|  |  |
| --- | --- |
|  | **Programmatic Section 4(f) Evaluation Form** **for****Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges****For NEPA Assignment Program Projects** |
| Project Name:      Project Numbers (Federal and State):      Section 4(f) Resource:      Date:      List of Attachments:       |

*This programmatic Section 4(f) form is to be used when a project will improve existing highways and use minor amounts of publicly owned public parks, recreation lands, or wildlife and waterfowl refuges that are adjacent to existing highway and the project meets all of the applicability criteria described in this form.*

*If any of your responses are contained within [brackets], do not continue filling out the form. Consult with the DOT&PF NEPA Program Manager for the appropriate action.*

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 13, 2023, and executed by FHWA and DOT&PF.

| Project Description | **N/A** | **YES** | **NO** |
| --- | --- | --- | --- |
|       |

## Section 4(f) Property Description

*Describe the impacted Section 4(f) property. Description should include size, location, type of property, ownership and identification of official with jurisdiction over the Section 4(f) property, and existing and/or documented planned activities, features and attributes of the property. Include a map depicting the boundaries and major features of the Section 4(f) property in relation to the proposed project*.

| Applicability | **N/A** | **YES** | **NO** |
| --- | --- | --- | --- |
| 1. The proposed project is designed to improve the operational characteristics, safety, and/or physical condition of the existing facilities on essentially the same alignment.
2. *Select applicable project activities from the following list*. *Consult with the NEPA Program Manager.*
 |  | [ ]  | [[ ] ] |
| 1. [ ]  Resurfacing, restoration, rehabilitation, or reconstruction
 |  |  |  |
| 1. [ ]  Safety improvements (such as shoulder widening, and the correction of substandard curves and intersections)
 |  |  |  |
| 1. [ ]  Traffic operation improvements (such as signalization, channelization, and turning or climbing lanes)
 |  |  |  |
| 1. [ ]  Bicycle and pedestrian facilities
 |  |  |  |
| 1. [ ]  Bridge replacement on essentially the same alignment *Note: this form cannot be used for the replacement of historic bridges*
 |  |  |  |
| 1. [ ]  Construction of additional lanes
 |  |  |  |
| 1. The Section 4(f) lands are publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway.
 |  | [ ]  | [[ ] ] |
|  |  |  |  |
| 1. Fully describe the direct use and project impacts on the features, functions, and activities of the Section 4(f) property resulting from any proposed alternative:

      |  |  |  |
|  |
| 1. Does the proposed action meet one of the following criteria? *If yes, identify the appropriate value category for the amount of land to be used from the Section 4(f) property.*
 |  | [ ]  | [[ ] ] |
| 1. [ ]  The total Section 4(f) property is less than 10 acres and the total amount of land to be acquired from the resource does not exceed 10 percent of the total acreage.
 |  |  |  |
| 1. [ ]  The total Section 4(f) property is 10 to 100 acres and the total amount of land to be acquired from the resource does not exceed one acre.
 |  |  |  |
| 1. [ ]  The total Section 4(f) property is greater than 100 acres and the total amount of land to be acquired from the resource does not exceed 1 percent of the total acreage.
 |  |  |  |
| Total size of Section 4(f) property and amount of land to be used:       |
| 1. Do the amount and location of the land to be used impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose? *If no, the officials having jurisdiction over the Section 4(f) property must concur, in writing, with this finding. Summarize in the coordination section and include documentation.*
 |  | [[ ] ] | [ ]  |
| Describe any impairment: |
|       |
| 1. Are there any proximity impacts (indirect impacts) that would impair the use of the Section 4(f) property for its intended purpose, such as noise, air, and/or water pollution; wildlife and habitat effects; aesthetic impacts; removal or changes in access; and/or other relevant impacts?
 |  | [[ ] ] | [ ]  |
| Describe any proximity impacts: |
|       |
| 1. Does the project require the preparation of an environmental impact statement (EIS)?
 |  | [[ ] ] | [ ]  |
| 1. Have federal funds been used in the acquisition or improvements of the Section 4(f) property, such as Land and Water Conservation Fund Act (Section 6(f)), Federal Aid in Fish Restoration Act, Federal Aid in Wildlife Act or similar laws, or are the lands otherwise encumbered with a Federal interest (e.g., former Federal surplus property)?

*If yes, identify the federal funding and associated acquisition or improvements, and answer #11 below. If no, skip #10.* |  | [ ]  | [ ]  |
|       |
| 1. If federal funds were used to acquire or improve the Section 4(f) property, has the land conversion/transfer been coordinated with and agreed to, in writing, by the appropriate federal or state agency?

*If yes, the officials having jurisdiction over the Section 4(f) property must agree in writing. Provide the date you received the agreement. (A concurrence line on your coordination letter for the official with jurisdiction is acceptable documentation.) Summarize in the coordination section and include documentation.* |  | [ ]  | [[ ] ] |
|       |

|  |  |  |  |
| --- | --- | --- | --- |
| Alternatives and Findings | **N/A** | **YES** | **NO** |
| *Support the following project alternatives with evaluations that clearly discuss potential impacts and demonstrate each finding. Include maps and diagrams.* |  |  |  |
| 1. Discuss the impacts of the Do Nothing Alternative.

**Demonstrate:** That the Do Nothing Alternative:* 1. Would not correct existing or projected capacity deficiencies; or
	2. Would not correct existing safety hazards; or
	3. Would not correct existing deteriorated conditions and maintenance problems; and
	4. That not providing such correction would constitute a cost or community impact of extraordinary magnitude, or would result in truly unusual or unique problems when compared with the proposed use of the Section 4(f) property
 |  |  |  |
| **Discussion:**       |
| **Finding:** A Do Nothing Alternative that does not use the Section 4(f) property has been evaluated and is not considered feasible and prudent. |  | [ ]  | [[ ] ] |
| 1. Identify a highway improvement (i.e. design option within the preferred alternative) that does not use adjacent Section 4(f) property and discuss its impacts.

**Demonstrate** that roadway design measures or transportation system management techniques (including, but not limited to, minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures) would result in:* 1. Substantial adverse community impacts to adjacent homes, businesses, or other improved properties; or
	2. Substantially increased roadway or structure cost; or
	3. Unique engineering, traffic, maintenance, or safety problems; or
	4. Substantial adverse social, economic, or environmental impacts; or
	5. The improvement would not meet the identified transportation needs; and
	6. The impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of the Section 4(f) property.
 |  |  |  |
| **Discussion:**       |
| **Finding:** A highway improvement that does not use the Section 4(f) property has been evaluated and is not considered feasible and prudent. |  | [ ]  | [[ ] ] |
| 1. Identify a Build Alternative on new location that does not use the Section 4(f) property and fully discuss the resulting impacts.

**Demonstrate**that the new location:1. Would not solve existing transportation, safety, or maintenance problems; or
2. Would result in substantial adverse social, economic, or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of established travel patterns, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) lands; or
3. Would substantially increase costs or engineering difficulties (such as an inability to achieve minimum design standards, or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, and the environment); and
4. Would result in problems, impacts, costs, or difficulties that would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) property.
 |  |  |  |
| **Discussion:**       |
| **Finding:** Build Alternatives on new location have been evaluated and are not considered feasible or prudent. |  | [ ]  | [[ ] ] |

| Minimization of Harm | **N/A** | **YES** | **NO** |
| --- | --- | --- | --- |
| 1. Does the proposed action include all possible planning to minimize harm? This has occurred when the officials having jurisdiction over the Section 4(f) property have agreed, in writing, with the assessment of impacts resulting from the use of the Section 4(f) property and with the mitigation measures to be provided.
 |  | [ ]  | [[ ] ] |
| *If yes, select the applicable measures* from the following list and describe: |  |  |  |
| 1. [ ]  Replacement of lands used with lands of reasonably equivalent usefulness and location, and or at least comparable value
 |  |  |  |
| 1. [ ]  Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities
 |  |  |  |
| 1. [ ]  Restoration and landscaping project-disturbed areas
 |  |  |  |
| 1. [ ]  Providing other special design and/or habitat features
 |  |  |  |
| 1. [ ]  Providing payment of fair market value of lands and improvements acquired
 |  |  |  |
| 1. [ ]  Providing improvements to the remaining Section 4(f) property equal in cost to the fair market value of lands and improvements acquired
 |  |  |  |
| 1. [ ]  Provide additional or alternative measures determined necessary based on consultation with the officials having jurisdiction over the Section 4(f) property
 |  |  |  |
| *Note: the proposal must include one or more of the above measures.* |  |  |  |
| Discuss minimization measures: |  |  |  |
|       |

| Coordination |  |  |  |
| --- | --- | --- | --- |
| 1. Has the proposed project been coordinated with the federal, state, and/or local officials having jurisdiction over the Section 4(f) property; and have the officials concurred in writing with the findings in Section III, and with the assessment of the impacts of the proposed project on and the proposed mitigation for the Section 4(f) property?
 |  | [ ]  | [[ ] ] |
| Summarize coordination and include concurrence from the official with jurisdiction.  |  |  |  |
|       |
| 1. In the case of non-federal Section 4(f) property, the official with jurisdiction has been asked to identify any federal encumbrances [e.g. lands from a site purchased or improved with funds under the *Land and Water Conservation Fund Act (LWCF)*, the *Federal Aid in Fish Restoration Act* (Dingell-Johnson Act), the *Federal Aid in Wildlife Act* (Pittman-Robertson Act) or similar laws or lands are otherwise encumbered with a Federal interest].
 | [ ]  | [ ]  | [[ ] ] |
| If applicable, discuss any encumbrances and include a copy of the correspondence (e.g. letter, e-mail, phone log) from the official with jurisdiction of the Section 4(f) property and any appropriate officials regarding federal encumbrances (e.g. Alaska Department of Natural Resources Grants Administrator for the LWCF). |  |  |  |
|       |
| 1. As the official with jurisdiction over the Section 4(f) property I have reviewed and concur with the findings in Section III, as well as the assessment of the impacts of the proposed project on and the proposed mitigation for the Section 4(f) property.
 |  | [ ]  | [[ ] ] |
|  |       |  |       |  |
|  | [Printed Name and Signature] Official with Jurisdiction over the Section 4(f) Resource |  | Date |  |
|  | Title and Agency/Division:       |  |

| Determination and Approval |
| --- |
| All applicable coordination and consultations have occurred during the development of this Section 4(f) Evaluation, and that this project meets all criteria and findings required for approval under the December 23, 1986 “Final Nationwide Section 4(f) Evaluation and Approval for Federally Aided Highway Projects With Minor Involvements With Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges” (1986 Programmatic) and that:1. This project meets the applicability criteria prescribed.
2. All of the alternatives set forth have been fully evaluated.
3. The findings in this document, which include that there is no feasible and prudent alternative to the use of the publicly owned land, park, recreation area, or wildlife or waterfowl refuge, are clearly applicable to the project.
4. The project complies with the Measures to Minimize Harm section of the 1986 Programmatic.
5. The coordination called for in the 1986 Programmatic has been successfully completed.
6. For bridge replacement projects, DOT&PF has coordinated with the U.S. Coast Guard.
7. DOT&PF has ensured that the measures to minimize harm will be incorporated into the project.
 |
|  Recommended Approval by: |       |  |       |  |
|  | [Printed Name and Signature] Regional Environmental Manager |  | Date |  |
| Based on the above considerations, there is no feasible and prudent alternative to the use of land from the [name of site] and the proposed action includes all possible planning to minimize harm to the [name of site] resulting from such use. |
| Approved by: |       |  |       |  |
|  | [Printed Name and Signature] NEPA Program Manager |  | Date |  |
| *Distribute copies of the approved Programmatic 4(f) Evaluation to the federal, state, and/or local officials having jurisdiction over the Section 4(f) property.* |