

I. INTRODUCTION

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c), as implemented through 23 CFR 774 by the Federal Highway Administration (FHWA), requires that the proposed use of land from any publicly-owned public park, recreation area, wildlife and/or waterfowl refuge, or any significant historic site may not be approved as part of a federally funded or approved transportation project unless:

- a) The FHWA determines that there is no feasible and prudent avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 774.3(a)); or
- b) The FHWA determines that the use of the Section 4(f) properties, including any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancements measures) committed to by the applicant, will have a *de minimis* impact on the property (23 CFR 774.3(b)).

Based on the information presented in this Final Section 4(f) Evaluation, FHWA has determined there are no feasible and prudent alternatives to the use of Section 4(f) properties, and that Modified Alternate 7 includes all possible planning to minimize harm resulting from the use of these properties.

This Final Section 4(f) Evaluation also provides notification of FHWA’s *de minimis* impact finding for Barnesfield Park. The determination has been made following continued coordination with the officials having jurisdiction over the resource. Pursuant to 23 CFR 774.5(b)(2), all *de minimis* impacts were presented for public review and comment in the combined Environmental Assessment (EA)/Draft Section 4(f) Evaluation, in conjunction with the requirements of the National Environmental Policy Act (NEPA). On July 20, 2011, the County Administrator for King George County concurred that the Governor Harry W. Nice Memorial Bridge (Nice Bridge) Improvement Project will not adversely affect the activities, features, and attributes of Barnesfield Park that qualify it for protection as a Section 4(f) property.

II. PROPOSED ACTION

The Proposed Action consists of the Maryland Transportation Authority (MDTA) Preferred Alternate, Modified Alternate 7 (see mapping in *Appendix A*). The alternate was originally presented in the EA in July 2009 as Alternate 7. Modified Alternate 7 consists of the installation of a new four-lane bridge north of the existing bridge. As shown in *Figure 1*, the new bridge will provide four 12-foot travel lanes, two four-foot inside shoulders, two 12-foot outside shoulders, a median barrier to separate opposing traffic flows, and a single, 10-foot barrier-separated, two-way bicycle/pedestrian (bike/ped) path on the south side of the bridge. The bike/ped path crosses beneath the bridge on each shore to enable bicyclists and pedestrians to transition to the shoulders of US 301 without crossing the highway. The difference between Alternate 7, as shown in the EA, and Modified Alternate 7, the Preferred Alternate, is that Alternate 7 included a bike/ped path on both the north and south sides of the bridge, while Modified Alternate 7 reduces its footprint to include a bike/ped path on the south side of the bridge, only.

Figure 1: Typical Section of Preferred Alternate

