



**Section 4(f) Evaluation and Approval for Transportation
Projects that have a Net Benefit to a Section 4(f) Property
Form – Historic Properties**

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

The Programmatic Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property can be used when there is a use of a Section 4(f) property but with the mitigation measures committed to there is an overall enhancement or benefit to the property.

PROJECT DESCRIPTION:

(Provide a concise description of the proposed action.)

PROJECT PURPOSE AND NEED(s):

(Include the project’s purpose and need(s) as those 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:

APPLICABILITY DETERMINATION:

1. The project will use one or more of the following Section 4(f) property(ies): (check)

Historic Site

Describe the use for each affected property: (use plan sheets, maps, photos as needed to describe the impacts:

2. All appropriate measures to minimize harm and subsequent mitigation that preserves and enhances those activities, features, and attributes of the Section 4(f) property that originally qualified the resource for Section 4(f) protection have been incorporated into the project's design. YES

List/describe the mitigation/minimization measures that enhance the Section 4(f) property that have been incorporated into the project's design.

3. The project does not require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800. YES

4. Consistent with 36 CFR part 800, there must be agreement reached amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project. YES

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 would not solve existing transportation, safety, or maintenance problems (i.e. it would not address the project needs). (Not Prudent)

Explain how the needs would not be addressed and/or describe the severe impacts to other resources that would occur if the Do Nothing Alternative is chosen. (Provide traffic data, attach maps, tables etc. as needed to document the evidence that led to the conclusion.):

2. **Improve the transportation facility in a manner that addresses purpose and need without use of a Section 4(f) property.** It is not feasible and prudent to avoid Section 4(f) property by using engineering design or transportation system management techniques, such as minor location shifts, changes in engineering design standards, use of retaining walls and/or other structures and traffic diversions or other traffic management measures if implementing such measures would result in any of the following: *(A minimum of one must be selected for this programmatic to be applicable.)*

- It would result in severe adverse community impacts to adjacent homes, businesses or other improved properties. (Not Prudent)
- It would substantially increase transportation facility or structure cost. (Not Prudent)
- It would result in unique engineering, traffic, maintenance or safety problems. (Not Prudent)
- It would result in substantial adverse social, economic or environmental impacts. (Not Prudent)
- There would be a substantial missed opportunity to benefit a Section 4(f) property. (Not Prudent)
- The identified transportation needs would not being met. (Not Prudent)
- The Impacts, costs or problems would be truly unusual, unique or of extraordinary magnitude when compared with the proposed use of Section 4(f) property after taking into account measures to minimize harm and mitigate for adverse uses, and enhance the functions and value of the Section 4(f) property. (Not Prudent)

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. **Build a new facility at a new location without a use of the Section 4(f) property.** Build a new facility at a new location without a use of the Section 4(f) property. It is not feasible and prudent to avoid Section 4(f) property by constructing at a new location if:
(A minimum of one must be selected for this programmatic to be applicable)

- The new location would not address or correct the problems cited as the NEPA purpose and need, which necessitated the proposed project. (Not Prudent)
- 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 community cohesion, jeopardize the continued existence of any endangered or threatened species or resulting in the destruction or adverse modification of their designated critical habitat, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) properties) (Not Prudent)
- The new location would substantially increase costs or cause substantial 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, or the environment) (Not Prudent)
- Such problems, impacts, costs, or difficulties would be truly unusual or unique or of extraordinary magnitude when compared with the proposed use of the Section 4(f) property after taking into account proposed measures to minimize harm, mitigation for adverse use, and the enhancement of the Section 4(f) property's functions and value. (Not Prudent)

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:

COORDINATION:

- 1. The proposed project has been coordinated with the SHPO and/or THPO, as appropriate, having jurisdiction over the Section 4(f) property. YES
- 2. Land encumbered by other federal or state actions or coordination with the federal or state agency responsible for encumbrance has been completed. YES
(Land and Water Conservation Fund Act, i.e. Section 6(f)) N/A
- 3. The official(s) with jurisdiction agrees that the net result is an overall improvement and enhancement of the Section 4(f) property when compared to the future do-nothing alternative and the present condition of the Section 4(f) property. YES



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4. For a project where one or more public meetings or hearings were held, information on the proposed use of and mitigation to the Section 4(f) property was communicated at the public meeting(s) or hearing(s). YES
 N/A

SUMMARY AND APPROVAL:

ADOT has:

1. Determined that; the project meets the applicability criteria set forth in Applicability section; all of the alternatives set forth in the Findings section have been fully evaluated; the findings in the programmatic evaluation (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the Section 4(f) property; the project complies with the Mitigation and Measures to Minimize Harm section of this document; that the coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained.
2. Documented the information that clearly identifies the basis for the above determinations and assurances.

<p>_____</p>	<p>Date: _____</p>
<p>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>	

Programmatic Section 4(f) Approval:

<p>_____</p>	<p>Date: _____</p>
<p>Cultural Resources Manager: Select a name</p>	
<p>_____</p>	<p>Date: _____</p>
<p>Approved By:</p>	

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. 326 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. 327 and a Memorandum of Understanding(s) executed by FHWA and ADOT on April 16, 2019.