**Wisconsin Federal Highway Administration**

# Finding of *De Minimis* Impact on Historic Property (Updated 7/25/2017)

A *de minimis* impact determination on a Section 4(f) historic property is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in either: A Section 106 finding of ‘no adverse effect’ or ‘no historic properties affected’ on a historic site. This determination may be made for a permanent incorporation or an adverse temporary occupancy of a Section 4(f) property.

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 prepared and should be included with the individual Section 4(f) evaluation document.

If the property in question is designated as both a park, recreation area, or refuge and a historic property please use the parks, recreation area, and refuge form.

1. Project Description

WISDOT ID:

Route:

Termini:

City/County:

Project Description:

State the project name and if the project is an Enhancement Project. Include total cost, length in miles, class of NEPA action, and acres of *de minimis* use*.*

1. Name of historic property:
2. 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):

Include a map and/or photos of the property (including the historic boundary) in relation to the proposed project.

1. Description of Impacts:

In order to process a Finding of *De Minimis* Impact you must have a Section 106 finding of No Historic Properties Affected or No Adverse effect from the SHPO/THPO. 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

For projects that impact multiple properties in a historic district, list each impacted property name as a bold heading.

Indicate where on the property the impacts will occur.

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 such as Taliesin or Villa Louis). 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.

1. Discuss how the above resulted in a Section 106 finding of No Historic Properties Affected or No Adverse Effect. In making this determination, consideration may be given to any impact avoidance, minimization, and compensation or enhancement measures incorporated into the project.
2. Public Opportunity to Comment

Briefly describe public involvement efforts that were completed as part of the Section 106 process and how the views of the consulting parties were considered. Completion of the Section 106 review process, by definition, evidences the public has been afforded an opportunity to review and comment on the effects of the proposed project on historic properties (attach the appropriate documentation). See FDM Chapter 26 for a more complete explanation on the Section 106 review process.

1. Name of the official(s) with jurisdiction over the property.

In most cases the Section 106 review official(s) with jurisdiction over the property is the SHPO/THPO. The National Park Service may be an additional official with jurisdiction over the property, if the property in question is a National Historic Landmark (NHL). Finally, the Advisory Council on Historic Preservation may be an additional official with jurisdiction if they have requested to be involved in the review process.

Summarize the Official(s) with jurisdiction concurrence that the project will not adversely affect the attributes of the property that qualify it for protection under Section 4(f). 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.

Indicate how the official(s) with jurisdiction over the property (SHPO/THPO) has/have been informed that FHWA may make a *de minimis* finding under Section 4(f) and may utilize the [Name of official(s)]’s written concurrence that the project does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) in making the *de minimis* finding [attach a copy of the SHPO/THPO letter(s)or signed Section 106 form].

**This *de minimis* determination documentation was prepared by**

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Consultant or Region Project Staff)*

**This *de minimis* determination documentation was reviewed by**

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (*Regional Environmental Coordinator or Region Local Program Manager)*

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (EPDS *Liaison or Section Manager)*

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

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Federal Highway Administration)*

cc: WISDOT Bureau of Technical Service /EPDS

 WISDOT Region