

Mitigation measures in the MOA, executed in September 2011, were developed in coordination with VDOT, FHWA, NPS, VTC, the Virginia Department of Conservation and Recreation (DCR), and King George County, and include the following:

- Parkland mitigation needs will be determined based on final engineering design plans. The mitigation will satisfy no less that a 2:1 ratio of replacement parkland to impacted parkland.
- A site search will be conducted and coordinated with the signatories to the MOA. Riverfront properties will be considered.
- Replacement parkland for Barnesfield Park shall be of at least equal fair market value to the appraised value of the converted parkland, and of reasonably equivalent usefulness, recreational value, and location, to satisfy the requirements of Section 6(f) of the LWCF Act and the Federal Lands to Parks Program.
- MDTA shall prepare a landscape plan for the three properties in Virginia, with the intent of screening the highway from the properties. Noise mitigation will be considered at Dahlgren Wayside Park.
- MDTA shall construct a new public trail within Dahlgren Wayside Park that will provide access from the park to the bicycle/pedestrian path on the new bridge. The Dahlgren Wayside Park entrance and parking lot will be relocated. Hardscape features such as picnic tables, flagpoles, replacement boat landing, and barbecue grills shall be installed.
- Any unused portion of the Potomac Gateway Welcome Center property will be returned to King George County for park usage. This will not be considered replacement parkland.

Based on the evaluation presented in this section, Modified Alternate 7 includes all possible planning to minimize harm.

IX. COORDINATION

A. Officials with Jurisdiction over Parkland

As part of the Section 4(f) Evaluation, comments have been received from the official(s) with jurisdiction over each park resource (*Appendix B*). According to 23 CFR 774.17, the ‘official with jurisdiction’ is the official of the agency owning or administering the Section 4(f) resource. FHWA’s Section 4(f) Policy Paper (March 1, 2005) states there may be instances where the agency owning or administering the land has delegated or relinquished its authority to another agency via an agreement on how some of its land will function or be managed. This is the case with Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center, where activities on these lands require the consent of the US DOI, in addition to the property owner, based on the conditions of the 1972 Federal Lands to Parks transfer agreement and resulting covenants placed on the park properties.

MDTA and FHWA met with all officials with jurisdiction over park properties and the US Navy on September 14, 2009 and November 16, 2009 to present the Draft Section 4(f) Evaluation; discuss the impact of each analyzed alternate on Section 4(f) properties; discuss MDTA’s Preferred Alternate; and identify measures to mitigate park impacts. The outline for the MOA was initiated at these meetings. A copy of the executed MOA is included as *Appendix D*.

1. US Department of Interior/National Park Service

US DOI/NPS serves multiple jurisdictional roles for the park properties in Virginia, including oversight of any land conversion that may be required from Barnesfield Park in accordance with Section 6(f) of the LWCF Act, and approval of any land transfer in accordance with covenants and restrictions stipulated in deeds for those properties.

The Draft Section 4(f) Evaluation was provided to the US DOI in July 2009 for comment. By letter dated October 16, 2009, DOI agreed that Alternates 2, 3, and 6 are not feasible and prudent due to security requirements at NSF Dahlgren, and stated that Alternate 4 appears to minimize the project's use of park and recreation facilities, as well as impacts to the NRHP eligible Nice Bridge. DOI also agreed to consider approval of converting sections of the three properties for the project as long as the provisions of Section 4(f) are followed; the uses and impacts are minimized; and mitigation includes replacement lands of equal acreage, appraised value, and recreation usefulness. US DOI assisted with development of the MOA which provides mitigation of impacts to park properties and is a signatory to the MOA.

2. Virginia Department of Conservation and Recreation

DCR has a role in approving the LWCF Act land conversion at Barnesfield Park. DCR received the Draft Section 4(f) Evaluation in July 2009 and provided comments related to Section 6(f) and property replacement, which have been addressed in the MOA. DCR generally provided guidance on satisfying the Section 6(f) requirements, assisted with development of the MOA which provides mitigation of impacts to park properties and is a signatory to the MOA.

3. King George County

King George County is an official with jurisdiction over Barnesfield Park and Dahlgren Wayside Park. MDTA received preliminary information from King George County regarding these facilities and met with King George County officials on February 17, 2009, to discuss potential impacts to the parks. At this meeting, King George County agreed that the project would likely have no adverse effect to Barnesfield Park, and agreed with MDTA's intent to pursue a *de minimis* finding from FHWA for impacts to this resource. In November 2010, the King George County Board of Supervisors passed a resolution supporting Modified Alternate 7. On July 20, 2011, King George County agreed the project would not adversely affect the activities, features, and attributes of Barnesfield Park. King George County assisted with development of the MOA, which provides mitigation of impacts to park properties, and is a signatory to the MOA.

4. Virginia Tourism Corporation

VTC is an official with jurisdiction over the Potomac Gateway Welcome Center property. VTC participated in September 14, 2009 and November 16, 2009 meetings to discuss property impacts and received the Draft Section 4(f) Evaluation for review, but did not provide comments on the document. VTC is a signatory to the MOA.

B. State Historic Preservation Officers

Coordination has occurred with both MHT and VDHR throughout this study. Coordination efforts included determination of the preliminary APE; identification of historic properties in the APE; and review of the Draft Section 4(f) Evaluation. MHT and VDHR received the Draft Section 4(f) Evaluation for review, but did not provide comments on the document. In a June 17, 2010, letter, VDHR stated that they do not object to the choice of Modified Alternate 7 as MDTA's Preferred Alternate. MHT and VDHR also assisted with development of the Section 106 Programmatic Agreement (PA) and were signatories to the PA. The PA was executed by FHWA, MDTA, VDOT, MHT and VDHR in July 2011. A copy of the executed PA is included as *Appendix C*.

C. Localities

The project is located within Charles County, Maryland and King George County, Virginia. Elected officials and staff from both counties have been involved with the project by providing information regarding parks and recreational resources. Staff from Charles County also served as a consulting party pursuant to Section 106 of the NHPA, and provided information regarding historic sites. Both counties

were afforded the opportunity to review the Draft Section 4(f) Evaluation, but did not provide comments. Testimony in support of the project was given by representatives of both counties during the public hearings held in September 2009.

D. Other

1. US Navy/Naval Support Facility Dahlgren

NSF Dahlgren has been involved with the project through meetings and reviews of environmental documents. NSF Dahlgren reviewed the preliminary and final Draft Section 4(f) Evaluation and commented at the public hearings in 2009, noting their support for the retained alternates which do not affect NSF Dahlgren. NSF Dahlgren supports the proposed action, Modified Alternate 7.

2. Public Comments

The public had an opportunity to comment during the public comment period for the EA/Draft Section 4(f) Evaluation (August 14, 2009 – October 9, 2009). Seven of the 167 comments received noted concerns with the likely impacts to parks from the project. The following persons submitted these comments:

Lauren Wanzer, Bel Alton, MD
Tracy Travers, King George, VA
Betty Grigg, King George, VA
Janet Michael, Mystic, CT

Bill & Susan Willis, King George, VA
Jean Graham, King George, VA
Nancy Delaplane, La Plata, MD

This Section 4(f) Evaluation was prepared pursuant to 23 CFR 774 and demonstrates consideration of measures to avoid or minimize the impacts to parks. **Sections VI, VII, and VIII** of this evaluation provide a detailed analysis of measures to avoid and minimize park impacts.

One commenter, Carl Steinhauser of Newburg, Maryland, noted that existing bridge is historic and should therefore be retained. Consideration of retaining the bridge for historic preservation purposes was considered and evaluated in **Section VIII** of this Final Section 4(f) Evaluation.

X. CONCLUSION

Based on the above considerations, FHWA has determined that there are no feasible and prudent alternatives to the use of Section 4(f) land from Dahlgren Wayside Park, Potomac Gateway Welcome Center, and the NRHP eligible Nice Bridge historic site, and that Modified Alternate 7 includes all possible planning to minimize harm resulting from the use of these properties. Furthermore, FHWA has determined that Modified Alternate 7 would have a *de minimis* impact on Barnesfield Park.