

# Determination of Section 4(f) De Minimis Use

**NOTE:** *De minimis* impacts are defined as those that do not “adversely affect the activities, features, and attributes” of the Section 4(f) resource. The agency in requesting de minimis needs to rigorously examine the activities, features, and attributes of the Section 4(f) resource and assess the adversity of the effects of the proposed action. This sheet is used to document the analysis of impacts to a Section 4(f) property and to determine if de minimis is appropriate. Only one Section 4(f) property is documented per form; if more than one property is impacted, separate forms will be used for each property.

Project Sponsor:'	Project Contact ( <i>include Name, Address, and Phone</i> ):	
Project No.:	Control No.:	
Project Name and Location ( <i>Attach location map. Include county, municipality, etc.</i> ):		
Name and Title of Official with Jurisdiction over Section 4(f) Property:		
<input type="checkbox"/> EIS	<input type="checkbox"/> EA	<input type="checkbox"/> CE
Identification of Section 4(f) Property(s):		
Brief Description of Project Scope:		
Summary of Project Purpose and Need:		
Describe the proposed use of the 4(f) property:		
De Minimis Use Determination for Public Parks, Recreation Areas, Wildlife, and/or Waterfowl Refuges:		
Is a said property type being analyzed for de minimis? <input type="checkbox"/> Yes <input type="checkbox"/> No ( <i>if No, skip to historic properties and leave this section blank</i> )		
Describe the existing activities, features, and attributes of the Section 4(f) resource ( <i>the no build</i> ). In describing the Section 4(f) resource, the following content is expected to be provided.  Attach a detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property ( <i>include sidewalks and roadway design features, etc.</i> ) Function of or available activities on the property ( <i>walking trail, ball playing, etc.</i> ) Access ( <i>pedestrian, vehicular</i> ) and usage ( <i>approximate number of users/visitors, and where they are coming from, etc.</i> ). Relationship to other similarly used lands in the vicinity. Primary use of the property.		
Does the project involve a minor take of land from the Section 4(f) property? Identify the total acreage of the property: Include maps or other exhibits such as photographs, sketches, etc. identifying the affected Section 4(f) property. Describe the use of land from the property ( <i>identify amount of the property to be used, including temporary and permanent acquisition</i> ):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Are there applicable clauses affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture. If Yes, describe.		

Does the project adversely affect the qualities, activities, features, or attributes of the resource that qualify it for protection under Section 4(f)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe the affect to the qualities, activities, features, or attributes of the resource that qualify it for protection:	
<b>De Minimis Determination for Historic Properties:</b> If an historic property being analyzed for de minimis? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(if no, leave this section blank)</i>	
Criterion for Eligibility: <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d	
Effect Determination:	
Describe the existing activities, features, and attributes of the Section 4(f) resource ( <i>the no build</i> ). Attach a detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the historic Section 4(f) property.	
<b>Alternatives Analysis</b>	
After comparing the magnitude of impacts, explain why it is sensible to use the Section 4(f) property ( <i>indicate those that apply and describe as appropriate</i> ):	
<input type="checkbox"/> Impacts to other environmental/cultural/social resources would occur. Explain:	
<input type="checkbox"/> Project complexity would increase resulting in greater construction and maintenance costs. Explain:	
<input type="checkbox"/> Other. Explain:	
Summarize the measures taken to minimize harm. This would include, if applicable, design shifts to minimize impacts, use of retaining walls, and other mitigation measures.	
Summarize the impacts to other resources that would occur if the use of the public park, recreation area, wildlife or waterfowl refuge, or historic site was avoided. Other resources include the following: 1) residential and neighborhood character and location, 2) conservation including air, erosion, sedimentation, wildlife, and general ecology of area, 3) noise, and air and water pollution, 4) multiple use of space, 5) replacement housing, 6) displacement of families and business, 7) aesthetics, 8) public health and safety, 9) fast, safe, and efficient transportation, 10) civil defenses, 11) economic activity, 12) employment, 13) fire protection, 14) public utilities, 15) religious institutions, 16) conduct and financing of government, including the effect on the local tax base and social service costs, 17) property values, 18) education, including the disruption of school district operations, 19) engineering, right-of-way, and construction costs of the project and related facilities, 20) maintenance and operating costs of the project and related facilities, and 21) operation and use of existing transportation routes and programs during construction and after completion.	
Has the official with jurisdiction over the property concurred in writing with the FHWA's and/or NDOR determination that the project will not adversely affect the property? If Yes, identify the official with jurisdiction and date of concurrence and attach written concurrence:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the official with jurisdiction over the property been informed of FHWA's and/or NDOR's intent to make a de minimis use finding? If Yes, attach correspondence.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the public been afforded an opportunity to review and comment on the effects of the	<input type="checkbox"/> Yes <input type="checkbox"/> No

project on the protected activities, features, and attributes of the Section 4(f) resource? Identify opportunity for public comment:	<input type="checkbox"/> N/A
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**Summary and Determination**

The project involves a *de minimis use* on the Section 4(f) property as evidenced through the minimization of harm to a park, recreation land, or wildlife and waterfowl refuge as a result of mitigation to or avoidance of impacts to the qualifying characteristics and/or the functions of the resource. Based on the scope of the undertaking; the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis; and with agreement from the official with jurisdiction, the proposed action constitutes a *de minimis use* and the alternatives analysis is considered satisfied.

Name and Organization of Preparer:	Date:
NDOR Environmental Manager:	Date:
FHWA:	Date:

*Please enter any additional information in the following area:*