ensure that our cultural and historical landmarks in Cabin John are properly preserved.

Sincerely,

Susan Shipp
President of the Cabin John Citizens Association

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Dereck E. Davis – treasurer@treasurer.state.md.us

Senators Ben Cardin and Chris Van Hollen
 Rep. Jamie Raskin
 Jeffrey T. Folden, MDOT SHA – mls-nepa-P3@mdot.maryland.gov
 Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
 Elizabeth S. Merritt, National Trust for Historic Preservation - emerritt@savingplaces.org
 Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
 Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
 Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
 Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
 David Clarke, USDOT - david.clarke@dot.gov
 April Marchese, USDOT – april.marchese@dot.gov
 Colleen Vaughn, USDOT – colleen.vaughn@dot.gov
 Brenda Mallory, Chair, White House Council on Environmental Quality – brenda_mallory@ceq.eop.gov
 Vivian Lee, National Capital Planning Commission – vivian.lee@ncpc.gov
 Samantha Beers, US EPA - beers.samantha@epa.gov
 Emily Biondi, Federal Highway Administration – emily.biondi@dot.gov
 James Gavin, Federal Highway Administration – james.gavin@dot.gov
 Jitesh Parikh, Federal Highway Administration – jitesh.parikh@dot.gov
 Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
 Reid Nelson, ACHP – rnelson@achp.gov
 Mandy Ranslow, ACHP - mranslow@achp.gov
 Jaime Loichinger, ACHP - jloichinger@achp.gov
 Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
 Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
 Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
 John Simkins, FHWA Virginia Division - john.simkins@dot.gov
 Rebecca Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
 Debra Borden, M-NCPPC – debra.borden@mncppc.org
 Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
 Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
 Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
 Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
 Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
 Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
 Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
 Sara Love, Maryland State Delegate – sara.love@house.state.md.us
 Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
 Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Carol Rubin, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Gerald Cichy, Commissioner, Montgomery County Planning Board -MCP-Chair@mncppc-mc.org
 Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
 Gabe Albornoz, Montgomery County Councilmember- councilmember.albornoz@montgomerycountymd.gov
 Andrew Friedson, Montgomery County Councilmember-
 councilmember.friedson@montgomerycountymd.gov
 Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
 Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
 Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
 Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
 Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
 Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
 Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

**REPORT OF FINDINGS FROM HISTORICAL I-495 RIGHT-OF-WAY RECORDS RESEARCH
PREPARED BY FRIENDS OF MOSES HALL
FEBRUARY 2022**

In 2021, Friends of Moses Hall (FMH) received documents in response to our Maryland Public Information Act (PIA) requests to MDOT SHA. These documents, per our PIA request, included correspondence, appraisals, and other records pertaining to specific Right-of-Way (ROW) file numbers and court cases for the development of I-495 from the late 1950s through the early 1960s. Our PIA request was limited to those records involving landowners along the section of I-495 at Seven Locks Road. Friends of Moses Hall and others have been examining these documents and are alarmed by some of our findings.

FMH once again stresses that the original I-495 construction had significant economic, physical and social impacts on this historically black community through land takings and the splitting of this once vibrant Gibson Grove community in Cabin John. Furthermore, systemic racism ingrained in the state's land takings resulted in black landowners being compensated significantly less than adjacent white landowners. Different values were assigned to properties based on the race of the landowner, even though the properties were in the same neighborhood or even abutted each other. Additionally, there are noticeable record-keeping disparities between ROW files for black and white landowners. Many black landowner files delivered to us were heavily and inappropriately redacted, were of poor scanning copy quality compared to those of white landowner files, and contained scant records and/or inaccuracies. For example, the Morningstar Moses Cemetery file (MD SRC ROW files 46729 and 48363) incorrectly identified the site as "Moses Lodge #74" (Liber 344/F 274), a distant Order of Moses property located in Emory Grove. Additionally, the size of the land taking for this property was found to be inconsistent among the records reviewed.

Alarming, Law Case file 10749 "State Roads Commission vs. Mickens et al" involving Peter Jones property in MD SRC ROW file 48288 contains a "First and Final Account" of payouts in the case and we note specifically a 1963 payout to The McGuire Funeral Service, Inc. in the amount of \$411.00 (**See Attachment 1**). This indicates that the MD SRC knew that burials were on the site, casting doubt on MDOT SHA's current claim of prior ignorance when burials were found within the ROW by ground penetrating radar (GPR) study done in July 2021. The Jones property was directly adjacent to the Morningstar Moses cemetery property (**See Attachment 2**).

One notable example of racial inequity inherent in the original I-495 land takings can be found in the Peter and Dorcas Jones files (Law Case 10749 for MD SRC ROW file 48288). The assessed value for the 2.5-acre parcel was \$6,250.00 and the state's valuation for the complete taking of this land was \$5,000 (\$2,000 per acre). The case went to trial, with the state arguing that even the \$5,000 valuation was excessive. We highlight the following appraisal notes from Law Case 10749:

MD SRC ROW File 48288, scanned in three file sections for FMH, contains an appraisal from Samuel E. Bogley Realtors appraisal (Robert Lebling appraiser*) dated 2/20/1961. It valued the property at \$5,000 and noted "There are no improvements on the subject property. The surrounding neighborhood improvements at Seven Locks Road and along the deeded right of way, previously referred to, are of poor quality and negro inhabited. (See photographs herein)." Note that a photo of Moses Hall lodge is one of the referred photographs. See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 49-50 of 91.

Mr. Lebling's appraisal goes on to state: "It should be noted that the assessment on this property is extremely excessive in relation to the two nearest adjoining properties, both of which have access from dedicated and County maintained streets which the subject property lacks." The valuation summary states: "Seven Locks Road in this neighborhood consists of negro colony occupying, generally speaking, inferior and sub-standard homes in the price bracket ranging from an irreducible minimum of \$250 to around \$10,000. This value depressing influence has a very marked effect on the selectability of land in this negro inhabited pocket." See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 51-52 of 91.

The state's appraiser incorrectly states that the Jones and Morningstar Moses properties did not have road access from Seven Locks, while noting that the adjacent Farrar property had access to Seven Locks. In fact, all three properties had road access to Seven Locks.

*Robert Lebling conducted a number of appraisals for the I-495 land takings, but he was also a white landowner in the area subject to a land taking (MD SRC ROW file 46734) — an apparent conflict of interest.

The Jones defendants in Law Case 10749 retained a professional appraiser named Adolph C. Rohland to provide testimony at trial. The jury in the Jones Case 10749 ultimately awarded the Jones heirs \$7,210 plus interest (~\$3,000/acre) for a complete taking. Mr. Rohland was paid \$225 for his service in the case.

Only one other eminent domain case for a black landowner went to trial in the Gibson Grove community, which was Law Case 10748 State Roads Commission vs. Eliza Harris et al (heirs to Mary Eliza Harris, daughter of Peter Jones) for SRC ROW file 46730. Harris' heirs were awarded a total of \$3,500, with interest, at trial for a complete taking of 0.5 acres, including what the state's appraiser described as a "negro occupied" "shack" and 1-story frame "bungalow".

With the exception of these black landowner estate cases that went to trial, the ROW records for the Gibson Grove community revealed that black landowners were paid \$2,000 to \$2,500 per acre for their properties by the state. In stark contrast, white landowners were paid \$3,500 to \$7,000 per acre.

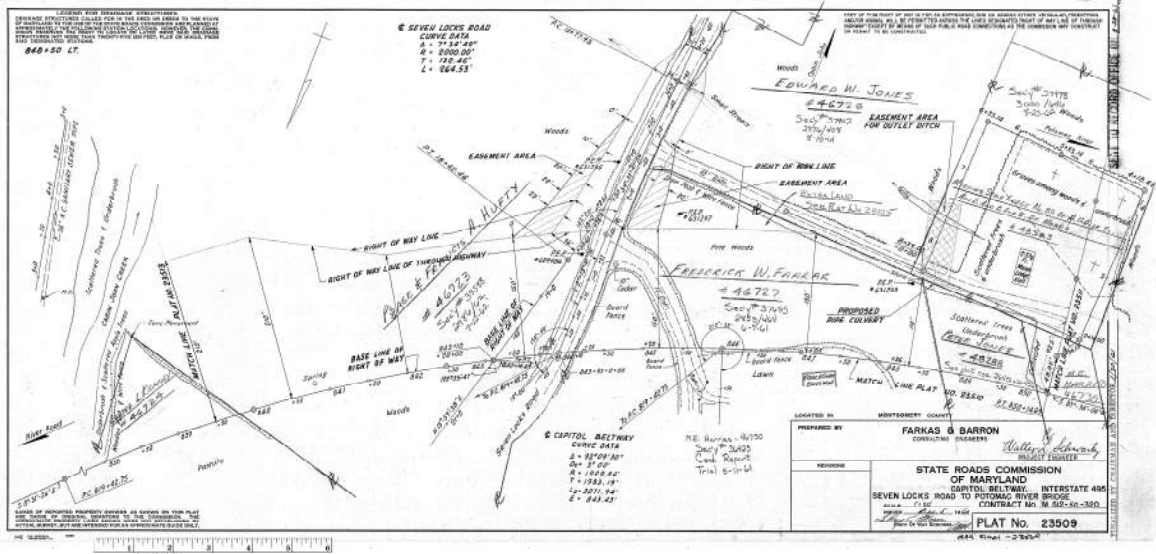
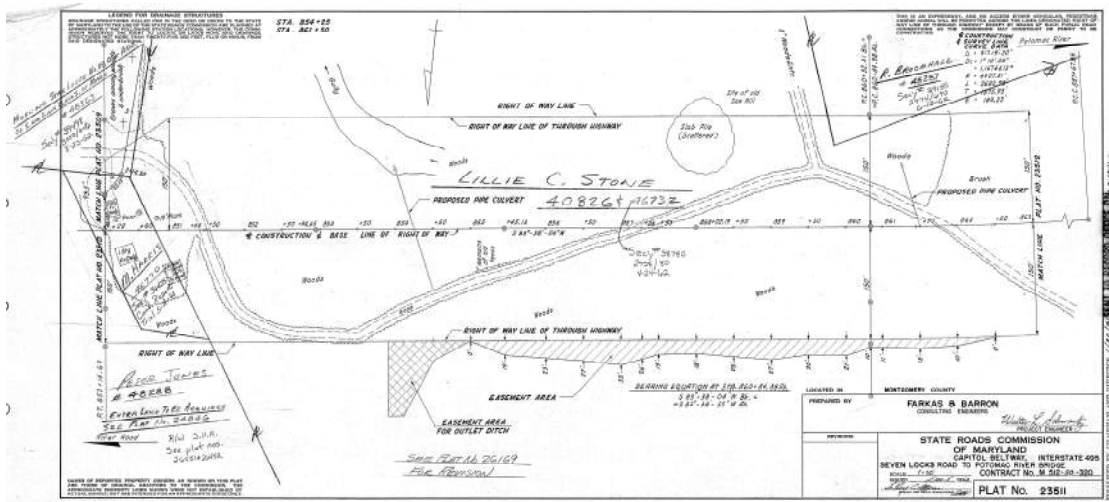
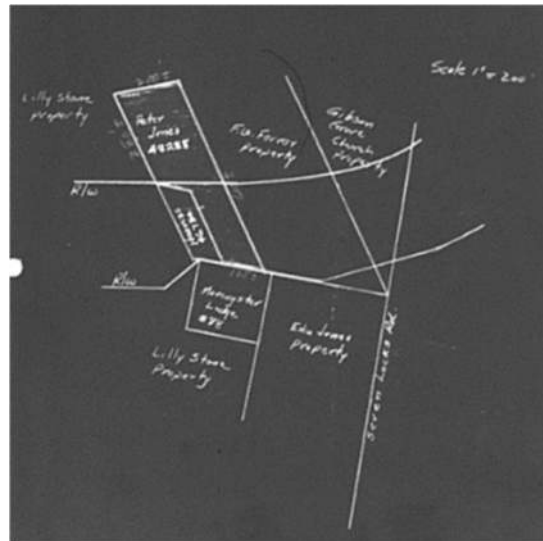
Wealthier white landowners in this area, such as the neighboring Lillie [sic] Stone estate (MD SRC ROW files 40826 and 46732), retained legal counsel to secure larger payments of \$4,000 per acre plus "damages" in the amount of \$21,000. Word of these larger payouts quickly spread within the white community in this area, causing other white landowners, like Frederick Farrar (MD SRC ROW file 46727), a US Navy doctor, to contest state payout offers. Although he initially demanded \$55,000, in the end, Farrar was paid \$33,000 for the state's taking of approximately 3.5 acres with a stucco cinder-block dwelling on the premises.

The apparent racial inequity evident in the records for the original I-495 construction project, as well as the detrimental social and economic impacts directly related to the project, set the stage for ongoing degradation of the Gibson Grove community in Cabin John, along with its historic and cultural resources. The psychological and economic damage inflicted on these once thriving and resilient communities is evidence of a history of racial inequity in infrastructure projects in Maryland.

State Rds Comm vs. Andrew Mickens and Jones' heirs

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FRIENDS OF MOSES HALL ATTACHMENT 2





CARDEROCK SPRINGS

National Register of Historic Places

February 3, 2022

Via E-mail: sarcher@mdot.maryland.gov

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

**Re: I-495 and I-270 Managed Lanes Study, Programmatic Agreement Second Draft,
received January 4, 2022 (Section 106 Materials)**

Dear Mr. Archer,

Thank you for the opportunity to provide you with our comments to the Section 106 Materials. Consistent with our April 12, 2021 comment letter on the First Draft Programmatic Agreement, we disagree with SHA's determination that "the project will not adversely affect the Carderock Springs Historic District." We continue to believe that the loss of mature trees and landscape buffer would have an adverse effect on our community, since trees and natural landscape are one of the character-defining features of the Carderock Springs Historic District.

We also request that the design of the sound barriers will be dealt with in a similar manner to other neighborhoods which border I-490 / I-270. We did note that the Second Draft Programmatic Agreement provides that, for the Morningstar Cemetery, the SHA is committing to "context-sensitive design" and "context-sensitive solutions" such as "sympathetic design treatment of new noise barrier that faces the cemetery, and potentially other design elements of the project that are compatible and beneficial to the property." Since the views from our community are architecturally significant for Carderock Springs as part of our bucolic setting, we request the same consideration regarding the design of the sound barriers and the treatment of the mature trees, including a tree survey and a plan to replant trees where they will need to be removed or will not survive the sound barrier installation.

We read that the flyover ramp locations have been moved from their preliminary locations in the SDEIS; however, we haven't found the exact location of these ramps to assess whether they would still impact our community or not. Would you please let us know their new location so we can evaluate their impact on the Carderock Springs Historic District?

The current plan as stated in the Section 106 PA is to meet with the Consulting Parties every 6 months. However, we believe that it is important to get updates more frequently, at least every 3



months, as a design may be changing very quickly, and our community might not get a chance to comment on some important elements.

As part of the Programmatic Agreement, we request the following:

- to continue to search for creative design solutions that prioritize avoidance of adverse effects per Section 106, which would require no encroachment of the LOD on Carderock Springs Historic District, Carderock Springs South, Gibson Grove Church or Moses Hall and Cemetery, or adverse impacts on their visual and environmental qualities;
- that quarterly meetings be held to inform our community of the status of the proposed project and any changes to the current design and to allow the community to voice concerns and ask questions; and
- that we be a part of the design review process and given the opportunity to provide formal comments in response to the proposed design. Although our community doesn't concur with SHA findings in the PA, we wish to remain involved as a Consulting Party in the process

Thank you for consideration of these comments.

A handwritten signature in black ink, appearing to read "Jack Orrick", written over a horizontal line.

Jack Orrick
President, Carderock Springs Citizens Association

cc: Governor Lawrence J. Hogan
Comptroller Peter V.R. Franchot
Treasurer Nancy Kopp
County Executive Marc Elrich
Councilmembers Andrew Friedson, Tom Hucker, Gabe Albornoz, Evan Glass, Will Jawando, and Hans Riemer
Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love
Elizabeth Hughes
Julie Langan
Rebecca Ballo

4854-5789-1340, v. 3



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

February 3, 2022

By Email to: sarcher@mdot.maryland.gov

Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

**Re: I-495 and I-270 Managed Lanes Study
Section 106 Comments on Draft PA and No Adverse Effect Finding for
Morningstar Tabernacle No. 88 Moses Hall and Cemetery,
Cabin John, MD**

Dear Mr. Archer,

The National Trust for Historic Preservation appreciates the opportunity to comment on the Section 106 findings and Draft Programmatic Agreement (PA) for the I-495 and I-270 Managed Lanes Study. We strongly support the comments submitted today by the Friends of Moses Hall, the Maryland National Capital Park and Planning Commission, the Cabin John Citizens Association, and the Sierra Club Maryland Chapter. In addition, many of the comments that we submitted on November 30, 2021 in response to the Draft Supplemental Environmental Impact Statement are directly relevant to the Section 106 issues (e.g., cumulative impacts) and remain unresolved.

We Strongly Disagree with the “No Adverse Effect” Determination for the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

We join the chorus of other consulting parties who have objected vehemently to the proposed determination that the project will have no adverse effect on the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

At the very least, the finding of no adverse effect to the cemetery site is premature, because additional archeological research needs to be conducted. As we commented in our November 30 letter, and as many other parties have commented, additional archaeological investigation needs to include the use of Ground Penetrating Radar (GPR) to search for additional evidence of potential burials.

The other primary basis for the widespread disagreement with the agencies’ proposed no adverse effect determination is the cumulative impacts of the project. As you know, the

Section 106 regulations explicitly require consideration of cumulative impacts, 36 C.F.R. § 800.5(a)(1), and cumulative impacts are defined as

the impact on the environment which results from the incremental impact of the action when added to other *past*, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7 (1978) (emphasis added).

Given the overwhelming disagreements with this proposed no adverse effect determination, by a number of different consulting parties, it will be necessary for the Federal Highway Administration (FHWA) to refer this issue to the Advisory Council on Historic Preservation (ACHP) pursuant to 36 C.F.R. § 800.5(c)(2)(i). That referral to the ACHP carries with it the substantial risk that the issue could be elevated to the Administrator of the FHWA. *See id.* §§ 800.5(c)(2)(ii), 800.5(c)(3). Rather than pursuing this dispute resolution process, we urge the FHWA to adopt the much more efficient and responsive approach by modifying its determination to acknowledge the potential adverse effects to this important historic site.

We Strongly Disagree with the New Argument That Cumulative Impacts Analysis Can Ignore Past Impacts Prior to the Passage of NEPA and the NHPA.

During the January 4, 2022 consultation meeting, the highway agencies articulated a new argument regarding cumulative impacts analysis that we have never heard before. The argument is that, when looking to the “past” component of cumulative impacts (quoted above), the agency can put on blinders and disregard any past adverse impacts that occurred prior to the passage of NEPA (1970) or the NHPA (1966) – even when the agency that caused those past adverse impacts is the *same agency* as the current project proponent.

In response to this disturbing new argument, we reviewed guidance on cumulative impacts analysis issued by the FHWA and by the Council on Environmental Quality (CEQ), and we could find no reference whatsoever to any support for this rationale. *See, e.g.,* CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act* (https://ceq.doe.gov/publications/cumulative_effects.html#:~:text=Considering%20Cumulative%20Effects%20Under%20the,additional%20information%20and%20background%20data). In fact, one of the examples featured in the CEQ guidance itself involved a cumulative impact analysis of roads in the vicinity of Bandelier National Monument in New Mexico. The time period used for the cumulative impact analysis was 1935 to 1981. *See id.*, Chapter 3, at pp. 31-32 & Fig. 3-3. In short, there is absolutely no basis in law or precedent for this attempt to exclude the original construction of the highway from the analysis of cumulative impacts on the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

This new argument also flies in the face of the administration’s policy on environmental justice, as reflected in Executive Order 13990, 86 Fed. Reg. 7037 (Jan. 25, 2021) (“Where

the Federal Government has failed to meet that commitment in the past, it must advance environmental justice.”)

We Strongly Disagree with the Agencies’ Refusal to Include a Commitment in the PA to Convey to the Cemetery Trustees Portions of the Right-of-Way with Potential Burials.

The SHA has offered to convey to the trustees of the cemetery a portion of the existing right-of-way where GPR has indicated the potential presence of burials. If carried out, this could be a very meaningful measure to minimize and mitigate adverse effects. However, the highway agencies have refused to include this proposed offer as a stipulation in the Programmatic Agreement. Since the commitments in the PA will be binding and enforceable, this unwillingness to include the proposed conveyance in the PA suggests that the agencies want to keep open the option to renege on this offer. We urge that it be added as a commitment.

Additional Consultation is Needed to Avoid, Minimize, and Mitigate Potential Adverse Effects to Historic Resources.

The goal of the Section 106 consultation process is to develop and evaluate alternatives and modifications to the project that could avoid, minimize, and mitigate the adverse effects. 36 C.F.R. §§ 800.1(a), 800.6(a). There are several historic properties that the highway agencies have acknowledged are likely to be adversely affected by the project. These include the Gibson Grove A.M.E. Zion Church, the Washington Biologists’ Field Club on Plummers Island, the C & O Canal National Historical Park, and the George Washington Memorial Parkway/Clara Barton Memorial Parkway. Yet the draft PA offers only token mitigation for these adverse effects, and does not include a process to develop alternatives and modifications to the project that could minimize those effects. The Section 106 consultation process should be used as the mechanism for developing much more robust mitigation, in addition to modifications that could minimize or avoid the effects entirely.

Thank you for considering the comments of the National Trust, and we appreciate the ability to continue our participation in the Section 106 consultation process, as many of these key issues are being further evaluated and resolved.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Merritt".

Elizabeth S. Merritt
Deputy General Counsel

cc:

Brenda Mallory, Chair, White House Council on Environmental Quality –
brenda_mallory@ceq.eop.gov

David Clarke, Federal Preservation Officer, FHWA - david.clarke@dot.gov

April Marchese, USDOT – april.marchese@dot.gov

Colleen Vaughn, Federal Preservation Officer, USDOT – colleen.vaughn@dot.gov

Emily Biondi, FHWA – emily.biondi@dot.gov

Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov

Jaime Loichinger, ACHP - jloichinger@achp.gov

Mandy Ranslow, ACHP - mranslow@achp.gov

Vivian Lee, NCPC – vivian.lee@ncpc.gov

Samantha Beers, US EPA - beers.samantha@epa.gov

Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov

Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov

Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov

Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov

Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov

Rebecca Ballo, Montgomery County Planning Dep't,

rebeccah.ballo@montgomeryplanning.org

Brian Crane, Montgomery County Planning Dep't - brian.crane@montgomeryplanning.org

Debra Borden, M-NCPPC – debra.borden@mncppc.org

Charlotte Troupe Leighton, Friends of Moses Hall – troupleighton@gmail.com

Susan Shipp, Cabin John Citizens Ass'n – jsishipp3@verizon.net

Paula Posas, Maryland Sierra Club – paula.posas@mdsierra.org

Kendra Parzen and Chris Cody, National Trust for Historic Preservation

Date: 3 February 2022.

Mr. Steven Archer

MDOT-SHA Cultural Resources Team Leader

Dear Mt. Archer,

Please see consider the included Washington Biologists' Field Club (WBFC) comments on MLS-106_Att-7_Jan-2022_495_270_MLS_PROGRAMMATIC AGREEMENT Draft 2. And include this report in the Administrative Record.

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General WBFC comments on the importance of Plummers Island and the PA letter and Draft Agreement

APPENDIX A: Agreement with National Park Service, 1959

APPENDIX B: Avoidance, Minimization and Partial Mitigations

APPENDIX C: Maps of Plummers Island and Alternative 9 ALB emplacement

APPENDIX D: Administrative Record letter sent to US Army Corps of Engineers

APPENDIX E: WBFC replies to MLS-106 Comments Table 1 Responses

APPENDIX F: Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland

General WBFC comments on PA letter and Draft Agreement.

The Washington Biologists' Field Club (WBFC) declines to concur with this Programmatic Agreement.*

(*with the one exception of the nomination of WBFC on Plummers Island to the National Register of Historic Places).

The Washington Biologists' Field Club (WBFC) guiding mission is the study of long-term trends in biodiversity and community ecology on Plummers Island. We began this research in 1901 and continue it to this day. MDOT's plan for expanding the American Legion Bridge onto Plummers Island and channel waters **seriously compromises our research goals of studying the Island as a whole system.**

Long-term studies such as those of WBFC are very important in this era of rapid change in climate, introduction of increasing numbers of invasive species and diseases, etc. We can only conserve our natural resources if we understand "normal" ecosystem responses, and these require long-term monitoring of target sites. The scientific community has responded to this need by creating new sites for long-term research, but it takes decades to build up a record long enough to understand many of the processes, and there are few sites that have been established long enough to give meaningful information. Plummer's Island is one such site, and its preservation deserves high priority.

It must be emphasized that environmental damage cannot be "fixed" by any form of mitigation. Plummer's Island is a research site conducting a multigenerational study of long-term ecological processes. Destruction of the habitat, or serious damage to it, stops the ecological processes whose progress WBFC has been studying for over a century, and ends the long-term study. Replanting will not continue these processes, it just makes a new beginning, returning the Island to where the WBFC study began in 1901.

Plummers Island is unjustly being treated as a sacrifice area. The biodiversity on the Island is richly documented by 120 years of inventory by WBFC research. This is a unique natural research area within close proximity to a heavily populated urban area. There are many rare species known here, including plants from within the LOD (**Appendix F**; Smithsonian National Museum of Natural History collections; and T & E survey done for NPS in 2020) (See also WBFC's DEIS, SDEIS and Section 106 comments of 2021 -- available at <https://WBFC.science>). Plants can't move out of the way, and natural habitat is being lost throughout the region. The rocky headland of the Island preserves a bit of the Potomac Gorge Riverside Outcrop Barren plant community (globally and state rare: G2, S1) -- possibly the eastern most extent of this vegetation unit in the Gorge (USNVC: CEGL006491) (Appendix C, map B). Not only is this area partly under the expanded ALB, *but the extended shadow will shade it out*. This spit of land should be included as part of the Island, but Section 106 has incorrectly ruled it out of the historic property. Ruling this piece of land out allows MDOT to say they are taking less of the Island than they actually are (see WBFC's virtual and written SDEIS comments, 2021). Additional rare communities within the APE and bordering on the LOD include; the Potomac River Bedrock Terrace Hardpan Forest (GEGL006209; G1G2/S1); Floodplain Terrace Forest (with wetland bedrock pools; and the Central Appalachian / Piedmont Basic Mesic Forest (USNVC: CEGL0084; G4G5/S4) with many sensitive species that are restricted to this habitat on the Island, several that are rare there.

The extent of the shadow cast by the nearly 100-yard-wide ALB will further shade out rare and sensitive plant and animal species and starve out native vegetation for some uncertain distance beyond the ALB but within the APE (this area is still unquantified by MDOT and its consultants - testament to the shoddy work and treatment given the Island by proponents of the project). Documenting the impacts of this shadow within the APE on plants and animals needs to be done for future transportation projects, but also for understanding perturbations to the long-term trends that are WBFC's guiding mission to document on the Island. WBFC calls for funding and conducting this research in Appendix B as partial mitigation for Alternative 9 (**Appendix B**).

The enlarged canopy of the nearly 100-yard-wide Alternative 9 ALB will predictably attract more homeless people. The proximity of a homeless encampment presents significant additional problems for protecting Plummers Island and its historic cabin from vandalism. There is abundant evidence of camping under the current ALB; leveled spots, campfire remains, trash, tree-cutting, and graffiti. Since the ALB was first constructed, the cabin, which up to then was in original condition, has deteriorated substantially due to vandalism, and sometimes has squatters living in it for months. Cutting down of trees for firewood has further disturbed the cabin grounds. Section 106 documentation has utterly failed to take all of this into consideration.

Importantly, taking any part of Plummers Island violates the formal legally binding 1959 Agreement between WBFC and the National Park Service (**Appendix A**). Under this agreement WBFC gave the Island to the Federal Government in exchange for our continued maintenance and research of the Island as a wild natural area, so long as WBFC existed and complied with certain obligations. WBFC has honored its part of the agreement for the ensuing 72 years. WBFC has studied the Island for 121 years, making it a rare and precious part of the cultural and scientific natural heritage of the National Park system. The Section 106 process determined the *WBFC and Plummers Island* to be eligible for the Maryland Historical Trust and National Register of Historical Places, and this requires protecting the entire Island as a whole property.

With these points in mind, WBFC does not accept the MDOT's Alternative 9 plan. We consider it contrary to the above agreement, and the intent of NHPA laws protecting eligible Historical properties as whole units. We support the No Build Option (as stated in our DEIS, SDEIS, and Section 106 comments). WBFC has fought to protect Plummers Island before, and here we are again. In addition to 7 years of legal battles to settle the patent dispute and purchase the Island in 1908, Club members held a 6-year vigil up to 1959 over the condemnation of the Island for the GW Parkway (resulting in the Appendix A agreement), and then spent 6 months more of wrangling in 1960 before the construction contract was let. (see Washington Star articles in **Appendix A**)

Moreover, MDOT has failed to adequately and objectively justify the Least Environmentally Damaging Practicable Alternative (LEDPA) in the selection of Alternative 9.

WBFC commented on the DEIS, and was recognized as a consulting party in early 2021. The SDEIS is unacceptable, full of problems, and must be rewritten (WBFC separate, and co-signed Sierra Club comments submitted November 30, 2021). WBFC Section 106 comments were submitted in October 2021, and again with SDEIS comments. Comments on the final Section 106 programmatic agreement are here by submitted by February 3, 2022.

One avoidance or minimization would be to redeck the ALB and not expand it. Alternative 5, adding only two lanes to the ALB, would be much less damaging to Plummers Island and adjacent waterways. Double decker or suspension bridges could significantly reduce damages to Plummers Island and adjacent waterways. However, the highway expansion plans do nothing to reduce the CO2 emissions driving global Climate Change. As MDOT Secretary Greg Slater stated in 2021, the ALB is structurally sound and only needed redecking within 10-20 years. WBFC supports this No Build Option.

If Alternative 9 goes forward as MDOT & P3 companies propose, WBFC proposes the following avoidance, minimization and **partial mitigations** be adopted and coordinated through NPS, in consultation with WBFC in-so-far as they affect Plummers Island and its waterways:

With these points in mind, WBFC attaches **Appendix B: Avoidance, Minimization and Partial Mitigations under Sections 106, NHPA, NEPA, and 4(f), 10, and 404**: There we outline specific avoidances, minimizations, and partial-mitigations in a framework of proposed research to evaluate the impacts of the ALB expansion on the biota of Plummers Island. (see also <https://wbfc.science/plummers-island-threatened/>)

Appendix C includes maps of Plummers Island: Map A shows the ALB footprint and position of the LOD as best as can be determined from the MDOT images, in which the LOD is positioned on images that obscure the boundaries and features of Plummers Island (pink lines outline current ALB features, blue lines are Alternative 9 ALB outlines). Map B shows the LOD cutting through four vegetation zones, two research plots, and the rock buttresses along the channel, and the original head of the channel. Map B shows the positions of long-term vegetation plots. Map C is an image from MD iMAP, a Lidar map of ground level prominences, including the rock buttresses along the channel, and the current head of the channel. Map D is from a 1950s topographic survey with 1.5 ft contours, showing the rock buttresses, and the original head of the channel. Image E gives the source of Map D.

Appendix D. U.S. Army Corps of Engineers, Baltimore District MDOT's proposed Alternative 9 - Phase 1 South (Administrative Record letter sent January 19, 2022). This letter requests careful attention to potential threats to Plummers Island, its channel and riparian wetlands, from hydrological impacts of the ALB Alternative 9 footprint and construction activities. Changes to the flooding regime affect the land and thus affect the historical biological research and cultural aspects of the terrestrial property addressed in Section 106.

Appendix E. WBFC replies to responses on Comments on MLS 106 PA Comments Table 1 (MLS-106_Att-8_Jan-2022_PA_Draft_1_Comment Table.pdf). These are presented in table form with WBFC replies following each MLS-106 response.

Appendix F. Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland, documents rare plants and plant communities on the Island.

Some WBFC specific comments on MLS-106_Att-7_Jan-2022_495_270_MLS_PROGRAMMATIC AGREEMENT Draft 2.*

For more specific comments on the MLS Comments Table, see **Appendix E.*

“WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) plans to approve the I-495 and I-270 Managed Lanes Study (MLS), a proposed Public-Private Partnership (P3) administered by the Maryland Department of Transportation State Highway Administration (MDOT SHA); and”

WBFC comment 1: *This assumes FHWA will approve the MLS. We don't think they should.*

“WHEREAS, the MLS Preferred Alternative, “Alternative 9 Phase I South” (Project) consists of construction of Priced Managed Lanes along Interstates 495 and 270, beginning in Fairfax County, Virginia, and extending north to approximately Interstate 370, and east along the separated portions of I-495 (“spurs”) to approximately Maryland Route 187, as described in detail via documentation linked in Attachment 4; and”

WBFC comment 2: *The P3 toll lane revenue objectives are the driving force in selection of Alternative 9. There is reasonable expectation that a simple tolling for all vehicles crossing the bridge would generate revenues to the States and pay for the project directly with State and Federal funds. This would avoid P3 partners controlling (to maximize profits) the beltway by blocking mass-transportation incorporation into the beltway. Projections of future traffic were made without consideration of shifts to telecommuting, and potential reductions in traffic from adding effective mass-transit options. Moreover, the beltway expansion comes at the expense of accepting increased CO2 emissions into the future faced by climate change driven by CO2 emissions. The LEDPA for Alternative 9 is not justifiable nor even objectively evaluated for the alternatives proposed in the DEIS. As for WBFC on Plummers Island, the PA simply accepts the damages to the Island, and states that damages are minimized. WBFC believes that Plummers Island is being treated as a sacrifice area. This PA draft goes documents at great lengths avoiding and minimizing impacts to cemeteries and the ACHP site, but mentions Plummers Island only 4 times (briefly) in the cover document. By placement of most of the ALB expansion over Plummers Island, rather than on the upstream side of the bridge, the Section 106 PA shows a callous disregard for the historical nature of our 120 years of scientific studies, and the impacts to the continuity of the long-term research. Significantly, the PA does not address the Legal Agreement between the NPS and WBFC set forth in 1959, which protects the Island as a Natural Wild Area (**Appendix A**).*

“WHEREAS, the MDOT SHA, with the approval of FHWA, intends to deliver the Project as a P3 using the services of a private sector developer or multiple developers who will advance the Project and be responsible for design, construction, operation and maintenance, subject to approvals by MDOT SHA and/or FHWA; and”

“WHEREAS, FHWA has determined that the Project will have an adverse effect on National Register of Historic Places (NRHP)-listed or eligible properties (“historic properties”) including the George Washington Memorial Parkway (Clara Barton Parkway), the Chesapeake and Ohio Canal National Historical Park, the Washington Biologists’ Field Club on Plummers Island, Gibson Grove African Methodist Episcopal Zion Church, archaeological sites 44FX3922 (Dead Run Ridges Archaeological District), 44FX0374, 44FX0379, 44FX0389, 18MO749 and 18MO751; that additional effects may not be completely known; and that FHWA intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14 and to govern the implementation of the Project and the resolution of adverse effects; and”

“V. . Property-Specific Commitments

F. Washington Biologists’ Field Club on Plummers Island

1. MDOT SHA will prepare a NRHP Nomination for the Washington Biologists’ Field Club on Plummers Island. MDOT SHA will provide a copy of the nomination to NPS staff for review prior to submittal and address any comments prior to formal submission of the nomination. Should the nomination be unsuccessful, MDOT SHA will not be required to resubmit the nomination or otherwise complete additional studies or research after addressing comments by NPS staff.”

WBFC comment 3: *We agree that WBFC on Plummers Island should be included in NRHP, and that Plummers Island should be protected as a whole. MDOT is requested to fully fund and fulfill the nomination process for NPS. **NPS and WBFC should be involved and consulted in the preparation of the nomination of Plummers Island.***

Again, The Washington Biologists’ Field Club (WBFC) **declines to concur with this Programmatic Agreement.***

(*with the one exception of the nomination of WBFC on Plummers Island to the NRHP).

Respectfully submitted, 3 February 2022,

Robert J. Soreng PhD., WBFC President

Carla Dove PhD, WBFC Vice President

Lowell W. Adams, WBFC Secretary

cc: Matt Manning (Consultant) <MManning.consultant@mdot.maryland.gov>, Alan T Whittemore <atwhittemore@gmail.com>, Lowell Adams <lwadams4@gmail.com>, Carla <DOVEC@si.edu>, Landsman, Andrew P <Andrew_Landsman@nps.gov>, Pamela Goddard <pgoddard@npca.org>, Kyle Hart <khart@npca.org>, Stidham, Tammy <Tammy_Stidham@nps.gov>; Elizabeth Hughes, Maryland Historical Trust <elizabeth.hughes@maryland.gov>.

Supporting information about WBFC

<https://wbfc.science/>

<https://wbfc.science/about/>

<https://wbfc.science/plummers-island-threatened/>

<https://wbfc.science/research/>

Appendices A through F follow.

APPENDIX A: Agreement with National Park Service, 1959

1) AGREEMENT WITH NATIONAL PARK SERVICE

AGREEMENT AND STIPULATIONS BETWEEN THE WASHINGTON BIOLOGISTS' FIELD CLUB, INC. AND THE UNITED STATES OF AMERICA

This agreement made this 5th day of March, 1959, by and between the Washington Biologists' Field Club, Inc. and the United States of America.

WITNESSETH:

WHEREAS, The United States Government has by condemnation proceedings, in the United States District Court for the District of Maryland in Civil No. 10676 and by order of Court made the 24th day of June, taken possession of the defendant's Washington Biologists' Field Club, property designated in said proceedings as parcels "A" and "B" in tract no. 7, and

WHEREAS, This property was acquired by the Washington Biologists' Field Club, Inc. and has been used by the said Club as a natural wild area for scientific research for over 50 years and a great many scientific papers have been written in reference to biological and natural history discoveries made on said land and, more particularly, on that part of said land known as parcel "B" and more familiarly known as Plummers Island containing some 12.238 acres more or less, and

WHEREAS, The said Plummers Island has become among systematic biologists one of the world's most famous collecting spots and type localities, and

WHEREAS, The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and

WHEREAS, The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and

WHEREAS, The Washington Biologists' Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.

Therefore, The United States Government's petitioner in the United States District Court for the District of Maryland in Civil No. 10676 and the Washington Biologists' Field Club, Inc., defendant, and the owner of said parcel of land known as parcel "B" containing some 12.238 acres more or less which said land is an island in the Potomac River and is more familiarly known as Plummers Island, do hereby stipulate and agree that the said parcel "B" be withdrawn from these proceedings and that the said Washington Biologists' Field Club, Inc. does hereby agree to deed the said island to the United States Government without monetary consideration reserving in said deed to the Washington Biologists' Field Club, Inc., the right to continue to maintain the island as a natural wild area and use it for scientific research and for meetings of the Club and to pursue its studies in the field of biology and natural history on the said island so long as the Washington Biologists' Field Club, Inc. exists and desires to continue to use the island for scientific research and so long as the further provisions and stipulations contained herein are complied with which are as follows:

1. The Washington Biologists' Field Club, Inc. agrees to supply the National Park Service with copies of scientific papers resulting from research conducted on said island when available.
2. The Washington Biologists' Field Club, Inc. will supply the National Park Service with an annual report and will include the names and addresses of the officers, list of the members, and a summarization of the scientific investigations carried on.
3. The Washington Biologists' Field Club, Inc. will indemnify the United States against any loss or damage or injury due to the Club's negligence or any of its members or guests in the use and occupancy permitted under this agreement.
4. The Washington Biologists' Field Club, Inc. shall maintain its building and facilities on the island or replace the same in orderly and safe condition without expense to the United States.
5. No additional buildings, structures, or other physical facilities shall be constructed on the island by the Washington Biologists' Field Club, Inc. without first obtaining written approval of the National Park Service.
6. It is further stipulated and agreed between the United States Government and the Washington Biologists' Field Club, Inc. that the membership of the Club as constituted on 1 August 1958,

Honorary Members:

Bartsch, Paul	Fuller, Henry S	Morrison, J. P. E.
Mann, William M.	Gabrielson, Ira N.	Nelson, A. L.
Ricker, P. L.	Gardner, Marshall C.	Oehser, Paul H.
Active Members:	Graham, Edward H.	Parker, Kenneth W.
Aldrich, John W.	Griffith, Richard E.	Presnall, Clifford C.
Appel, William D.	Handley, C. O., Jr.	Reed, Theodore H.
Benedict, J. E.	Hotchkiss, Neil	Russell, Paul G.
Blake, S. F.	Jackson, Hartley H. T.	Setzer, Henry W.
Brown, Edgar	Johnson, David H.	Smith, Albert C.
Clarke, J. F. G.	Kelson, Keith R.	Smith, Lyman B.
Compton, Lawrence V.	Killip, E. P.	Sohns, Ernest R.
Davis, Malcolm	Krombein, Karl V.	Stevenson, James O.
Duvall, Allen J.	Leonard, Emery C.	Stewart, Robert E.
Erickson, Ray C.	Lincoln, Frederick C.	Stickel, William H.
Erlanson, C. O.	Linduska, Joseph P.	Swift, Ernest F.
Fredine, C. Gordon	Meehean, O. Lloyd	

Uhler, F. M. B.	Vogt, George	Archino, Samuel	Fowler, James A.
		Bartlett, H. H.	Hamlet, John
Walker, Ernest P.		Bryant, Harold C.	Holt, Ernest O.
Wetmore, Alexander		Cahalane, Victor H.	McAtee, W. L.
Zahniser, HowardNonresident Members:		Cottam, Clarence	Myers, G. S.
		Couch, Leo K.	Peterson, Roger T.
Allan, Philip F.		Dargan, Lucas M.	Wallis, William W.
Allen, Durward L.		Eklund, Carl R.	Wherry, Edgar T.

shall have the privilege of having their ashes placed on said island and a small bronze plaque in their memory placed on the stones of said island and that this privilege shall apply only to the membership as named above as it shall exist as of 1 August 1958.

7. It is further stipulated and agreed that the United States Government will allow the membership of the Washington Biologists' Field Club, Inc. to have access by foot over the land owned by the United States Government to the island at all times and whenever desired.

8. The Washington Biologists' Field Club, Inc. will be permitted to maintain and operate passenger-carrying ferry boats from and to the island which is to be for the exclusive use of the Club and its members and guests for access to the island.

9. The Washington Biologists' Field Club, Inc. will be permitted to erect and maintain a fence and gate at a suitable location to exclude the general public from the island, but the National Park Service is to be furnished keys to the lock or the National Park Service may provide its own lock if keys are delivered to the Washington Biologists' Field Club, Inc., and will also be permitted to clear the channel between the island and the Maryland shore to maintain a free flow of water therein.

10. It is further stipulated and agreed that authorized agents and personnel of the National Park Service shall have access to the island and the right to take scientists to the island, but, in that event, the Washington Biologists' Field Club, Inc. shall not be responsible for any injuries or damages resulting to said persons due to conditions upon said island provided said injuries or damages are not caused by negligence of the Club or by a failure on the part of said Washington Biologists' Field Club, Inc. to comply with the requirements of this stipulation.

11. It is further stipulated and agreed that all rights accruing to the Washington Biologists' Field Club, Inc, or to any member thereof by reason of the provisions of this stipulation or any amendment thereto may be terminated if said Washington Biologists' Field Club, Inc. no longer exists or in the event after due written notice that the provisions of this stipulation and/or deed which will be executed following signing of this stipulation have been violated and continue to be violated by said Washington Biologists' Field Club, Inc. or its members, guests, employees, or servants for a period of time in excess of six months after receipt of said notice, and further in the event the island shall be no longer used for scientific research by the Washington Biologists' Field Club, Inc. for more than two years then this

stipulation and any like provisions of the deed to be executed conveying the property to the United States shall terminate.

12. It is further stipulated and agreed that the United States may construct or permit the construction of needed nonrecreational public improvements upon the island or a portion thereof, which said improvements shall not be inconsistent with the uses to which the island has been dedicated by the Washington Biologists' Field Club, Inc.

13. It is further stipulated and agreed that this stipulation shall become effective after the filing and acceptance by the United States of a deed of conveyance containing the provisions outlined herein.

The United States of America

By: WILLIAM E. FINLEY

Director of the National

Capital Planning Commission

Condemning Authority

The Washington Biologists' Field Club, Inc.

By: LLOYD W. SWIFT

President

1, Albert C. Smith, certify that I am the Secretary of the corporation named as party herein; that Lloyd W. Swift, who signed this contract on behalf of the party, was then President of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

ALBERT C. SMITH, Secretary

Two Washington Star articles from 1960 follow:

Beltway Span Contract Let

Work Starts Soon At Cabin John

The Maryland State Roads Commission has formally awarded a \$2.8 million contract for construction of the long-awaited Cabin John Bridge, which will carry the Capitol beltway across the Potomac River.

Work on the bridge will get under way soon, according to John B. Funk, director-chairman of the State commission. The total cost of the bridge is estimated at nearly \$5 million.

The contract was awarded to two Indiana contractors who submitted a joint bid. The firms are Ruckman and Hansen, Inc., of Fort Wayne, and Roy Ryan Sons Co., Inc., of Evansville.

The bridge, to cross the river near Glen Scho in Montgomery County, will connect the Maryland stretch of the Washington circumferential freeway with the Virginia counterpart. Maryland has agreed to pay 79 per cent of the cost and Virginia 21 per cent, using Federal interstate and matching State funds.

The bridge, of steel construction, is expected to be completed by the fall of 1962. It will actually be two spans, each carrying traffic in one direction.

Last October an agreement was reached between the Maryland Roads Commission and the National Park Service that broke a six-month stalemate over design of the span. Maryland agreed to move its approach roads to the bridge 100 feet upstream to avoid encroachment of a bird sanctuary at Plummer's Island.

The new bridge was given high priority because of the need to service the new Central Intelligence Agency headquarters at Langley, Va., now under construction. As a link in the circumferential highway it will help in siphoning traffic off congested arterial roads.

2) Washington Star 23 July 1960

New Span to Unmask Island Jungle

By ANNE H. CHRISTMAS
Star Staff Writer

Fifty scientists are manag-
ing to hold on to an island
sanctuary in the Potomac River
despite encroachment on all
sides.

The scientists have kept a
six-year vigil to guard the pri-
vacy and natural beauty of the
retreat.

The wooded isle is a 12-acre
plot not far from the Maryland
shore of Montgomery County,
only nine miles from the White
House. It has been known to
generations of biologists as
Plummers Island.

The scientific paradise—soon
to be flanked by impressive
highways—has been operated
since 1901 by the Washington
Biologists Field Club. Although
the land was given to the Fed-
eral Government several years
ago and is under the direction
of the Interior Department, one
of the terms of its transfer was
that its use should be limited
to club members and their
guests.

Trespassers Warned

Today the membership is "un-
happy but resigned" over the
imminent construction of the
Cabin John Bridge, which will
cross but not touch one of the
tips of Plummers Island. The
scientists were so dedicated to
the cause of maintaining their
backlink in its primitive state,
for further biological studies,
that they were able to convince

the Maryland State Roads Com-
mission to move the site for
the bridge upstream 200 yards.

Few outsiders know how to
arrive at the sanctuary from
the main road and this is pre-
cisely what the scientists had
in mind when they built there
long ago. The pathway is un-
marked and Park police are
quick to warn away trespassers.
Even the small rowboat that
ferries passengers to the island
is tightly locked and only a
few keys exist outside the club
membership.

If he is made of stern stuff,
the invited guest can hike
across club-owned woodland on
the mainland, then take the
pulley-operated boat across a
short stretch of the river to the
island itself. The approaches
to the boat landing are ankle
deep in mud even in dry
weather.

Once landed on the island,
the visitor instantly is im-
pressed with its untouched
quality.

"The club intends that na-
ture shall take her course un-
molested," the by-laws declare
firmly.

Jungle to Penetrate

And unmolested it grows—a
small jungle of undergrowth,
a thick forest, great rocks and
only a few narrow paths. Its
only building is a 59-year-old
cabin built by the earliest
members on a rocky crest about
60 feet above the water.

With typical restraint, an
early history says, "It will not
be necessary to describe in
detail the erection of the cabin,
the difficulties experienced in
conveying the material to the
bank of the river, and the
seemingly interminable labor
of transporting it from there
by wire trolley to the building
site—it was completed Novem-
ber 28, 1901."

The club at that time was
leasing Plummers for \$30 a
year and eager to buy the land,
but its title was cloudy because
ownership never had been
established since the original
grant of territory adjacent to
the island was made in 1684.
Seven years of legal battles
finally resulted in issuance of
a patent on the island by the
Maryland State Land Com-
missioner to the club.

One Large Room

The club house itself is vir-
tually unchanged from its ap-
pearance when the house-
warming was held in 1901. It
is covered on the outside with

unpainted shingles laid upon
solid lumber sheathing and
lined with heavy building
paper. It has only one large
room, 14 by 28 feet, with a
small kitchen in a lean-to at
the rear, a broad porch facing
the Virginia side, and a tre-
mendous fireplace built to ac-
commodate 4-foot logs.

In subsequent years the club
bought 38 acres on the main-
land, to insure its privacy and
protect the right of way. It
still is owned by the club.

One of the scientific objec-
tives has been a thorough bi-
ological survey of the island.
Members have logged in these
species — 26 mammals, 186
birds, 22 reptiles, 20 amphibi-
ans, 55 fishes, 776 flowering
plants, 70 mosses, 80 lichens
and 118 fungi.

Today the quiet of Plummers
Island is disturbed only by the
distant roar of bulldozers on
the Virginia shore where the
George Washington parkway
is being built.

3) Washington Star July 5, 1960

APPENDIX B. Avoidance, Minimization and Partial Mitigations

For the Administrative Record

Washington Biologists' Field Club's MDOT Avoidance, Minimization and Partial Mitigations Proposal

Date: February 3, 2022

Mr. Jeff Folden, I-495 & I-270
P3 Program Deputy Director I-495 & I-270 P3 Office
707 North Calvert Street,
Mail Stop P-60 Baltimore, Maryland, 21202
MLS-NEPA-P3@mdot.maryland.gov

Mr. Jitesh Parikh
Federal Highway Administration
George H. Fallon Building
31 Hopkins Plaza,
Suite 1520 Baltimore, Maryland 21201
jitesh.parikh@dot.gov

Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

The Washington Biologists' Field Club (WBFC) guiding mission is the study of long-term trends in biodiversity and community ecology on Plummers Island. We began this research in 1901 and continue it to this day. MDOT's plan for expanding the American Legion Bridge onto Plummers Island and channel waters **seriously compromises our research goals of studying the Island as a whole system.**

Long-term studies such as those of WBFC are very important in this era of rapid change in climate, introduction of increasing numbers of invasive species and diseases, etc. We can only conserve our natural resources if we understand "normal" ecosystem responses, and these require long-term monitoring of target sites. The scientific community has responded to this need by creating new sites for long-term research, but it takes decades to build up a record long enough to understand many of the processes, and there are few sites that have been established long enough to give meaningful information. Plummer's Island is one such site, and its preservation deserves high priority.

It must be emphasized that environmental damage cannot be "fixed" by any form of mitigation. Plummer's Island is a research site conducting a multigenerational study of long-term ecological processes. Destruction of the habitat, or serious damage to it, stops the ecological processes whose progress WBFC has been studying for over a century, and ends the long-term study. Replanting will not

continue these processes, it just makes a new beginning, returning the Island to where the WBFC study began in 1901.

Importantly, taking any part of Plummerville Island violates the formal legally binding 1959 Agreement between WBFC and the National Park Service. Under this agreement WBFC gave the Island to the Federal Government in exchange for our continued maintenance and research of the Island as a wild natural area, so long as WBFC existed and complied with certain obligations. WBFC has honored its part of the agreement for the ensuing 72 years. WBFC has studied the Island for 121 years, making it a rare and precious part of the cultural and scientific natural heritage of the National Park system. The Section 106 process determined the *WBFC and Plummerville Island* to be eligible for the Maryland Historical Trust and National Register of Historical Places, and this requires protecting the entire Island as a whole property.

With these points in mind, WBFC does not accept the MDOT's Alternative 9 plan. We consider it contrary to the above agreement, and the intent of NHPA laws protecting eligible Historical properties as whole units. We support the No Build Option (as stated in our DEIS, SDEIS, and Section 106 comments).

Moreover, MDOT has failed to adequately and objectively justify the Least Environmentally Damaging Practicable Alternative (LEDPA) in the selection of Alternative 9.

WBFC commented on the DEIS, and was recognized as a consulting party in early 2021. The SDEIS is unacceptable, full of problems, and must be rewritten (WBFC separate, and co-signed Sierra Club comments submitted November 30, 2021). WBFC Section 106 comments were submitted in October 2021, and again with SDEIS comments. Comments on the final Section 106 programmatic agreement will be or will have been submitted by February 3, 2022.

One avoidance or minimization would be to redeck the ALB and not expand it. Alternative 5, adding only two lanes to the ALB, would be much less damaging to Plummerville Island and adjacent waterways. Double decker or suspension bridges could significantly reduce damages to Plummerville Island and adjacent waterways. However, the highway expansion plans do nothing to reduce the CO2 emissions driving global Climate Change. As MDOT Secretary Greg Slater stated in 2021, the ALB is structurally sound and only needed redecking within 10-20 years. We support this No Build Option.

If Alternative 9 goes forward as MDOT & P3 companies propose, WBFC proposes the following avoidance, minimization and ***partial mitigations*** be adopted and coordinated through NPS, in consultation with WBFC in-so-far as they affect Plummerville Island and its waterways:

Avoidance, Minimization and Partial Mitigations under Sections 106, NHPA, NEPA, and 4(f), 10, and 404 etc.:

01 -- Nomination of WBFC on Plummerville Island to the National Register of Historical Places: **A)** MDOT fully funds and fulfills the nomination process for NPS. WBFC and NPS should be involved and consulted in the preparation of the nomination of Plummerville Island.

02 -- Bike & Pedestrian lane emplacement: This lane could be placed under the bridge or on the upstream side (avoidance and minimization), rather on the Island side of the bridge (as currently proposed in the SDEIS and Section 106 documents). **A)** Please revise the MDOT plan accordingly. This

minimization would reduce shading of the Island, and possibly the need for caissons on the Island, and potentially reduce the LOD. **B)** Furthermore, we note that archaeological sites are not particularly endangered by shadows or cave effects, and the archaeological site on the west side of the ALB may even be further protected by ALB overhanging lanes. We see no justification or advantage to placing overhanging lanes over the long-term ecological study site of Plummers Island rather than overhanging the already buried archaeological site.

03 -- Flooding potential: Flood frequency has now increased enough that 500-year events are now 100-year events, and former 100-year floods are now 10 to 20-year events. Moreover, flood stages are 7 ft higher at the head of Plummers Island than at NOAA's Little Falls Gauging Station 3 miles downstream in a wide section of the Potomac River. MDOT's planned destruction of the top of the rock ridge at the head of the island lining the west end of the channel, within the LOD, will further increase flooding impacts to the Island. **A)** We request that MDOT and US-ACE take extreme precautions in evaluation and preparation for potential 500-year flooding events occurring within the construction and immediately following periods. **B)** Protect the rock ridge from any damage. **C)** If there is flooding damage to the Island resulting from MDOT's project we expect major financial penalty to MDOT as compensation to WBFC for damages to the Island and its waters, and full cleanup efforts from MDOT.

04 -- Pier and Caisson emplacements: Where are the engineers planning to put the east bound ALB lane Piers? It was suggested by MDOT in meeting with WBFC in early 2021, that they could avoid placing piers on the Island. However, the SDEIS indicated support structures will be on the Island and in the channel. Newer MDOT plans (diagram shown to WBFC, November 29, 2021, in a joint MDOT Section 106 meeting), show three caissons on the island, and three more opposite those in and on the west side of the channel, this set of caissons placed about 75 ft north from the head of the channel. (In the same meeting WBFC was told that these would be reduced to two caissons on either side of the channel.) These caissons will trap logs and jam up the waters within the channel causing flood waters to cross the low gap between the rock ridge along the west end of the channel and headwall of the Island. Furthermore, MDOT's diagram shows an elongated pier would be placed under the bridge at the dogleg in the channel where it bends eastward. The diagram shows that pier to be footed in the channel, a placement that will deflect flood waters onto the island. **A)** MDOT needs a new plan to avoid increased flooding of the Island. We reject the whole idea of placing ALB supports on the Island and its channel.

05 -- ALB construction platforms: Trestles are proposed for construction platforms covering the western portion of channel separating Plummers Island from the mainland and bridge foundation, and presumably the west end of the Island up to the LOD. What is the plan for installing those trestles? And how will the trestles be decked (timbers?). What is to prevent those timbers and trestles from blowing out in a massive flood? **A)** Ensure that platform decking is secure in the events of minor to major flooding. **B)** keep them off the Island.

06 -- Channel impacts from construction and vegetation removal: Embankments within the LOD on both sides of Plummers Island's channel are expected to collapse after the soil is disturbed by construction activities, and vegetation is removed and the remaining vegetation is shaded out. The destabilized embankment soil will naturally be deposited further downstream in the channel. **A)** We expect MDOT to make every effort to avoid and minimize embankment collapse and further sedimentation of the channel.

07 -- Historical Hydrology: The channel head has shifted downstream and lost flow due to past ALB pier emplacements, and also caused avulsion of the head of the Island. The loss of land and adverse hydrological effects are sections 4(f), 10, 404, NEPA, and NHPA, issues to address. **A)** MDOT is requested to restore the channel to original position and flow, pre-ALB, or at least improve the channel to flow regularly even at low waters at their expense.

08 -- Channel impacts in the event of restoration of channel flow: WBFC members and other researchers need routine access to the Island. We send out a member each week with duty to check the cabin and surrounds for damage and debris from public visitors. Researchers need access to their study sites on the island. **A)** In the event that channel flow is increased such as limits our access, we request some enhanced access, which could be a locked bridge or caged boat dock (as permitted under the 1959 WBFC agreement with the National Park Service). **B)** We request that MDOT fund the access construction that best suits WBFC needs and NPS guidelines. (Estimated cost to MDOT for NPS design and installation: \$200,000).

09 -- Researching disturbance: **A)** We request MDOT funding of a “record in time” photographic survey before, during and after ALB construction, along with long-term follow-up, up to the APE boundary. **B)** MDOT Funding for development of ArcGIS maps to catalogue current and historical study locations and key resources to visualized changes over time. **C)** MDOT funds are requested to purchase for WBFC a highly accurate GPS unit for recording plot points, plant locations (including mapping of tree species), and collection sites. (Estimated cost to MDOT for WBFC equipment purchases: \$20,000). **D)** MDOT funding and coordination with NPS and WBFC of research on the effects of the expanded ALB shadow on vegetation, arthropods, and amphibians. Baseline vegetation plots are to be established before construction, followed by resampling at 5-year intervals for 20 years, using NPS circular plots from the LOD out to the APE. This will also serve to track invasive species spread. NPS, in coordination with WBFC, will analyze the data and publish this research using MDOT funding. (Estimated cost to MDOT for Research, see Item 17).

10 -- Invasive species: WBFC has been studying invasive species with our vegetation plots and 120 years of collection records. The most invasive are: Amur-honeysuckle, Japanese-honeysuckle, oriental-bittersweet, tree-of-heaven, gill-over-the-ground, Japanese-stiltgrass, garlic-mustard, and various knotweeds. In 2017 WBFC asked Invasive Plant Control (IPC) Inc. for a bid to remove the invasive trees and shrubs. Their bid was \$75,000 (unaffordable to us). Now fig-buttercup has come onto the island (3 plants first noted in 2017 at the head of the Island) and is expanding exponentially (250 plants seen in the spring of 2021, all across the Island): This weed is projected to extensively cover the lower flood plains of the Island in the near future. Japanese-stiltgrass is expanding exponentially also. The spread of these invasive species will be exacerbated by clearing of vegetation and soil disturbance associated with the ALB construction. Cost is a major impediment to control. C&O Canal NHPS has minimal funds for invasive plant control, and their efforts were curtailed by the Park’s Head Ranger in about 2016. This is a long-term problem and requires long-term mitigation and research on effectiveness of methods of control. **A)** MDOT funding to NPS for invasive plant control and research is requested for the long term. (Estimated cost to MDOT for NPS expenses \$5 million for invasive species control. For the Research budget see Item 17).

11 – Abatement of Toxic Runoff: The lowest point on the ALB drains through scuppers and culverts onto NPS land, cutting an erosional gully and then draining into our channel. The high point (75 m elevation)

along Maryland's I-495, ca. 1 mile NE from the ALB, drains down to the ALB the low point (36 m), just opposite the NW corner of Plummers Island. Road salts, antifreeze, and oils release toxic metals into the soil and water. Any accidental spill on the bridge or highway draining to the bridge currently dumps on to NPS land and then into our channel. **A)** MDOT must send this runoff elsewhere for treatment. **B)** MDOT Funding is requested for long-term research on toxic runoff from the ALB. **C)** Dust and debris from demolition and construction must be minimized to the maximal practicable extent. **D)** Effects of dust and sedimentation on the Island and in the channel must be studied as a long-term research project. (Estimated cost to MDOT for Research, see Item 17).

12 – Abatement of Noise Pollution: ALB traffic noise on the island disrupts animal communications and affects the quality of experience of the island for visitors. Having more lanes and traffic closer will amplify the noise. Cutting of trees will also increase penetration of sound onto the island. **A)** Sound barriers, and special sound deadening tarmac surfacing must be added to MDOT plans for the ALB to minimize this impact. **B)** MDOT funding is requested for researching impacts of noise from the ALB and study of impacts on animal communications. **C)** Outdoor camera and microphone and monitoring equipment are requested for WBFC future research. (Estimated cost to MDOT for WBFC equipment purchases: \$20,000). (Estimated cost to MDOT for Research, see Item 17).

13 -- Vistas: Clearing trees on the island and mainland adjacent to the Island adjacent to and under the newly expanded ALB will impact the quality of experience of the Island, and impact the remaining vegetation under the removed tree canopy and into the adjacent forest. The bridge itself will overhang the island up to the LOD, creating a cave, and an extended shadow that will limit afternoon sunlight to vegetation further inland. **A)** MDOT must limit tree cutting as much as possible. **B)** MDOT funding is requested to replant and reseed disturbed off-Island areas with hardy local strains of native trees, shrubs and herbaceous species as soon as possible, health of these plantings to be monitored by NPS.

14 -- Expanded Online content: **A)** MDOT Funding is requested for further digitization and cataloging of Smithsonian collections within the C&O NHP and Plummers Island. This would include funding for contractors and IT support. **B)** MDOT Funding is requested for digitization of WBFC archives of letters, photos and other documents at the Smithsonian. This would include contractors and IT support. NPS is also interested in this archive of materials for their historical records involving the 120-yearold WBFC cabin. **C)** MDOT Funding for WBFC website development to further share our mission and knowledge. This would include hiring of a professional website developer for WBFC. **D)** MDOT Funding is requested for diversity and inclusion of underrepresented peoples in our outreach and education initiatives. (Estimated cost to MDOT for the above items: \$200,000).

15 – Financial support for inventories of understudied groups on the island: WBFC maintains documented inventories of organisms on the Island, but not able to ensure that inventories for all groups of organisms are up to date at any one time; provide funding to hire experts to update and document inventories for groups that need it.

16 -- Access During Construction: We also request that access to Plummers Island not be curtailed during construction. If the Clara Barton parkway is closed during construction of the ALB and ramps, we request a temporary parkway crossing from the westbound lane to Lock 10 parking on the eastbound lane be established. Researchers will need access to research plots up to the LOD.

17 --Long-term research: Including items listed above, long-term research on the impact of bridge expansion on Plummers Island is needed. This will inform future construction projects by expanding our knowledge base of the impacts on biodiversity and community ecology. This will also assist WBFC in understanding perturbations to long-term trends of the Island's ecosystem caused by the MDOT project. Neither WBFC nor NPS have the funds or staff to carry out the required new research projects. Baseline plot data gathering must be completed prior to beginning ALB construction. We request external contracting and funding by MDOT-SHA for research, to be conducted by consulting companies, research universities and institutions, in coordination with WBFC and NPS. (Estimated cost to MDOT over a 20-year time period is \$20 million.)

Respectfully,

Robert Soreng PhD, WBFC President

Carla Dove PhD, WBFC Vice President

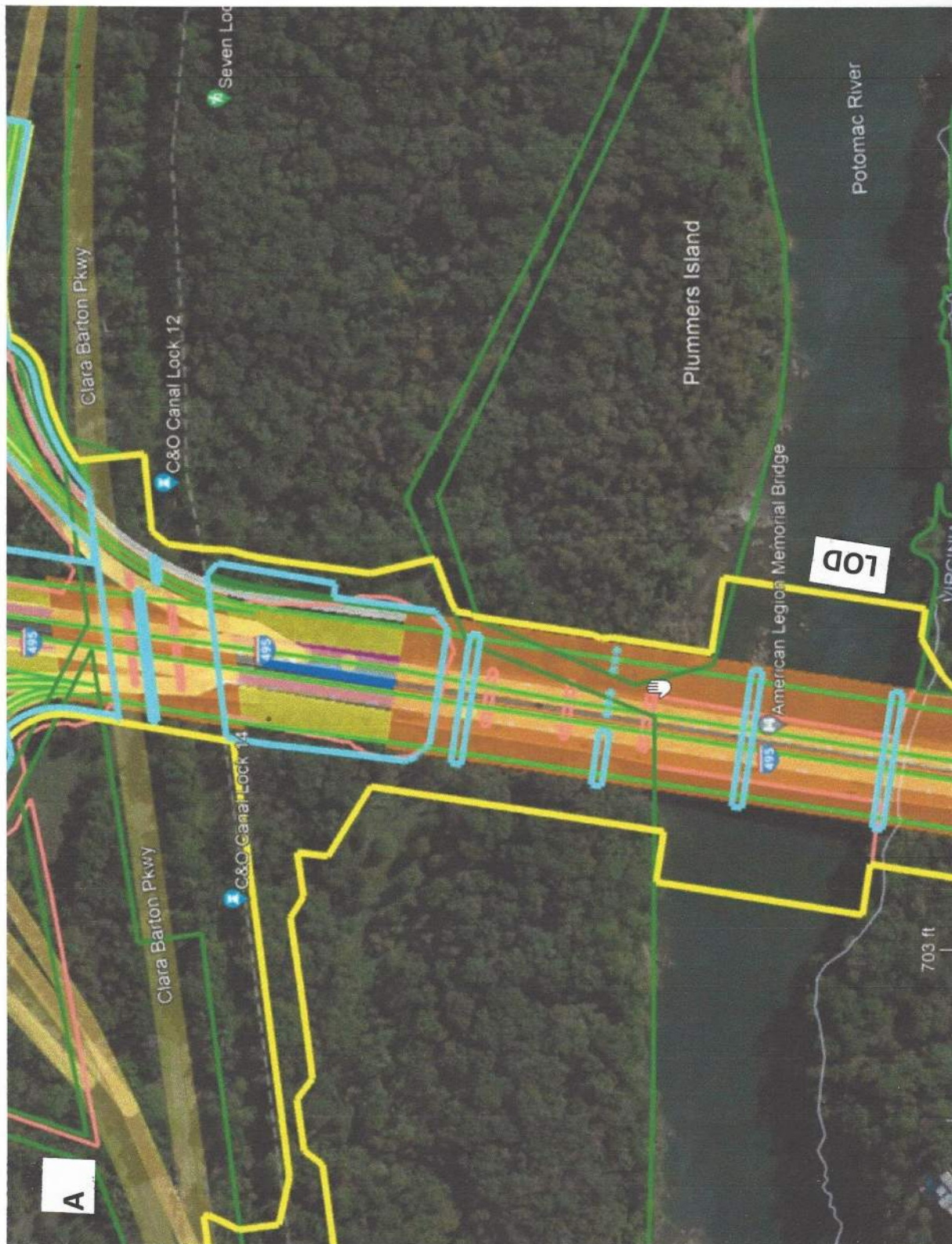
Lowell Adams PhD, WBFC Secretary

Warren Wagner PhD, WBFC Treasurer

On behalf of the hundreds of past and present WBFC members.

Cc:

APPENDIX C: Maps of Plummers Island and Alternative 9 ALB emplacement



B

Natural Communities of Plummers Island **Montgomery County, Maryland**

by R.H. Simmons, A.H. Fleming, and R.J. Soreng, June, 2016

1 Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type):
Eragrostis hypnoides - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus*
 Herbaceous Vegetation (USNVC: CEGLO06483). Non-tidal mudflats.
 Global/State Ranks: G3/SNR

2 Piedmont / Central Appalachian Sand Bar / River Shore (Tall Herbs Type):
Eupatorium serotinum - *Persicaria (lapathifolia, punctata, pennsylvanica)*
 Herbaceous Vegetation (USNVC: CEGLO06481). Global/State Ranks: GNR/SNR

3A / 3B Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum*
prolificum, *Eubotrys racemosa*) / *Schizachyrium scoparium* - *Solidago racemosa*
 - *Ionactis linearifolia* Herbaceous Vegetation (USNVC: CEGLO06491).
 Global/State Ranks: G2/S1. 3B: Other large rock outcrops in a similar setting

4A / 4B Piedmont / Central Appalachian Sycamore - River Birch Scour Woodland:
Platanus occidentalis - *Betula nigra* - *Salix (caroliniana, nigra)* / *Apocynum*
sibiricum Woodland (USNVC: CEGLO03896). Global/State Ranks: G4G5/S4.
 Occurs within 4B: intermittent river channel with sparse vegetation

5A / 5B 5A: Floodplain Terrace Forest: *Fraxinus pennsylvanica* - *Ulmus spp.* - *Cellis*
occidentalis Forest in a moist, glade-like swale underlain by dark loamy alluvium.
 Similar to USNVC: CEGLO02014. 5B: Same, with many inclusions of basic mesic
 forest (#9) on low, streamlined ridges of bedrock and sandy alluvium

6 Piedmont / Central Appalachian Silver Maple Forest: *Acer saccharinum* - *Acer*
negundo / *Ageratina altissima* - *Laportea canadensis* - (*Elymus virginicus*, *Elymus*
macgregorii) Forest (USNVC: CEGLO06217). Global/State Ranks: G4/S4

7 Piedmont / Central Appalachian Rich Floodplain Forest: *Platanus occidentalis* -
Acer negundo - *Juglans nigra* / *Asimina triloba* / *Mertensia virginica* Forest
 (USNVC: CEGLO04073). Global/State Ranks: G4/S3

8 Central Appalachian / Piedmont Basic Mesic Forest (Twinlineaf - Blue Cohosh
 Type): *Acer (nigrum, saccharum)* - *Tilia americana* / *Asimina triloba* / *Jeffersonia*
diphylla - *Caulophyllum thalictroides* Forest (USNVC: CEGLO08412). Global/State
 Ranks: G4G5/S4

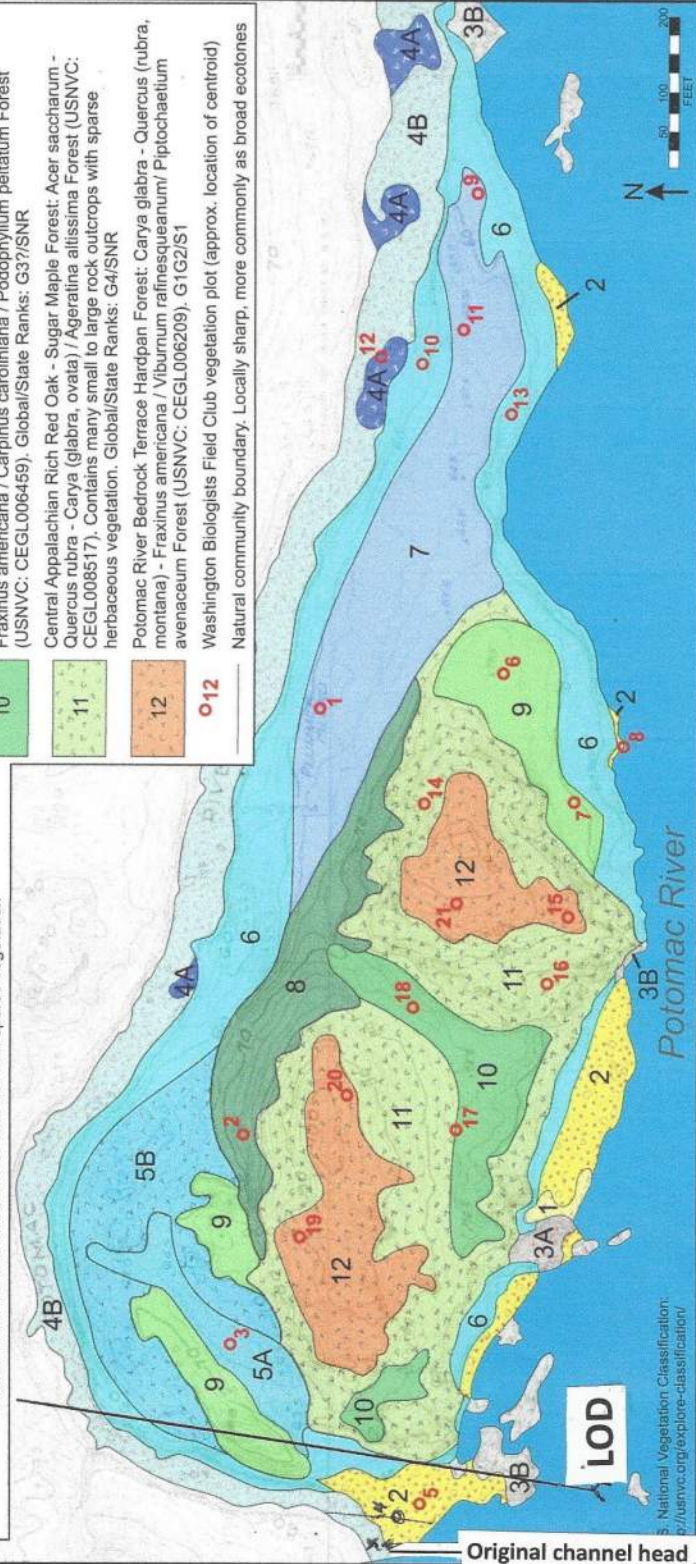
9 Coastal Plain / Outer Piedmont Basic Mesic Forest: *Fagus grandifolia* -
Liriodendron tulipifera - *Carya cordiformis* / *Lindera benzoin* / *Podophyllum*
petatum Forest (USNVC: CEGLO06055). Global/State Ranks: G4/S4

10 Mid-Atlantic High Terrace Hardwood Floodplain Forest: *Acer saccharum* -
Fraxinus americana / *Carpinus caroliniana* / *Podophyllum petatum* Forest
 (USNVC: CEGLO06459). Global/State Ranks: G3/SNR

11 Central Appalachian Rich Red Oak - Sugar Maple Forest: *Acer saccharum* -
Quercus rubra - *Carya (glabra, ovata)* / *Ageratina altissima* Forest (USNVC:
 CEGLO08517). Contains many small to large rock outcrops with sparse
 herbaceous vegetation. Global/State Ranks: G4/SNR

12 Potomac River Bedrock Terrace Hardpan Forest: *Carya glabra* - *Quercus (rubra,*
montana) - *Fraxinus americana* / *Viburnum rafinesqueanum* / *Piptochaetium*
avenaceum Forest (USNVC: CEGLO06209). G1G2/S1

O12 Washington Biologists Field Club vegetation plot (approx. location of centroid)
 Natural community boundary. Locally sharp, more commonly as broad ecotones



S. National Vegetation Classification:
<http://usnvc.org/explore-classification/>





FOR LEGEND SEE INDEX SHEET NO. N.C.P.					
PREPARED BY MADDOX & HOPKINS CONTRACT NO. 14-10-028-1214		UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE NATIONAL CAPITAL PARKS ENGINEERING BRANCH		REGION N.C.P. WASHINGTON, D.C. SHEET 19 OF 55	
DRAWN BY DATE	PLOTTED BY DATE	TOPOGRAPHY Key Bridge to Seneca Creek GEO. WASH. MEM. PKWY. and CHESAPEAKE & OHIO CANAL			
CHECKED BY DATE	TRACED BY DATE	DRW. NO. N.C.P. 117.10-4-19			
REVISIONS BY DATE		751,000			

Bottom, 1420 s.3

* For map images cited in **APPENDIX D**, see **APPENDIX C.**, maps A (ALB Alternative 9 with ALB),

APPENDIX D: Administrative Record letter sent to U.S. Army Corps of Engineers

January 19, 2022

NAB-Regulatory@usace.army.mil

U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch (CENAB-OPR)
2 Hopkins Plaza
Baltimore, MD 21201

[Re: The protection of Waters of the U.S., C&O Canal National Historical Park, and Plummers Island from adverse impacts of MDOT's proposed Alternative 9 - Phase 1 South]

Dear USACE Baltimore District Regulatory Branch,

We have serious concerns regarding the adverse impacts to Waters of the U.S., C&O Canal National Historical Park, and Plummers Island if MDOT's proposed Alternative 9 - Phase 1 South for widening the American Legion Bridge is constructed as planned. We are also very much concerned that environmental impacts are not adequately addressed in the DEIS/SEIS, that viable, less destructive alternatives were not properly analyzed and considered, and that Alternative 9 - Phase 1 South is not the Least Environmentally Damaging Practicable Alternative (LEDPA). In fact, it is perhaps the most environmentally destructive of alternatives to federally owned lands and waterways east of the bridge.



Fig. 1. Globally rare Potomac River Bedrock Terrace Hardpan Forest (CEGL006209) at Plummers Island, C&O Canal National Historical Park, Montgomery County, Maryland. The American Legion Bridge looms in the background at the head of the island. Photo by R.H. Simmons.

Plummers Island is a unique 12.2-acre natural area within the Potomac River Gorge, C&O Canal National Historical Park, Montgomery County, Maryland. It is widely known as "The Most Thoroughly Studied Island in North America" (NPS sign on Plummers Island). Its natural history has been a subject of more than 400 scientific papers. More than 4,000 species have been documented there, by over 40,000 collections housed in the National Museum of Natural History, Smithsonian Institution. Numerous rare plant and animal species, and four globally rare plant communities are documented there. Alluvial habitats with overland, non-tidal flooding regimes and diverse, specialized vegetation comprise much of the island (Figs. 2 and 3).

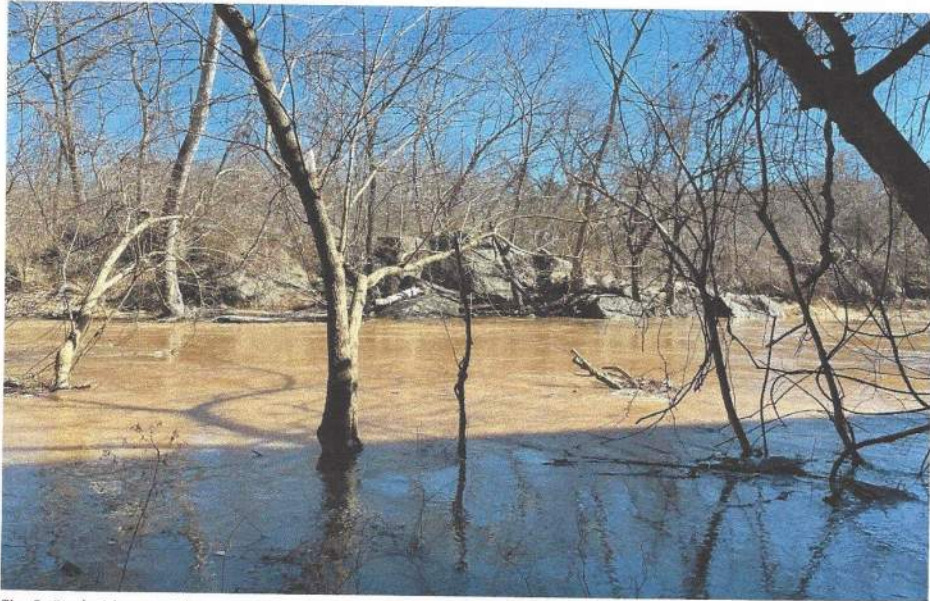


Fig. 2. Rock ridge straight across the channel from the shadow of the American Legion Bridge at the 9 ft. flood stage (NOAA Little Falls Gauging Station). Photo by R.J. Soreng, March 2, 2021.

In the DEIS and SEIS, alternatives were mainly considered for which best suited the transportation goals of the project, with required analyses of environmental impacts not presented or poorly discussed. (https://oplane.smd.com/wp-content/uploads/2021/11/14951270MLS_SDEISUpdatedSection4f.pdf). For example, Alternative 9 as the presumed LEDPA is not justified and the number and type of environmental impacts are not discussed. In fact, no specific discussion of the LEDPA relative to any of the alternatives could be found in the document.

Alternative 9 - Phase 1 South is preferred by MDOT as purportedly the most cost effective of alternatives, but it is the most destructive to Plummers Island and adjacent lands and waterways - largely owing to the physical expansion of the bridge eastward onto the island and the construction of enormous caissons and footers in the existing channel that follows the interior edge of island.

Significant adverse impacts to Plummers Island and adjacent lands and waterways resulting from Alternative 9 include (but are not limited to):

- The taking of several acres of the head of the island (western and northwestern end) by the installation of enormous concrete footers and caissons, resulting in a permanent loss of land, wildlife habitat, wetlands, and functional floodplain.
- The destruction of the north-south section of the bedrock channel (WOTUS) adjacent to the bridge through the installation of enormous concrete footers and caissons directly in the channel, as well as the total and permanent eclipse of sunlight resulting from the bridge deck extending entirely across the channel.
- Adverse impacts to aquatic wildlife as a result of permanent alterations to the channel.
- The destruction of an imprecisely quantified area (by MDOT) of bedrock vernal wetlands (WOTUS) under the proposed new deck and caissons of the bridge.
- The destruction of a high-quality, low forested ridge of bedrock outcrops and rare flora, such as one of two extant stations on the island for the state-rare Leatherwood (*Dirca palustris*); G4/S2 T. (Simmons et al. 2020)
- The installation of caissons and footers in the channel and on the island will intensify the strength of flood flows eastward, resulting in accelerated stream bank and floodplain erosion on the southwest part of the island, as well as the destruction of several natural communities and habitats in this area. Sediment loads from this disturbance will also impact the channel and island.
- Caissons in the channel will trap logs and other debris, resulting in semi-permanent log jams in the channel and a seriously degraded waterway.
- Placing such an embankment or structure across an active floodplain and channel will effectively interrupt flood flows and force more water to the east against the cut bank, hastening the undermining of the floodplain and forested slope there.
- An embankment in the form of caissons at this location will likely also create an eddy during high water that intensifies erosion upstream of the bridge.
- Sedimentation is a vital part of the energy cycle in these ecologically important riparian areas. Caissons or other continuous impediments constructed across this section of the floodplain and channel will disrupt this process, likely causing: 1) the structures to be regularly inundated by alluvium during even minor floods; 2) frequent flood risk to upland areas of the island owing to the removal of the rock ridge that currently protects such areas; and 3) the riparian areas downstream to be robbed of their natural sediment supply, which adversely disrupts the nutrient/energy cycle of these areas and eventually cause deflation of the riparian landscape.
- Six flood-dependent natural communities, some globally rare, will be negatively impacted, including Piedmont / Central Appalachian Sand Bar / River Shore (Tall Herbs Type): (USNVC: CEGLO06481); global and state rare Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (USNVC: CEGLO06491); Piedmont / Central Appalachian Sycamore - River Birch Scour Woodland: (USNVC: CEGLO03896); Floodplain Terrace Forest: (USNVC: CEGLO02014); Piedmont / Central Appalachian Silver Maple Forest: (USNVC: CEGLO06217); and globally rare Mid-Atlantic High Terrace Hardwood Floodplain Forest: (USNVC: CEGLO06459). (Simmons et al. 2016)

- Three upland natural communities near the channel will also be adversely impacted, including the permanent deflection of solar exposure to light-demanding flora and habitats, because of hardscape encroachment across the channel onto the island: Coastal Plain / Outer Piedmont Basic Mesic Forest: (USNVC: CEGLO06055); Central Appalachian Rich Red Oak - Sugar Maple Forest: (USNVC: CEGLO08517); and the globally rare Potomac River Bedrock Terrace Hardpan Forest: (USNVC: CEGLO06209). (Simmons et al. 2016)
- The physical extent of the bridge decking will overtop the head of Plummers Island by 100 ft. or more, robbing vegetation and wildlife under the bridge of sunlight.
- Because of the proposed placement of the caissons in the channel and island, resulting in severely restricting water flow into the channel, the extensive, flood-dependent, state-rare Piedmont / Central Appalachian Rich Floodplain Forest: (USNVC: CEGLO04073) along the channel on the mainland and island will be starved of their natural sediment supply, disrupting the nutrient/energy cycle and causing deflation of the riparian landscape.
- Bridge footings and caissons will likely create a pressure shadow in their lee that accelerate the deposition of sediment on the point bar and floodplain immediately downstream or change the form or composition. In this case, highly detrimental deposition and flood scouring is expected, especially in the form of smothering logs and debris deposits overtop vegetation, wildlife, and habitats on the island.



Fig. 3. Old-age Piedmont / Central Appalachian Silver Maple Forest: (USNVC: CEGLO06217) along the rocky bedrock channel at Plummers Island, Montgomery County, Maryland. Photo by R.H. Simmons.

Under CWA Section 404(b)(1) Guidelines Alternatives Requirements, a permit cannot be issued in circumstances where a less environmentally damaging practicable alternative for the project exists. The

environmental impacts that would result from Alternative 9 - Phase 1 South are significant, not minor. The project will severely impact national parklands, wetlands, and waterways.

WBFC (as a Consulting Party) formally submitted comments on the DEIS, SDEIS, and Section 106 on November 30, 2021, when comments on the SEIS were due. We also met with MDOT on several occasions to discuss our many issues, including those specifically involving hydrology and flooding.

Until recently, engineering designs were not well enough along for anyone to comment on, specifically to evaluate effects of the bridge caissons and pier emplacements, including the reduction of the channel and leveling of the rock ridge at the head of the island. The bridge design plan and placements were only made apparent in screen shares at the November 29, 2021, MDOT meeting. We did include some comments to that effect, but we needed more than 1 day to adequately evaluate the consequences.

We respectfully request that USACE not grant any permits for the Preferred Alternative, Alternative 9 - Phase 1 South, thereby requiring the Applicant to redesign its plans and submit a pre-construction request that provides a proper analyses and rationale of the LEDPA and alternatives, a thorough assessment of the myriad of irreplaceable natural resources affected by the proposed alternative, and required protections for all of the WOTUS currently threatened by the project. The NEPA evaluation needs to be thorough and uncompromising in protecting this special place.

We also request that the above information be placed in the administrative record, courtesy copied to the Project Manager who received the PJD, and furthermore to request that the 15-day resource agency review be re-coordinated to include this new information.

Thank you for your consideration of this important matter.

Sincerely,

Robert J. Soreng, President, Washington Biologists' Field Club (WBFC) and Smithsonian Institution scientist

<https://wbfc.science/>

Roderick H. Simmons, environmental scientist, WBFC

CC:

National Park Service, C&O Canal National Historical Park
Environmental Protection Agency
U.S. Fish and Wildlife Service
Federal Highway Administration
Maryland Dept. of the Environment
Maryland Dept. of Natural Resources
National Parks Conservation Association

APPENDIX E: WBFC replies to MLS-106 Table 1 Responses

Page 23 of 57 Programmatic Agreement Draft #1 Comment Table			
Comment	Comment Author	Section	Whereas
146	Washington Biological Field Club (WBFC)	General	Plummers Island and C&O Canal
1. We request WBFC be added as a consulting party to Section 106 immediately due to our special relationship with Plummers Island. [note: see WBFC comment for full discussion of WBFC's relationship to Plummers Island]. Any mitigation measures for the C&O Canal National Historical Park as a whole would not be sufficient to protect Plummers Island. The WBFC, as a discrete entity that has engaged in biological research on the island since 1901, is best able to determine which impacts would or could result from American Legion Bridge construction and operation activities and which measures are needed to avoid, minimize, and mitigate these impacts.			
Response			
WBFC has been added as a consulting party.			
WBFC Reply 3 Feb 2022			
NPS has not commented on PI for MLS-106. WBFC was added as a consulting party. WBFC has been in joint meetings with MLS-106 crew on 3 or 4 occasions, and had several email correspondences with Mr. Archer and company. The PA does not further document mitigations. WBFC lodged a partial mitigations letter with NPS Nov. 29 2021 (noted verbally by WBFC in the MLS-106 meeting Nov. 29). An expanded letter of partial mitigations is included here in a separate document.			
Page 24 of 57 Programmatic Agreement Draft #1 Comment Table			
Comment	Comment Author	Section	Whereas
147	WBFC	General	Plummers Island and C&O Canal
1. We are dismayed that the cultural resource evaluations circulated as part of the DEIS fail to specifically identify or discuss the historic significance of Plummers Island. The Section 106 identification process should include an evaluation of the significance of Plummers Island as an individually significant historic site independent of the C&O Canal National Historical Park, or at minimum, should include additional descriptions of its contributing significance to that site. The cultural resource evaluations undertaken to date have largely ignored Plummers Island and its unique historic characteristics.			
Response			
DOE is completed; property is eligible, and effect is adverse with SHPO concurrence October 2021.			
WBFC Reply 3 Feb 2022			
NPS has not commented on PI for MLS-106. Plummers Island must be protected as a whole under the eligibility criterion.			
Page 25 of 57 Programmatic Agreement Draft #1 Comment Table			
Comment	Comment Author	Section	Whereas
Topic 5p Priority Comment			
Response			
WBFC Reply 3 Feb 2022			

148	WBFC	General	Plummers Island and C&O Canal			<p>1. We are troubled by the approach taken by the draft Section 106 Programmatic Agreement, which does not contemplate identifying the adverse impacts on Plummers Island or looking at ways to resolve those impacts until after key decisions about the project are made and mitigation measures foreclosed. It is not appropriate to defer the assessment of these impacts or any analysis of measures to mitigate adverse effects until after key decisions have been made about alternatives and the preferred alignment for the project, as avoiding or minimizing impacts to Plummers Island will require selecting appropriate bridge alignment and construction alternatives. There is sufficient information available now to undertake these evaluations, and this should be done now, before the widest range of options for mitigating and minimizing adverse effects to Plummers Island have been foreclosed. The measures to protect the island and its biota (the subject of long-term ongoing research) need to be considered now and in detail. A memorandum of agreement, which would be executed before the Record of Decision, is a more appropriate vehicle for resolving adverse effects on Plummers Island than a programmatic agreement. Due to the extraordinary sensitivity of the resources and the research that will be impacted by the Project, it is imperative that measures to avoid, reduce, and minimize impacts to Plummers Island be considered now, not deferred until after key project decisions have been made. We therefore request those protections be evaluated as part of the Section 106 process now, and specific commitments to resolve adverse effects be included in a memorandum of agreement and ultimately, in the Record of Decision for the project.</p>	<p>Property is eligible and effect is adverse with SHPO concurrence October 2021. Will continue consultation on mitigation for the historic property, which will be documented in the Programmatic Agreement, not a separate Memorandum of Agreement.</p>	<p>NPS has not commented on PI for MLS-106. WBFC met more times in 2021. No memorandum of agreement has been proposed. The PA does not further document mitigations. WBFC lodged a partial mitigations letter with NPS Nov. 29 2021. (noted verbally by WBFC in the MLS-106 meeting Nov. 29). An expanded letter of partial mitigations is included here in a separate document. WBFC comments: APPENDIX B.</p>
149	WBFC	General	Plummers Island and C&O Canal		1	<p>The unique history and significance of Plummers Island must be assessed independently of its status as part of the Chesapeake & Ohio Canal National Historical Park. [For full description of unique history see WBFC comment document] However, the significance of Plummers Island goes beyond that. The significance of the island as a long-term research site should give it protection as a wildlife management area, and it is also a unique and significant historical site in its own right. The island's unique historic attributes include its value and history as an important research site (historic attributes are further reviewed in Appendix B).</p>	<p>DOE complete, property eligible with SHPO concurrence October 2021.</p>	<p>NPS has not commented on PI for MLS-106. Sierra Club comment 149 is on target. WBFC wholly agrees.</p>
Page 26 of 57 Programmatic Agreement Draft #1 Comment Table								
Comment		Author	N	Section	Whereas	Topic	Sp	Priority
Comment		Priority	Table					
Response								
WBFC Reply 3 Feb 2022								

150	WBFC	General	Plummers Island and C&O Canal	<p>1. There are significant, irreversible adverse effects that would accrue to Plummers Island and WBFC research projects under the MDOT American Legion Bridge expansion plan. The ongoing and active research spaces on this island are contributing historic features of the island, in addition to the architectural resources (the cabin built in 1901). There are distinct adverse effects that impact a property of such high research value, these include destruction of areas of the island, noise pollutants that impair the quality of studies, and many more things listed below and described in greater detail in Appendix C. The adverse effects to the island's historic features and significance as a research site posed by the I-495/I-270 project are extensive and further detailed in Appendix C of this letter. They include: 1-Damage to waterways 2-Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the island within the Zone of Destruction 3-Destruction of WBFC research plots 4-Destruction of past collection sites 5-Habitat destruction and disturbance lead to more invasive organisms 6-Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out 7-Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge impacts on biota from salt and oil runoff from the bridge 8-Violation of long term continuity of 120 years of research.</p>	<p>Adverse effect; DOE complete. However, most concerns here are NEPA-related.</p>	<p>NPS has not commented on PI for MLS-106. The PA has not addressed land and property issues related to MLS-106; 2-Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the island within the Zone of Destruction 3-Destruction of WBFC research plots 4-Destruction of past collection sites 5-Habitat destruction and disturbance lead to more invasive organisms 8-Violation of long-term continuity of 120 years of research.</p>
Page 27 of 57 Programmatic Agreement Draft #1 Comment Table						
Comment/Comment Author N Section Whereas Topic SP Priority Comment						
					Response	WBFC Reply 3 Feb 2022

151 WBFC	General	Plummers Island and C&O Canal	1. To protect Plummers Island, the minimum mitigations follow: 1-Plan for major (not minor) flooding during the construction period. 2-Avoid obstructing natural water flow into the Plummers Island channel. 3-Build all the new lanes on the upriver side of the bridge. 4-Build the access to and the construction platforms themselves only on the upriver side of the bridge and under the bridge. In any case, add sound barriers to the downstream side of the bridge. 5-Use lane surfacing that is as quiet as possible. 6-Place the outflow from bridge scuppers somewhere the runoff will not enter into Plummers Island waters. 7-Avoid fugitive dust blowing onto the Island by use of dust minimization measures including spraying. 8-A waste and hazardous material disposal plan must ensure offsite disposal so as not to flow to or near Plummers Island. 9- Provide prior notification informing WBFC of work schedules so notice can be given to researchers. 10-Piping of road runoff (that contains oil and salt) is a major issue; currently the main scupper drainage flows into the channel separating the island from the mainland; future drainage should avoid the wetlands including the channel. 11-For the duration of construction, any construction infrastructure should be designed to withstand major floods (over 14 feet) not minor (10-12 feet) floods; there have been 3 moderate (12-14 feet) and 2 major floods (17-19 feet) in the past 25 years. However, even minor floods recorded at Little Falls produce major flooding in the Plummers Island channel adjacent to the bridge (see Appendix D, point 6). 12-Monitor during construction to ensure that construction work is not impacting the island and no construction workers or project personnel visit the island unless oriented and approved by the Washington Biologists' Field Club. These requirements should be included in bidding document and contractor's work plan as part of the environmental specifications that will be followed. 13-Chance find or inadvertent discovery procedures should be followed and incorporated into bidding documents and contracts. Please provide a copy for our review to ensure they meet the requirements for protection of Plummers Island.	Some of these best management practices will be captured in NEPA/permit conditions but may not be appropriate for 106 PA. MDOT SHA will continue to consult with the WBFC and NPS on appropriate historic mitigation.	NPS has not commented on PI for MLS-106. WBFC has had 2 additional meetings with MLS-106 leaders and consultants in 2021. MDOT has not allowed for piping of SWM runoff, or toxic spills away from the site. MDOT has not provided WBFC with any work plans or assurances of monitoring the site is not damaged. Over a 1 mile stretch in Maryland, 1,495 drops down from 75 m to 36 m at a low point on the ALB adjacent to Plummers Island. This is where much of the runoff drains out into the channel. This is totally unacceptable and must be corrected with any new construction.
152 WBFC	General	Plummers Island and C&O Canal	1. Plummers Island is federally protected under legal agreements with the National Park Service and should become additionally protected with a determination of individual National Register of Historic Places eligibility or, at a minimum, assessment of contributing significance to the C&O Canal National Historic Park as soon as possible, with the biodiversity, endangered species, and research value of the island specifically identified as historical features of contributing importance.	DOE done, property eligible.	NPS has not commented on PI for MLS-106. Plummers Island must be protected as a whole under the designated eligibility criterion.
Other commenting agencies comments from Comment Table 1					
Comme Comm	Author	Section Whereas	Topic	Priority Comment	
46 NPS	KSmith	III C	through Project-wide Mitigation on and Commitments	1. These are not historic preservation mitigations thus they don't belong in this Section 106 agreement document. Reforestation could be considered a mitigation for changes to historically forested areas, but that needs to be itemized. Related: is Section 106 consultation happening on the proposed locations of these mitigations?	Not accepted. This section relates to how cultural resources effects are assessed at proposed reforestation sites, not reforesting as a mitigation for adverse effects to historic properties.
				WBFC Reply 3 Feb 2022	WBFC notes that Plummers Island is a long-term research site. Once this site is disturbed the continuity of the long-term research is broken.

54 NPS	KSmith	General	General	1 It seems like there should be a broader mandate in this PA for ongoing consultation based on how little design has happened for the post phase 1 phases. The consulting parties haven't had the chance to see any detail and therefore can't offer input on adverse effects and possible design minimizations.	Comment noted.	WBFC fully agrees with NPS comment. We still have seen only limited design plans. Thus, finalizing the PA is premature.
55 NPS	A. Young	whereas		2 WHEREAS, FHWA will ensure additional identification, evaluation, assessment, is completed in a timely manner prior to construction, to allow practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties, as stipulated under this PA, "Please clarify what constitutes a timely manner and what opportunities signatories will have for review.	This is a general statement and timelines and consultation points are specified elsewhere.	WBFC agrees with the NPS comment
322 Sierra Club (SC)	General	PA Process		1 The purely Programmatic Agreement approach for this project is inappropriate and inadequate as it impermissibly forecloses large measures to avoid impacts to historic properties (such as project scope, number of new lanes, and road alignment). The Programmatic Agreement approach to the I-495 & I-270 MLS Section 106 process is not adequate to meet the requirements of federal law. The Section 106 regulations provide that a Programmatic Agreement approach is appropriate in certain limited situations, including "[w]hen effects on historic properties cannot be fully determined prior to approval of an undertaking." 36 C.F.R. §800.14(b)(1)(iii). Here, however, there is no reason to defer all identification of historic properties within the area of potential effects or the assessment of adverse effects and any measures to avoid and mitigate until later. While there may be alignment refinements that will occur during the design-build process, there are no other circumstances to warrant a departure from the normal section 106 process. [lengthy comment continued in Comment letter] (continued in 323)	The implementing regulations at 36 CFR 800.4(b)(1) for Section 106 of the National Historic Preservation Act (NHPA) require a reasonable and good faith identification effort for historic properties. 36 CFR 800.4(b)(2) also permits a phased identification and evaluation of historic properties where alternatives under consideration consists of corridors, large land areas, or where access to properties is restricted. Survey and National Register of Historic Places evaluation of hundreds of properties and archaeological survey areas was completed prior to the DEIS. Very little survey work remains and generally only in areas where property access has been denied. The Programmatic Agreement currently under development, which will be signed and executed prior to the Record of Decision, will provide a framework for ongoing identification, avoidance, minimization, and mitigation of historic properties.	WBFC fully agrees with SC comment. We still have seen limited design plans for the ALB.

323 SC	General	PA Process			
			<p>1. The approach to Section 106 taken here impermissibly defers full consideration of historic properties listed in or eligible for listing in the National Register of Historic Places by relying on a boilerplate Programmatic Agreement that the Agencies will not execute until after selecting a Preferred Alternative. Among other things, delaying full assessment of historic properties until a Programmatic Agreement is executed ignores the Agencies' present duty to comply with NEPA, which requires a "hard look" at all of the environmental consequences that will flow from the Project if the Agencies grant the permits needed for the Project to proceed. Selection of an Alternative in the ROD, including impacts on historic properties. For these reasons, relying on an unexecuted Programmatic Agreement to carry out the Section 106 review process precludes, rather than assists, the Agencies and the public from understanding how these effects might harm historic and cultural resources as required by NEPA. Without a complete understanding of the Project's full range of environmental effects, including harm to historic properties, there is no way that the Agencies can reasonably select a preferred alternative as required by NEPA or identify an alternative that avoids use of historic properties, parks, and recreation areas unless no other feasible and prudent alternative is available as required by Section 4(f). Deferring the full identification of historic properties may be acceptable where the nature and scope of the resources would allow them to be easily avoided, as in the case of archaeological sites that are significant under National Register Criterion D. However, resources such as historic properties require an entirely different approach, because preservation in -place is the preferred treatment, and options to avoid harm to these resources may be foreclosed once an alternative is selected. The identification of those historic properties and the Project's potential effects on them must be completed at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed. For the reasons discussed above, it is impossible to comment meaningfully on the Agencies' plans concerning historic and cultural resources because important baseline questions have not been decided. Outstanding issues that need to be resolved include the complete identification of</p>	see reply under 322	see WBFC comment under 322

324 SC	W/C	C&O Canal Plummers Island	1 Plummers Island: One of the first sites at risk from Phase 1 of the 1495/1270 Managed Lanes Project (MLP) is Plummers Island, an NPS historic site of ongoing long-term research. Plummers Island has historic status as part of the Chesapeake and Ohio (C&O) Canal National Historical Park. In addition to being part of C&O Canal NHP, Plummers Island also has historic significance distinct from the C&O Canal NHP designation. Yet Plummers Island is not even mentioned in the March 10, 2021 draft of the Section 106 Programmatic Agreement. The importance of Plummers Island has not yet been adequately recognized in the NEPA DEIS and Section 106 process. See Washington Biologist Field Club Section 106 letter to Steve Archer dated April 9, 2021. There is a need to build in more specific avoidance, minimization, and mitigation measures for Plummers Island. Context sensitive design option for Plummers Island needed to be pursued for an area of unique concern that will experience serious adverse effects. The WBFC has proposed specific mitigation measures that should be considered in the Section 106 process. Avoidance measures should be identified now and not deferred to the design review consultations during the design-build process. Delaying identification of the location and boundaries of this site until after implementation of a Programmatic Agreement prevents consideration of the impacts to the site during alternative selection under NEPA and undermines discussion of potential mitigation measures for any adverse effects under Section 106.	Washington Biologists' Field Club on Plummers Island has been determined eligible for NRHP with SHPO concurrence; mitigation measures for 106 must be specific to the historic aspects of the property; other measures (construction impacts) are more appropriate to be included in NEPA. Stipulations regarding mitigation for WBFC on Plummers Island have been included, and consultation will continue.	WBFC has asked for minimizations and avoidances. In Section 106 meetings MDOT leaders suggested some, and then reneged on them. WBFC has no assurances that MDOT will stay within the LOD, or maximally avoid damage to Plummers Island. Moreover, WBFC was provided no map or model showing the extent of overhang of PI. When WBFC requested lanes be placed on the opposite side of the ALB, and were told this would be considered by MDOT, MDOT's newest model instead added most extra lanes to the PI side of the bridge along with pedestrian-bike lane, the landscape of that model was not made clear before section 106 comments were due in October 2021. It was only on 29 Nov 2021 WBFC was shown a draft model with the ALB extending to the LOD, the day before SDEIS comments were due. In January 2022, WBFC requested a detailed map of the LOD on a details contour map of PI. Section 106 leaders informed WBFC two weeks later that they have no such map. Really? SHA had a detailed topographic survey of Plummers Island done in 2020, and a year and a half later, well into the process of pushing their project to the FEIS, MDOT says it can't provide a detailed map with the LOD on it?
332 SC	N/A	Predevelopment Contract document review	2 The project's predevelopment contract documents should be immediately scrutinized for language that could be harmful to historic sites, and any such wording discovered should be flagged by those involved in the Section 106 process to MDOT to have it amended or removed. The heavy involvement of the profit-driven private developer in the remainder of the NEPA process is concerning in its own right. The predevelopment contract expected to be signed within a month directs the developer team to: "eliminate the potential for Unknown Archaeological Remains and Unknown Endangered Species". "Eliminate" is a very odd use of language to use when considering what that could mean in our historical areas and sites of concern, including Morningstar Tabernacle No. 88 Cemetery and Plummers Island. Contract language like that does not impart confidence about what future contracts may look like. Less extreme language such as "re-assess" and "document any" seems more appropriate.	Decline.	WBFC fully agrees with SC comment. We have no assurance that the boundaries proposed, and impact limits suggested will be upheld.
334 SC	N/A	Bridge Permit	2 Although the DEIS mentioned a U.S. Coast Guard (USCG) letter stating that a bridge permit for the American Legion Bridge would not be required, a bridge permit should be required. The bridge permit process is a standard requirement that should be followed, and can further build awareness of and protection for sensitive historic and ecological sites that fall in the vicinity of the American Legion Bridge, including Plummers Island and the C&O Canal NHP.	Permitting question not applicable to Section 106.	WBFC fully agrees with SC comment.

335 SC	N/A	Dust and Crystalline Silica			2. Dust minimization and specifically OSHA crystalline silica construction dust standards must be upheld and the users and visitors of historic parkland and sites adjacent to the widening must be protected. Requirements for this should be included in the Programmatic Agreement. The roads and bridges deconstruction processes required for the Project will create massive amounts of toxic crystalline silica construction dust. This will occur on the American Legion Bridge and the toxic dust will drift downriver and impact Plummers Island and the C&O Canal National Historic Park (the eighth most visited national park during 2020), including its popular towpath. Plummers Island animal and plant life and the biologists studying it would be at risk from this dust. Visitors to the C&O Canal NHP and its towpath will be as well. Such toxic air pollution causes respiratory diseases including asthma, silicosis, chronic obstructive pulmonary disease (COPD), and lung cancer. This is an urgent public health issue. It is not addressed in the DEIS 4 nor in the Programmatic Agreement to date and it needs to be.	Not applicable to Section 106.	WBFC fully agrees with SC comment. Sending toxic dust over a historical property where active research is ongoing must be relevant to Section 106.
338 SC	N/A	ALB Alternatives			2. With reference to historic properties, there remain issues with the lack of appropriate alternatives analysis for the American Legion Bridge.	Current LOD reflects minimization efforts at ALB	WBFC fully agrees with SC comment. The LEDPA has not been adequately or objectively justified in the selection of Alternative 9. Alternative 9 is clearly the most destructive to Plummers Island of all the Alternatives presented.
339 SC	N/A	PA Process			2. A hybrid approach to the Section 106 process which involves Programmatic Agreement for some sites and Memoranda of Agreement for sites that will experience known adverse impacts is appropriate for a project of this nature, magnitude, and complexity.	Decline. The PA will govern resolution of all adverse effects.	WBFC has asked for minimizations and avoidances. In Section 106 meetings MDOT leaders suggested some, and then reneged on them. WBFC has no assurances that MDOT will stay within the LOD, or maximally avoid damage to Plummers Island. Moreover, WBFC was provided no map or model showing the extent of overhang of Pl until Nov 29, 2021. WBFC requested lanes be placed on the opposite side of the ALB, and were told this would be considered by MDOT. MDOT's newest model instead added more extra lanes to the Pl side of the bridge along with pedestrian-bike lane, the landscape view of that model was not made clear before Section 106 comments were due in October 2021. It was only on 29 Nov 2021 WBFC was shown a draft model with the ALB extending to the LOD, the day before SDEIS comments were due. On January 4, 2022, WBFC requested a detailed map of the LOD on a details contour map of Pl. Section 106 leaders informed WBFC two weeks later that they have no such map. Really? SHA had a detailed topographic survey of Plummers Island done in 2020, and a year and a half later, well into the process of pushing their project to the FEIS, MDOT says it can't provide a detailed map with the LOD on it?

APPENDIX F: Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland

Rare Flora and Natural Communities
of Plummers Island,
Montgomery County, Maryland



July 2020

Introduction

Plummers Island - an ancient “knickpoint” or rocky falls in the Potomac River Gorge east of Great Falls - is a forested, 12-acre island about nine miles upriver from Washington, D.C. in Montgomery County, Maryland. It holds the distinction of being “the most thoroughly studied island in North America.” Plummers Island has been the home of the Washington Biologists’ Field Club (WBFC) since 1901, shortly after botanist Charles Louis Pollard formed the club and began the search for a field station near Washington, D.C.

In 1959, the club gave the island to the United States (U.S. National Park Service) and has since continued a program of scientific research. For further information on WBFC’s research activities and scientific publications, see <https://WBFC.science>.

A total of 4 globally rare natural communities, two of which are state rare; 21 state-rare extant flora, including one globally rare extant species; and 36 state-rare historic flora, including 4 globally rare historic taxa are known from the island.

Rare Flora and Natural Communities

Rare Natural Communities (in order of lowest to highest in elevation)

Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEG006483). Non-tidal mudflats. Global/State Ranks: G3/SNR

Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosa*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEG006491). Global/State Ranks: G2/S1.

Mid-Atlantic High Terrace Hardwood Floodplain Forest: *Acer saccharum* - *Fraxinus americana* / *Carpinus caroliniana* / *Podophyllum peltatum* Forest (USNVC: CEG006459). Global/State Ranks: G3?/SNR.

Potomac River Bedrock Terrace Hardpan Forest: *Carya glabra* - *Quercus (rubra, montana)* - *Fraxinus americana* / *Viburnum rafinesqueanum* / *Piptochaetium avenaceum* Forest (USNVC: CEG006209). Global/State Ranks: G1G2/S1.

Rare Flora

Extant Flora

White Bear Sedge (*Carex albursina*) G5/S3 (last vouchered in 2004; observed by Soreng in 2020)

Pubescent Sedge (*Carex hirtifolia*) G5/S3 (last vouchered in 1934)

Flat-spiked Sedge (*Carex planispicata*) G4Q/S1S2 (R.H. Simmons 3525, 4 May 2013)

Northern Leatherflower (*Clematis viorna*) G5/S3 (last vouchered in 1982)
 Needle-leaf Panic Grass (*Dichanthelium aciculare*) G5/S2? (R.J. Soreng, 8289a, 25 May 2013)
 Open-flower Panic Grass (*Dichanthelium laxiflorum*) G5/S1? (last vouchered in 1960; photographed by Simmons in 2015)
 Leatherwood (*Dirca palustris*) G4/S2 T (R.H. Simmons 4067, 6 Nov 2015)
 Harbinger of Spring (*Eriogenia bulbosa*) G5/S3 (last vouchered in 1983; observed by Soreng in 2020)
 Halberd-leaf Rose-mallow (*Hibiscus laevis*) G5/S3 (last vouchered in 1982; photographed by Soreng in 2020)
 Green Violet (*Hybanthus concolor*) G5/S3 (last vouchered in 1960)
 Ostrich Fern (*Matteuccia struthiopteris*) G5/S2S3 (One of the largest known stands in the state. R.H. Simmons 3532, 5 May 2013)
 Two-flower Melic (*Melica mutica*) G5/S3 (last vouchered in 2015, R.J. Soreng 8340)
 Horse-tail Paspalum (*Paspalum fluitans*) G5/S2 E (E.F. Wells 4507, 20 Sep 1997)
 Coville's Phacelia (*Phacelia covillei*) G3/S2 E (R.H. Simmons 3920, 14 May 2015)
 Miami-mist (*Phacelia purshii*) G5/S3 (last vouchered in 1983; observed by Soreng on mossy rocks by plot 21 between 2013 and 2015)
 Hairy Hop-tree (*Ptelea trifoliata* var. *mollis*) G5/S3 (R.H. Simmons 3585, 2 Jun 2013)
 Smooth Wild-petunia (*Ruellia strepens*) G4G5/S2S3 (R.H. Simmons 4221, 9 Oct 2016)
 Pale Dock (*Rumex altissimus*) G5/S1 E (last vouchered in 1997)
 Sticky Goldenrod (*Solidago racemosa*) G5T3?/S1 T (photographed by Soreng in 2020)
 Pink Valerian (*Valeriana pauciflora*) G4/S1 E (last vouchered in 1982)
 Golden-alexanders (*Zizia aurea*) G5/S3 (R.J. Soreng 9336, 29 Apr 2017)

Historic Flora

Earleaf False Foxglove (*Agalinis auriculata*) G3/S1 E (last vouchered in 1936)
 Canada Milkvetch (*Astragalus canadensis* var. *canadensis*) G5/S1 E (last vouchered in 1940)
 Blue Wild Indigo (*Baptisia australis* var. *australis*) G5/S2 T (last seen in 1935 by Killip & Blake)
 Short's Rock Cress (*Boechera dentata*) G5/S3 (last vouchered in 1916)
 Nottoway Valley Brome Grass (*Bromus nottowanus*) G3G5/S3S4 (last vouchered in 1947)
 Hitchcock's Sedge (*Carex hitchcockiana*) G5/S1 E (last vouchered in 1933)
 Short's Sedge (*Carex shortiana*) G5/S3S4 E (last vouchered in 1928)
 Bur-reed Sedge (*Carex sparganioides*) G5/S3 (last vouchered in 1933)
 Slender Dayflower (*Commelina erecta*) G5/S3 (last vouchered in 1960)
 Spring Coralroot (*Corallorhiza wisteriana*) G5/S1 E (last vouchered in 1915)
 Smartweed Dodder (*Cuscuta polygonorum*) G5/S1 E (last vouchered in 1961)
 Many-flowered Flatsedge (*Cyperus lancastricensis*) G5/S2S3 (last vouchered in 1997)
 Reflexed Flatsedge (*Cyperus refractus*) G5/S2? (last vouchered in 1960)
 Dwarf Larkspur (*Delphinium tricorne*) G5/S3 (last seen in 1935 by Killip & Blake)
 Toothed Tick-trefoil (*Desmodium cuspidatum*) G5/S1 (last vouchered in 1960)
 White Trout Lily (*Erythronium albidum*) G5/S2 T (last vouchered in 1983)
 Downy Milkpea (*Galactia volubilis*) G5/S3 (last vouchered in 1961)
 Striped Gentian (*Gentiana villosa*) G4/S1 E (last vouchered in 1903)
 Western Sunflower (*Helianthus occidentalis*) G5/S1 T (last vouchered in 1940)

Eastern Bloodleaf (*Iresine rhizomatosa*) G5/S1 E (last vouchered in 1915)
 1Violet Bush-clover (*Lespedeza frutescens*) G5/S3 (last vouchered in 1960)
 Bog Twayblade (*Liparis loeselii*) G5/S1S2 (last vouchered in 1917)
 Climbing Milkvine (*Matelea obliqua*) G4?/S1S2 E (last vouchered in 1937)
 Purple Mecardonia (*Mecardonia acuminata* var. *acuminata*) G5/S2 E (last vouchered in 1939)
 Basal Beebalm (*Monarda clinopodia*) G5/S3S4 (last vouchered in 1982)
 Early Forget-me-not (*Myosotis verna*) G5/S3 (last vouchered in 1962)
 Racemed Milkwort (*Polygala polygama*) G5/S1 T (last vouchered in 1950)
 Small Pondweed (*Potamogeton pusillus* ssp. *pusillus*) G5/S2S4 (last vouchered in 1930)
 Whorled Mountain-mint (*Pycnanthemum verticillatum*) G5/S1 E (last vouchered in 1951)
 Virginia Sida (*Ripariosida hermaphrodita*) G3/S1 E (last vouchered in 1938)
 Brown-eyed Susan (*Rudbeckia triloba*) G5/S3 (last vouchered in 1940)
 Sessile-fruited Arrowhead (*Sagittaria rigida*) G5/S1 E (last vouchered in 1930)
 Carolina Willow (*Salix caroliniana*) G5/S3 (last vouchered in 1982)
 Snowy Campion (*Silene nivea*) G4?/S1 E (last vouchered in 1917)
 Riverbank Goldenrod (*Solidago rupestris*) G4?/S1 X (last vouchered in 1903)
 Sand Grape (*Vitis rupestris*) G3/S1 (last vouchered in 1906)

¹[= *Lespedeza violacea* (L.) Pers. (misapplied); “Due to a problem with the type specimen of *Lespedeza intermedia*, the name *Lespedeza violacea*, by which this species has long been known, applies to *L. intermedia*, and the name *L. frutescens* now applies to [*Lespedeza violacea*]” (VBA 2020)]

Key to Global Rank

G1: At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
 G2: At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
 G3: At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
 G4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
 G5: Common, widespread, and abundant.
 GH: Known only from historical occurrences but still some hope of rediscovery.
 GNR: Not ranked.
 GX: Not located despite intensive searches and virtually no likelihood of rediscovery.

Key to State Rank

S1: At very high risk of extirpation from the state due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
 S2: At high risk of extirpation from the state due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
 S3: At moderate risk of extirpation from the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

S4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
S5: Common, widespread, and abundant.
SH: Known only from historical occurrences but still some hope of rediscovery.
SNR: Not ranked.
SX: Not located despite intensive searches and virtually no likelihood of rediscovery.

Federal and State Status

Legal status denotes a simple hierarchy of endangerment in three categories: Endangered (E), Threatened (T), and Endangered Extirpated (X). Federal Status is determined by the U.S. Fish and Wildlife Service.

Federal Status

LE = Listed Endangered - A taxon is threatened with extinction throughout all or a significant portion of its range.

LT = Listed Threatened - A taxon is likely to become endangered in the foreseeable future.

State Status

E = Endangered - A taxon is threatened with extinction throughout all or a significant portion of its range.
T = Threatened - A taxon is likely to become endangered in the foreseeable future.

References

- Fleming, A.H. 2015. Geologic-Geomorphic Map of Plummerville Island. Unpublished report.
- Harrison, J.W. 2016. The Natural Communities of Maryland: 2016 Natural Community Classification Framework. Maryland Department of Natural Resources, Wildlife and Heritage Service, Natural Heritage Program, Annapolis, Maryland. Unpublished report. 35 pages.
- Maryland Natural Heritage Program. 2019. List of Rare, Threatened, and Endangered Plants of Maryland. Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401. DNR 03-031319-135
- Shetler, S.G., S.S. Orli, E.F. Wells, and M. Beyersdorfer. 2006. Checklist of the Vascular Plants of Plummerville Island, Montgomery County, Maryland. Bulletin of the Biological Society of Washington 14:1-57.
- Simmons, R.H. 2015. Native Vascular Flora of the City of Alexandria, Virginia. City of Alexandria Department Recreation, Parks, and Cultural Activities, Alexandria, Virginia.
- Simmons, R.H., A.H. Fleming, and R.J. Soreng. 2016. Natural Communities of Plummerville Island, Montgomery County, Maryland. Unpublished report.
- Virginia Botanical Associates. 2020. Digital Atlas of the Virginia Flora (<http://www.vaplantatlas.org>, 23 July 2020). Virginia Botanical Associates, Blacksburg, Virginia.

Prepared by:

Roderick H. Simmons, Robert J. Soreng, Edward M. Barrows, and Louise H. Emmons for the National Parks Conservation Association, July 2020.

Citation:

Simmons, R.H., R.J. Soreng, E.M. Barrows, and L.H. Emmons. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland. Unpublished technical report.

Cover photo:

A female Silver-spotted Skipper (*Epargyreus clarus*) possibly obtaining nectar from a Northern Leatherflower (*Clematis viorna*). Photo by Meghan T. First.



SIERRA CLUB

MARYLAND CHAPTER

Sierra Club Maryland Chapter
P.O. Box 278
Riverdale, MD 20738
(301) 277-7111

February 3, 2022

Steve Archer, Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Archer,

The Sierra Club Maryland Chapter, a consulting party to the Section 106 process, is providing the following comments on the Section 106 documents recently forwarded for review.

Site Specific Issues

Several issues have come to our attention that have not been addressed or addressed adequately in the Section 106 process and need to be addressed prior to the execution of any Programmatic Agreement.

1) Morningstar Tabernacle No. 88 Moses Hall and Cemetery

MDOT/FHWA Cannot Claim No Adverse Effect

The Section 106 materials presented on January 4, 2022 fail to acknowledge that the project will have an adverse effect on the Morningstar hall and cemetery site, now saying there is “no adverse effect” on this historic property.

We agree with the National Trust for Historic Preservation statements in their October 8, 2021 letter to Steve Archer that:

“[w]ithout additional study, our understanding of the footprint of the historic cemetery is incomplete, and direct adverse impacts to burial sites remains a serious risk”.

The requested additional investigations have not been conducted as of the issuance of the SDEIS, and there is no mention in the SDEIS of any intent to conduct such additional surveys.

We again strongly recommend that MDOT expand the survey area to the north, west, and east of the already-surveyed site, including within the existing right-of-way. We further recommend the inclusion of a more substantial buffer between the northernmost identified burial and the project's Limit of Disturbance. These recommendations are crucial to minimizing the risk of causing adverse impacts to burials.

Furthermore, since the "adverse effect" on the Morningstar Tabernacle property has been acknowledged (and appropriately so) for purposes of Section 106, the potential "use" of the historic property cannot qualify as "de minimis." 23 U.S.C. § 138(b)(2).

In other words, ground penetrating radar data collection at the site has been insufficient and inadequate to allow for a determination of "no adverse effect" under Section 106.

No evidence has been supplied to the consulting parties that this serious oversight has been rectified. Until there has been a fuller ground penetrating survey that expands outside the borders of the already-surveyed site, including within the existing right-of-way, it is premature and improper for MDOT to claim that adverse effects on the Morningstar Tabernacle property have been avoided or minimized.

Eligibility Designation Needs to Be Updated with Updated Cemetery Boundary Information

The boundaries of the Moses Hall and Cemetery site need to be redrawn taking into account the new information found in the two studies as part of the Section 106 process and a new fuller ground penetrating radar survey. The NRHP eligibility designation form also needs to be updated to reflect the new information found in the studies and new site boundaries. We fully support the Friends of Moses Hall in their requests for additional mitigation measures.

No Basis for Cutoff Date for Cumulative Effects

The most recent Section 106 documentation acknowledges the serious impact of the original construction of the Beltway on Moses Hall, but then posits that "[b]ecause the 1960s impacts occurred prior to laws that required consideration of effects, . . . there is not an adverse effect to the historic property based on "cumulative" impacts." MDOT letter dated Jan. 4, 2022, Attachment 5, at 3. This

conclusion is wrong as a matter of both law and fact. As a matter of law, there is absolutely no support in the Section 106 regulations for this arbitrary cut-off date, which instead unconditionally state that “Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” 36 C.F.R. § 800.5(a)(1). Nor is there any authority for this arbitrary cut-off date in the Council on Environmental Quality’s cumulative impact regulations or in related regulatory guidance on cumulative impact analyses.

Furthermore, not only were those impacts significant, they had a significant disproportionate impact on an environmental justice community and its most important community feature, Moses Hall. A grave injustice was done. The imperative to consider past wrongs to environmental justice community is confirmed by Executive Order 13990, 86 C.F.R 7037 (Jan. 20, 2021),¹ which applies to projects such as this one, that would utilize federal funding. The Executive Order cites the nation’s commitment to “conserve our national treasures and monuments, places that secure our national memory. *Where the Federal Government has failed to meet that commitment in the past, it must advance environmental justice.*” (emphasis added)

MDOT staff know this wrong needs to be redressed and mitigated. Julie Schablitsky, the Chief, Cultural Resources Section and Chief Archaeologist at MDOT said:

“We own the faults of the Maryland Roads Commission impacting this community 60 years ago,” Schablitsky said during a recent visit to the cemetery. “It’s our responsibility now to repair that damage and come in and do the right thing.”²

The refusal to take into account impacts from the original Beltway construction is contrary to environmental justice and to MDOT’s own public comments that “*We own the faults of the Maryland Roads Commission impacting this community 60 years ago,*” Schablitsky said during a recent visit to the cemetery. “*It’s our responsibility now to repair that damage and come in and do the right thing.*”

MDOT’s January 4, 2022 letter also baldly asserts, without any substantiation, that no impacts to the cemetery occurred from the 1992 Beltway widening. That

¹ Exec. Order 13990, 86 C.F.R 7037 (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>

² Katherine Shaver, Maryland will avoid Moses Morningstar Cemetery when widening Beltway, state says, The Washington Post, Sept. 9, 2021, <https://www.washingtonpost.com/transportation/2021/09/09/maryland-beltway-moses-morningstar-cemetery/>

opinion, which is wholly unsupported by any evidence, is simply not credible. Basic math indicates that when you widen a highway, you have more throughput (which calculates to more noise), more impervious surface which results in greater runoff which this site is particularly vulnerable to by the state's own admission.

Clearly there are cumulative effects to consider and they cannot simply be brushed off.

The cemetery is of exceptional importance because there are few remaining examples of African American benevolent society cemeteries dating to the 1800s. Its significance has been recognized nationally by its listing as one of the National Trust for Historic Preservation's ["America's 11 Most Endangered Historic Places"](#).

The May 2021 MDOT-commissioned report³ states:

"While the Morningstar Cemetery and the nearby River Road Moses Cemetery have both been previously compared to the Upland South cemetery type, historic research suggests that the comparison may not be correct. Instead, the cemetery represents a vernacular African American cemetery that does not appear to fall within a specific, previously defined type. Late-nineteenth and early-twentieth-century African American cemeteries associated with fraternal lodge organizations may have their own characteristics that merit further investigation." (italics added)

This cemetery also included burials from other African American cemeteries in the region, numbering in the hundreds. The extent of the burials is still not known, and therefore the cemetery, once fully surveyed with appropriate equipment will certainly continue to yield information important to history. This cemetery is also unusual in the fact that records continue to be unearthed regarding those buried within it and the direct descendant community remains involved and continues to reveal new artifacts and information. The project's adverse effects on this NRHP eligible cemetery must be acknowledged and measures must be considered to avoid or mitigate these adverse effects.

Sierra Club Maryland Chapter agrees with and incorporates by reference the comments submitted by Friends of Moses Hall, describing the profound and permanent negative effect of the original Beltway construction. MDOT's failure to

³ Cultural Resources Technical Report Documentation and Archaeological Monitoring for the I-495 & I-270 Managed Lanes Study, Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212), Montgomery County, Maryland, Archaeological Report, Report Number 560. Project Number AW073D12.

consider the cumulative impacts associated with this discriminatory and destructive past action perpetuates and exacerbates this gross injustice.

2) Historic Gibson Grove A.M.E. Zion Church (now First Agape A.M.E. Zion Church)

Highway stormwater runoff must be addressed to prevent adverse impacts to church

As the only extant structure from the Gibson Grove settlement, this small white church on a hill has very high historic and cultural significance and needs to be carefully protected. The Gibson Grove Church property has suffered cumulative impacts from highway stormwater runoff damage over many years due to the original I-495 Beltway construction. It must be ensured through appropriate mitigation measures that that highway stormwater runoff not adversely impact the church site going forward.

Historic boundaries of the Church need to be updated based on new research findings

Reports shared in September 2021 as part of the Section 106 process show graves on the church property. The historic boundaries of the Church need to be updated taking into account the new information found in the reports. The NRHP eligibility designation also needs to be updated with the new information and updated site boundaries.

Preserve tree canopy and historic appearance of site

Additionally, SHA must minimize impacts to these historic Gibson Grove church and its cemetery by preserving most of the tree canopy and topography, constructing context sensitive noise barriers, preserving air quality, and minimizing visual impacts.

3) Plummerville Island

We agree that the project will have an adverse effect on Plummerville Island, a rare and nationally and internationally important historical site. Plummerville Island is ground zero for construction of a new double wide American Legion Bridge. The whole of Plummerville Island including its riparian fringes and waterways are the sites of historically significant ongoing research. MDOT SHA and the selected developer Transurban plan to take part of Plummerville Island, place a pier on the Island, undertake construction from the island, destroy important research plots of rare plant species and habitat, and overshadow the island and its significant research areas by as much as 30 feet with noisy new bridge lanes.

Known impacts raised by the caretakers of the island, Washington Biologists' Field Club, were not included as project impacts in the SDEIS or in any

communications from Section 106 leaders. Yet they are real and serious and include: (1) damage to waterways, (2) destruction of rare plants and rare plant communities from the far west end of the island, (3) destruction of WBFC research plots, (4) destruction of past collection sites, (5) habitat destruction and disturbance lead to more invasive organisms, (6) potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out, (7) sound from bridge construction and closer proximity of traffic in six new bridge lanes after they open on the bridge, (8) impacts on biota from salt, deicing compounds, and oil runoff from the bridge. All of these impacts destroy the long-term continuity of 120 years of research and thus severely impair this significant feature of the site that contributes critically to its historic significance.

Potential project-caused flooding impacts to Plummers Island have not been sufficiently acknowledged by project proponents in any of the three processes underway (NEPA, Section 106, and Section 4(f)). The water flooding issues from planned caisson emplacements (creating perfect conditions for logjams) and leveling or trimming the rock ridge that constrains the channel over flow from flooding the island are major and reasonably foreseeable adverse issues that require prompt attention and avoidance, minimization or mitigation. The resulting damage and loss of long-term research plots and impacts to rare, threatened, and endangered species on the island would be formidable.

Please see additional issues in the Sierra Club et al. comments and the comments, letters, and communications from Washington Biologists' Field Club, further elaborating on the severe Project impacts on Plummers Island. Sierra Club Maryland Chapter fully endorses and adopts the Section 106 comments of the Washington Biologists' Field Club.

4) Carderock Springs Community

We support the Carderock Springs Citizens Association Section 106 comments

We write in support of the points made by the Carderock Springs Citizens Association. A community of approximately 600 homes, Carderock Springs is designated as a National Register-Listed Historic District for being a notable example of "situated modernism." This community will experience significant adverse effects from the proposed toll lane highway expansion. Comments submitted by the Carderock Springs Citizens Association ("CSCA"), a community organization that represents Carderock Springs and Carderock Springs South, show that the SDEIS fails to include a sufficient visual impact analysis based on the scoping questionnaire and includes an inconsistent and misleading analysis of noise impacts on the Carderock Springs community.

The fields of Carderock Springs Elementary School, which are used by the community and adjacent to the highway, are also a Section 4(f)-protected public recreation area. The school will suffer noise impacts from a widened highway that will impact educational instruction. Proposed flyover ramps for the MD,190/Cabin John Parkway interchange have the potential to alter the visual setting and context of the adjacent historic district.

The issues raised by the Carderock Springs Citizens Association need to be addressed by MDOT SHA as part of the Section 106 process, prior to the execution of any Programmatic Agreement. For these impacts and more, it is false to conclude, as MDOT does, that the preferred alternative would have no adverse impact on Carderock Springs or only de minimis impacts.

As a result of the preferred alternative, the residents of the community and the children and staff of the Carderock Springs Elementary School will be faced with loss of tree canopy, increased exposure to air pollution, and increased noise and visual impacts. These issues have been raised with MDOT SHA in DEIS, SDEIS, and Section 106 comments and need to be addressed as soon as possible before any Programmatic Agreement can be finalized.

5) Native American Site

Inappropriate approach and disregard for an important Native American site

Regarding Site 18MO749, a Native American site, we note a significant difference in what the DEIS appendix said about this archaeological site and what MDOT now states as part of the Section 106 process.

The July 10, 2020 DEIS Appendix stated that Site 18MO749:

“is believed to have the ability to answer significant questions about precontact settlement patterns and the nature and use of the site through further research and excavation. [It] appears to retain a high degree of stratigraphic integrity and has the potential to provide meaningful new data on precontact lifeways in the area. It may also provide additional information that can be used to compare and contrast with the concentration of precontact sites located on the south shore of the Potomac River across from the site.”

And yet, MDOT now proposes to defer the required Phase I survey until after a Programmatic Agreement is executed. See MDOT January 4, 2022 letter, at p. 7

More should be known about this site at this stage of the Section 106 process. Investigation and NRHP eligibility determination should not be deferred for such a historically significant archaeological site close to which there are proposed

wetland mitigations for impacts of the project to park wetlands. The archaeological site could be damaged if more is not known. Saying “The site may have been too poorly drained in the past to support human habitation, but this is not known with certainty” about a site next to the one described is careless and speculative, not at all in keeping with the due diligence and respect such a rare and unique archaeological site merits.

6) C&O Canal Lock House Keeper Site

NRHP eligibility determination for C&O Canal Lock House Keeper site not provided and needs to be

Another C&O Canal NHP site was recommended for NRHP eligibility in the July 10, 2020 DEIS for:

[G]ood potential for the presence of additional cultural features and patterned artifact deposits. [It] has the potential to provide substantive data that could be useful in addressing a variety of regional research issues, including those related to early 19th through early 20th century consumer behavior and the lifeways of C&O Canal lock house keepers. This site is recommended eligible under NRHP Criteria A, C, and D, and avoidance or data recovery investigation is recommended.

Notwithstanding this acknowledgement, the status of this site’s NRHP eligibility determination and avoidance, minimization, and mitigation measures are not disclosed in the SDEIS nor has any NRHP eligibility determination been shared as part of the Section 106 consulting party process. This omission must be remedied in advance of finalizing the Programmatic Agreement.

When available, we request to review the NRHP eligibility determination and request the close involvement of state historic preservation officers in protecting this site.

7) The Potomac River

Lack of attention to historic Potomac River and mitigation of impacts on river and its users

The Potomac River is nationally recognized as an important historic, scenic, and recreational waterway. The National Park Service (NPS) has designated the Potomac as a National resource – The Potomac Heritage National Scenic Trail and as part of the Captain John Smith Chesapeake National Historic Trail. Both of these National Trails include the section over which the new bridge will span. Yet the SDEIS does not assess impacts to the historic character of these NPS managed

trails. It does not appear that MDOT consulted with Maryland DNR Scenic and Wild Rivers Advisory Council or the managers of aforementioned trails regarding impacts to the Potomac River itself as a historic, scenic, and recreational resource.

Canoe Cruisers Association members actively use the Potomac River under the American Legion Bridge for paddling. The NPS and State of Maryland have recognized this section of the Potomac River as significant for its historical significance, scenery, and recreational opportunities. MDOT has not assessed the adverse impacts of replacing the American Legion Bridge to the Potomac itself nor to CCA members and the greater DC area paddling community. Furthermore, MDOT has not described how it can and must avoid, minimize, and mitigate those adverse impacts.

Sierra Club Maryland Chapter agrees with the inadequate assessment of impacts of the project and bridge replacement on the Potomac River itself. This is an omission that requires immediate attention and remedy.

Sierra Club also notes that CCA's interests include historic and cultural resource protection and supports the Canoe Cruisers Association's request for Section 106 consulting party status.

For more information on each of these site issues (except Item 7), we refer you to the Sierra Club et al. comments on the SDEIS. We also refer you to the comments of the individual stakeholder entities, including Friends of Moses Hall, Washington Biologists' Field Club, Carderock Springs Citizens Association, and Canoe Cruisers Association.

Bridge Alternatives

A serious study of bridge alternatives and bridge construction impacts has not been undertaken. The DEIS merely notes that "Other minimizations options were also considered and discussed with NPS such as a double deck bridge, top-down construction and reduced typical sections and pier locations." The public has not been provided a meaningful opportunity to review potentially less damaging bridge alternatives. Given the scenic historic value of the river and the sensitivity of the historic and ecological significance of the sites under and around the American Legion Bridge, it is not acceptable to wave away consideration of alternatives with mention of the fact that there were prior discussions between MDOT and one federal agency. There are many stakeholders that deserve to be at the table for decisions about the American Legion Bridge, including the ones mentioned in this letter. These alternatives must be given serious consideration as part of the Section 106 consultation process.

Impact Assessment for Cumulative Effects of Future Phases

Detailed identification and impact assessments of historic sites for all of the I-495 & I-270 MLS are required. It is improper to not have reviewed Section 106 sites from upper 270 between I-370 and I-70, which are reasonably foreseeable results of the planned eastern I-495 and upper I-270 future phases. Impacted historic properties include the Monocacy Battlefield. The upper I-270 segment is already conditionally contracted to the developer Transurban and has a specific name (Phase 1 South plus upper I-270 is being called the American Legion Bridge Traffic Relief Plan). It is part of the plan and therefore needs to be considered a foreseeable future cumulative effect of the plan. The failure to review and disclose the impacts on historic properties in the upper I-270 segment deeply prejudices the consideration of alternatives and the integrity of the decision-making process for this controversial project.

Area of Potential Effect and Limits of Disturbance

We note that you have included in the Section 106 process and January 4, 2022 Section 106 materials some properties that are outside of the LOD/APE of the project, including in Prince George's County (which this part of the project will not touch). The findings of no effect for property outside the project will obviously need to be re-evaluated and reassessed if/when a future phase of the project is undertaken. It should be absolutely clear that if the project goes in the future to the original scope, those findings are invalid and the public and relevant consulting parties needs to be given an opportunity to comment on impacts of any new expansion in the future.

In light of the strong disagreements relating to the assessment of adverse effects noted above, it is entirely premature to execute a Programmatic Agreement that is predicated upon the flawed assessment of adverse effects and mitigation measures noted above. Instead, any PA must acknowledge the serious adverse impacts on the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, and must do a better job of considering measures to avoid or mitigate harm to those historic properties, such as Plummers Island, that are acknowledged to be adversely affected by the Project.

We appreciate your prompt attention to these serious unresolved matters.

Josh Tulkin, Director
Sierra Club Maryland Chapter

Karen Hutchins-Keim

From: Steve Archer <SArcher@mdot.maryland.gov>
Sent: Thursday, March 31, 2022 3:33 PM
To: Karen Hutchins-Keim
Cc: Richard Ervin; Matt Manning (Consultant)
Subject: FW: I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the 'Sender' and know the content is safe.

From: Roderick Mackler <rodmackler@gmail.com>
Sent: Thursday, March 31, 2022 3:31 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Landsman, Andrew <andrew_landsman@nps.gov>; Jeri DeYoung <Jeri_DeYoung@nps.gov>; Edmund Preston <ned@presto77.com>; tammy_stidham@nps.gov
Subject: Re: I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Dear Steve,

Thanks as always for keeping the C&O Canal Association in the loop in this huge project.

As you know, the key interest of the Association is the project's impact on the C&O Canal National Historical Park. This iteration changes that impact in two particulars:

1. There are more specifics of plans to mitigate impact (including funding for baseline measurements) upon the Washington Biologists' Field Club research facility on Plummers Island, within the C&O Canal HNP. This should still be considered an adverse impact.
2. The idea to extend the "shared use path" connection to the sidepath on MacArthur Boulevard has been scrapped. Instead, the sidewalk (as I call it) will connect directly to the C&O Canal towpath. The second illustration, "LOD Location in Change, Clara Barton Parkway, 1b", shows the off ramp from the Beltway, north-bound, onto the Clara Barton Parkway (inbound), but does not show the connection to the towpath. Do you have any more detailed maps showing this connection? This change has the potential to increase Park visitor numbers in the Seven Locks area.

By the way, we had discussed how the shared use path will connect on the Virginia side, admittedly of lesser interest to both of our organizations. The short answer is that it will NOT connect to the GWMP, but rather, it will parallel the highway, behind the sound barriers, for some distance, until it can connect to Fairfax County parks. I haven't seen all the details, but I imagine something like I-66, where one can bike from near the East Falls Church Metro to the Key Bridge Marriott without crossing any streets at grade.

Finally, we have had a change in leadership at the C&O Canal Association. Ms. Tiffany Ahalt of Hagerstown has assumed the presidency of the Association in an election last week. She will likely be signing any formal "comment" on behalf of the Association, but I will remain the main point of contact for the Association under the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969.

Thanks, again, Steve, for your excellent communication on this project.

Rod Mackler
Chair, Environmental Committee
C&O Canal Association

On Thu, Mar 31, 2022 at 1:16 PM Steve Archer <SArcher@mdot.maryland.gov> wrote:

Greetings I-495 and I-270 MLS Section 106 Consulting Parties,

MDOT SHA is pleased to provide you with additional Section 106 documentation for your review and comment. These materials include:

- MDOT SHA and FHWA's response to MHT regarding effects to the Morningstar Cemetery property, proposing to determine effects following completion of additional investigations under the PA.
- APE mapping with small updates to accommodate minor engineering adjustments, and two areas of LOD reduction that reduce potential impacts to historic resources. Callout maps showing the changes are attached to the letter; the remainder of the APE and LOD has not changed. However a full updated mapbook of the updated APE and LOD can be downloaded at the FTP site below.
- A Comment-Response Matrix noting how comments received on the second draft of the PA have been taken into consideration.
- The Third Draft of the Project Programmatic Agreement (PA), incorporating consulting party input.

Drafts of the Archaeological Treatment Plan and Cemetery Treatment Plan (Attachments 4 and 5) will be transmitted only to the appropriate/qualified consulting parties in a separate email.

As noted in the letter, we request all potential concurring parties (listed in Attachment 3 of the Draft PA) provide us with the name and title of the individual representative who may sign on behalf of your party. We will use this information to prepare/offer concurring signature pages, but this does not obligate any party to provide signature. If we do not receive this information we will assume your party does not wish to concur in the PA as we prepare the final document. Please provide name and title to me via email by April 14, 2022.

Further details are provided in the attached letter to the Maryland and Virginia State Historic Preservation Officers. Attachments 1a-c and 6 are embedded within the attached letter. Attachment 2 (Comment Responses) and Attachment 3 (Programmatic Agreement Third Draft) are provided as separate file attachments to this email. The APE

mapbooks are larger files and may be downloaded at the following link, which also contains the same files attached to this email:

<https://sftp1.mdot.state.md.us/>

Username: MLSResource

Password: I495I270

MDOT SHA respectfully requests comments on these materials by no later than **Thursday, April 14, 2022**, close-of-business. For the PA, *specific* comments or language suggestions, **keyed to stipulation number** are most helpful to the process. Comments emailed directly to me are the most effective way to provide your input.

Thank you, we appreciate your ongoing consultation. Feel free to contact me with any questions or concerns.

Steve Archer

Cultural Resources Team Leader

Maryland Department of Transportation State Highway Administration

Environmental Planning Division

707 North Calvert Street

Baltimore, MD 21202

Phone 410-545-8508

sarcher@mdot.maryland.gov

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SIERRA CLUB

MARYLAND CHAPTER

Sierra Club Maryland Chapter
P.O. Box 278
Riverdale, MD 20738
(301) 277-7111

April 6, 2022

Steve Archer, Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Archer,

We received the new Section 106 materials less than a week ago on Thursday. These materials were provided with a two-week comment period ending on April 14, 2022. All previous Section 106 comment periods for the I-495 & I-270 Managed Lanes Study have been 30 days long.

We have learned of your denial of Friends of Moses Hall's request for the usual 30-day comment period on the new Section 106 materials.

We echo their concerns about the inadequacy of the proposed two-week review period, particularly when one of those weeks overlaps with the public school spring break in the affected jurisdictions. Many people, including my key staff, have previously scheduled vacations during this timeframe, and this will make it very difficult if not impossible to provide meaningful comments on the new materials.

There was no advance notice of when this new set of Section 106 materials would be circulated for public review and comment, so no advance planning was possible to schedule and reserve time to provide comments, an additional reason why a two-week period is not adequate.

We therefore ask that you reconsider the request for an enlargement of time to provide comments on these key documents and provide a 30-day comment period on the latest materials up to and including April 30, 2022.

Sincerely,

Josh Tulkin, Director
Sierra Club Maryland Chapter



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

April 14, 2022

By email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 and I-270 MLS Section 106 Materials, PA Third Draft

To Mr. Archer:

The National Trust for Historic Preservation appreciates the opportunity to review the updated Draft Programmatic Agreement (PA) for the I-270 and I-495 Managed Lanes Study. We support the comments submitted by the Maryland Historical Trust, the Friends of Moses Hall, the Maryland National Capital Park and Planning Commission, and the Sierra Club Maryland Chapter. We offer our own comments below.

Inadequate Review Period

First, we would like to echo the comments of other consulting parties that the two week review period provided for these materials was inadequate in length. For future review opportunities, we strongly encourage adhering to a standard thirty day comment period to allow all consulting parties sufficient time to review and comment.

Finding of Impact Not Determined

In our letter dated February 3, 2022, we stated our disagreement with the previous finding of "No Adverse Effect." We appreciate that the determination has at least been updated to impact "Not Determined." We continue to advocate for additional Ground Penetrating Radar (GPR) investigation to search for more potential burials.

However, we also believe that at this time, there is reason to conclude that, in fact, the proposed action *will* have an adverse effect on Morningstar Tabernacle No. 88 Moses Hall and Cemetery. The limitations of the GPR investigation to date leave open the possibility that further investigation will uncover additional burials within the Limits of Disturbance (LOD).

For example, according to the presentation shared with the consulting parties at the Section 106 meeting on January 4, 2022, the portion of the cemetery that is within the existing right-of-way includes at least 14 “probable” burials, 13 “possible” burials, and 6 “tentative” burials. And that’s based on incomplete GPR investigation. It will be important to ensure that the PA includes a binding commitment to avoid any disturbance or physical intrusion whatsoever to this portion of the cemetery within the right-of-way.

Failure to Assess Cumulative Effects

In addition, the cumulative impacts of the original highway construction continue to reverberate at this site. As we stated in our February 22 letter, we strongly disagree with the new argument that cumulative impacts analysis can ignore past impacts prior to the passage of NEPA and NHPA. There is no basis for excluding the original construction of the highway from the analysis of cumulative impacts to Morningstar Tabernacle No. 88 Moses Hall and Cemetery – especially since the original beltway construction that bulldozed a portion of the historic Cemetery was funded and carried out by the same agencies as those proposing the current project. Indeed, the stormwater easement retained by SHA continues to cause adverse effects. This is not a case of cumulative impacts by an unrelated third party over which the current project proponent has no control. Nor was the original beltway construction an individually minor action or one with speculative impacts. These cumulative impacts must be considered when making a final determination of effect. In our view, the cumulative impacts compel the unavoidable conclusion that the effect on the Morningstar Tabernacle No. 88 Moses Hall and Cemetery is and will continue to be adverse.

Conveyance of a Portion of the Right-of-Way

In our February 22 letter, we stated our disagreement with the agencies’ refusal to include a commitment in the PA to convey to the cemetery trustees a portion of the right-of-way containing potential burials. We continue to urge that a commitment to conveyance be recorded as part of the PA. The responses to our previous round of comments state that the proposed conveyance “per FHWA . . . can not be in the 106 PA,” but could potentially be

included in the ROD. However, the responses fail to provide an explanation as to WHY this commitment cannot be included in the Section 106 agreement.

Additional Consultation is Needed

We encourage MDOT and FHA to continue to work with local advocates to identify appropriate measures both to minimize and to mitigate potential adverse effects to Morningstar Tabernacle No. 88. Because of the historic impacts to this site, we believe that it would be appropriate for MDOT and FHWA to commit to pursuing these minimization and mitigation measures, regardless of the ultimate finding regarding adverse effect; however, at a minimum, these mitigation efforts should be agreed to conditionally if a finding of adverse effect is ultimately made.

Comments on Stipulation V.G.

Morningstar Tabernacle No. 88 Moses Hall & Cemetery

1. Stipulation V.G.1. provides for the development of a context-sensitive treatment for the noise barrier facing the Cemetery, including appropriate decorative elements, memorial plaques, and/or signage, with input from consulting parties with a demonstrated interest in the Cemetery. This needs to be expanded to include a commitment to establish ADA-compliant public access to the cemetery. In addition, the National Trust requests to be included in this consultation process as a party with a demonstrated interest in the Cemetery.

2. Stipulation V.G.2. addresses the use of additional studies in the treatment plans to further evaluate and address effects to the Cemetery. We strongly agree with the Maryland Historical Trust that the following sentence must be deleted from the Draft PA: *"If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative."*

We also object to the final sentence in Stipulation V.G.2., on two grounds.

First, it fails to spell out a procedure for determining whether "no additional project avoidance options are feasible," and appears to presume that MDOT-SHA will make this determination unilaterally.

Second, if the determination is made that "no additional project avoidance options are feasible," the Draft PA calls for the resulting

consultation (regarding likely adverse effects and mitigation options) to be carried out exclusively by the federal and state transportation agencies, without the involvement of the Maryland Historical Trust or any other consulting parties. This is unacceptable.

Thank you for considering the comments of the National Trust. We appreciate the opportunity to continue our participation in the Section 106 consultation process.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Merritt".

Elizabeth S. Merritt
Deputy General Counsel

A handwritten signature in cursive script, reading "Kendra Parzen".

Kendra Parzen
Field Officer



**FRIENDS OF MOSES HALL
MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS, BROTHERS AND SISTERS OF MOSES
7550 Seven Locks Road
Cabin John, MD 20818
morningstarmosescj@gmail.com
www.friendsofmoseshall.org**

April 14, 2022

By Email to: sarcher@mdot.maryland.gov

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Re: I-495 and I-270 MLS Section 106 Materials, PA Third Draft

Dear Mr. Archer:

Thank you for the opportunity to review and comment on the most recent Section 106 materials and the third draft of the PA for the I-495 and I-270 Managed Lane Study. We wish to provide the following comments.

Most pressingly, we believe, for the reasons set forth in our previous communications, that MDOT SHA (hereafter "SHA") and FHWA have erred in concluding that there are not clear cumulative effects at the Morningstar site. The history of this site shows that SHA and its predecessors have repeatedly engaged in activities that have both cumulatively and negatively affected conditions at a historic, African-American cemetery. The record of this Section 106 process also shows how SHA has created an arbitrary cutoff for cumulative effects, has failed to provide reasoned decision-making on the topic, and has acted capriciously in the substantial difference between how it communicated to the public and the press and the ways it has sought to substantively address the issue with the affected party. We therefore strenuously object to FHWA's "finding," (March 31, 2022 update letter to MHT/DHR, P.4) that the cumulative effect issue has been addressed or settled. FHWA and SHA's continued inability to articulate a defensible rationale for their decision-making further strengthens our objections.

Because SHA and FHWA have misapplied the law and acted arbitrarily and capriciously on the issue of cumulative effects, as articulated in our previous letter, we are unable to support the current effects determination (or lack thereof) made by SHA.

In addition to this overarching concern, we here provide specific comments on the materials provided.

Update Letter

- We request the meeting notes from the referenced meeting with MHT Staff, as it relates directly to the Morningstar site and is critical for our understanding of effects under the Section 106 process.
- We note that within the letter, as well as in consulting party meetings, that SHA uses the term “boundaries of the cemetery.” SHA is, in fact, now basing the cemetery boundary on a 1957 aerial map that was shared in consulting party meetings. The 1957 aerial was used as a graphic underlay for the depiction of grave shafts revealed in the limited area where GPR was conducted during a Consulting Party meeting with SHA on January 4, 2022. We reject SHA’s assumption/interpretation as sufficient to evaluate the extent of the boundaries of the Morningstar Moses Cemetery. Historical research and the absence of burial records for most of the 377 GPR-indicated probable and possible graves in the limited survey areas points to the distinct possibility that the cemetery is older than originally thought. The historical evidence suggests that this could be a Reconstruction-era cemetery. Most graves were marked by stones and not inscribed markers, and it is likely that landowners and descendants present in 1957 would not have been able to identify the boundaries of the cemetery. We reiterate: SHA has presented a convenient definition of the boundary of the property that we reject.

Comment Responses

- **Re: Comment #68.** The comment notes that “FHWA has determined that [the future ROW transfer between SHA and Morningstar] cannot be a Section 106 PA commitment, but it can be documented in the ROD.” This response fails to consider the rest of our comment, which notes that law and regulation require this act **to be so documented in the ROD**. It is a “must,” not “can” situation and we request that this language be revised accordingly. Additionally, FHWA is required to provide justification for this determination, which has not been done to-date despite our repeated raising of this issue.

PA Third Draft

In addition to the following preliminary comments, we will share additional comments to the Cemetery Treatment Plan and the Archaeological Treatment Plan by SHA’s deadline of May 2, 2022.

- **Section V.G.1.** Cumulative impacts caused by this project warrant stronger mitigation commitments. Mitigation proposed is insufficient, and fuzzy language, such as “may include”, is unacceptable. Further, absent a commitment to the mitigation proposed in our April 12, 2021 first draft PA comment letter – specifically ADA-compliant access to the cemetery and SHA cleaning up its own perpetual stormwater easement on the property – the site must remain closed to the public.
- **Section V.G.2.** Define “unavoidably.” Additionally, we concur with MHT’s comment to this stipulation shared in their email to consulting parties shared this morning.
- **Section VII.I.** Confirm who determines the relocation site and what is included within the definition of “disposition” of human remains or associated funerary objects.
- **Section VII. Cemeteries and Human Remains Treatment Plan.** (Pg. 17) Regarding progress meetings, FMH reserves the right to request meetings at reasonable junctures once the timing and work plan is understood. We recommend that SHA be required to provide adequate information regarding timing and work plan to facilitate determining the appropriate cadence of meetings.
- **PA, Attachment 1: Inadvertent Discovery Plan.** (Pg. 21) Please confirm that FMH would be notified before any movement or removal of remains. Confirm that FMH would have input on any resource determined eligible for removal from the Morningstar site.

Signature Block Information

The correct name of our consulting/concurring party for all PA documents should read: **The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated and Friends of Moses Hall.**

The name and title of the person to sign for our consulting/concurring party is as follows:

Diane E. Baxter

President, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Member, Friends of Moses Hall

Descendant, Morningstar Tabernacle Number 88 Ancient United Order of Sons and Daughters, Brothers and Sisters of Moses

We appreciate your consideration of these comments.

Sincerely,

The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated and Friends of Moses Hall

Diane E. Baxter

President, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Descendant

Dr. Charles W. Harris

Vice President, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Descendant

Eileen McGuckian

Secretary, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Historian and President, Montgomery Preservation, Inc.

-

Montgomery Crawford

Treasurer, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Descendant

Alexandra Jones, PhD, RPA

Trustee, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Executive Director and Founder, Archaeology in the Community

Austin E. White

Trustee, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Descendant

Charlotte Troup Leighton

Chair, Friends of Moses Hall Committee

Trustee, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Vice President of Advocacy, Cabin John Citizens Association

L. Paige Whitley

Trustee and Chair, Research Committee, The Board of Trustees of Morningstar Tabernacle Number 88, Incorporated

Independent Researcher

Sondra Raspberry

Descendant

Shannon S. Steward

Descendant

Christopher Waynes

Descendant

Austin White II

Descendant

Nathan White II

Descendant

Pandora White

Descendant

CC: Governor Lawrence J. Hogan – governor.mail@maryland.gov
 Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
 Treasurer Nancy Kopp – treasurer@treasurer.state.md.us
 Jeffrey T. Folden, MDOT SHA – mls-nepa-P3@mdot.maryland.gov
 Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
 Elizabeth S. Merritt, National Trust for Historic Preservation - emerritt@savingplaces.org
 Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
 Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
 Steve Archer, MDOT SHA – sarcher@mdot.maryland.gov
 Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
 Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov
 David Clarke, USDOT - david.clarke@dot.gov
 April Marchese, USDOT – april.marchese@dot.gov
 Colleen Vaughn, USDOT – colleen.vaughn@dot.gov
 Brenda Mallory, Chair, White House Council on Environmental Quality – brenda_mallory@ceq.eop.gov
 Vivian Lee, National Capital Planning Commission – vivian.lee@ncpc.gov
 Samantha Beers, US EPA - beers.samantha@epa.gov
 Emily Biondi, Federal Highway Administration – emily.biondi@dot.gov
 James Gavin, Federal Highway Administration – james.gavin@dot.gov
 Jitesh Parikh, Federal Highway Administration – jitesh.parikh@dot.gov
 Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
 Reid Nelson, ACHP – rnelson@achp.gov
 Mandy Ranslow, ACHP - mranslow@achp.gov
 Jaime Loichinger, ACHP - jloichinger@achp.gov
 Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
 Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
 Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
 John Simkins, FHWA Virginia Division - john.simkins@dot.gov
 Rebeccah Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
 Debra Borden, M-NCPPC – debra.borden@mncppc.org
 Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
 Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
 Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
 Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
 Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
 Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
 Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
 Sara Love, Maryland State Delegate – sara.love@house.state.md.us
 Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
 Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Carol Rubin, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Gerald Cichy, Commissioner, Montgomery County Planning Board -MCP-Chair@mncppc-mc.org
 Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
 Gabe Albornoz, Montgomery County Councilmember-councilmember.albornoz@montgomerycountymd.gov
 Andrew Friedson, Montgomery County Councilmember- councilmember.friedson@montgomerycountymd.gov
 Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
 Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
 Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
 Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
 Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
 Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
 Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov



SIERRA CLUB

MARYLAND CHAPTER

Sierra Club Maryland Chapter
P.O. Box 278
Riverdale, MD 20738
(301) 277-7111

April 14, 2022

Steve Archer, Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Archer,

The Sierra Club Maryland Chapter, a consulting party to the Section 106 process, has received the Section 106 materials and draft Programmatic Agreement (PA) for Phase 1 South of the I-495 & I-270 Managed Lanes Study which was sent for review on March 31, 2022. The materials included a revised area of potential effect and revisions in the limits of disturbance. Our comments, concerns, and requests follow, and they incorporate by reference here all of our previous comments.

THE PA IS PREMATURE BECAUSE SERIOUS LEGAL ISSUES REGARDING CUMULATIVE EFFECTS WERE IGNORED

Sierra Club and multiple consulting parties raised legal objections to the MDOT's arbitrary and incorrect argument that no cumulative effects prior to 1966 and 1970 could be considered.

Yet the March 31, 2022 MDOT Section 106 cover letter in this set of materials glosses over the legally insufficient argument, does not address that issue in the response matrix, and falsely implies there are no issues with cumulative impacts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery site, saying: "FHWA finds that the issues related to atmospheric, audible, visual, and cumulative effects to the property, have been addressed."

The MDOT cover letter further states,

"In MHT's letter of February 4, 2022, the rationale for not concurring with the specific effect finding for Morningstar Cemetery was due to potential for

additional burials outside the defined boundaries of the property that may exist or be impacted.”

This is not accurate.

The MHT February 4, 2022 letter states regarding the Morningstar site that (emphasis added):

“Given the sensitivity of the resource, the potential for the presence of additional burials that may be impacted, and the overwhelming expression of concern for this resource expressed by multiple consulting parties, **it is our opinion that the finding of adverse effect remains valid for this historic property.**”

The sensitivity of the resource and concern for the resource certainly include more than just the possibility of additional burials that may be impacted and extend to audible, visual, and cumulative effects, and site diminishment. That those issues were spoken about generally as “sensitivity of the site” and “overwhelming expression of concern” in the above MHT comment does not remove them as issues from the Section 106 process. Cumulative impacts, for one, is still very much an issue for this site.

Cumulative impacts from past Beltway construction are indisputably adverse; this site has been subject to longstanding, historic race-based discrimination in transportation planning in the [state](#).

The PA is premature given that the serious legal issues regarding cumulative effects have been ignored.

MORNINGSTAR TABERNACLE NO. 88/MOSES HALL AND CEMETERY

We endorse and incorporate by reference the April 14, 2022 comments of the Friends of Moses Hall regarding the Morningstar Tabernacle No. 88 Moses Hall and Cemetery site.

In addition to Sierra Club objecting to MDOT’s dismissing and ignoring of cumulative effects and other adverse effects to this site, as described above, we have significant concerns about (1) MDOT’s deferral of the determination of effects for the site and (2) the lack of specificity in the PA language concerning the site.

Deferral of Effects Determination

After a determination of adverse effects and then a contested determination of no adverse effect, MDOT is now proposing to defer its effects determination for the Morningstar Tabernacle No. 88 Hall and Cemetery in the historic Black community of Gibson Grove in Cabin John, Maryland.

The contentious issue surrounding the adverse effect determination for Morningstar Tabernacle No. 88 site cannot be deferred. In a letter to Dr. Julie M. Schablitsky of MDOT, the MHT clearly stated on February 4, 2022 that: “it is our opinion that the finding of adverse effect remains valid for this historic property.”

Sierra Club objects to MDOT’s deferral of the adverse effect determination for several additional specific reasons.

1. MDOT’s new proposed plan to defer a determination of adverse effect for Morningstar Tabernacle No. 88 site until after issuance of the Record of Decision will foreclose major options for alternatives and redress.
2. Adverse effects are able to be determined now since there are over two dozen probable or possible grave shafts in the right-of-way abutting the land where the highway will be widened and heavy construction equipment will be used. The probable and possible grave shafts conform to the same patterns observed in the rest of the cemetery.
3. These effects, when added to the cumulative impacts from past Beltway construction, are indisputably adverse; hence, even assuming some degree of post-ROD mitigation, there is no basis for arguing that there would be no adverse cumulative effects to this important historical site, which has been subject to longstanding, historic race-based discrimination in transportation planning in this state.

In summary, while the full extent of the adverse effect can be addressed as part of the PA, the adverse effect determination must be made now.

Programmatic Agreement

In addition to the April 14, 2022 comments on the PA made by Friends of Moses Hall, we ask that:

1. the PA include a binding commitment to avoid any disturbance or physical intrusion to the portion of the cemetery within the right-of-way that contains the probable and possible grave shafts

2. the PA section pertaining to the Morningstar site be specific about which studies will be done and which boundaries (historical boundaries, or boundaries set on a certain date) are being referred to and include the referenced boundary map as an attachment to the PA
3. this statement in Section V.G.2 be removed from the PA as it is not accurate, legally or otherwise – “If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative.”
4. this statement in Section V.G.2 be amended to include italicized text: “Should interments be identified outside the identified boundary of the cemetery, and no additional project avoidance options are feasible, MDOT SHA, ~~and~~ FHWA *and Friends of Moses Hall, National Trust for Historic Preservation, M-NCPPC, MHT, Sierra Club Maryland Chapter and other interested parties* will consult on the likely adverse effect, identify mitigation options, and amend this PA as necessary following the procedures in Stipulations IV and XIII of this PA.”

PLUMMERS ISLAND/WASHINGTON BIOLOGISTS’ FIELD CLUB

We endorse and incorporate by reference the April 14, 2022 comments of the Washington Biologists’ Field Club.

Given the recent groundbreaking of the 495 NEXT toll lane expansion project in Virginia, cumulative effects (including stormwater runoff) of the 495 NEXT project combined with the Maryland toll lanes project need to be documented and taken into account for the intervening historical properties, Potomac River, and the American Legion Bridge, from which runoff will empty untreated into the Potomac River and directly impact Plummers Island.

CARDEROCK SPRINGS

We endorse and incorporate by reference the April 2022 comments of Carderock Springs Citizens Association, who represent a National Register of Historic Places community.

INSUFFICIENT COMMENT PERIOD

Every other time Section 106 materials have been sent to consulting parties as part of the I-495 & I-270 Managed Lanes Study there has been a 30-day review period. This time, at the most critical juncture in this process, that of requesting concurrence, only a two-week comment period has been provided despite new information and materials to review, a change in determination status for an important historical site, and unresolved conflicts.

The regulations say that if information is missing, more time may be requested. “At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.”

In the comment response table circulated on March 31, 2022, there is a notably cursory and incomplete response to the issues raised by consulting parties in the last round of comments. In some cases, MDOT just picked out a single point to respond to, such as in the case of Friends of Moses Hall. In Sierra Club’s case, MDOT only responded to three comments and ignored all the other issues raised.

MDOT has failed to respond to a significant number of consulting party substantive comments for this most recent Section 106 comment period, failing to address multiple Section 106 issues raised by the Maryland Historical Trust, National Trust for Historic Preservation, Friends of Moses Hall, and Sierra Club Maryland Chapter, among others. On that basis, Sierra Club continues to request more time for comment on this package of materials.

Attachment 6 “Eligibility and Effects Tables” also appears to be incomplete. It seems to be a summary of historic properties experiencing adverse effect, experiencing no adverse effect, and 4(f) *de minimis* properties, but it omits a list of 4(f) properties with more or less than *de minimis* impacts. For instance, the public playing field at Carderock Springs Elementary School is missing from the 4(f) impacts list. Also, for unexplained reasons, the 4(f) *de minimis* properties list includes Beltsville Agricultural Research Center (BARC) which is in Prince George’s County, not in Phase 1 South of this project at all.

Secondly, a key legal matter (regarding cumulative effects) raised by multiple consulting parties was ignored. A response to that issue is missing from the documentation provided and is necessary for moving forward with the PA.

For these two reasons, Sierra Club on behalf of consulting parties continues to request more time for review and comment on the March 31, 2022 Section 106 package of materials.

CLOSING AND NAME FOR PROGRAMMATIC AGREEMENT

In closing, the PA is premature given that the serious legal issue regarding cumulative effects has been ignored.

While a more detailed analysis of the project's full adverse effects on the Morningstar Tabernacle No. 88 Moses Hall and Cemetery site can be addressed as part of the PA, the adverse effect determination must be made now.

In addition to Morningstar Moses Hall and Cemetery, there are still significant outstanding unresolved issues with regard to Plummers Island and Carderock Springs.

This latest 2-week comment period with only a few working days for individuals impacted by public school spring vacation seems intentionally designed to limit feedback from consulting parties. The short timeframe provided is not sufficient for review of the materials, much less formulation of thoughts, consultation, write up, and internal approvals. There is not one person or group who has only this project's Section 106 process as a fulltime job, which is why Sierra Club (Appendix A) and other consulting parties wrote in asking for a longer timeframe for comment.

On the basis of missing information, Sierra Club continues to request more time for review and comment on the March 31, 2022 Section 106 package of materials.

The requested name for the Programmatic Agreement is Josh Tulkin for Sierra Club Maryland Chapter. However, we do not concur with the Programmatic Agreement at this time and withhold signature unless and until such time as we deem that consulting party requests have been appropriately included in the Programmatic Agreement.

Sincerely,

Josh Tulkin, Director
Sierra Club Maryland Chapter



SIERRA CLUB
MARYLAND CHAPTER

Sierra Club Maryland Chapter
P.O. Box 278
Riverdale, MD 20738
(301) 277-7111

April 6, 2022

Steve Archer, Cultural Resources Team Leader
Maryland Department of Transportation
State Highway Administration
Environmental Planning Division
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Archer,

We received the new Section 106 materials less than a week ago on Thursday. These materials were provided with a two-week comment period ending on April 14, 2022. All previous Section 106 comment periods for the I-495 & I-270 Managed Lanes Study have been 30 days long.

We have learned of your denial of Friends of Moses Hall's request for the usual 30-day comment period on the new Section 106 materials.

We echo their concerns about the inadequacy of the proposed two-week review period, particularly when one of those weeks overlaps with the public school spring break in the affected jurisdictions. Many people, including my key staff, have previously scheduled vacations during this timeframe, and this will make it very difficult if not impossible to provide meaningful comments on the new materials.

There was no advance notice of when this new set of Section 106 materials would be circulated for public review and comment, so no advance planning was possible to schedule and reserve time to provide comments, an additional reason why a two-week period is not adequate.

We therefore ask that you reconsider the request for an enlargement of time to provide comments on these key documents and provide a 30-day comment period on the latest materials up to and including April 30, 2022.

Sincerely,

Josh Tulkin, Director
Sierra Club Maryland Chapter



April 14, 2022

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study: Section 106 and 3rd DRAFT PA Comments

Dear Mr. Archer:

Thank you for providing the opportunity to review and comment on the Project No. AW073A13, I-495 & I-270 Managed Lanes Study (MLS). These comments reflect the comprehensive comments from the Cultural Resources Sections of the M-NCPPC Park and Planning Departments on the 3rd Draft Programmatic Agreement. Our comments are as follows.

Stipulation IV.B: We echo the comments of the Maryland Historical Trust dated April 14, 2022 (email Tim Tamburrino to Steve Archer Re: I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022) noting that there should be greater specificity in Stipulation IV.B and support each of the text edits and updates requested by MHT for this Stipulation.

Section V (Property-Specific Commitments)

G Morningstar Tabernacle No. 88 Moses Hall and Cemetery

We agree with the statement of the MHT in its letter dated February 4, 2022: “Given the sensitivity of the resource, the potential for the presence of additional burials that may be impacted, and the overwhelming expression of concern for this resource expressed by multiple consulting parties, it is our opinion that the finding of adverse effect remains valid for this historic property. The Trust recommends that the Federal Highway Administration (FHWA) request the Advisory Council on Historic Preservation (ACHP) review of this issue pursuant to 36 C.F.R. §800.5(c)(2)(i).” We believe that this remains unresolved as the Consulting Parties to the undertaking, including this office as the Certified Local Government, object to the determination of no adverse effect. We continue to request that the Advisory Council review the determination before proceeding to the ROD.

We also note that the LOD east of the area of known graves appears to extend into the narrow access path from Seven Locks Road to the Cemetery. Such an encroachment would appear to be an adverse effect to the property as it would diminish the setting and further limit physical access to known gravesites.

We agree with the Historical Trust and Friends of Moses Hall that the PA should address the effects of MDOT SHA's commitment to transfer property in its ROW containing graves to the ownership of the Trustees of Morningstar Tabernacle Number 88. We note that MDOT SHA responded in the comment response matrix distributed in March 2022 that "per FHWA this cannot be in the 106 PA but can be in ROD." Transfer of property outside of federal ownership or control is an adverse effect; how can this be addressed in the ROD, but not mentioned in the PA?

We believe that an adverse effect determination is appropriate for Morningstar Tabernacle Cemetery as it is for Gibson Grove Church. For this reason, we also believe that it is necessary to consider and mitigate the cumulative adverse effects of the beltway's separation of these two historically adjacent properties at this juncture.

G 1. We are disappointed that MDOT SHA has declined to consider to assist with improving access to the cemetery. SHA/FHWA have already acknowledged an adverse effect from the undertaking as a whole and have acknowledged the adverse effect for the Gibson Grove property immediately to the North. Given the appropriateness of an adverse effect determination, an ADA compatible pedestrian access should be constructed along the northern portion of the cemetery property from Seven Locks Road in order for the design elements and any interpretive signage on the sound barrier to be accessible to the public. We note that under provision H.5, MDOT SHA proposes to construct sidewalk along Seven Locks Road in order to restore the historical physical connection between Gibson Grove Church and the Morningstar Cemetery severed by construction of the Beltway. Furthermore, we agree with the Friends of Moses Hall that SHA's perpetual stormwater management easement on the cemetery site has not been adequately maintained. This should be addressed in mitigation for adverse effects at the site and for the undertaking as a whole. Absent these mitigations, to whom are the interpretive signs directed and how will they be meaningfully accessible to the public or the descendant community? We believe that these are very modest requests.

G.2: We do not agree that MDOT SHA can limit its effects determination to the presence or absence of interments within the LOD. We note that MDOT SHA found the cemetery property eligible for the NRHP under Criteria A and C, and MHT has concurred. While the discovery of additional graves beyond the present real property boundary may warrant an expansion of the NHRP historic property boundary, any effects determination must take into consideration all aspects of the property that contribute to its NRHP eligibility, including the setting, and cannot be limited to the distribution of graves alone. We continue to believe that an adverse effect determination is appropriate.

H.1. The document should note that the Gibson Grove A.M.E. Zion Church is a designated Montgomery Master Plan Historic Site. All alterations on this property should be reviewed and permitted by the Historic Preservation Commission/M-NCPPC. MNCPPC should be included in these design discussions at each phase, as our agency will also be responsible for some of the permitting approvals that will be necessary on the Church property. Please amend Section H throughout to add "M-NCPPC, Historic Preservation Commission" as a party to each of the mitigation items called out in H.1-H.5.

Attachment 1

Per State of Maryland Criminal Code § 10-402, the State's Attorney must authorize movement or removal of any remains. The statute includes no exception for human remains "determined to be archaeological." Such language does not exist in the statute. Please revise language to note the steps that must be taken in coordination with the State's Attorney regarding the movement or removal of human remains.

Attachment 2

Cabin John Citizens Association appears to be missing from the list of consulting parties.

Attachment 3

The Maryland National Capitol Park and Planning Commission, Historic Preservation Office is the designated Certified Local Government (CLG) for this Undertaking with a clearly defined role under Section 106 proceedings. We request a line-item call-out in Attachment 3 as the CLG separate from “Local and Other Agencies and Groups”.

Page 7, II.A.7.

There is no hyphen in 36 CFR 79 “Curation of Federally-Owned and Administered Archeological Collections” [sic]. Also, in contrast to most NPS usage, archaeology is spelled with two “a”s. It should read: “36 CFR Part 79: Curation of Federally Owned and Administered Archaeological Collections.”

General

There is reference throughout the document on consulting with ‘relevant SHPO(s) ... and appropriate consulting parties’ on further documentation and effects determinations. As the CLG, M-NCPPC expects to participate in each of those discussions that occur within the Maryland portion of the undertaking.

We look forward to submitting comments separately on the proposed Treatment Plan.

Thank you again for the opportunity to comment. If you have any questions or need to discuss these matters, please feel free to contact us at 301-563-3404; Rebeccah.Ballo@montgomeryplanning.org, or Cassandra.Michaud@montgomeryparks.org 301-563-7532.

Sincerely,



Rebeccah Ballo
Historic Preservation Supervisor, Montgomery County Planning



Cassandra Michaud
Cultural Resources Planner/Senior Archaeologist, Montgomery Parks

cc: Jeannette Mar, FHWA
Elizabeth Hughes, Maryland Historical Trust
Tim Tamburrino, Maryland Historical Trust
Beth Cole, Maryland Historical Trust
Anne Schuyler, NCPC
Elizabeth Merritt, National Trust for Historic Preservation
Charlotte Leighton, Friends of Moses Hall
Debra Borden, M-NCPPC

From: Hammig, Laurel D <Laurel_Hammig@nps.gov>
Sent: Thursday, April 14, 2022 4:03 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>
Subject: Re: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Hi Steve,
Below are comments on the PA from NPS.

Thank you,
Laurel

Att-1b_MLS_106_APE-LOD_ClaraBartonPkwy

- NRHP eligible boundaries are incorrect. Please refer to the boundaries provided from the Clara Barton Parkway CLI for the cultural landscape. The exhibit is not representing the entirety of the landscape, including the outbound lanes and the adjacent forested areas owned by the NPS.

MLS-106_APE-3_Corridor_2022-03

- They are not showing the correct boundaries for the Eligible/Listed property for the Clara Barton Parkway interchange!! Please refer to the Clara Barton Parkway CLI for the cultural landscape boundaries.

MLS-106_APE-6_ParkMitigation_2022-03

- Need to show a map for the Virginia Dead Run Ridges Arch. Site. Only show a portion of the boundaries, regarding "Further investigation or treatment proposed" for Dead Run Ridges are shown on PDF Pg 1.

Att-3_MLS_106_Programmatic Agreement -

- PDF Pg 10, V.A.2. GWMP - They have a three year time period to complete the CLR once funds are received is this a set time allotment? I recommend changing it to within 5-years to complete the CLR once NPS receives the funds, instead of 3-years. It has been a change to meet the Long Bridge mitigation time lines. At least with a 5-year time, we can make sure it is incorporated in our 5-year workplan. I am assuming these funds would be provided to a third party - the Conservation Fund?
- PDF Pg 11, V.A.1. Dead Run Ridges Arch Site - Phase III data recovery - does this include cost of cataloging artifacts? Mention Stipulation VI. F in comment response.
- PDF Pg 11, V.A.2. Dead Run Ridges Arch Site - Asking Matt and Jay if this is an acceptable language if VA DHR does not accept the nomination prepared by MDSHA.

- PA Stipulation V. B. 1 Phase III data recovery; their archeological investigations will have to be done under an ARPA Permit that requires proper NPS cataloging and curation for the artifact collection
- Add bold text to PA Stipulation V.B *no later than 12 months following finalization of the report documenting the Phase III data recovery in Stipulation V. B. 1 above, basing the nomination on the report findings* **and the previous archeological investigations and the NRHP Keeper's Determination Of Eligibility dated 09/10/2020 .**
- Add bold text to PA Stipulation VI.E *MDOT SHA will prepare a draft NRHP Nomination form for the Dead Run Ridges archaeological district based on the results of Phase III Data Recovery investigation* **and the previous archeological investigations and the NRHP Keeper's Determination Of Eligibility dated 09/10/2020 as described in Stipulation V. B.**

Question- Will the final mitigation list be included via reference in the PA?

Laurel Hammig, AICP | National Park Service

Acting Memorials Program Manager
National Capital Region
1100 Ohio Drive SW
Washington, DC 20242

Call or text: 202-875-3609

Video: MS Teams preferred, others on request

From: Steve Archer <SArcher@mdot.maryland.gov>

Sent: Thursday, March 31, 2022 1:15 PM

To: Steve Archer <SArcher@mdot.maryland.gov>

Cc: David Clarke, FHWA <david.clarke@dot.gov>; Mar, Jeanette (FHWA) <jeanette.mar@dot.gov>; Marc Holma, Virginia DHR <marc.holma@dhr.virginia.gov>; Mandy Ranslow, ACHP <mranslow@achp.gov>; John Simkins, FHWA Virginia Division <john.simkins@dot.gov>; Beth Cole <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>

Subject: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Greetings I-495 and I-270 MLS Section 106 Consulting Parties,

MDOT SHA is pleased to provide you with additional Section 106 documentation for your review and comment. These materials include:

- MDOT SHA and FHWA's response to MHT regarding effects to the Morningstar Cemetery property, proposing to determine effects following completion of additional investigations under the PA.
- APE mapping with small updates to accommodate minor engineering adjustments, and two areas of LOD reduction that reduce potential impacts to historic resources. Callout maps showing the changes are attached to the letter; the remainder of the APE and LOD has not changed. However a full updated mapbook of the updated APE and LOD can be downloaded at the FTP site below.
- A Comment-Response Matrix noting how comments received on the second draft of the PA have been taken into consideration.
- The Third Draft of the Project Programmatic Agreement (PA), incorporating consulting party input.

Drafts of the Archaeological Treatment Plan and Cemetery Treatment Plan (Attachments 4 and 5) will be transmitted only to the appropriate/qualified consulting parties in a separate email.

As noted in the letter, we request all potential concurring parties (listed in Attachment 3 of the Draft PA) provide us with the name and title of the individual representative who may sign on behalf of your party. We will use this information to prepare/offer concurring signature pages, but this does not obligate any party to provide signature. If we do not receive this information we will assume your party does not wish to concur in the PA as we prepare the final document. Please provide name and title to me via email by April 14, 2022.

Further details are provided in the attached letter to the Maryland and Virginia State Historic Preservation Officers. Attachments 1a-c and 6 are embedded within the attached letter. Attachment 2 (Comment Responses) and Attachment 3 (Programmatic Agreement Third Draft) are provided as separate file attachments to this email. The APE mapbooks are larger files and may be downloaded at the following link, which also contains the same files attached to this email:

<https://sftp1.mdot.state.md.us/>

Username: MLSResource

Password: I495I270

MDOT SHA respectfully requests comments on these materials by no later than **Thursday, April 14, 2022**, close-of-business. For the PA, *specific* comments or language suggestions, **keyed to stipulation number** are most helpful to the process. Comments emailed directly to me are the most effective way to provide your input.

Thank you, we appreciate your ongoing consultation. Feel free to contact me with any questions or concerns.

Steve Archer

Cultural Resources Team Leader

Maryland Department of Transportation State Highway Administration

Environmental Planning Division

707 North Calvert Street

Baltimore, MD 21202

Phone 410-545-8508

sarcher@mdot.maryland.gov

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Washington Biologists' Field Club

Comments on draft 3 Final Section 106 Programmatic Agreement sent 31 March 2022

For the Administrative record:

Date: 14 April 2022

The Section 106 process has been a sham to WBFC. Plummers Island is unjustly being treated as a sacrifice area. The most environmentally damaging alternative, Alternative 9, has already been predestined for selection by Maryland government officials and the P3 financially interested construction and the preselected investor and toll road operator.

Section 106 was established to protect historical properties and requires meaningful consideration of alternatives, minimizations, and mitigations. The Section 106 process appropriately determined that the Washington Biologists' Field Club on Plummers Island as a historically significant property that is independently eligible for listing in the National Register of Historic Places. During the process, we have learned and proposed what might be done to limit damage to Plummers Island nature reserve and research station. However, MDOT then proceeded to support the worst alternative for Plummers Island; our worst fears of damage to the island have only been exceeded as more land has been added with the pending permanent long-term occupation of the LOD.

The plan to build a nearly football-field wide American Legion Bridge, the widest in America, over a historical Nature Reserve and long-term ecological change and biodiversity research site, WBFC's Research Station for over 120 years, which contributes importantly to the historic significance of WBFC, is an unconscionable travesty.

The early plans shown to the public and to WBFC in the DEIS, SDEIS, and prior MDOT Section 106 diagrams showed the ALB expanding laterally in equal directions on each side. Now the ALB plan is to expand almost entirely on the Plummers Island side. The planned ALB will overhang Plummers Island up to the LOD line, by some 60 ft at the widest point and extending in a wedge over 500 ft along the west end of the Island facing the channel that separates the Island from the mainland. The new ALB will cast a permanent cave-like shadow over the area within the LOD on the Island, which will extend substantially over the remaining APE. The plan requires cutting down the mature trees on the head of the island, which will result in total erosion of headland soil. With no light for vegetation there or under the rest of the bridge overhang, the whole embankment of the Island facing the channel will erode away and wash downstream into the channel and onto the Island in flood waters. MDOT's Section 106 team members suggested this erosion can be minimized, but has failed to provide any explanation for how this could be accomplished. (MDOT 106 WBFC meeting of 24 March 2022).

The latest construction plan further damages the Island by "lowering" the Island's rock ridge paralleling the channel, which served to protect downstream portions of Island from flooding

and resulted in the development of the Islands broad interior channel-side floodplain. The proposed emplacements of bridge caissons and piers further endangers the Island by encouraging log-jams and deflecting channel flood waters onto the Island. Runoff from the lowest point on this huge bridge, and long uphill highway lead-ins, will focus pollutants of salts, oils, and heavy metals, and accidental toxic spills into the channel and Island floodplains, poisoning the water and land alike. All of this totally disrupts the study of long-term ecological trends and Island biodiversity, to which the Club is dedicated, and which contributes importantly to WBFC's historic significance. The adverse effect on WBFC will be profound, severe, and irreparable.

WBFC **declines to concur** with the Section 106 Programmatic Agreement. In our view, the 106 team has not justly considered or included most of our partial recommendations for avoidance, minimization, and mitigations made in WBFC comments letter to Section 106, dated 2 February 2022.

In the 31 March 2022 Section 106 communication to consulting parties a signatory name for the Programmatic Agreement was requested. That name is Robert J. Soreng for the Washington Biologists' Field Club. However, concurrence is withheld and the signature area should remain blank until meaningful mitigation consistent with our previous requests (see Appendix A of this letter) has been appropriately included in the Programmatic Agreement and deemed adequate by the Washington Biologists' Field Club.

Respectfully yours,

On behalf of the 100s of past and present Club members,

Robert J. Soreng, WBFC President

sorengrj@gmail.com

Appendix A.

(Appendix B in WBFC Section 106 PA Comments, Date: 3 February 2022)

For the Administrative Record

Washington Biologists' Field Club's MDOT Avoidance, Minimization and Partial Mitigations Proposal

Date: February 3, 2022

Mr. Jeff Folden, I-495 & I-270
P3 Program Deputy Director I-495 & I-270 P3 Office
707 North Calvert Street,
Mail Stop P-60 Baltimore, Maryland, 21202
MLS-NEPA-P3@mdot.maryland.gov

Mr. Jitesh Parikh
Federal Highway Administration
George H. Fallon Building
31 Hopkins Plaza,
Suite 1520 Baltimore, Maryland 21201
jitesh.parikh@dot.gov

Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

The Washington Biologists' Field Club (WBFC) guiding mission is the study of long-term trends in biodiversity and community ecology on Plummers Island. We began this research in 1901 and continue it to this day. MDOT's plan for expanding the American Legion Bridge onto Plummers Island and channel waters **seriously compromises our research goals of studying the Island as a whole system.**

Long-term studies such as those of WBFC are very important in this era of rapid change in climate, introduction of increasing numbers of invasive species and diseases, etc. We can only conserve our natural resources if we understand "normal" ecosystem responses, and these require long-term monitoring of target sites. The scientific community has responded to this need by creating new sites for long-term research, but it takes decades to build up a record long enough to understand many of the processes, and there are few sites that have been established long enough to give meaningful information. Plummer's Island is one such site, and its preservation deserves high priority.

It must be emphasized that environmental damage cannot be "fixed" by any form of mitigation. Plummer's Island is a research site conducting a multigenerational study of long-term ecological processes. Destruction of the habitat, or serious damage to it, stops the ecological processes whose progress WBFC has been studying for over a century, and ends the long-term study. Replanting will not

continue these processes, it just makes a new beginning, returning the Island to where the WBFC study began in 1901.

Importantly, taking any part of Plummers Island violates the formal legally binding 1959 Agreement between WBFC and the National Park Service. Under this agreement WBFC gave the Island to the Federal Government in exchange for our continued maintenance and research of the Island as a wild natural area, so long as WBFC existed and complied with certain obligations. WBFC has honored its part of the agreement for the ensuing 72 years. WBFC has studied the Island for 121 years, making it a rare and precious part of the cultural and scientific natural heritage of the National Park system. The Section 106 process determined the *WBFC and Plummers Island* to be eligible for the Maryland Historical Trust and National Register of Historical Places, and this requires protecting the entire Island as a whole property.

With these points in mind, WBFC does not accept the MDOT's Alternative 9 plan. We consider it contrary to the above agreement, and the intent of NHPA laws protecting eligible Historical properties as whole units. We support the No Build Option (as stated in our DEIS, SDEIS, and Section 106 comments).

Moreover, MDOT has failed to adequately and objectively justify the Least Environmentally Damaging Practicable Alternative (LEDPA) in the selection of Alternative 9.

WBFC commented on the DEIS, and was recognized as a consulting party in early 2021. The SDEIS is unacceptable, full of problems, and must be rewritten (WBFC separate, and co-signed Sierra Club comments submitted November 30, 2021). WBFC Section 106 comments were submitted in October 2021, and again with SDEIS comments. Comments on the final Section 106 programmatic agreement will be or will have been submitted by February 3, 2022.

One avoidance or minimization would be to redeck the ALB and not expand it. Alternative 5, adding only two lanes to the ALB, would be much less damaging to Plummers Island and adjacent waterways. Double decker or suspension bridges could significantly reduce damages to Plummers Island and adjacent waterways. However, the highway expansion plans do nothing to reduce the CO2 emissions driving global Climate Change. As MDOT Secretary Greg Slater stated in 2021, the ALB is structurally sound and only needed redecking within 10-20 years. We support this No Build Option.

If Alternative 9 goes forward as MDOT & P3 companies propose, WBFC proposes the following avoidance, minimization and ***partial mitigations*** be adopted and coordinated through NPS, in consultation with WBFC in-so-far as they affect Plummers Island and its waterways:

Avoidance, Minimization and Partial Mitigations under Sections 106, NHPA, NEPA, and 4(f), 10, and 404 etc.:

01 -- Nomination of WBFC on Plummers Island to the National Register of Historical Places: **A)** MDOT fully funds and fulfills the nomination process for NPS. WBFC and NPS should be involved and consulted in the preparation of the nomination of Plummers Island.

02 -- Bike & Pedestrian lane emplacement: This lane could be placed under the bridge or on the upstream side (avoidance and minimization), rather on the Island side of the bridge (as currently proposed in the SDEIS and Section 106 documents). **A)** Please revise the MDOT plan accordingly. This

minimization would reduce shading of the Island, and possibly the need for caissons on the Island, and potentially reduce the LOD. **B)** Furthermore, we note that archaeological sites are not particularly endangered by shadows or cave effects, and the archaeological site on the west side of the ALB may even be further protected by ALB overhanging lanes. We see no justification or advantage to placing overhanging lanes over the long-term ecological study site of Plummers Island rather than overhanging the already buried archaeological site.

03 -- Flooding potential: Flood frequency has now increased enough that 500-year events are now 100-year events, and former 100-year floods are now 10 to 20-year events. Moreover, flood stages are 7 ft higher at the head of Plummers Island than at NOAA's Little Falls Gauging Station 3 miles downstream in a wide section of the Potomac River. MDOT's planned destruction of the top of the rock ridge at the head of the island lining the west end of the channel, within the LOD, will further increase flooding impacts to the Island. **A)** We request that MDOT and US-ACE take extreme precautions in evaluation and preparation for potential 500-year flooding events occurring within the construction and immediately following periods. **B)** Protect the rock ridge from any damage. **C)** If there is flooding damage to the Island resulting from MDOT's project we expect major financial penalty to MDOT as compensation to WBFC for damages to the Island and its waters, and full cleanup efforts from MDOT.

04 -- Pier and Caisson emplacements: Where are the engineers planning to put the east bound ALB lane Piers? It was suggested by MDOT in meeting with WBFC in early 2021, that they could avoid placing piers on the Island. However, the SDEIS indicated support structures will be on the Island and in the channel. Newer MDOT plans (diagram shown to WBFC, November 29, 2021, in a joint MDOT Section 106 meeting), show three caissons on the island, and three more opposite those in and on the west side of the channel, this set of caissons placed about 75 ft north from the head of the channel. (In the same meeting WBFC was told that these would be reduced to two caissons on either side of the channel.) These caissons will trap logs and jam up the waters within the channel causing flood waters to cross the low gap between the rock ridge along the west end of the channel and headwall of the Island. Furthermore, MDOT's diagram shows an elongated pier would be placed under the bridge at the dogleg in the channel where it bends eastward. The diagram shows that pier to be footed in the channel, a placement that will deflect flood waters onto the island. **A)** MDOT needs a new plan to avoid increased flooding of the Island. We reject the whole idea of placing ALB supports on the Island and its channel.

05 -- ALB construction platforms: Trestles are proposed for construction platforms covering the western portion of channel separating Plummers Island from the mainland and bridge foundation, and presumably the west end of the Island up to the LOD. What is the plan for installing those trestles? And how will the trestles be decked (timbers?). What is to prevent those timbers and trestles from blowing out in a massive flood? **A)** Ensure that platform decking is secure in the events of minor to major flooding. **B)** keep them off the Island.

06 -- Channel impacts from construction and vegetation removal: Embankments within the LOD on both sides of Plummers Island's channel are expected to collapse after the soil is disturbed by construction activities, and vegetation is removed and the remaining vegetation is shaded out. The destabilized embankment soil will naturally be deposited further downstream in the channel. **A)** We expect MDOT to make every effort to avoid and minimize embankment collapse and further sedimentation of the channel.

07 -- Historical Hydrology: The channel head has shifted downstream and lost flow due to past ALB pier emplacements, and also caused avulsion of the head of the Island. The loss of land and adverse hydrological effects are sections 4(f), 10, 404, NEPA, and NHPA, issues to address. **A)** MDOT is requested to restore the channel to original position and flow, pre-ALB, or at least improve the channel to flow regularly even at low waters at their expense.

08 -- Channel impacts in the event of restoration of channel flow: WBFC members and other researchers need routine access to the Island. We send out a member each week with duty to check the cabin and surrounds for damage and debris from public visitors. Researchers need access to their study sites on the island. **A)** In the event that channel flow is increased such as limits our access, we request some enhanced access, which could be a locked bridge or caged boat dock (as permitted under the 1959 WBFC agreement with the National Park Service). **B)** We request that MDOT fund the access construction that best suits WBFC needs and NPS guidelines. (Estimated cost to MDOT for NPS design and installation: \$200,000).

09 -- Researching disturbance: **A)** We request MDOT funding of a "record in time" photographic survey before, during and after ALB construction, along with long-term follow-up, up to the APE boundary. **B)** MDOT Funding for development of ArcGIS maps to catalogue current and historical study locations and key resources to visualized changes over time. **C)** MDOT funds are requested to purchase for WBFC a highly accurate GPS unit for recording plot points, plant locations (including mapping of tree species), and collection sites. (Estimated cost to MDOT for WBFC equipment purchases: \$20,000). **D)** MDOT funding and coordination with NPS and WBFC of research on the effects of the expanded ALB shadow on vegetation, arthropods, and amphibians. Baseline vegetation plots are to be established before construction, followed by resampling at 5-year intervals for 20 years, using NPS circular plots from the LOD out to the APE. This will also serve to track invasive species spread. NPS, in coordination with WBFC, will analyze the data and publish this research using MDOT funding. (Estimated cost to MDOT for Research, see Item 17).

10 -- Invasive species: WBFC has been studying invasive species with our vegetation plots and 120 years of collection records. The most invasive are: Amur-honeysuckle, Japanese-honeysuckle, oriental-bittersweet, tree-of-heaven, gill-over-the-ground, Japanese-stiltgrass, garlic-mustard, and various knotweeds. In 2017 WBFC asked Invasive Plant Control (IPC) Inc. for a bid to remove the invasive trees and shrubs. Their bid was \$75,000 (unaffordable to us). Now fig-buttercup has come onto the island (3 plants first noted in 2017 at the head of the Island) and is expanding exponentially (250 plants seen in the spring of 2021, all across the Island): This weed is projected to extensively cover the lower flood plains of the Island in the near future. Japanese-stiltgrass is expanding exponentially also. The spread of these invasive species will be exacerbated by clearing of vegetation and soil disturbance associated with the ALB construction. Cost is a major impediment to control. C&O Canal NHPS has minimal funds for invasive plant control, and their efforts were curtailed by the Park's Head Ranger in about 2016. This is a long-term problem and requires long-term mitigation and research on effectiveness of methods of control. **A)** MDOT funding to NPS for invasive plant control and research is requested for the long term. (Estimated cost to MDOT for NPS expenses \$5 million for invasive species control. For the Research budget see Item 17).

11 -- Abatement of Toxic Runoff: The lowest point on the ALB drains through scuppers and culverts onto NPS land, cutting an erosional gully and then draining into our channel. The high point (75 m elevation)

along Maryland's I-495, ca. 1 mile NE from the ALB, drains down to the ALB the low point (36 m), just opposite the NW corner of Plummers Island. Road salts, antifreeze, and oils release toxic metals into the soil and water. Any accidental spill on the bridge or highway draining to the bridge currently dumps on to NPS land and then into our channel. **A)** MDOT must send this runoff elsewhere for treatment. **B)** MDOT Funding is requested for long-term research on toxic runoff from the ALB. **C)** Dust and debris from demolition and construction must be minimized to the maximal practicable extent. **D)** Effects of dust and sedimentation on the Island and in the channel must be studied as a long-term research project. (Estimated cost to MDOT for Research, see Item 17).

12 – Abatement of Noise Pollution: ALB traffic noise on the island disrupts animal communications and affects the quality of experience of the island for visitors. Having more lanes and traffic closer will amplify the noise. Cutting of trees will also increase penetration of sound onto the island. **A)** Sound barriers, and special sound deadening tarmac surfacing must be added to MDOT plans for the ALB to minimize this impact. **B)** MDOT funding is requested for researching impacts of noise from the ALB and study of impacts on animal communications. **C)** Outdoor camera and microphone and monitoring equipment are requested for WBFC future research. (Estimated cost to MDOT for WBFC equipment purchases: \$20,000). (Estimated cost to MDOT for Research, see Item 17).

13 -- Vistas: Clearing trees on the island and mainland adjacent to the Island adjacent to and under the newly expanded ALB will impact the quality of experience of the Island, and impact the remaining vegetation under the removed tree canopy and into the adjacent forest. The bridge itself will overhang the island up to the LOD, creating a cave, and an extended shadow that will limit afternoon sunlight to vegetation further inland. **A)** MDOT must limit tree cutting as much as possible. **B)** MDOT funding is requested to replant and reseed disturbed off-Island areas with hardy local strains of native trees, shrubs and herbaceous species as soon as possible, health of these plantings to be monitored by NPS.

14 -- Expanded Online content: **A)** MDOT Funding is requested for further digitization and cataloging of Smithsonian collections within the C&O NHP and Plummers Island. This would include funding for contractors and IT support. **B)** MDOT Funding is requested for digitization of WBFC archives of letters, photos and other documents at the Smithsonian. This would include contractors and IT support. NPS is also interested in this archive of materials for their historical records involving the 120-yearold WBFC cabin. **C)** MDOT Funding for WBFC website development to further share our mission and knowledge. This would include hiring of a professional website developer for WBFC. **D)** MDOT Funding is requested for diversity and inclusion of underrepresented peoples in our outreach and education initiatives. (Estimated cost to MDOT for the above items: \$200,000).

15 – Financial support for inventories of understudied groups on the island: WBFC maintains documented inventories of organisms on the Island, but not able to ensure that inventories for all groups of organisms are up to date at any one time; provide funding to hire experts to update and document inventories for groups that need it.

16 -- Access During Construction: We also request that access to Plummers Island not be curtailed during construction. If the Clara Barton parkway is closed during construction of the ALB and ramps, we request a temporary parkway crossing from the westbound lane to Lock 10 parking on the eastbound lane be established. Researchers will need access to research plots up to the LOD.

17 --Long-term research: Including items listed above, long-term research on the impact of bridge expansion on Plummers Island is needed. This will inform future construction projects by expanding our knowledge base of the impacts on biodiversity and community ecology. This will also assist WBFC in understanding perturbations to long-term trends of the Island's ecosystem caused by the MDOT project. Neither WBFC nor NPS have the funds or staff to carry out the required new research projects. Baseline plot data gathering must be completed prior to beginning ALB construction. We request external contracting and funding by MDOT-SHA for research, to be conducted by consulting companies, research universities and institutions, in coordination with WBFC and NPS. (Estimated cost to MDOT over a 20-year time period is \$20 million.)

Respectfully,

Robert Soreng PhD, WBFC President

Carla Dove PhD, WBFC Vice President

Lowell Adams PhD, WBFC Secretary

Warren Wagner PhD, WBFC Treasurer

On behalf of the hundreds of past and present WBFC members.

March 2022 – THIRD DRAFT
PROGRAMMATIC AGREEMENT

Among the
FEDERAL HIGHWAY ADMINISTRATION,
MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY
ADMINISTRATION,
NATIONAL PARK SERVICE,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
VIRGINIA STATE HISTORIC PRESERVATION OFFICER
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION

Implementing Section 106 of the National Historic Preservation Act for the
I-495 and I-270 Managed Lanes Study
Anne Arundel, Frederick, Montgomery and Prince George’s Counties, Maryland and
Fairfax County, Virginia

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) plans to approve the I-495 and I-270 Managed Lanes Study (MLS), a proposed Public-Private Partnership (P3) administered by the Maryland Department of Transportation State Highway Administration (MDOT SHA); and

WHEREAS, the MLS Preferred Alternative, “Alternative 9 Phase I South” (Project) consists of construction of Priced Managed Lanes along Interstates 495 and 270, beginning in Fairfax County, Virginia, and extending north to approximately Interstate 370, and east along the separated portions of I-495 (“spurs”) to approximately Maryland Route 187, as described in detail via documentation linked in Attachment 4; and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 C.F.R. §800.16(y), and thus is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800 as amended; and

WHEREAS, the MDOT SHA, with the approval of FHWA, intends to deliver the Project as a P3 using the services of a private sector developer or multiple developers who will advance the Project and be responsible for design, construction, operation and maintenance, subject to approvals by MDOT SHA and/or FHWA; and

WHEREAS, the Project may be implemented in construction phases, yet to be fully defined, and although this Programmatic Agreement (PA) reflects evaluation of the entire defined Project, certain commitments may require phased implementation; and

WHEREAS, FHWA is the lead agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

WHEREAS, the National Park Service (NPS) agrees FHWA is the lead federal agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004) and has agreed to participate in this PA as an Invited Signatory; and

WHEREAS, NPS would authorize permanent use of the affected Federal park property for the Project through coordination with FHWA for a Highway Deed Easement and would issue a permit for temporary use of land under its administration for construction-related activities. NPS intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14; and

WHEREAS, the Project will involve the use of lands managed by the NPS within the Chesapeake and Ohio Canal National Historical Park, a unit of the National Park System, and the George Washington Memorial Parkway (GWMP), a unit of the National Park System, that includes the Clara Barton Parkway; and

WHEREAS, NPS is charged in its administration of the units of the National Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act as codified in Title 54 U.S.C. § 100101(a) to “conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations”; and

WHEREAS, the GWMP, a unit of the National Park System, with portions located in Montgomery County, Maryland; and Fairfax and Arlington Counties and the City of Alexandria in Virginia, was established following the authorization of the parkway pursuant to what is known as the Capper-Cramton Act, Public Law 71-284, 46 Statute 482 (1930), and came to be administered by NPS pursuant to Executive Order 6166 of June 10, 1933. The GWMP is on the National Register of Historic Places (NRHP); and for its association with twentieth century parkway design, engineering, landscape architecture, park planning and conservation, commemoration, and an association with George Washington; and

WHEREAS, the Clara Barton Parkway is the portion of the GWMP that runs along the Maryland side of the Potomac River and which also became part of the national park system through the Capper-Cramton Act (originally as the Maryland portion of the GWMP). The Clara Barton Parkway, as a portion of the GWMP, is also on the NRHP; and

WHEREAS, the Chesapeake and Ohio Canal National Historical Park, a unit of the national park system stretches along the Potomac River from Rock Creek at Georgetown in Washington, D.C., to Cumberland, Maryland, for 184.5 miles, was established as a national monument in 1961 and was then established as a national historical park by Congress in 1971, through Public Law 91-664 for the purpose of preserving and interpreting the 19th century transportation canal and its associated scenic, natural, and cultural resources; and providing opportunities for education and appropriate outdoor recreation. The Chesapeake and Ohio Canal National Historical Park is listed on the NRHP and contains more than 1,300 historic structures, including one of the largest

collections of 19th century canal features and buildings in the national park system. The towpath and canal cross underneath I-495 at the American Legion Bridge, in Bethesda, Maryland; and

WHEREAS, FHWA has elected to phase the identification, evaluation, and effects assessment of certain portions of the Area of Potential Effects (APE) and historic properties where unavailability of access or design information precluded such identification, evaluation and assessment, as provided in 36 C.F.R. 800.4(b)(2), and 36 C.F.R. 800.5(a)(3); and

WHEREAS, FHWA will ensure additional identification, evaluation, and assessment is completed in a timely manner prior to final design and construction, to allow for meaningful consultation and practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties; and

WHEREAS, FHWA has initiated consultation pursuant to 36 C.F.R. 800.3(c) with the Maryland State Historic Preservation Office (MD SHPO) by letter on April 12, 2018 and the Virginia State Historic Preservation Office (VA SHPO) by letter on May 14, 2019, and the term “SHPO” is used to refer to both state offices when one is not specified; MDOT SHA on behalf of FHWA will continue to consult with the appropriate SHPO and consulting parties under the terms of this PA in order to identify historic properties, assess the effects of the Project on historic properties, and, if necessary, resolve adverse effects to historic properties; and

WHEREAS, FHWA, pursuant to 36 C.F.R. 800.6(a)(1)(i)(C), on March 26, 2018, initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP), and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

WHEREAS, FHWA, pursuant to 36 C.F.R. § 800.10(c), invited the Secretary of the Interior (Secretary) to participate in consultation by letter dated March 16, 2020, as the Project includes National Historic Landmarks (NHL) within the APE, and the National Park Service, National Capital Area NHL Program (NPS-NHL) has represented the Secretary concerning the NHLs within the Project throughout consultation and will continue to participate in future consultations involving the NHLs, and

WHEREAS, FHWA, ACHP, MDOT SHA, and the MD SHPO, under the *Amended Programmatic Agreement Among the Federal Highway Administration, the Maryland Department of Transportation State Highway Administration, the Advisory Council on Historic Preservation, the Maryland State Historic Preservation Officer, Implementing Section 106 of the National Historic Preservation Act for the Federal-aid Highway Program in Maryland* (“Statewide PA”, linked in Attachment 4), have agreed to delegate certain authorities relating to Section 106 of the NHPA to MDOT SHA for Federal-aid Highway Projects in Maryland; and

WHEREAS, MDOT SHA, pursuant to the Statewide PA, employs professionals meeting the Secretary of the Interior’s Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983) with experience and background in the fields of archaeology, architectural history and/or history who will oversee implementation of stipulations in this PA; and

WHEREAS, MDOT SHA, on behalf of FHWA, pursuant to 36 C.F.R. 800.4(a)(1), has established

and updated the APE for the Project in consultation with the MD and VA SHPO, has identified historic properties within the APE, and has identified adversely affected properties, as described in the *Draft Section 106 Technical Report* of January 2020 and subsequent documentation (linked in Attachment 4); and

WHEREAS, MDOT SHA and FHWA, pursuant to 36 C.F.R 800.2(d) have sought and considered the views of the public regarding the Project's effects on historic properties by providing notice and information in following its public involvement procedures under the National Environmental Policy Act (NEPA); and

WHEREAS, MDOT SHA, during the course of consultation, has invited the parties listed in Attachment 2 to participate in consultation on the Project; and

WHEREAS, the parties listed in Attachment 3, based on their relationship to specific actions as specified in this PA, or interest in historic properties affected by the project, have been invited to be consulting parties and concur by signing this PA; and

WHEREAS, MDOT SHA and FHWA, have initiated consultation with Federally-recognized Native American tribal nations (Tribes) listed in Attachment 2 and provided the Tribes with information about the Project. MDOT SHA, on behalf of FHWA, has invited the same Tribes to be consulting parties, as shown in Attachment 3, and concur by signing this PA; and

WHEREAS, federal agencies which, at FHWA's invitation, designate FHWA as the lead federal agency for the Project may use this PA to fulfill their obligations under Section 106 of the NHPA according to 36 C.F.R. 800.2(a)(2), without the need for amendment of this PA, provided that FHWA follows the requirements of this PA; and

WHEREAS, FHWA has invited MDOT SHA and NPS to be invited Signatories to this PA, based on their responsibilities for implementation of its terms, and all Signatories, required and invited, are referred to as "Signatories" to this document; and.

WHEREAS, FHWA has determined that the Project will have an adverse effect on NRHP-listed or eligible properties ("historic properties") including the George Washington Memorial Parkway (Clara Barton Parkway), the Chesapeake and Ohio Canal National Historical Park, the Washington Biologists' Field Club on Plummers Island, Gibson Grove African Methodist Episcopal Zion Church, archaeological sites 44FX3922 (Dead Run Ridges Archaeological District), 44FX0374, 44FX0379, 44FX0389, 18MO749 and 18MO751; that additional effects may not be completely known; and that FHWA intends to use this PA to comply with 36 C.F.R. Part 800, 54 U.S.C. § 100902, 36 C.F.R. Part 14 and to govern the implementation of the Project and the resolution of adverse effects.

NOW, THEREFORE, FHWA, NPS, ACHP, MDOT SHA, MD SHPO, and VA SHPO, (hereinafter "Signatories") agree that the Project will be implemented in accordance with the following Stipulations in order to take into account the effect of the Project on historic properties and that these Stipulations will govern compliance of the Project with Section 106 of the NHPA until this PA expires or is terminated. ^A

Stipulations

I. Roles and Responsibilities

A. FHWA is the lead federal agency and is responsible for ensuring the terms of this PA are carried out.

B. MDOT SHA is delegated authority by FHWA under this PA and the Statewide PA to continue defined aspects of consultation, Project compliance review, and mitigation implementation. MDOT SHA will be primarily responsible for implementation of this PA excepting where otherwise specified. Additionally:

1. MDOT SHA will enter into agreements with one or more developers to design, build, and operate the Project. MDOT SHA will ensure the work of the developer or developers conforms to the requirements of this PA and may task the developer(s) with assistance with certain commitments (such as context-sensitive design); however, MDOT SHA may not delegate consultation obligations or other responsibilities specified in this PA to the developer(s).

2. MDOT SHA will require the developer(s) to retain professionals meeting the Secretary of the Interior's Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983) with experience and background in the fields of archaeology, architectural history and/or history for the duration of design and construction to assist with design commitments, liaise with MDOT SHA cultural resources staff and facilitate compliance with this PA.

3. MDOT SHA, on behalf of FHWA, will consult with the relevant SHPO(s) for actions under this PA and 36 C.F.R. 800.

C. NPS is charged in its administration of the units of the National Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act as codified in Title 54 U.S.C. § 100101(a).

D. **SHPO:** The Maryland Historical Trust (MD SHPO) has jurisdiction as established in the NHPA for historic properties in Maryland. The Virginia Department of Historic Resources (VA SHPO) has jurisdiction as established in the NHPA for historic properties in Virginia. The SHPOs will:

1. Respond to requests from MDOT SHA for concurrence on eligibility determinations, effect determinations, and technical documents within a 30-day review period unless otherwise specified in this PA, or MDOT SHA specifically provides for an extended review period at the time of submittal. MDOT SHA and FHWA may assume concurrence or no objection to determinations and submittals if no response is received within 30 days, if no extended timeline is specifically established in the review request or if no timeline is specified in 36 C.F.R. 800. All durations referenced in this PA refer to calendar days.

2. Provide written comments, share general technical assistance/guidance, and make available to MDOT SHA or its designates survey records or other documents necessary to fulfill the requirements of this PA.

E. ACHP will provide policy guidance, provide comment on issues that may arise as requested by parties to this PA, and participate in dispute resolution as specified in Stipulation XIII.

F. Consulting Parties/Public

1. MDOT SHA has consulted with or provided the opportunity to consult to the parties listed in Attachment 2 prior to finalizing this PA. Because the Preferred Alternative no longer affects numerous historic properties identified in earlier alternatives considered, several parties listed in Attachment 2 no longer have a demonstrable interest in historic properties affected by the Project. Parties listed in Attachment 3 continue to have a defined relationship to the Project and have been invited to concur in this PA.
2. MDOT SHA will provide all consulting parties in Attachment 3, regardless of concurring status, with opportunities to consult on Project changes or new elements with the potential to affect historic properties. MDOT SHA will offer other appropriate consulting parties the opportunity to rejoin or newly join consultation in the event of new or revised Project elements. Consulting parties may sign this PA as concurring parties at any time after execution of the PA with the invitation of MDOT SHA or FHWA. Additional consulting parties may be included in Attachment 3 without the need to amend this PA.
3. Concurrence with the PA by a party does not necessarily indicate that the party supports the Project, the Preferred Alternative, or endorses all stipulations of this PA, but rather indicates the desire of such parties to acknowledge consultation and/or remain involved in implementation of specific terms of this PA.
4. MDOT SHA will provide for notification of the public for substantial changes to the Project that would result in an expanded APE or new effects to historic properties consistent with 36 CFR 800.8(c)(1)(iv) and procedures under NEPA to ensure ongoing opportunities for public input. As appropriate, this process may identify new consulting or concurring parties who may wish to join the PA at a later time in response to Project refinement.

II. Professional Standards

A. Guidelines, standards and regulations relevant to this PA and its purposes are listed below, and links to these documents are found in Attachment 4. Additionally, it is the intention of the Signatories to interpret this PA to incorporate any subsequent

standards, revisions of standards, or applicable guidance issued by the Secretary, ACHP, or MD SHPO or VA SHPO as then in force during this PA.

1. 36 C.F.R. Part 800: Protection of Historic Properties, as amended (2004);
2. *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983);
3. Secretary of the Interior's Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983)
4. *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), including *Technical Update No. 1 of the Standards and Guidelines for Archaeological Investigations in Maryland: Collections and Conservation Standards* (2018);
5. *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Maryland Historical Trust, Revised 2019);
6. *Guidelines for Conducting Historic Resources Survey in Virginia* (Virginia Department of Historic Resources, revised September 2017)
7. 36 CFR Part 79: Curation of Federally-Owned and Administered Archeological Collections
8. *NPS Museum Handbook*, National Park Service, revised 2019
9. Program Comment for Actions Affecting Post-1945 Concrete Steel Bridges (77 FR 68790);
10. *Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System* (ACHP Program Comment, 2005)
11. *Section 106 Archaeology Guidance* (ACHP, 2009)
12. Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (ACHP February 2007);
13. National Register of Historic Places Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (National Park Service revised 1997), National Register of Historic Places Bulletin 16A, *How to Complete the National Register Registration Form* (National Park Service revised 1997), and other National Register Bulletins as applicable
14. NPS Management Policies – Section 5, Cultural Resource Management (2006)
15. Secretary of the Interior's Standards for the Treatment of Historic Properties (1995, Revised 2017); and accompanying guidelines for Treatment of Historic Properties (1995, Revised 2017) and Cultural Landscapes (1996)

III. General Project Section 106 Commitments

A. MDOT SHA will implement mitigation concurrent with construction phasing where impacts will occur; in the event that the Project is modified or certain elements causing adverse effects are not constructed, MDOT SHA will notify Signatories and consulting parties of the change at such time as a final decision is made to remove such elements and amend the PA as necessary.

B. MDOT SHA cultural resources staff who meet Secretary of the Interior's Professional Qualifications Standards will oversee implementation of all mitigation commitments and other terms of this PA.

C. Consultation on Reforestation and other Mitigation Sites

1. MDOT SHA is obligated to provide reforestation mitigation for the Project pursuant to the Maryland Reforestation Law (MD Nat Res Code § 5-103). Reforestation must occur within 2 years or 3 growing seasons of completion of construction. MDOT SHA is also coordinating with the NPS to identify reforestation sites to account for impacted NPS-managed lands. The locations to be used for reforestation are not yet fully identified. Reforestation activities may take the form of conservation easements or other noninvasive activities which would not affect historic properties. MDOT SHA will not consult on easements or conservation actions where no ground disturbance is involved. If areas outside the APE are identified for reforestation where new plantings or other activities with the potential to affect historic properties are identified, MDOT SHA will consult in accordance with Stipulation IV to add such areas to the APE, identify historic properties, and evaluate effects to historic properties. MDOT SHA will avoid adverse effects to historic properties to the maximum extent practicable in selecting reforestation planting sites. If adverse effects are unavoidable, MDOT SHA will amend this PA in accordance with Stipulation XII to resolve any such adverse effects.

2. As Project development proceeds, additional and revised mitigation or enhancement locations for impacts to resources other than historic properties may be identified. These resources include, but are not limited to wetlands, stormwater, and parks. To account for effects to historic properties at these locations, when actions are proposed at such locations that may affect historic properties, MDOT SHA will amend the APE and follow the procedure described in Stipulation IV below.

IV. Consultation Regarding Project Development

A. Further consultation requirements regarding specific historic properties affected by the Project are described in Stipulation V. As project design advances or ancillary activities not currently known are identified, MDOT SHA will initiate consultation with SHPOs and other consulting parties (as described below) using the following process.

1. MDOT SHA cultural resources staff will review proposed changes that affect project location, design, methods of construction, materials, or limits of disturbance (LOD), for potential new effects to historic properties. Should these changes necessitate an expansion of the APE, or if the changes would affect known or potential historic properties differently than described in this PA, MDOT SHA will consult on behalf of FHWA as described in Stipulation IV.B below.

2. If MDOT SHA, working with the developer(s), finds design or construction solutions that avoid or further minimize adverse effects to historic properties, MDOT SHA will consult in accordance with the procedures in Stipulation IV.B to seek concurrence with any updated determinations of effect, and amend this PA in accordance with Stipulation XII.

3. MDOT SHA, on behalf of FHWA, will consult upon changes to the LOD within the existing APE where additional archaeological investigation is recommended in the Cultural Resources Technical Report or where such recommendations are identified in subsequent consultation documentation, including the Treatment Plans described in Stipulations VI and VII.

4. MDOT SHA, on behalf of FHWA, will consult as specified elsewhere in this PA regarding specific stipulations, including Monitoring of Performance (Stipulation VIII).

B. MDOT SHA, on behalf of FHWA, consistent with the principles described in 36 C.F.R. §§ 800.3 – 6, will consult with the appropriate SHPO(s), Signatories, concurring parties to this PA, Tribes who may ascribe religious and cultural significance to properties pursuant to 36 C.F.R. § 800.3(f)(2), local public agencies with jurisdiction and other consulting parties identified for this undertaking as appropriate on:

1. Amendments to the APE, consistent with 36 C.F.R. § 800.16(d)
2. New or revised determinations of eligibility for historic properties within the APE as described above.

C. MDOT SHA will consult with the relevant SHPO(s), Signatories, Tribes, and appropriate consulting parties on archaeology inventory, archaeological evaluations for NRHP eligibility, and effect determinations for archaeological historic properties.

D. MDOT SHA will provide consultation materials in written or electronic form, and follow timelines for comment opportunity as specified in Stipulation I. D.

V. Property-Specific Commitments

MDOT SHA will be responsible for ensuring the following mitigation and commitments are carried out, under the oversight of FHWA. MDOT SHA will either complete mitigation itself or enter into legally binding agreements with partner agencies to ensure the following stipulations are fulfilled, subject to the requirements of each stipulation

below. Mitigation and commitments will be implemented by authorized construction phase, unless there is opportunity to provide advanced mitigation that is mutually agreeable to all parties, is feasible to advance, and is identified by MDOT SHA as a priority. All commitments regarding design-review with consulting parties will be conducted in a timely manner prior to final design and construction, to allow for meaningful consultation and practical opportunities to influence design to avoid impacts or ensure compatibility to the extent practicable with historic properties. Preliminary engineering activities to support design of future phases, such as geotechnical studies or other similar, minimally invasive activities with limited potential to affect historic properties may proceed within the APE prior to construction authorization and will not require consultation or advance mitigation.

A. George Washington Memorial Parkway (including Clara Barton Parkway)

1. MDOT SHA will continue property-specific Design-Review consultation with NPS and SHPOs to ensure a context-sensitive design for new facilities, and, through the ongoing design process, minimize, to the extent practicable, impacts to character-defining features and resources that contribute to the George Washington Memorial Parkway/Clara Barton Parkway as a historic property. Key elements for NPS review include the bridge design, trail connections, retaining walls, ramp improvements, signage plans and barrier. MDOT SHA will provide NPS and SHPOs a comment opportunity on plans at a draft level of design and a second opportunity prior to finalization of design for elements on NPS property or within the APE adjacent to NPS property; for each review there will be minimum 30-day review period. In the event of objections relating to the final design from NPS or SHPOs that cannot be resolved, MDOT SHA and FHWA will follow Stipulation XIII of this PA.
2. MDOT SHA will provide NPS funding in an amount not to exceed \$250,000 for a Cultural Landscape Report (CLR) for Clara Barton Parkway. The CLR will include historical narrative, updated existing conditions and analysis and evaluation, and treatment guidelines for management of character defining features. NPS will complete the CLR within three (3) years of receipt of funds from MDOT SHA, provide a copy of the completed CLR to MD SHPO and MDOT SHA, along with a summary of implementation of any treatment measures in a timely manner following their implementation.

B. Dead Run Ridges Archaeological District (44FX3922) and individual sites 44FX0374, 44FX0379 and 44FX0389

1. In consultation with VA SHPO, NPS, and other appropriate consulting parties including consulting Tribes, MDOT SHA will develop and implement Phase III data recovery and associated public interpretation commitments on sites

44FX0374, 44FX0379, 44FX0389 and the Dead Run Ridges Archaeological District (44FX3922) as specified in Stipulation VI.

2. MDOT SHA will prepare a NRHP nomination form for the Dead Run Ridges Archaeological District, no later than 12 months following finalization of the report documenting the Phase III data recovery in Stipulation V. B. 1 above, basing the nomination on the report findings. MDOT SHA will provide a copy of the draft nomination to NPS staff for review and comment prior to formal submission of the draft nomination to VA SHPO. MDOT SHA will work with VA SHPO's Register Program to develop a final draft nomination for the Dead Run Ridges Archaeological District, and VA SHPO's Register Program will process the final draft for listing in the NRHP pursuant to its established policies and procedures. The Department of Historic Resources State Review Board is under no obligation to approve the nomination for listing in the NRHP. Should the nomination be unsuccessful, or additional information be requested beyond the scope of the completed data recovery efforts, MDOT SHA will not be required to complete further fieldwork or analysis beyond what is agreed to in the treatment plan, or otherwise pursue nomination of the district.

C. Chesapeake and Ohio Canal National Historical Park

1. MDOT SHA will continue property-specific Design-Review consultation with NPS to ensure a context-sensitive design for new facilities constructed as part of the Project, and, through the ongoing design process, minimize to the extent practicable impacts to character-defining features and resources that contribute to the Chesapeake and Ohio Canal National Historical Park as a historic property. MDOT SHA will provide NPS and MD SHPO a comment opportunity on design plans at a draft level of design, and a second opportunity prior to finalization of design for elements within the APE on or adjacent to NPS property; for each review there will be a minimum 30-day review period. In the event of objections from NPS or MD SHPO that cannot be resolved relating to the final design, MDOT SHA and FHWA will follow Stipulation XIII of this PA.

2. MDOT SHA will locate new bridge piers away from Lock 13 as part of the new Clara Barton Parkway Bridge and will avoid placing piers for the new structure closer to Lock 13 than the current bridge piers, as shown in the Preferred Alternative.

3. MDOT SHA will protect Lock 13 in place during construction, by limiting LOD around the Lock structure and providing an appropriate buffer to prevent damage. MDOT SHA will rehabilitate or restore the structure if needed following construction, with treatment determined by or in consultation with NPS and MD SHPO as described below in Stipulation V.C.4 and VC.5. As part of the Archaeological Treatment Plan in Stipulation VI, MDOT SHA will

include archaeological monitoring or other treatment approaches during construction in the area around Lock 13.

4. MDOT SHA will conduct a condition assessment of lock structures, the Canal and the Towpath within the Project LOD prior to construction and provide copies of the assessment to MD SHPO and NPS. MDOT SHA will provide for rehabilitation of lock structures, the Canal, and Towpath within the Project LOD following completion of substantial construction within the affected area. MDOT SHA will provide NPS and MD SHPO with a draft rehabilitation plan for review and comment prior to implementing the plan

5. MDOT SHA will provide for vibration damage monitoring of other susceptible historic structures at Chesapeake and Ohio Canal National Historical Park within the APE during construction, specifically, Lock 12 and Lock 14. Additional vulnerable structures or features (such as masonry walls) to be monitored may be identified in consultation with NPS during the preparation and review of the condition assessment identified in Stipulation V.C.4.

a. Should notable acute or incremental damage directly resulting from construction means or methods be identified as a result of the vibration monitoring, MDOT SHA will follow Section A of the Inadvertent Discovery Plan (Attachment 1).

b. General wear or degradation of the historic fabric during construction that is not attributable to specific construction practices or incidents will be remediated by the rehabilitation plan in Stipulation V.C.4.

D. 18MO749 Archaeological Site (C&O Canal)

In consultation with the MD SHPO, NPS, and other appropriate consulting parties, including Tribes, MDOT SHA will develop and implement a Phase III Data Recovery and associated public interpretation commitments as specified in Stipulation VI.

E. 18MO751 Archaeological Site (C&O Canal)

In consultation with the MD SHPO, NPS, and other appropriate consulting parties, including Tribes, MDOT SHA will develop and implement a Phase III Data Recovery and associated public interpretation commitments as specified in Stipulation VI.

F. Washington Biologists' Field Club on Plummerville Island

1. MDOT SHA will prepare a NRHP Nomination for the Washington Biologists' Field Club on Plummerville Island. MDOT SHA will provide a copy of the draft nomination to NPS staff and the Washington Biologists' Field Club (WBFC) for review prior to submittal to MD SHPO and address any comments prior to formal submission of the nomination. Should the nomination be unsuccessful, MDOT SHA will not be required to resubmit the nomination or

otherwise complete additional studies or research after addressing comments by NPS staff.

2. MDOT SHA will place temporary fencing along the LOD within Plummers Island to delimit construction activities.
3. MDOT SHA will fund or implement a photographic survey documenting conditions before, during and after construction is completed adjoining Plummers Island, within the APE boundary, and provide the results to WBFC and NPS.
4. MDOT SHA will fund or develop GIS maps to document known current and historical study locations and key natural resource features within the APE to assist in documenting change over time and provide these files to WBFC and NPS.
5. MDOT SHA will procure a sub-meter accurate GPS unit for WBFC to use in long-term monitoring of plant locations, collection sites, and other historical research features.
6. MDOT SHA, subject to any availability or rights restrictions, will provide for digitization and cataloging of historical records related to the WBFC that are housed at the Smithsonian Museum of Natural History, specifically the collection, "SIA RU102005, Smithsonian Institution, Washington Biologists' Field Club, circa 1900-1966 Records" that are not currently available in electronic format, and provide the files to WBFC and NPS.
7. MDOT SHA will provide WBFC historical content, such as a synthesis of the digitized materials in Stipulation V.F.6, to incorporate into their website.
8. MDOT SHA will complete stipulations V.F.1-7., other than those requiring longer timeframes (such as photographic survey after construction), unless continued consultation should necessitate a longer timeframe, within two (2) years of commencement of construction activities on Plummers Island.

G. Morningstar Tabernacle No. 88 Moses Hall and Cemetery

1. As part of context-sensitive design, MDOT SHA will consult with the Trustees of the Morningstar Tabernacle No. 88 Moses Hall and Cemetery, Friends of Moses Hall, First Agape A.M.E. Zion Church, Cabin John Citizens Association, and other consulting parties with a demonstrated interest in the cemetery on context-sensitive treatment of noise barrier facing the cemetery; MDOT will work with the above-listed consulting parties on a context-sensitive treatment of noise barrier facing the cemetery, which may include decorative elements appropriate to the historic property and/or such elements as memorial plaques or signage. MDOT SHA will provide these consulting parties and MD SHPO comment opportunity for Project elements, specifically noise barrier, within the APE adjacent to the cemetery at a draft level of design and a second

opportunity prior to finalization of design; for each review there will be a minimum 30-day review period. In the event MD SHPO does not agree with the final design, MDOT SHA and FHWA will follow Stipulation XIII of this PA.

2. MDOT SHA will conduct further studies prior to final design and construction adjacent to the cemetery as part of the treatment plan specified in Stipulation VII. Following completion of the studies in the treatment plan, MDOT SHA and FHWA will provide the results of the studies to MD SHPO and relevant consulting parties and determine project effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery based on the results of the studies. If no interments are identified that would unavoidably be affected by the project, there will be no adverse effects to the cemetery from the Preferred Alternative. Should interments be identified outside the identified boundary of the cemetery, and no additional project avoidance options are feasible, MDOT SHA and FHWA will consult on the likely adverse effect, identify mitigation options, and amend this PA as necessary following the procedures in Stipulations IV and XIII of this PA.

H. Gibson Grove A.M.E. Zion Church

1. MDOT SHA will provide First Agape A.M.E. Zion Church at Gibson Grove and MD SHPO a comment opportunity at a draft level of design and a second opportunity prior to finalization of design for Project elements on church property or within the APE adjacent to the church property, with a minimum 30-day review period.
2. MDOT SHA will improve the stormwater drainage on the church property by routing drainage into a new underground culvert to be installed as part of the Project.
3. MDOT SHA will ensure that a parking lot identified in the church's restoration plan is constructed on church property following installation of the culvert drainage design. MDOT SHA will work with First Agape A.M.E. Zion Church on schedule and timing of the culvert and parking lot work to be compatible with ongoing church restoration efforts to the extent practicable.
4. MDOT SHA will ensure Project noise- or vibration- causing construction activities are restricted adjacent to the church during scheduled worship services or key events.
5. MDOT SHA, in coordination with Montgomery County, will install sidewalk on the west side of Seven Locks Road to more accessibly connect Gibson Grove A.M.E. Zion Church and Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

VI. Archaeological Treatment Plan (ATP)

MDOT SHA's goal is to have a comprehensive but flexible ATP that addresses the LOD but can be revised and updated in response to Project design advancement. Prior to construction within affected areas, MDOT SHA will develop an ATP in consultation with SHPOs and appropriate consulting parties. MDOT SHA will provide for a minimum 30-day review of the initial draft of the ATP. MDOT SHA will be responsible for implementing the provisions of the ATP. The ATP will include:

- A. Archaeological monitoring requirements during construction.
- B. Phase I Survey in areas where property access could not be obtained (as identified in the 2019 Technical Report, Volume 4, Chapter 5): RS-1; RS-2; S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6; S-27; SWM S-27, S-8; S-10; S-53, and the vicinity of S-28.
- C. Phase I Survey in the vicinity of two sites, 18MO457 and 18MO190, to define site boundaries and evaluate NRHP eligibility and potential impacts.
- D. Phase II Evaluation of sites 18MO191 and 18MO752.
- E. Phase III Data Recovery investigations, including public interpretation, at 18MO749 and 18MO751 within the Chesapeake and Ohio Canal National Historical Park and the Dead Run Ridges Archaeological District within the GWMP (44FX3922), and individually eligible sites within the district 44FX0374, 44FX0379 and 44FX0389. MDOT SHA will prepare a draft NRHP Nomination form for the Dead Run Ridges archaeological district based on the results of Phase III Data Recovery investigation as described in Stipulation V. B.
- F. Provisions in the treatment plan required for work on NPS federal property, including curation to NPS standards of artifacts and associated records, permitting under the Archaeological Resources Protection Act and compliance with the Native American Graves Protection and Repatriation Act (NAGPRA).
- G. If sites or areas proposed for archaeological treatment in the ATP are avoided by revising the Project LOD or other actions, MDOT SHA will document the revision, including updating effect determinations and seeking SHPO concurrence where required. MDOT SHA will provide such information to appropriate consulting parties and will thereby not need to complete treatment or investigation at such locations.
- H. MDOT SHA will ensure required consultation with the appropriate SHPO and appropriate consulting parties occurs on eligibility, effects, and treatment for any newly identified archaeological historic properties prior to final design and construction in areas identified for further archaeological treatment. Reports or similar deliverables will be provided to Signatories and appropriate consulting parties with a minimum 30-day review opportunity.
- I. MDOT SHA will consult with SHPO and appropriate consulting parties on the ATP and any revisions or modifications to the ATP. If SHPO concurs with the ATP or future revisions, no amendment of this PA is needed to implement or update the ATP. If

SHPO does not agree with the ATP or future proposed changes to the ATP, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation XIII.

VII. Cemeteries and Human Remains Treatment Plan

A. MDOT SHA acknowledges there is some potential for human remains associated with historic properties to be present in at least two areas of the LOD (adjacent to Morningstar Tabernacle No. 88 Moses Hall and Cemetery and in the general location of the Montgomery County Poor Farm) which are not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. MDOT SHA will work with the developer(s) to minimize LOD to the maximum extent practicable in these areas.

B. The Treatment Plan will include proposed investigations to identify and evaluate potential graves or human remains in specified sensitive areas to the maximum extent practicable to ensure avoidance or treatment prior to final design and construction.

C. MDOT SHA will consult with SHPO and, where identified, descendants, descendant communities and other appropriate consulting parties to fully identify, recover, and respectfully treat any human remains identified within LOD that cannot be avoided.

D. MDOT SHA will consult with SHPO and where identified, descendants, descendant communities and other appropriate consulting parties on archaeological monitoring requirements for locations within LOD where potential for human remains is likely during construction, including unverified but reported locations of the Ball Family Cemetery.

E. MDOT SHA will seek input from affected consulting parties and concurrence from SHPO on the treatment plan prior to its implementation. MDOT SHA will be responsible for implementing the treatment plan. If SHPO does not agree with the treatment plan, MDOT SHA will seek to resolve the disagreement or follow the provisions of Stipulation XIII.

F. Activities on Federal Lands, including NPS-managed property, require adherence to NAGPRA. The treatment plan will include provisions for NAGPRA compliance in the event of human remains or funerary objects discovery.

G. MDOT SHA will ensure that at all times human remains are treated with dignity and respect in a manner consistent with ACHP's policy statement on the Treatment of Human Remains, Burial Sites and Funerary Objects.

H. MDOT SHA will ensure no photographs of human remains or associated funerary objects are released to the press or general public.

I. MDOT SHA will be responsible for all expenses for any removal, treatment and relocation/disposition of any human remains or funerary objects impacted by the Project.

J. MDOT SHA will fully implement all relevant provisions of the cemetery treatment plan prior to final design and any construction impacts within specified cemetery investigation locations.

VIII. Monitoring of Performance

- A.** Specific points for continued consultation are defined in Stipulations IV and V.
- B.** MDOT SHA will, for the duration of the Project, provide Signatories and consulting parties listed in Attachment 3 with a written progress report twice per calendar year describing status of implementation of this PA.
- C.** MDOT SHA will provide for a meeting opportunity for Signatories and consulting parties listed in Attachment 3 following issuance of each progress report.
- D.** MDOT SHA will convene additional consulting party meetings as necessary or when requested by any Signatory;
- E.** MDOT SHA may cancel individual meetings if there are no significant issues for discussion and no Signatory objects to the cancellation.

IX. Post-Review Discovery of Human Remains

MDOT SHA will develop human remains treatment provisions as part of the archaeological and cemetery and human remains treatment plans in Stipulations VI and VII. MDOT SHA will follow the attached Inadvertent Discovery Plan (Attachment 1) should human remains be identified in any areas or situations not covered by the archaeological or cemetery treatment plans.

X. Other Post-Review Discoveries

MDOT SHA will follow the procedures in Attachment 1 of this PA for any inadvertent archaeological discoveries or inadvertent effects to historic properties during construction. MDOT SHA will provide training for the developer(s) in the Inadvertent Discovery Plan requirements.

XI. Confidentiality

The Signatories agree to provide by the provisions of Section 304 of the NHPA, and other applicable requirements, to withhold information concerning the location, character, or ownership of resources where release of such information may endanger the integrity of the resource.

XII. Amendment

Any Signatory to this PA may request that it be amended, whereupon the Signatories will consult in accordance with 36 C.F.R. § 800.14 to consider such an amendment. Amendments will be effective upon the date of the last signature from the Signatories.

XIII. Dispute Resolution

A. Should any Signatory or consulting party object at any time to the manner in which the terms of this PA are implemented, within 30 days of information being provided relating to the issue forming the basis of the objection, or within 30 days where the objector can otherwise be reasonably assumed to be aware of the issue forming the basis of objection, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will take the following steps:

1. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to ACHP. ACHP shall provide FHWA with its comment on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, Signatories and consulting parties and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
2. If ACHP does not provide its advice regarding the dispute within the 30-day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and consulting parties to the PA and provide them and ACHP with a copy of such written response.
3. In the case of objections related to NRHP eligibility, any Signatory may object in writing within 30 days to an MDOT SHA or FHWA determination of eligibility. If MDOT SHA and FHWA are unwilling to revise the determination in response to the objection or other relevant information, FHWA (or MDOT SHA on its behalf) will submit the determination to the Keeper of the National Register of Historic Places for a determination pursuant to 36 C.F.R. Part 63.

B. Objections from the Public: Should a member of the public object to an action taken under this PA, or compliance with the PA, within 30 days of information being provided relating to the issue forming the basis of the objection, or within 30 days where the objector can otherwise be reasonably assumed to be aware of the issue forming the basis of objection, FHWA will ensure that MDOT SHA consults with the objecting party to respond to the objection in coordination with FHWA where relevant, provided the objection is made in writing to the FHWA or MDOT SHA contacts identified in Attachment 5 or any subsequent updates to Attachment 5. MDOT SHA and FHWA will inform other Signatories of the objection and proposed resolution. Should a Signatory disagree with the proposed resolution, the Signatories will follow Stipulation XIII.A.

C. FHWA's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XIV. Termination

A. Any Signatory to this PA may terminate it by providing 30 days' notice in writing to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

B. If any Signatory to this PA determines that a term will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XII, above. If within 30 days (or another time period agreed to by all Signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other Signatories.

C. In the event of termination, FHWA will comply with 36 C.F.R. § 800 for all remaining actions, or until a new agreement is reached fulfilling such requirements.

This PA will continue in full force and effect until 20 years from the date of execution of the PA, or such time of final acceptance of the Project and when all terms of this PA have been met, should the terms be met prior to the 20-year expiration. The PA will be invalid if the Project is terminated or authorization for the Project is rescinded. At any time in the six-month period prior to its expiration, the Signatories will consult to consider an extension or amendment of the PA. At such time, the Signatories may consider an amendment to extend the PA unmodified for an additional specified duration or consult to amend the PA in accordance with Stipulation XII. No extension or amendment will be effective until all Signatories have signed the amendment or amendment to extend.

Signature Pages

Signatories: FHWA (Maryland Division), ACHP, MD SHPO, VA SHPO, NPS, MDOT SHA

Concurring Parties

Attachments

1. Inadvertent Discovery Plan
2. All Parties Invited to Consult on the Project
3. Consulting Parties invited to Concur
4. Links to Documentation Referenced
5. Contact Information for FHWA and MDOT SHA staff responsible for PA implementation (to be updated as necessary)

Attachment 1

Inadvertent Discovery Plan

A. Unanticipated Impacts to Architectural Historic Properties: if the Project causes unanticipated impacts to any National Register of Historic Places (NRHP) eligible, listed, or contributing buildings, sites, structures, or objects of the built environment, the contractor must notify the engineer and immediately cease any activity causing ongoing damage until consultation occurs. MDOT SHA shall, in consultation with the appropriate SHPO (VA or MD), determine if adverse effects have occurred to the property/properties and develop a plan for the protection of the historic property, and minimization or mitigation of impacts. If mitigation is identified, FHWA, MDOT SHA, SHPO, and other Signatories as necessary will execute a Memorandum of Agreement or amend this PA to record the identified mitigation. MDOT SHA may hold the developer(s) liable for any or all costs resulting from this process following appropriate processes identified in its contract instruments.

B. Unanticipated Damage to Known Archaeological Resources: if unauthorized excavation occurs outside the approved limits of disturbance (LOD) or other approved boundaries designed to protect archaeological resources or cemeteries and thereby causes impacts to known, NRHP-eligible properties, MDOT SHA will ensure any activity causing ongoing damage is stopped until consultation occurs. MDOT SHA will conduct a damage assessment consistent with the model used for such assessments under the Archaeological Resources Protection Act (<https://www.nps.gov/archeology/pubs/techbr/tchBrf20.pdf>). MDOT SHA will use the results of the assessment in consultation with the relevant SHPO to determine if the resource has been adversely affected and determine appropriate mitigation. If the resource is of known or suspected Native American affiliation, FHWA, with assistance from MDOT SHA shall consult with federally recognized Indian Tribes as appropriate. If the resource is affiliated with other known descendant groups or consulting parties, MDOT SHA will consult with such parties as well. Should damage occur on NPS land, MDOT SHA will consult with the NPS staff and regional archaeologist regarding the damage assessment report and any identified mitigation. If mitigation is identified, FHWA, MDOT SHA, SHPO, and other Signatories as necessary will execute a Memorandum of Agreement or amend this PA to record the identified mitigation. MDOT SHA may hold the developer(s) liable for any or all costs resulting from this process following appropriate processes identified in its contract instruments.

C. Unanticipated Discovery of Human Remains: Should any burials, interments, or human remains (hereafter, “remains”) be encountered during construction, MDOT SHA will ensure all applicable construction work in the vicinity of the remains is immediately stopped to prevent damage to the remains, or to any additional remains that might be present in the vicinity. A minimum 100-foot buffer around identified remains will be established by MDOT SHA free of disturbance, to be adjusted as appropriate for the site conditions. Construction may occur outside the buffer unless evidence of additional remains is found. If remains are suspected to be human but not confirmed, MDOT SHA will ensure that such confirmation is made by a qualified professional. Human remains will at all times be treated respectfully and access and visibility limited to the site of discovery to authorized personnel only. Within Maryland, pursuant to State of Maryland Criminal Code § 10-402, the State’s Attorney must authorize movement or removal of any remains until determined to be archaeological. If the remains are determined to be archaeological, MDOT SHA and the relevant SHPO will consult to determine treatment of the remains and any other necessary treatment such as work needed to define extent of remains in the most expeditious manner feasible. Within Virginia, human remains and associated funerary objects encountered during the course of actions taken as a result of this PA shall be treated in a manner consistent with the Virginia Antiquities Act (Code of Virginia 10.1-2305) and its implementing regulation (17VAC5-20), adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991.

If the remains are determined archaeological and suspected to be of Native American origin, MDOT SHA, in coordination with FHWA, shall provide notification to tribal governments in accordance with any expressed tribal consultation preferences within 24 hours or as soon as practicable. MDOT SHA and/or FHWA will consult with affected federally recognized Indian Tribes, the Maryland Commission on Indian Affairs and appropriate Maryland Indian groups as appropriate regarding treatment of the remains. MDOT SHA will accommodate tribal cultural preferences to the extent practicable during such an event. If remains can be associated with other known descendant communities or organizations, including the cemetery-affiliated consulting or concurring parties to this PA, such parties shall also be consulted.

If the human remains are likely to be of Native American origin and are located on lands controlled or owned by the U.S. Government, including National Park Service Property within the APE, the Federal land managing agency will assume responsibility for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA; 25 USC 3001), with MDOT SHA assistance.

In consultation with the relevant SHPO, Federally Recognized Indian Tribes, and FHWA as appropriate, and other identified descendant/affiliated consulting parties, the MDOT SHA shall develop a plan for the treatment or disposition of the remains or follow provisions of an existing Treatment Plan developed per this PA. MDOT SHA shall implement the provisions of the agreed Treatment Plan.

Should the remains be associated with, or constitute an intact archaeological resource, provision **D** below is also applicable.

D. Unanticipated Discovery of Archaeological Resources: If previously unidentified archaeological features, artifacts, or other materials (hereafter, “resource”) are discovered during construction, all ground-disturbing work in the vicinity of the

resource shall be temporarily suspended or modified to prevent further damage to the resource, and MDOT SHA will provide a reasonable buffer where ground disturbance is prohibited to cover the extent of the resource that may not be exposed.

The MDOT SHA archaeologist shall perform a preliminary inspection to identify the resource and evaluate its likelihood of NRHP eligibility. Following this inspection, construction may resume in the vicinity of but outside the boundary of the archaeological resource as defined by the MDOT SHA archaeologist. If the resource is potentially eligible for the NRHP, MDOT SHA will consult with the relevant SHPO on an eligibility determination and, if determined eligible for the NRHP, every effort shall be made to minimize impacts through redesign or modification of construction methods. If the resource is of known or suspected Native American affiliation, FHWA, with assistance from MDOT SHA shall consult with federally recognized Indian Tribes as appropriate. If the resource can be reasonably identified with other descendant or affiliated communities, MDOT SHA shall also attempt to consult with such parties.

In consultation with the relevant SHPO, MDOT SHA shall develop a plan for the treatment of any resource determined eligible. MDOT SHA shall describe actions proposed to avoid, minimize, or mitigate adverse effects, and request SHPO, tribal, and any other consulting party comments within 5 working days, unless there is a life or safety hazard requiring immediate interim action. MDOT SHA will disclose any interim action affecting the eligible resource taken in the event of a life or safety hazard. MDOT SHA, at its discretion, may establish a longer comment period if practicable in consideration of potential safety, cost, public travel disruption, and other factors. MDOT SHA shall then implement the provisions of the agreed-upon plan and/or amend this PA to document the resolution, should the resource be determined eligible and should the Project adversely affect the resource.

Attachment 2

All Parties Invited to Consult on the Project

Federally Recognized Tribal Nations

- **Absentee-Shawnee Tribe of Oklahoma**
- **Delaware Nation**
- **Delaware Tribe of Indians**
- **Chickahominy Indian Tribe**
- **Chickahominy Indians Eastern Division**
- **Eastern Shawnee Tribe of Oklahoma**
- **Monacan Indian Nation**
- **Nansemond Indian Tribe**
- **Oneida Indian Nation**
- **Onondaga Nation**
- **Pamunkey Indian Tribe**
- **Rappahannock Tribe, Inc.**
- **Saint Regis Mohawk Tribe**
- **Seneca-Cayuga Nation**
- **Shawnee Tribe**
- **Tuscarora Nation**
- **Upper Mattaponi Indian Tribe**

State Recognized and Other Tribes

- **Piscataway Conoy Tribe of Maryland (PCT)**
- **PCT - Cedarville Band of Piscataway**
- **PCT - Choptico Band of Piscataway**
- **Piscataway Indian Nation**

Federal Agencies

- **Department of Defense**
- **General Services Administration**
- **Federal Railroad Administration**
- **Federal Transit Administration**
- **National Capital Planning Commission**
- **National Institute of Standards and Technology**
- **National Park Service**
- **U.S. Army Corps of Engineers**
- **U.S. Department of Agriculture**
- **U.S. Postal Service**

State Agencies and Organizations

- **Maryland Commission on Indian Affairs**

- **MDOT Maryland Transit Administration**
- **MDOT Maryland Transportation Authority**
- **Maryland Historical Trust**
- **Preservation Maryland**
- **Virginia Department of Historic Resources**
- **Virginia Department of Transportation**
- **Washington Metropolitan Area Transit Authority**

County Agencies and Organizations

- **Charles County Department of Planning**
- **Frederick County**
- **Frederick County Preservation Trust**
- **Maryland Milestones/Anacostia Trails Heritage Area, Inc.**
- **Montgomery County Department of Correction and Rehabilitation**
- **Montgomery County Department of General Services**
- **Montgomery County Department of Transportation**
- **Montgomery County Heritage Area, Heritage Tourism Alliance of Montgomery County**
- **Maryland Milestones**
- **Maryland-National Capital Parks and Planning Commission – Montgomery County Planning – Historic Preservation**
- **Maryland-National Capital Parks and Planning Commission – Montgomery Parks**
- **Maryland-National Capital Parks and Planning Commission – Prince George's County Planning – Historic Preservation**
- **Maryland-National Capital Parks and Planning Commission – Prince George's County Department of Parks and Recreation**
- **Montgomery Preservation, Inc.**
- **Prince George's County Historic Preservation Commission**
- **Prince George's County Historical and Cultural Trust**
- **Prince George's Heritage, Inc.**

Municipal and Other Organizations

- **Canoe Cruisers Association**
- **C&O Canal Association**
- **C&O Canal Trust**
- **Carderock Springs Citizens' Association**
- **City of Gaithersburg**
- **City of College Park**
- **City of Glenarden**
- **City of Greenbelt**
- **City of Rockville**
- **First Agape A.M.E. Zion Church at Gibson Grove**

- **Frederick County Landmarks Foundation**
- **Heart of the Civil War Heritage Area**
- **Indian Spring Community Association**
- **National Park Seminary Master Association**
- **National Trust for Historic Preservation**
- **Peerless Rockville**
- **Rock Creek Conservancy**
- **Save Our Seminary at Forest Glen**
- **Sierra Club Maryland Chapter**
- **Silver Spring YMCA**
- **Trustees of Morningstar Tabernacle No. 88, Inc. (Friends of Moses Hall)**
- **Washington Biologists' Field Club**
- **Village of North Chevy Chase**

Attachment 3

Consulting Parties Invited to Concur

Federally Recognized Tribes

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation
- Delaware Tribe of Indians
- Chickahominy Indian Tribe
- Chickahominy Indians Eastern Division
- Eastern Shawnee Tribe of Oklahoma
- Monacan Indian Nation
- Nansemond Indian Tribe
- Oneida Indian Nation
- Onondaga Nation
- Pamunkey Indian Tribe
- Rappahannock Tribe, Inc.
- Saint Regis Mohawk Tribe
- Seneca-Cayuga Nation
- Shawnee Tribe
- Tuscarora Nation
- Upper Mattaponi Indian Tribe

State Recognized and Other Tribes

- Piscataway Conoy Tribe of Maryland (PCT)
- PCT - Cedarville Band of Piscataway
- PCT - Choptico Band of Piscataway
- Piscataway Indian Nation

Federal Agencies

- Department of Defense
- Federal Railroad Administration
- Federal Transit Administration
- National Capital Planning Commission
- National Institute of Standards and Technology
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture

State Agencies

- Maryland Commission on Indian Affairs
- Maryland Department of Transportation – Maryland Transit Administration
- Maryland Transportation Authority
- Virginia Department of Transportation

Local and Other Agencies and Groups

- **Cabin John Citizens Association**
- **Canoe Cruisers Association**
- **Carderock Springs Citizens Association**
- **City of Gaithersburg**
- **City of Rockville**
- **C&O Canal Association**
- **C&O Canal Trust**
- **First Agape A.M.E. Zion Church at Gibson Grove**
- **Maryland Milestones**
- **Maryland-National Capital Park and Planning Commission**
- **Montgomery County Heritage Area**
- **Montgomery Preservation, Inc.**
- **National Institute for Standards and Technology**
- **National Trust for Historic Preservation**
- **Peerless Rockville**
- **Preservation Maryland**
- **Trustees of Morningstar Tabernacle No. 88, Incorporated (Friends of Moses Hall)**
- **Virginia Department of Transportation**
- **Washington Biologists' Field Club**

Attachment 4
Links to Documentation Referenced In the I-495 & I-270 Managed Lanes
Study PA

Federal Codes and Regulations

16 U.S.C. 470aa-470mm

Archaeological Resources Protection Act (ARPA)

<https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter1B&edition=prelim>

25 U.S.C. Ch. 32 § 3001

Native American Graves Protection and Repatriation Act (NAGPRA)

<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter32&edition=prelim>

36 C.F.R. Part 14 and 54 U.S.C. § 100902

Rights-of-Way

<https://www.ecfr.gov/current/title-36/chapter-I/part-14>

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title54-section100902&num=0&edition=prelim>

36 C.F.R. Part 63

Dispute Resolution of Determinations of Eligibility for Inclusion in the NRHP

<https://www.ecfr.gov/current/title-36/chapter-I/part-63>

36 C.F.R. Part 79

Curation of Federally Owned and Administered Archaeological Collections

<https://www.ecfr.gov/current/title-36/chapter-I/part-79>

36 C.F.R. Part 800

Implementing Regulations of Section 106 of the National Historic Preservation Act

<https://www.ecfr.gov/current/title-36/chapter-VIII/part-800?toc=1>

40 C.F.R. 1506.6(a)

Public involvement – National Environmental Policy Act

<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506#1506.6>

54 U.S.C.

- National Park Service and Related Programs
 - § 100101(a) Promotion and Regulation of the National Park Service (NPS Organic Act)
 - <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title54-section100101&num=0&edition=prelim>
- National Historic Preservation Act
 - § 306108 Effect of Undertaking on Historic Property

- [https://uscode.house.gov/view.xhtml?req=\(title:54%20section:306108%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:54%20section:306108%20edition:prelim))
- § 307103 Access to Information (Section 304)
- <https://www.achp.gov/digital-library-section-106-landing/frequently-asked-questions-protecting-sensitive-information>

Public Law 71-284, 46 Statute 482 (1930); Executive Order 6166 of June 10, 1933
 Capper-Cramton Act and Administration by the National Park Service
<https://www.ncpc.gov/about/authorities/cca/>
https://www.nps.gov/parkhistory/online_books/anps/anps_3b.htm

State Codes and Regulations

Maryland Criminal Code § 0-402

Courts and Judicial Proceedings

<https://law.justia.com/codes/maryland/2013/article-gcr/section-10-402>

Maryland Natural Resources Code § 5-103

Reforestation

<https://roads.maryland.gov/mdotsha/pages/index.aspx?PageId=158>

Virginia Antiquities Act § 10.1-2305

Human Remains

<https://law.lis.virginia.gov/vacode/title10.1/chapter23/section10.1-2305/>

Implementation - Virginia Administrative Code 17VAC5-20

<https://law.lis.virginia.gov/admincode/title17/agency5/chapter20/>

Guidelines and Standards

Advisory Council on Historic Preservation

- *Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System* (ACHP Program Comment, 2005)
https://www.achp.gov/sites/default/files/exemptions/2017-01/final_interstate_exemption_notice.pdf
- *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (ACHP February 2007)
<https://www.achp.gov/sites/default/files/policies/2018-06/ACHPPolicyStatementRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects0207.pdf>
- *Program Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges* (77 FR 68790)
<https://www.federalregister.gov/documents/2012/11/16/2012-27866/program-comment-issued-for-streamlining-section-106-review-for-actions-affecting-post-1945-concrete>

I-495 and I-270 Managed Lanes Study Section 106 Programmatic Agreement DRAFT 3
 March 2022

- *Section 106 Archaeology Guidance* (ACHP, 2009)
<https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf>

The Maryland Historical Trust

- Standards and Guidelines for Archaeological Investigations in Maryland (Shaffer and Cole 1994)
https://mht.maryland.gov/documents/PDF/archeology/Archeology_standards_investigations.pdf
- *Technical Update No. 1 of the Standards and Guidelines for Archaeological Investigations in Maryland: Collections and Conservation Standards* (2018)
https://mht.maryland.gov/documents/PDF/archeology/Archeology_standards_curation.pdf
- Standards and Guidelines for Architectural and Historical Investigations in Maryland (Maryland Historical Trust, Revised 2019)
https://mht.maryland.gov/documents/PDF/research/Survey_standards_architecture_web.pdf

The National Park Service

- Management Policies – Section 5, Cultural Resource Management (2006)
https://www.nps.gov/subjects/policy/upload/MP_2006.pdf
- NPS Museum Handbook, National Park Service, revised 2019
<https://www.nps.gov/museum/publications/handbook.html>
- NRHP Bulletin 15 – How to Apply the National Register Criteria for Evaluation (National Park Service revised 1997)
https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf
- Other NRHP Bulletins
<https://www.nps.gov/subjects/nationalregister/publications.htm#:~:text=national%20register%20of%20historic%20places%20bulletins>
- The Secretary of the Interior’s Guidelines for the Treatment of Cultural Landscapes (1996)
<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm>
- The Secretary of the Interior’s Guidelines for the Treatment of Historic Properties (1995, Revised 2017)
<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
- The Secretary of the Interior’s Professional Qualifications Standards
<https://www.nps.gov/articles/sec-standards-prof-quals.htm>
OR see 48 FR 44738
<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>

- The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (1983)
<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>
- The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995, Revised 2017)
<https://www.nps.gov/tps/standards/four-treatments.htm>
OR <https://www.ecfr.gov/current/title-36/chapter-I/part-68>

The Virginia Department of Historic Resources

- Guidelines for Conducting Historic Resources Survey in Virginia (Virginia Department of Historic Resources, revised September 2017)
https://www.dhr.virginia.gov/wp-content/uploads/2018/06/SurveyManual_2017.pdf

Other Referenced Information

- Alternative 9 Phase 1 South project description (currently available here: <https://oplanesmd.com/environmental/alternatives/pa/>)
- First Agape A.M.E. Zion Church at Gibson Grove parking lot restoration plan ([link forthcoming](#))
- I-495 and I-270 Managed Lanes Study Draft Section 106 Technical Report: [https://oplanesmd.com/deis/#:~:text=4\(f\)%20Evaluation-,appendix%20g,-Cultural%20Resources%20Technical](https://oplanesmd.com/deis/#:~:text=4(f)%20Evaluation-,appendix%20g,-Cultural%20Resources%20Technical)
- MDOT SHA Statewide PA: https://www.roads.maryland.gov/OPPEN/2021_PA_Amendment.pdf

Attachment 5

FHWA and MDOT SHA Staff Contact Information:

For FHWA:

Ms. Jeanette Mar
Environmental Program Manager
FHWA - Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore, MD 21201
phone (410) 779-7152
fax (410) 962-4054
jeanette.mar@dot.gov

For MDOT SHA:

Mr. Steve Archer
Cultural Resources Team Leader
Maryland Department of Transportation State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202
phone (410) 545-8508
sarcher@mdot.maryland.gov

From: Hammig, Laurel D <Laurel_Hammig@nps.gov>
Sent: Friday, April 15, 2022 8:03 AM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>
Subject: Re: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Hi Steve,
Sorry for the late addition. We have one additional comment:
Add an addendum in property specific commitments that if VA SHPO rejects the nomination, MDOT will submit it to the Keeper.

Thank you,
Laurel

Laurel Hammig, AICP | National Park Service
Acting Memorials Program Manager
National Capital Region
1100 Ohio Drive SW
Washington, DC 20242

Call or text: 202-875-3609
Video: MS Teams preferred, others on request

From: Steve Archer <SArcher@mdot.maryland.gov>
Sent: Thursday, April 14, 2022 4:13 PM
To: Hammig, Laurel D <Laurel_Hammig@nps.gov>
Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>
Subject: RE: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Thank you Laurel! Acknowledging receipt, we appreciate you meeting our timeframes as usual.

Steve

From: Hammig, Laurel D <Laurel_Hammig@nps.gov>
Sent: Thursday, April 14, 2022 4:03 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>
Subject: Re: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

Hi Steve,
Below are comments on the PA from NPS.

Thank you,
Laurel

Att-1b_MLS_106_APE-LOD_ClaraBartonPkwy

- NRHP eligible boundaries are incorrect. Please refer to the boundaries provided from the Clara Barton Parkway CLI for the cultural landscape. The exhibit is not representing the entirety of the landscape, including the outbound lanes and the adjacent forested areas owned by the NPS.

MLS-106_APE-3_Corridor_2022-03

- They are not showing the correct boundaries for the Eligible/Listed property for the Clara Barton Parkway interchange!! Please refer to the Clara Barton Parkway CLI for the cultural landscape boundaries.

MLS-106_APE-6_ParkMitigation_2022-03

- Need to show a map for the Virginia Dead Run Ridges Arch. Site. Only show a portion of the boundaries, regarding "Further investigation or treatment proposed" for Dead Run Ridges are shown on PDF Pg 1.

Att-3_MLS_106_Programmatic Agreement -

- PDF Pg 10, V.A.2. GWMP - They have a three year time period to complete the CLR once funds are received is this a set time allotment? I recommend changing it to within 5-years to complete the CLR once NPS receives the funds, instead of 3-years. It has been a change to meet the Long Bridge mitigation time lines. At least with a 5-year time, we can make sure it is incorporated in our 5-year workplan. I am assuming these funds would be provided to a third party - the Conservation Fund?
- PDF Pg 11, V.A.1. Dead Run Ridges Arch Site - Phase III data recovery - does this include cost of cataloging artifacts? Mention Stipulation VI. F in comment response.
- PDF Pg 11, V.A.2. Dead Run Ridges Arch Site - Asking Matt and Jay if this is an acceptable language if VA DHR does not accept the nomination prepared by MDSHA.
- PA Stipulation V. B. 1 Phase III data recovery; their archeological investigations will have to be done under an ARPA Permit that requires proper NPS cataloging and curation for the artifact collection
- Add bold text to PA Stipulation V.B *no later than 12 months following finalization of the report documenting the Phase III data recovery in Stipulation V. B. 1 above, basing the nomination on the report findings and the previous archeological investigations and the NRHP Keeper's Determination Of Eligibility dated 09/10/2020 .*
- Add bold text to PA Stipulation VI.E *MDOT SHA will prepare a draft NRHP Nomination form for the Dead Run Ridges archaeological district based on the results of Phase III Data Recovery investigation and the previous archeological investigations and the NRHP Keeper's Determination Of Eligibility dated 09/10/2020 as described in Stipulation V. B.*

Question- Will the final mitigation list be included via reference in the PA?

Laurel Hammig, AICP | National Park Service

Acting Memorials Program Manager

National Capital Region

1100 Ohio Drive SW

Washington, DC 20242

Call or text: 202-875-3609
Video: MS Teams preferred, others on request

From: Steve Archer <SArcher@mdot.maryland.gov>
Sent: Thursday, March 31, 2022 1:15 PM
To: Steve Archer <SArcher@mdot.maryland.gov>
Cc: David Clarke, FHWA <david.clarke@dot.gov>; Mar, Jeanette (FHWA) <jeanette.mar@dot.gov>; Marc Holma, Virginia DHR <marc.holma@dhr.virginia.gov>; Mandy Ranslow, ACHP <mranslow@achp.gov>; John Simkins, FHWA Virginia Division <john.simkins@dot.gov>; Beth Cole <beth.cole@maryland.gov>; Tim Tamburrino, MHT <tim.tamburrino@maryland.gov>
Subject: [EXTERNAL] I-495 and I-270 MLS Section 106 Materials, PA Third Draft, Comments Requested by April 14, 2022

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Greetings I-495 and I-270 MLS Section 106 Consulting Parties,

MDOT SHA is pleased to provide you with additional Section 106 documentation for your review and comment. These materials include:

- MDOT SHA and FHWA's response to MHT regarding effects to the Morningstar Cemetery property, proposing to determine effects following completion of additional investigations under the PA.
- APE mapping with small updates to accommodate minor engineering adjustments, and two areas of LOD reduction that reduce potential impacts to historic resources. Callout maps showing the changes are attached to the letter; the remainder of the APE and LOD has not changed. However a full updated mapbook of the updated APE and LOD can be downloaded at the FTP site below.
- A Comment-Response Matrix noting how comments received on the second draft of the PA have been taken into consideration.
- The Third Draft of the Project Programmatic Agreement (PA), incorporating consulting party input.

Drafts of the Archaeological Treatment Plan and Cemetery Treatment Plan (Attachments 4 and 5) will be transmitted only to the appropriate/qualified consulting parties in a separate email.

As noted in the letter, we request all potential concurring parties (listed in Attachment 3 of the Draft PA) provide us with the name and title of the individual representative who may sign on behalf of your party. We will use this information to prepare/offer concurring signature pages, but this does not obligate any party to provide signature. If we do not receive this information we will assume your party does not wish to concur in the PA as we prepare the final document. Please provide name and title to me via email by April 14, 2022.

Further details are provided in the attached letter to the Maryland and Virginia State Historic Preservation Officers. Attachments 1a-c and 6 are embedded within the attached letter. Attachment 2 (Comment Responses) and Attachment 3 (Programmatic Agreement Third Draft) are provided as separate file attachments to this email. The APE mapbooks are larger files and may be downloaded at the following link, which also contains the same files attached to this email:

<https://sftp1.mdot.state.md.us/>

Username: MLSResource

Password: I495I270

MDOT SHA respectfully requests comments on these materials by no later than **Thursday, April 14, 2022**, close-of-business. For the PA, *specific* comments or language suggestions, **keyed to stipulation number** are most helpful to the process. Comments emailed directly to me are the most effective way to provide your input.

Thank you, we appreciate your ongoing consultation. Feel free to contact me with any questions or concerns.

Steve Archer

Cultural Resources Team Leader

Maryland Department of Transportation State Highway Administration

Environmental Planning Division

707 North Calvert Street

Baltimore, MD 21202

Phone 410-545-8508

sarcher@mdot.maryland.gov

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CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation
Susan Shipp – President; Bob Walsh – Treasurer; Meredith Griggs – Secretary

April 14, 2022

By Email to:

Mr. Steve Archer
Cultural Resources Team Leader
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I-270 Managed Lanes Study: Section 106 and 3rd DRAFT Programmatic Agreement Comments

Dear Mr. Archer:

It is truly hard to know where to begin when trying to respond to the latest Section 106 materials and the 3rd draft of the Programmatic Agreement as it's almost impossible to get past the omission, misrepresentation and inexcusable lack of action even a lay person can find in these documents.

Thankful I can turn to the expertise of a number of the other consulting parties and say that the Cabin John Citizens Association endorses and incorporates by reference the April 14, 2022 comments of the Friends of Moses Hall, The Maryland-National Capital Park and Planning Commission and the Sierra Club Maryland Chapter regarding the Morningstar Tabernacle No. 88 Moses Hall and Cemetery site as well as their comments regarding stormwater runoff into the Potomac River, and, I would add, Cabin John Creek.

While I defer to the above comments due to their robust specificity of detail and reference, I would like to explain the harsh judgement I rendered in the first paragraph because it is not given lightly.

In the State Highway Administration's March 31 transmittal letter for the packet of 3rd draft materials, Stever Archer, the agency's team lead for the Section 106 review, highlighted "A Comment-Response Matrix noting how comments received on the second draft of the PA have been taken into consideration."

But when reviewing the matrix, glaring omissions are evident. The matrix lists 91 comments from various consulting parties and provides what it calls the SHA "Response." There were many, many substantive comments not included in that document.

The most egregious omission may be the comments made by numerous consulting parties including the National Trust for Historic Preservation and the Maryland Historic Trust, strongly objecting to Maryland State Highway Administration (SHA) and the Federal Highway Administration (FHWA) changing their determination to find that the Beltway expansion project will have "no adverse effect" on the cemetery property in Cabin John.

The only comment captured on the matrix regarding the SHA/FHWA reversing course was the one made by the Cabin John Citizens Association (CJCA). While we were happy to see our comment included, why were so many, especially ones from those most knowledgeable on this matter, not acknowledged?

For example, the Maryland Historic Trust Feb. 4 comment letter stated “The potential for burials within the LOD cannot be ruled out. Given the sensitivity of the resource, the potential for the presence of additional burials that may be impacted, and the overwhelming expression of concern for this resource expressed by multiple consulting parties, it is our opinion that the finding of adverse effect remains valid for this historic property. “

A very substantive comment nowhere to be seen in the matrix.

What showed up in the Response column with regard the CJCA’s concern about the new “no adverse effect” determination? Despite being years into the Section 106 process, the SHA and FHWA have changed their minds again, deciding not to make any determination about adverse impact to the cemetery until additional investigation occurs. Alarming, the matrix response – “A specific effect determination to Morningstar Cemetery will be made following investigations specified in the PA.” – seems to infer that it won’t make any determination until after the Programmatic Agreement is complete!

Another major omission had to do with the cemetery’s boundary with the existing state right-of-way and the project’s Limits of Disturbance. The Friends of Moses Hall Feb. 3 letter provided extensive comments questioning the SHA’s determination of this boundary. The Feb. 4 Maryland Historic Trust also raised the concern, noting that, “it is known that African American cemeteries often extend beyond contained boundaries.”

However, the SHA Comment-Response matrix is silent on cemetery boundaries.

The Friends of Moses Hall also raised a number of concerns with regard to the various Determination of Eligibility (DOE) forms that have been submitted as part of this process. The organization took the time to provide a substantive six-page critique of the Dec. 21, 2021 DOE with specific edits and clarifications.

Yet again, the SHA matrix makes no reference to the DOE form.

I could go on but will only share one more omission and it is perhaps the most surprising and disheartening of them all. Many consulting parties took issue with the SHA and FHWA declaring that cumulative impacts to the Morningstar cemetery and the Gibson Grove church from the initial Beltway construction in the 1960s did not have to be considered because they occurred prior to the passage of National Environmental Policy Act of 1970 or the National Historic Preservation Act, which became law in 1966.

In its Feb. 3 comment letter, the National Trust for Historic Preservation blasted the two agencies for this stance. They said “we reviewed guidance on cumulative impacts analysis issued by the FHWA and by the Council on Environmental Quality (CEQ), and we could find no reference whatsoever to any support for this rationale.”

They went on to say that “This new argument also flies in the face of the administration’s policy on environmental justice, as reflected in Executive Order 13990, 86 Fed. Reg. 7037 (Jan. 25,

2021) (“Where the Federal Government has failed to meet that commitment in the past, it must advance environmental justice.”)

And again, the SHA Comment-Response matrix does not include a single word about cumulative impacts with regard to the cemetery.

Significantly, it does include a comment regarding the “Gibson Grove Church property suffering cumulative impacts from highway stormwater runoff damage over many years due to the I-495 Beltway construction.”

The response to this comment reads “Stormwater handling improvement compatible with church restoration plan is part of identified mitigation at Gibson Grove.”

I am sure there is even more to uncover, but there is no time. Consulting parties were given two weeks to comment on this 3rd round of materials. When a number of the groups asked for more time, they were told by Steve Archer that “Changes to the PA are generally minor and of a clarifying nature as shown in our provided comment-response matrix. We emphasize that this is the third draft of an agreement that MDOT SHA has provided for prior review. We have consistently maintained that as the PA nears finalization, the review cycles/comment periods would be shorter for later drafts, as fewer changes and new content are included. A two-week review period affords adequate opportunity for comment given the parties have seen multiple prior versions of the document and the limited extent and nature of changes.”

What a gross misrepresentation of this 3rd round of materials, especially the Comment-Response matrix. While I cannot speak on behalf of all the consulting parties, the Cabin John Citizens Association considers a new determination of no determination regarding adverse effects and the Morningstar cemetery to be quite significant as is the complete disregard for so many of the thoughtful, important and challenging comments that were supposed to have been considered as part of this 3rd draft of the Programmatic Agreement.

The requested name for the Programmatic Agreement is Susan Shipp for Cabin John Citizens Association.

Respectfully,

Susan Shipp
President of the Cabin John Citizens Association

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us
Treasurer Dereck E. Davis – treasurer@treasurer.state.md.us
Senators Ben Cardin and Chris Van Hollen
Rep. Jamie Raskin
Jeffrey T. Folden, MDOT SHA – mls-nepa-P3@mdot.maryland.gov
Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org
Elizabeth S. Merritt, National Trust for Historic Preservation - emerritt@savingplaces.org
Elizabeth Hughes, Maryland Historical Trust – elizabeth.hughes@maryland.gov
Julie Langan, Virginia DHR - julie.langan@dhr.virginia.gov
Julie Schablitsky, MDOT SHA – jschablitsky@mdot.maryland.gov
Richard Ervin, MDOT SHA – rervin@mdot.maryland.gov

David Clarke, USDOT - david.clarke@dot.gov
 April Marchese, USDOT – april.marchese@dot.gov
 Colleen Vaughn, USDOT – colleen.vaughn@dot.gov
 Brenda Mallory, Chair, White House Council on Environmental Quality – brenda_mallory@ceq.eop.gov
 Vivian Lee, National Capital Planning Commission – vivian.lee@ncpc.gov
 Samantha Beers, US EPA - beers.samantha@epa.gov
 Emily Biondi, Federal Highway Administration – emily.biondi@dot.gov
 James Gavin, Federal Highway Administration – james.gavin@dot.gov
 Jitesh Parikh, Federal Highway Administration – jitesh.parikh@dot.gov
 Jeanette Mar, FHWA Maryland Division - jeanette.mar@dot.gov
 Reid Nelson, ACHP – rnelson@achp.gov
 Mandy Ranslow, ACHP - mranslow@achp.gov
 Jaime Loichinger, ACHP - jloichinger@achp.gov
 Beth Cole, Maryland Historical Trust - beth.cole@maryland.gov
 Tim Tamburrino, Maryland Historical Trust - tim.tamburrino@maryland.gov
 Marc Holma, Virginia DHR - marc.holma@dhr.virginia.gov
 John Simkins, FHWA Virginia Division - john.simkins@dot.gov
 Rebekkah Ballo, Montgomery County Planning Department – rebeccah.ballo@montgomeryplanning.org
 Debra Borden, M-NCPPC – debra.borden@mncppc.org
 Brian Crane, Montgomery County Planning Department – brian.crane@montgomeryplanning.org
 Susan Shipp, Cabin John Citizens Association - jsjshipp3@verizon.net
 Jack Orrick, Carderock Springs Citizens Association – jack.orrick@offitkurman.com
 Eddie Bankhead, First Agape AME Zion Church - esbj@pobox.com
 Rev. Edgar Bankhead, First Agape AME Zion Church - ebankjs@verizon.net
 Susan Lee, Maryland State Senator – susan.lee@senate.state.md.us
 Marc Korman, Maryland State Delegate – marc.korman@house.state.md.us
 Sara Love, Maryland State Delegate – sara.love@house.state.md.us
 Ariana Kelly, Maryland State Delegate – ariana.kelly@house.state.md.us
 Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Carol Rubin, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org
 Gerald Cichy, Commissioner, Montgomery County Planning Board -MCP-Chair@mncppc-mc.org
 Marc Elrich, Montgomery County Executive - marc.elrich@montgomerycountymd.gov
 Gabe Albornoz, Montgomery County Councilmember- councilmember.albornoz@montgomerycountymd.gov
 Andrew Friedson, Montgomery County Councilmember- councilmember.friedson@montgomerycountymd.gov
 Evan Glass, Montgomery County Councilmember - councilmember.glass@montgomerycountymd.gov
 Tom Hucker, Montgomery County Councilmember - councilmember.hucker@montgomerycountymd.gov
 Will Jawando, Montgomery County Councilmember - councilmember.jawando@montgomerycountymd.gov
 Sidney Katz, Montgomery County Councilmember - councilmember.katz@montgomerycountymd.gov
 Nancy Navarro, Montgomery County Councilmember - councilmember.navarro@montgomerycountymd.gov
 Craig Rice, Montgomery County Councilmember - councilmember.rice@montgomerycountymd.gov
 Hans Riemer, Montgomery County Councilmember - councilmember.riemer@montgomerycountymd.gov

**REPORT OF FINDINGS FROM HISTORICAL I-495 RIGHT-OF-WAY RECORDS RESEARCH
PREPARED BY FRIENDS OF MOSES HALL
FEBRUARY 2022**

In 2021, Friends of Moses Hall (FMH) received documents in response to our Maryland Public Information Act (PIA) requests to MDOT SHA. These documents, per our PIA request, included correspondence, appraisals, and other records pertaining to specific Right-of-Way (ROW) file numbers and court cases for the development of I-495 from the late 1950s through the early 1960s. Our PIA request was limited to those records involving landowners along the section of I-495 at Seven Locks Road. Friends of Moses Hall and others have been examining these documents and are alarmed by some of our findings.

FMH once again stresses that the original I-495 construction had significant economic, physical and social impacts on this historically black community through land takings and the splitting of this once vibrant Gibson Grove community in Cabin John. Furthermore, systemic racism ingrained in the state's land takings resulted in black landowners being compensated significantly less than adjacent white landowners. Different values were assigned to properties based on the race of the landowner, even though the properties were in the same neighborhood or even abutted each other. Additionally, there are noticeable record-keeping disparities between ROW files for black and white landowners. Many black landowner files delivered to us were heavily and inappropriately redacted, were of poor scanning copy quality compared to those of white landowner files, and contained scant records and/or inaccuracies. For example, the Morningstar Moses Cemetery file (MD SRC ROW files 46729 and 48363) incorrectly identified the site as "Moses Lodge #74" (Liber 344/F 274), a distant Order of Moses property located in Emory Grove. Additionally, the size of the land taking for this property was found to be inconsistent among the records reviewed.

Alarming, Law Case file 10749 "State Roads Commission vs. Mickens et al" involving Peter Jones property in MD SRC ROW file 48288 contains a "First and Final Account" of payouts in the case and we note specifically a 1963 payout to The McGuire Funeral Service, Inc. in the amount of \$411.00 (**See Attachment 1**). This indicates that the MD SRC knew that burials were on the site, casting doubt on MDOT SHA's current claim of prior ignorance when burials were found within the ROW by ground penetrating radar (GPR) study done in July 2021. The Jones property was directly adjacent to the Morningstar Moses cemetery property (**See Attachment 2**).

One notable example of racial inequity inherent in the original I-495 land takings can be found in the Peter and Dorcas Jones files (Law Case 10749 for MD SRC ROW file 48288). The assessed value for the 2.5-acre parcel was \$6,250.00 and the state's valuation for the complete taking of this land was \$5,000 (\$2,000 per acre). The case went to trial, with the state arguing that even the \$5,000 valuation was excessive. We highlight the following appraisal notes from Law Case 10749:

MD SRC ROW File 48288, scanned in three file sections for FMH, contains an appraisal from Samuel E. Bogley Realtors appraisal (Robert Lebling appraiser*) dated 2/20/1961. It valued the property at \$5,000 and noted "There are no improvements on the subject property. The surrounding neighborhood improvements at Seven Locks Road and along the deeded right of way, previously referred to, are of poor quality and negro inhabited. (See photographs herein)." Note that a photo of Moses Hall lodge is one of the referred photographs. See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 49-50 of 91.

Mr. Lebling's appraisal goes on to state: "It should be noted that the assessment on this property is extremely excessive in relation to the two nearest adjoining properties, both of which have access from dedicated and County maintained streets which the subject property lacks." The valuation summary states: "Seven Locks Road in this neighborhood consists of negro colony occupying, generally speaking, inferior and sub-standard homes in the price bracket ranging from an irreducible minimum of \$250 to around \$10,000. This value depressing influence has a very marked effect on the selectability of land in this negro inhabited pocket." See Peter and Dorcas Jones MD SRC ROW File 48288, file 1 of 3, digital image 51-52 of 91.

The state's appraiser incorrectly states that the Jones and Morningstar Moses properties did not have road access from Seven Locks, while noting that the adjacent Farrar property had access to Seven Locks. In fact, all three properties had road access to Seven Locks.

*Robert Lebling conducted a number of appraisals for the I-495 land takings, but he was also a white landowner in the area subject to a land taking (MD SRC ROW file 46734) — an apparent conflict of interest.

The Jones defendants in Law Case 10749 retained a professional appraiser named Adolph C. Rohland to provide testimony at trial. The jury in the Jones Case 10749 ultimately awarded the Jones heirs \$7,210 plus interest (~\$3,000/acre) for a complete taking. Mr. Rohland was paid \$225 for his service in the case.

Only one other eminent domain case for a black landowner went to trial in the Gibson Grove community, which was Law Case 10748 State Roads Commission vs. Eliza Harris et al (heirs to Mary Eliza Harris, daughter of Peter Jones) for SRC ROW file 46730. Harris' heirs were awarded a total of \$3,500, with interest, at trial for a complete taking of 0.5 acres, including what the state's appraiser described as a "negro occupied" "shack" and 1-story frame "bungalow".

With the exception of these black landowner estate cases that went to trial, the ROW records for the Gibson Grove community revealed that black landowners were paid \$2,000 to \$2,500 per acre for their properties by the state. In stark contrast, white landowners were paid \$3,500 to \$7,000 per acre.

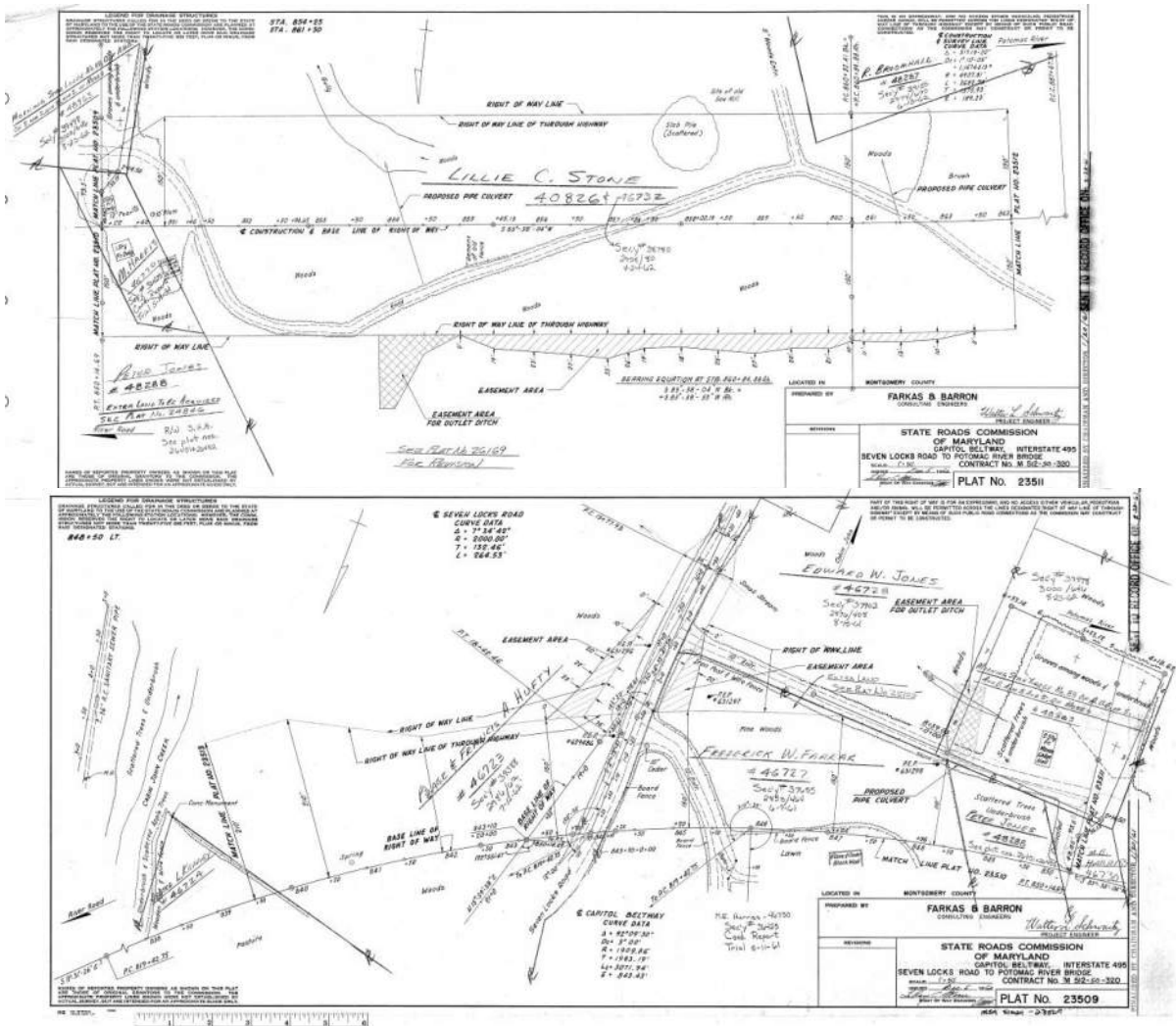
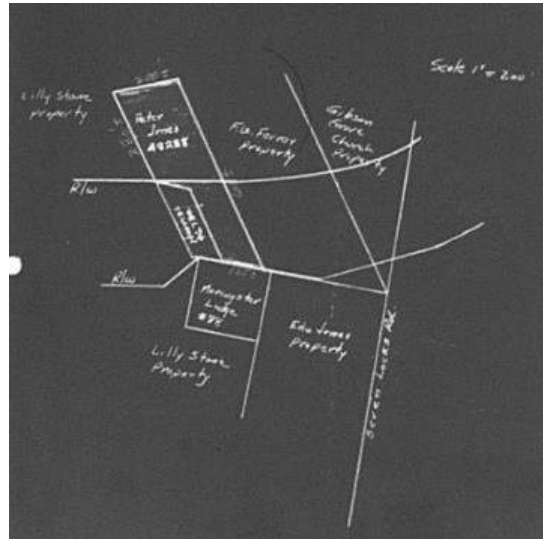
Wealthier white landowners in this area, such as the neighboring Lillie [sic] Stone estate (MD SRC ROW files 40826 and 46732), retained legal counsel to secure larger payments of \$4,000 per acre plus "damages" in the amount of \$21,000. Word of these larger payouts quickly spread within the white community in this area, causing other white landowners, like Frederick Farrar (MD SRC ROW file 46727), a US Navy doctor, to contest state payout offers. Although he initially demanded \$55,000, in the end, Farrar was paid \$33,000 for the state's taking of approximately 3.5 acres with a stucco cinder-block dwelling on the premises.

The apparent racial inequity evident in the records for the original I-495 construction project, as well as the detrimental social and economic impacts directly related to the project, set the stage for ongoing degradation of the Gibson Grove community in Cabin John, along with its historic and cultural resources. The psychological and economic damage inflicted on these once thriving and resilient communities is evidence of a history of racial inequity in infrastructure projects in Maryland.

State Rds Comm vs. Andrew Mickens and Jones' heirs

Page 7 of 8

FRIENDS OF MOSES HALL ATTACHMENT 2





May 2, 2022

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

RE: I-495/I- 270 Managed Lanes Study: Section 106 1st DRAFT Archaeological Treatment Plan and Cemetery Treatment Plan Comments

Dear Mr. Archer,

Thank you for providing the opportunity to review and comment on the Project No. AW073A13, I-495 & I-270 Managed Lanes Study (MLS). Included in the current review are comments on the 1st draft of the Archaeological Treatment Plan (ATP) and the Cemetery Treatment Plan (CTP). These reflect the comprehensive comments from the Cultural Resources Sections of the M-NCPPC Park and Planning Departments. Our comments are as follows.

The two documents under review - the Archaeological Treatment Plan and the Cemetery Treatment Plan – provide an extensive outline of the proposed archaeological work to identify and mitigate impacts of the MLS project. The coordination between the ATP and the CTP is at times unclear; some of the unsurveyed areas proposed for STPs have the potential for burials relating to the Poor Farm Cemetery (18MO266), and the cemetery areas have the potential for significant non-burial features and the plans don't articulate how that will be addressed in each case. Likewise, the Morningstar Cemetery and Moses Hall site (18MO782) is addressed in the cemetery treatment plan but should be considered as part of the ATP as well. The cemetery treatment plan seems to only be concerned with the presence of human remains and funerary objects, but MHT and M-NCPPC have recommended that the site be considered NRHP eligible under Criterion D as well as Criteria A and C. There is thus a potential for significant archaeological remains all along the edge of the LOD and the cemetery boundary, including the access path to Seven Locks Road, which has never been investigated archaeologically. Specific language addressing the fieldwork of that area needs to be included in the ATP. These two Plans do not work in isolation from each other and how they intersect needs to be outlined more thoroughly, not only for the pre-construction fieldwork but also during the construction phase, including monitoring.



ARCHAEOLOGICAL TREATMENT PLAN

Site 18MO191 (Kavanagh XII)

The language in the ATP regarding the total area to be tested at this site needs elaboration. Two possible boundaries for site 18MO191 are shown. The ATP notes that “STPs will be excavated at 50-ft (15-m) intervals across the LOD and buffer area within the site boundary” though is not clear about which site boundary. Given the uncertainty of the site location based on previous work, the proposed fieldwork should test within both recorded site boundaries and corresponding buffer areas. Based on the narrow survey corridor, the STP grid should be intentionally placed to ensure the greatest coverage and opportunity to identify the site and its boundaries.

The Land Use History and Current Conditions section makes a number of statements about what previous activities area likely to have happened at or near the site; while possible, there is only circumstantial supporting evidence that is the case, and the ATP language should reflect that the actual level of disturbance is unknown.

The ATP states, “The surface inspection will be conducted along transects placed at 33-ft (10-m) intervals to attempt to locate evidence of former structures.” Entire building foundations could easily be overlooked at a 10m interval depending on ground visibility. Surface survey with a closer interval grid, such as 5m, is more productive for locating former structures.

Insert “Site 18MO191 is located within M-NPPC Montgomery Parks land and prior to beginning the archaeological fieldwork, SHA will secure a Montgomery Parks archaeology permit and ensure all permit requirements are met.”

Site 18MO457 (Booze Creek)

Similarly, the total area to be subject to survey at 18MO457 is unclear and two site boundaries are shown as possible in the ATP. The ATP states, “Phase I survey will be confined to the portion of the potential site area within the Project LOD and at least a 50 ft (15 m) buffer area, assuming access permission can be secured, to ensure that the area examined will encompass all areas where Project impacts may occur. If possible, the full site boundary will be delineated by the survey.” Given the uncertainty of the site location based on previous work, the fieldwork should test within both recorded site boundaries, the area between them, and corresponding buffer areas. Given the narrow survey corridor, the STP grid should be intentionally placed to ensure the greatest coverage and opportunity to identify the site and its boundaries.

The discussion of the Land Use History and Current Conditions is confusing since it is not clear which areas are being discussed. Additionally, while some roadwork related activities may have taken place in or near this area, there is no clear documentation that it did, nor what kind.



Insert “Site 18MO457 is located within M-NPPC Montgomery Parks land and prior to beginning the archaeological fieldwork, SHA will secure a Montgomery Parks archaeology permit and ensure all permit requirements are met.”

Site 18MO752 (Cabin John Site 1)

The ATP recommends close interval STPs then EUs for this site, which was originally identified through shovel-testing. Given the small size of the site, there doesn’t seem to be much advantage to conducting additional closer-interval STPs first rather than focusing on EUs within the site boundary, which provide better coverage for identifying important site elements and features.

Insert “Site 18MO752 is located within M-NPPC Montgomery Parks land and prior to beginning the archaeological fieldwork, SHA will secure a Montgomery Parks archaeology permit and ensure all permit requirements are met.”

Previously Unsurveyed Area

Areas RS-1, RS-2, S-4, SWM S-4, S-5, SWM S-5, S-6, SWM S-6, S-27, SWM-27, and S-28 are all associated with land that was once part of the Poor Farm, and so have a potential to have burials associated with the Poor Farm Cemetery. However, proposed survey methods are to “follow general methods established for the previously conducted MLS Project work (Arnold et al. 2021).” Those methodologies have generally relied on systematic shovel test pit survey, a method designed to find concentrations of artifacts, but poorly suited to identifying potential graves. The cemetery treatment plan references machine stripping followed by shovel scraping, which is appropriate for uncovering grave shafts, but the archaeological treatment plan isn’t clear about how the two treatment plans and methodologies are to work together.

Appendix 1 - Human Remains Protocols

The statement regarding Maryland law concerning removal of human remains is erroneous. “Within Maryland, pursuant to State of Maryland Criminal Code § 10-402, the State’s Attorney must authorize movement or removal of any remains until determined to be archaeological.” According to the statute, unless the removal is temporary, the authorization of the State’s Attorney is required for the removal of any remains for any reason, regardless of whether they are considered archaeological or for any other consideration. Critically, the section requires publication of “a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.” Nowhere does the statute provide an exception to this requirement for archaeology. The statute does allow for remains to be reinterred in the presence of “a trained anthropologist or archaeologist” rather than a “a mortician, professional cemeterian, or other individual qualified in the interment of human remains” or “a minister, priest, or other religious leader.” The text should read simply: “Within Maryland, pursuant to State of Maryland Criminal Code § 10-402, the State’s Attorney must authorize movement or removal of any remains.”



CEMETERY TREATMENT PLAN

The Maryland Historical Trust in its letter of February 4, 2022 recommended that the cemetery site be considered eligible for the NRHP under Criterion D as well as Criteria A and C. We also believe the site is eligible under Criterion D and ask that MDOT SHA include Criterion D in its documentation and discussion of the site.

Morningstar Moses Cemetery (18MO782)

- The discussion of potential areas for further investigations seems to suggest that areas proposed for further investigations may be limited based on assumptions about the kinds of results that may be found. The design for survey areas should not presume what the results of such investigations may be before they are carried out. MDOT SHA must demonstrate through its investigations that its proposed undertaking will not impact graves associated with the cemetery.
- Testing or survey is needed along the portion of the LOD abutting the cemetery access path. This ground has never been subjected to archaeological investigations, so whether there are features or artifacts related to the site's significance in this area remains unknown. Archaeological investigations should be carried out along the entire length of the LOD next to the cemetery site.
- Will archaeological investigation of features and artifacts uncovered during mechanical stripping of the LOD be restricted solely to graves and associated funerary objects? Since the site is eligible for the NRHP, any potentially significant features or artifact concentrations should be investigated if they are uncovered. How will the topsoil in areas identified for mechanical stripping be sampled and screened for artifacts?
- The section on treatment of human remains or funerary objects reads: "If potential funerary artifacts are found in fill or otherwise cannot be reasonably associated with a particular burial, those artifacts will be analyzed and documented and curated at the Maryland Archaeological Conservation Laboratory." Final disposition for apparently unassociated funerary objects should be determined in consultation with the Friends of Moses Hall, Morningstar Cemetery Trustees, and descendants.

Poor Farm Cemetery (18MO266)

- Page 18: Brian Crane is on the staff of the Montgomery County Planning Department, Maryland-National Capital Park and Planning Commission.
- It would be helpful to summarize past discoveries of human remains by incident in a table that might include columns for date, approximate location, recovering organization, and estimate of the number of interments found.
- The last sentence on page 29 looks like it may be cut off.



- How will topsoil in areas identified for mechanical stripping be sampled for artifacts or human remains? Page 31 implies that screening of mechanically removed soils will occur if human remains or associated funerary objects are seen. Will there be any sampling other than through the initial shovel test survey and what is the interval?
- How wide would backhoe trenches be in sample stripping areas?
- Page 31-32 “It may not be practicable to remove or reinter larger items, such as casket fragments.” Do you mean a burial vault? Whole caskets or casket fragments should certainly be exhumed and reinterred if they cannot remain in place.
- Page 32 “If potential funerary artifacts are found in fill or cannot be reasonably associated with a particular burial, those artifacts will be analyzed and discussed in the Project technical report and curated at the Maryland Archaeological Conservation Laboratory.” Final disposition of funerary objects should be coordinated with consulting parties and descendants as possible.
- The Cemetery treatment plan should not presuppose a limited set of circumstances under which the Poor Farm archaeological site might be considered eligible for the National Register prior to the completion of archaeological investigations. Work is proposed for Poor Farm associated areas under both the archaeological treatment plan and the cemetery treatment plan. The overall approach to the site should be clearly integrated in these plans and include evaluation for NRHP eligibility based on what the archaeology finds. Development of a detailed data recovery plan and/or exhumation and burial relocation plan can then be developed as appropriate.
- Consultation with descendants of those buried at the Poor Farm is referenced multiple times. Existing historical research provides multiple names of those possibly interred in the Poor Farm. Will genealogical research be conducted in an effort to located descendants?

Monitoring Plan

Currently one area within the project is listed under the Monitoring Plan. A map showing the areas where archaeological monitoring is required would be illustrative and language that notes how the monitoring information will be conveyed to all contractors, archaeological and otherwise, who will be implementing the monitoring plan once construction begins.

Thank you again for the opportunity to comment and we look forward to reviewing the next draft of these important documents. If you have any questions or need to discuss these matters, please feel free to contact us at 301-563-3404; Rebecca.Ballo@montgomeryplanning.org, or Cassandra.Michaud@montgomeryparks.org 301-563-7532.



Sincerely,

Rebecca Ballo
Historic Preservation Supervisor, Montgomery County Planning

Cassandra Michaud
Cultural Resources Planner, Archaeologist, Montgomery Parks

cc: Jeannette Mar, FHWA
Elizabeth Hughes, Maryland Historical Trust
Tim Tamburrino, Maryland Historical Trust
Beth Cole, Maryland Historical Trust
Anne Schuyler, NCPC
Elizabeth Merritt, National Trust for Historic Preservation
Charlotte Leighton, Friends of Moses Hall
Debra Borden, M-NCPPC



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

May 2, 2022

By email to: sarcher@mdot.maryland.gov

Steve Archer
Cultural Resources Team Leader
Environmental Planning
MDOT State Highways Administration
707 North Calvert Street
Baltimore, MD 21202

**Re: I-495 and I-270 MLS Section 106 Materials, Comments on Draft
Archaeological Treatment Plan and Draft Cemetery Treatment Plan**

Mr. Archer:

The National Trust for Historic Preservation, along with many other consulting parties, submitted comments on April 14, 2022 regarding the Draft Section 106 Programmatic Agreement (PA) for the I-270 and I-495 Managed Lanes Study. In addition, your office invited comments by today on the Draft Archaeological Treatment Plan and the Draft Cemeteries and Human Remains Treatment Plan (Attachments 4 and 5). We have received and reviewed the comments on these two Draft Treatment Plans submitted today by the Maryland State Historic Preservation Office, the Maryland-National Capital Park and Planning Commission, and the Friends of Moses Hall. The purpose of this letter is to confirm that the National Trust strongly supports and reiterates the comments submitted by these three important parties. We urge you to revise the Draft Treatment Plans in accordance with the comments provided.

Thank you in advance for considering and responding to these three sets of comments, and any others that you have received addressing the Draft Treatment Plans.

Sincerely,

A handwritten signature in black ink, reading "Elizabeth Merritt".

Elizabeth S. Merritt
Deputy General Counsel

A handwritten signature in black ink, appearing to be "Kendra R.".

Kendra Parzen
Field Officer

Appendix B

Consulting Parties List

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**I-495 & I-270 Managed Lanes Study
Section 106 Consulting Parties List**

Federally Recognized Tribes

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation
- Delaware Tribe of Indians
- Chickahominy Indian Tribe
- Chickahominy Indians Eastern Division
- Eastern Shawnee Tribe of Oklahoma
- Monacan Indian Nation
- Nansemond Indian Tribe
- Oneida Indian Nation
- Onondaga Nation
- Pamunkey Indian Tribe
- Rappahannock Tribe, Inc.
- Saint Regis Mohawk Tribe
- Seneca-Cayuga Nation
- Shawnee Tribe
- Tuscarora Nation
- Upper Mattaponi Indian Tribe

State Recognized and Other Tribes

- Piscataway Conoy Tribe of Maryland (PCT)
- PCT - Cedarville Band of Piscataway
- PCT - Choptico Band of Piscataway
- Piscataway Indian Nation

Federal Agencies

- Department of Defense
- General Services Administration
- Federal Railroad Administration
- Federal Transit Administration
- National Capital Planning Commission
- National Institute of Standards and Technology
- National Park Service
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture
- U.S. Postal Service

State Agencies and Organizations

- Maryland Commission on Indian Affairs
- MDOT Maryland Transit Administration
- MDOT Maryland Transportation Authority
- Maryland Historical Trust
- Preservation Maryland
- Virginia Department of Historic Resources
- Virginia Department of Transportation
- Washington Metropolitan Area Transit Authority

**I-495 & I-270 Managed Lanes Study
Section 106 Consulting Parties List**

County Agencies and Organizations

- Charles County Department of Planning
- Frederick County
- Frederick County Preservation Trust
- Maryland Milestones/Anacostia Trails Heritage Area, Inc.
- Montgomery County Department of Correction and Rehabilitation
- Montgomery County Department of General Services
- Montgomery County Department of Transportation
- Montgomery County Heritage Area, Heritage Tourism Alliance of Montgomery County
- Maryland-National Capital Parks and Planning Commission – Montgomery County Planning – Historic Preservation
- Maryland-National Capital Parks and Planning Commission – Montgomery Parks
- Maryland-National Capital Parks and Planning Commission – Prince George's County Planning – Historic Preservation
- Maryland-National Capital Parks and Planning Commission – Prince George's County Department of Parks and Recreation
- Montgomery Preservation, Inc.
- Prince George's County Historic Preservation Commission
- Prince George's County Historical and Cultural Trust
- Prince George's Heritage, Inc.

Municipal and Other Organizations



- Cabin John Citizens' Association
- Canoe Cruisers Association
- C&O Canal Association
- C&O Canal Trust
- Carderock Springs Citizens' Association
- City of Gaithersburg
- City of College Park
- City of Glenarden
- City of Greenbelt
- City of Rockville
- First Agape A.M.E. Zion Church at Gibson
- Frederick County Landmarks Foundation
- Heart of the Civil War Heritage Area
- Indian Spring Citizens Association
- National Park Seminary Master Association
- National Trust for Historic Preservation
- Peerless Rockville
- Save Our Seminary at Forest Glen
- Sierra Club Maryland Chapter
- Silver Spring YMCA
- Trustees of Morningstar Tabernacle No. 8, Inc. (Friends of Moses Hall)
- Village of North Chevy Chase
- Washington Biologists' Field Club

Appendix C

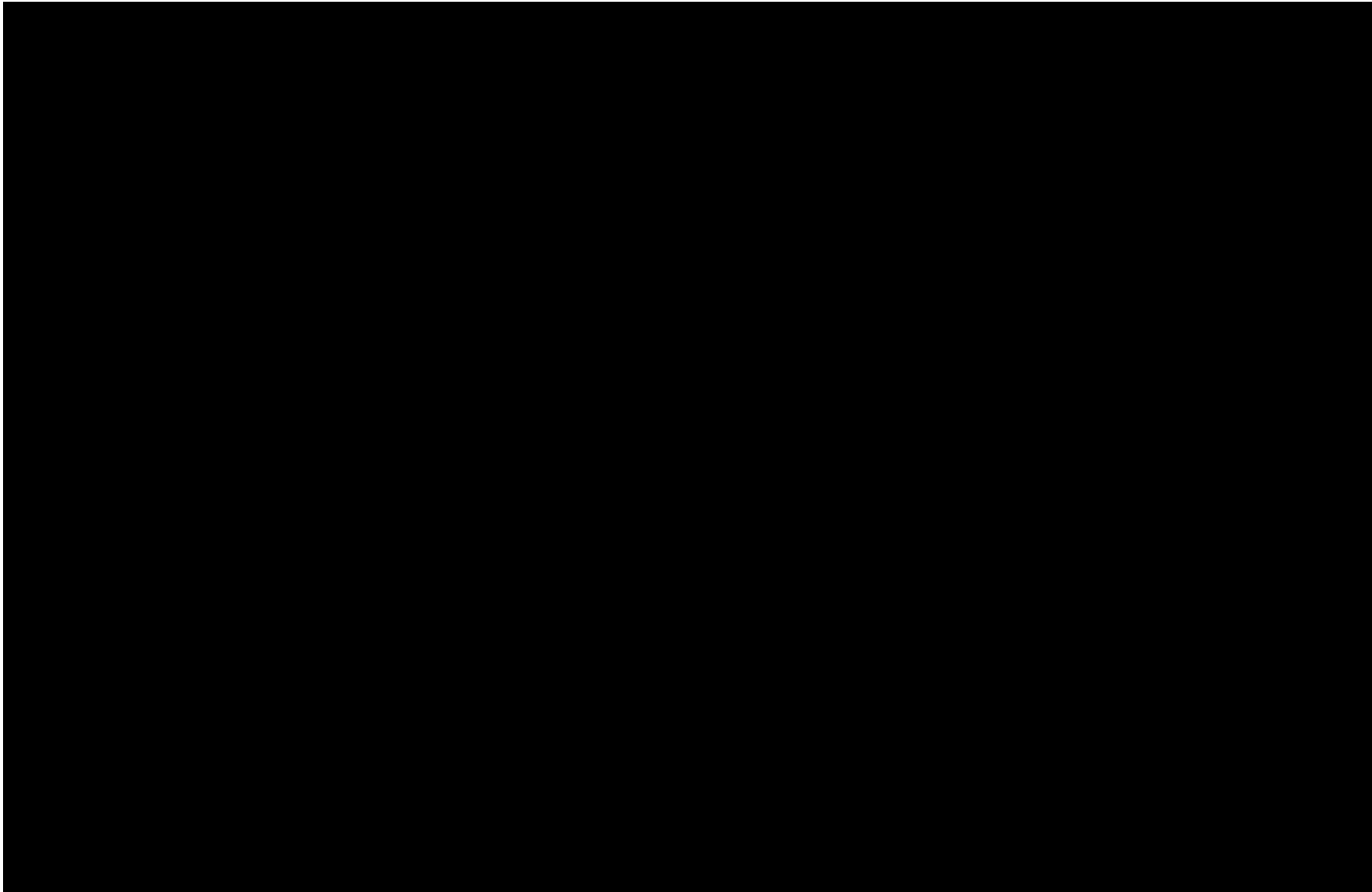
Map of Historic Properties within APE and Archaeological Sites and Survey Area Proposed for Treatment

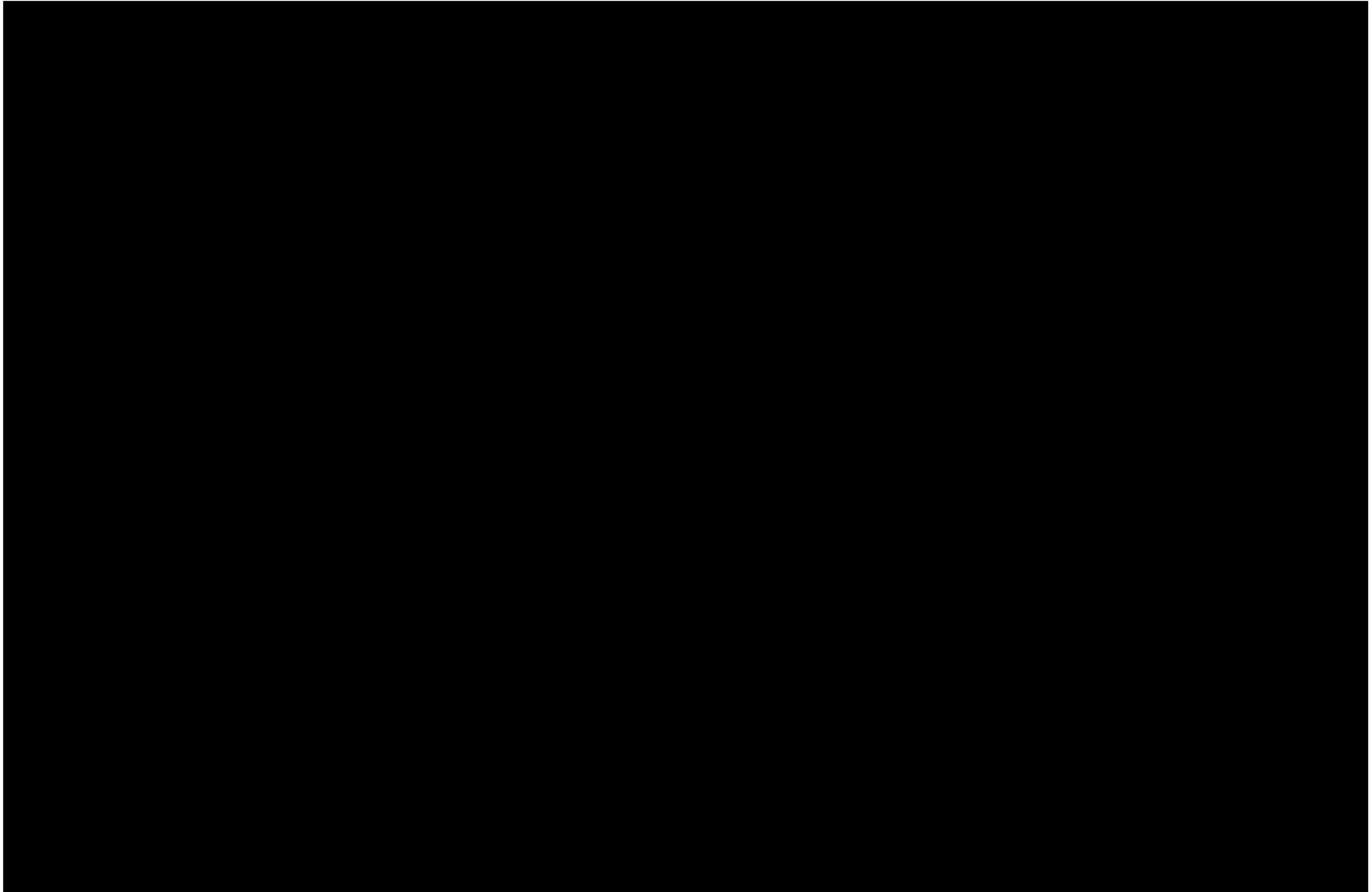
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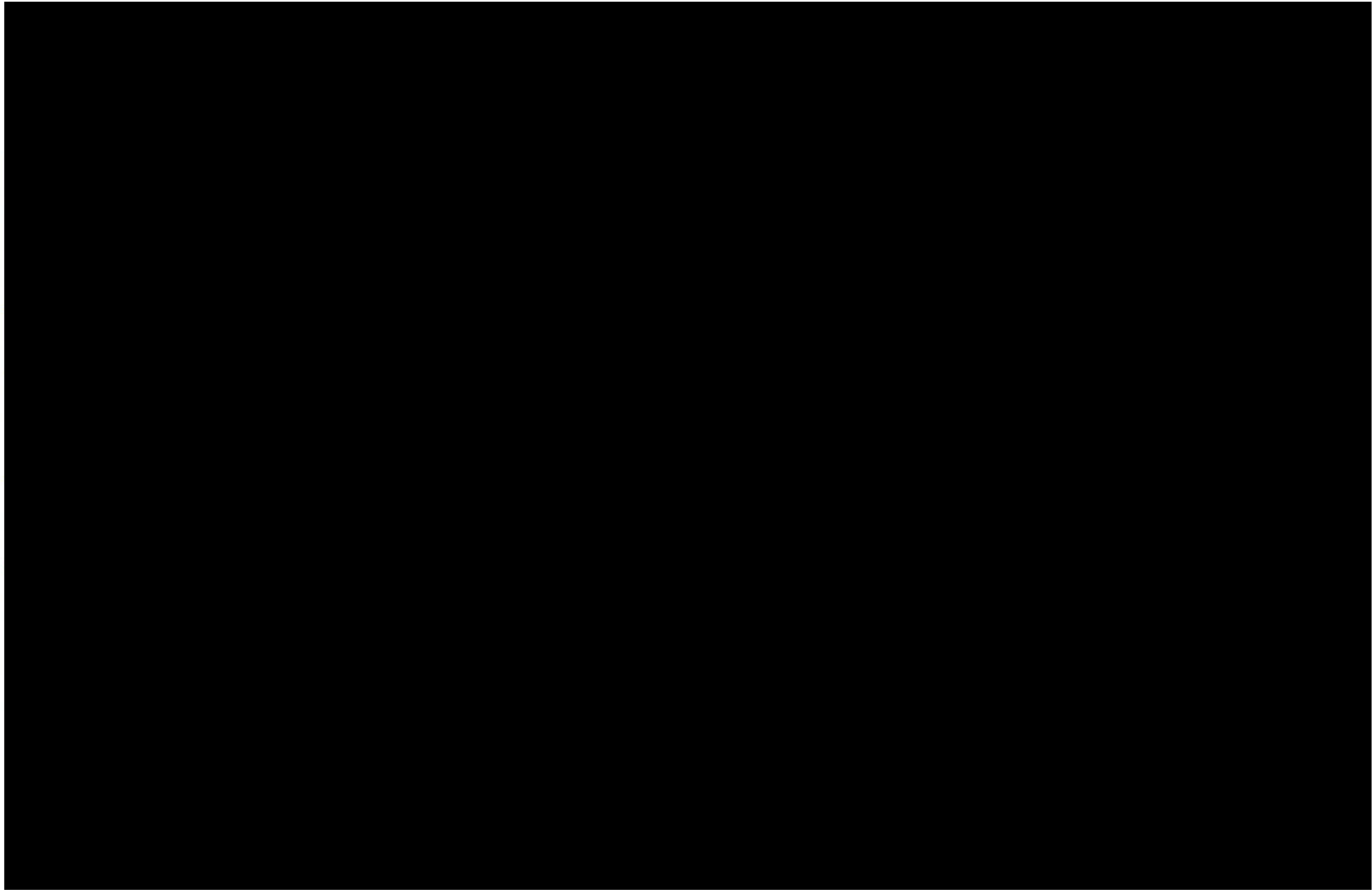


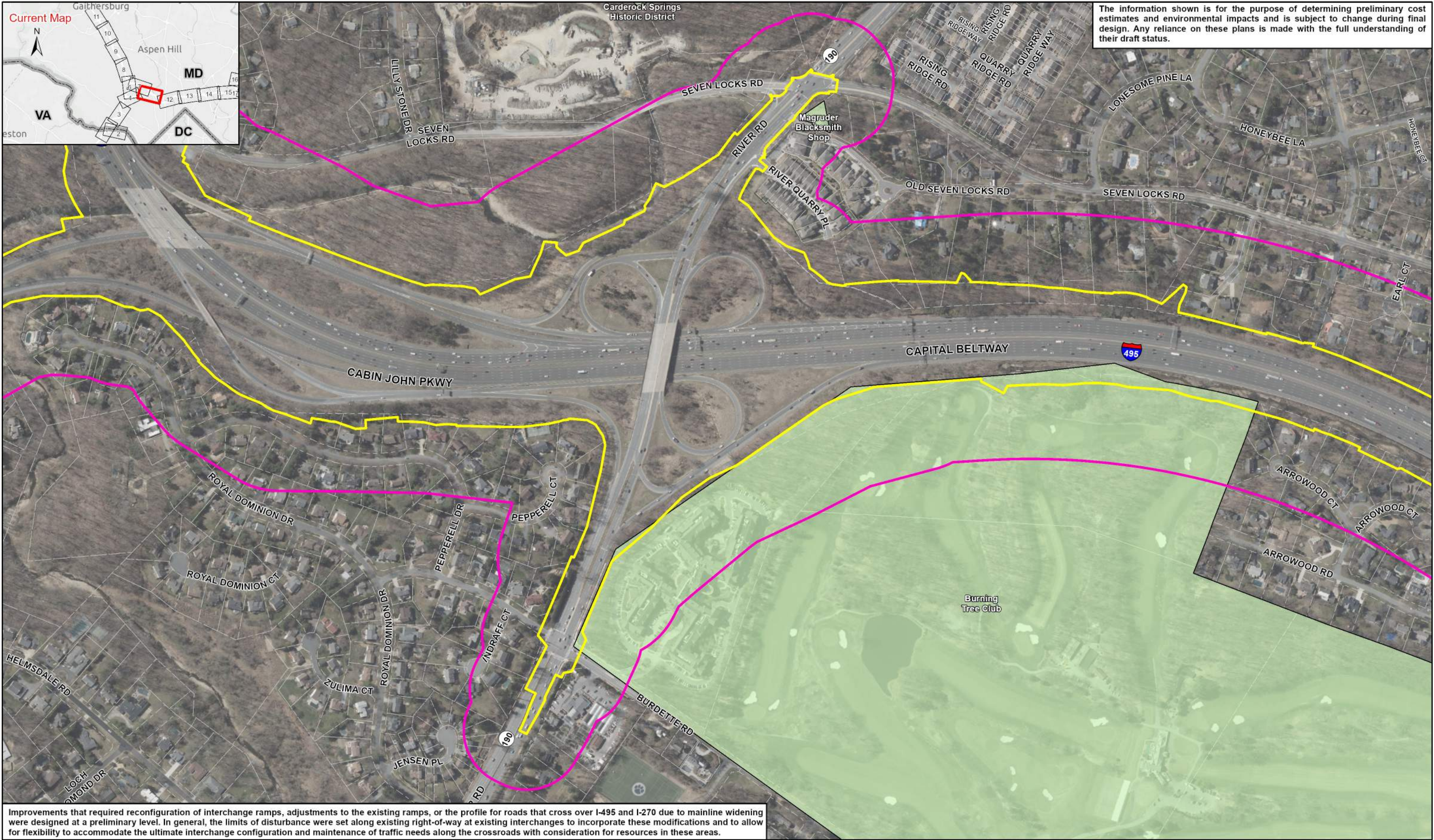
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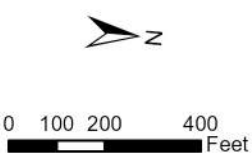




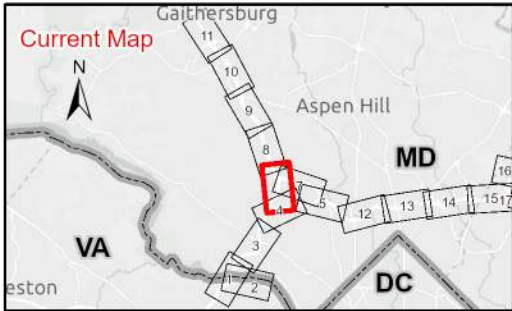
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- Area of Potential Effects (APE)
- LOD - Preferred Alternative
- Parcel Boundaries

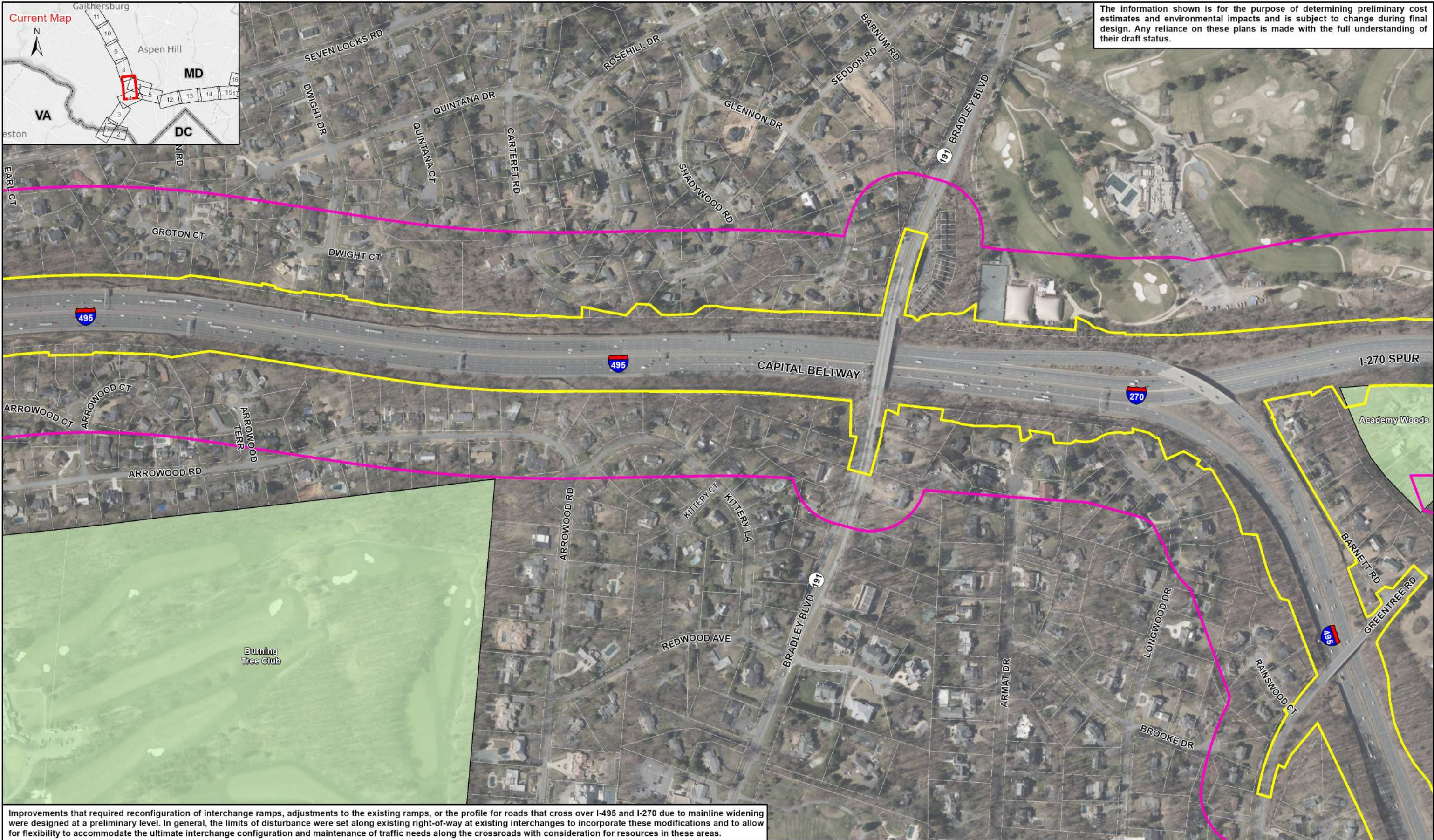
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- Additional Archaeological Investigation Recommended
- NRHP Eligible / Listed



Area of Potential Effects and
Summary of Cultural Resources
April 2022



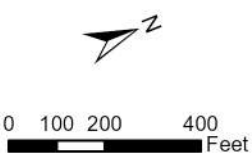
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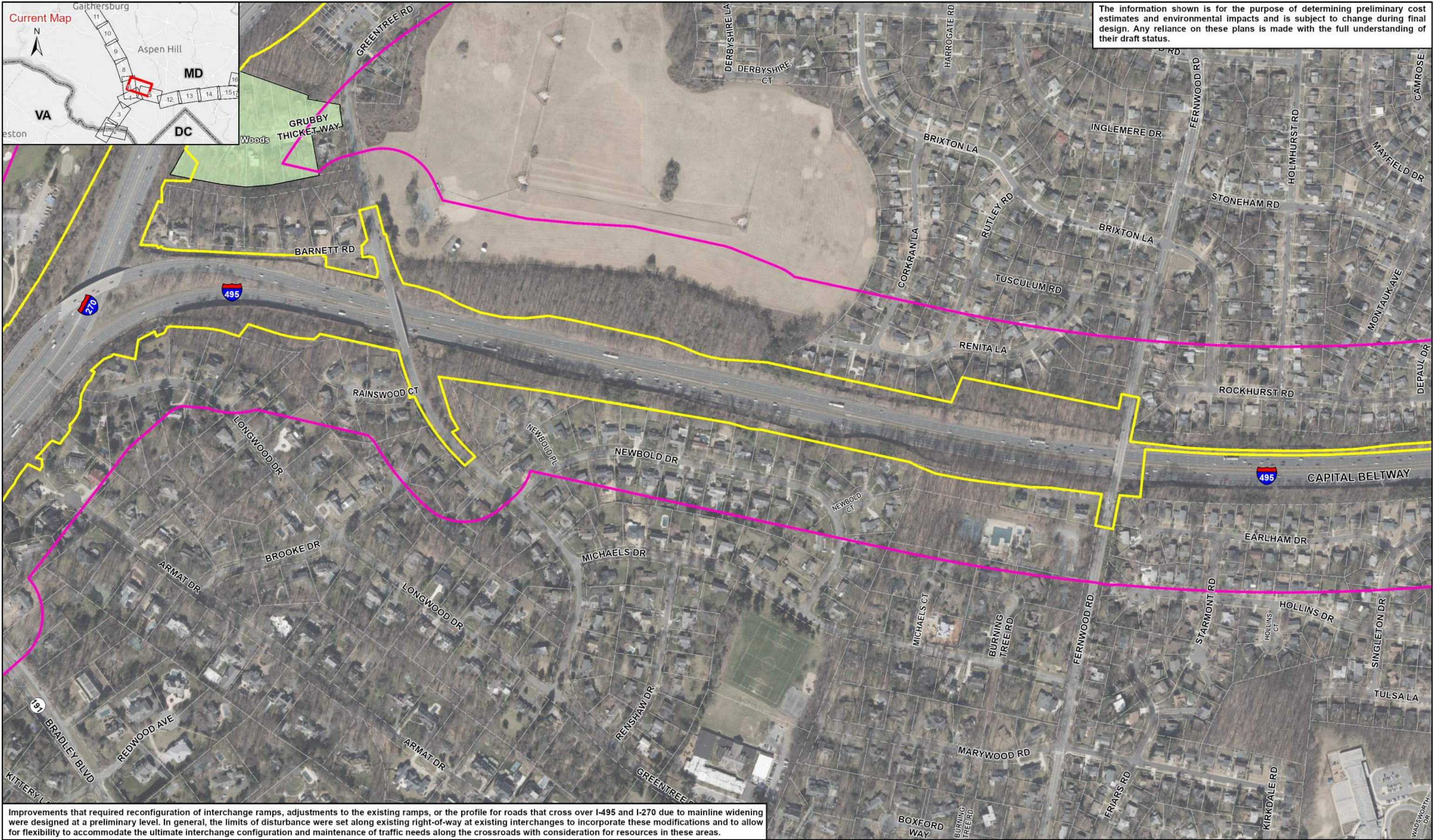
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Area of Potential Effects and
Summary of Cultural Resources
April 2022

Sheet : M-6

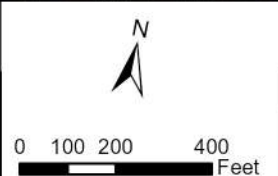




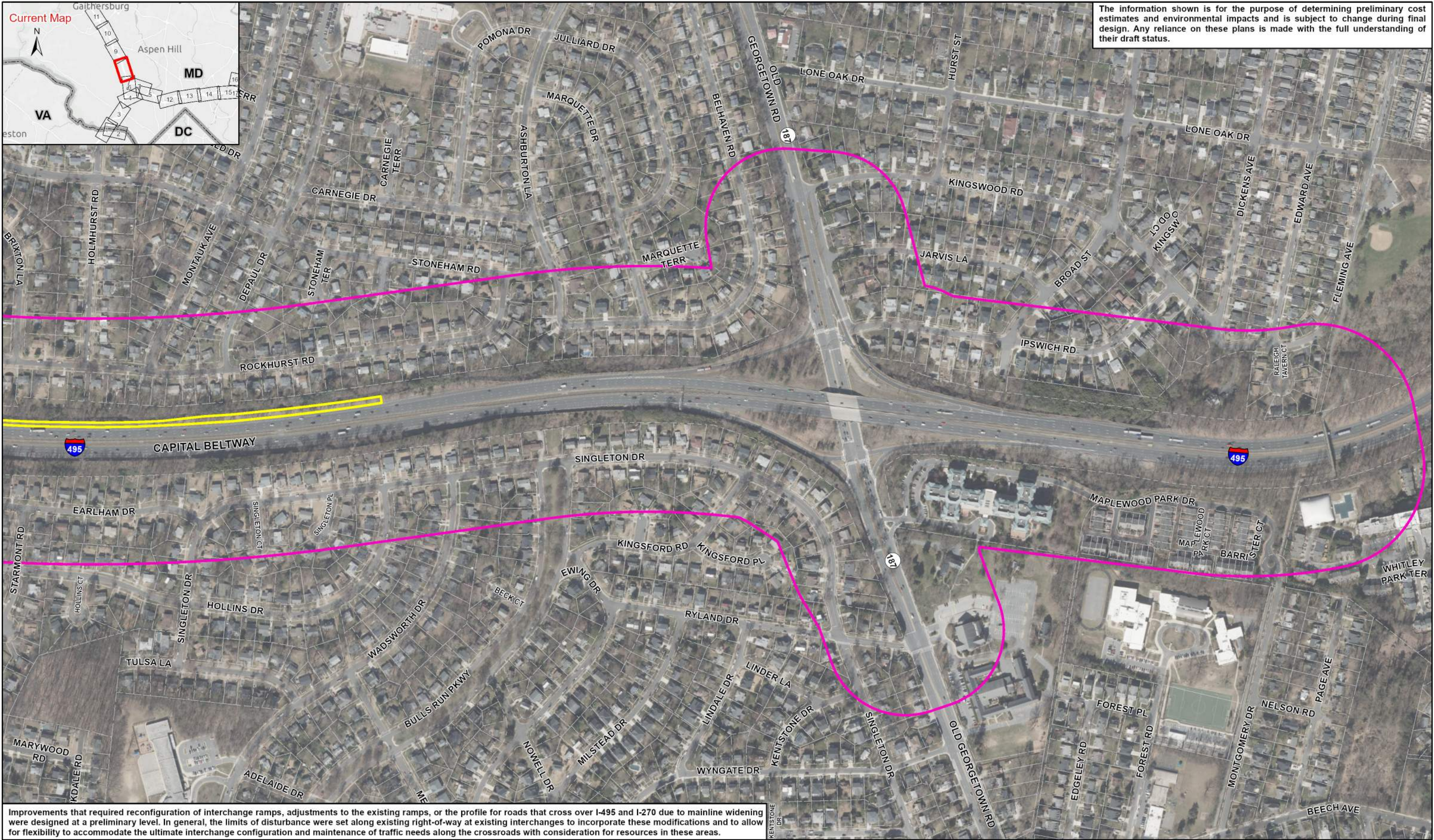
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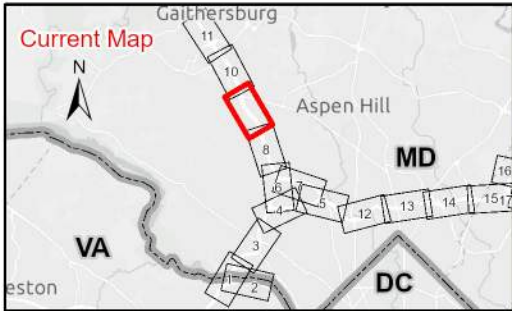
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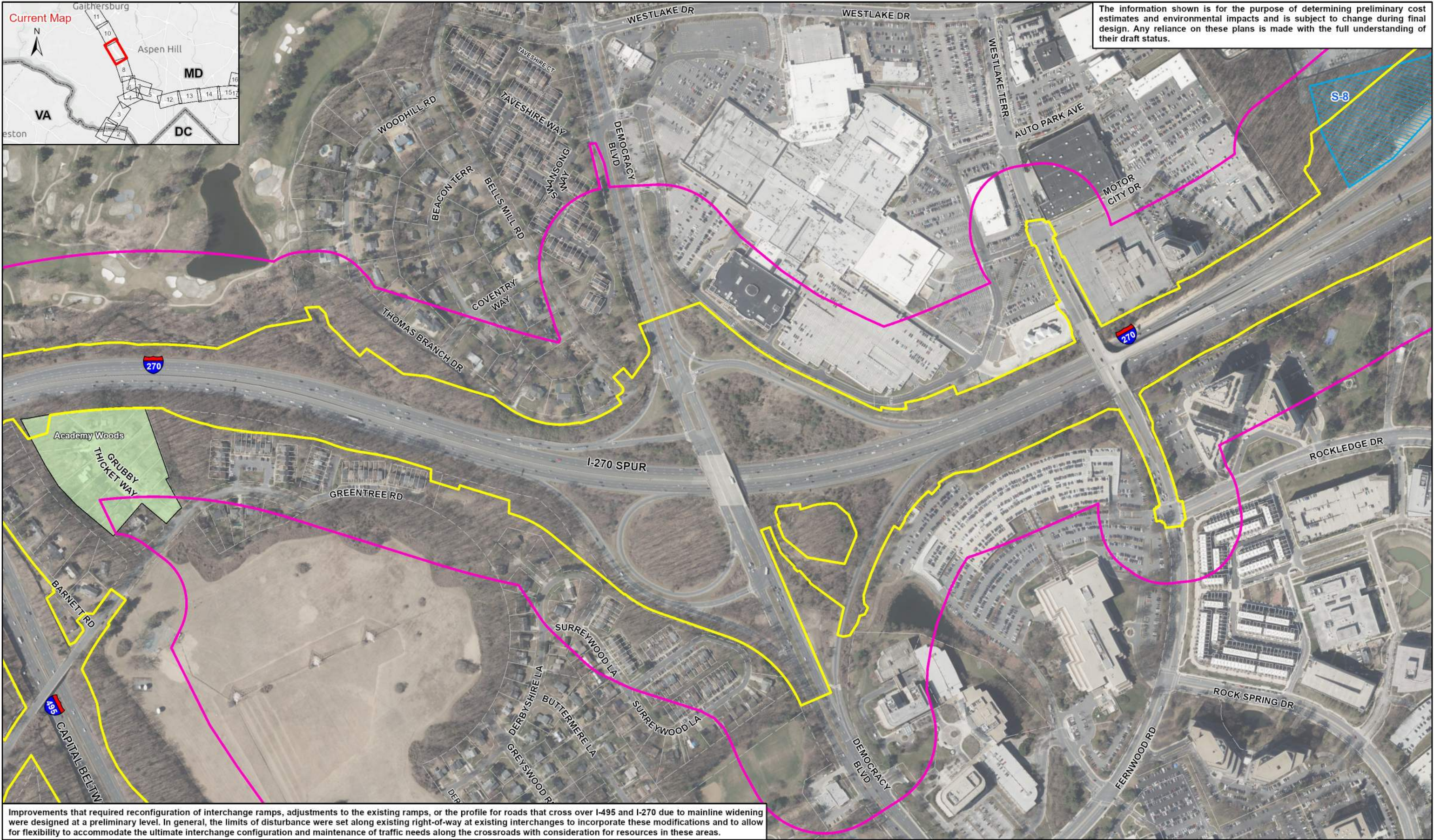
Area of Potential Effects and
Summary of Cultural Resources
April 2022



<ul style="list-style-type: none">Area of Potential Effects (APE)LOD - Preferred AlternativeParcel Boundaries	<ul style="list-style-type: none">Archaeological Site Proposed for Further Treatment in PAAdditional Archaeological Investigation RecommendedNRHP Eligible / Listed	<div><div></div><div>0100200400</div><div>Feet</div></div>	<div>Area of Potential Effects and Summary of Cultural Resources</div> <div>April 2022</div>	<div>Sheet : M-8</div> <div><div>495</div><div>270</div><div>MANAGED LANES STUDY</div></div>
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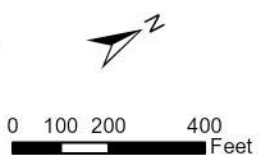
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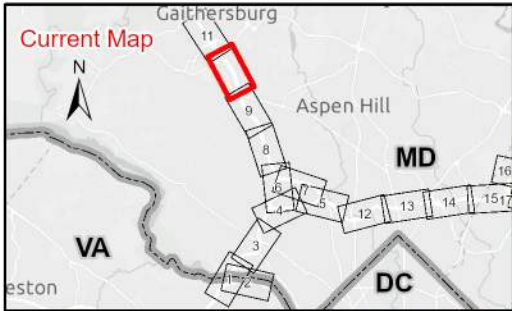
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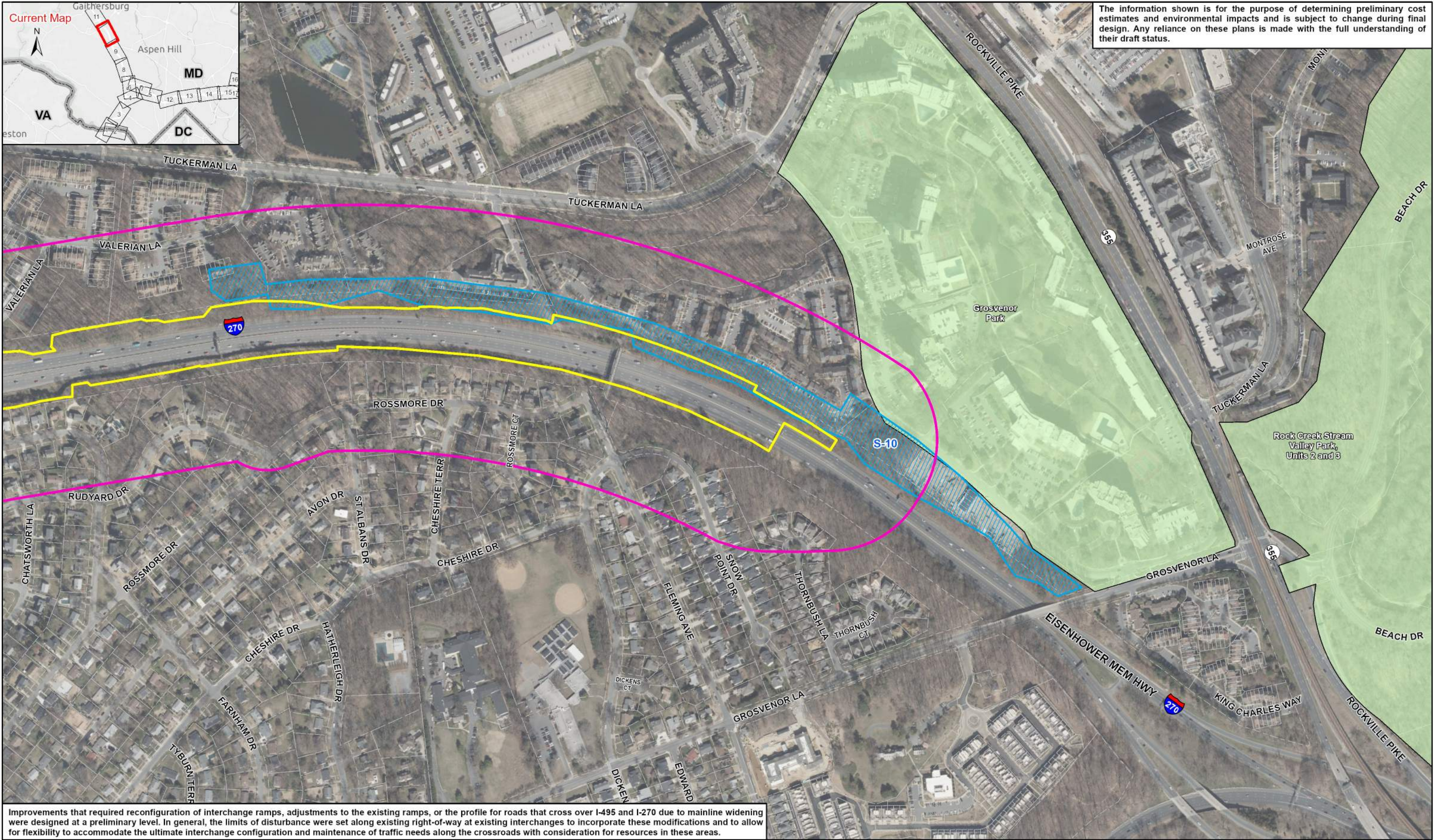
Area of Potential Effects and
Summary of Cultural Resources
April 2022

Sheet : M-9



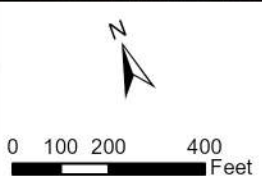


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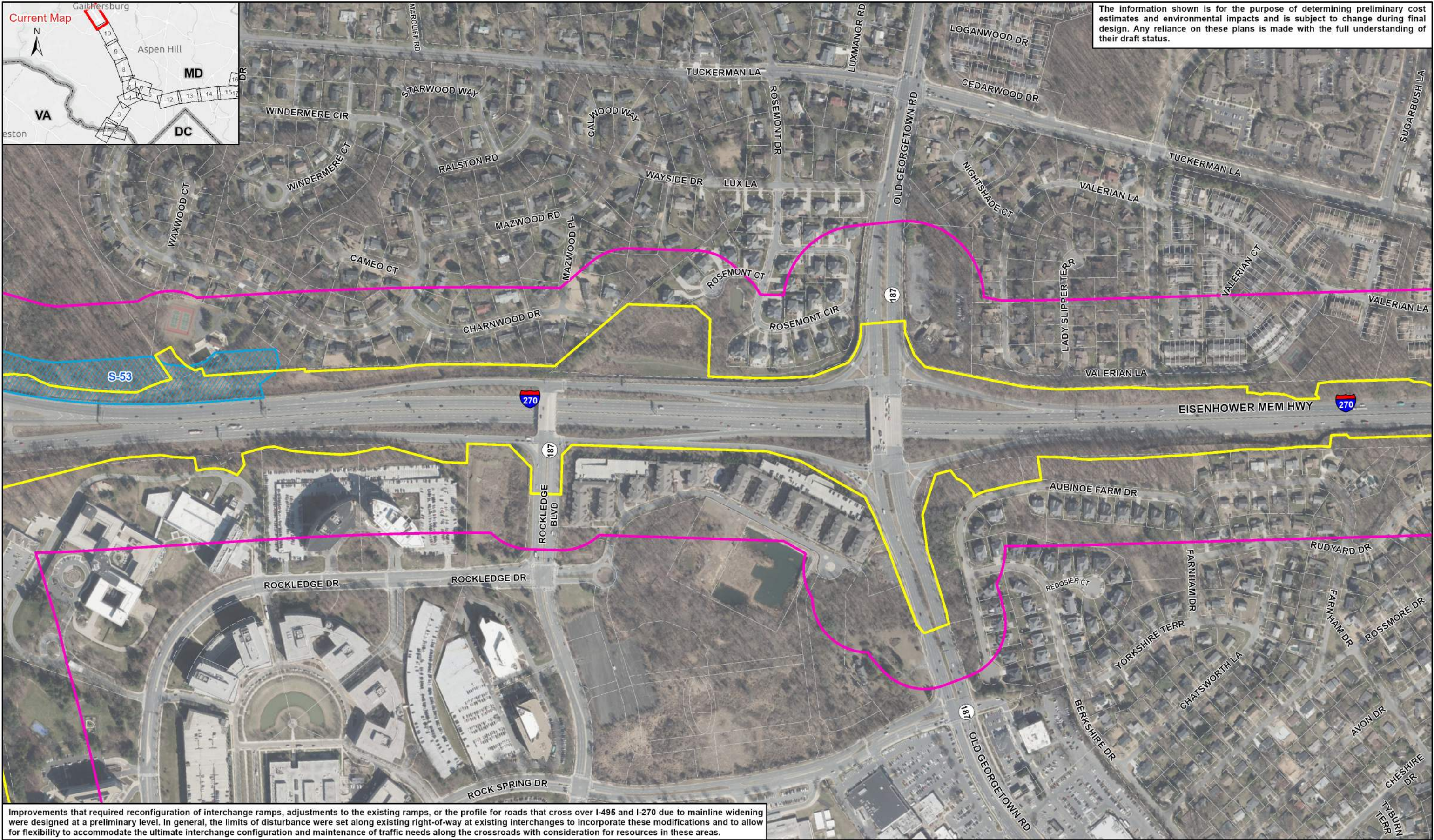
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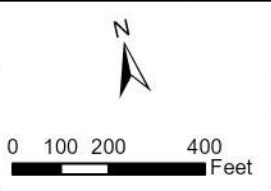
Area of Potential Effects and Summary of Cultural Resources

April 2022



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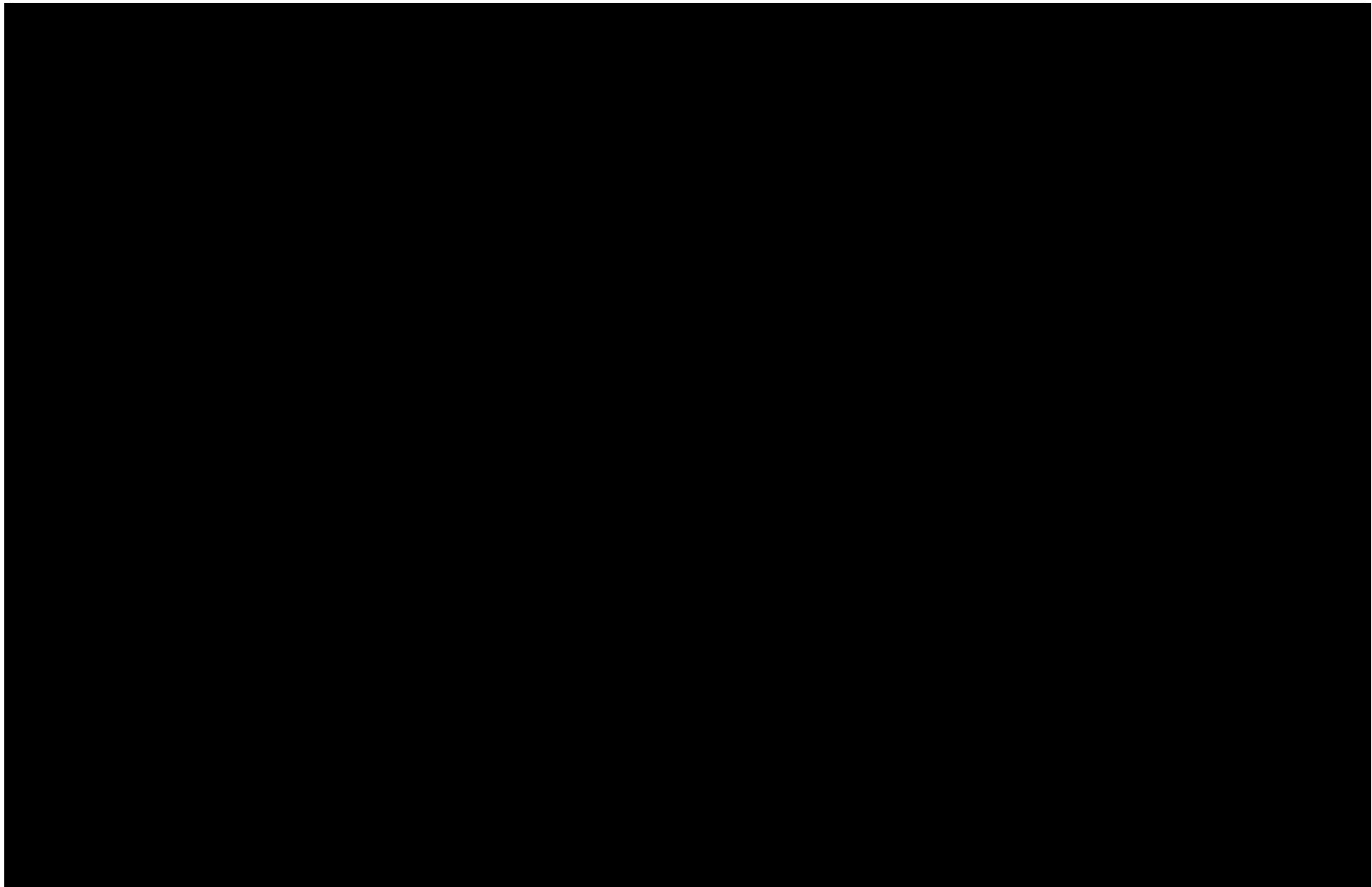
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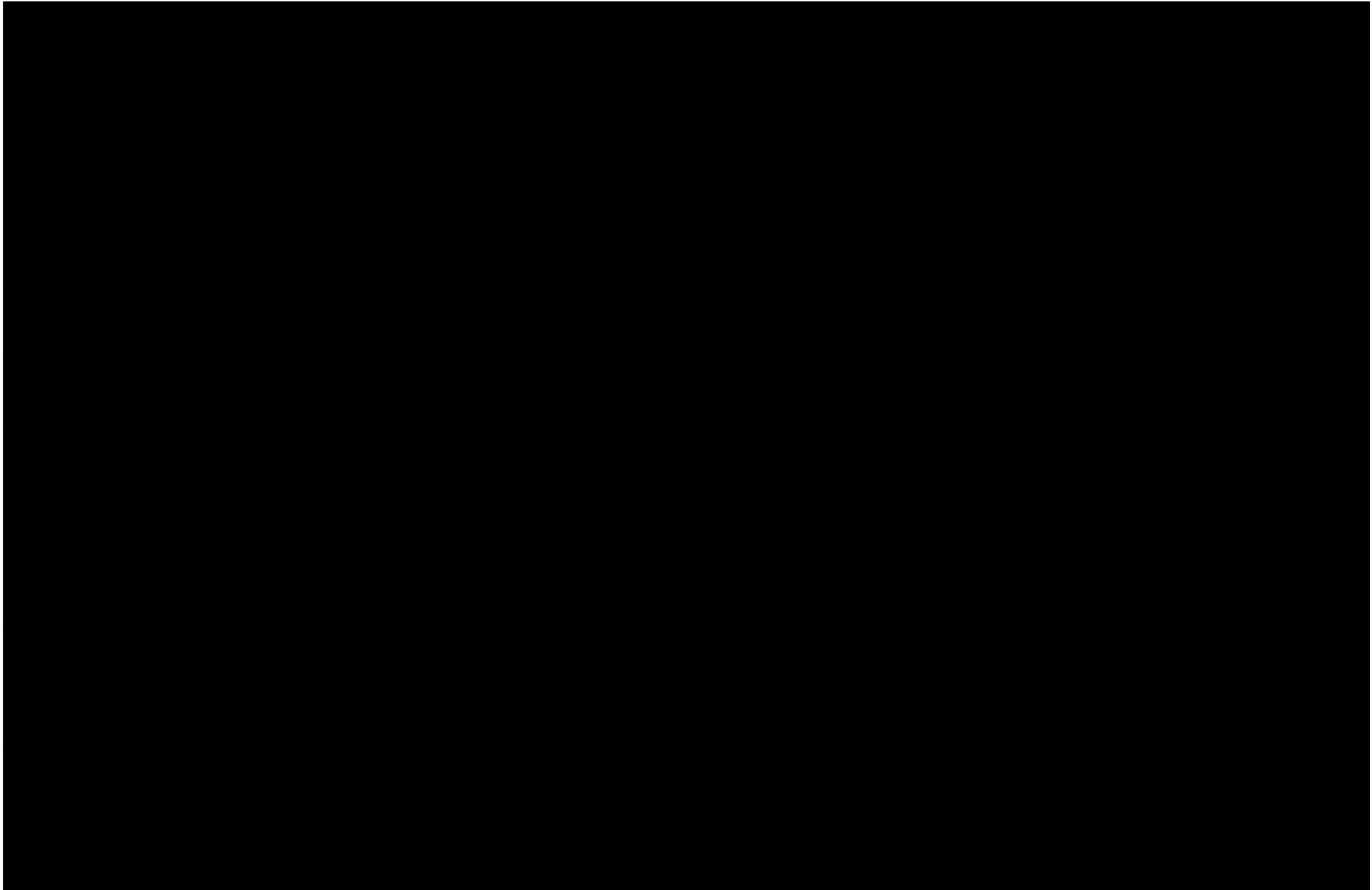
Area of Potential Effects and
Summary of Cultural Resources
April 2022

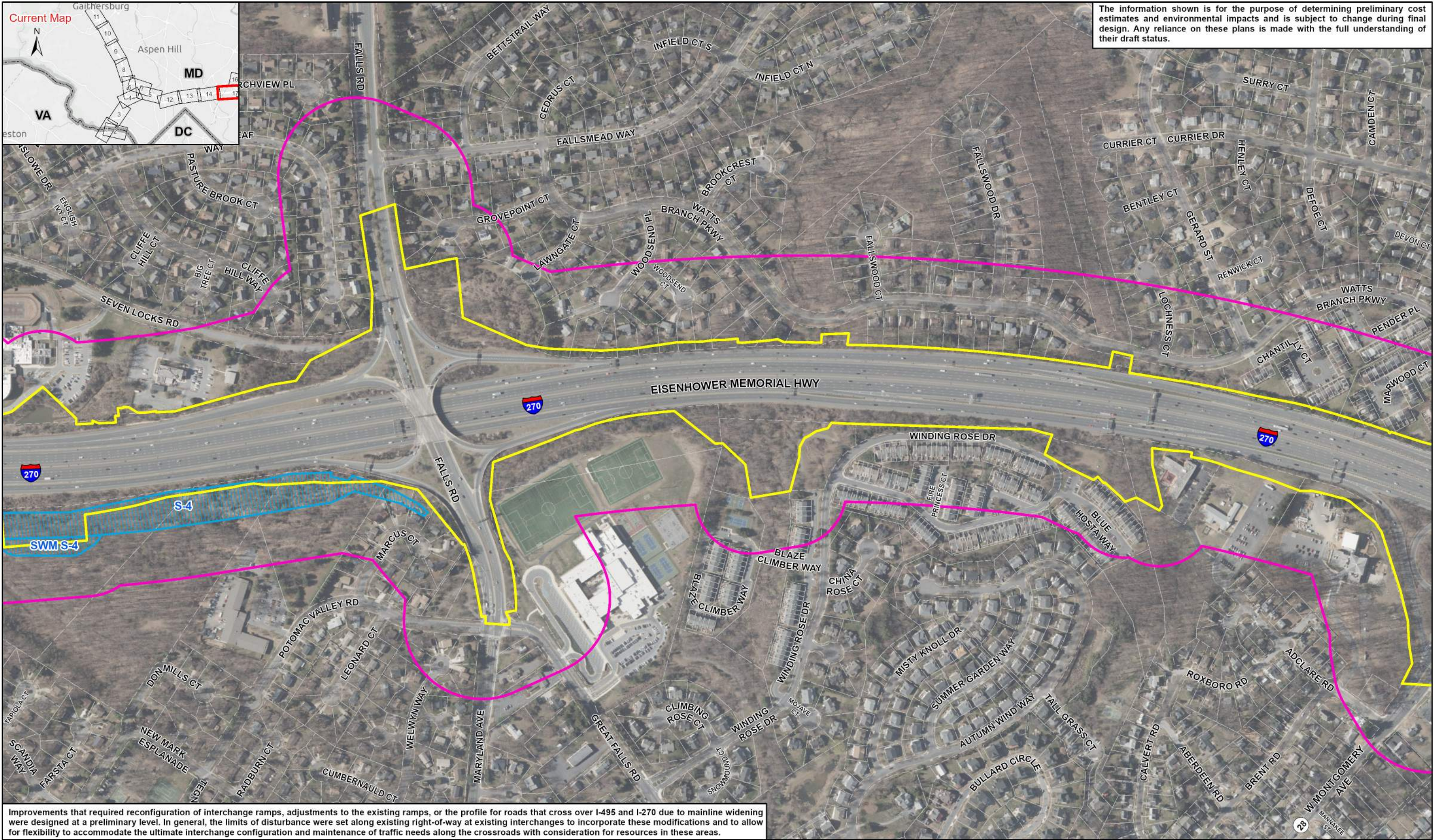
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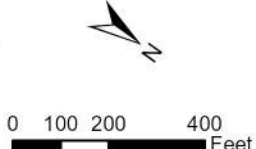




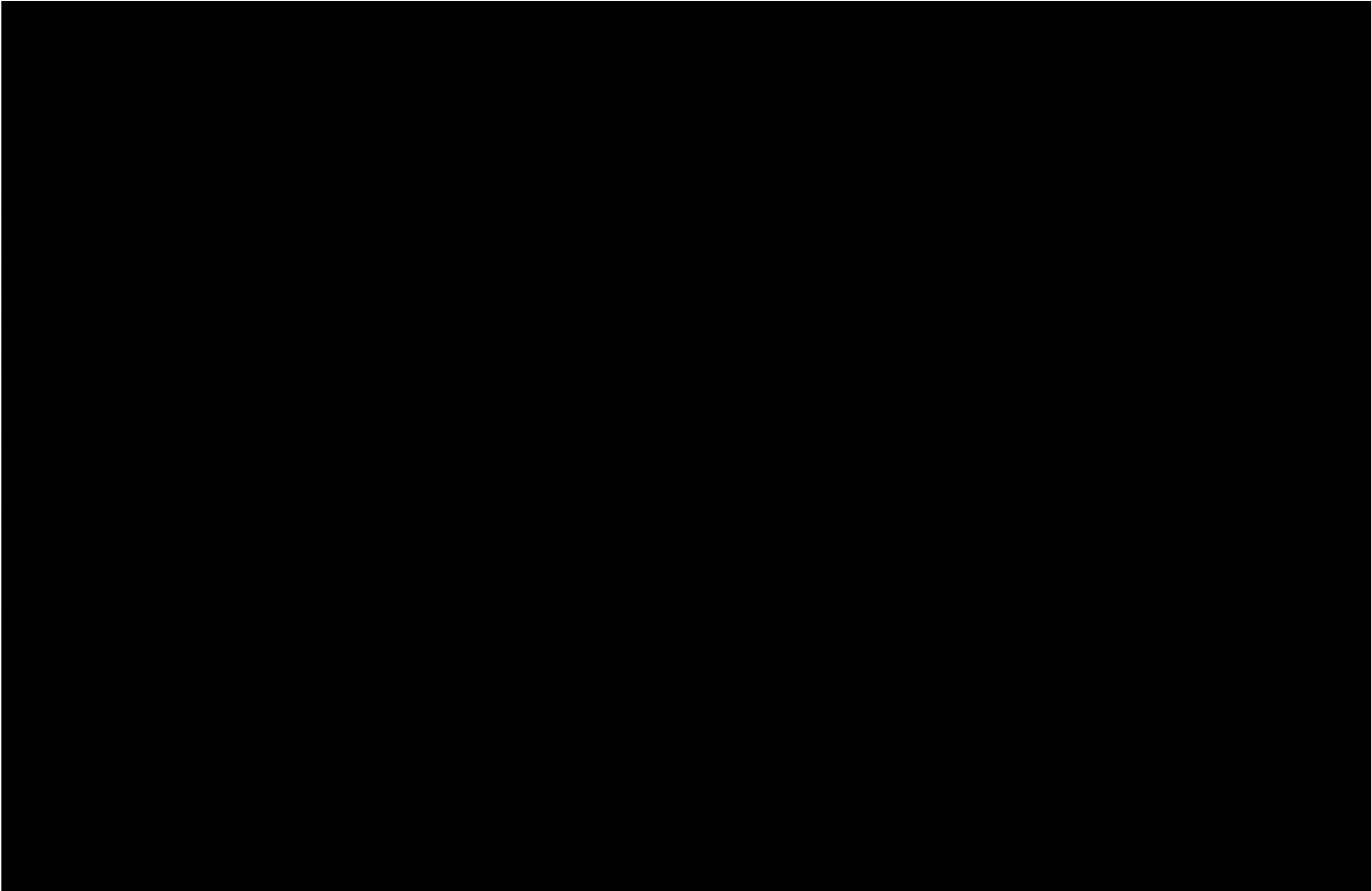


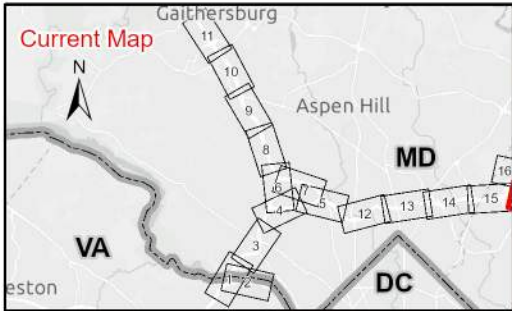
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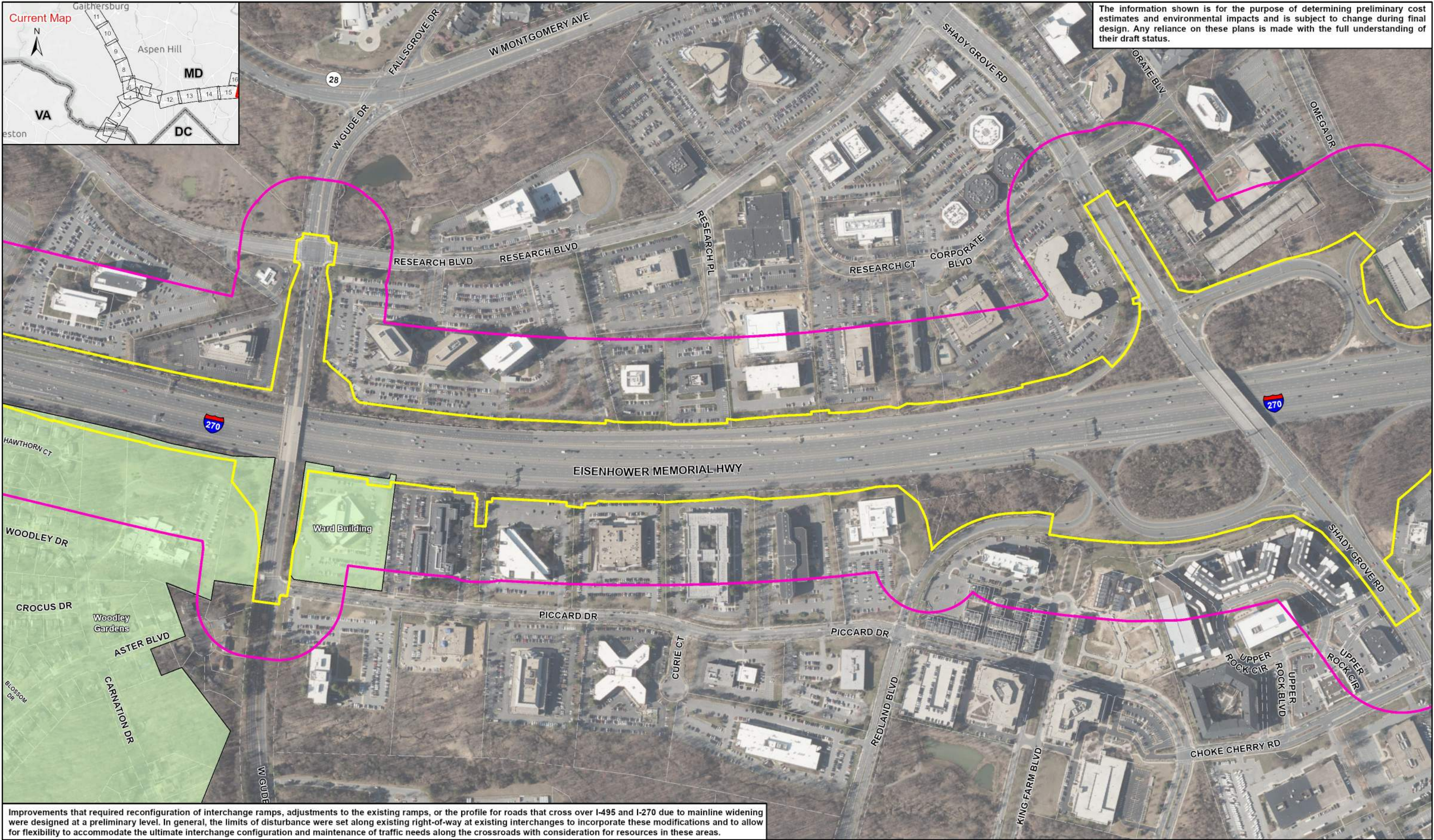


Area of Potential Effects and
Summary of Cultural Resources
April 2022





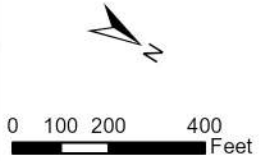
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- Area of Potential Effects (APE)
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- Parcel Boundaries

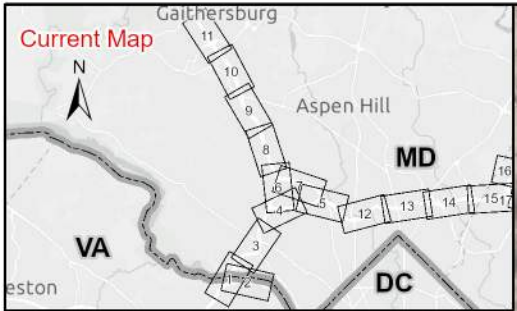
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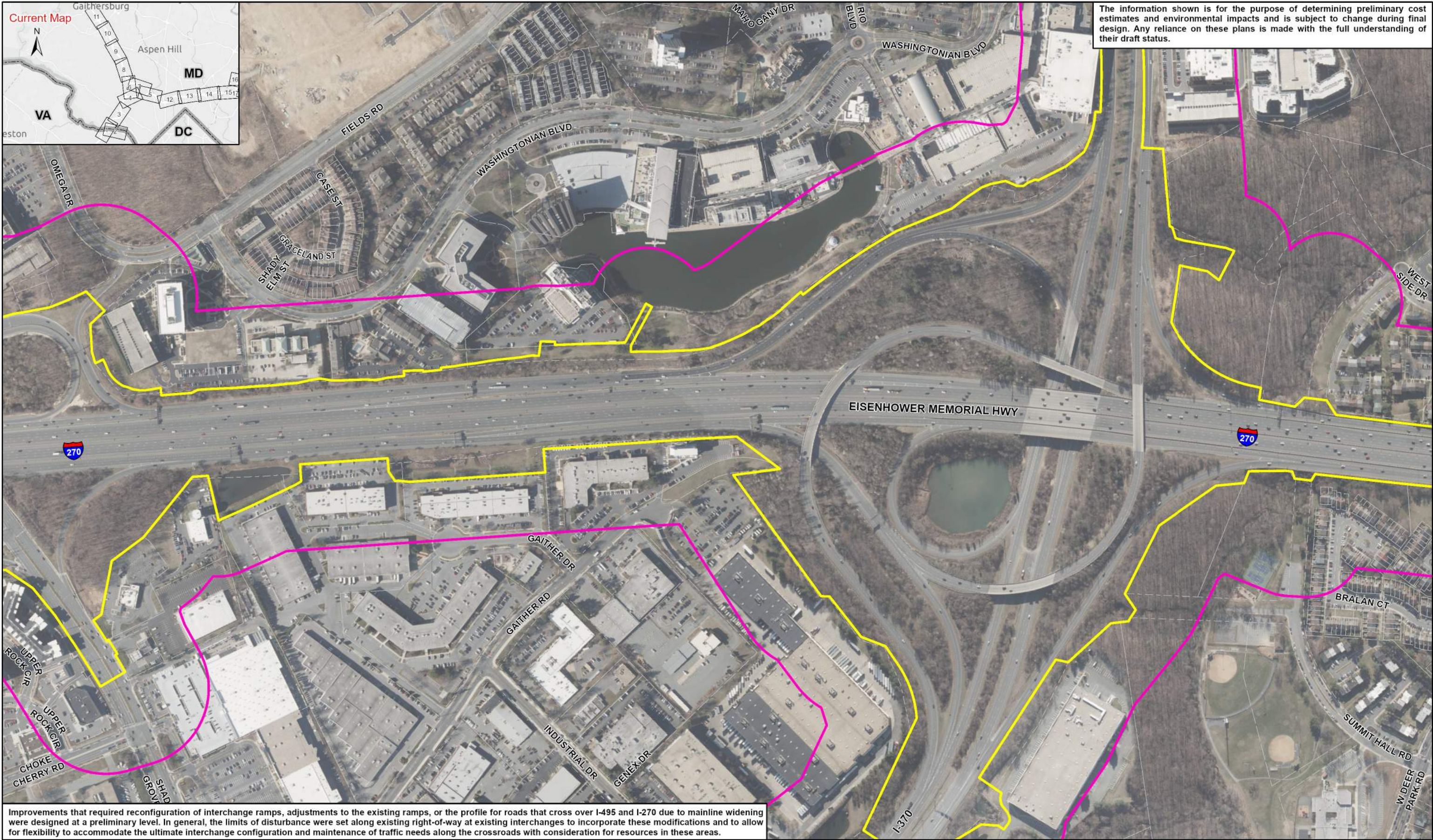
Area of Potential Effects and
Summary of Cultural Resources
April 2022

Sheet : M-17





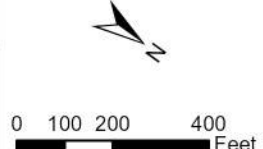
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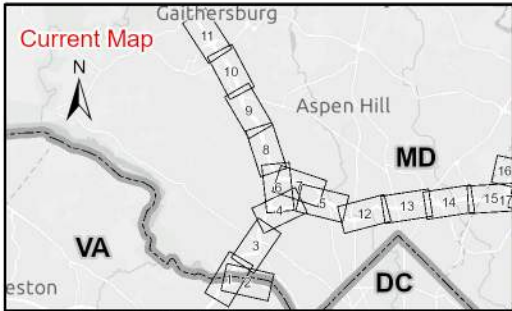
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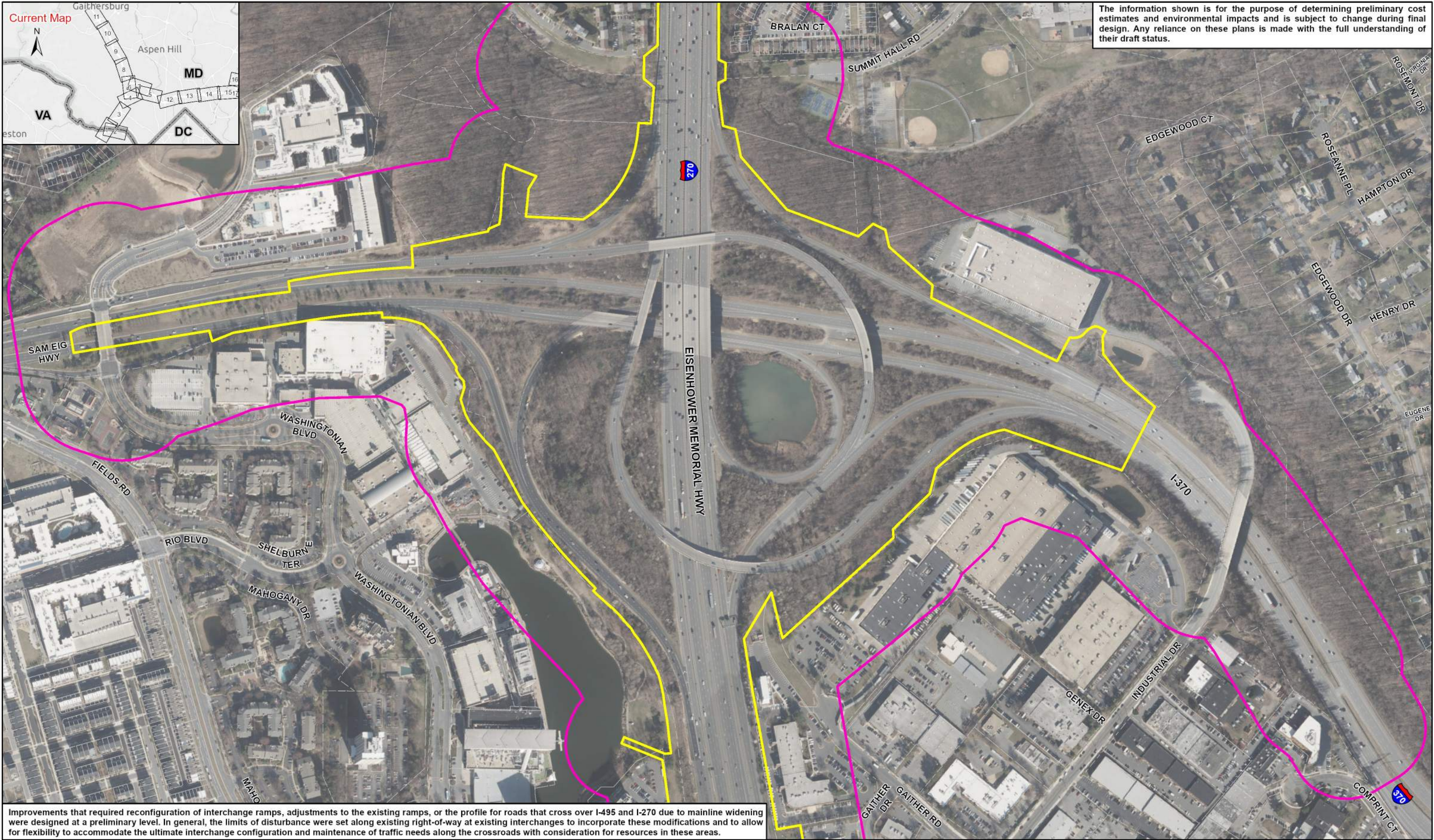
Area of Potential Effects and
Summary of Cultural Resources
April 2022

Sheet : M-18



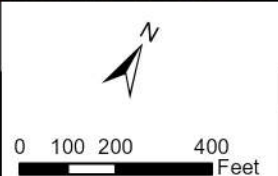


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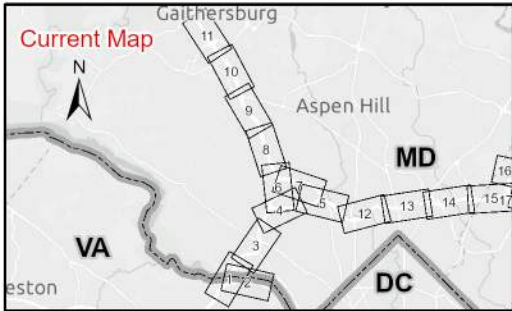
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- Area of Potential Effects (APE)
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- Archaeological Site Proposed for Further Treatment in PA
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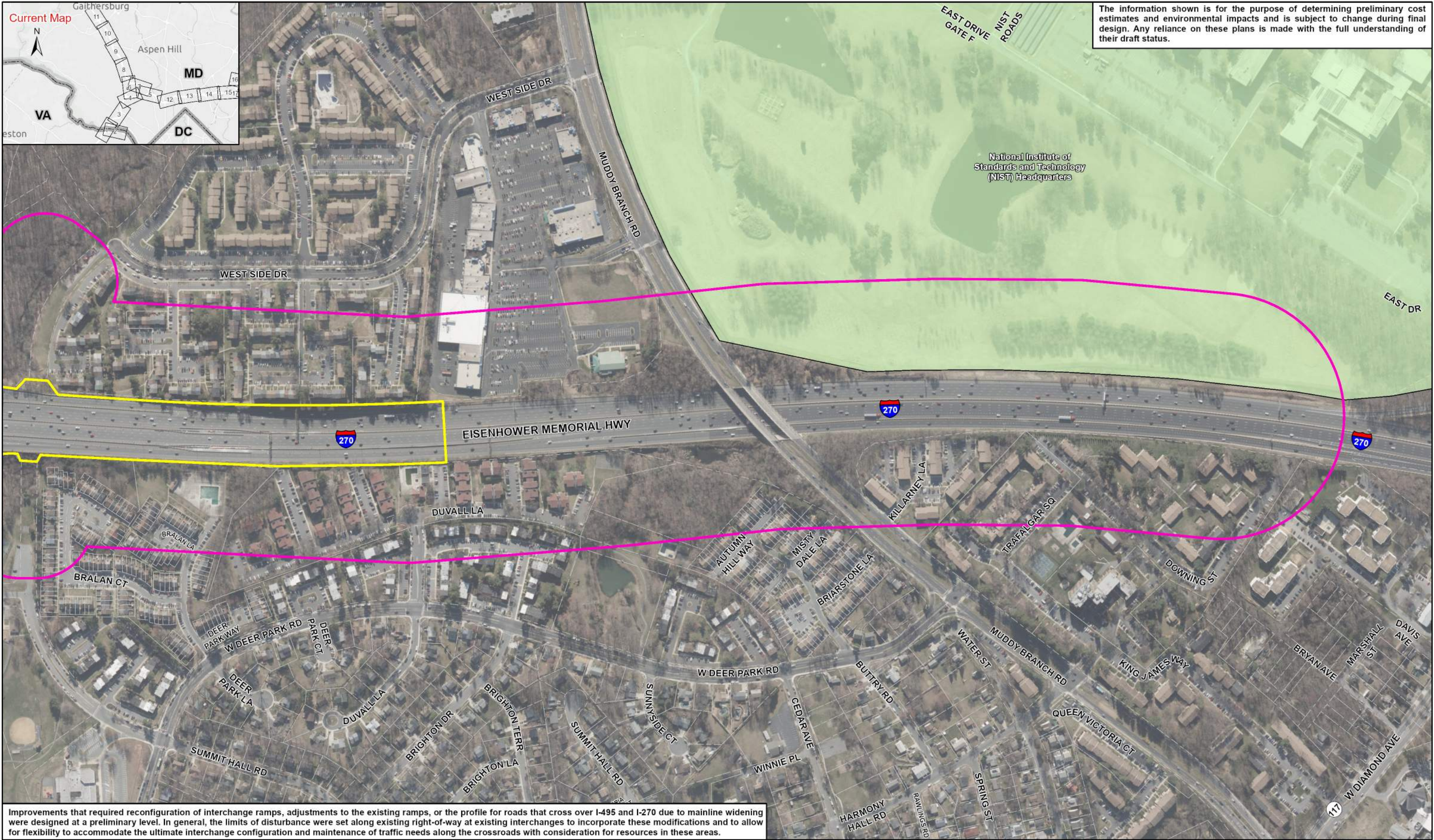


Area of Potential Effects and Summary of Cultural Resources

April 2022

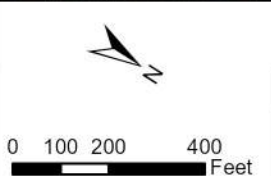


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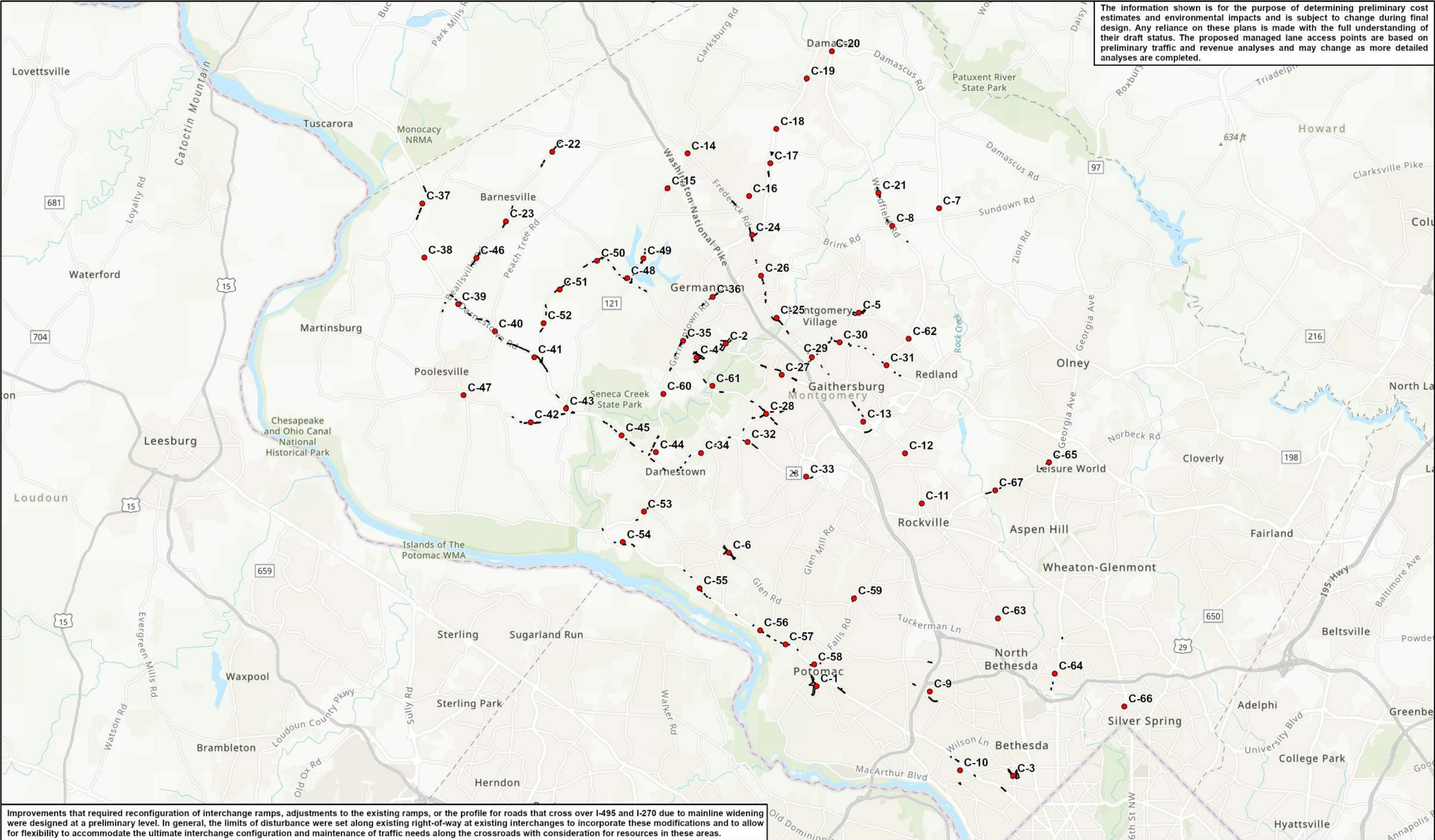
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- LOD - Preferred Alternative
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Area of Potential Effects and
Summary of Cultural Resources
April 2022

The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status. The proposed managed lane access points are based on preliminary traffic and revenue analyses and may change as more detailed analyses are completed.



Improvements that required reconfiguration of interchange ramps, adjustments to the existing ramps, or the profile for roads that cross over I-495 and I-270 due to mainline widening were designed at a preliminary level. In general, the limits of disturbance were set along existing right-of-way at existing interchanges to incorporate these modifications and to allow for flexibility to accommodate the ultimate interchange configuration and maintenance of traffic needs along the crossroads with consideration for resources in these areas.

Sheet Number

Compensatory SWM LOD

NOTE: Only MIHP Properties within APE are displayed.

Key Map

N

0 7,000 14,000 Feet

Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022

495 270

MANAGED LANES STUDY

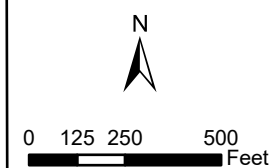


- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-1



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



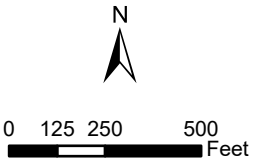


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
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NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-2



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



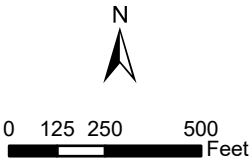


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-3



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



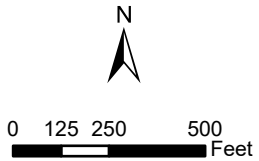


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

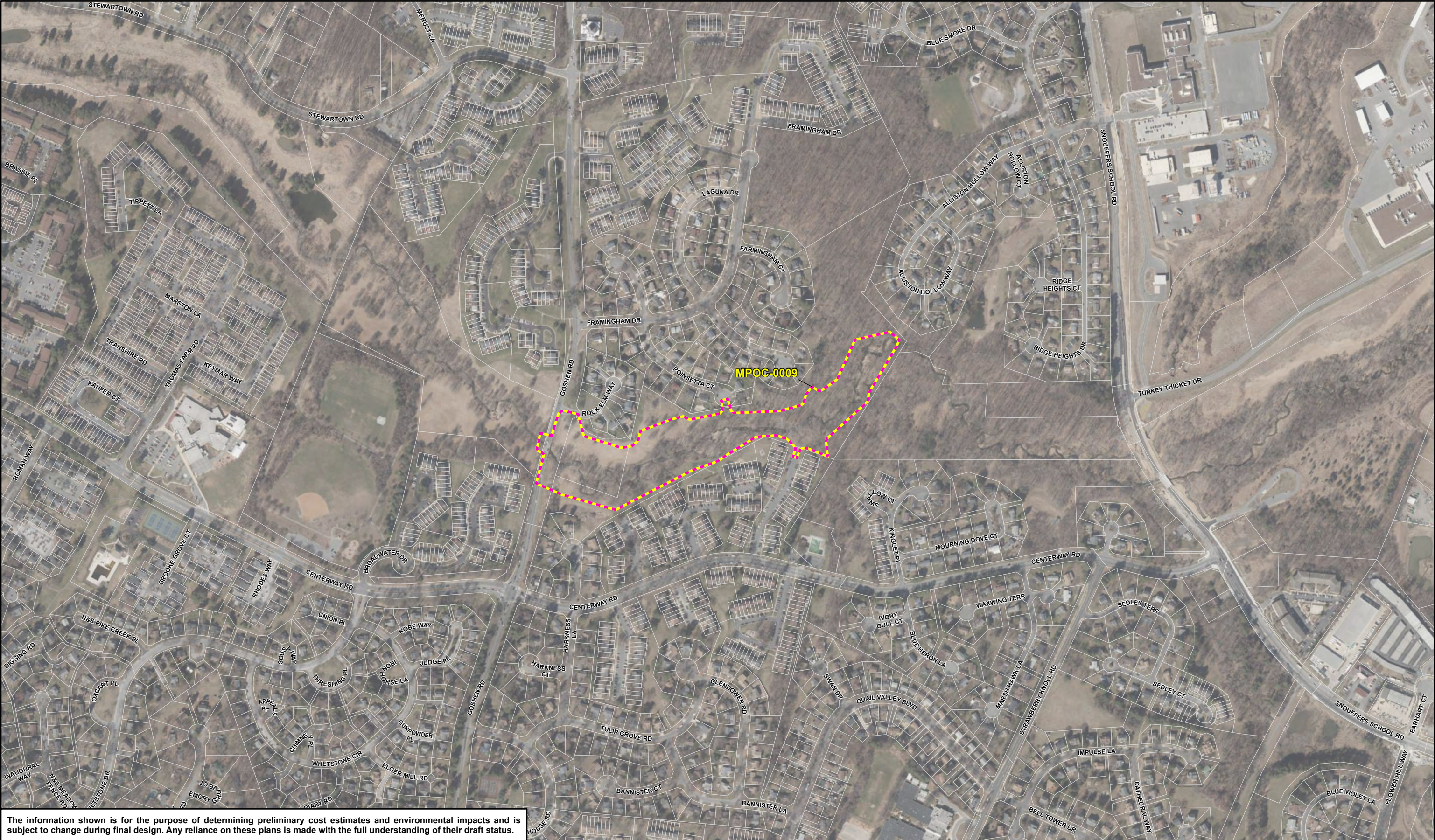
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Sheet : C-4



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



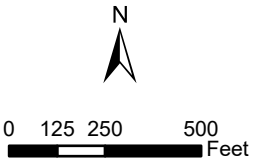


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-5






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





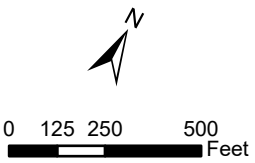
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-6



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





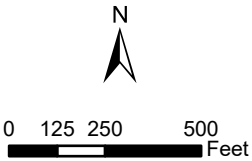
The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status.

- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

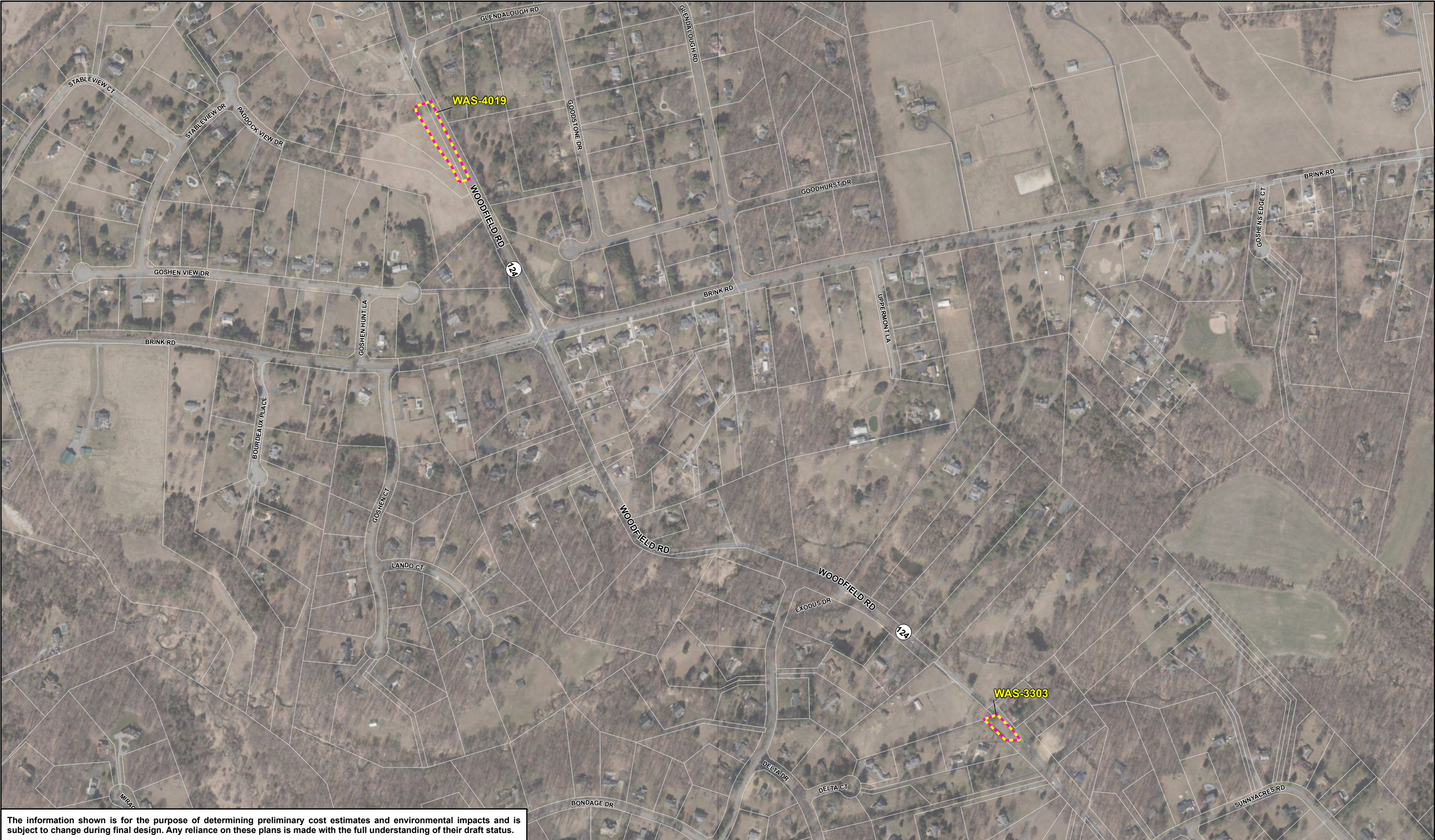
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-7



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





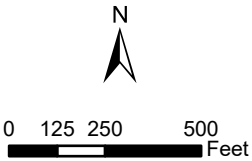
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-8



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



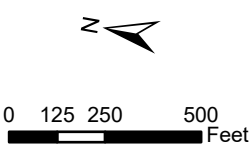


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

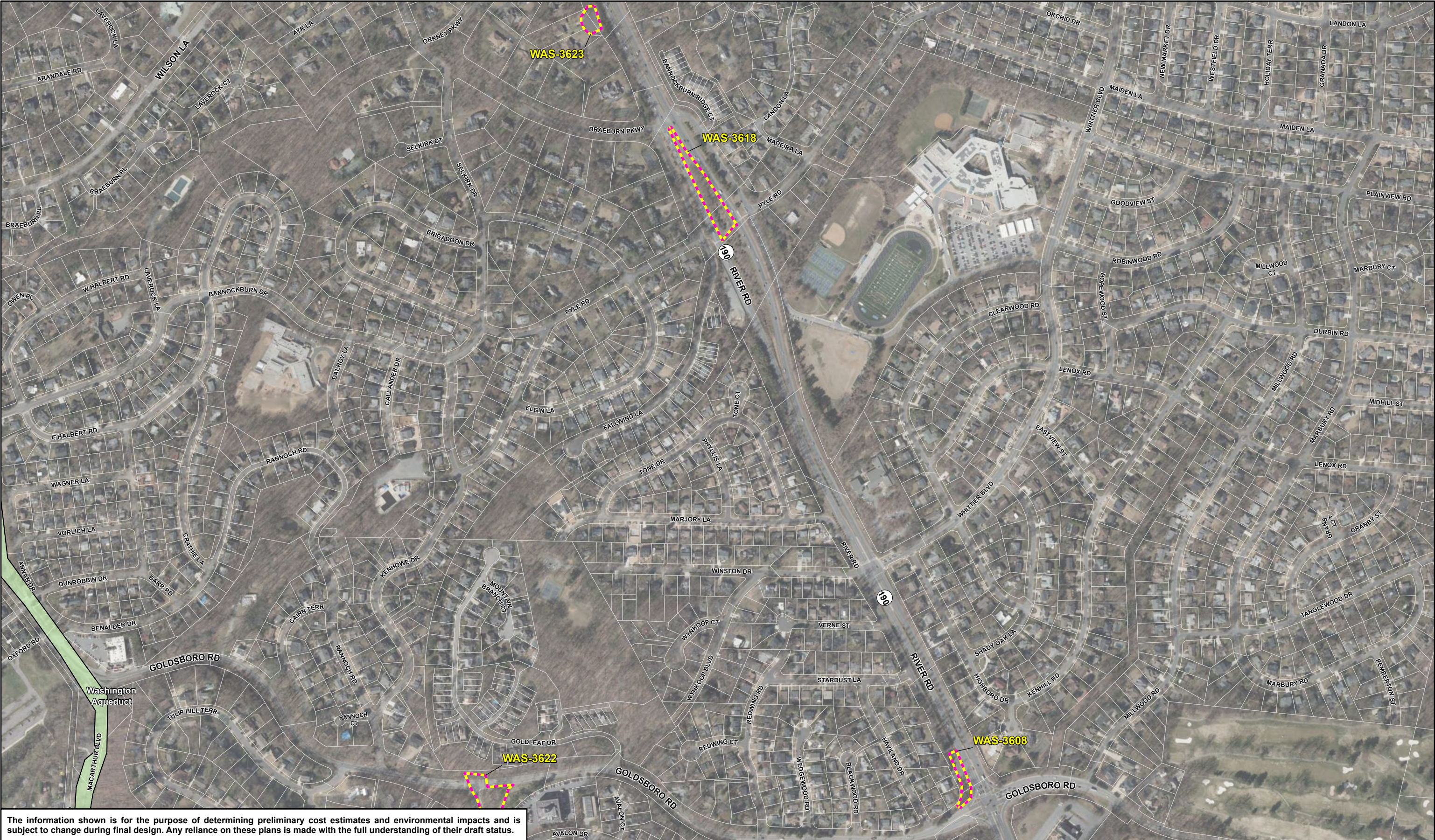
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Sheet : C-9



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



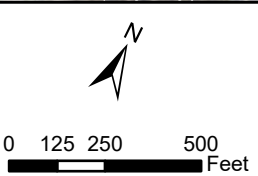


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- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

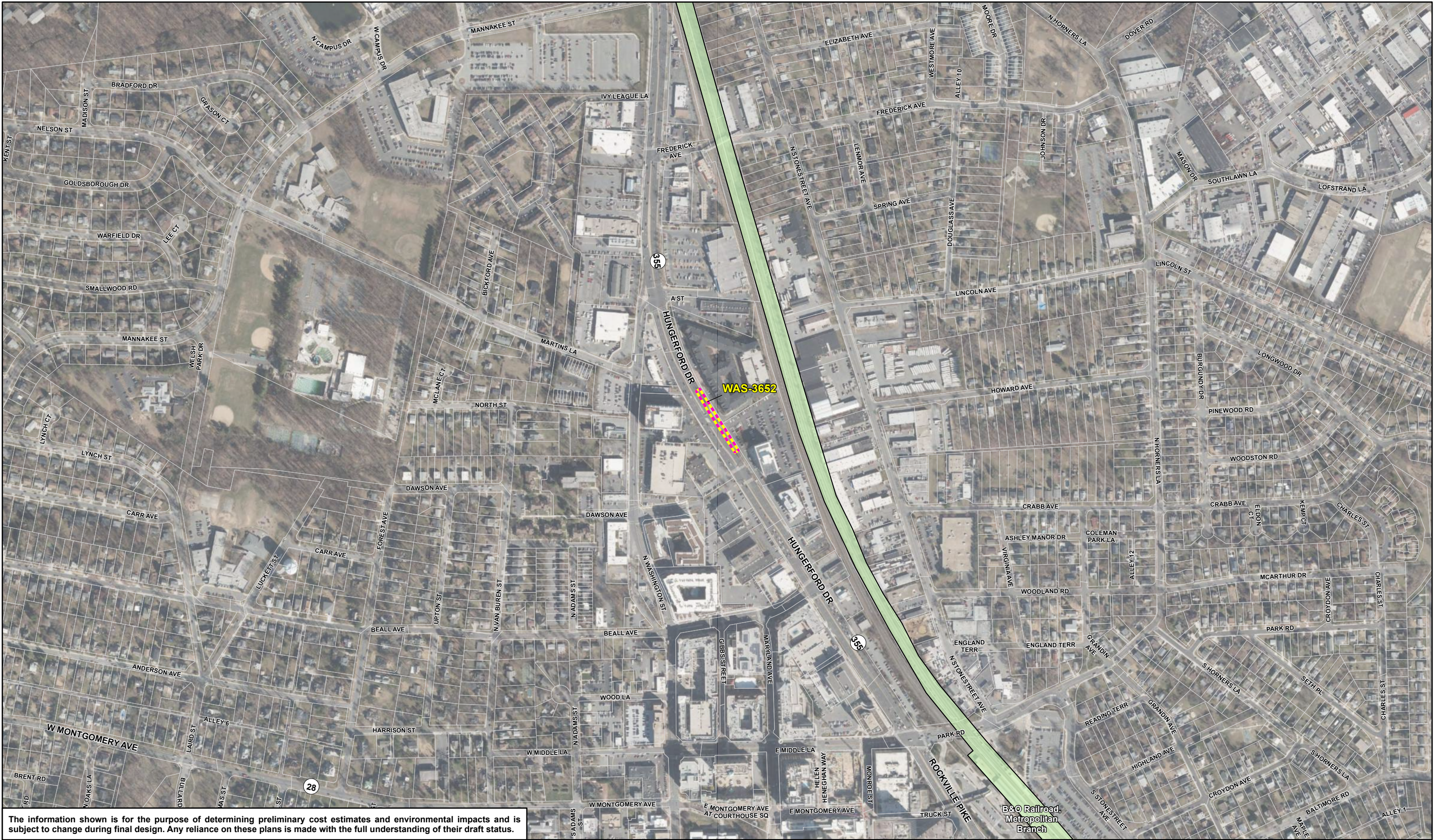
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Sheet : C-10



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



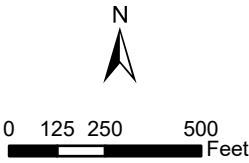


- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

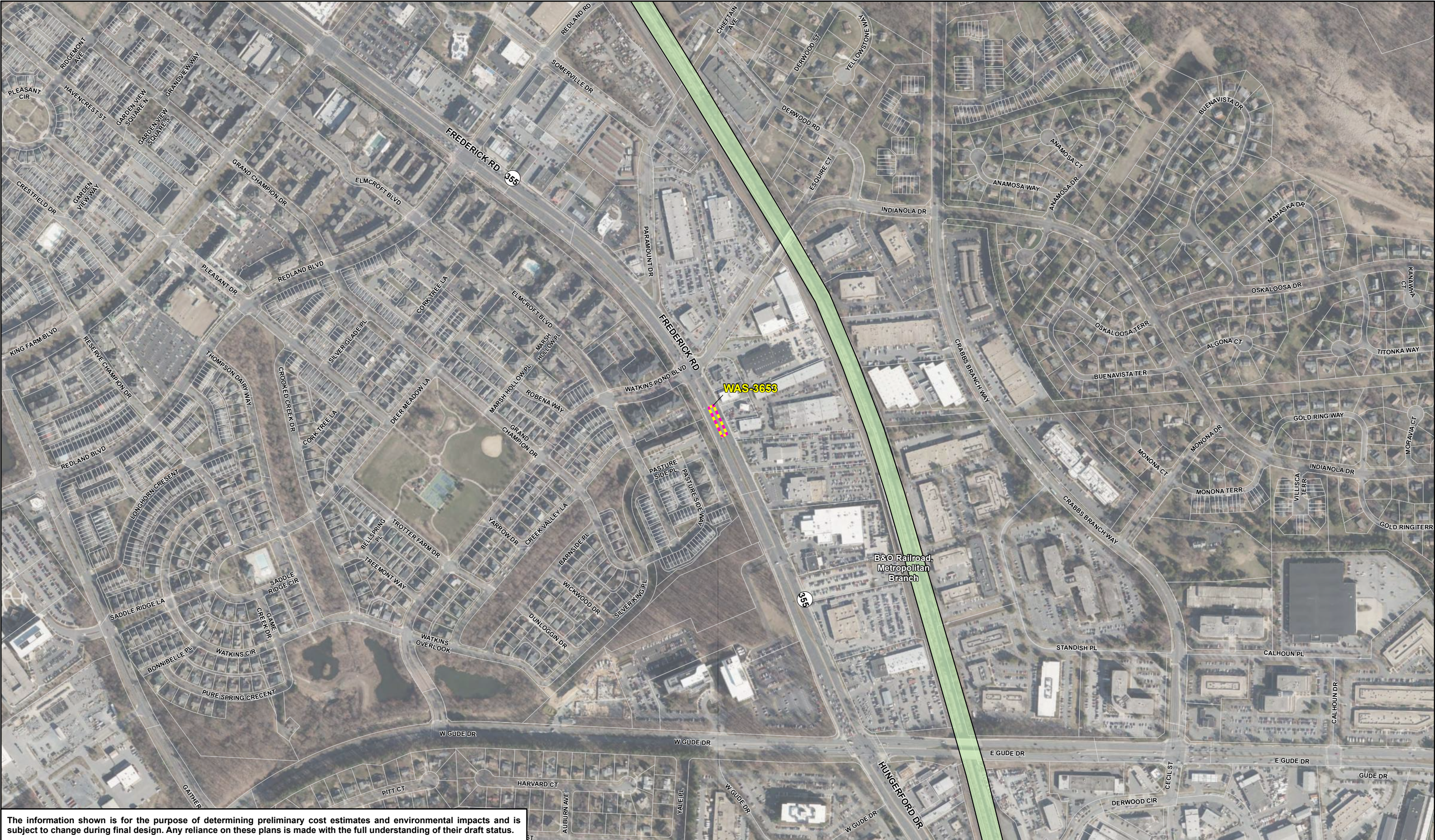
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Sheet : C-11



Area of Potential Effects and Summary of Cultural Resources
Compensatory SWM
February 2022





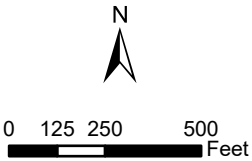
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- Area of Potential Effects (APE)
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- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-12



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



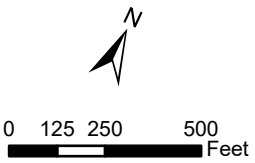


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- NRHP Eligible / Listed
- Parcel Boundaries

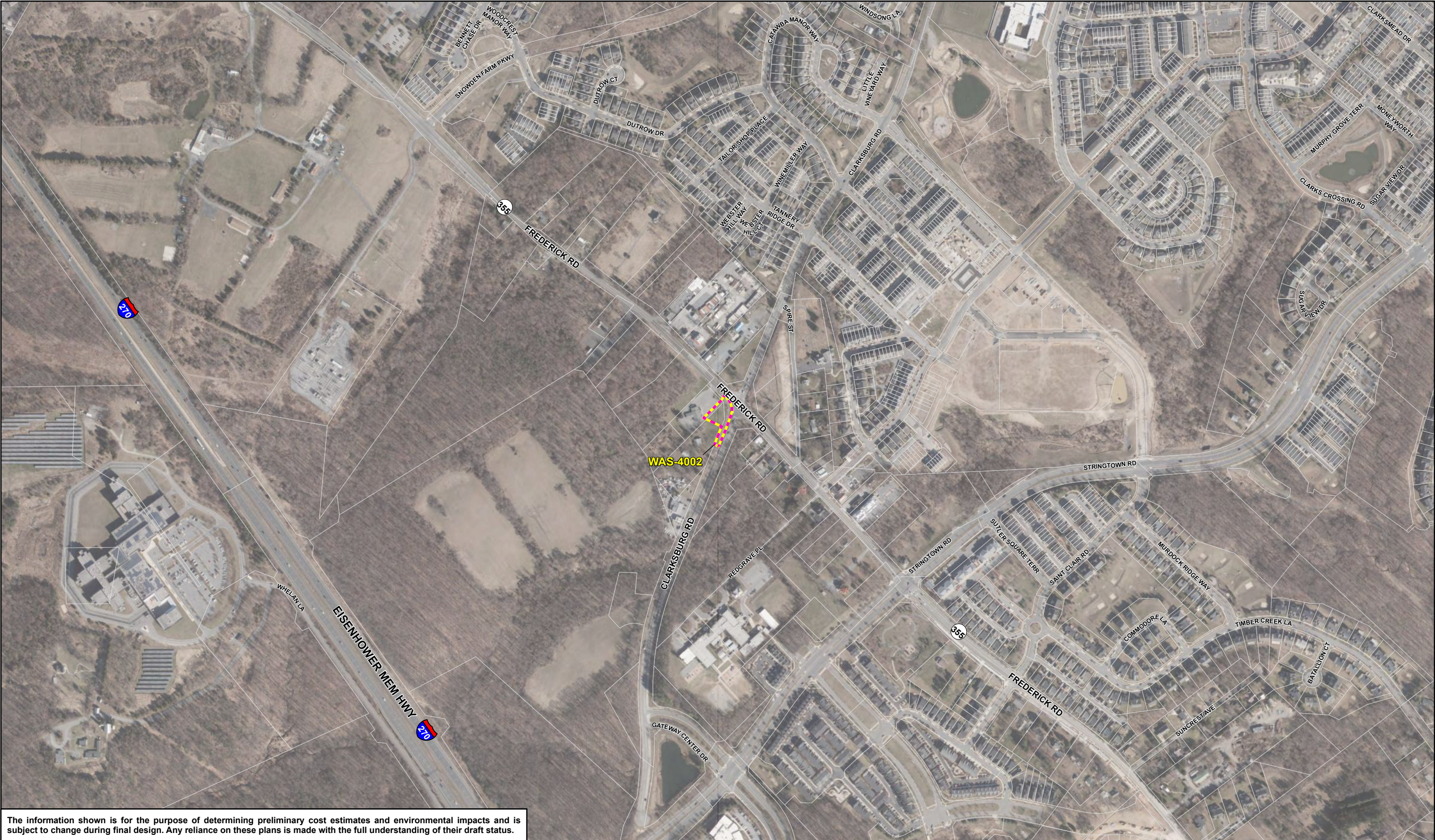
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Sheet : C-13






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





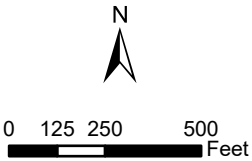
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

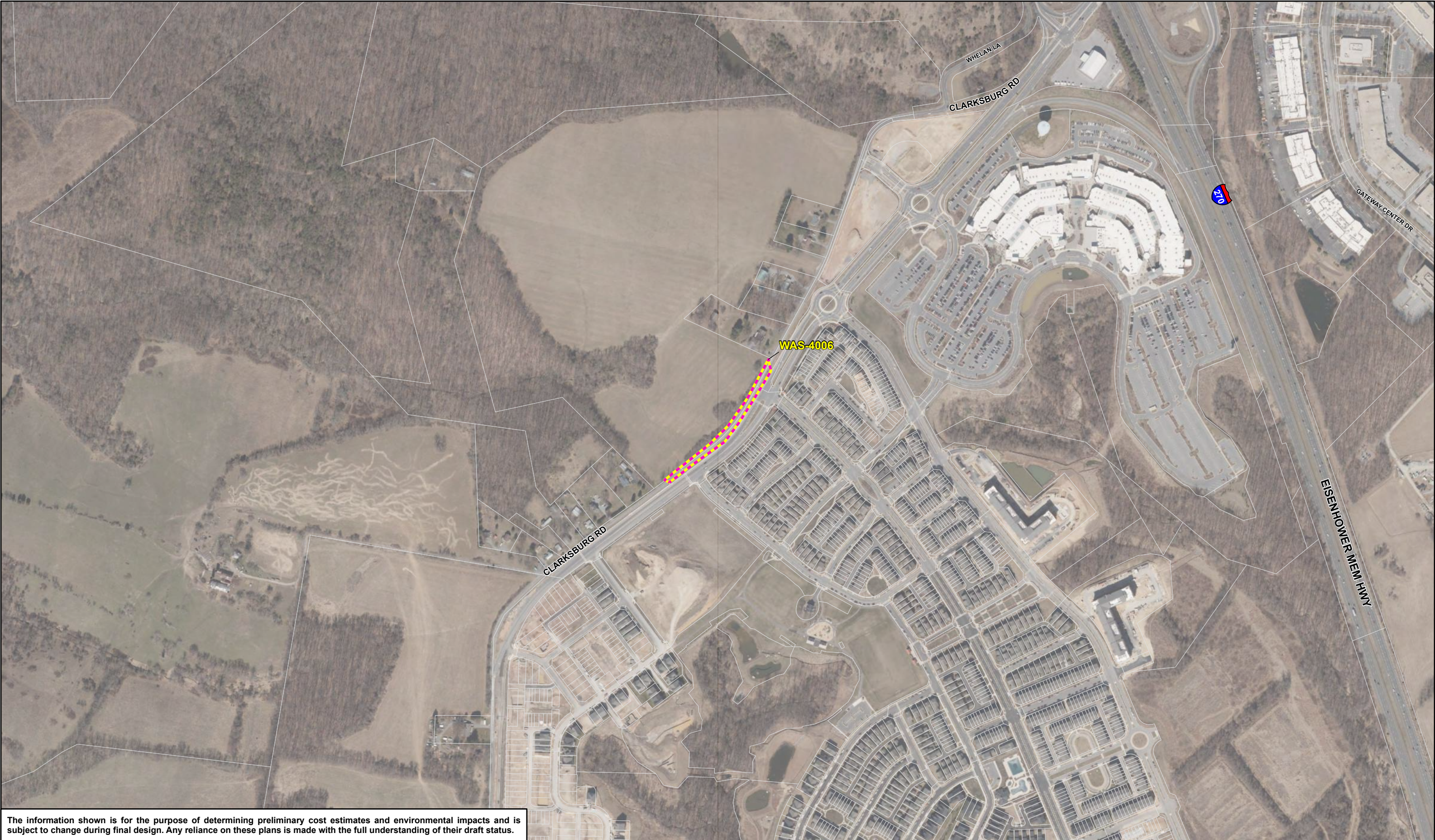
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Sheet : C-14



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





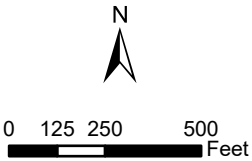
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- Area of Potential Effects (APE)
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- Parcel Boundaries

NRHP Eligible / Listed

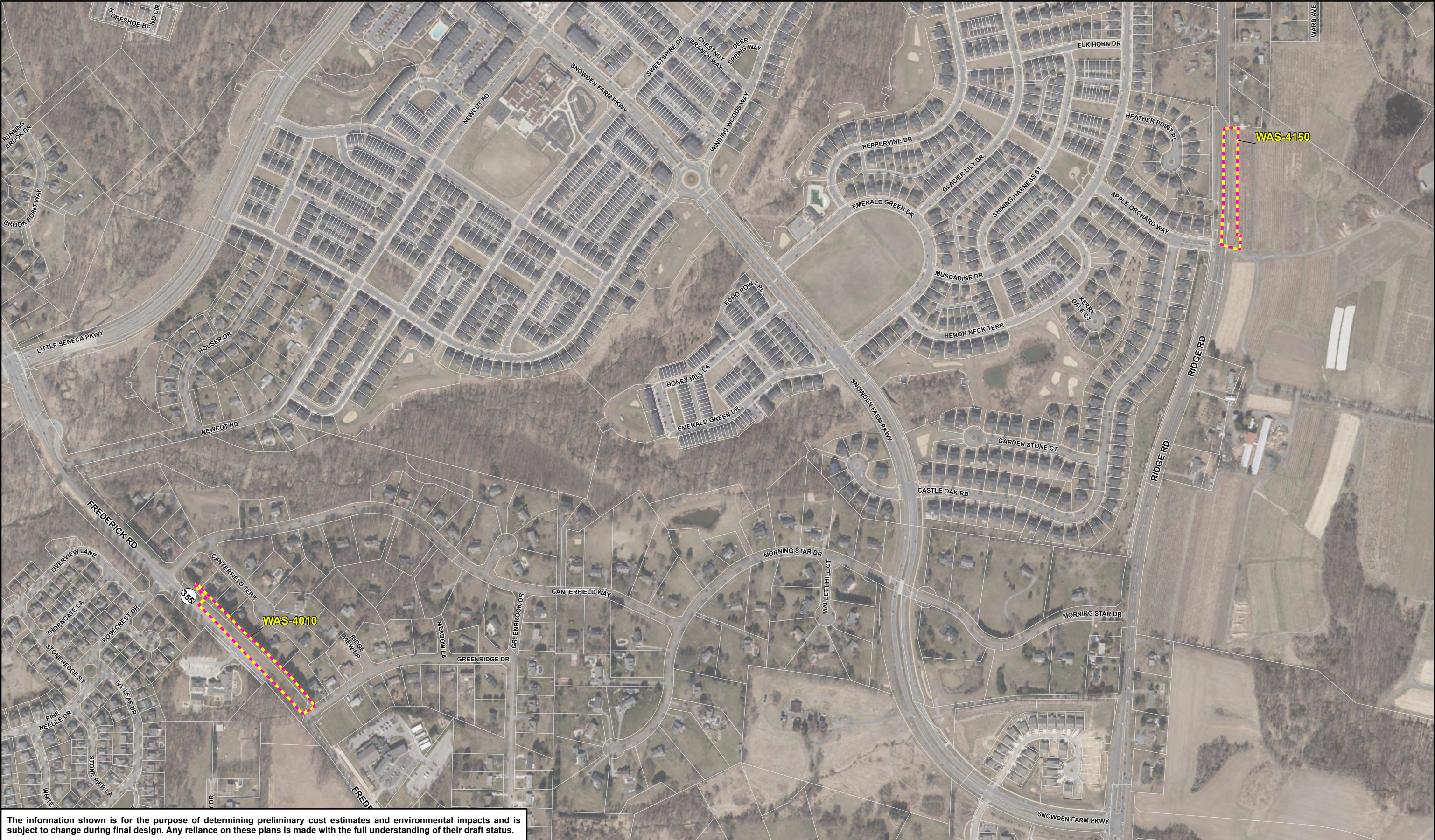
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-15



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



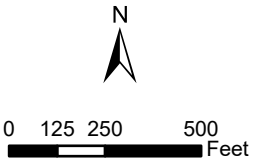


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- Parcel Boundaries
- NRHP Eligible / Listed

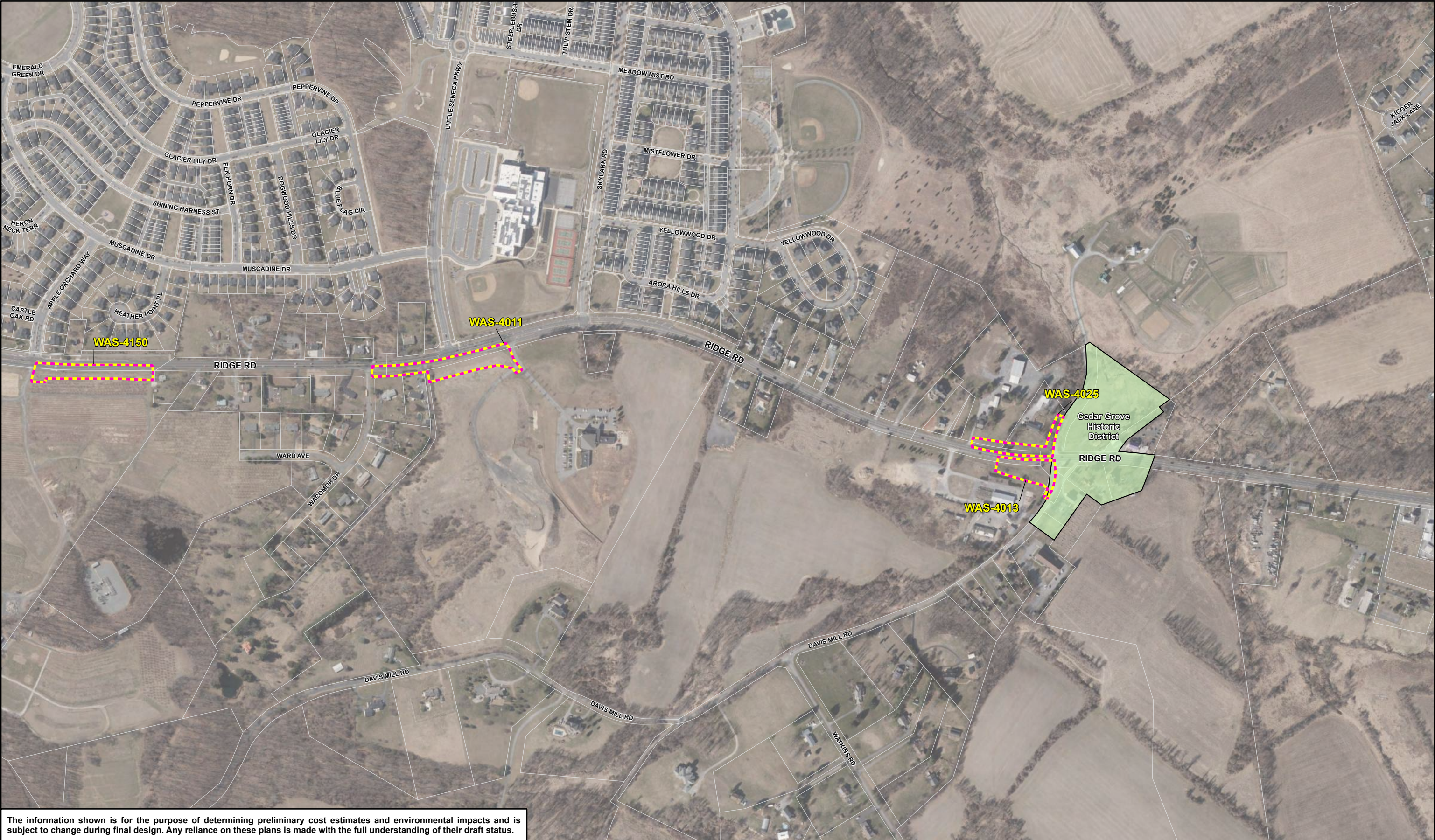
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-16



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





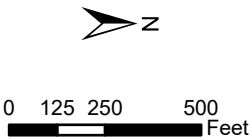
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-17



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



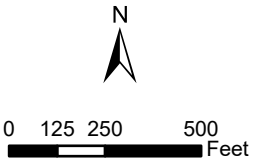


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

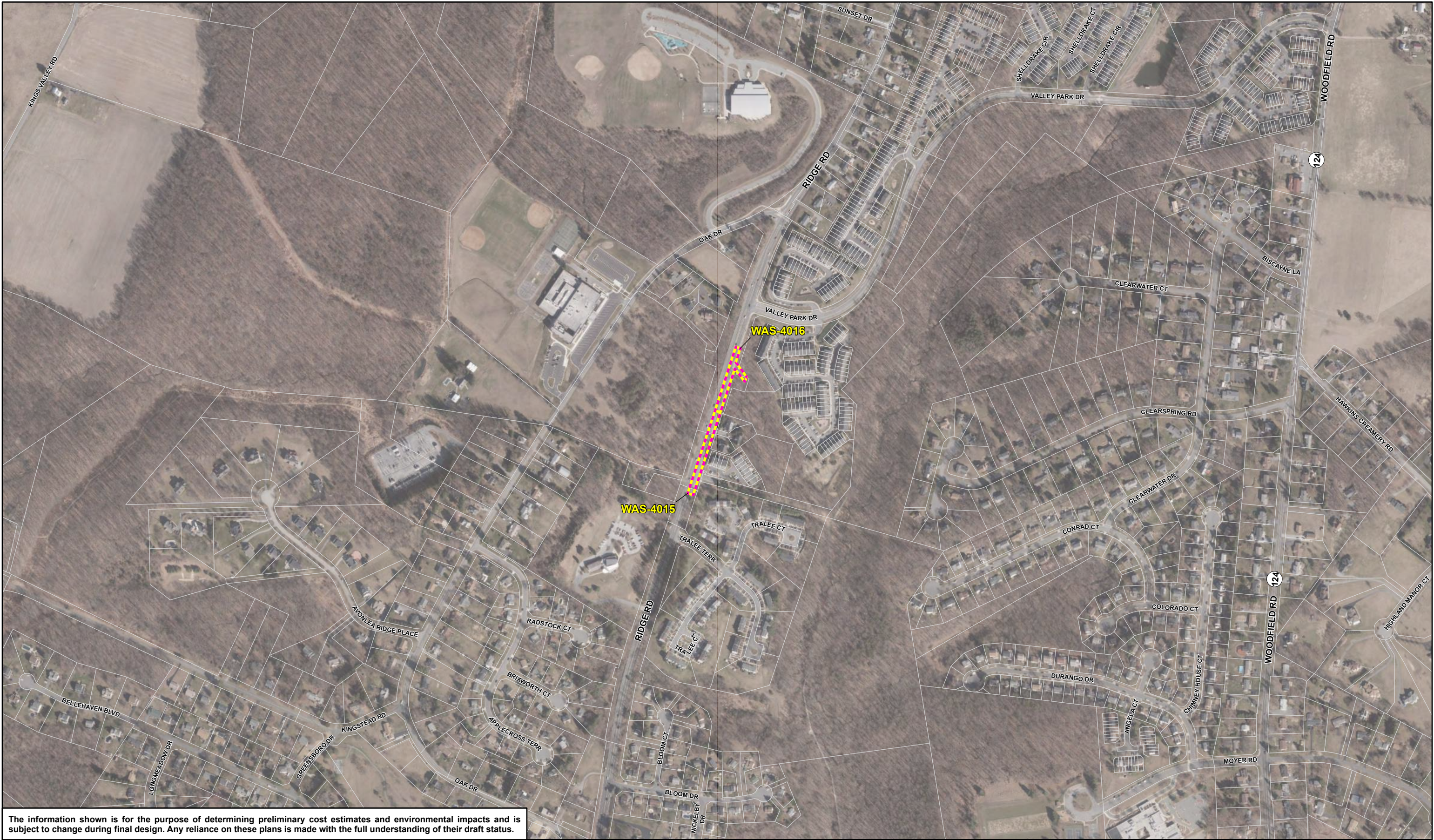
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Sheet : C-18



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





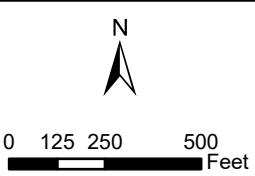
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

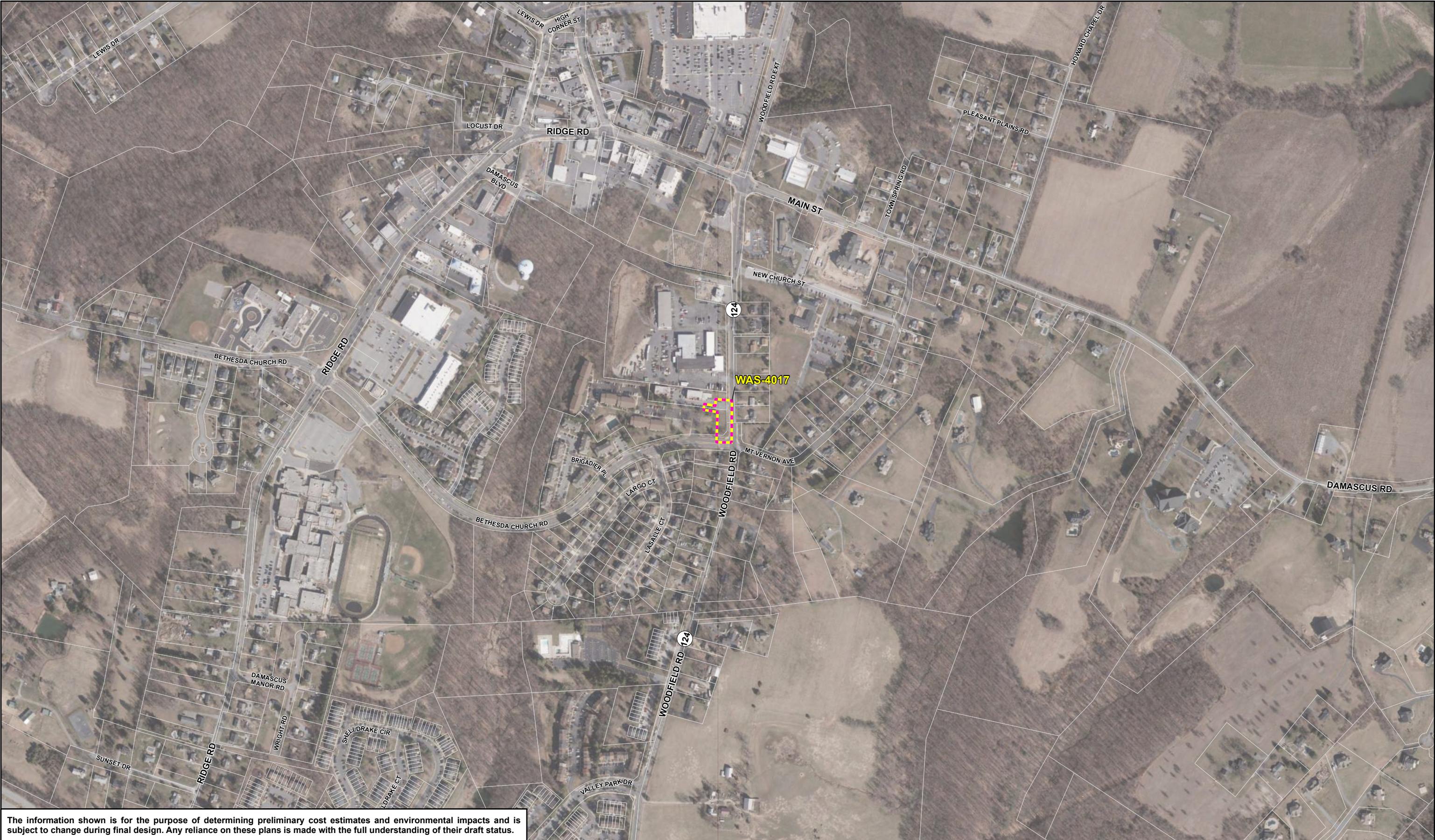
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-19



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





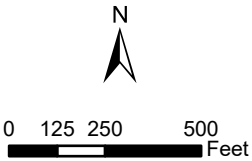
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-20



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





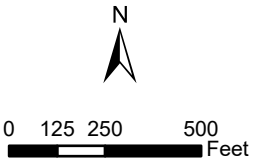
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

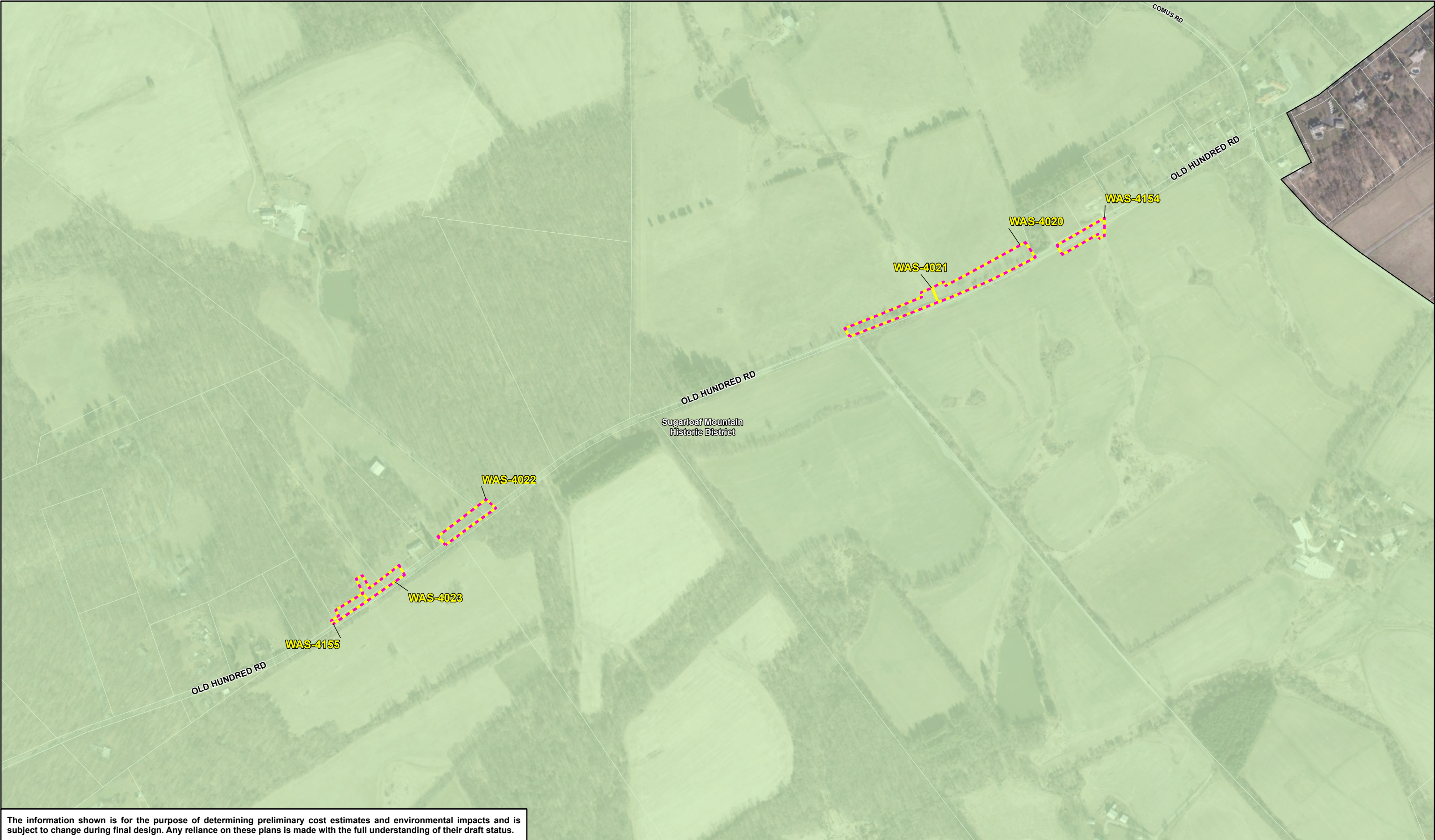
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-21



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





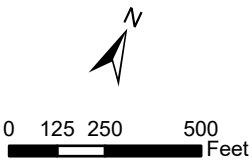
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

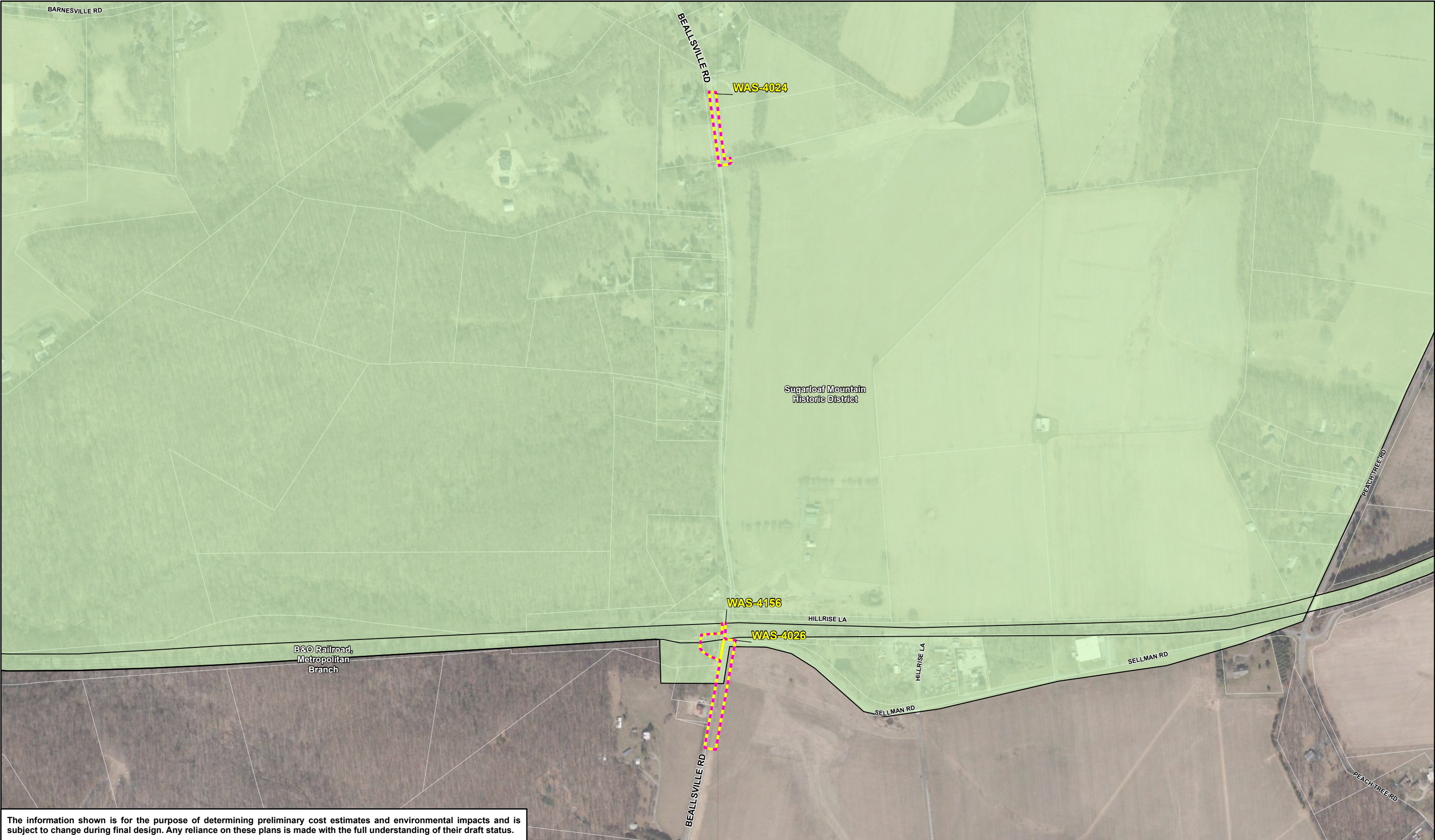
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Sheet : C-22



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





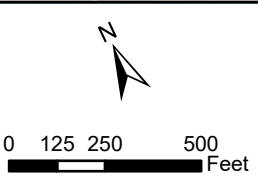
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

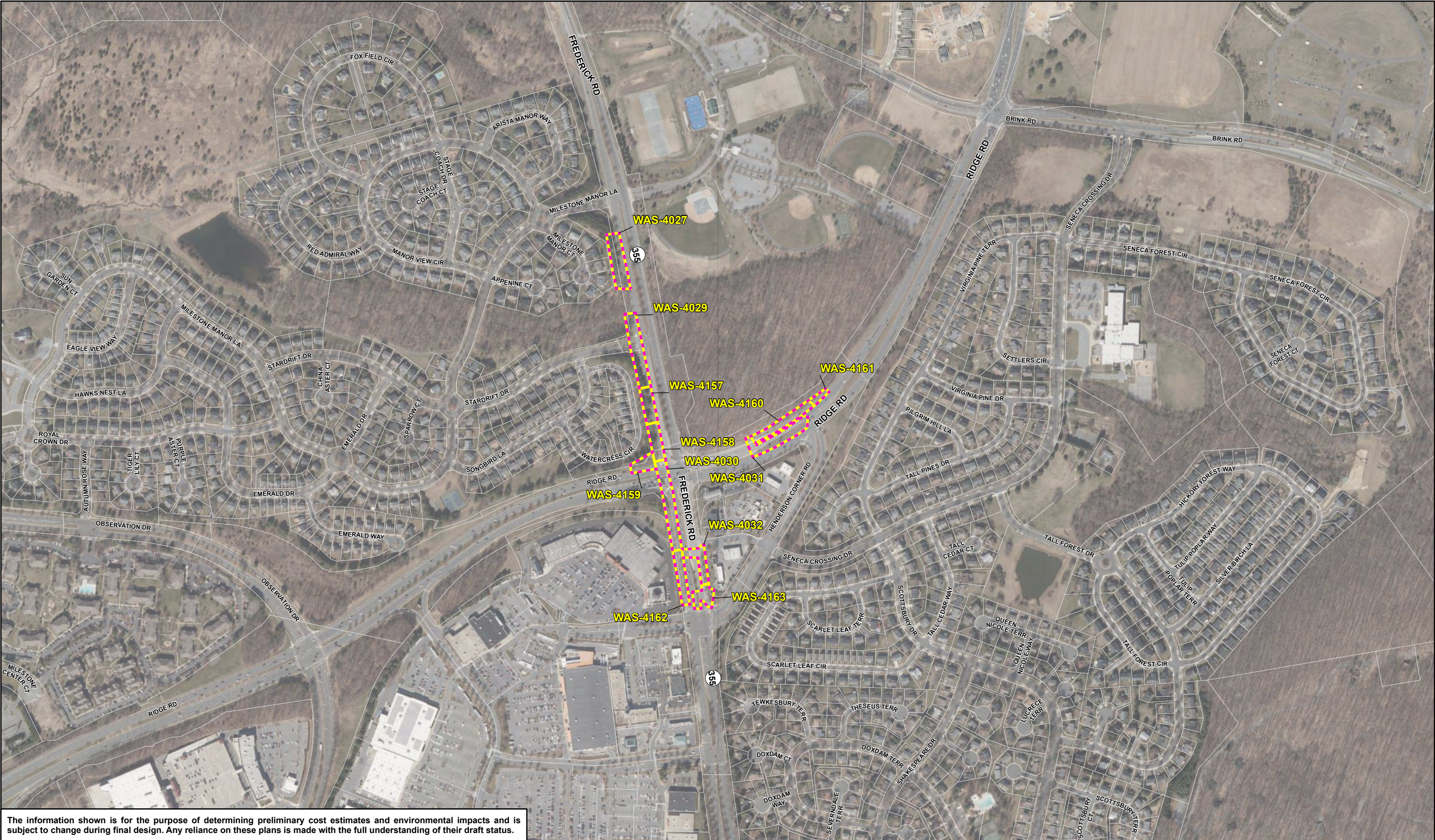
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Sheet : C-23



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





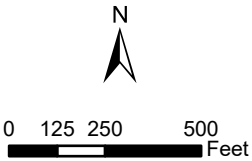
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

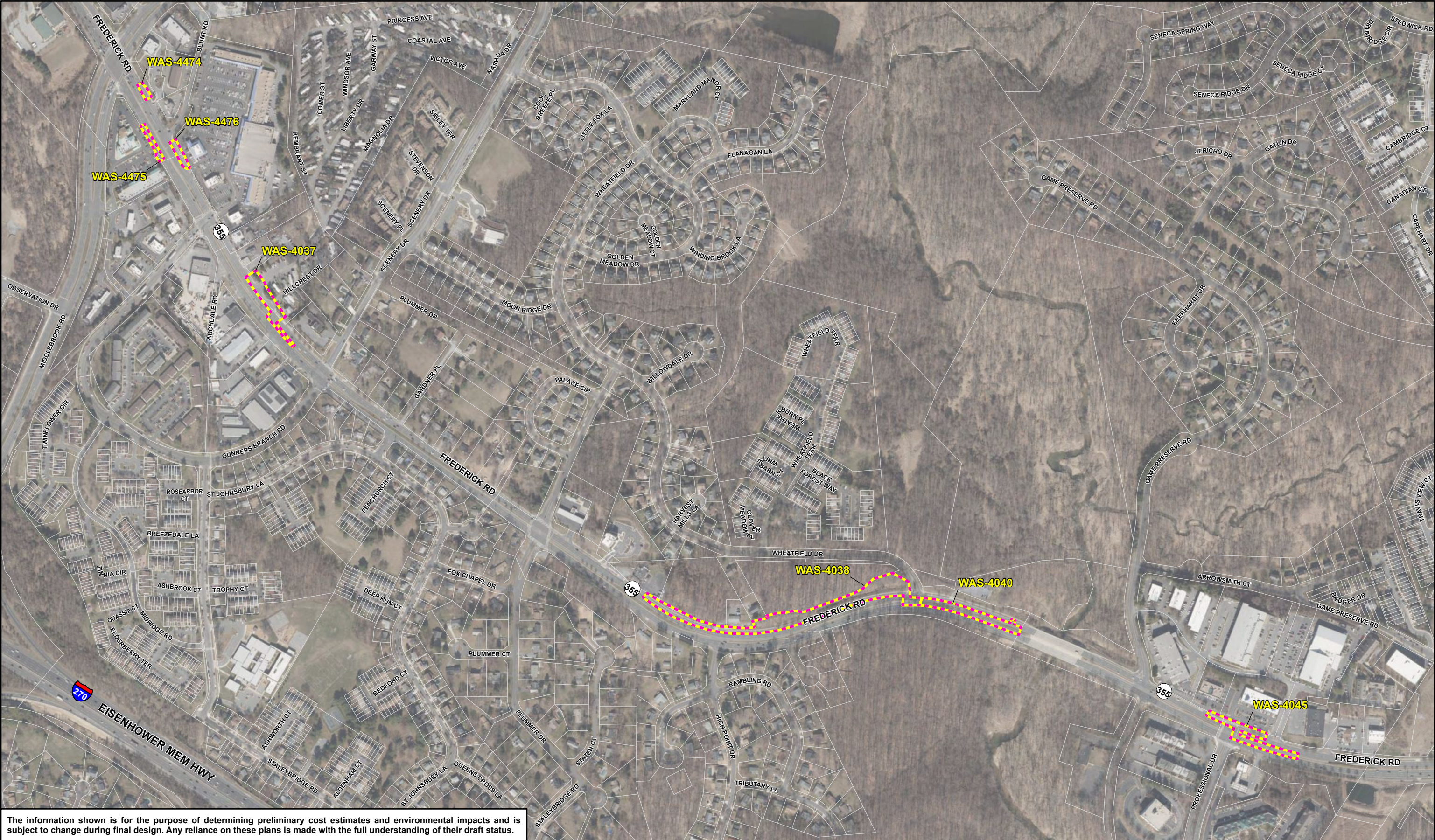
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Sheet : C-24



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





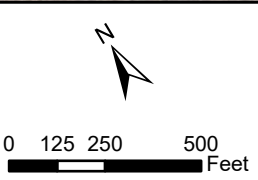
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

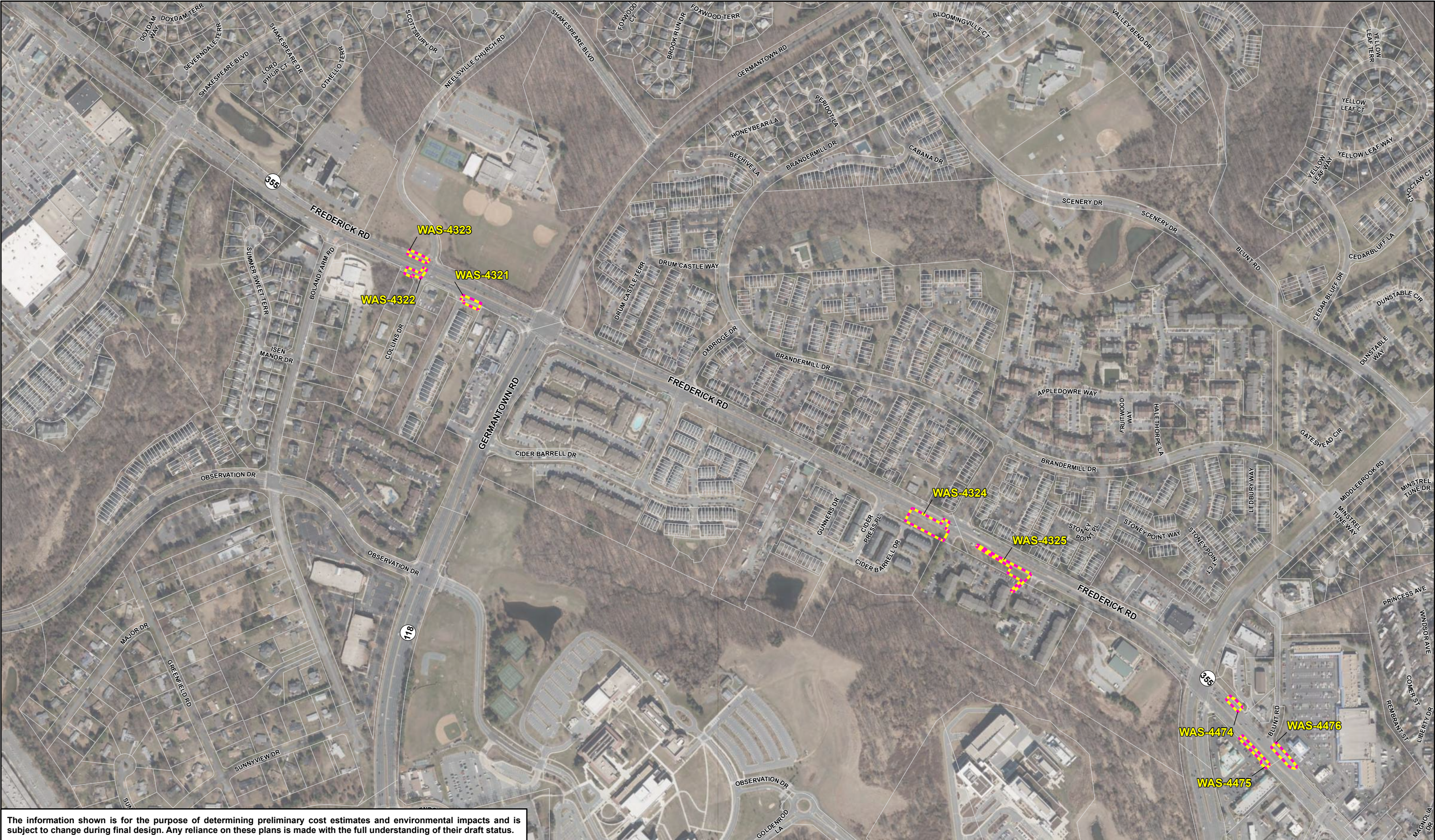
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Sheet : C-25



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





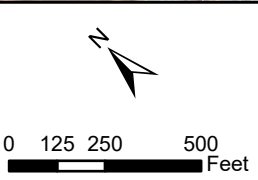
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-26



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





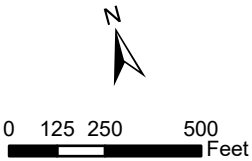
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

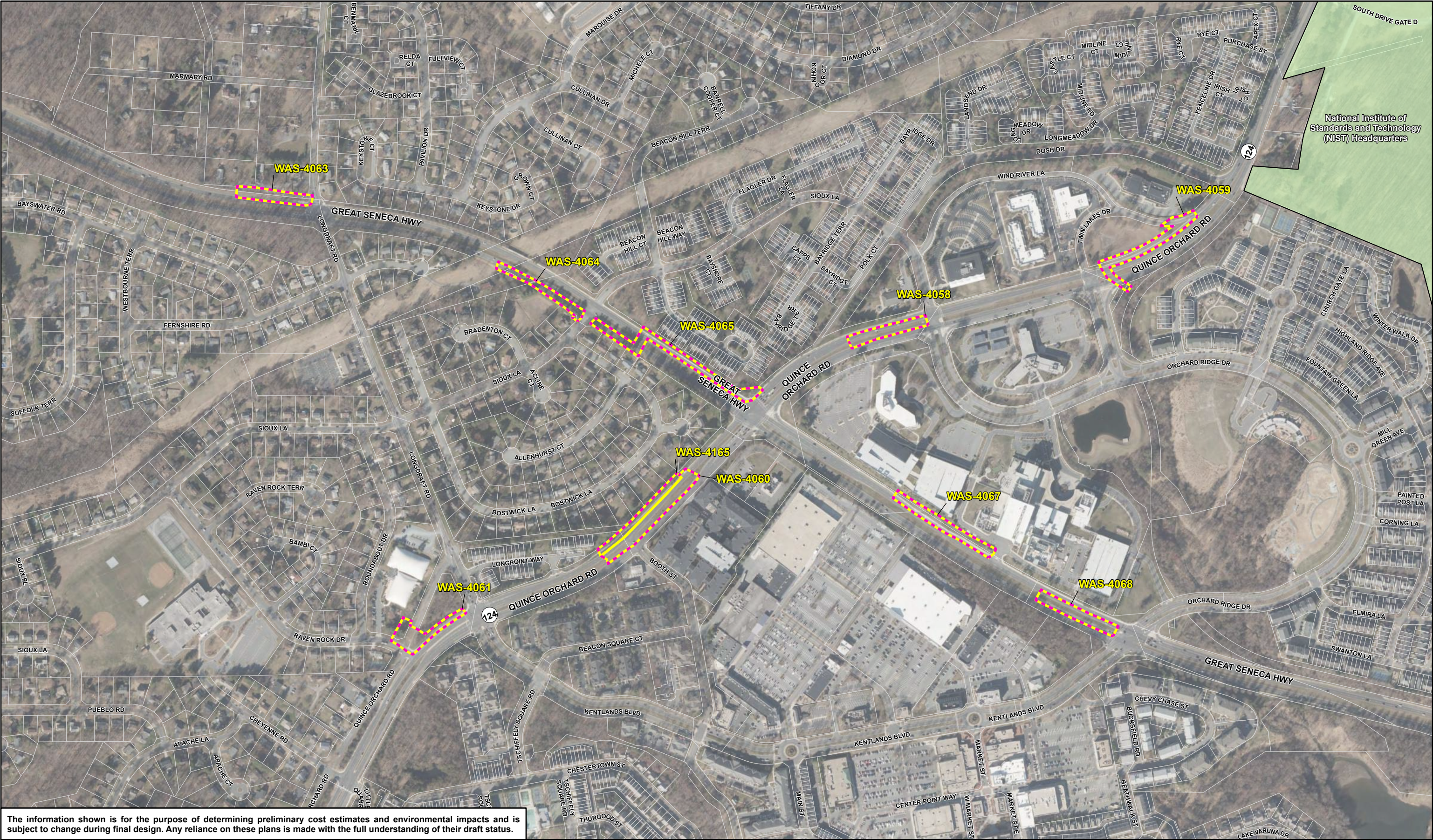
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Sheet : C-27



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





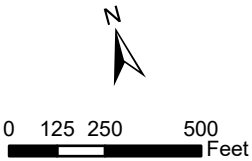
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

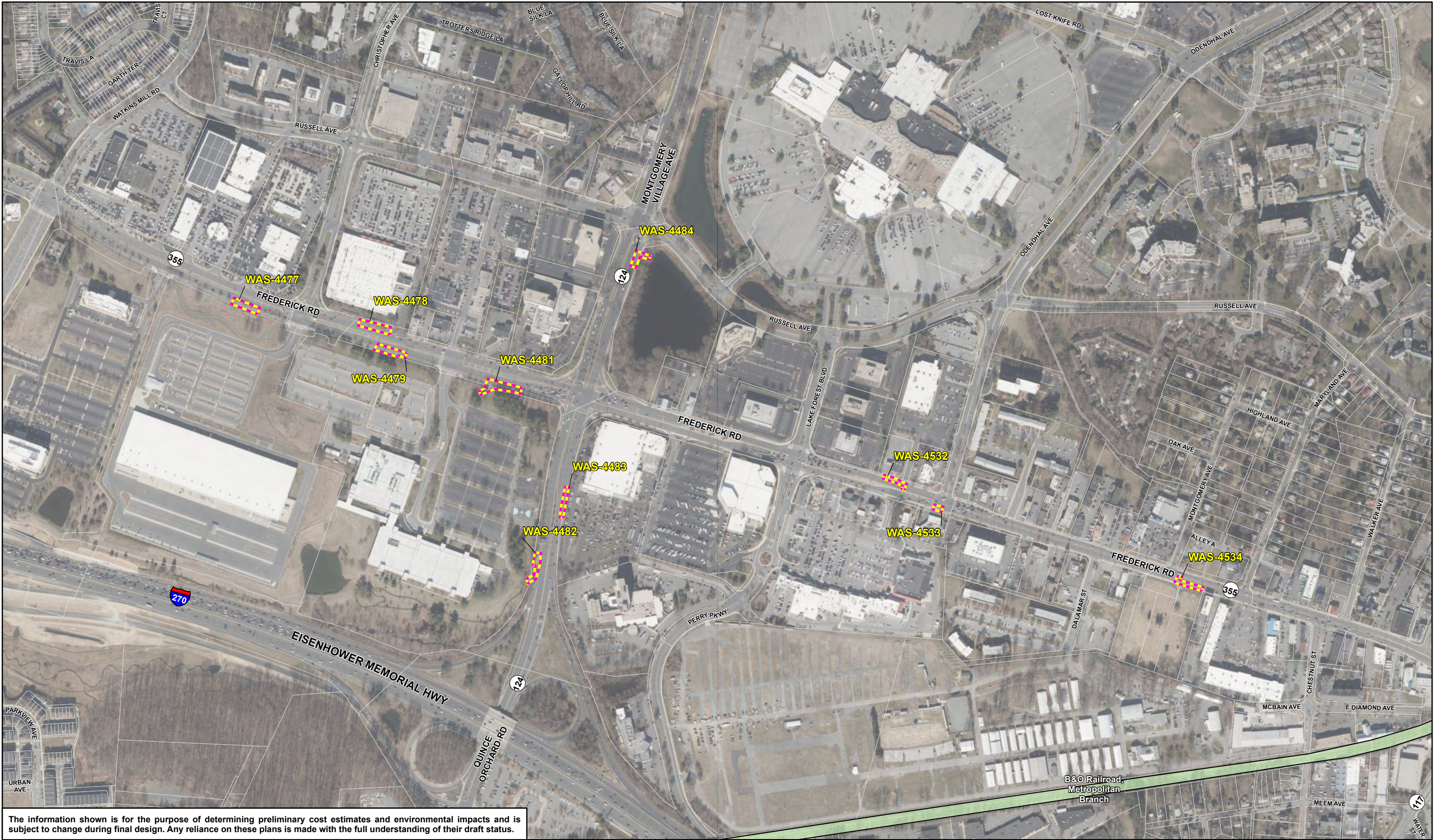
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Sheet : C-28



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





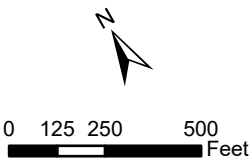
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

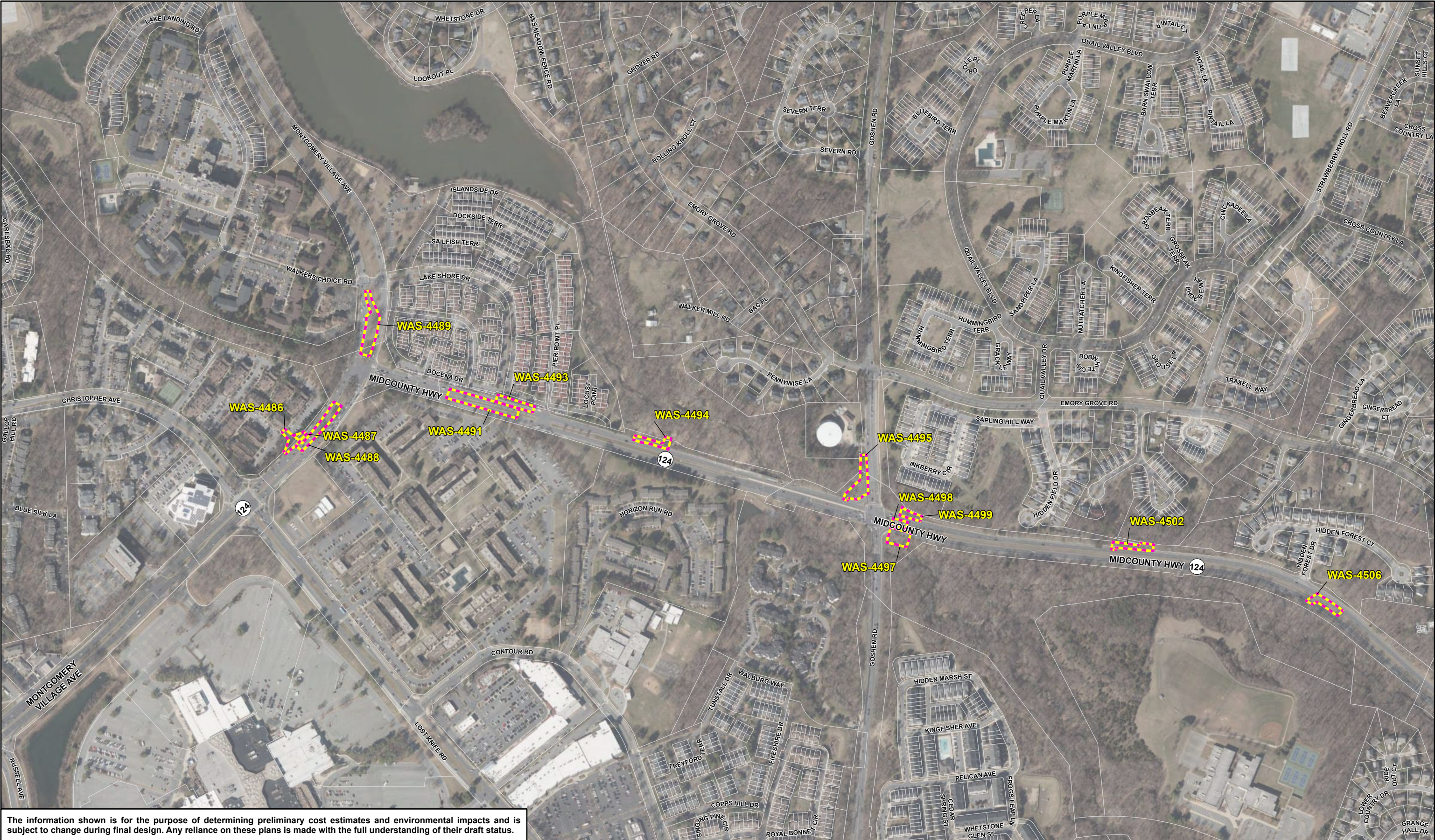
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Sheet : C-29



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



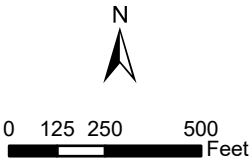


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-30



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





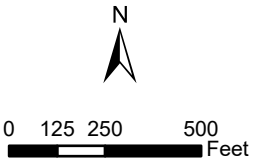
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

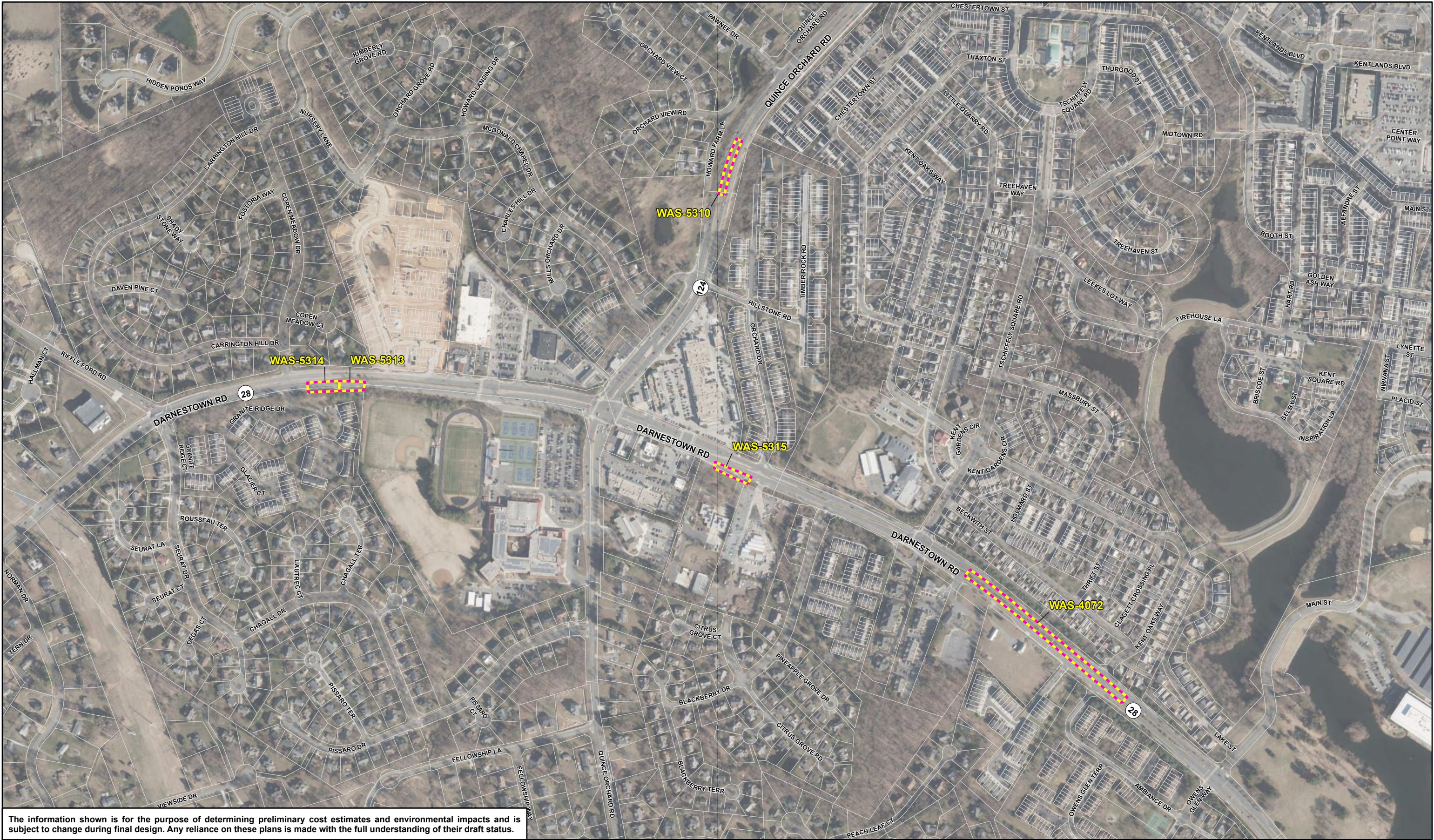
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Sheet : C-31



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



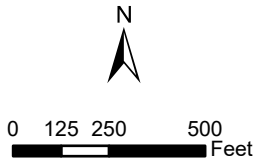


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

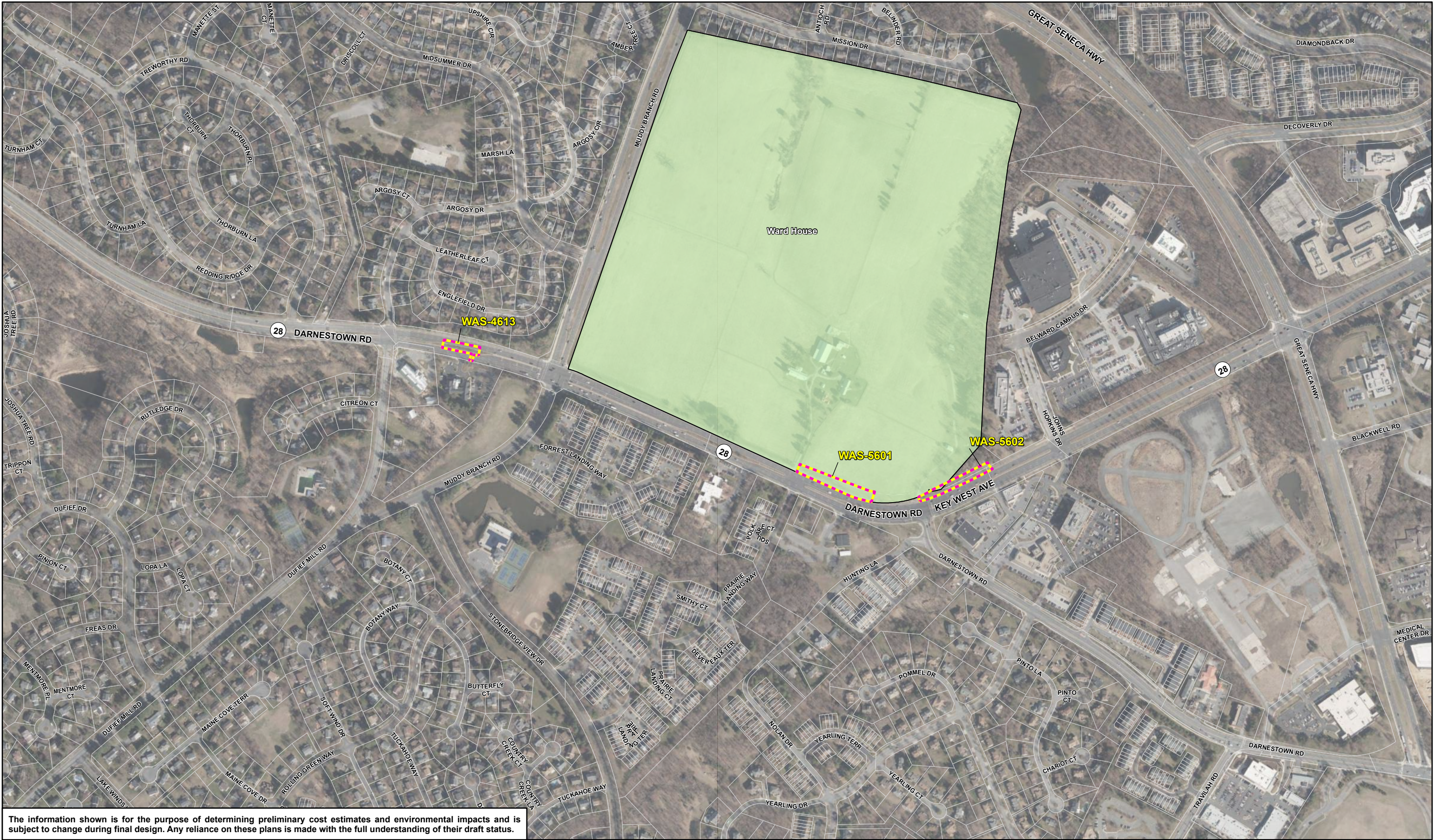
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Sheet : C-32



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



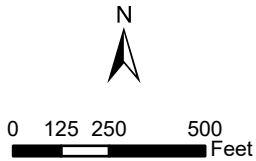


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- Parcel Boundaries

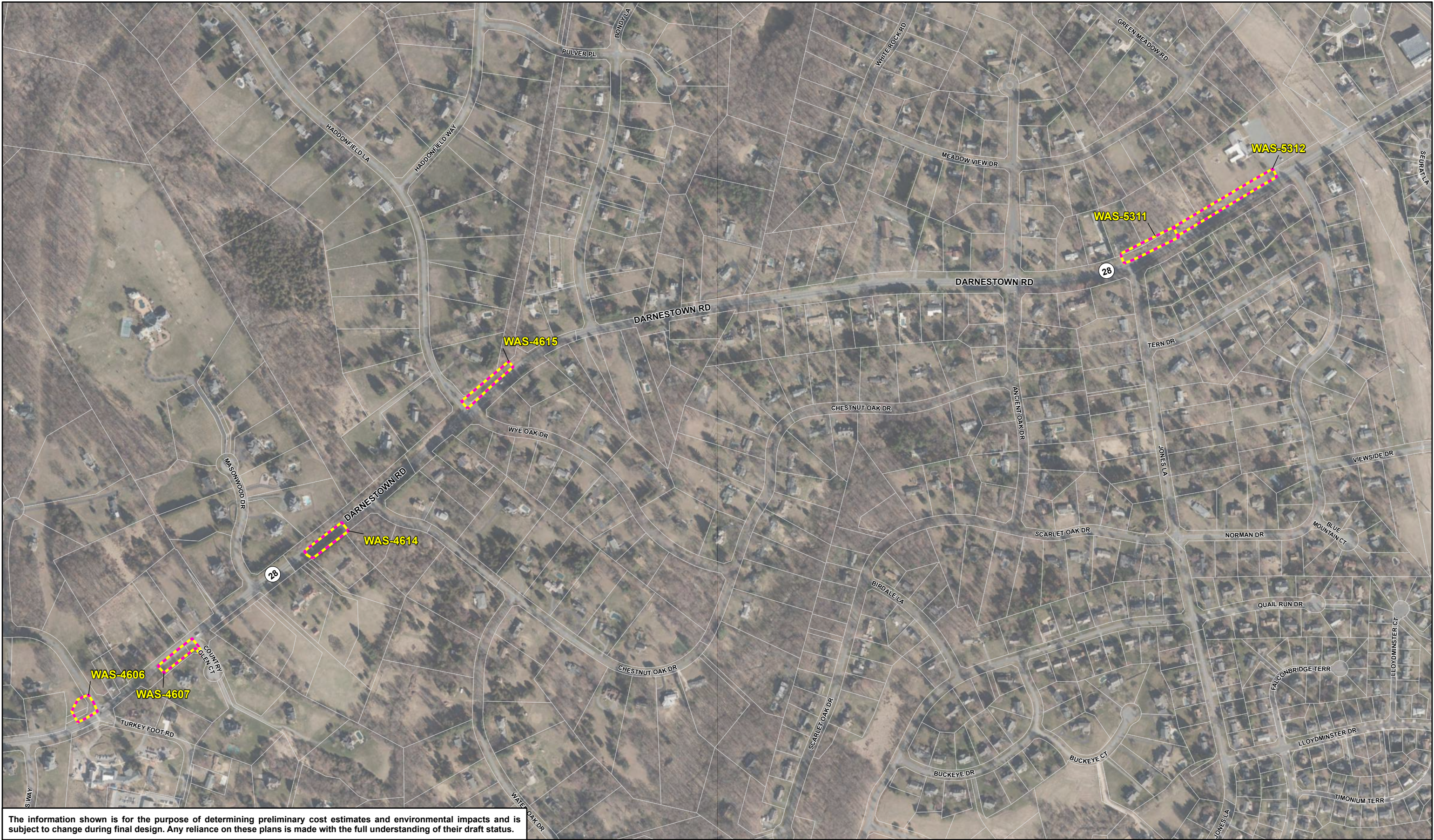
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Sheet : C-33



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



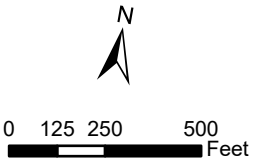


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

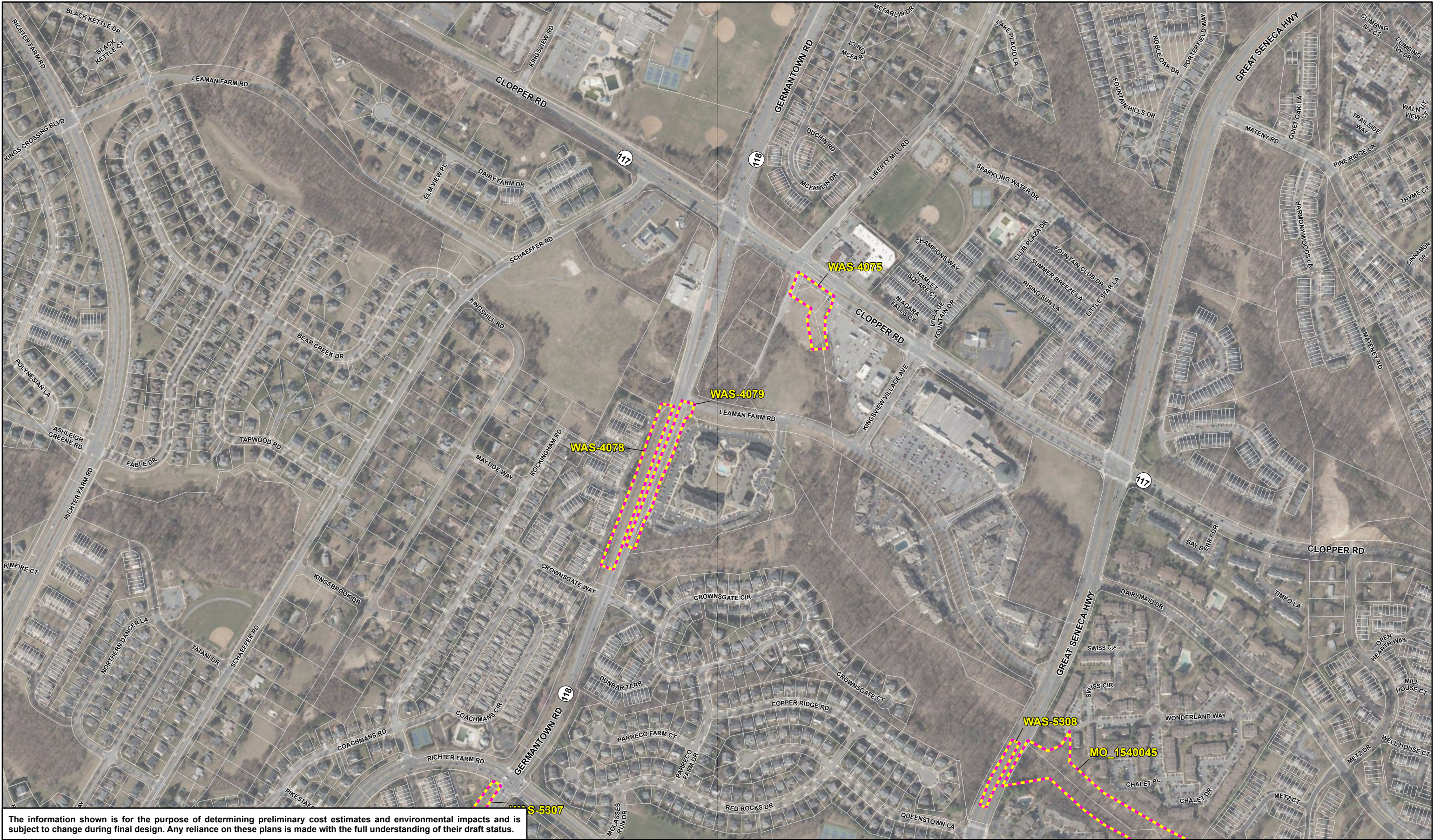
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-34



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





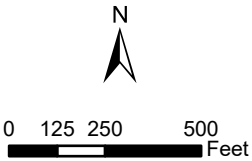
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

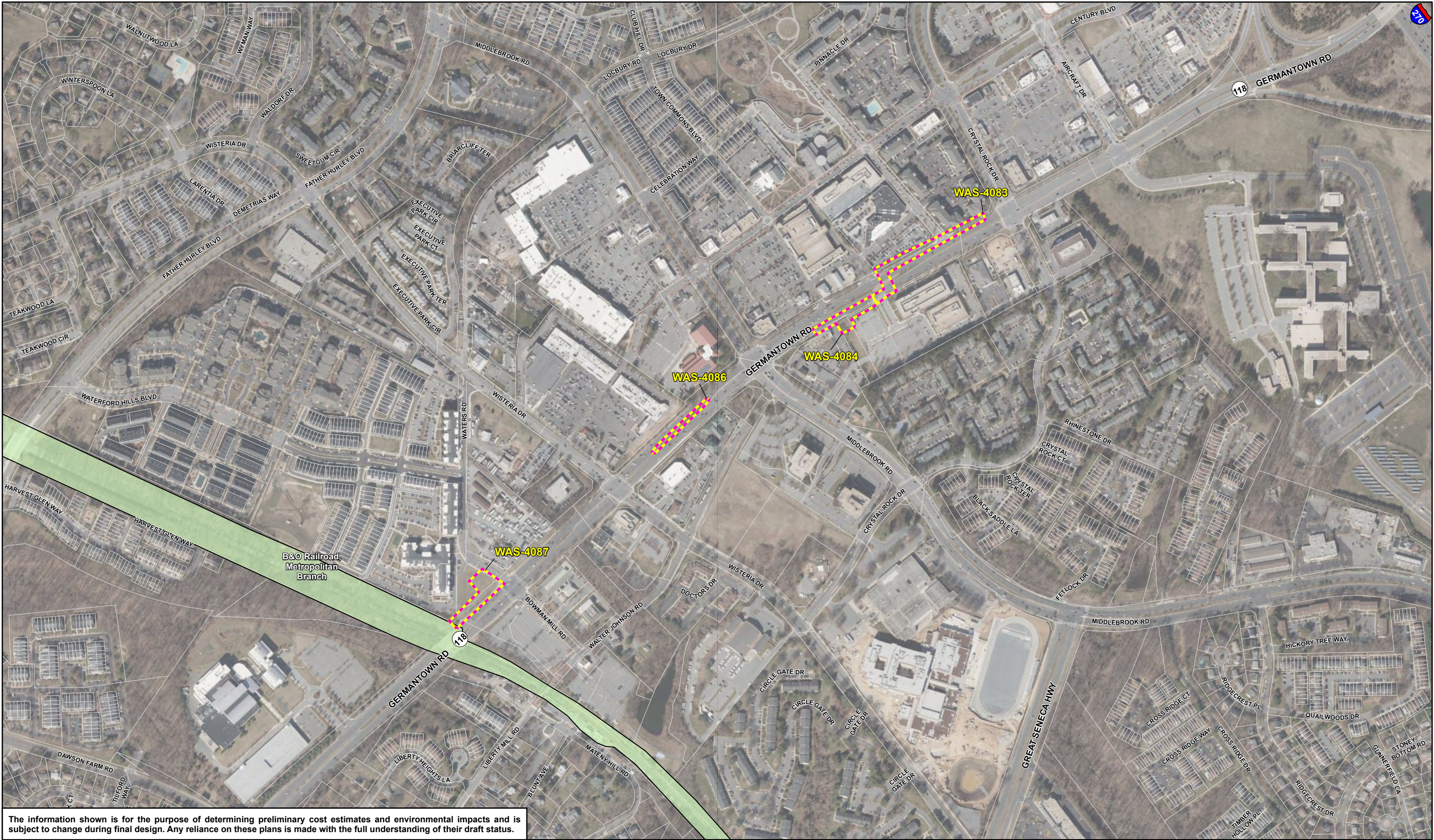
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-35



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



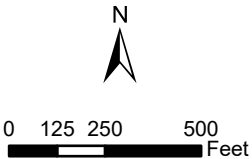


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

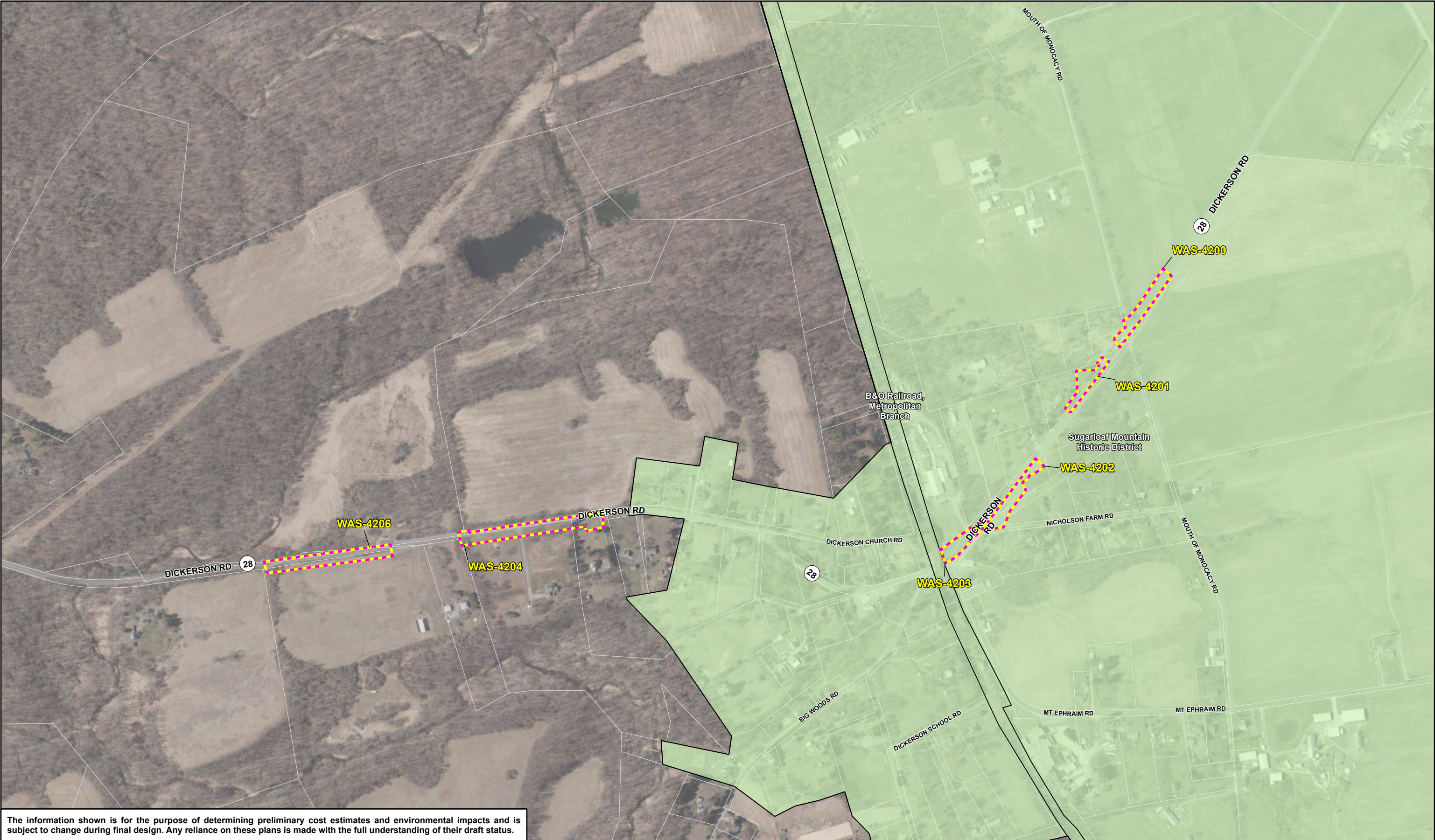
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-36



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





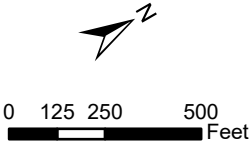
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-37



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





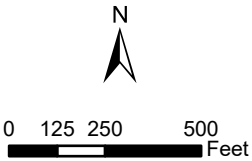
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

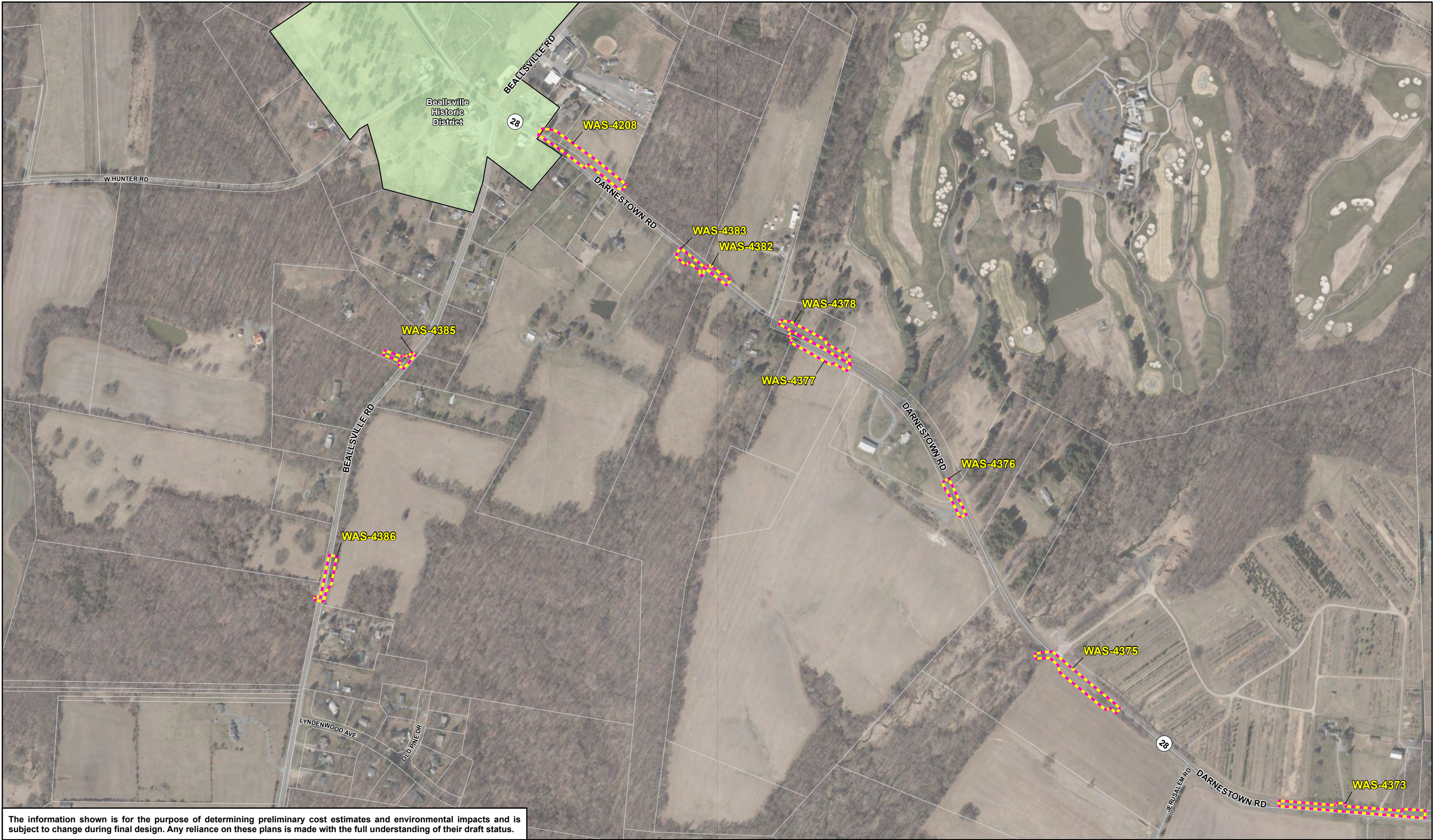
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-38



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



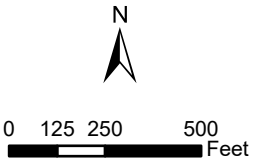


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-39



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





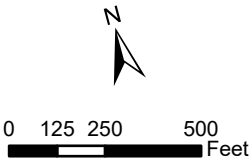
The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status.

- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-40



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





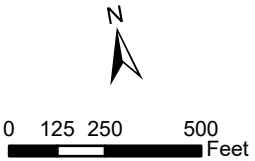
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-41



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





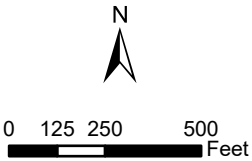
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

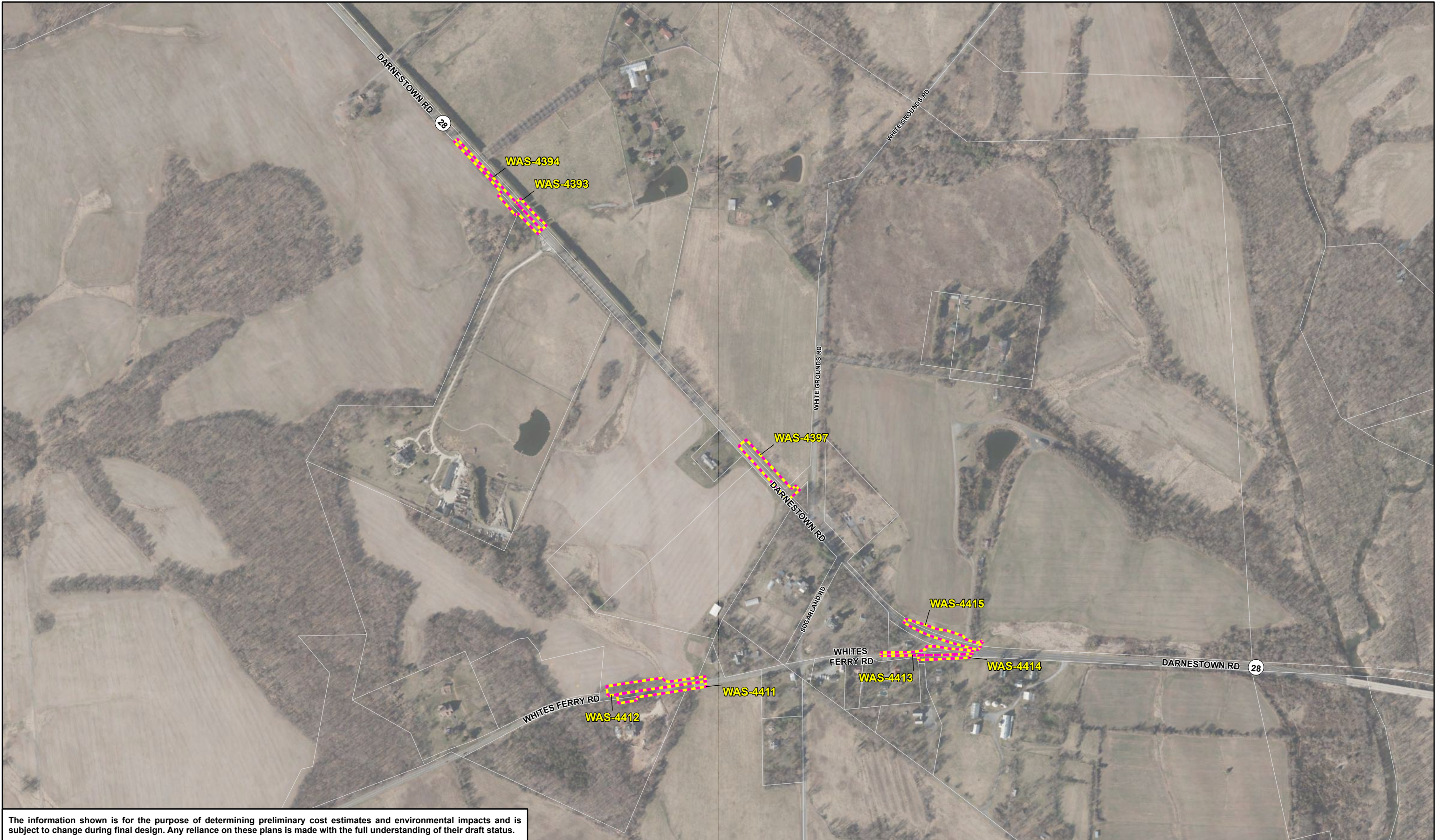
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Sheet : C-42






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





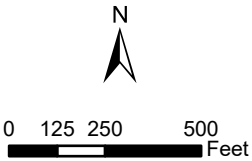
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

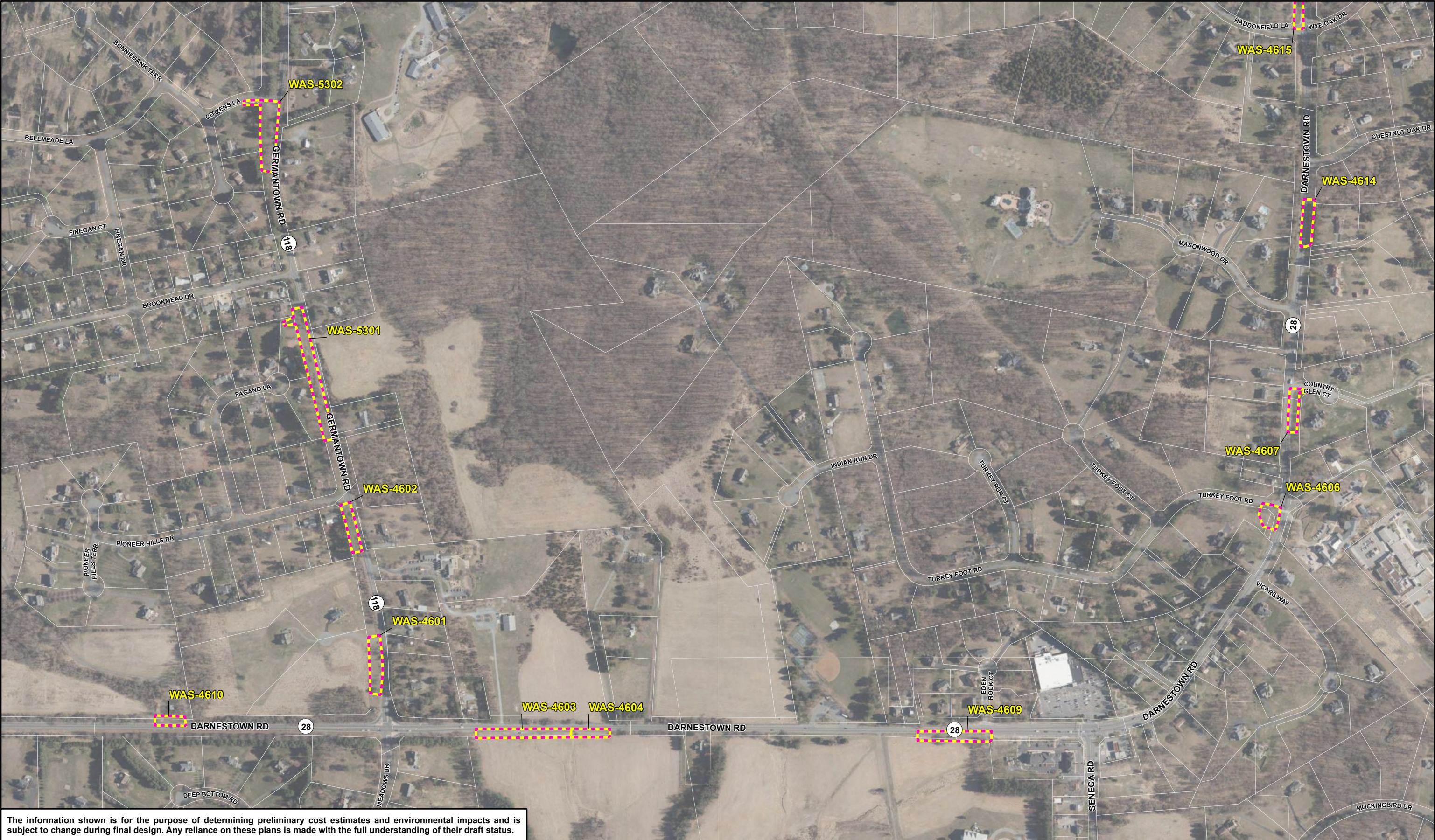
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-43



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





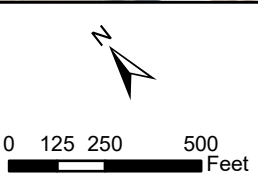
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-44



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



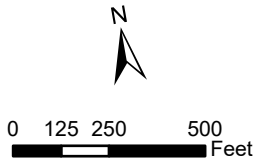


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

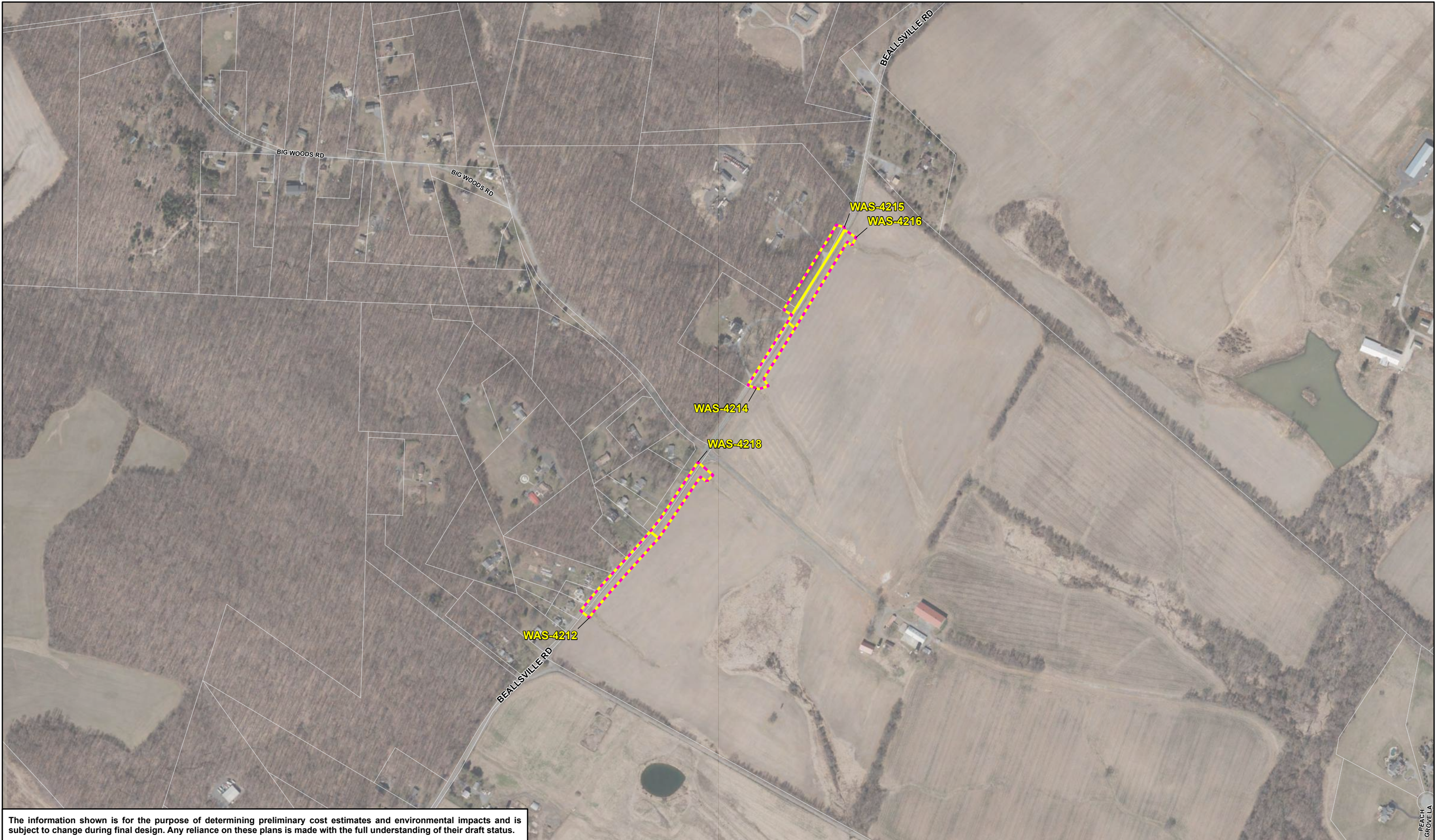
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Sheet : C-45



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





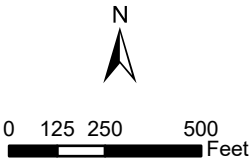
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

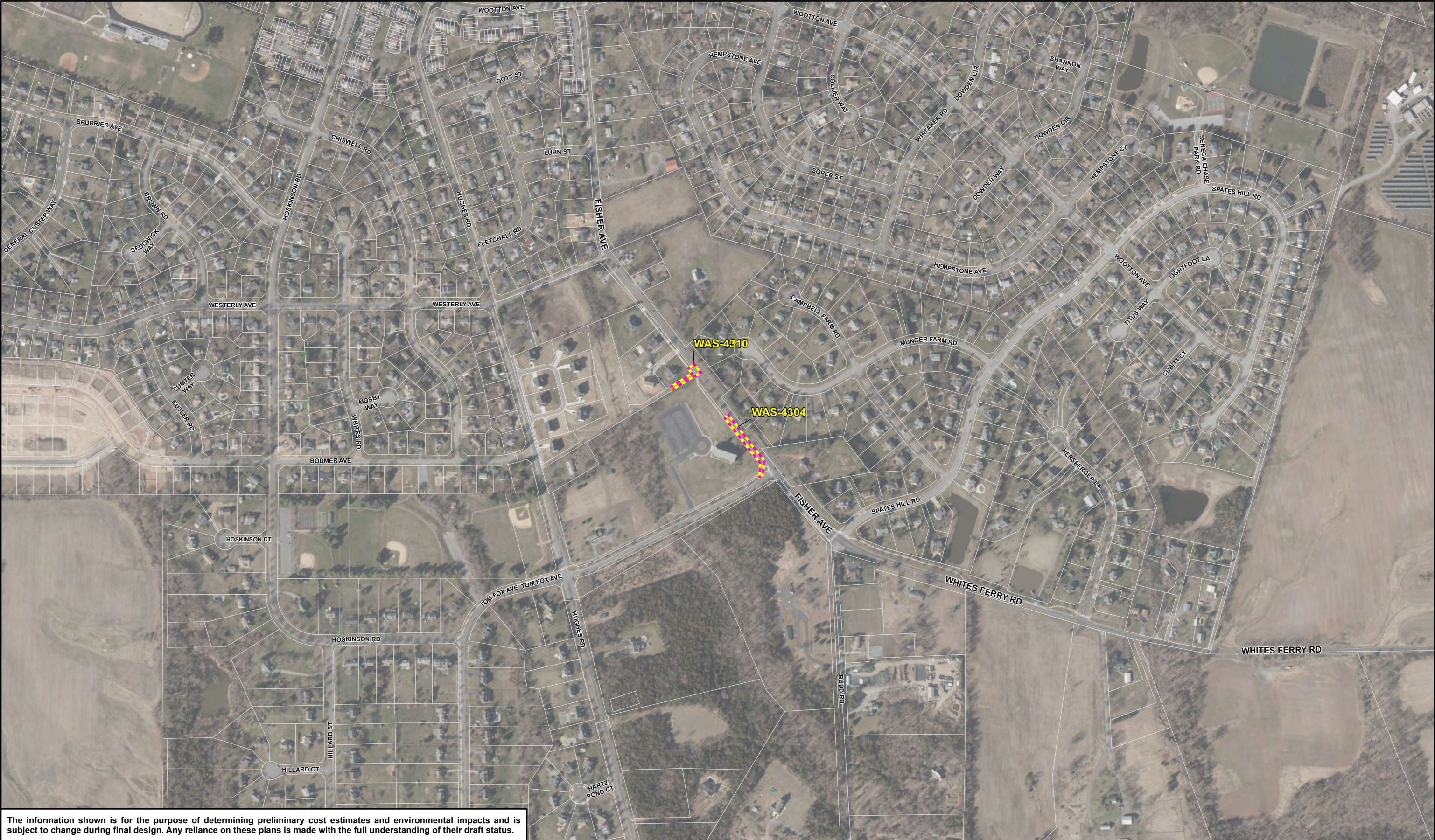
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-46






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





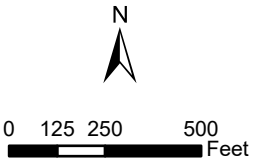
The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status.

-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

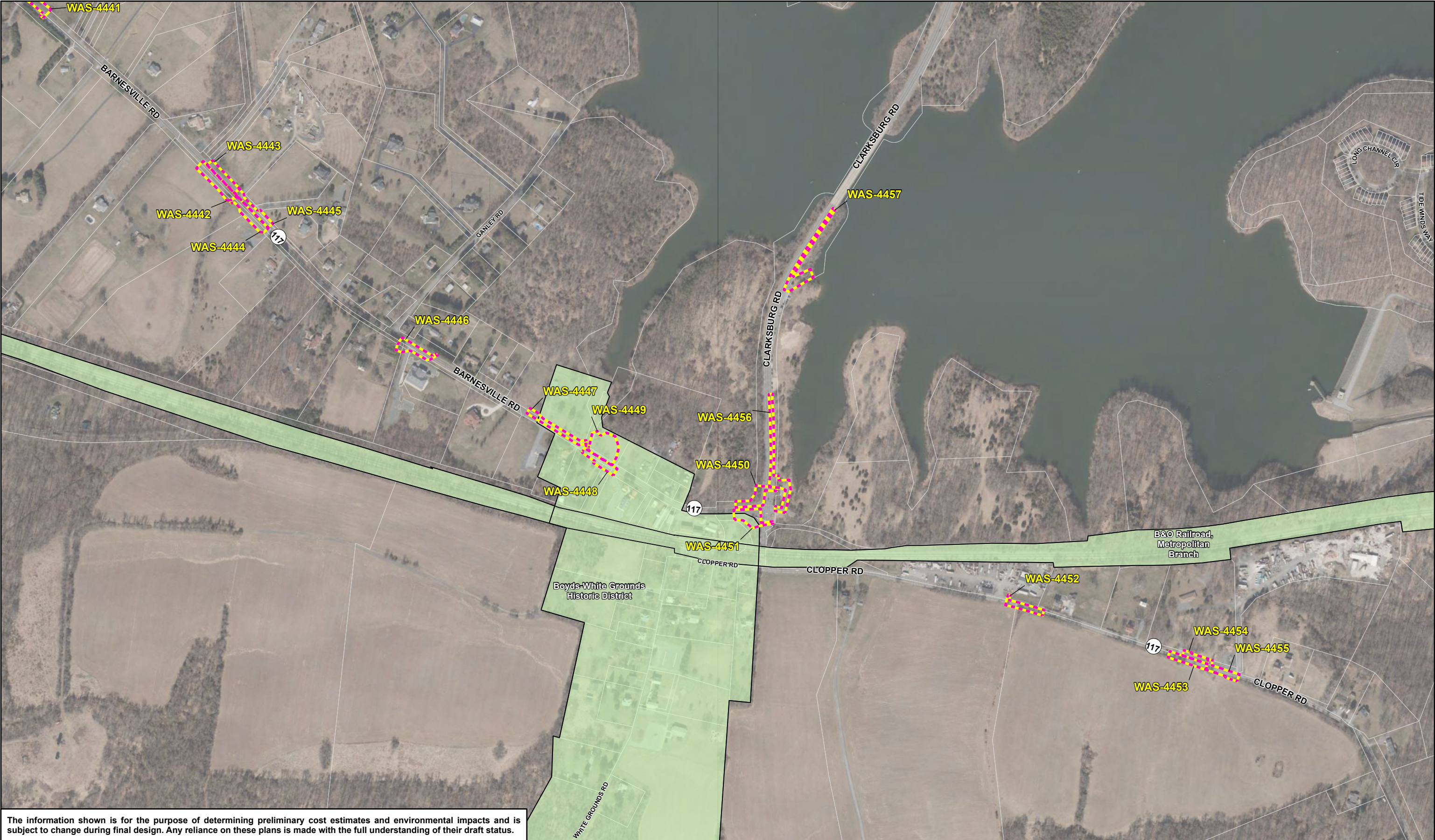
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-47



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





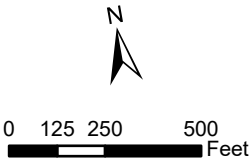
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-48






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





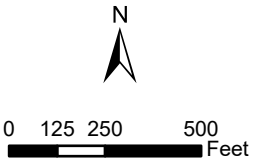
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

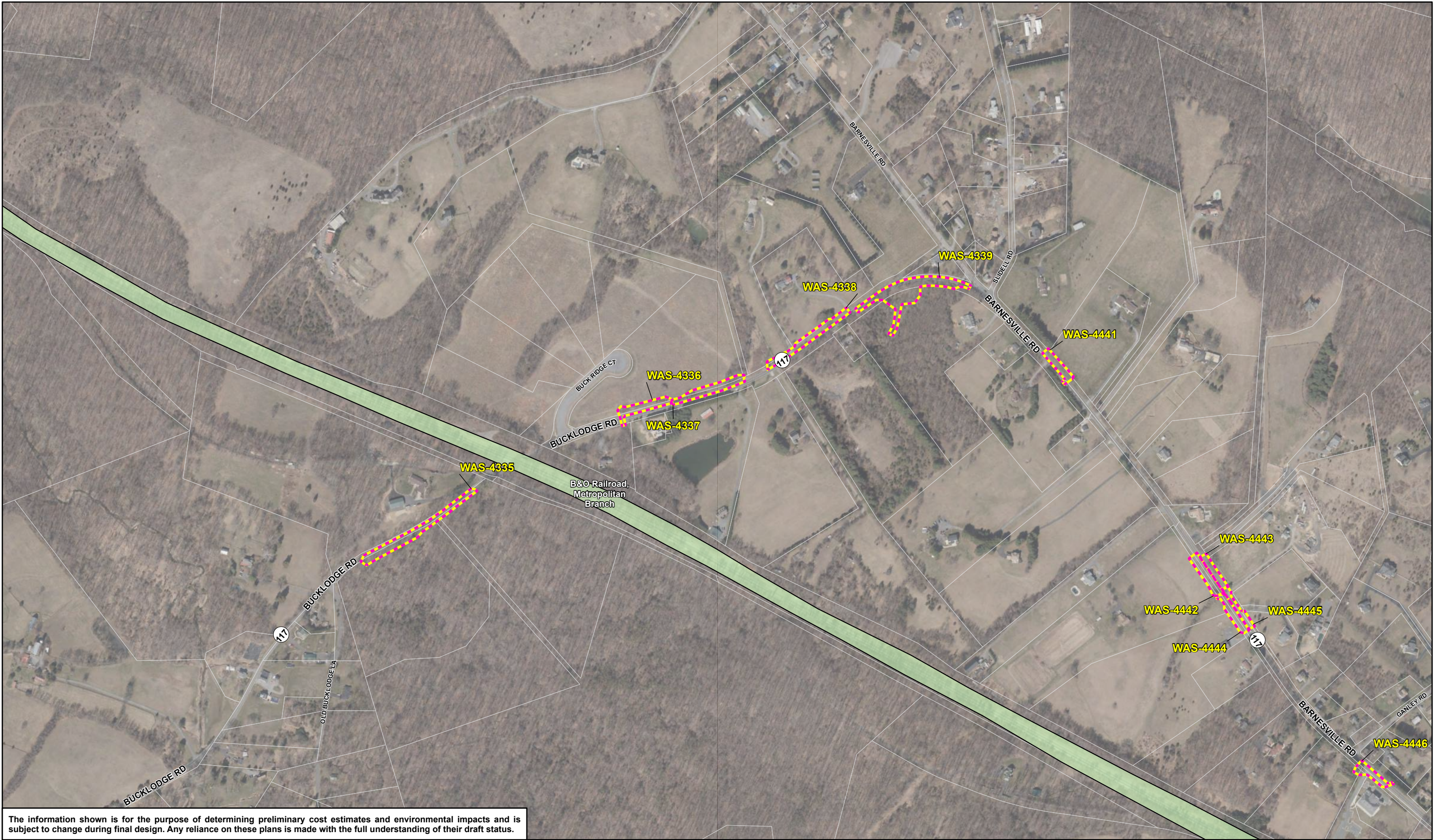
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-49



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





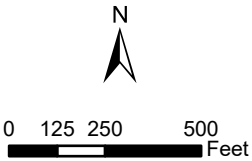
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-50



Area of Potential Effects and
Summary of Cultural Resources
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February 2022





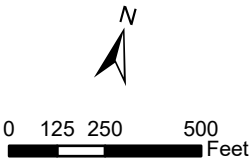
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

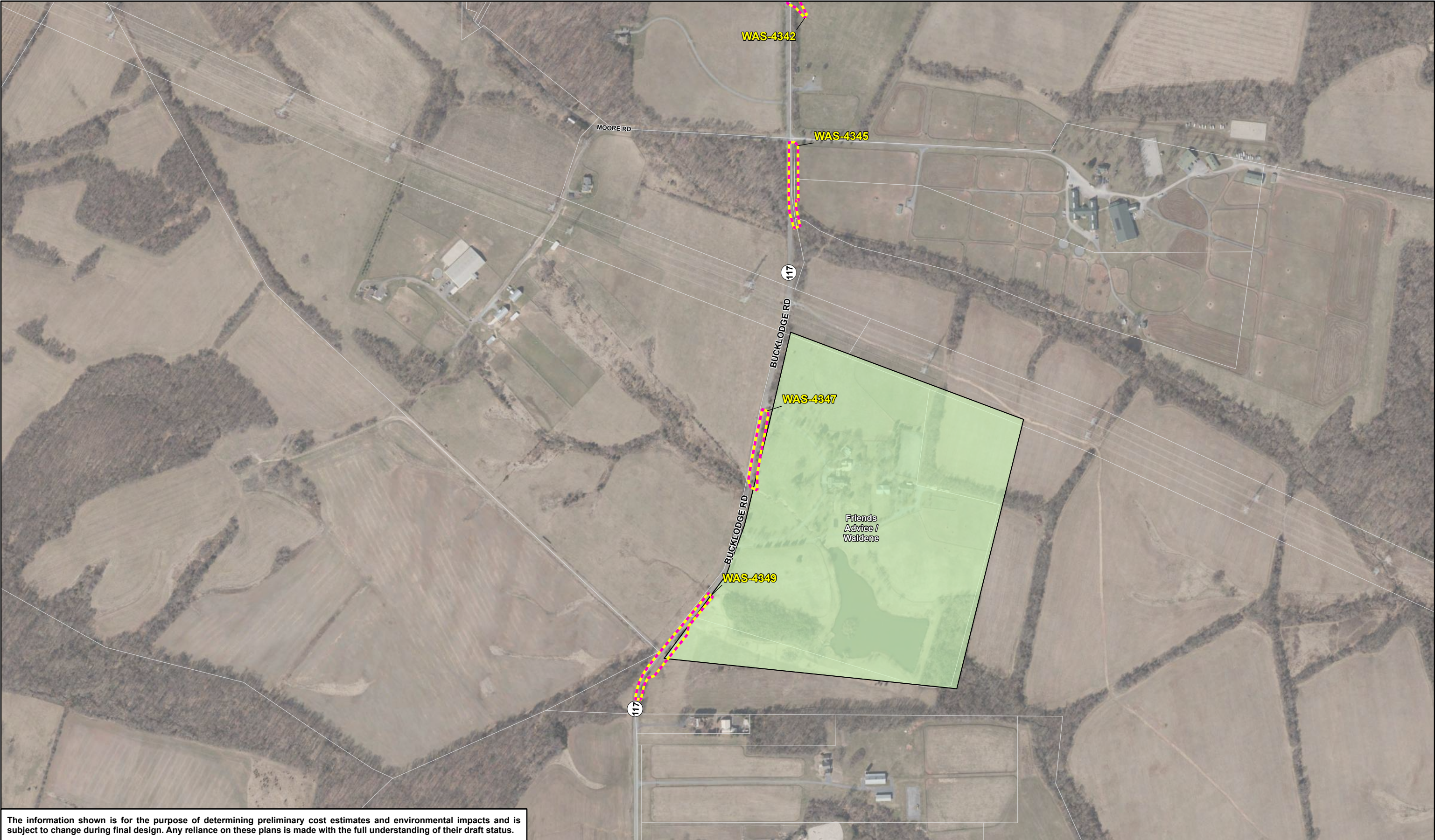
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-51



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





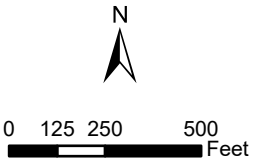
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

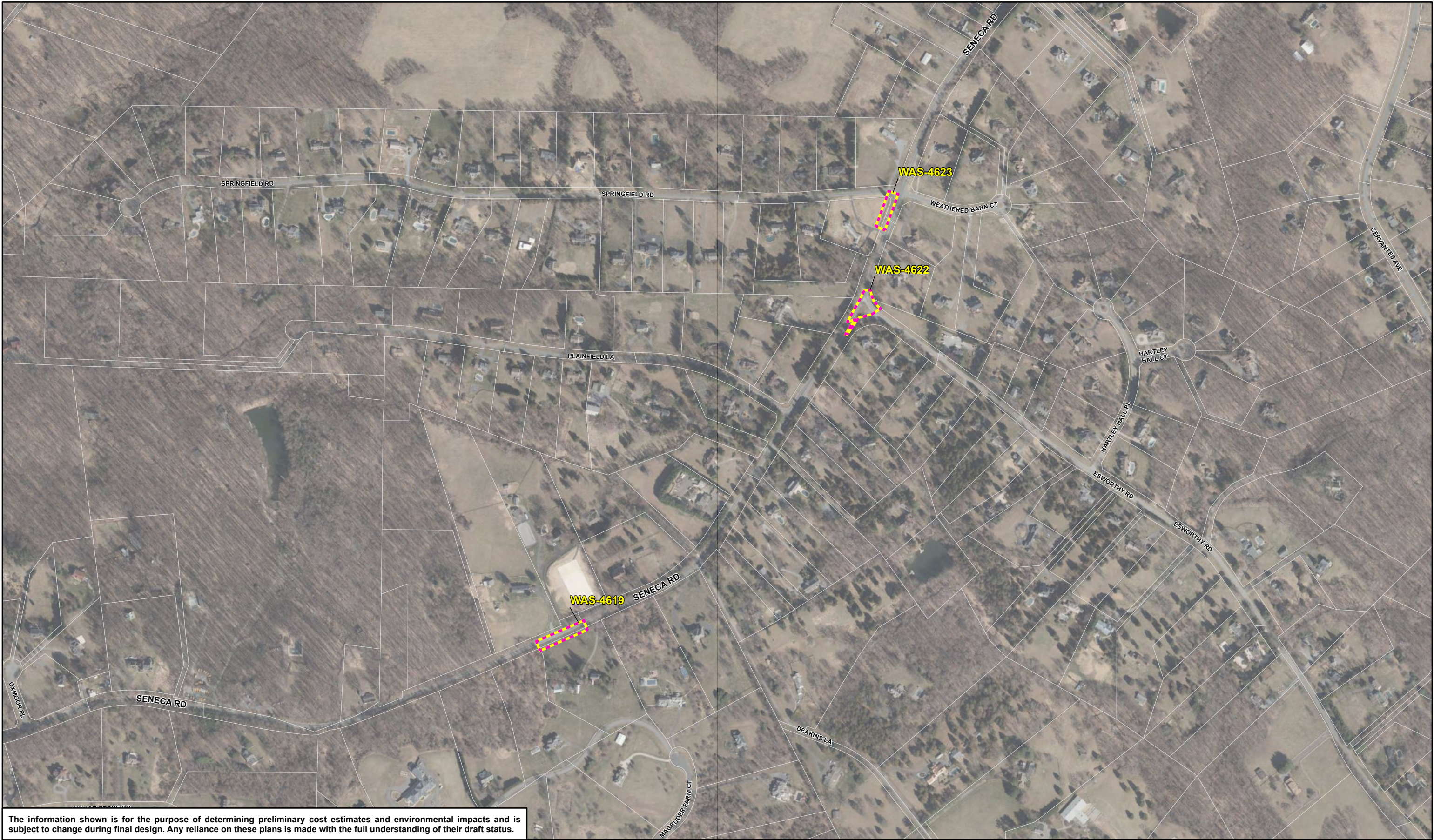
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-52






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





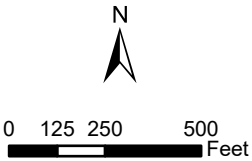
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

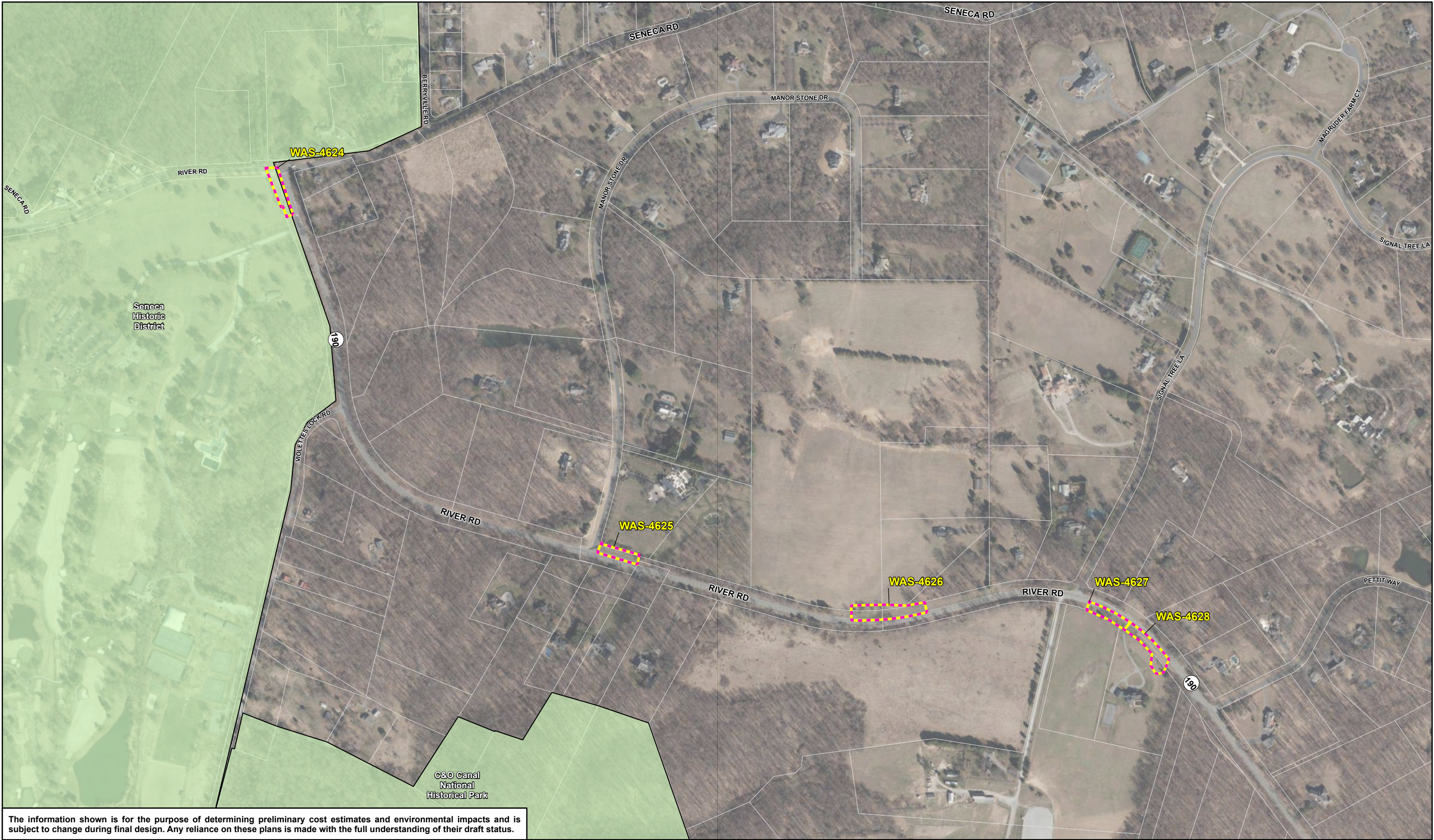
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-53






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





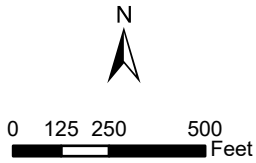
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-54



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



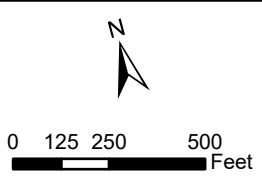


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-55



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





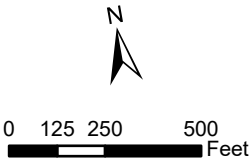
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

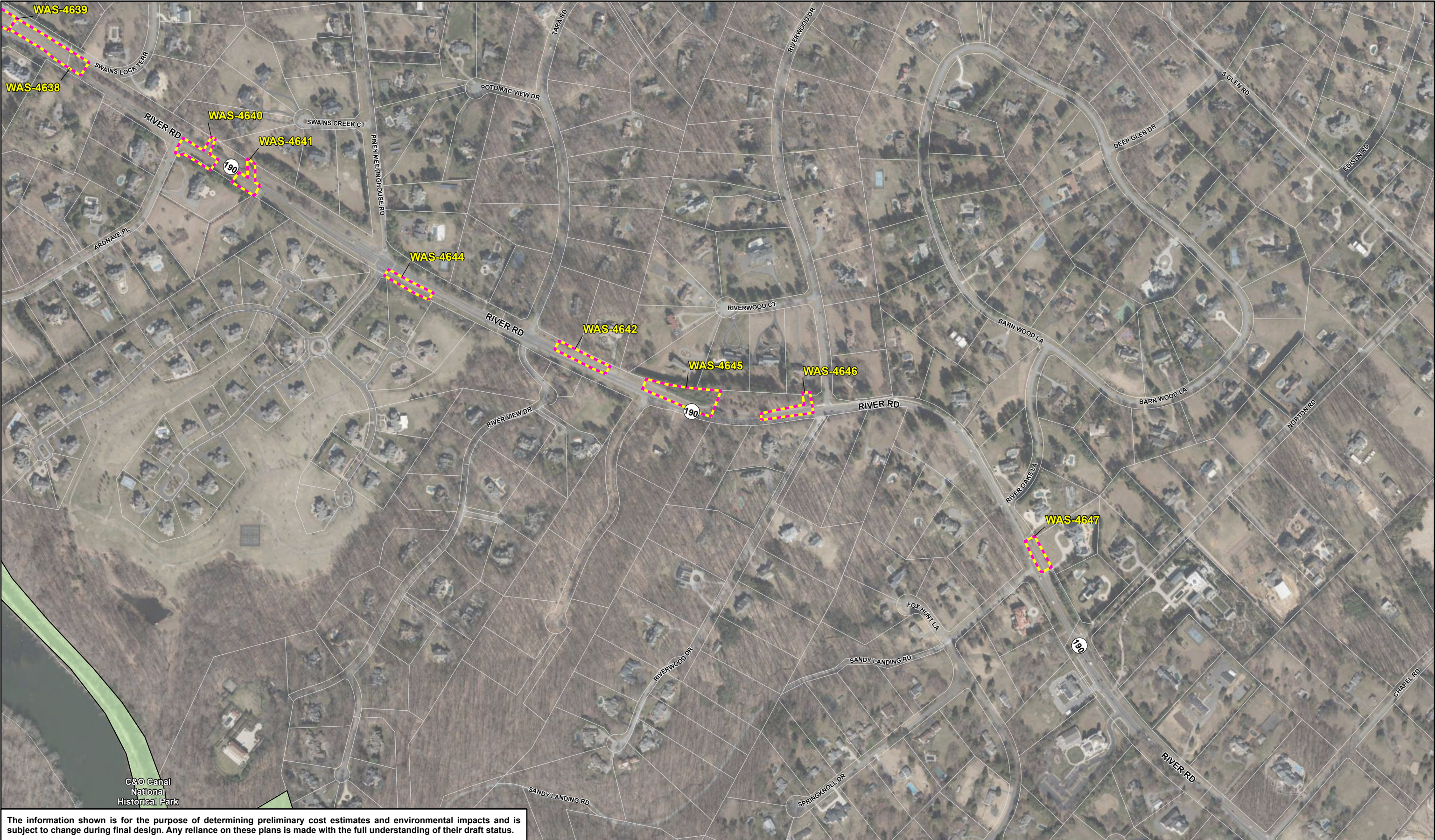
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-56



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





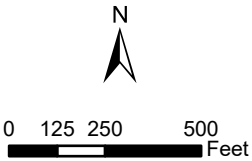
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-57



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





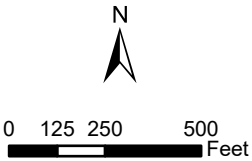
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-58



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



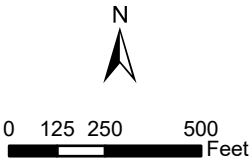


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-59



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





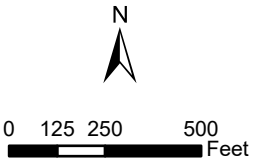
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-60



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022



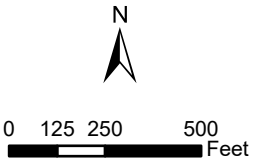


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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-61



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





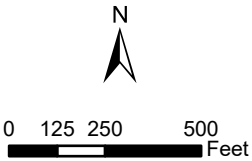
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-62



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





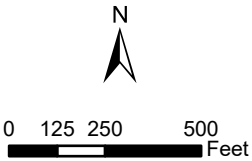
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-63



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





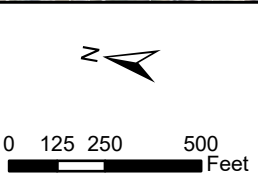
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-64



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





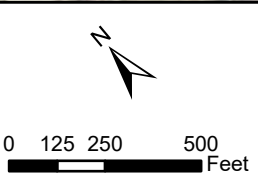
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- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries

NRHP Eligible / Listed

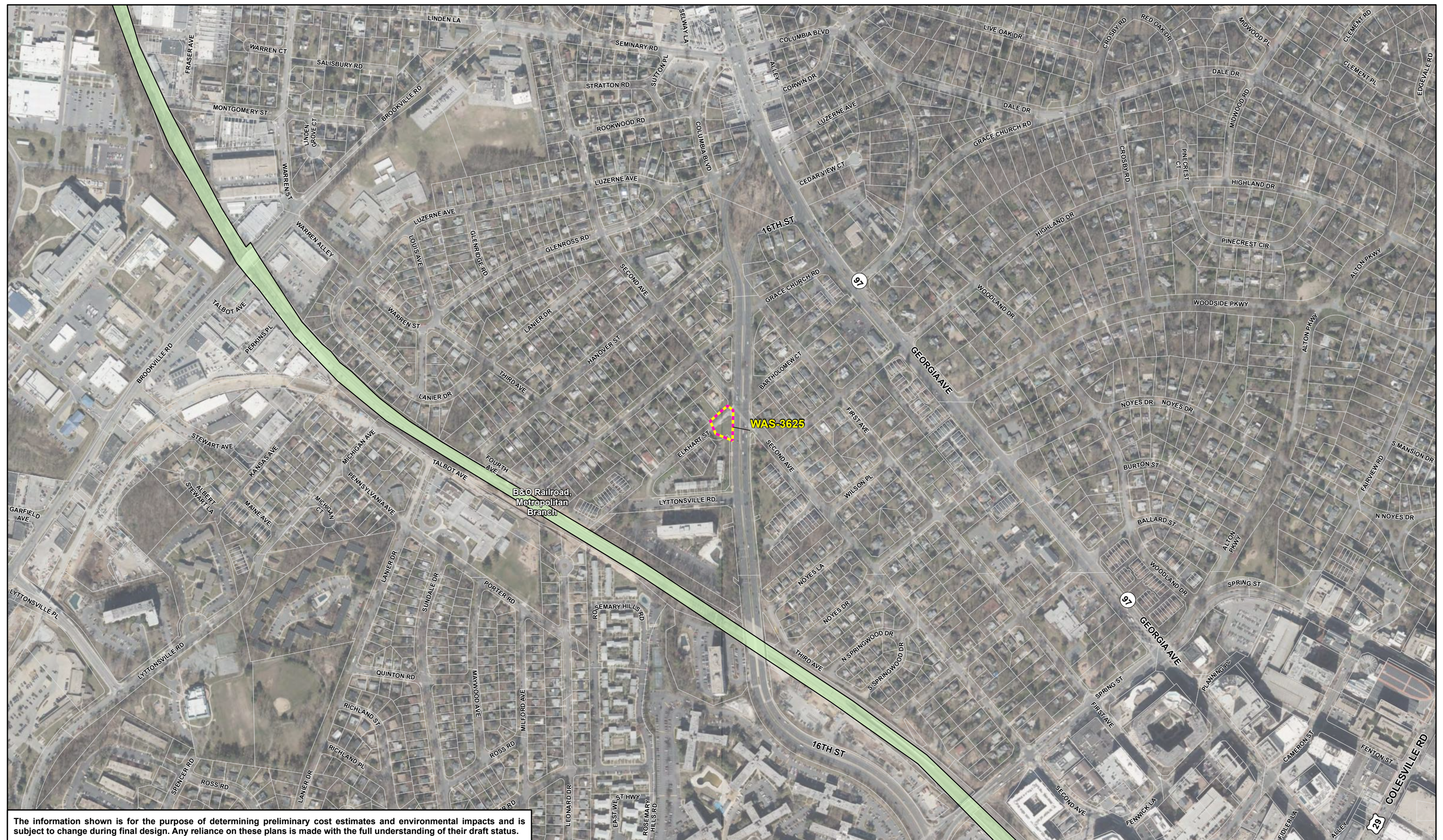
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Sheet : C-65






Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





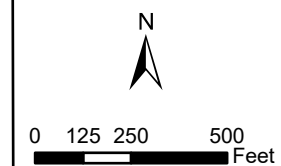
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-  Area of Potential Effects (APE)
-  Compensatory SWM LOD
-  Parcel Boundaries

 NRHP Eligible / Listed

NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-66



**Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022**



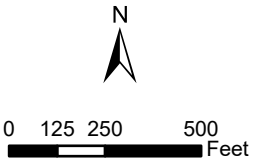


The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status.

- Area of Potential Effects (APE)
- Compensatory SWM LOD
- Parcel Boundaries
- NRHP Eligible / Listed

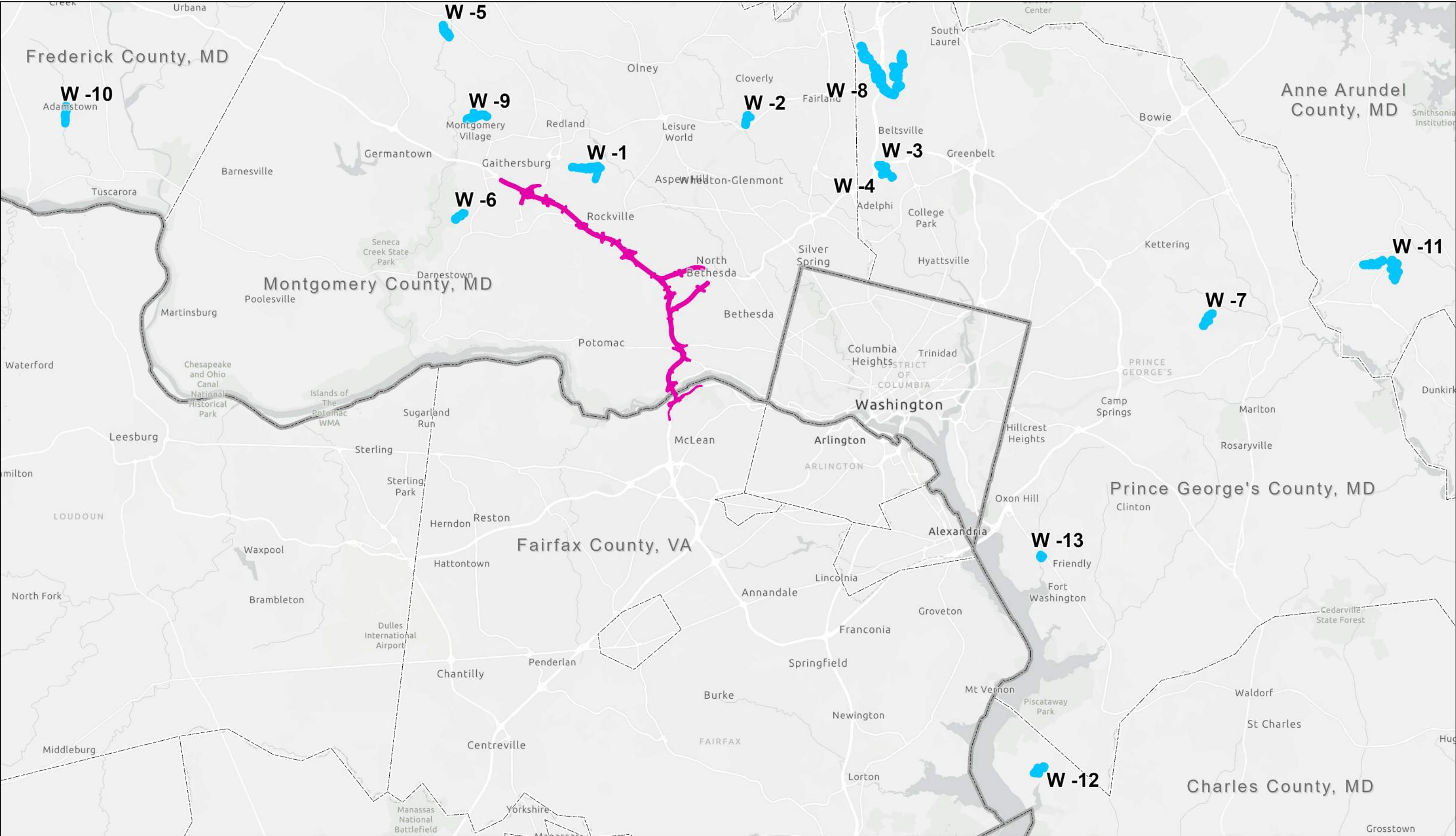
NOTE: Only MIHP Properties within APE are displayed.

Sheet : C-67



Area of Potential Effects and
Summary of Cultural Resources
Compensatory SWM
February 2022





Legend

- Area of Potential Effects/Limit of Disturbance
- Area of Potential Effects (MLS Corridor)

1:240,000

0 2 4 Miles

February 2022

Key Sheet

Area of Potential Effects and Summary of Cultural Resources Stream and Wetland Mitigation



Legend

- | | |
|---|--|
| Area of Potential Effects/Limit of Disturbance | Archaeological Site Proposed for Further Treatment in PA |
| Additional Archaeological Investigation Recommended | NRHP Eligible / Listed |



1 in = 1,000 feet
0 500 1,000

February 2022

**Area of Potential Effect and
Summary of Cultural Resources
Stream and Wetland Mitigation**

AN 1 : Crabbs Branch

Sheet : W-1





<p>Legend</p> <p> Area of Potential Effects/Limit of Disturbance</p> <p> Additional Archaeological Investigation Recommended</p>	<p> Archaeological Site Proposed for Further Treatment in PA</p> <p> NRHP Eligible / Listed</p>	<p>N</p> <p>1 in = 500 feet</p> <p>0 250 500</p> <p>February 2022</p>	<p>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</p> <p><i>AN 3 : Pebblestone Dr. Tributary</i></p>	<p>Sheet : W-2</p> 
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Legend [Blue dashed line] Area of Potential Effects/Limit of Disturbance [Blue hatched area] Additional Archaeological Investigation Recommended [Blue box] Archaeological Site Proposed for Further Treatment in PA [Green box] NRHP Eligible / Listed	 1 in = 500 feet 0 250 500 February 2022	Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation AN 6 : Paint Branch Fish Passage	Sheet : W-3 MANAGED LANES STUDY
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CA 2 & 3

Legend

- | | |
|---|--|
| Area of Potential Effects/Limit of Disturbance | Archaeological Site Proposed for Further Treatment in PA |
| Additional Archaeological Investigation Recommended | NRHP Eligible / Listed |



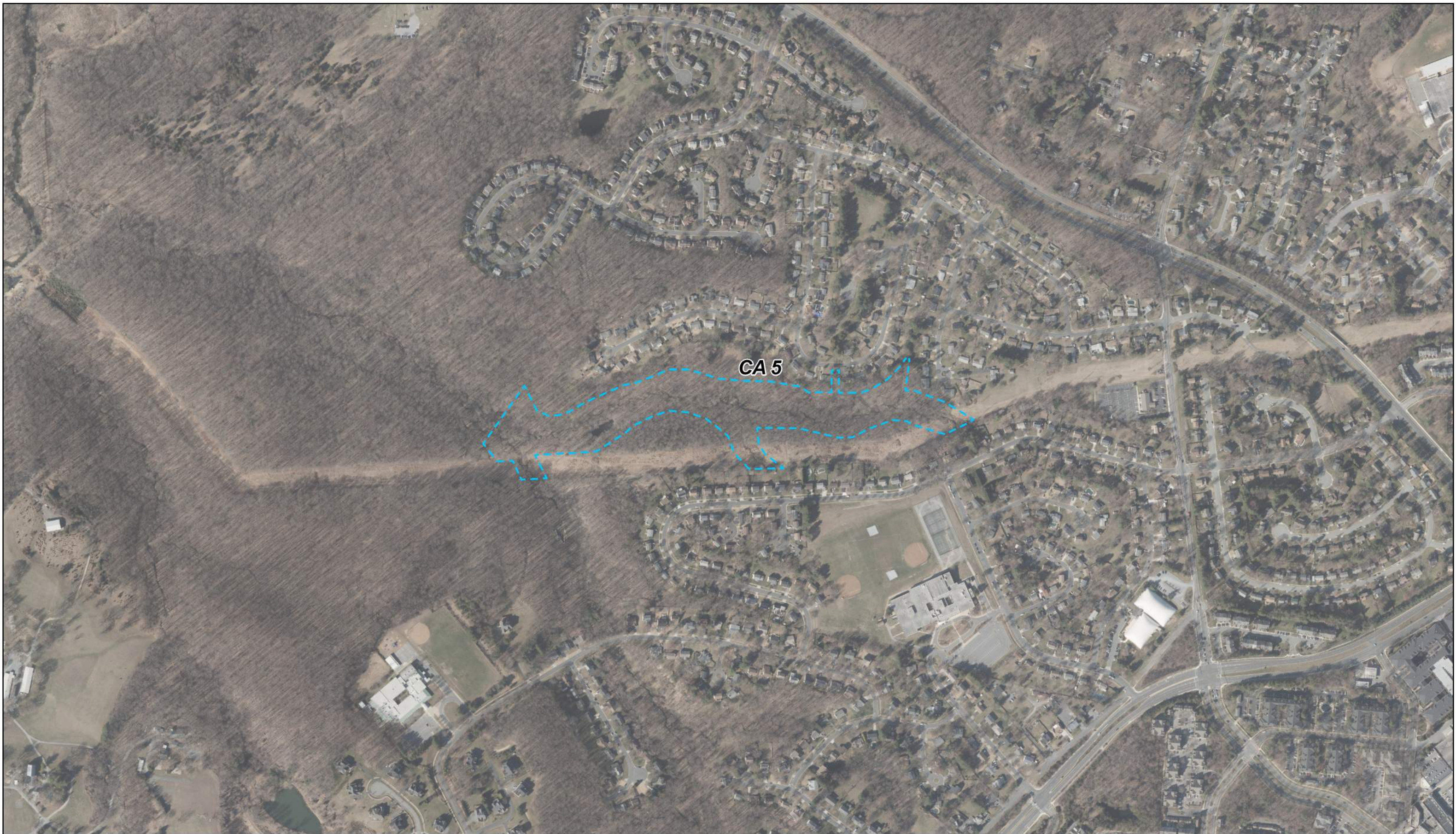
1 in = 500 feet
0 250 500

February 2022

**Area of Potential Effect and
Summary of Cultural Resources
Stream and Wetland Mitigation**
CA 2 & 3 : Upper and Lower Magruder Branch

Sheet : W-5

495 270 MANAGED LANES STUDY



Legend			1 in = 500 feet 0 250 500 	Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation <i>CA 5 : Seneca Creek Tributary</i>	Sheet : W-6 
 Area of Potential Effects/Limit of Disturbance	 Archaeological Site Proposed for Further Treatment in PA				
 Additional Archaeological Investigation Recommended					



Legend <div><div> Area of Potential Effects/Limit of Disturbance</div><div> Additional Archaeological Investigation Recommended</div></div>	<div><div> Archaeological Site Proposed for Further Treatment in PA</div><div> NRHP Eligible / Listed</div></div>	<div><div></div><div><div>1 in = 500 feet</div><div><div>0</div><div>250</div><div>500</div></div><div></div></div><div>February 2022</div></div>	<div><div>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</div><div><i>PA 1 : Back Branch</i></div></div>	<div><div>Sheet : W-7</div><div><div>MANAGED LANES STUDY</div></div></div>
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Legend

	Area of Potential Effects/Limit of Disturbance		Archaeological Site Proposed for Further Treatment in PA
	Additional Archaeological Investigation Recommended		NRHP Eligible / Listed

1 in = 2,000 feet
0 500 1,000

February 2022

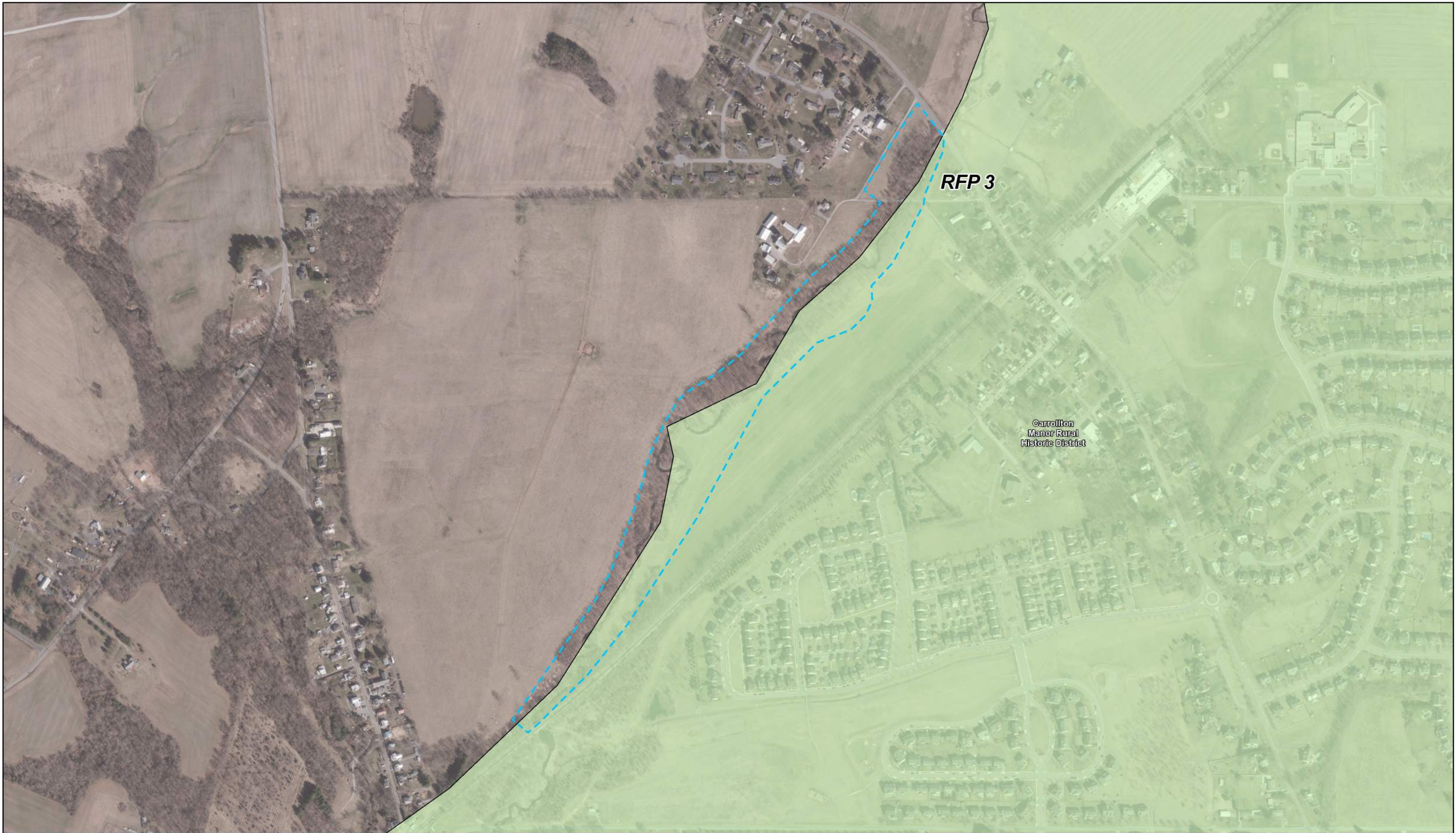
**Area of Potential Effect and
Summary of Cultural Resources
Stream and Wetland Mitigation**

RFP 1 : Indian Creek & Tributaries at Konterra

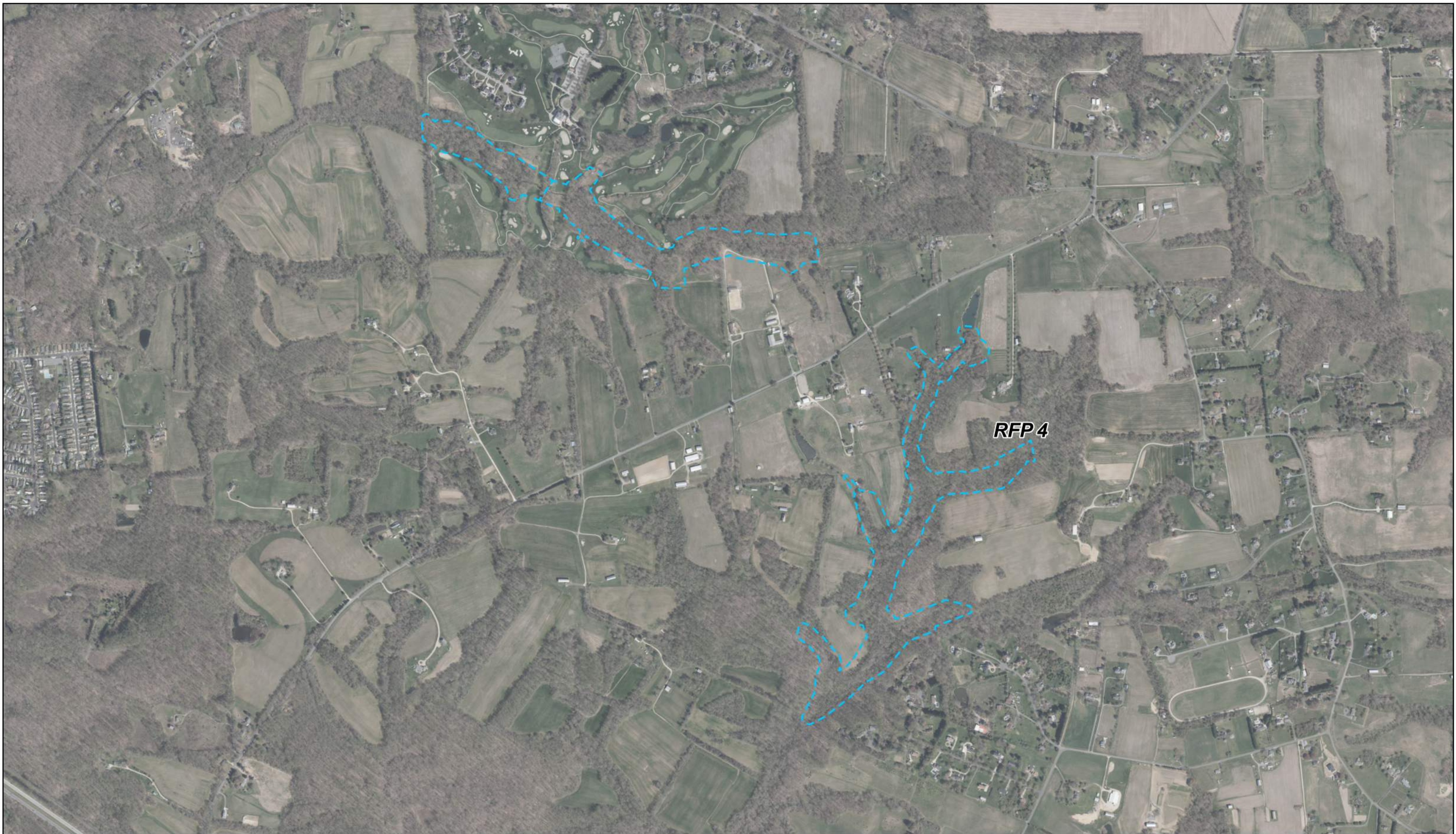
Sheet : W-8



<p>Legend</p> <p> Area of Potential Effects/Limit of Disturbance</p> <p> Additional Archaeological Investigation Recommended</p>	<p> Archaeological Site Proposed for Further Treatment in PA</p> <p> NRHP Eligible / Listed</p>	<p>N</p> <p>1 in = 500 feet</p> <p>0 250 500</p> <p>February 2022</p>	<p>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</p> <p><i>RFP 2 : Cabin Branch</i></p>	<p>Sheet : W-9</p> <div style="text-align: right;"> </div>
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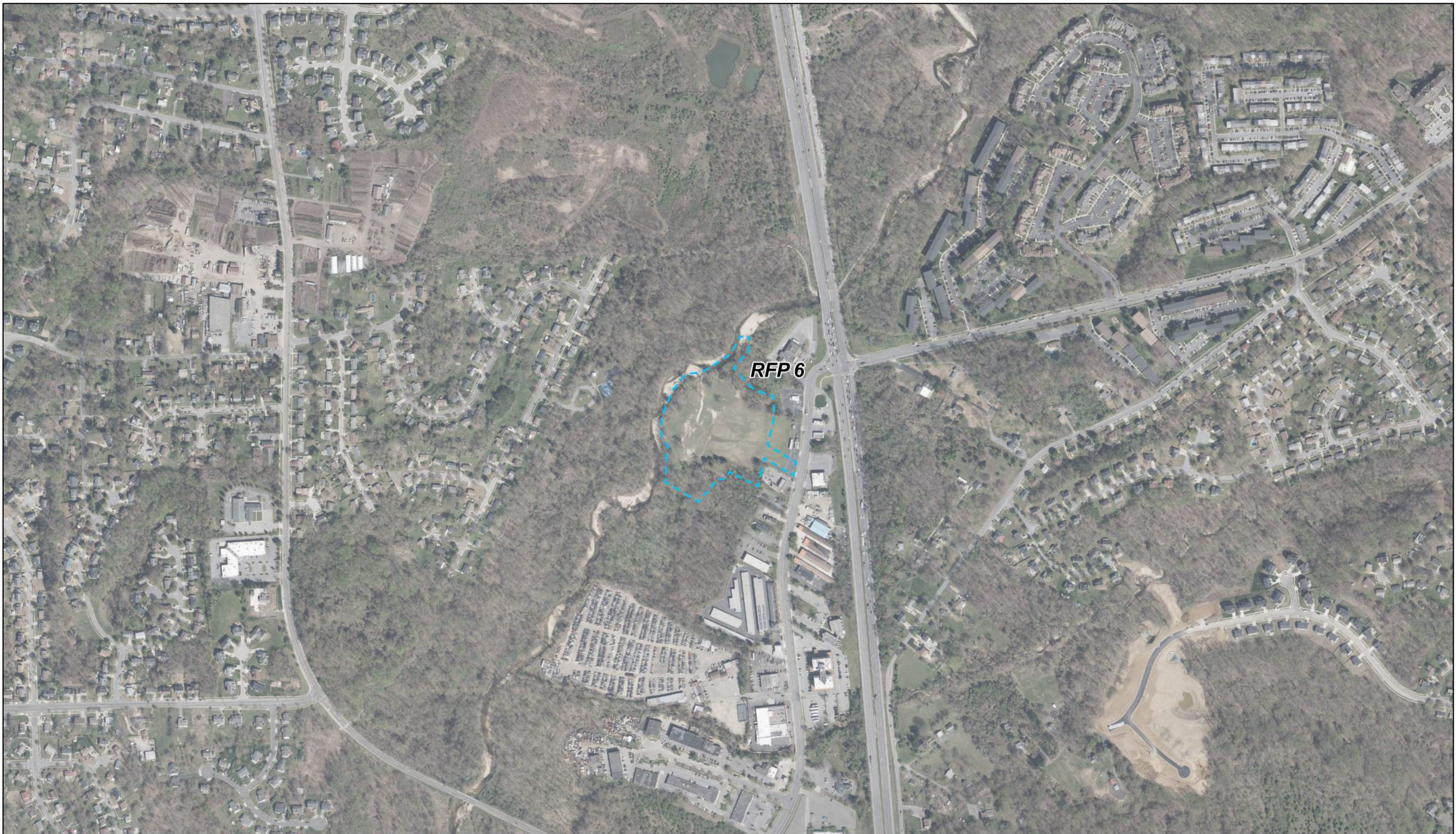
<p>Legend</p> <p> Area of Potential Effects/Limit of Disturbance</p> <p> Additional Archaeological Investigation Recommended</p>	<p> Archaeological Site Proposed for Further Treatment in PA</p> <p> NRHP Eligible / Listed</p>	<p>N</p> <p>1 in = 500 feet</p> <p>0 250 500</p> <p>February 2022</p>	<p>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</p> <p><i>RFP 3 : Tuscarora Creek</i></p>	<p>Sheet : W-10</p> <div style="text-align: right;">  </div>
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Legend <div><div> Area of Potential Effects/Limit of Disturbance</div><div> Archaeological Site Proposed for Further Treatment in PA</div><div> Additional Archaeological Investigation Recommended</div><div> NRHP Eligible / Listed</div></div>	<div></div> <div>1 in = 1,000 feet 0 500 1,000</div> <div>February 2022</div>	<div>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</div> <div>RFP 4 : Cabin Branch</div>	<div>Sheet : W-11</div> <div></div>
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Legend <div><div> Area of Potential Effects/Limit of Disturbance</div><div> Additional Archaeological Investigation Recommended</div></div>	<div><div> Archaeological Site Proposed for Further Treatment in PA</div><div> NRHP Eligible / Listed</div></div>	<div><div></div><div>1 in = 500 feet 0 250 500 </div><div>February 2022</div></div>	<div><div>Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation</div><div><i>RFP 5 : Mill Swamp Creek</i></div></div>	<div>Sheet : W-12</div> <div></div>
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Legend			1 in = 500 feet 0 250 500 	Area of Potential Effect and Summary of Cultural Resources Stream and Wetland Mitigation <i>RFP 6 : Henson Creek</i>	Sheet : W-13 
 Area of Potential Effects/Limit of Disturbance	 Archaeological Site Proposed for Further Treatment in PA				

