|  |  |
| --- | --- |
|  | **Programmatic Section 4(f) Evaluation Form**  **for For Independent Bikeway or Walkway Construction Projects**  **For NEPA Assignment Program Projects** |
| Project Name:  Project Numbers (Federal and State):  Section 4(f) resource:  Date:  List of Attachments: |

*This programmatic Section 4(f) form is used only for independent bikeway or walkway construction projects which require the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes, and which meet the criteria outlined below. This programmatic does not cover land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance.*

*If any of your responses below are contained within [brackets], do not continue filling out the form. Consult with the NEPA Program Manager for the appropriate next steps.*

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 13, 2023, and executed by FHWA and DOT&PF.

| Project Description |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| Section 4(f) Property Description *Describe the impacted Section 4(f) property. Description should include size, location, type of property, ownership and identification of official with jurisdiction over the Section 4(f) property, and existing and/or documented planned activities, features and attributes of the property. Include a map depicting the boundaries and major features of the Section 4(f) property in relation to the proposed project*. | | | |

| Applicability |  | **YES** | **NO** |
| --- | --- | --- | --- |
| *All of the following applicability criteria must be met.* |  |  |  |
| 1. The project will require use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes. |  |  | [] |
| 2. The official with jurisdiction of the Section 4(f) property has given approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility. |  |  | [] |
| 3. The project does not require the use of critical habitat of an endangered species. |  |  | [] |
| 4. The project does not require the use of any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance. |  |  | [] |
| 5. There are no unusual circumstances (major impacts, adverse effects, or controversy) associated with the project. |  |  | [] |
| 6. The bicycle or pedestrian facilities are not incidental items of construction in conjunction with highway improvements having the primary purpose of serving motor vehicle traffic. |  |  | [] |
| 7. All of the following additional criteria apply to the project and its impacts to the Section 4(f) resource:   * Noise and air quality will not be affected (Increased noise from snowmobiles may be permissible, if the snowmobile use would likely occur when other uses of the recreational facilities will be minimal). * Temporary impacts on water quality will be minimal. * Erosion control measures will be used through the construction period. * Minimal amounts of land will be required due to the narrow cross section of the bikeways and walkways. * The project will be blended into the existing terrain to reduce any visual impacts. * Displacement of families and businesses will not be required. * No significant adverse social or economic impacts are anticipated. * Beneficial impacts will include enhancement of the recreational potential of the park and the provision of an alternate mode of transportation for the commuter. |  |  | [] |
| 8. Describe project impacts, mitigation, and avoidance and minimization measures: |  |  |  |
|  | | | |

| Minimization of Harm |  | **YES** | **NO** |
| --- | --- | --- | --- |
| 1. Does the proposed action include 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. |  |  | [] |
| *If yes, select the applicable measures* from the following list and describe: |  |  |  |
| * Replacement of lands used with lands of reasonably equivalent usefulness and location, and or at least comparable value |  |  |  |
| * Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities |  |  |  |
| * Restoration and landscaping project-disturbed areas |  |  |  |
| * Providing other special design and/or habitat features |  |  |  |
| * Providing payment of fair market value of lands and improvements acquired |  |  |  |
| * Providing improvements to the remaining Section 4(f) property equal in cost to the fair market value of lands and improvements acquired |  |  |  |
| * Provide additional or alternative measures determined necessary based on consultation with the officials having jurisdiction over the Section 4(f) property |  |  |  |
| *Note: the proposal must include one or more of the above measures.* |  |  |  |
| Discuss minimization measures: |  |  |  |

| Coordination | |  | **NA** | **YES** | **NO** |
| --- | --- | --- | --- | --- | --- |
| 1. Has the proposed project been coordinated with the federal, state, and/or local officials having jurisdiction over the Section 4(f) property? | |  |  |  | [] |
| Summarize coordination and include concurrence from the official with jurisdiction. | |  |  |  |  |
|  |  | | | | |
| 1. In the case of non-federal Section 4(f) property, the official with jurisdiction has been asked to identify any federal encumbrances [e.g. lands from a site purchased or improved with funds under the *Land and Water Conservation Fund Act (LWCF)*, the *Federal Aid in Fish Restoration Act* (Dingell-Johnson Act), the *Federal Aid in Wildlife Act* (Pittman-Robertson Act) or similar laws or lands are otherwise encumbered with a Federal interest]. | |  |  |  | [] |
| If applicable, discuss any encumbrances and include a copy of the correspondence (e.g. letter, e-mail, phone log) from the official with jurisdiction of the Section 4(f) property and any appropriate officials regarding federal encumbrances (e.g. Alaska Department of Natural Resources Grants Administrator for the LWCF). | |  |  |  |  |
|  | |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Determination and Approval | | |  |  | |  | |
| All applicable coordination and consultations have occurred during the development of this Section 4(f) Evaluation, and DOT&PF has determined that this project meets all criteria and findings required for approval under May 23, 1977, “Statement and Determination for Independent Bikeway or Walkway Construction Projects” (1977 Programmatic) and that:   1. This project will not have a significant effect upon the quality of the human environment. 2. There is no feasible and prudent alternative to the use of Section 4(f) lands. 3. The conditions outlined in this approval will insure that the bikeway proposals will include all possible planning to minimize harm resulting from such use. | | | | | | | |
| Recommended Approval by: | |  |  |  | | |  |
|  | | [Printed Name and Signature]  Regional Environmental Manager |  | Date | | |  |
| Based on the above considerations, there is no feasible and prudent alternative to the use of land from the [name of site] and the proposed action includes all possible planning to minimize harm to the [name of site] resulting from such use. | | | | | | | |
| Approved by: |  | |  | |  | |  |
|  | [Printed Name and Signature]  NEPA Program Manager | |  | | Date | |  |