



**Final Nationwide Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges**

Project Information	
Project Name: Enter project name	Federal-aid Number: Enter project number
ADOT Project Number: Enter project number	NEPA Class of Action:
Approval MOU: <input type="checkbox"/> 23 U.S.C. 326	Project Administration: <input type="checkbox"/> ADOT
<input type="checkbox"/> 23 U.S.C. 327	<input type="checkbox"/> LPA

According to Title 23 Code of Federal Regulations (CFR) 774.17, a property afforded protection under Section 4(f) is defined as “publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance.”

Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

This programmatic Section 4(f) evaluation has been prepared for projects which improve existing highways and use minor amounts of publicly owned public parks, recreation lands, or wildlife and waterfowl refuges that are adjacent to existing highways. This programmatic Section 4(f) evaluation satisfies the requirements of Section 4(f) for all projects that meet the applicability criteria listed below.

**PROJECT DESCRIPTION:**

(Provide a concise description of the proposed action.)

**PROJECT PURPOSE AND NEED(s):**

(Include the project’s purpose and need(s), as included in the project’s NEPA documentation.)

**IDENTIFICATION OF SECTION 4(f) PROPERTY:**

(List the property and provide a description of the property.)

**OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:**

1. Identify agency with jurisdiction:
2. Name and title of contact person at agency:



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**APPLICABILITY DETERMINATION:**

This programmatic Section 4(f) evaluation may be applied by FHWA only to projects meeting the following criteria:

1. The proposed project is designed to improve the operational characteristics, safety, and/or physical condition of existing highway facilities on essentially the same alignment. This includes "4R" work (resurfacing, restoration, rehabilitation, and reconstruction), safety improvements, such as shoulder widening and the correction of substandard curves and intersections; traffic operation improvements, such as signalization, channelization, and turning or climbing lanes; bicycle and pedestrian facilities; bridge replacements on essentially the same alignment; and the construction of additional lanes. This programmatic Section 4(f) evaluation does not apply to the construction of a highway on a new location.
2. The Section 4(f) lands are publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway.
3. The amount and location of the land to be used shall not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented in relation to the size, use, and/or other characteristics deemed relevant.

The total amount of land to be acquired from any Section 4(f) site shall not exceed the values in the following Table:

Total Size of Section 4(f) Site	Maximum to Be Acquired
< 10 acres	10 percent of site
10 acres - 100 acres	1 acre
> 100 acres	1 percent of site

4. The proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented with regard to noise, air and water pollution, wildlife and habitat effects, aesthetic values, and/or other impacts deemed relevant.
5. The officials having jurisdiction over the Section 4(f) lands must agree, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.
6. For projects using land from a site purchased or improved with funds under the Land and Water Conservation Fund Act, the Federal Aid in Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Act (Pittman-Robertson Act), or similar laws, or the lands are otherwise encumbered with a federal interest (e.g., former Federal surplus property), coordination with the appropriate Federal agency is required to ascertain the agency's position on the land conversion or

transfer. The programmatic Section 4(f) evaluation does not apply if the agency objects to the land conversion or transfer.

7. This programmatic evaluation does not apply to projects for which an environmental impact statement (EIS) is prepared, unless the use of Section 4(f) lands is discovered after the approval of the final EIS. Should any of the above criteria not be met, this programmatic Section 4(f) evaluation cannot be used, and an individual Section 4(f) evaluation must be prepared.

**ALTERNATIVES CONSIDERED/FINDINGS:**

1. The **Do Nothing Alternative** must be examined, and documented NOT to be feasible and prudent. Verify that this is true, and indicate the reasoning:

- The Do Nothing Alternative is not feasible and prudent because: (a) it would not correct existing or projected capacity deficiencies; or (b) it would not correct existing safety hazards; or (c) it would not correct existing deteriorated conditions and maintenance problems; and (d) not providing such correction would constitute a cost or community impact of extraordinary magnitude, or would result in truly unusual or unique problems, when compared with the proposed use of the Section 4(f) lands.

*Explain how the needs would not be addressed if the Do-Nothing Alternative is chosen.*

2. **Improvement without using the adjacent Section 4(f) Lands.** It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management techniques (including, but not limited to, minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures) because implementing such measures would result in: *(A minimum of one must be selected for this programmatic to be applicable.)*

- Substantial adverse community impacts to adjacent homes, businesses or other improved properties
- Substantially increased roadway or structure cost.
- Unique engineering, traffic, maintenance, or safety problems;
- Substantial adverse social, economic, or environmental impacts.
- The project not meeting identified transportation needs.
- The impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands.

*Explain how a modification of the Build Alternative could not be engineered in accordance with sound engineering practices, or how the needs would not be addressed, and/or describe the severe impacts to other resources that would occur if the modified Build Alternative is chosen, or the opportunity that would be missed. (Provide traffic data, attach maps, tables etc. as needed to document the evidence that led to the conclusion.):*

3. **Alternatives on New Location.** It is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment because: *(A minimum of one must be selected for this programmatic to be applicable.)*
- The new location would not solve existing transportation, safety, or maintenance problems.
  - The new location would result in substantial adverse social, economic, or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of established patterns, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) lands
  - The new location would substantially increase costs or engineering difficulties (such as an inability to achieve minimum design standards, or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, and the environment); and
  - Such problems, impacts, costs, or difficulties would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands.)

*Explain how the alternative could not be engineered in accordance with sound engineering practices, or how the needs would not be addressed, and/or describe the severe impacts that would occur if the new location is chosen. (Provide traffic data, attach maps, tables etc. as needed to document the evidence that led to the conclusion.):*

**MITIGATION AND MEASURES TO MINIMIZE HARM:**

This programmatic Section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred when the officials having jurisdiction over the Section 4(f) property have agreed, in writing, with the assessment of impacts resulting from the use of the Section 4(f) property and with the mitigation measures to be provided.



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**COORDINATION:**

- 1. Each project will require coordination in the early stages of project development with the Federal, state and/or local agency officials having jurisdiction over the Section 4(f) lands. In the case of non-Federal Section 4(f) lands, the official with jurisdiction will be asked to identify any Federal encumbrances. Where such encumbrances exist coordination will be required with the Federal agency responsible for the encumbrance.  YES
  
- 2. For the interests of the Department of Interior, Federal agency coordination will be initiated with the Regional Directors of the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Reclamation; the State Directors of the Bureau of Land Management, and the Area Directors of the Bureau of Indian Affairs. In the case of Indian lands, there will also be coordination with appropriate Indian Tribal officials  YES  
 N/A
  
- 3. Before applying this programmatic evaluation to projects requiring an individual bridge permit the Division Administrator shall coordinate with the U.S. Coast Guard District Commander.  YES  
 N/A
  
- 4. Copies of the final written analysis and determinations required under this programmatic Section 4(f) evaluation shall be provided to the officials having jurisdiction over the involved Section 4(f) area and to other parties upon request.  YES  
 N/A

**SUMMARY AND APPROVAL:**

ADOT has:

- 1. Determined that the project meets the applicability criteria set forth above;
- 2. Determined that all of the alternatives set forth in the Findings section have been fully evaluated;
- 3. Determined that the findings in this document (which conclude that there are no feasible and prudent alternatives to the use of the publicly owned public park, recreation area, or wildlife or waterfowl refuge) are clearly applicable to the project;
- 4. Determined that the project complies with the Measures to Minimize Harm section of this document;
- 5. Determined that the coordination called for in this programmatic evaluation has been successfully completed;
- 6. Assured that the measures to minimize harm will be incorporated in the project; and
- 7. Documented the project file clearly identifying the basis for the above determinations and assurances.

<p>_____</p>	<p>Date: _____</p>
<p>Name of Official with Jurisdiction: Signature of Official with Jurisdiction</p>	
<p><i>(Optional: other documentation such as letters may be used in replacement of signing this page) Check here if other documentation is included in the project file. <input type="checkbox"/></i></p>	



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**Programmatic Section 4(f) Approval:**

_____	Date: _____
Environmental Planner:	
_____	Date: _____
Approved By:	

Approval Authority	
<input type="checkbox"/>	The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. <b>326</b> and a Memorandum of Understanding(s) executed by FHWA and ADOT on January 4, 2021.
<input type="checkbox"/>	The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. <b>327</b> and a Memorandum of Understanding(s) executed by FHWA and ADOT on April 16, 2019.