

Section 4(f) Evaluation Checklist

Project Name: _____ Job Number: _____

Contact Name: _____

Date Received: _____ Date Reviewed: _____ Reviewer: _____

(SAT = Satisfactory; INC = Incomplete; MIS = Missing; N/A = Not Applicable)

Answers are required for questions which have no N/A box.

This checklist may be used for both programmatic and non-programmatic Section 4(f) Evaluations, but if a programmatic is used, consult with FHWA and/or FTA before completing the checklist actions.

I. Introduction

The evaluation should include a brief introduction that identifies:

SAT INC MIS N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. The basic requirements of Section 4(f). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. The purpose of a Section 4(f) evaluation, including its use in determining compliance with other related laws, such as Section 6(f) of the Land and Water Conservation Fund Act. |
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II. Description of Proposed Action

The evaluation should include a brief description of the proposed action that identifies:

SAT INC MIS N/A

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|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. The program or project purpose and need. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. The program or project-level alternatives under consideration. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. The USDOT agency actions required to implement each program or project alternative. |

III. Description of Section 4(f) Properties

The evaluation should include a description of each Section 4(f) property that includes:

SAT INC MIS N/A

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|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. A general vicinity map. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property(ies) and showing which of the properties or portions of the properties (if any) were acquired or developed with financial assistance from the Land and Water Conservation Fund. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. Size (acres or square feet) and location (maps, sketches, etc.) of the affected Section 4(f) property(ies). |

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- D. Type of property(ies) (recreation, historic, etc.) and the ownership (city, county, state, etc.).
 - E. Function of or available activities on the property(ies) (swimming, golfing, baseball, etc.) [for parks, recreation areas, and wildlife and waterfowl refuges].
 - F. Description and location of all existing and planned facilities (tennis courts, baseball diamonds, etc.).
 - G. Access (pedestrian, vehicular) and usage (approximate number of users/visitors, etc.).
 - H. Relationship to other similarly used lands in the vicinity, including any parks, recreation areas, wildlife and waterfowl refuges, or historic sites that are not Section 4(f) property.
 - I. Applicable clauses affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture [for parks, recreation areas, and wildlife and waterfowl refuges].
 - J. Unusual characteristics (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property(ies).
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IV. Impacts to Section 4(f) Properties

The evaluation should identify and discuss the environmental impacts of each build alternative on each Section 4(f) property (quantified where possible and summarized in a comparative manner, such as in a table) as a result of direct use (or constructive use*) of the Section 4(f) property, in terms of:

Note: If an impact will only occur during construction (e.g., from temporary occupancy), contact FHWA and/or FTA to determine if a “use” of Section 4(f) property will actually occur.

SAT INC MIS N/A

- A. The amount of Section 4(f) property to be used (in acres or square feet).
- B. The facilities, functions, activities, features, or attributes affected (include map).
- C. Access.**
- D. Visual impact.**
- E. Air quality.**
- F. Noise (quantified).**
- G. Water.**
- H. Land use in the vicinity, including any impacts of growth induced by the project.**

**All constructive use determinations must be discussed with FHWA Division Office, who will consult with FHWA HQ.*

***Any discussion of these types of impact should include a conclusion about whether the impact substantially impairs the qualities or functions that qualify the property for Section 4(f) protection.*

V. Mitigation

The evaluation should identify and describe any appropriate “mitigation” (as defined in 40 CFR 1508.20) and enhancement measures that are not already included in the proposed action or alternative to offset specified impacts of each alternative on each Section 4(f) property, in the following priority order:

SAT INC MIS N/A

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|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. Avoiding the impact. (For each Section 4(f) property, identify any possible alternatives that would not require the use of the property.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. Minimizing the impact. (For each Section 4(f) property, take into consideration the views of “officials with jurisdiction” [as defined in Chapter 457] for the type of Section 4(f) property involved and identify any measures that are prudent*.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. Rectifying the impact. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | D. Reducing or eliminating the impact. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | E. Compensating for the impact (sometimes referred to as mitigation). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. For each Section 4(f) property, take into consideration the views of officials with jurisdiction for the type of Section 4(f) property involved and identify any measures that are prudent*. |

SAT INC MIS N/A

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|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. For each Section 6(f) resource, identify any measures that will allow the affected property to be replaced with other recreation properties of at least equal fair market and of reasonably equivalent usefulness and location. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | F. Enhancement. (For each Section 4(f) property, take into consideration the views of officials with jurisdiction for the type of Section 4(f) property involved and identify any measures that are prudent*.) |

**(i.e., a reasonable public expenditure in light of the adverse impacts of the project on the Section 4(f) property and the benefits of the measures to the property)*

VI. Avoidance Alternatives

The evaluation should identify each location and design alternative that would not require the use of any Section 4(f) property(ies) and evaluate its feasibility and prudence by determining if:

SAT INC MIS N/A

- | | | | | |
|--------------------------|--------------------------|--------------------------|--|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. It cannot be built as a matter of sound engineering judgment. | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. It results in severe safety or operational problems. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | D. After reasonable mitigation, it causes severe social, economic, or environmental impacts; severe disruption to established communities; severe disproportionate |

impacts to minority or low income populations; or severe impacts to environmental resources protected under other federal statutes.

- E. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude.
 - F. It causes other unique problems or unusual factors of extraordinary magnitude.
 - G. It involves multiple factors in items A through F that while individually not severe or extraordinary, cumulatively cause unique problems or impacts of extraordinary magnitude.
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VI. Measures to Minimize Harm

If the analysis in Section VI indicates that there are no feasible and prudent avoidance alternatives, then the evaluation should demonstrate that the project includes all possible planning to minimize harm or mitigate for adverse impacts or effects to the Section 4(f) property(ies) by identifying:

SAT INC MIS N/A

- A. All of the prudent measures that will be included in the project to minimize harm, etc. (if there are no other project alternatives); or
 - B. The most prudent alternative that will cause the least overall harm after considering the following factors (if all of the project alternatives require the use of Section 4(f) property):
 1. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
 2. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
 3. The relative significance of each Section 4(f) property (consult officials with jurisdiction and FHWA and/or FTA in making this determination);
 4. The views of the official(s) with jurisdiction over each Section 4(f) property;
 5. The degree to which each alternative meets the purpose and need for the project;
 6. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f);
 7. Extraordinary differences in costs among the alternatives; and
 8. Any history of concurrent planning or development of the proposed transportation project and the Section 4(f) property.
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VII. Coordination

A draft Section 4(f) evaluation should include a summary of any specific coordination (letters, etc., included in an appendix to the evaluation) with the following agencies and persons concerning joint planning or

development (if applicable), impacts, measures to minimize harm, avoidance alternatives, and compliance with other related laws including Section 6(f) of the Land and Water Conservation Fund Act (if applicable), as appropriate for each Section 4(f) property:

SAT INC MIS N/A

- A. State Historic Preservation Officer (SHPO).
- B. Tribal Historic Preservation Officer (THPO) or tribal government.
- C. Advisory Council on Historic Preservation (ACHP).
- D. Historic societies, museums, or academic institutions [DOT 5610.1C, Attachment 2, paragraph 5(a)].

SAT INC MIS N/A

- E. Historic consultant.
- F. Archaeological consultant.
- G. Official(s) of the agency(ies) that own or administer the property.
- H. The public, after public notice and an opportunity for review and comment (required for any determinations of *de minimis* impact on parks, recreation areas, and refuges).
- I. Washington D.C. office of the Department of Interior.
- J. Regional or local offices of the Department of Agriculture.
- K. Regional office of the Department of Housing and Urban Development.

A final Section 4(f) evaluation should include a summary of any comments received (letters, etc., included in an appendix to the evaluation) from the following agencies and persons in response to a request for coordination and comment on the draft Section 4(f) evaluation:

SAT INC MIS N/A

- A. State Historic Preservation Officer (SHPO).
- B. Tribal Historic Preservation Officer (THPO) or tribal government.
- C. Advisory Council on Historic Preservation (ACHP).
- D. Official(s) of the agency(ies) that own or administer the property (for parks, recreation areas, and refuges).
- E. Washington D.C. office of the Department of Interior.
- F. Regional or local offices of the Department of Agriculture.
- G. Regional office of the Department of Housing and Urban Development.

VIII. Conclusion

A **draft** Section 4(f) evaluation may include a *tentative* conclusion (for coordination and comment) that demonstrates:

SAT INC MIS N/A

- A. There are no feasible and prudent avoidance alternatives -- OR
- B. The project includes all possible planning to minimize harm to the Section 4(f) property(ies.) -- OR
- C. The project will comply with other related laws including Section 6(f) of the Land and Water Conservation Fund Act (if applicable).
- D. The document includes a summary of the reasons for this conclusion based on the information provided in the "Mitigation", "Avoidance Alternatives", "Measures to Minimize Harm", and "Coordination" sections above.

A **final** Section 4(f) Evaluation must include a *final* conclusion that demonstrates:

SAT INC MIS N/A

- A. There are no feasible and prudent avoidance alternatives -- OR
- B. The project includes all possible planning to minimize harm to the Section 4(f) property(ies.) -- OR
- C. The project will comply with other related laws including Section 6(f) of the Land and Water Conservation Fund Act (if applicable).
- D. The document includes a summary of the reasons for this conclusion based on the information provided in the "Mitigation", "Avoidance Alternatives", "Measures to Minimize Harm", and "Coordination" sections above.
- E. The conclusion for a *final* Section 4(f) analysis must contain the following statement "Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the (identify Section 4(f) property) and the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use."

IX. Summary (only required if the evaluation will be in an appendix to an EA or EIS)

Summarize the analysis done and conclusions reached. The summary should include enough detail so that it can be included in the EA or EIS with only minor modification.

The summary should include:

SAT INC MIS N/A

- A. Introduction.
- B. Description of Proposed Action.
- C. Description of Section 4(f) Properties.
- D. Impacts and Potential Mitigation for Impacts to Section 4(f) Properties.
- E. Avoidance Alternatives.
- F. Measures to Minimize Harm.
- G. Coordination.

H. Conclusion.

General Comments: _____
