



October 8, 2021

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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