**Wisconsin Federal Highway Administration**

# Finding of *De Minimis* Impact on Parks, Recreation Areas and Wildlife and Waterfowl Refuges (Updated 7/25/2017)

A *de minimis* impact determination on a Section 4(f) park, recreation area, wildlife and waterfowl refuge property is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in:

a determination that the project would not adversely affect the activities, features, or attributes qualifying the park, recreation area, or refuge for protection under Section 4(f). This determination may be made for a permanent incorporation or temporary adverse 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. You will need to provide a description of why the park, recreation area, or refuge qualifies under both criteria for questions 3 through 7.

1. Project Description

WISDOT ID:

Route:

Termini:

City/County:

Project Description:

State the project name and if the project is an Enhancement Project. Briefly describe the project scope, preferred alternative, and any other alternatives considered. Include total cost, length in miles, class of NEPA action, and acres of *de minimis* use*.*

1. Name of Section 4(f) resource: (If the resource is a park and a historic property please indicate the historic property name and the park name if different.)
2. Description of Section 4(f) resource (Include a map and/or photos of the property in relation to the proposed project):

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.

1. Description of impacts:

Attach an exhibit that indicates where on the property the impacts will occur. Include the type and amount (in acres) of the impact. Indicate whether the impacts will be permanent and/or temporary right-of-way (includes easements, and work agreements). 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*.*

1. Discuss avoidance, minimization, and compensation efforts and how the impacts after avoidance, minimization, and compensation do not adversely affect the activities, features, and attributes listed in Number 3 above:

In making this determination, any impact avoidance, minimization, and compensation or enhancement measures incorporated into the project should be discussed.

1. Describe the public involvement process and results:

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

Attach appropriate documentation evidencing public participation. Summarize comments and responses to comments related to the *de minimis* impact determination. Do not include any personal identifying information.

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.

The results of the public involvement process and response to comments must be reviewed by the official(s) with jurisdiction 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) as described in Item 8.

For properties eligible for Section 4(f) as both a historic property and as a park, recreation area, or refuge, the public involvement must follow the requirements outlined for both Section 106 and Section 4(f).

1. Name of and notification to the official(s) with jurisdiction over the property:

The officials with jurisdiction over the property must be informed and concur that FHWA may make a *de minimis* impact determination under Section 4(f) and FHWA may utilize the official’s written concurrence after the public has had the opportunity to review and comment on the impacts to the property. Indicate when and how the official(s) was/were informed.

1. Describe the results of coordination with the official(s) with jurisdiction over the property following public involvement (attach correspondence from the official(s)):

After considering any comments received from the public, if the official(s) with jurisdiction 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 official(s) with jurisdiction’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).

1. Are there federal and/or state special funding encumbrances such as Land and Water Conservation funds or Knowles-Nelson Stewardship Program grants on the Section 4(f) resource?If “Yes”, indicate the type of encumbrance and discuss how all requirements relating to the encumbrance will be satisfied independent of this 4(f) determination. This should be addressed in Factor Sheet # in the Environmental Document.

**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