



FINDING OF NO SIGNIFICANT IMPACT

I-495 Express Lanes Northern Extension

Fairfax County, Virginia

The Virginia Department of Transportation (VDOT), along with the Federal Highway Administration (FHWA), and in cooperation with the National Park Service (NPS), prepared a Revised Environmental Assessment (EA) to evaluate the impacts of the extension of the existing I-495 express lanes and new ramp connections along approximately three miles of I-495, also referred to as the Capital Beltway, from their current northern terminus in the vicinity of the Old Dominion Drive overpass (just north of Exit 45 – Dulles Toll Road [Route 267]) to the George Washington Memorial Parkway (Park) in the McLean area of Fairfax County, Virginia (I495 NEXT). The project is adjacent to the Park and will require the permanent use of 0.9 acres of NPS land to facilitate the extension of the express lanes. The purpose for the extension of express lanes on I-495 between Route 267 is to reduce congestion, provide additional travel choices, and improve travel reliability. The goal of the I-495 NEXT project's design is to minimize the visual and physical impacts to the Park while meeting the project's purpose and need. VDOT has also identified opportunities to incorporate elements of design to create an appropriate entry experience for drivers approaching the parkway from the express lanes. Although the proposed express lanes would terminate at the Park, improvements are anticipated to extend approximately 0.3 miles north of the Park in order to provide a tie-in to the existing roadway in the vicinity of the American Legion Memorial Bridge .

After consultation with VDOT and the FHWA, review of the EA and other supporting documentation, the NPS, in accordance with 43 CFR 46.320, is adopting this EA and making its decision to allow the VDOT and the FHWA to carry out the proposed project elements for the I-495 NEXT project and to transfer of approximately 0.9 acres by Highway Easement Deed land administered by the NPS to VDOT through FHWA to facilitate the project. The EA fulfills the requirements of NEPA and applicable regulations, and it meets the policies set forth in the NPS's Director's Order #12, Conservation Planning, Environmental Impact Analysis and Decision-making, and accompanying Handbook.

The Federal action that will be undertaken by the NPS is the issuance of a Special Use Permit for construction of the I-495 NEXT project tie-in to the Park, and the issuance if a Highway Easement Deed through FHWA. The decision considers impacts to the Park resources as expressed in statute, including the Park's enabling legislation, regulation, and policy.

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 United States Code [USC] 4321 et seq.) and its implementing regulations (40 Code of Federal Regulations [CFR] 1500-1508.9); the Department of Interior NEPA regulations (43 CFR Part 46); and with NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making (2011) and its accompanying handbook (2015). The statements and conclusions reached in this Finding of No Significant Impact (FONSI) are based on the documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

ALTERNATIVES CONSIDERED AND SELECTED

The EA analyzed two alternatives (No Action Alternative and the Build Alternative) and the associated impacts on the environment. Based on the analysis and coordination between VDOT, the NPS, and the FHWA, the NPS has concurred with FHWA's selection of the Build Alternative for implementation. See Section 2 of the EA for a complete, detailed description of the Build Alternative, which has been identified as the Selected Alternative by the FHWA.

The Selected Alternative would extend the existing I-495 Express Lanes along approximately three miles of I-495, also referred to as the Capital Beltway, from their current northern terminus in the vicinity of the Old Dominion Drive overpass (just north of Exit 45 - Dulles Toll Road [Route 267]) to the Park in the McLean area of Fairfax County, Virginia. Although the proposed lanes would terminate at the Park, and the interchange provides a logical northern terminus for this study, improvements are anticipated to extend approximately 0.3 miles north of the Park in order to provide a tie-in to the existing roadway in the vicinity of the American Legion Memorial Bridge.

The Selected Alternative also includes new Express Lanes ramp connections to and from the south at the Park, as well as access ramp improvements and lane reconfigurations along portions of the Dulles Toll Road and the Dulles International Airport Access Highway, on either side of the Capital Beltway, from the Spring Hill Road Interchange to the Route 123 interchange. The proposed improvements include new and reconfigured express lane ramps and general-purpose lane ramps at the Dulles Interchange and tie-in connections to the Route 123/I-495 interchange.

The Selected Alternative also includes a new shared use path along the west side of I-495, on the outside of the noise barriers, between Virginia Route 694 (Lewisville Road) just north of the Dulles Toll Road, to Virginia Route 193 (Georgetown Pike), where it is proposed to cross I-495 on the south side of Georgetown Pike. Once across I-495, the shared use path is proposed to cross Georgetown Pike on the west side of Balls Hill Road and continue north to Live Oak Drive. The shared use path will not encroach land within the Park.

RATIONALE FOR DECISION

The NPS concurs with FHWA's decision to construct the I-495 NEXT project because it best meets FHWA's project goals of reducing congestion, providing additional travel choices, and improving travel reliability while minimizing impacts to the cultural landscape, historic context, and natural resources of the Park.

MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse impacts to affected resources, whether under the jurisdiction of the NPS or as a result of an NPS decision. Mitigation measures are outlined in the **Appendix A**. These mitigation measures will be included as conditions in the Special Use Permit issued to VDOT for construction of the project elements within the Park. These mitigation measures will allow the NPS to meet its conservation mandates as required by the Organic Act (16 USC 1 et seq.) and as further detailed in NPS Management Policies (4.4.4.1; 4.4.4.2; 4.4.5.3).

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT IMPACT

As documented in Section 3 of the EA, the Build Alternative will result in both beneficial and/or adverse impacts on the Park. However, the NPS has determined that the Build Alternative can be implemented without significant adverse effects, as defined in 40 CFR §1508.27. On October 5, 2020, NPS concurred via letter with VDOT's "No Adverse Effect" determination for the I-495 NEXT project provided that VDOT moves forward with Option 1 from the *February 2020 Visualization Booklet*. On January 21, 2021, the SHPO also concurred with VDOT's "No Adverse Effect" Determination provided that Option 1 from the *February 2020 Visualization Booklet* is implemented along with other conditions.

Within the Limits of Disturbance (LOD) for the Build Alternative, an estimated 2.2 acres of land located within the boundary of the Park would be either permanently or temporarily impacted. Approximately 0.9 acres would be anticipated to be permanently impacted in order to tie in the I-495 NEXT project to the existing ramps that serve the Park, and there would be a 1.3-acre short-term temporary use during construction for the area immediately adjacent to the existing ramp from northbound I-495 to the Park (south of the existing road bed).

Permanent Use

A permanent use of approximately 0.9 acres from the Park – by way of execution of a Highway Easement Deed by FHWA, pursuant to the authority of 23 U.S.C. 107(d) – is needed to construct the I-495 NEXT project. The area from which the easement would be acquired abuts the existing Park eastbound lanes and incorporates the removal of vegetation necessary for the construction of the tie-in and fly-over ramps (located outside the Park boundary). Acquisition of this easement would not adversely affect the activities, features, or attributes of the Park.

Following conclusion of the NEPA process, the FHWA would officially request land for highway purposes via execution of a Highway Easement Deed. NPS consent of the request is required to advance the transfer of land for permanent incorporation to a transportation use. The execution of a Highway Easement Deed would be performed in compliance with: (1) 23 U.S.C. 107(d), which authorizes the FHWA to arrange with Federal agencies to provide rights-of-way to state departments of transportation whenever such rights-of-way are required for the Interstate System and; (2) the NPS Director’s Order (DO) #87D: Non-NPS Roads, which set forth the NPS operational policies and a procedures for responding to the request of use of national parks for non-NPS highway projects partially or fully funded under Title 23 of the United State Code.

Temporary Use

Planning-level estimates indicate the need for a short-term temporary use of park land, not to exceed approximately 1.3 acres, would be needed for construction. The nature and the magnitude of the changes to the property that would occur within the temporary use are minimal. Existing forest canopy, understory, and herbaceous plant community may be cleared. Temporary erosion and sediment controls will be installed and maintained throughout the duration of the construction to prevent soil erosion and to manage stormwater runoff. Areas that can support vegetation will be revegetated in accordance with the stipulations included in **Appendix A**. VDOT would request a Special Use Permit from the NPS for the temporary use of park land under its administration for construction of the proposed project tie-in to the existing Park.

Section 4(f) de minimis Determination

Through the issuance of the EA on February 26, 2020, and through coordination documented in the I-495 NEXT Revised EA (May 2021), the public and Officials with Jurisdiction (OWJ) over the Park (NPS and the SHPO) were notified of FHWA’s intention to make a *de minimis* impact determination for Section 4(f) impacts, with respect to the Build Alternative’s use of land from the Park.

VDOT provided the public and agencies with the opportunity to review and comment on the effects and the proposed *de minimis* impact during the October 5, 2020 and October 8, 2020 Public Hearing. Comments received from the public following the Public Hearing stated that coordination with the NPS was necessary due to the LOD encompassing portions of the Park. No comments from the public were received that were explicitly related to Section 4(f) impacts to the Park. On May 6, 2021, NPS concurred via letter with the intention to make a *de minimis* impact determination, with respect to the Build Alternative’s use of land from the Park.

Recreation

The public will maintain the ability to use the Park for scenic recreational driving as well as for the visitation to the Park’s associated recreational features (trails, parks, or scenic vistas). Access to all of these recreational features (scenic driving, trails, parks, or scenic vistas) would be maintained at all times by the Design-Build contractor. Minor changes in noise levels could occur due to closer proximity of highway right-of-way and visual quality due to vegetation clearing.

Where appropriate, existing I-495 guide signage would be consolidated to reduce the overall number of signs appearing in one area of the Park, while in one new location a new guide sign would be added to the existing viewshed. Views of the Potomac River and Potomac Palisades will be maintained with no impact

to existing viewsheds. VDOT will also implement Option 1 from the *February 2020 Visualization Booklet* along with the other conditions highlighted in **Appendix A**.

Historic Resources

With regard to historic impacts related to the Park, VDOT's assessment of effects has been informed by two documents: the National Register of Historic Places (NRHP) nomination for the Park prepared by the NPS in 1995 (NPS, 1995) and the Cultural Landscape Inventory (CLI) for the North Parkway published by the NPS in 2009 (NPS, 2009). The NHP nomination specifically excludes the I-495/Park interchange for the defined historic property, and most I-495 NEXT project elements are located within the excluded interchange. In addition, the CLI identifies certain aspects of the North Parkway that are important landscape elements including views of the Potomac Palisades, stone walls, the tree canopy, and the configuration of the Park itself.

Of those elements, only the tree canopy and the Park's configuration of the parkway itself are within the project's APE. Alteration of the forest canopy will occur primarily in an area that was impacted by the original construction. As a result of the I-495 NEXT project, it is expected that the impacts will be minimized using avoidance, design strategies, and replanting to restore the forest community to its original design intent. Further, the overall configuration of the Park itself would be altered only by extending the existing merge taper for a distance of approximately 1,150 feet within the NRHP boundaries of the Park. It is VDOT's and the SHPO's opinion that neither of these alterations to character-defining features of the Park rise to the level of diminishing those features.

APPENDIX A: MITIGATION AND MINIMIZATION MEASURES

- VDOT shall include design constraints in the Request for Proposals requiring the Design-Build contractor to remain within the current LOD where possible in designing and constructing project improvements in the vicinity of Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430. VDOT shall ensure that the Concessionaire (Design-Build contractor) includes a Special Provision in the contract requiring that safety fencing is erected along the LOD to ensure avoidance of any ground disturbance to Sites 44FX0374, 44FX0379, 44FX0389, or 44FX2430 during construction of the project, or by construction vehicles entering and leaving the project corridor.
- VDOT shall implement Option 1 as presented in the *February 2020 Visualization Booklet* and selected by the SHPO and the NPS as the preferred option for the I-495 NEXT project.
- VDOT shall construct any infrastructure associated with the NPS-selected gateway Option 1 in accordance with NPS specifications.
- VDOT shall install any necessary plantings on NPS lands associated with the NPS-selected gateway option in accordance with NPS specifications and monitor and control non-native invasive vegetation.
- VDOT shall minimize the amount of forest and vegetation removal deemed necessary to implement Option 1, and shall mitigate the forest removal on land within the Park and land within VDOT right-of-way adjacent to the roadway that transitions to the Park entrance.
- VDOT shall coordinate with NPS regarding the design and location of the signage to be installed within the Park for the I-495 NEXT project.
- VDOT shall consult with the Park and the SHPO at major milestones in project design to ensure the design remains consistent with these conditions to avoid adverse effects on the Park.
- On-going design minimization efforts to reduce the project's physical project footprint and impervious surface area within the Park boundary.
- Continued collaboration with the NPS on potential enhancements to the visitor's "sense of arrival" including potentially relocating the Park entrance sign to a more prominently visible location within the park.
- Preparation of several preliminary design concepts and viewshed visualizations of potential projects impacts at the park boundary interface. This information was provided to the NPS in meetings on December 12, 2019 and January 23, 2019 and refined for submittal on February 6, 2020; the potential concepts and visualizations are included for review in Appendix A of this document.
- Completion of a tree survey in the vicinity of the eastbound Park lanes, with a commitment to minimize impacts to mature and healthy trees, and to restore vegetation disturbed by construction (including the use of native seed mix and re-planting of trees per NPS's tree replacement ratio of 1:1).
- On-going efforts to consolidate/reduce existing I-495 guide signage within the westbound lanes of the Park.
- Replacement of guide signing for the Park on the Capital Beltway to include new sign elements with brown backgrounds.
- Location of the Virginia toll signing outside of the park boundary.

APPENDIX B: NON-IMPACT DETERMINATION

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 U.S.C. 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (54 USC 100101).

NPS Management Policies 2006, Section 1.4 explains the prohibition on impairment of park resources and values. While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the Federal courts) that the NPS must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the NPS. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The NPS has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (NPS 2006, Section 1.4.3). However, the NPS cannot allow an adverse impact that will constitute impairment of the affected resources and values (NPS 2006, Section 1.4.3). An action constitutes an impairment when its impacts “*harm the integrity of Park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values*” (NPS 2006, Section 1.4.5). To determine impairment, NPS must evaluate “*the particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts*” (NPS 2006, Section 1.4.5).

This determination on impairment has been prepared for the Selected Alternative described in this Finding of No Significant Impact. An impairment determination is made for the resource topics of cultural and historic resources, and vegetation. These resources are considered fundamental to the George Washington Memorial Parkway (Park), and the NPS as a whole. An impairment determination is not made for visitor use and experience because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values. This determination on impairment has been prepared for the Build Alternative described in Section 2 of the I-495 NEXT Revised EA. The summary of impacts described below show that the Build Alternative does not run counter to the Park's establishing legislation, nor would it inhibit opportunities to see and interpret the historic and cultural resources of the Park.

CULTURAL AND HISTORIC RESOURCES

The cultural landscapes and historic structures within the Area of Potential Effect (APE) include the Park; Park intersection with Capital Beltway/I-495; Potomac Heritage National Scenic Trail; and Georgetown Pike/Route 193. On January 21, 2021, the SHPO concurred with VDOT's “No Adverse Effect” Determination provided that Option 1 from the February 2020 Visualization Booklet is implemented along with the other conditions highlighted in the “Mitigation and Minimization Measures” listed in **Appendix A**. As such, the overall integrity of these resources will remain full intact, and no impairment will occur.

VEGETATION

The Build Alternative would cause an adverse permanent impact of approximately 0.9 acres of the Park and 1.3 acres of short-term temporary use of park land – under a Special Use Permit – to construct the I-495 NEXT project. The area for which the Special Use Permit would be acquired abuts the existing Park

eastbound lanes and incorporates the removal of vegetation necessary for the construction of the tie-in and fly-over ramps (located outside the Park boundary). The Build Alternative would cause a long-term adverse impact to woody landscape vegetation. As summarized in the February 2020 Visualization Booklet, approximately 58 total trees, along the parkway would be removed with the selected Option 1. The impacts to the understory and herbaceous forest community are not quantified. Areas that can support vegetation will be revegetated in accordance with the stipulations included in **Appendix A**, including the use of a native seed mix and re-planting of trees per the NPS's tree replacement ration of 1:1. The permanent impacts on vegetation would not impede the purpose of the park nor inhibit the continued use of the area.

CONCLUSION

The NPS has determined that the adoption and implementation of the FHWA's Selected Alternative, the Build Alternative described in Section 2 of the I-495 NEXT Revised EA, will not constitute an impairment of the resources or values of the Park and associated lands. As described above, implementing the selected alternative is not anticipated to impair resources or values that are essential to the purposes identified in the establishing legislation of the park, key to the natural or cultural integrity of the park, or identified as significant in the park's relevant planning documents. This conclusion is based on the consideration of the Park's purpose and significance, a thorough analysis of the environmental impacts described in the I-495 NEXT Revised EA, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision maker guided by the direction of the NPS Management Policies 2006.

APPENDIX C: SECTION 106 COORDINATION AND CORRESPONDENCE



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

January 14, 2021

ROUTE: I-495
PROJECT: 0495-029-419, P10I; UPC: 113414
COUNTY/CITY: Fairfax County
FUNDING: Federal
VDHRFILE: 2018-0473
ACTION REQUIRED: Determination of Effect

Ms. Julie V. Langan, Director
Attn.: Mr. Marc Holma, Office of Review and
Compliance Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Mr. Holma:

The Virginia Department of Transportation (VDOT) is studying proposed improvements to I-495 between Dulles Toll Road (Route 267) and the George Washington Memorial Parkway interchange in the vicinity of the American Legion Bridge. On behalf of the Federal Highway Administration (FHWA), VDOT has coordinated this federally-funded project, called the I-495 NEXT project, with the Virginia Department of Historic Resources (VDHR/Virginia SHPO) since 2018 in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations, 36 CFR Part 800. Current design plans indicate that the proposed project has been revised to include additional improvements that extend beyond the limits of the APE as it was originally defined. **The purpose of this letter is to coordinate an effect determination for the cultural resources that fall within the revised Area of Potential Effect (APE) for the I-495 NEXT project.**

VDOT maintains that cultural resource work completed for this project meets the standards set forth in both the Secretary of Interior's Standards and Guidelines (1983) and the VDHR Guidelines for Conducting Historic Resource Surveys in Virginia (May 2011) with reference to the *Programmatic Agreement among the Federal Highway Administration, the U.S. Army Corps*

of Engineers, Norfolk District, the Tennessee Valley Authority, the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Office and the Virginia Department of Transportation Regarding Transportation Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966, executed August 2, 2016 (2016 Federal PA).

Project Overview

VDOT, in coordination with the Federal Highway Administration (FHWA) as the lead federal agency, is preparing an Environmental Assessment (EA) for the proposed project. The study will evaluate the potential extension of the existing High Occupancy Toll (HOT) lanes from their current northern terminus at the Dulles Toll Road (Route 267) to the George Washington Memorial Parkway interchange in the vicinity of the American Legion Bridge.¹ The extension of HOT lanes are primarily located within existing right-of-way (ROW). The purpose for the study focuses on reducing congestion, providing additional travel choices, and improving travel reliability. The APE for archaeological resources is defined by the project's limits of disturbance (LOD); the APE for architectural resources includes the vicinity where alterations to historic feeling and setting may occur.

Cultural Heritage Group (CHG) conducted cultural resources survey of the vast majority of the APE for this project in April 2019 and May 2019. On July 30, 2019, VDOT coordinated with your office the results of this initial survey, as well as the eligibility of architectural resources located within the entire APE and the eligibility of archaeological resources located within portions of the APE that fall outside the boundaries of the GWMP. VDHR concurred with the findings of this study on August 14, 2019.

As you are aware, the I-495 NEXT project is contiguous with the I-495 & I-270 Managed Lanes Study (MLS) in Maryland. On behalf of the Maryland State Highway Administration (MSHA) and VDOT, TRC Environmental Group (TRC) conducted archaeological survey of the portions of the MLS and the portions of the I-495 NEXT projects that fall within the GWMP from July 8-17, 2019. These survey efforts were combined to more efficiently identify archaeological resources under a single permit (19-GWMP-5), which is required under the Archeological Resources Protection Act (ARPA) to conduct archaeological excavations on federal land. VDOT coordinated the results of the TRC survey with VDHR on October 30, 2019, and VDHR concurred with the findings on November 20, 2019. Since the initial coordination, the MSHA requested that the NPS comment on the eligibility of the Deep Run Ridges Archaeological Historic District. In September 2020, the NPS concurred with the MSHA that Archaeological Sites 44FX0374, 44FX0381, and 44FX0389 are contributing sites to the Dead Run Ridges Archaeological Historic District (44FX3922).

Assessment of Effect

Architecture

Based on current design, only one architectural historic property, the George Washington

¹ The project is administered as a Public-Private Partnership (P-3) between VDOT and a P-3 concessionaire. The concessionaire will be responsible for constructing the project and procuring a design-builder. VDOT shall ensure that the Section 106 commitments identified in this letter are carried out by the concessionaire through VDOT's review and concurrence responsibilities in its partnership with the concessionaire.

Memorial Parkway GWMP) (VDHR No. 029-0228), falls within the project APE. The Georgetown Pike (VDHR No. 029-0466) is in the vicinity of the APE; however the 0.53 mile section at the I-495 Interchange does not contribute to and is not included within the NRHP listed portion of the Georgetown Pike. The Tysons Corner Mall (VDHR No. 029-6464) does fall within the APE for indirect effects. However, the proposed project will not directly impact Tysons Corner Mall, nor will it alter the existing feeling and setting of the resource. Therefore, VDOT maintains that the proposed project will have no effect on the Tysons Corner Mall.

With regard to the GWMP, VDOT's assessment of effect has been informed by two documents: the NRHP nomination for the GWMP prepared by the NPS in 1995 and the Cultural Landscape Inventory (CLI) for the North Parkway published by the NPS in 2009. The NRHP nomination specifically excludes the I-495/GWMP interchange from the defined historic property, and most project elements are located within that excluded interchange. In addition, the CLI identifies certain aspects of the North Parkway that are important landscape elements including views of the Potomac Palisades, stone walls, the tree canopy and the configuration of the Parkway itself. Of those elements, only the tree canopy and the Parkway's configuration are within the project's APE. Alteration of the canopy will occur only as a result of the four gateway options in an area that had minimal forest cover during the GWMP's period of significance defined in the NRHP nomination (see Attachment: *George Washington Memorial Parkway Visualization Booklet*, page 8).² Further, the overall configuration of the Parkway itself will be altered only by extending the existing merge taper for a distance of approximately 1150 feet within the NRHP boundaries of the GWMP. It is VDOT's opinion that neither of these alterations to character-defining features of the GWMP rise to the level of diminishing those features.

Archaeology

Although the Dead Run Ridges Archaeological District (44FX3922) is located within the APE for archaeological resources, the APE does not extend within any of the archaeological resources that contribute to the NRHP eligibility of the district, and no other archaeological sites eligible for or listed on the NRHP are located within the APE for archaeological resources (Figure 3). Three NRHP-eligible archaeological sites (44FX0374, 44FX0379, and 44FX0389) and one unevaluated archaeological site (44FX2430), however, are located immediately adjacent to the Project LOD.

Proposed Design

The VDOT design team worked closely with the NPS and consulting parties in order to develop a project that considers the setting and feeling of the GWMP. The goal behind the design is to minimize the visual and physical impact to the GWMP, while incorporating elements of design that creates a gateway entrance to the GWMP off I-495. Early in the Section 106 process, the NPS stated that a design clearly identifying the GWMP to drivers exiting I-495 was preferred. To meet this request, the design consultant presented a *George Washington Memorial Parkway Visualization Booklet* (the Booklet) at the February 6, 2020 consulting parties meeting (a copy of the Booklet is included with this correspondence). The Booklet presents a design concept that addresses the NPS's desire for a clear gateway to the GWMP, proposed directional signage to I-

² The *Visualization Booklet*, dated February 6, 2020, is an Attachment to this letter by reference. It was distributed to all the consulting parties and is not physically attached. If additional copies are needed, please contact VDOT.

495 from the GWMP, and the merging of the express lanes and general purpose lanes from I-495 from the south onto the GWMP. VDOT maintains that the design options presented in the Booklet minimize the effect of the I-495 NEXT project to the GWMP. While the proposed project may alter the setting and feeling of the GWMP, the project does not diminish any aspects of integrity that contribute to the significance of the resource.

The Booklet outlines four gateway options for traffic traveling from the express lanes and general purpose lanes from I-495 onto the GWMP. Three of the options involve the construction of a stone-faced retaining wall, while one option proposes an alteration by laying back the slope to the south of the GWMP. The VDOT presented the VDHR an opportunity to review and comment on the four design options presented in the Booklet. In an April 2020 letter the VDHR expressed their preference for Option 1, the option that proposes to lay back the slope to the south of the GWMP verses the other three options. The VDHR maintains that Option 1 is the preferred option because it will not result in the introduction of new features on the landscape. However, the VDHR withheld their decision on a final effect determination for the project in order to give the NPS an opportunity to review and comment on the four options presented in the Booklet.

In April 2020, the VDOT received a letter from the NPS stating that the agency agreed with VDOT's no adverse effect determination for the I-495 NEXT project provided that VDOT used Option 1 for the project. In an October 2020 letter, the NPS provided additional guidance and conditions to support the no adverse effect determination. In the October 2020 letter, the NPS requested that the VDOT minimize loss of forest and mitigate for any loss of vegetation in the vicinity where I-495 connects with the GWMP. Further, the NPS recommends that sound wall treatments on VDOT property complement existing walls and architecture along the GWMP.

In an attempt to support the no adverse effect determination for the I-495 NEXT project, VDOT shall commit to the following conditions. The VDOT shall utilize Option 1, as described in the Booklet, at the entrance to the GWMP off I-495. The landscaping completed for the project shall meet NPS standards and specifications, apply the minimization and mitigations efforts requested by the NPS, as well as incorporate the results of the tree survey already completed for this project. VDOT shall consult with the NPS and consulting parties to ensure that the NPS-selected gateway design concept will avoid any adverse effects to the GWMP. VDOT shall develop a major milestones design review schedule in consultation with the Virginia SHPO, the NPS and other consulting parties. The major milestones design review schedule shall include at least two interim submissions for review.

Determination of Effect


The implementing regulations of Section 106 of the NHPA define an effect as an “alteration to the characteristics of a historic property qualifying it for inclusion in or eligible for the National Register” [36CFR800.16 (i)]. The effect is adverse only when the alteration of a qualifying characteristic occurs in a “manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” [36CFR800.5 a)]. VDOT Cultural Resources staff have reviewed the plans for this project, which reflect VDOT’s concerted efforts to minimize and avoid impacts to historic properties, as documented in part by the Booklet, and have determined that the project as proposed will alter but not diminish the integrity of historic properties within the project’s APE. As such, VDOT has determined that the revised design of the I-495 NEXT Project will have No Adverse Effect on historic properties in accordance with 36 CFR 800.5(b), provided that conditions are imposed and implemented to avoid adverse effects on the GWMP VDHR No.: 029-0228) and the Dead Run Ridges Archaeological District (44FX3922), as well as its contributing resources Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430 (see discussion above and concurrence page .

VDOT looks forward to receiving any comments you or other consulting parties may have about these findings. We ask that comments be provided within 30 days of receipt of this letter. If the Virginia SHPO concurs with VDOT’s findings, we invite you to complete the signature block below and return it to my attention. Please contact Sarah at (804) 371-6710, Sarah.Clarke@VDOT.virginia.gov, or Will at (804) 786-2852, William.Moore@VDOT.virginia.gov, if you have questions about this project.

Sincerely,



Sarah M. Clarke
Environmental Program Planner
Cultural Resources



William H. Moore
Environmental Program Planner
Cultural Resources

- c. Fairfax County History Commission
 - Tammy Stidham, National Park Service, National Capital Region
 - Charles Cuvelier, Superintendent, George Washington Memorial Parkway
 - Maureen Joseph, George Washington Memorial Parkway
 - Steve Archer, Maryland State Highway

The Virginia Department of Historic Resources (VDHR) concurs with the Virginia Department of Transportation (VDOT) that:

- No further cultural resources survey is warranted at this time. VDOT shall monitor design efforts and consult with the Virginia SHPO and other consulting parties should additional survey efforts be necessary.
- The project as proposed will have No Adverse Effect on historic properties, provided the following conditions to avoid adverse effects are implemented:
 - VDOT shall include design constraints in the Request for Proposals requiring the design-builder to remain within the current LOD where possible in designing and constructing project improvements in the vicinity of Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430. VDOT shall ensure that the Concessionaire includes a Special Provision in the design-build contract with the design-builder, requiring that safety fencing is erected along the LOD to ensure avoidance of any ground disturbance to Sites 44FX0374, 44FX0379, 44FX0389, or 44FX2430 during construction of the project, or by construction vehicles entering and leaving the project corridor.
 - VDOT shall implement Option 1 as presented in the *George Washington Memorial Parkway Visualization Booklet* dated February 6, 2020 and selected by the VA SHPO and the NPS as the preferred option for the I-495 NEXT project.
 - VDOT shall construct any infrastructure, such as retaining walls on NPS lands (if required and approved by NPS), associated with the NPS-selected gateway Option 1 in accordance with NPS specifications.
 - VDOT shall install any necessary plantings on NPS lands associated with the NPS-selected gateway option in accordance with NPS specifications.
 - VDOT shall minimize the amount of forest removal and mitigate for forest removal deemed necessary to implement Option 1.
 - VDOT shall coordinate the design and location of the signage to be installed within the George Washington Memorial Parkway for the I-495 NEXT project with the NPS.
 - VDOT shall consult with the GWMP and the Virginia SHPO at major milestones in project design to ensure the design remains consistent with these conditions to avoid adverse effects on the GWMP.

For VDOT Project No. 0495-029-419, P1O1; UPC: 113414; VDHR File No.: 2018-0473.

Julie V. Langan
Director, Virginia Department of Historic Resources
Virginia State Historic Preservation Officer

Date



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

7 April 2020

Ms Sarah M. Clarke
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219-2000

Re: I-495 Express Lanes Northern Extension (I-495 NEXT)—Effect Determination
Fairfax County
DHR File # 2018-0473

Dear Ms Clarke:

The Department of Historic Resources (DHR) has received your letter of 17 March 2020 regarding the above referenced project. The Virginia Department of Transportation (VDOT) requests our review and comment on the potential for the proposed I-495 Express Lanes Northern Expansion (I-495 NEXT) project to affect historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP). Cultural resources surveys conducted for VDOT and the Maryland State Highway Administration (MSHA) identified three architectural properties within the Area of Potential Effects (ADP) and four archaeological sites adjacent to the limits of disturbance (LOD).

Based on the current design, the only historic property located within the APE which may be affected by the undertaking is the George Washington Memorial Parkway (DHR Inventory No. 029-0228), a property listed in the NRHP. Two other architectural properties, the Georgetown Pike (DHR Inventory No. 029-0466) and Tysons Corner Mall (DHR Inventory 029-6464) are also located within the APE. However, the section 0.53-mile section of the NRHP-listed Georgetown Pike in the APE does not contribute to the historic resource. The Tysons Corner Mall, although included within an expanded APE for indirect effects, is sufficiently physically distant from the undertaking as not to diminish any qualities that may contribute to the historic character of the resource.

As discussed during a 6 February 2020 conference call, VDOT has prepared four design options, which it provided to the National Park Service (NPS) for its consideration as to which it would prefer going forward to construction. All the options under consideration will have impacts to the George Washington Memorial Parkway (GWMP) in some degree; however, it is DHR's opinion that Option 1 will have the least effect on

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

the historic property. Unlike the other three options, Option 1 does not introduce into the historic landscape modern intrusions in the form of retaining walls. Further, although Option 1 will require grading a portion of the existing slope and removal of some vegetation, VDOT has committed to replanting native trees species in the cleared LOD. Aerial photographs showing this section of the GWMP in 1967 demonstrate the existing vegetation does not date to the period of significance and that whatever trees and plants VDOT removes will soon reconstitute naturally. Once revegetation occurs in the project's LOD, there will be little visible differentiation between the GWMP's appearance today and after project construction. The same cannot be said for Options 2 through 4, which will result in permanent and obtrusive stonewalls on the historic landscape.

Please consult with DHR on project effect once NPS has indicated its preferred option.

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

Sincerely,



Marc Holma, Architectural Historian
Division of Review and Compliance

C: Mr. Charles Cuvelier, NPS, Superintendent, George Washington Memorial Parkway
Ms. Maureen Joseph, NPS, George Washington Memorial Parkway
Ms Tammy Stidham, NPS, National Capital Region
Mr. Steve Archer, Maryland State Highway
Mr. Tony Opperman, VDOT
Mr. William H. Moore, VDOT



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

8 April 2020

Ms Sarah M. Clarke
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219-2000

Re: I-495 Express Lanes Northern Extension (I-495 NEXT)—Effect Determination
Fairfax County
DHR File # 2018-0473

Dear Ms Clarke:

The Department of Historic Resources (DHR) submits this letter at the request of the Virginia Department of Transportation (VDOT) to expand upon our position related to the possible effects on historic properties within the project Area of Potential Effects resulting from the selection of Option 1 as the preferred alternative for the above referenced undertaking. As stated in our letter dated 7 April 2020 the DHR believes of the four alternatives presented, Option 1 as presently envisioned will have the least impact upon the George Washington Memorial Parkway (GWMP), a property listed in the National Register of Historic Places. We further believe that if the National Park Service selects Option 1 to move forward to construction, the undertaking will have No Adverse Effect on the GWMP. However, if another one of the four proposed options is selected additional consultation with DHR on project effect will be necessary.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Holma".

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

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

C: Mr. Charles Cuvelier, NPS, Superintendent, George Washington Memorial Parkway
Ms. Maureen Joseph, NPS, George Washington Memorial Parkway
Ms Tammy Stidham, NPS, National Capital Region
Mr. Steve Archer, Maryland State Highway
Mr. Tony Opperman, VDOT
Mr. William H. Moore, VDOT

APPENDIX D: SECTION 4(f) Determination



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4975 Alliance Drive
Fairfax, Virginia 22030

Stephen C. Brich, P.E.
Commissioner

March 24, 2021

Mr. Charles Cuvelier
Superintendent
George Washington Memorial Parkway
700 George Washington Memorial Parkway
McLean, VA 22101

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 Superintendent Cuvelier:

As you are aware, the Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to extend the Interstate 495 (I-495) Express Lanes for approximately three miles, from the I-495/Dulles Toll Road (Route 267) interchange to the George Washington Memorial Parkway (GWMP) in the McLean area of Fairfax County, Virginia. The project is intended to reduce congestion and improve travel reliability as population and employment continue to grow in the region, and to provide additional travel choices to single-occupancy drivers while encouraging high-occupancy travel modes. The project would include the construction of several shared-use paths and bicycle facilities.

Planning-level estimates indicate that the proposed design for the project will require a temporary construction easement not to exceed 1.3 acres, and a permanent easement not to exceed approximately 0.9 acres, of the GWMP, a property protected under Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)). The proposed temporary and permanent easements are identified on Figure 1.

Under Section 4(f), FHWA may approve a transportation project requiring the use of publicly owned land of a public park, recreation area, wildlife and waterfowl refuge, or land of a historic site that is listed on or eligible for listing on the National Register of Historic Places only if: (1) there is no feasible and prudent alternative to using that land; and (2) the project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use; or the use of the property will have a *de minimis* impact.

The purpose of this letter is two-fold: 1) to request that the National Park Service (NPS) make a determination as to whether the GWMP is a significant property in their system, and; 2) to request concurrence from the NPS regarding certain aspects of compliance with Section 4(f), namely, a) that the temporary occupancy not to exceed 1.3 acres of the GWMP would be minor and not permanently adverse, and that there would be no interference with the activities, features, or attributes that qualify the property for protection under Section 4(f) either on a temporary or permanent basis; and, (b) that the permanent easement not to exceed approximately 0.9 acres of the GWMP will not adversely affect the activities, features and attributes that qualify the property for protection under Section 4(f). If the NPS concurs with this determination, it is FHWA's intent to 1) determine that the temporary occupancy not to exceed approximately 1.3 acres does not constitute a Section 4(f) use, and 2) make a Section 4(f) *de minimis* finding for the permanent easement not to exceed approximately 0.9 acres of the GWMP pursuant to 23 CFR 774.3(b).

DETERMINATION OF SIGNIFICANCE

Section 4(f) applicability for a public park, recreation area, or wildlife or waterfowl refuge requires a determination by the officials with jurisdiction over the property as to whether the property is significant. In the absence of this determination, the Section 4(f) property would be presumed to be significant and Section 4(f) would apply. If the officials having jurisdiction over the resource conclude that the entire property is not significant, then the provisions of Section 4(f) would not apply.

TEMPORARY OCCUPANCY

Planning-level estimates indicate a temporary construction easement not to exceed approximately 1.3 acres would be needed for construction. A definitive calculation will be completed when more detailed design information is available. According to FHWA's regulations implementing Section 4(f), a temporary occupancy of Section 4(f) land does not constitute "use" under Section 4(f) if the following conditions are met (23 CFR 774.13(d)):

1. Duration (of the occupancy must be temporary (i.e., less than the time needed for construction of the project) and there should be no change in ownership of the land –

Occupancy, construction, and required access within the GWMP would take only as long as necessary, which would be less than the time needed to build the entire facility.

A temporary easement to permit construction within a portion of the GWMP will be effective only for the time needed to perform the work within the GWMP property and will not be used to provide staging or construction access to other portions of the project. There will be no change in ownership of the GWMP land involved in the temporary easement for construction.

Following conclusion of the Section 4(f) review and the issuance of the NEPA decision document, the NPS is anticipated to issue the Design-Build contractor a Special Use Permit for any temporary construction impacts or equipment access prior to work commencing on park lands.

2. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes are minimal) –

Both the nature and the magnitude of the changes to the property will be minimal. Existing shrubs and grasses may be cleared. Temporary erosion and sediment controls will be installed and maintained throughout the duration of the construction to prevent soil erosion and to manage stormwater runoff. Areas that can support vegetation will be revegetated in accordance with the stipulations under the Proposed Mitigation and Minimization section below.

3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property that qualify the property for protection under Section 4 f), on either a temporary or permanent basis –

The proposed temporary construction easement is not anticipated to have permanent adverse impacts nor permanent or temporary interference on the activities or purpose of the GWMP. Land that is disturbed will be revegetated in accordance with the stipulations under the Proposed Mitigation and Minimization section below after construction is complete.

4. The land being used must be fully restored i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project) –

The lands subject to any temporary construction easement will be returned to a natural condition which is at least as good as that which existed prior to project construction. The GWMP will be revegetated in accordance with the stipulations listed under the Proposed Mitigation and Minimization section below.

5. There must be a documented agreement from the NPS regarding the above conditions

Signature and return of this concurrence document to VDOT will satisfy this final condition.

VDOT believes the proposed temporary occupancy of the GWMP does not constitute a use under Section 4(f) based on the above. We request that the NPS concur in writing with our assessment of the conditions outlined above using the signature block at the end of this letter.

DE MINIMIS IMPACTS

Based on preliminary calculations, the proposed design for the project is anticipated to require a permanent easement not to exceed approximately 0.9 acres of GWMP. The area from which the easement would be acquired abuts the existing GWMP eastbound lanes and incorporates the removal of vegetation necessary for the construction of the tie-in and fly-over ramps located outside the GWMP boundary). Acquisition of this easement would not adversely affect the activities, features, or attributes of the Section 4(f) property A definitive calculation would be completed once more detailed design information is available.

As noted above, Section 4(f) requirements may be met if FHWA determines that the use of the property will have a *de minimis* impact. In order for FHWA to make such a determination for publicly owned parks, recreation areas, and wildlife or waterfowl refuges:

1. The project must not adversely affect activities, features, or attributes of the Section 4(f) property –

Acquisition of this easement would not adversely affect the activities, features, or attributes of the Section 4(f) property.

The public will maintain the ability to use the GWMP for scenic recreational driving as well as for the visitation to the GWMP's associated recreational features (trails, parks or scenic vistas). Access to all of these recreational features (scenic driving, trails, parks or scenic vistas) would be maintained at all times by the Design-Build contractor. Minor changes in noise levels could occur due to closer proximity of highway right-of-way and visual quality due to vegetation clearing.

Where appropriate, existing I-495 guide signage would be consolidated to reduce the overall number of signs appearing in one area of the GWMP, while in one new location a new guide sign would be added to the existing viewshed. Views of the Potomac River and Potomac Palisades will be maintained with no impact to existing viewsheds. VDOT will also implement Option 1 from the *February 2020 Visualization Booklet* along with the other conditions highlighted in the Efforts to Minimize Harm and Mitigate Impacts Section below.

For permanent easement impacts, a highway deed easement would be executed between FHWA and NPS in accordance with 23 CFR 107.

2. **There must be public notice and opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property that qualify the property for Section 4(f) protection** –

VDOT provided the public with the opportunity to review and comment on the effects of the proposed de minimis impact during the October 5, 2020 and October 8, 2020 Public Hearing. Comments received from the public following the Public Hearing stated that coordination with the NPS was necessary due to the LOD encompassing portions of the GWMP.

3. **Officials with jurisdiction over the park must concur that the project will not adversely affect the activities, features, or attributes of the GWMP.** –

Signature and return of this concurrence document to VDOT will satisfy this criterion.

PROPOSED MITIGATION AND MINIMIZATION

Based on on-going coordination efforts between VDOT, the NPS and the Virginia Department of Historic Resources (SHPO), the following measures to minimize harm and mitigate impacts to the GWMP have been identified. These conditions were agreed upon via letter by VDOT and the SHPO (VDHR) on January 21, 2021 (see Exhibit 1 attached to the Letter):

- VDOT shall include design constraints in the Request for Proposals requiring the Design-Build contractor to remain within the current LOD where possible in designing and constructing project improvements in the vicinity of Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430. VDOT shall ensure that the Concessionaire (Design-Build contractor) includes a Special Provision in the contract requiring that safety fencing is erected along the LOD to ensure avoidance of any ground disturbance to Sites 44FX0374, 44FX0379, 44FX0389, or 44FX2430 during construction of the project, or by construction vehicles entering and leaving the project corridor.
- VDOT shall implement Option 1 as presented in the *February 2020 Visualization Booklet* and selected by the SHPO and the NPS as the preferred option for the I-495 NEXT project.
- VDOT shall construct any infrastructure, such as retaining walls on NPS lands (if required and approved by NPS), associated with the NPS-selected gateway Option 1 in accordance with NPS specifications.
- VDOT shall install any necessary plantings on NPS lands associated with the NPS-selected gateway option in accordance with NPS specifications.
- VDOT shall minimize the amount of forest removal and mitigate for forest removal deemed necessary to implement Option 1.
- VDOT shall coordinate with NPS regarding the design and location of the signage to be installed within the GWMP for the I-495 NEXT project.
- VDOT shall consult with the GWMP and the SHPO at major milestones in project design to ensure the design remains consistent with these conditions to avoid adverse effects on the GWMP.
- On-going design minimization efforts to reduce the project's physical project footprint and impervious surface area within the GWMP boundary.

Superintendent Cuvelier

March 24, 2021

Page 6 of 6

- Continued collaboration with the NPS on potential enhancements to the visitor's "sense of arrival" including potentially relocating the GWMP entrance sign to a more prominently visible location within the park.
- Preparation of several preliminary design concepts and viewshed visualizations of potential projects impacts at the park boundary interface. This information was provided to the NPS in meetings on December 12, 2019 and January 23, 2019 and refined for submittal on February 6, 2020; the potential concepts and visualizations are included for review in Appendix A of this document.
- Completion of a tree survey in the vicinity of the eastbound GWMP lanes, with a commitment to minimize impacts to mature and healthy trees, and to restore vegetation disturbed by construction (including the use of native seed mix and re-planting of trees per NPS's tree replacement ratio of 1:1).
- On-going efforts to consolidate/reduce existing I-495 guide signage within the westbound lanes of the GWMP.
- Replacement of guide signing for the GWMP on the Capital Beltway to include new sign elements with brown backgrounds.
- Location of the Virginia toll signing outside of the park boundary.

VDOT believes the permanent easement will not adversely affect the activities, features, or attributes of the GWMP and requests that NPS concur with this determination using the signature block at the end of this letter.

If you concur with our assessment, please return the signed concurrence block at the end of this letter at your earliest convenience, but by no later than April 7, 2021. If you have any questions or need additional information, please do not hesitate to contact me at (703) 259-3345 or by email at Abraham.Lerner@vdot.virginia.gov. I appreciate your assistance and prompt attention to this matter.

Sincerely,



Digitally signed by Abraham Lerner
DN: C=US, E=abraham.lerner@vdot.virginia.gov, O=VDOT,
OU=Virginia MegaProjects, CN=Abraham Lerner
Date: 2021.03.24 17:43:25-04'00'

Abraham Lerner, P.E.

VDOT Special Project Development Associate Manager

Northern Virginia District

cc: John Simkins, FHWA
Susan Shaw, P.E., VDOT
Scott Smizik, VDOT
Robert Iosco, VDOT

Attachments

Figure 1: Section 4(f) Impacts Related to the George Washington Memorial Parkway

Exhibit 1: Determination of Effect Letter- Virginia Department of Historic Resources- Dated January 14, 2021

National Park Service Significance Determination and Final Concurrence with the Section 4(f) Applicability Criteria for *de minimis* Impact to the George Washington Memorial Parkway

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 National Park Service (NPS) has determined that the GWMP is a significant property in their system. NPS concurs that the temporary occupancy of 1.3 acres for construction is minor and will not cause permanently adverse physical impacts to, nor interfere with the protected activities, features, or attributes of the GWMP that qualify it for protection under Section 4(f), either on a temporary or permanent basis. NPS further concurs that a permanent easement of approximately 0.9 acres of property will not permanently adversely affect the GWMP property. NPS further concurs that, based upon current design information and the commitment on the part of VDOT to minimize disturbance within the GWMP, impacts to GWMP property that could be expected to result from the project will not adversely affect activities, features, or attributes of the GWMP property. NPS 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 GWMP. This concurrence is provided with the understanding that further design information is to be provided to NPS by VDOT during project development and that further consultation with NPS will be undertaken by VDOT to ensure that, prior to granting of any temporary or permanent property interests, harm to park property by the proposed project will be minimized and the conditions upon which this concurrence is based have not changed.

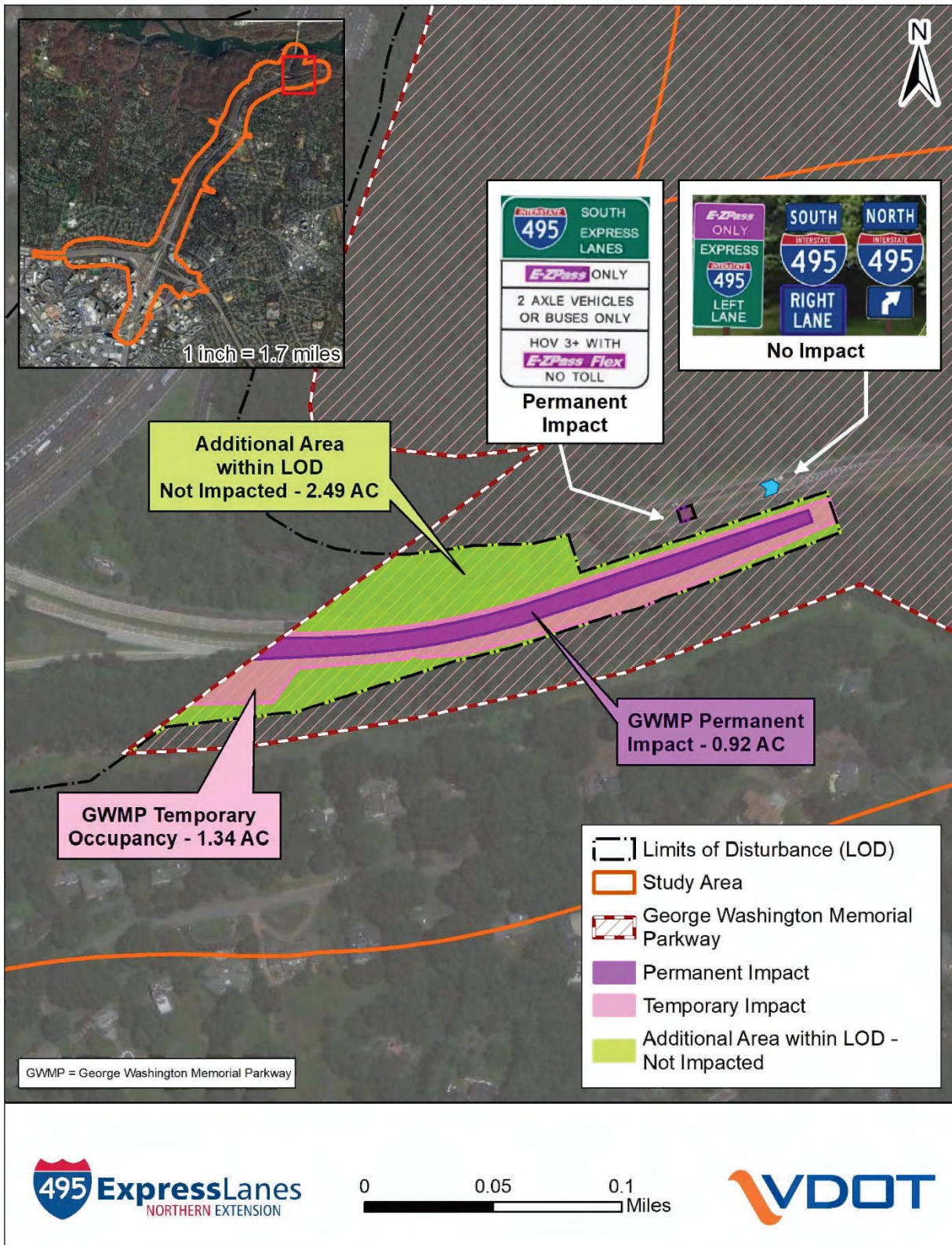
Signature

Date

Charles Cuvelier
Printed Name

Superintendent
Title

Figure 1: Section 4(f) Impacts Related to the George Washington Memorial Parkway



**Exhibit 1: Determination of Effect Letter- Virginia Department of Historic Resources-
Dated January 14, 2021**



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

January 14, 2021

ROUTE: I-495
PROJECT: 0495-029-419, PI01; UPC: 113414
COUNTY/CITY: Fairfax County
FUNDING: Federal
VDHRFILE: 2018-0473
ACTION REQUIRED: Determination of Effect

Ms. Julie V. Langan, Director
Attn.: Mr. Marc Holma, Office of Review and
Compliance Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Mr. Holma:

The Virginia Department of Transportation (VDOT) is studying proposed improvements to I-495 between Dulles Toll Road (Route 267) and the George Washington Memorial Parkway interchange in the vicinity of the American Legion Bridge. On behalf of the Federal Highway Administration (FHWA), VDOT has coordinated this federally-funded project, called the I-495 NEXT project, with the Virginia Department of Historic Resources (VDHR/Virginia SHPO) since 2018 in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations, 36 CFR Part 800. Current design plans indicate that the proposed project has been revised to include additional improvements that extend beyond the limits of the APE as it was originally defined. **The purpose of this letter is to coordinate an effect determination for the cultural resources that fall within the revised Area of Potential Effect (APE) for the I-495 NEXT project.**

VDOT maintains that cultural resource work completed for this project meets the standards set forth in both the Secretary of Interior's Standards and Guidelines (1983) and the VDHR Guidelines for Conducting Historic Resource Surveys in Virginia (May 2011) with reference to the *Programmatic Agreement among the Federal Highway Administration, the U.S. Army Corps*

Page 2 of 7
Marc Holma
14 January 2021

of Engineers, Norfolk District, the Tennessee Valley Authority, the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Office and the Virginia Department of Transportation Regarding Transportation Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966, executed August 2, 2016 (2016 Federal PA).

Project Overview

VDOT, in coordination with the Federal Highway Administration (FHWA) as the lead federal agency, is preparing an Environmental Assessment (EA) for the proposed project. The study will evaluate the potential extension of the existing High Occupancy Toll (HOT) lanes from their current northern terminus at the Dulles Toll Road (Route 267) to the George Washington Memorial Parkway interchange in the vicinity of the American Legion Bridge.¹ The extension of HOT lanes are primarily located within existing right-of-way (ROW). The purpose for the study focuses on reducing congestion, providing additional travel choices, and improving travel reliability. The APE for archaeological resources is defined by the project's limits of disturbance (LOD); the APE for architectural resources includes the vicinity where alterations to historic feeling and setting may occur.

Cultural Heritage Group (CHG) conducted cultural resources survey of the vast majority of the APE for this project in April 2019 and May 2019. On July 30, 2019, VDOT coordinated with your office the results of this initial survey, as well as the eligibility of architectural resources located within the entire APE and the eligibility of archaeological resources located within portions of the APE that fall outside the boundaries of the GWMP. VDHR concurred with the findings of this study on August 14, 2019.

As you are aware, the I-495 NEXT project is contiguous with the I-495 & I-270 Managed Lanes Study (MLS) in Maryland. On behalf of the Maryland State Highway Administration (MSHA) and VDOT, TRC Environmental Group (TRC) conducted archaeological survey of the portions of the MLS and the portions of the I-495 NEXT projects that fall within the GWMP from July 8-17, 2019. These survey efforts were combined to more efficiently identify archaeological resources under a single permit (19-GWMP-5), which is required under the Archeological Resources Protection Act (ARPA) to conduct archaeological excavations on federal land. VDOT coordinated the results of the TRC survey with VDHR on October 30, 2019, and VDHR concurred with the findings on November 20, 2019. Since the initial coordination, the MSHA requested that the NPS comment on the eligibility of the Deep Run Ridges Archaeological Historic District. In September 2020, the NPS concurred with the MSHA that Archaeological Sites 44FX0374, 44FX0381, and 44FX0389 are contributing sites to the Dead Run Ridges Archaeological Historic District (44FX3922).

Assessment of Effect

Architecture

Based on current design, only one architectural historic property, the George Washington

¹ The project is administered as a Public-Private Partnership (P-3) between VDOT and a P-3 concessionaire. The concessionaire will be responsible for constructing the project and procuring a design-builder. VDOT shall ensure that the Section 106 commitments identified in this letter are carried out by the concessionaire through VDOT's review and concurrence responsibilities in its partnership with the concessionaire.

Page 3 of 7
Marc Holma
14 January 2021

Memorial Parkway (GWMP) (VDHR No. 029-0228), falls within the project APE. The Georgetown Pike (VDHR No. 029-0466) is in the vicinity of the APE; however the 0.53 mile section at the I-495 Interchange does not contribute to and is not included within the NRHP listed portion of the Georgetown Pike. The Tysons Corner Mall (VDHR No. 029-6464) does fall within the APE for indirect effects. However, the proposed project will not directly impact Tysons Corner Mall, nor will it alter the existing feeling and setting of the resource. Therefore, VDOT maintains that the proposed project will have no effect on the Tysons Corner Mall.

With regard to the GWMP, VDOT's assessment of effect has been informed by two documents: the NRHP nomination for the GWMP prepared by the NPS in 1995 and the Cultural Landscape Inventory (CLI) for the North Parkway published by the NPS in 2009. The NRHP nomination specifically excludes the I-495/GWMP interchange from the defined historic property, and most project elements are located within that excluded interchange. In addition, the CLI identifies certain aspects of the North Parkway that are important landscape elements including views of the Potomac Palisades, stone walls, the tree canopy and the configuration of the Parkway itself. Of those elements, only the tree canopy and the Parkway's configuration are within the project's APE. Alteration of the canopy will occur only as a result of the four gateway options in an area that had minimal forest cover during the GWMP's period of significance defined in the NRHP nomination (see Attachment: *George Washington Memorial Parkway Visualization Booklet*, page 8).² Further, the overall configuration of the Parkway itself will be altered only by extending the existing merge taper for a distance of approximately 1150 feet within the NRHP boundaries of the GWMP. It is VDOT's opinion that neither of these alterations to character-defining features of the GWMP rise to the level of diminishing those features.

Archaeology

Although the Dead Run Ridges Archaeological District (44FX3922) is located within the APE for archaeological resources, the APE does not extend within any of the archaeological resources that contribute to the NRHP eligibility of the district, and no other archaeological sites eligible for or listed on the NRHP are located within the APE for archaeological resources (Figure 3). Three NRHP-eligible archaeological sites (44FX0374, 44FX0379, and 44FX0389) and one unevaluated archaeological site (44FX2430), however, are located immediately adjacent to the Project LOD.

Proposed Design

The VDOT design team worked closely with the NPS and consulting parties in order to develop a project that considers the setting and feeling of the GWMP. The goal behind the design is to minimize the visual and physical impact to the GWMP, while incorporating elements of design that creates a gateway entrance to the GWMP off I-495. Early in the Section 106 process, the NPS stated that a design clearly identifying the GWMP to drivers exiting I-495 was preferred. To meet this request, the design consultant presented a *George Washington Memorial Parkway Visualization Booklet* (the Booklet) at the February 6, 2020 consulting parties meeting (a copy of the Booklet is included with this correspondence). The Booklet presents a design concept that addresses the NPS's desire for a clear gateway to the GWMP, proposed directional signage to I-

² The *Visualization Booklet*, dated February 6, 2020, is an Attachment to this letter by reference. It was distributed to all the consulting parties and is not physically attached. If additional copies are needed, please contact VDOT.

Page 4 of 7
Marc Holma
14 January 2021

495 from the GWMP, and the merging of the express lanes and general purpose lanes from I-495 from the south onto the GWMP. VDOT maintains that the design options presented in the Booklet minimize the effect of the I-495 NEXT project to the GWMP. While the proposed project may alter the setting and feeling of the GWMP, the project does not diminish any aspects of integrity that contribute to the significance of the resource.

The Booklet outlines four gateway options for traffic traveling from the express lanes and general purpose lanes from I-495 onto the GWMP. Three of the options involve the construction of a stone-faced retaining wall, while one option proposes an alteration by laying back the slope to the south of the GWMP. The VDOT presented the VDHR an opportunity to review and comment on the four design options presented in the Booklet. In an April 2020 letter the VDHR expressed their preference for Option 1, the option that proposes to lay back the slope to the south of the GWMP versus the other three options. The VDHR maintains that Option 1 is the preferred option because it will not result in the introduction of new features on the landscape. However, the VDHR withheld their decision on a final effect determination for the project in order to give the NPS an opportunity to review and comment on the four options presented in the Booklet.

In April 2020, the VDOT received a letter from the NPS stating that the agency agreed with VDOT's no adverse effect determination for the I-495 NEXT project provided that VDOT used Option 1 for the project. In an October 2020 letter, the NPS provided additional guidance and conditions to support the no adverse effect determination. In the October 2020 letter, the NPS requested that the VDOT minimize loss of forest and mitigate for any loss of vegetation in the vicinity where I-495 connects with the GWMP. Further, the NPS recommends that sound wall treatments on VDOT property complement existing walls and architecture along the GWMP.

In an attempt to support the no adverse effect determination for the I-495 NEXT project, VDOT shall commit to the following conditions. The VDOT shall utilize Option 1, as described in the Booklet, at the entrance to the GWMP off I-495. The landscaping completed for the project shall meet NPS standards and specifications, apply the minimization and mitigations efforts requested by the NPS, as well as incorporate the results of the tree survey already completed for this project. VDOT shall consult with the NPS and consulting parties to ensure that the NPS-selected gateway design concept will avoid any adverse effects to the GWMP. VDOT shall develop a major milestones design review schedule in consultation with the Virginia SHPO, the NPS and other consulting parties. The major milestones design review schedule shall include at least two interim submissions for review.

Page 5 of 7
Marc Holma
14 January 2021

Determination of Effect

The implementing regulations of Section 106 of the NHPA define an effect as an “alteration to the characteristics of a historic property qualifying it for inclusion in or eligible for the National Register” [36CFR800.16 (i)]. The effect is adverse only when the alteration of a qualifying characteristic occurs in a “manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” [36CFR800.5 (a)]. VDOT Cultural Resources staff have reviewed the plans for this project, which reflect VDOT’s concerted efforts to minimize and avoid impacts to historic properties, as documented in part by the Booklet, and have determined that the project as proposed will alter but not diminish the integrity of historic properties within the project’s APE. As such, VDOT has determined that the revised design of the I-495 NEXT Project will have No Adverse Effect on historic properties in accordance with 36 CFR 800.5(b), provided that conditions are imposed and implemented to avoid adverse effects on the GWMP (VDHR No.: 029-0228) and the Dead Run Ridges Archaeological District (44FX3922), as well as its contributing resources Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430 (see discussion above and concurrence page).

VDOT looks forward to receiving any comments you or other consulting parties may have about these findings. We ask that comments be provided within 30 days of receipt of this letter. If the Virginia SHPO concurs with VDOT’s findings, we invite you to complete the signature block below and return it to my attention. Please contact Sarah at (804) 371-6710, Sarah.Clarke@VDOT.virginia.gov, or Will at (804) 786-2852, William.Moore@VDOT.virginia.gov, if you have questions about this project.

Sincerely,



Sarah M. Clarke
Environmental Program Planner
Cultural Resources



William H. Moore
Environmental Program Planner
Cultural Resources

Page 6 of 7

Marc Holma

14 January 2021

- c. Fairfax County History Commission
 - Tammy Stidham, National Park Service, National Capital Region
 - Charles Cuvelier, Superintendent, George Washington Memorial Parkway
 - Maureen Joseph, George Washington Memorial Parkway
 - Steve Archer, Maryland State Highway

The Virginia Department of Historic Resources (VDHR) concurs with the Virginia Department of Transportation (VDOT) that:

- No further cultural resources survey is warranted at this time. VDOT shall monitor design efforts and consult with the Virginia SHPO and other consulting parties should additional survey efforts be necessary.
- The project as proposed will have No Adverse Effect on historic properties, provided the following conditions to avoid adverse effects are implemented:
 - VDOT shall include design constraints in the Request for Proposals requiring the design-builder to remain within the current LOD where possible in designing and constructing project improvements in the vicinity of Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430. VDOT shall ensure that the Concessionaire includes a Special Provision in the design-build contract with the design-builder, requiring that safety fencing is erected along the LOD to ensure avoidance of any ground disturbance to Sites 44FX0374, 44FX0379, 44FX0389, or 44FX2430 during construction of the project, or by construction vehicles entering and leaving the project corridor.
 - VDOT shall implement Option 1 as presented in the *George Washington Memorial Parkway Visualization Booklet* dated February 6, 2020 and selected by the VA SHPO and the NPS as the preferred option for the I-495 NEXT project.
 - VDOT shall construct any infrastructure, such as retaining walls on NPS lands (if required and approved by NPS), associated with the NPS-selected gateway Option 1 in accordance with NPS specifications.
 - VDOT shall install any necessary plantings on NPS lands associated with the NPS-selected gateway option in accordance with NPS specifications.
 - VDOT shall minimize the amount of forest removal and mitigate for forest removal deemed necessary to implement Option 1.
 - VDOT shall coordinate the design and location of the signage to be installed within the George Washington Memorial Parkway for the I-495 NEXT project with the NPS.
 - VDOT shall consult with the GWMP and the Virginia SHPO at major milestones in project design to ensure the design remains consistent with these conditions to avoid adverse effects on the GWMP.

For VDOT Project No. 0495-029-419, P101; UPC: 113414; VDHR File No.: 2018-0473.

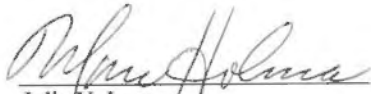
Julie V. Langan
Director, Virginia Department of Historic Resources
Virginia State Historic Preservation Officer

Date

The Virginia Department of Historic Resources (VDHR) concurs with the Virginia Department of Transportation (VDOT) that:

- No further cultural resources survey is warranted at this time. VDOT shall monitor design efforts and consult with the Virginia SHPO and other consulting parties should additional survey efforts be necessary.
- The project as proposed will have No Adverse Effect on historic properties, provided the following conditions to avoid adverse effects are implemented:
 - VDOT shall include design constraints in the Request for Proposals requiring the design-builder to remain within the current LOD where possible in designing and constructing project improvements in the vicinity of Archaeological Sites 44FX0374, 44FX0379, 44FX0389, and 44FX2430. VDOT shall ensure that the Concessionaire includes a Special Provision in the design-build contract with the design-builder, requiring that safety fencing is erected along the LOD to ensure avoidance of any ground disturbance to Sites 44FX0374, 44FX0379, 44FX0389, or 44FX2430 during construction of the project, or by construction vehicles entering and leaving the project corridor.
 - VDOT shall implement Option 1 as presented in the *George Washington Memorial Parkway Visualization Booklet* dated February 6, 2020 and selected by the VA SHPO and the NPS as the preferred option for the I-495 NEXT project.
 - VDOT shall construct any infrastructure, such as retaining walls on NPS lands (if required and approved by NPS), associated with the NPS-selected gateway Option 1 in accordance with NPS specifications.
 - VDOT shall install any necessary plantings on NPS lands associated with the NPS-selected gateway option in accordance with NPS specifications.
 - VDOT shall minimize the amount of forest removal and mitigate for forest removal deemed necessary to implement Option 1.
 - VDOT shall coordinate the design and location of the signage to be installed within the George Washington Memorial Parkway for the I-495 NEXT project with the NPS.
 - VDOT shall consult with the GWMP and the Virginia SHPO at major milestones in project design to ensure the design remains consistent with these conditions to avoid adverse effects on the GWMP.

For VDOT Project No. 0495-029-419, P101; UPC: 113414; VDHR File No.: 2018-0473.


Julie V. Langan
for Director, Virginia Department of Historic Resources
Virginia State Historic Preservation Officer

21 Jan 2021
Date