



# FAIRFAX COUNTY PARK AUTHORITY



May 12, 2021

Abraham Lerner, P.E.  
VDOT Special Project Development Associate Manager  
Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, VA 22030

Subject: I-495 Express Lanes Northern Extension (Project NEXT)  
State Project Number: 0495-029-419, P101  
UPC Number: 113414  
From: Dulles Toll Road (Route 267) Interchange  
To: George Washington Memorial Parkway Interchange  
**SECTION 4(f); SIGNIFICANCE DETERMINATION, TEMPORARY OCCUPANCY, AND  
*DE MINIMIS* IMPACTS**

Dear Mr. Lerner,

The Fairfax County Park Authority (FCPA) has received your Section 4(f); Significance Determination, Temporary Occupancy, and *DE MINIMUS* letter, dated March 25, 2021, for the I-495 Express Lanes Northern Extension (NEXT) Project. This project proposes to extend the I-495 Express Lanes for approximately three (3) miles from the Dulles Toll Road Interchange to the George Washington Memorial parkway in the McLean area of Fairfax County. Planning level estimates indicate that the proposed design for the project will require a temporary grading and construction easement not to exceed 3.01 acres, and permanent fee simple incorporation of up to approximately 1.10 acres of the Scotts Run Nature Preserve, a property protected under Section 4(f) of the Department of Transportation Act of 1966 as delineated in Attachment 1. Your letter requests FCPA's concurrence that the proposed project would not adversely affect activities, features, and attributes of the Scotts Run Nature Preserve (the Preserve), owned by the FCPA.

The Preserve was purchased by the Fairfax County Board of Supervisors, and later transferred to FCPA, with assistance from the Land and Water Conservation Fund (LWCF). According to the Virginia Department of Conservation and Recreation (DCR), "Section 6(f)(3) of the Land & Water Conservation Fund Act of 1965, as amended, requires that property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS pursuant to Section 6(f)(3) of the LWCF Act." While this letter is primarily a response to the VDOT's Section 4(f) request letter, FCPA will continue to coordinate with the project team on the required Section 6(f) replacement land process and procedure as noted on Attachment 3, "Proposed Mitigation and Minimization," Bullet 5.




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The FCPA appreciates that VDOT staff has worked closely with FCPA staff to reach 4(f) de minimis concurrence under Section 4(f) of the Department of Transportation Act of 1966 for the I-495 NEXT Project. Based on VDOT's assurance to utilize FCPA's specified mitigation as stated in your request dated March 25, 2021, the executed Section 4(f) concurrence regarding De Minimis Impacts on FCPA Parklands and the Proposed Mitigations and Minimizations is attached. These documents have been amended with clarifications and corrections as discussed with VDOT staff in recent weeks. These edits are noted as underlined text in Attachments 2 and 3. As further engineering and design demonstrate any additional park impacts and land takings, additional studies and concurrences may be necessary. Costs associated with all land acquisitions including temporary and permanent easements and takings will need to be negotiated at a later date, separate from this Section 4(f) concurrence. FCPA staff is committed to work with VDOT staff to keep this important project on schedule with the understanding that VDOT will continue to coordinate with FCPA during project design and construction.

The staff contact for this project is Elizabeth Iannetta, Infrastructure Project Coordinator, who can be reached at 703-324-8725 or [Elizabeth.Iannetta@fairfaxcounty.gov](mailto:Elizabeth.Iannetta@fairfaxcounty.gov). We look forward to working with you as this project progresses.

Sincerely,

DocuSigned by:  
  
66B05FAA5613421...  
Sara Baldwin

Acting Executive Director/COO

- Attachment 1: Scotts Run Nature Preserve Impact Area
- Attachment 2: FCPA Section 4(f) Signature Block (as amended)
- Attachment 3: Proposed Mitigation and Minimization
- Attachment 4: Proposed Trail Network Connecting to Scotts Run Nature Preserve

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John Simkins, FHWA  
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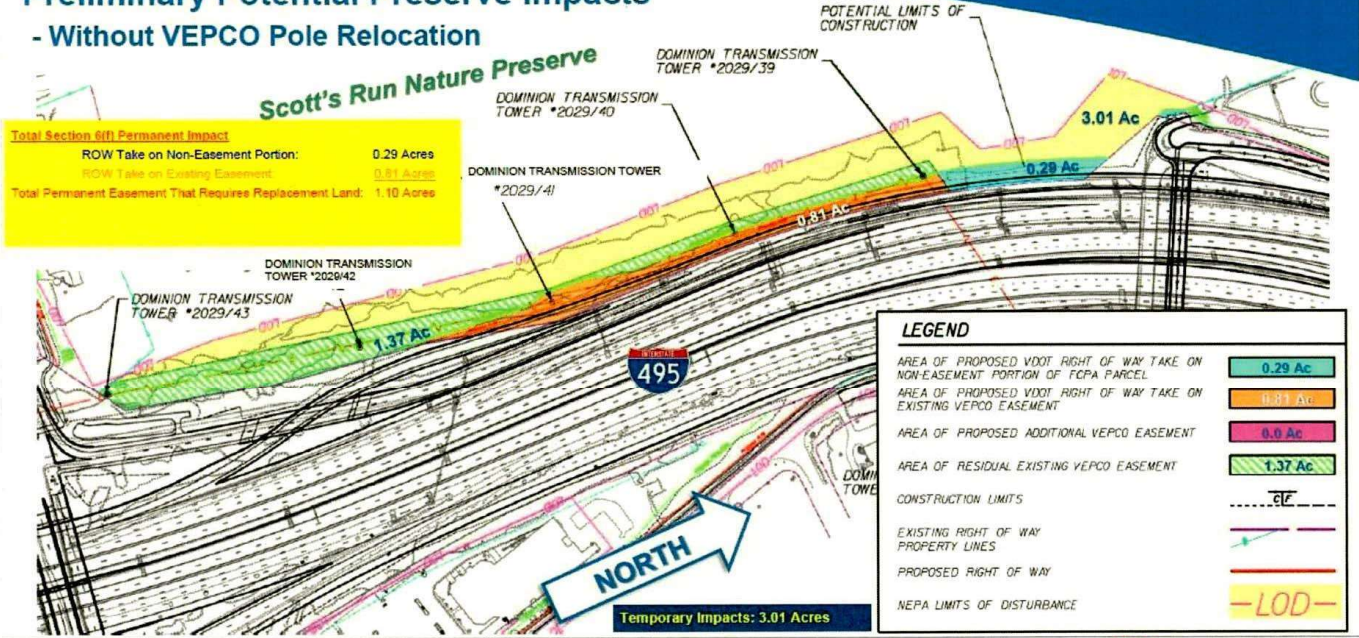
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Section 4(f) FCPA.docx

# Preliminary Potential Preserve Impacts - Without VEPCO Pole Relocation

## Scott's Run Nature Preserve

**Total Section 6(f) Permanent Impact**  
 ROW Take on Non-Easement Portion: 0.29 Acres  
 ROW Take on Existing Easement: 0.81 Acres  
 Total Permanent Easement That Requires Replacement Land: 1.10 Acres



**Fairfax County Park Authority Significance Determination, Temporary Occupancy, and Final Concurrence with the Section 4(f) Applicability Criteria for *de minimis* Impact to Scotts Run Nature Preserve**

For the proposed northern extension of Interstate 495 (VDOT Project #0495-029-419, P101, UPC #113414) from the current northern terminus of the existing Express Lanes in the vicinity of the Old Dominion Drive overpass to the George Washington Memorial Parkway (GWMP) in the McLean area of Fairfax County, Virginia, the Fairfax County Park Authority (FCPA) has determined that the Scotts Run Nature Preserve (Preserve) is a significant property in their system. FCPA concurs that the temporary occupancy of 3.01 acres for grading and construction is minor and will not cause permanently adverse physical impacts to, nor interfere with the protected activities, features, or attributes of the Preserve that qualify it for protection under Section 4(f), either on a temporary or permanent basis. FCPA further concurs that the fee simple right-of-way acquisition of approximately 1.10 acres of property will not permanently adversely affect the Preserve, as the majority of the fee simple acquisition is co-located with an existing overhead Dominion Energy transmission line that is within an existing easement. FCPA further concurs that, based upon current design information and the commitment on the part of VDOT to mitigate and minimize disturbance within the Preserve, subject to the conditions attached to this concurrence document and incorporated as Attachment 3, impacts to Preserve property that could be expected to result from the project will not adversely affect activities, features, or attributes of the Preserve. FCPA hereby acknowledges that VDOT provided notice and opportunity for public review and comment, consistent with federal guidelines. This concurrence does not constitute an endorsement of the project or conveyance of any temporary or permanent interests in or access to the Preserve. This concurrence is provided with the understanding that further design information is to be provided to FCPA by VDOT during project development and that further consultation with FCPA will be undertaken by VDOT to ensure prior to granting of any temporary or permanent property interests that harm to park property by the proposed project will be minimized and the conditions upon which this concurrence is based have not changed.

DocuSigned by:



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Signature

05/17/2021

Date

Sara Baldwin

Printed Name

Acting Executive Director/COO, FCPA

Title

## ATTACHMENT 3

### PROPOSED MITIGATION AND MINIMIZATION

VDOT will adhere to the following minimization efforts and mitigation measures for the Scott's Run Nature Preserve:

- VDOT will avoid impacts to the recreational use of the property so that the project will not adversely affect activities, features, or attributes of the Scott's Run Nature Preserve.
- VDOT will minimize potential encroachment into Scott's Run Nature Preserve by staying within utility easement, to the extent possible, within the boundaries of the Scott's Run Nature Preserve.
- VDOT commits to providing FCPA design plans to review as the project progresses through the Design-Build process following completion of the NEPA process. VDOT expects these plans to be reviewed by the FCPA within three weeks of submittal.
- VDOT agrees to return any areas with temporary construction impacts on FCPA land to its pre-construction condition (like to like).
- VDOT commits to mitigation/compensation for impacts to those areas outside of the required replacement land area. The permanent fee simple area will be compensated with replacement land.
- VDOT agrees to mitigate/compensate for permanent impacts to natural resources on FCPA managed lands. This requirement shall apply to any natural resource impact (terrestrial or aquatic) that is not regulated under the jurisdiction of any federal or state agency.
- VDOT will stabilize the construction footprint with native seed mix. Once construction is complete, FCPA will rehabilitate these areas to the habitat type based on whether it is a temporary or permanent impact. VDOT will compensate FCPA to design, install and maintain these rehabilitated areas for up to three (3) years.
- The Design-Build Team will be required to follow FCPA Policy Manual guidance. FCPA Policy 201: Natural and Cultural Resources will also be referenced in the Technical Requirements of the Design Build Request for Proposals for the project.
- The Technical Requirements of the Design-Build Request for Proposals will include the LOD as a design constraint. Any design changes that extend beyond the LOD that was previously coordinated will require further consultation with the SHPO (VDHR), the OWJ, FHWA, and other consulting parties as necessary.
- As part of the overall design for the I-495 NEXT project design, the Build Alternative includes an approximately 3.1-mile, 10-foot-wide shared use path, consistent with the Fairfax County Countywide Trails Plan Map (FCDPD 2018) that would provide improved local access to the Scott's Run Nature Preserve trail system (see Attachment 4). The path is proposed to begin near the south end of the project corridor at Timberly Lane near Lewinsville Road and continue north along the west side of I-495 behind the proposed noise barrier. The path would also have a connection to existing and proposed bicycle and pedestrian facilities along Georgetown Pike, tying in just west of the Georgetown Pike interchange. The path is proposed to then cross I-495 on the south side of the proposed Georgetown Pike bridge and turn north at the Balls Hill Road intersection where it would continue along the west side of Balls Hill Road to the GWMP interchange. The northern

## ATTACHMENT 3

limits of the path would be constructed so that it may connect in the future to a proposed pedestrian crossing of the Potomac River adjacent to the ALMB. The path would also provide access to the widened sidewalk on the new Live Oak Drive bridge where it crosses I-495 (just south of the GWMP interchange) and provide a connection to the trail system in Scott's Run Nature Preserve as well as the Potomac Heritage Trail.

- In order to provide a seamless connection between the proposed shared use path and Scott's Run Nature Preserve, VDOT will construct the following sidewalk and trail connections as part of the Build Alternative:
  - A new sidewalk along Georgetown Pike (north side) between the I-495 interchange and Linganore Drive will be constructed, connecting with the existing trail that leads to the main entrance of the preserve.
  - The Georgetown Pike Bridge will be widened, and a new sidewalk will be constructed on the north side of the I-495 Bridge and extend beyond the bridge to Balls Hill Road as well as to the I-495 proposed shared use path as described above.
  - Crosswalks will be constructed to connect to the I-495 proposed shared use path and new sidewalks on both sides of I-495, providing improved options for pedestrians and bicyclists to gain access to the existing trail west of Linagnore Drive leading to Scott's Run Nature Preserve.



### Recreational Trails and Bicycle Facilities within the Study Area







Recreational Trails and Bicycle Facilities near the Scotts Run Nature Preserve

