

SECTION 4(f) Factor Sheet

10-22-2025

Wisconsin Department of Transportation

Alternative:	Preferred: ☐ Yes ☐ No ☐ None identified	Project ID:
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If you are completing this Factor Sheet, the complete environmental document along with all the Section 4(f) material must be routed through the Bureau of Technical Services, Environmental Process and Documents Section (BTS-EPDS) liaison before the environmental document is signed.

Complete a copy of this factor sheet for each Section 4(f) resource for each alternative carried forward for detailed analysis. If more than one alternative will have the same impacts to a Section 4(f) resource, those alternatives may be described on the same sheet, but should be indicated in the Alternatives box above.

All section 4(f) supporting documentation should be attached to the factor sheet, and not in the appendices. Be sure that references to attachments are clear that they are factor sheet attachments.

The information included on this Factor Sheet should be consistent with information included elsewhere in the environmental document, including any other Factor Sheets that are used and any environmental document attachments.

If you have any questions concerning this Factor Sheet consult your Region Environmental Coordinator (REC) or BTS-EPDS liaison.

For further guidance see 23 CFR 774 and the FHWA Section 4(f) Policy Paper, <https://www.ecfr.gov/cgi-bin/text-idx?SID=59ba7a466eb8baa896eed7edb7210018&mc=true&node=pt23.1.774&rgn=div5>, <https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx> or FDM Procedure 20-45-5, Section 4(f) <http://wisconsin.dot.gov/rdwy/fdm/fd-20-45.pdf#fd20-45-5>

Section 4(f) is only applicable if there is US DOT (FHWA, FRA, FAA, FTA, etc.) funding or approvals.

1. **Resource Name (If the resource is a park and a historic property, please indicate the historic property name and the park name if different):**
2. **Type of Section 4(f) Resource:**
 - ☐ Park
 - ☐ Recreational areas
 - ☐ Wildlife or Waterfowl refuge
 - ☐ Historic/Archaeological site eligible for the National Register of Historic Places (NRHP)
 - ☐ Other – Identify:

For assistance in defining if the resource is Section 4(f) seek guidance from your REC or BTS-EPDS liaison. For specific definitions of each of the resources types see:

<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx#ident>

3. **Location:**

Location Map is attached here:
4. **Property Ownership if publicly owned, otherwise state private:**
5. **Official(s) with Jurisdiction (OWJ)**

Officials With Jurisdiction (OWJ) can include a municipality, parks department, National Park Service, SHPO, THPO, Fish and Wildlife Service, etc. Your REC or BTS-EPDS Liaison can help you to identify the correct officials. Or you can refer to the Section 4(f) Policy Paper.

6. Detailed description of the Section 4(f) resource:

For parks, recreation areas, and wildlife or waterfowl refuges (Parks+), describe the resource activities, features and attributes that make it eligible for Section 4(f) consideration, indicate the size of the property, or length in miles if a trail and/or a shared use path. Also indicate begin and end points including trailhead or access locations.

For Historic Properties, briefly describe the historic property and list the attributes of the property which qualify it for inclusion in the National Register of Historic Places (from the Determination of Eligibility for the property).

Maps and photos (as appropriate) of the property in relation to the proposed project are attached:
Label the location of any recreational features or show the historic boundary for historic properties.

7. Detail how the proposed transportation project results in a Section 4(f) use, as defined in 23 CFR 774.17, of the protected property.

Use is defined in 23 CFR 774.17 as follows:

Except as set forth in §§774.11 and 774.13, a “use” of Section 4(f) property occurs:

- 1) When land is permanently incorporated into a transportation facility;
- (2) When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in §774.13(d); or
- (3) When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

Note – constructive use determinations are extremely rare, be sure to discuss with your REC/BTS-EPDS Liaison and FHWA.

Discuss the type and amount (in acres) of the use. Indicate whether the use will be permanent and/or temporary right-of-way (includes easements, and work agreements).

For Parks+, discuss loss of recreation opportunities, if any, and whether the loss is on a permanent basis or temporary basis. Temporary loss could occur on a temporary basis due to staging and/or storage of construction equipment that occurs inside the property boundaries. Discuss removal, relocation, and/or replacement of trees, signage, vegetation, equipment, and/or other resource facilities. Discuss temporary and/or permanent closures and/or access restrictions. If a detour is provided, state accordingly and include a map. Include duration of construction and construction activities on the property.

For Historic properties, discuss the Section 4(f) use as well as if there is a Section 106 adverse effect. Be sure to include discussion of any measures taken to avoid, minimize, mitigate, or enhance the property. Also mention if commitments were made in the environmental document for any of these measures. Discuss, as appropriate, closures and /or access restrictions to the historic property. If a detour is provided, state accordingly and provide a map (Such would be the case if a project were changing access to a historic site that was open to the public). Include the duration of the construction and construction activities on the property. Discuss if fencing, staging, and/or storage of equipment will occur outside the construction limits on the property and the precautions taken to avoid effects to the historic property. (NOTE – If preparing *de minimis* for a historic property, you must have a Section 106 determination of no adverse effect or no historic properties affected).

If *de minimis*, discuss avoidance, minimization, mitigation, and enhancement efforts and how the use after avoidance, minimization, mitigation, and enhancement do not adversely affect the activities, features, and attributes of the property.

8. Was special funding (Federal funds such as Land and Water Conservation Fund Act (Section 6(f)), Dingell-Johnson Act, Pittman-Robertson Act or State funding sources such as Stewardship funds) used to acquire the land or to make enhancements on the property?

- ☐ No, special funding was not used for the acquisition or enhancement of this property.
- ☐ Yes, complete the Section 6(f) and Other Unique Properties Factor Sheet.

9. Section 4(f) process options:

- ☐ Section 4(f) does not apply - Respond to Question 10
- ☐ Section 4(f) Exception – Respond to Questions 11
- ☐ *De minimis* Section 4(f) impact determination - Respond to Question 12
- ☐ Programmatic Section 4(f) evaluation - Respond to Question 13
- ☐ Individual Section 4(f) evaluation - Respond to Question 14

For specific definitions of each of these types of 4(f) see 23 CFR 774 and:

<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx#ident>.
<https://www.environment.fhwa.dot.gov/legislation/section4f.aspx>

10. 23 CFR 774.11 applicability to Section 4(f) approvals:

FHWA has identified various instances when a Section 4(f) analysis might not be necessary for a potential Section 4(f) resource. These instances are listed below: (check the box that applies to the resource AND review the conditions to ensure that they are met).

- ☐ The resource, in its entirety, is not significant per 23 CFR 774.11(c). The OWJ(s) have provided information to support this indication. The FHWA has reviewed this determination to assure its reasonableness.

Supporting documentation is attached here:

Applicability determinations should be discussed with the REC and EPDS Liaison prior to coordination with FHWA.

Example: Small green space in a community that is not in the community park plan and no substantial recreational uses by the public. It helps when there are similar resources within a reasonable distance.

Example 2 – Stormwater storage area that may be used for random and dispersed recreational opportunities.

Note: The key is to check municipal websites and work with the OWJ(s) to determine the use of the property, and always coordinate this determination with your BTS-EPDS Liaison.

- ☐ Multiple Use (23 CFR 774.11(d)). Where Federal lands or other public land holdings (e.g., State forests) are administered under statutes permitting management for multiple uses, and, in fact, are managed for multiple uses, Section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl refuge purposes. The determination of which lands so function or are so designated, and the significance of those lands, shall be made by the OWJ(s) over the Section 4(f) resource. The FHWA has reviewed this determination to assure its reasonableness. **Supporting documentation is attached here:**

Example: State Forest land (e.g. Kettle Moraine State Forest) where the project impact(s) is in an area that is just managed as general forest land, and there are no impacts to other recreational features such as picnic areas, trails, or scenic overlooks.

- ☐ The resource is formally reserved for a future transportation facility and temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, and as a result the interim activity, regardless of duration, will not subject the resource to Section 4(f) per 23 CFR 774.11 (h). **Supporting documentation is attached here:**

Example: A trail is located on WisDOT Right of Way (may be for a future roadway) where there is a short-term agreement for use as a trail. A long-term agreement for use by the trail would not apply for this exception.

- ☐ Joint Planning. When a resource is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established, and concurrent or joint planning occurs, then any resulting impacts will not be considered a Section 4(f) use. Formal reservation of a Section 4(f) resource for future transportation use can be demonstrated by any of the documents described at 23 CFR 774.11(i). **Supporting documentation is attached here:**

Example: A community plans to develop a park in the same area as a planned transportation project. WisDOT works with the community to create an agreement that the area for the project will not be included in the park boundary. Documentation may include deed restrictions, letters, or inclusion in the community parks plan.

- ☐ Section 4(f) does not apply to the construction of an access ramp providing direct vehicular ingress/egress to a public boat launch area from an adjacent highway. See Question 8E of the Section 4(f) policy paper. **Supporting documentation is attached here:**

11. 23 CFR 774.13 exceptions to Section 4(f) approvals:

FHWA has identified various instances when an exception may apply to a Section 4(f) approval. These instances are listed below: (check the exception to Section 4(f) that applies to the resource AND review the conditions to ensure that they are met).

- ☐ A Section 4(f) exception may apply to the use of historic transportation facilities in certain circumstances per 23 CFR 774.13(a). Any of the following criteria must be met:
 - ☐ (1) Common post-1945 concrete or steel bridges and culverts that are exempt from individual review under 54 U.S.C. 306108 (Section 106).

Wisconsin has bridges in seven locations that do not qualify for this Section 4(f) exception; see the following list: https://www.environment.fhwa.dot.gov/env_topics/historic_pres/bridges_list.aspx

- ☐ (2) Improvement of railroad or rail transit lines that are in use or were historically used for the transportation of goods or passengers, including, but not limited to, maintenance, preservation, rehabilitation, operation, modernization, reconstruction, and replacement of railroad or rail transit line elements, except for:
 - (i) Stations;
 - (ii) Bridges or tunnels on railroad lines that have been abandoned, or transit lines not in use, over which regular service has never operated, and that have not been railbanked or otherwise reserved for the transportation of goods or passengers; and
 - (iii) Historic sites unrelated to the railroad or rail transit lines.
- ☐ (3) Maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities. Include necessary documentation to support this determination based on consultation under 36 CFR 800.5, that:
 - (i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under 36 CFR 800.14; and
 - (ii) The OWJ(s) over the Section 4(f) resource have not objected to the Administration conclusion that the proposed work does not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or the Administration concludes this work achieves compliance with 54 U.S.C. 306108 (Section 106) through a program alternative under 36 CFR 800.14.

Supporting documentation is attached here:

- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(b). Archeological sites that are listed in or determined eligible for the National Register when **(both conditions must be satisfied)**:
 - ☐ (1) The archeological resource is important primarily because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where it is decided in agreement with the OWJ(s), not to recover the resource; and
 - ☐ (2) The OWJ(s) over the Section 4(f) resource have been consulted and have not objected to the finding in paragraph 23 CFR 774.13 (b)(1).

Supporting documentation is attached here:

Example 1: An archeological site will be impacted due to project activities, and through coordination with the Tribal Historic Preservation Officer (If applicable) and the State Historic Preservation Officer (SHPO), there is agreement that the site should be excavated prior to construction. A data recovery plan is required and is often part of a Section 106 Memorandum of Agreement.

Example 2: The project impacts are limited to fill being placed over top of the arch site. SHPO concurred that that it's best to leave the site intact beneath the new fill material.

- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(c). Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. With the exception of the treatment of archeological resources in 23 CFR 774.9(e), the Administration may permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) land was acquired for transportation purposes prior to the designation or change in the determination of significance and if an adequate effort was made to identify properties protected by Section 4(f) prior to acquisition. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site for the purposes of this section.
- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(d). Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). **All the following conditions must be satisfied:**

Note: Temporary occupancy only applies to temporary limited easements, construction impacts that did not require any real estate acquisition, or other short term access agreements needed to complete the work. Permanent easements or purchasing in fee do not apply.

- ☐ (1) Duration 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;
- ☐ (2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- ☐ (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- ☐ (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; and
- ☐ (5) There must be documented agreement from the OWJ(s) over the Section 4(f) resource regarding the above conditions.

Supporting documentation is attached here:

Note: Agreement letter from the OWJ must include the specific language of items 1 – 4 above. For historic properties, SHPO is notified that concurrence with No historic properties affected or No Adverse Effect on historic properties on the section 106 (DT1635) form serves as acknowledgement.

- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(e). Projects for the Federal lands transportation facilities described in 23 U.S.C. 101(a)(8).

- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(f). Certain trails, paths, bikeways, and sidewalks, in the following circumstances: **Supporting documentation is attached here:**

- ☐ (1) Trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2);

Web Link: RTP website: <https://www.americantrails.org/rtp-about>

Note: Per FHWA, the Transportation Alternatives Program (TAP) funded trail projects are not highway projects unless in the highway right of way and should be treated as if funded under the Recreational Trails Program (RTP). Recreational trail or related projects are intended to enhance recreational opportunities and are not subject to 23 U.S.C. 138 or 49 U.S.C. 303.

- ☐ (2) National Historic Trails and the Continental Divide National Scenic Trail, designated under the National Trails System Act, 16 U.S.C. 1241- 1251, with the exception of those trail segments that are historic sites as defined in § 774.17;
- ☐ (3) Trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained; and

Example: Ice age national trail crosses the highway and will be rerouted for a short time during construction.

- ☐ (4) Trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation.

Supporting documentation is attached here:

- ☐ A Section 4(f) exception may apply per 23 CFR 774.13(g). Transportation enhancement activities, transportation alternatives projects and mitigation activities, where **(both must be checked)**:
 - ☐ (1) The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
 - ☐ (2) The OWJ(s) over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.

Supporting documentation is attached here:

Example 1: Project mitigation (i.e. interpretive signage regarding a historic property which is proposed to be placed within a park) efforts that may be located within property protected by Section 4(f).

Example 2: Trail/multi-use path project that is routed through a park or recreational property protected by Section 4(f).

12. 23 CFR 774.7(b) *De minimis* Section 4(f) impact determination

A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in either:

- 1) A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
- 2) A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or wildlife or waterfowl refuge for protection under Section 4(f).

A *de minimis* impact determination finding does not require an evaluation of alternatives and therefore does not require a determination that there are no feasible and prudent avoidance alternatives. A *de minimis* impact determination does not require demonstration of all possible planning to minimize harm. Therefore, its use streamlines the approval process. Please refer to Part I Section 3.3.1 of FHWA's Section 4(f) Policy Paper at <https://www.environment.fhwa.dot.gov/4f/4fpolicy.asp> for more information regarding the *de minimis* impact determination.

The impacts to Section 4(f) properties and any avoidance, minimization, compensation or enhancement measures must be considered on an individual property basis and impact findings made individually for each Section 4(f) property. A separate *de minimis* form must be prepared for each applicable Section 4(f) resource.

If an individual Section 4(f) evaluation is being prepared for impacts to one or more properties, *de minimis* impact findings for other Section 4(f) properties can be included with the individual Section 4(f) evaluation document.

Indicate which determination of *de minimis* impact applies.

- ☐ Determination of *de minimis* impact on a Historic Property

Example: The project will have a minor Section 4(f) use of a historic property, but the impacts did not result in an adverse effect under Section 106 of the National Historic Preservation Act. Confirm that none of the exceptions listed above in question 11 (exceptions) will apply.

Note: *De minimis* may **not** be used if you have an adverse effect under section 106.

- ☐ Determination of *de minimis* impact on Parks, Recreation Areas and Wildlife and Waterfowl Refuges

Example: The project will have a minor Section 4(f) use of a park, Recreational Area, or Wildlife/Waterfowl Refuge, and none of the criteria in question 10 (applicability) or 11 (exceptions) above will apply.

For historic properties, supporting documentation such as the signed Section 106 form (DT1635) and/or Determination of No Adverse Effect is attached here:

For historic properties, the Section 106 review form with a completed signature block by the SHPO/THPO evidences a finding of no historic properties affected or no adverse effect finding and documents the OWJ(s) over the property (SHPO/THPO) has/have been informed that FHWA may make a *de minimis* finding under Section 4(f).

For parks, recreation areas, and wildlife or waterfowl refuges, describe the public involvement process and results. Note: For historic properties the Section 106 process satisfies the public involvement requirements; however, if the historic property is also a park, recreation area, or wildlife or waterfowl refuge it must also include public involvement per 23 CFR 774.5(b)(2).

For parks, recreation areas, and wildlife or waterfowl refuges, public involvement materials specific to the resource are attached here:

A *de minimis* impact determination requires public involvement pursuant to 23 CFR 774.5(b)(2).

The opportunity for public input may be part of a public involvement meeting or another form of public involvement that includes the opportunity to collect comments. All comments relevant to the Section 4(f) property should be summarized here.

Describe the notification process and results of coordination with the OWJ(s) over the property **following public involvement** and attach correspondence. The results of the public involvement process and response to comments must be considered by the OWJ(s) over the property **before** concurrence that the project will not adversely affect the activities, features and attributes of the property that qualify it for protection under Section 4(f).

The OWJ (s) must allow time for the public to comment, and also then consider those comments before concurring with the *de minimis* determination.

For Parks+, after considering any comments received from the public, if the OWJ(s) concur(s) in writing that the project will not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection, then FHWA may finalize the *de minimis* impact determination. Summarize the OWJ(s) concurrence that the project will not adversely affect the activities, features and attributes of the property that qualify it for protection under Section 4(f).

Documentation of coordination with the OWJ(s) is attached here:

The signature block below is only for *de minimis*, all other Section 4(f) approvals are signed on separate documentation.

This *de minimis* determination documentation was prepared by:

Print Name & Title _____
(Consultant or Region Project Staff)

This *de minimis* determination documentation was reviewed by:

Signature _____ Date _____
Print Name & Title _____
(WisDOT Region Environmental Coordinator)

Signature _____ Date _____
Print Name & Title _____
(WisDOT BTS-EPDS Liaison or BTS-EPDS Section Chief)

This *de minimis* determination documentation was reviewed and approved by:

Signature _____ Date _____
Print Name & Title _____
(Federal Highway Administration)

13. 23 CFR 774.3(d) Programmatic Section 4(f) Evaluation

Indicate which Section 4(f) Programmatic Evaluation(s) applies:

- ☐ Independent bikeway or walkway construction projects

Note: These types of projects typically now fall under exception 23 CFR 774.13(g) above.

- ☐ Historic Bridges

Example: A bridge is found to be on or eligible for the National Register of Historic places, and the project will result in an adverse effect under Section 106 of the National Historic Preservation Act. The project will also have a Section 4(f) use of the property, and *de minimis* does not apply due to the adverse effect under Section 106.

- ☐ Park minor involvement

Note: These will mostly fall under the *de minimis* section 4(f) category. Work with your REC or BTS-EPDS Liaison if you think the programmatic evaluation is more applicable.

- ☐ Historic site minor involvement

Note: These will mostly fall under the *de minimis* section 4(f) category. Work with your REC or BTS-EPDS Liaison if you think the programmatic evaluation is more applicable.

- ☐ Net Benefit to Section 4(f) Property

Note: These will mostly fall under the *de minimis* section 4(f) category. Work with your REC or BTS-EPDS Liaison if you think the programmatic evaluation is more applicable.

Programmatic Section 4(f) documentation is attached here:

Programmatic documentation will include separate signature blocks for approval, do not use the signature blocks above which are intended to be only for *de minimis*.

14. 23 CFR 774.3 Individual Section 4(f) Evaluation

☐ Draft Individual Section 4(f) evaluation date:

Draft Individual Section 4(f) evaluation is attached here:

It is acceptable to have a Draft Individual Section 4(f) evaluation when the draft ER is made available for public comment (if applicable), or the EA is approved. The Final Individual Section 4(f) evaluation must be signed prior to the final ER or the FONSI; it will have its own signature page similar to what is used for *de minimis* or programmatic.

☐ Final Individual Section 4(f) evaluation approved on

Final Individual Section 4(f) evaluation is attached here:

You may only have a Draft Individual Section 4(f) evaluation when the draft ER or the EA is approved. The Individual Section 4(f) must be signed prior to the final ER or the Finding of No Significant Impact.

For an Individual Section 4(f) Evaluation, additional coordination is required, talk to your REC or BTS-EPDS liaison before talking with FHWA. Refer to FDM 20.45 <https://wisconsindot.gov/rdwy/fdm/fd-20-45.pdf#fd20-45-5> and the Section 4(f) Policy Paper <https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>.

Refer to 23 CFR 774.5(a) and 23 CFR 774.7(d) for additional information related to review timing.

Note: Individual Section 4(f) evaluations are only prepared as the last options, all applicability determination, exceptions, *de minimis*, and programmatic evaluations should be considered first. The Individual Section 4(f) evaluations have their own signature pages.

All environmental commitments made to avoid, minimize or compensate for a Section 4(f) use must be included in Question 22 of the ER and EA Template, or Question XIII of the CEC template.