6 SECTION 4(F) AND 6(F) PROPERTIES

Substantive changes that have been made to this Final EIS since the publication of the Draft EIS are indicated with underlined text. Substantive changes that have been made in response to public or agency comments are indicated with double underlined text. Public comments and responses are in **Appendix G,** and agency comments and responses are in **Appendix H**.

Section 4(f) of the USDOT Act of 1966, (49 USC 303(c)) is a Federal law that protects publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and publicly or privately owned historic sites listed or eligible for listing in the NRHP. As a USDOT agency, FHWA, in coordination with the MDTA, must comply with Section 4(f) and cannot approve the use of a Section 4(f) property within a proposed transportation project unless:

- There is no feasible and prudent avoidance alternative, and the proposed project includes all possible planning to minimize harm to the property resulting from such use (23 CFR 774.3(a)); or
- FHWA determines that the use of the Section 4(f) property, including any measure(s) to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact on the property (23 CFR 774.3(b)).

This section summarizes the *Final Section 4(f) Evaluation* (**Appendix E**) which follows established USDOT regulations (23 CFR 774) and references the *Section 4(f) Policy Paper* (FHWA, 2012) as guidance.

Some publicly funded recreational and park lands along U.S. 50/301 are also afforded protection under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965, which provides funds and matching grants to Federal, state, and local governments for the acquisition of land and water for recreational purposes. Section 6(f) states that those properties acquired or improved with LWCF appropriations shall not be converted to a use other than public outdoor recreation without the approval of the U.S. Secretary of the Interior, acting through the NPS, and at the request of the state delegate/state liaison officer.

Twenty-four properties that could be eligible for Section 4(f) protection were identified in the vicinity of the Tier 2 Study, including 13 public recreation properties and 11 historic properties. Sandy Point State Park and Holly Beach Farm are properties identified in the vicinity of the Tier 2 Study that have been developed with funds from the LWCF and are afforded protection under Section 6(f). The Captain John Smith Chesapeake National Historic Trail and the Star-Spangled Banner National Historic Trail segments located within the study area are not considered historic sites and are therefore excepted from Section 4(f) requirements under 23 CFR 774.13(f). The 24 properties are summarized in **Table 6-1**. **Figure 6-1** and **Figure 6-2** provide an overview of Section 4(f) and Section 6(f) properties in the study area. Refer to the *Final Section 4(f) Evaluation* (**Appendix E**) for a detailed description of these properties.

6.1 Use of Section 4(f) Properties

Section 4(f) properties and the anticipated Section 4(f) use are summarized in **Table 6-1**. A complete review of all Section 4(f) properties including detailed property maps is provided in the *Final Section 4(f) Evaluation* (**Appendix E**). Additional information on historic properties is provided in **Section 5.4** of this Final EIS and in Volumes 1-4 of the *Bay Crossing Study Tier 2 Cultural Resources Technical Report.*

As described above, one of the ways FHWA can approve the use of a Section 4(f) property is if the use will have a *de minimis* impact on the property. For historic sites, a *de minimis* impact means that the project will have no adverse effect on the historic property under Section 106. For publicly owned public parks, recreation areas, plus wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

As described in **Section 4.3**, the Preferred Alternative was refined to further avoid and minimize impacts, resulting in the elimination of impacts from roadway improvements to Sandy Point State Park, and avoidance of all impacts to Holly Beach Farm. As such, proposed roadway improvements will not result in a Section 4(f) use of Sandy Point State Park or Holly Beach Farm as originally documented in the Draft EIS.

The Preferred Alternative requires temporary and/or permanent incorporation of five of the 13 Section 4(f) recreational properties and one of the 11 historic sites. The Preferred Alternative will not adversely affect the activities, features, or attributes that qualify the recreational properties for protection under Section 4(f) and the intent to make a *de minimis* impact determination was stated for these properties in the *Draft Section 4(f) Evaluation*. The public had the opportunity to review and comment on the *Draft Section 4(f) Evaluation* and proposed *de minimis* determinations concurrently with the Tier 2 Study Draft EIS during the Draft EIS public hearings and comment period (January 23 through March 9, 2026). The officials with jurisdiction (OWJs) over the five recreational properties concurred that the Preferred Alternative will not adversely affect the properties per 23 CFR 774.5(b), as documented in the *Final Section 4(f) Evaluation*. Upon fulfilling the requirements set forth in 23 CFR 774.5(b), FHWA signed the Section 4(f) OWJ *de minimis* impact letters in June 2026 for the five recreational properties impacted by the Preferred Alternative. The letters are included in Appendix E, the *Final Section 4(f) Evaluation (Appendix B)*. The Preferred Alternative will adversely affect the NRHP-eligible Chesapeake Bay Bridge and would therefore result in a permanent Section 4(f) use. FHWA approval of this combined Final EIS/ROD constitutes final Section 4(f) approval.

The Preferred Alternative would have no Section 4(f) use of the Skidmore historic district. There would be no physical impact to any properties that have been identified to contribute to the NRHP-eligibility of Skidmore, based on consultation with the Maryland SHPO. Per the evaluation of effects under Section 106, the Preferred Alternative will adversely affect Skidmore due to diminishment of the property's integrity of setting, feeling, and association contributing to the cumulative effects of highway expansion and development (**Section 5.4.2.1**). Diminishment of Skidmore will be largely caused by cumulative effects in combination with other past highway expansion projects and not result from the Preferred Alternative alone. The impacts from the Preferred Alternative therefore would not substantially impair the features or attributes that contribute to Skidmore's NRHP eligibility and there will be no constructive use.

Alternatives B, D, E, F, and G would result in a permanent use (greater than *de minimis* impact) to the Chesapeake Bay Bridge and additional Section 4(f) properties, as described in the *Final Section 4(f) Evaluation* and shown in **Table 6-1**.

6.2 Minimization and Mitigation of Harm

Minimization and mitigation measures for the Chesapeake Bay Bridge were coordinated with the OWJ (MHT) and other Section 106 consulting parties. The MDTA prepared a PA under Section 106 to resolve adverse effects to historic properties. The PA documents the assessments and resolutions of known historic properties and establishes protocols for further consultation and evaluation as the design progresses. Mitigation measures are outlined in the PA in **Appendix D**. The PA satisfies Section 4(f) requirements to minimize harm to the Section 4(f) historic site.

The Preferred Alternative includes measures to avoid and minimize impacts to Section 4(f) park and recreational properties such that impacts are *de minimis*; therefore, additional mitigation is not required for those properties.

If the optional SUP is advanced, construction would result in impacts to the edges of Sandy Point State Park and Terrapin Nature Park adjacent to U.S. 50/301. The MDTA and FHWA would coordinate with the OWJs regarding potential Section 4(f) impacts to their respective properties.

Section 6(f) requires that any land converted from LWCF funded park property be replaced with land of equal or greater recreational and monetary value to satisfy mitigation requirements. As described in **Section 4.3**, the Preferred Alternative was refined to further avoid and minimize impacts, resulting in the elimination of impacts from roadway improvements to Sandy Point State Park, and avoidance of all impacts to Holly Beach Farm. Therefore, proposed roadway improvements will not result in any conversion of Section 6(f) land.

If the optional SUP is advanced, construction would result in impacts to the edge of Sandy Point State Park adjacent to U.S. 50/301. The improvements would enhance and support outdoor recreational use; therefore, a Section 6(f) conversion is not anticipated. If the optional SUP is advanced, the MDTA and FHWA would coordinate with MDNR and NPS regarding its development, construction, and any associated Section 6(f) requirements.

Table 6-1: Use of Section 4(f) Property

Map ID	Property	OWJ / Type of Section 4(f) Property	Alternative B [1]	Alternative C [1]	Alternative D [1]	Alternative E [1]	Alternative F [1]	Alternative G [1]	**Preferred Alternative[1]**
(1)	Broadneck Peninsula Trail	Anne Arundel County Recreation and Parks / Existing and Planned Recreational Trail	**3,140/0 linear feet** Intent to pursue *de minimis*	**3,140/0 linear feet** Intent to pursue *de minimis*	**7,240/0 linear feet** Intent to pursue *de minimis*	**7,240/0 linear feet** Intent to pursue *de minimis*	**7,260/0 linear feet** Intent to pursue *de minimis*	**7,260/0 linear feet** Intent to pursue *de minimis*	**3,070/0 linear feet** *De minimis* impact/ No use
(2)	Holly Beach Farm (Public Park)	MDNR / Public Park	**1.2/0 acre** Intent to pursue *de minimis*	**1.2/0 acre** Intent to pursue *de minimis*	**1.2/0 acre** Intent to pursue *de minimis*	**1.2/0 acre** Intent to pursue *de minimis*	**1.2/0 acre** Intent to pursue *de minimis*	**1.2/0 acre** Intent to pursue *de minimis*	No use
(3)	Sandy Point State Park (Public Park)	MDNR / Public Park	**1.0/0.7 acre** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**1.0/0.7 acre** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**1.2/0.7 acre** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**0/0.6 acre** No use/ Intent to pursue *de minimis*
(4)	Captain John Smith Chesapeake National Historic Trail	NPS / Recreational Water Trail	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)
(5)	Star-Spangled Banner National Historic Trail	NPS / Recreational Water Trail	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)	Exception per 23 CFR 774.13(f)

Map ID	Property	OWJ / Type of Section 4(f) Property	Alternative B [1]	Alternative C [1]	Alternative D [1]	Alternative E [1]	Alternative F [1]	Alternative G [1]	**Preferred Alternative[1]**
(6)	Kent Island Water Trails	Queen Anne's County Parks & Recreation / Recreational Water Trail	**1,030/40 linear feet** Intent to pursue *de minimis*	**920/0 linear feet** Intent to pursue *de minimis*	**1,260/40 linear feet** Intent to pursue *de minimis*	**1,150/0 linear feet** Intent to pursue *de minimis*	**1,260/40 linear feet** Intent to pursue *de minimis*	**1,150/0 linear feet** Intent to pursue *de minimis*	**920/0 linear feet** *De minimis* impact/ No use
(7)	Terrapin Nature Park	Queen Anne's County Parks & Recreation / Public Park	**0.7/1.2 acres** Intent to pursue *de minimis*	**0.7/0.6 acre** Intent to pursue *de minimis*	**0.7/1.2 acres** Intent to pursue *de minimis*	**0.7/0.6 acre** Intent to pursue *de minimis*	**1.1/1.3 acres** Intent to pursue *de minimis*	**1.1/0.7 acres** Intent to pursue *de minimis*	**0.7/0.6 acre** *De minimis* impact/ Intent to pursue *de minimis*
(8)	Eisinger Property	Queen Anne's County Parks & Recreation / Planned Public Park	**<0.1/0 acre** Intent to pursue *de minimis*	**<0.1/0 acre** Intent to pursue *de minimis*	**<0.1/0 acre** Intent to pursue *de minimis*	**<0.1/0 acre** Intent to pursue *de minimis*	**0.1/0 acre** Intent to pursue *de minimis*	**0.1/0 acre** Intent to pursue *de minimis*	**<0.1/0 acre** *De minimis* impact/ No use
(9)	Stevensville Middle School	Queen Anne's County Parks & Recreation & Queen Anne's County Board of Education / Recreation Area	**0.2/0 acre** Intent to pursue *de minimis*	**0.2/0 acre** Intent to pursue *de minimis*	**0.2/0 acre** Intent to pursue *de minimis*	**0.2/0 acre** Intent to pursue *de minimis*	**0.3/0 acre** Intent to pursue *de minimis*	**0.3/0 acre** Intent to pursue *de minimis*	**0.2/0 acre** *De minimis* impact/ No use

Map ID	Property	OWJ / Type of Section 4(f) Property	Alternative B [1]	Alternative C [1]	Alternative D [1]	Alternative E [1]	Alternative F [1]	Alternative G [1]	Preferred Alternative[1]
(10)	Cross Island Trail	Queen Anne's County Parks & Recreation / Recreational Trail	No use	No use	**4,860/0 linear feet** Intent to pursue *de minimis*	**4,860/0 linear feet** Intent to pursue *de minimis*	**4,860/0 linear feet** Intent to pursue *de minimis*	**4,860/0 linear feet** Intent to pursue *de minimis*	No use
(11)	Piney Creek Nature Area	Queen Anne's County Parks & Recreation / Public Park	No use	No use	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	No use
(12)	Kent Narrows Landing	Queen Anne's County Parks & Recreation / Recreation Area	No use	No use	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	**0.6/0 acre** Intent to pursue *de minimis*	No use
(13)	Long Point Park	Queen Anne's County Parks & Recreation / Public Park	No use	No use	No use	No use	No use	No use	No use
(14)	Dutch Mill Farm Restaurant	MHT / Historic Site	No use	No use	**0.2[2] /0 acre** Individual evaluation*	**0.2[2] /0 acre** Individual evaluation*	**0.2[2] /0 acre** Individual evaluation*	**0.2[2] /0 acre** Individual evaluation*	No use

Map ID	Property	OWJ / Type of Section 4(f) Property	Alternative B [1]	Alternative C [1]	Alternative D [1]	Alternative E [1]	Alternative F [1]	Alternative G [1]	**Preferred Alternative[1]**
(15)	Asbury Broadneck Methodist Church and Cemetery	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(16)	Woodlyn Farm	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(17)	Skidmore (Historic District)[3]	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(18)	Holly Beach Farm (Historic Site)	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(19)	Sandy Point State Park (Historic Site)	MHT / Historic Site	**1.0/0.7 acre** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**1.0/0.7 acre** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**1.2/0.7 acres** Individual evaluation*	**0.6/0.6 acre** Intent to pursue *de minimis*	**0/0.6 acre** No use/ Intent to pursue *de minimis*
(20)	Chesapeake Bay Bridge (William Preston Lane Jr. Memorial Bridge)	MHT / Historic Site	Removal of both historic bridge spans for all build alternatives Individual Evaluation*						
(21)	Eareckson House	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(22)	Stevensville Historic District	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use

Map ID	Property	OWJ / Type of Section 4(f) Property	Alternative B [1]	Alternative C [1]	Alternative D [1]	Alternative E [1]	Alternative F [1]	Alternative G [1]	Preferred Alternative[1]
(23)	Piney Narrows Yacht Haven	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use
(24)	Kent Narrows Bridge (SHA Bridge No. 1700600)	MHT / Historic Site	No use	No use	No use	No use	No use	No use	No use

* *Greyed cells indicate that the use of this property would be greater than de minimis for this alternative due to impacts adversely affecting activities, features, or attributes that qualify such property for Section 4(f) protection. Therefore, use of this property is assessed in the Individual Final Section 4(f) Evaluation (**Appendix E**).*

[1] *First number or use determination presented shows roadway impacts and the second number or use determination shows optional SUP impacts.*

[2] *Roadway improvements at this property would result in the entire acquisition of the 1.2-acre property.*

[3] *There is no Section 4(f) use of this historic district as there would be no impact to properties contributing to its eligibility for listing in the NRHP and no constructive use will occur.*

Figure 6-1: Section 4(f) Property Overview (Map 1 of 2)

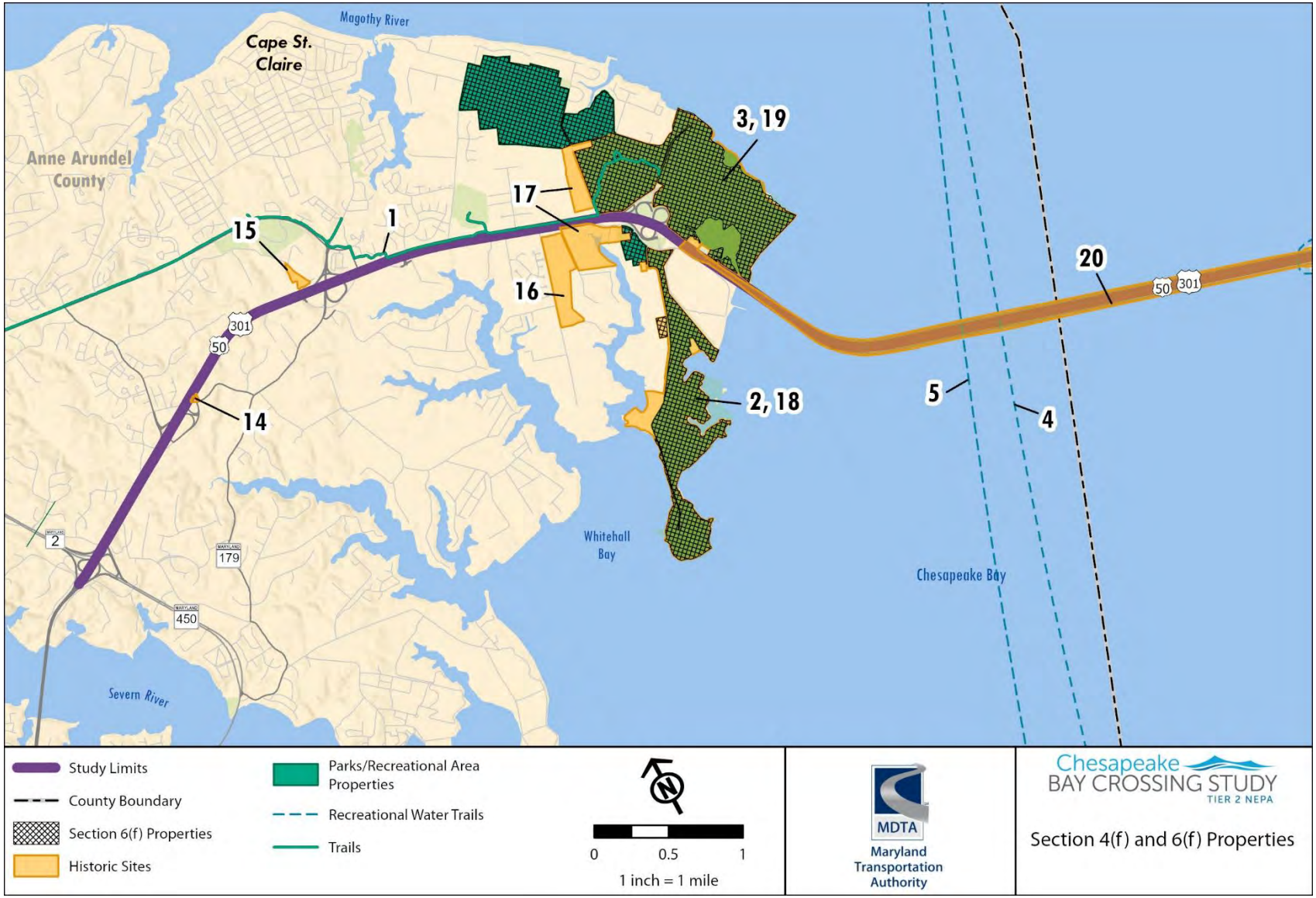


Figure 6-2: Section 4(f) Property Overview (Map 2 of 2)

