(Source: FHWA Section 4f Workshop handout 11/2011)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **De Minimis Impact** | **Independent Bikeway or Walk way Projects PE** | **Use of Historic Bridges PE** | **Minor Involvement with Parks, Recreation Lands, and Wildlife and Waterfowl Refuges PE** | | **Minor Involvement with Historic Sites PE** | **Transportation Projects that have a Net Benefit to**  **a Section 4f Property PE** |
| **Date Enacted** | 12/13/05 guidance issued | 5/23/77 | 7/5/83 | 12/23/86 | | 12/23/86 | 4/20/05 |
| **Project Type** | Any type of project | Independent Bikeway or walkway project, not incidental activities of a highway project | Rehabilitation or replacement of historic bridges | Improvement of operational characteristics, safety, and or physical condition of an existing highway on essentially the same alignment | | Improvement of operational characteristics, safety, and or physical condition of an existing highway on essentially the same alignment | Any type of project on existing or new alignment |
| **NEPA Level** | CE, EA, or EIS | CEs or EAs only | CE, EA, or EIS | CEs or EAs only | | CEs or EAs only | CE, EA, or EIS |
| **4f Property Applicability** | All Section 4(f) properties | Parks or recreation areas only | Historic Bridges that are not a National Historic Landmark | Parks, Recreation ands and wildlife and waterfowl refuges adjacent to the existing highway facility | | Historic sites adjacent to the existing highway facility | All section 4f properties |
| **Impact Threshold** | For historic properties:  No Historic Properties Affected OR  Transportation program or project has no adverse effect on historic sites  For Parks, Recreation, or Refuge Sites, project will not adversely affect the features, attributes or activities qualifying the property for Section 4f protection. | No significant impacts (No displacements, historic site impacts, minimal water quality impacts, etc.) | If bridge can be rehabilitated without affecting the historic integrity, section 4(f) does not apply.  If the bridge is to be demolished and/or replaced, Section 4(f) applies. | The amount of property that may be acquired/used: | | Project may not removed or alter historic buildings, structures or objects , or archaeological resources important for preservation in place.  Project must result in a no effect or no adverse effect determination via the section 106 process. | No impact limits, but project results in an overall enhancement to the property.  For historic properties the project doesn’t necessarily require a no effect or no adverse effect determination, but property remains eligible for NRHP. |
| Total Size of Section 4(f) site: | Maximum to be acquired |
| <10 acres | 10% of site |
| 10 – 100 acres | 1 acre |
| >100 Acres | 1% of site |
|  | **De Minimis Impact** | **Independent Bikeway or Walk way Projects PE** | **Use of Historic Bridges PE** | **Minor Involvement with Parks, Recreation Lands, and Wildlife and Waterfowl Refuges PE** | | **Minor Involvement with Historic Sites PE** | **Transportation Projects that have a Net Benefit to**  **a Section 4f Property PE** |
| **Coordination and Concurrence Requirements** | For Historic Properties, Section 106 Consultation process utilized.  Officials with jurisdiction over the property (if historic, SHPO or THPO, and ACHP if participating) must be informed of FHWA’s intent to make a finding of *de minimis* impact, and they must concur in writing in the assessment of project effects. | Official with jurisdiction concurs in writing that project is acceptable and consistent with designated use of property. | If replacement is proposed, the bridge must be made available for an alternative use.  SHPO concurs in writing with assessment of impacts and proposed mitigation. | Official with jurisdiction concurs in writing with assessment of impacts and proposed mitigation. | | SHPO concurs in writing with assessment of impacts and proposed mitigation | Official with jurisdiction or SHPO/THPO concurs in writing with assessment of impacts, proposed mitigation, proposed measures to minimize harm; mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property. |
| **Public Notice** | Public notice and opportunity for public review & comment also required | N/A | N/A | N/A | | N/A | For projects with one or more public meetings or hearings, information on the proposed use of the Section 4(f) properties shall be communicated to the public. . |