**NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION**

**NET BENEFIT TO A SECTION 4(f) PROPERTY**

|  |  |
| --- | --- |
| **Date:** | **xx/xx/xxxx** |
| **Project #** | **xxxxx** |
| **PCN:** | **xxxxx** |
| **Project Name:** | **xxxxx** |
| **Location:** | **xxxxx** |

**NOTE:** *Any response in a shaded box will require additional information, and MAY result in an individual evaluation/statement. Consult the “Nationwide” Section 4(f) Evaluation procedures.*

**USE:** This programmatic Section 4(f) evaluation has been prepared for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, which in the view of the Federal Highway Administration and official(s) with jurisdiction over the Section 4(f) property, the use of the Section 4(f) property will result in a net benefit to the Section 4(f) property.

**APPLICABILITY YES NO**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. | Does the proposed project use a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site? |  |  |
| 2. | Does the proposed project include all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection? |  |  |
| 3. | For historic properties, does the project 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? |  |  |
| 4. | For archeological properties, does the project 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? |  |  |
| 5. | For historic properties, consistent with 36 CFR part 800, was an agreement reached amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm for inclusion on the project? |  |  |
| 6. | Has the official with jurisdiction over the property agreed in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property? |  |  |
| 7. | Has the Federal Highway Administration determined that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation? |  |  |

**ALTERNATIVES AND FINDINGS YES NO**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. | The **“Do-Nothing” Alternative** has been evaluated, and is not considered to be feasible and prudent because it would neither address nor correct the transportation need cited as the NEPA purpose and need, which necessitated the proposed project. |  |  |
| 2. | An alternative has been evaluated **which improves the highway without using adjacent 4(f) lands**, and is not considered to be feasible and prudent to avoid Section 4(f) lands 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 because implementing such measures would result in:  |  |  |
| a. substantial adverse community impacts to adjacent homes, businesses or other improved properties; orb. substantially increased transportation facility or structure cost; orc. unique engineering, traffic, maintenance, or safety problems; ord. substantial adverse social, economic, or environmental impacts; or e. a substantial missed opportunity to benefit a Section 4(f) property; orf. the project not meeting identified transportation needs; andg. 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) 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.Flexibility in the application of American Association of State Highway and Transportation Officials (AASHTO) geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative. |
| 3. | An alternative has been evaluated **on a new location avoiding the 4(f) site**, and is not considered to be feasible and prudent because: |  |  |
| a. the new location would not address or correct the problems cited as the NEPA purpose and need, which necessitated the proposed project; orb. 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; orc. the new location would substantially increase costs or cause 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); andd. 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) 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. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative. |

**MEASURES TO MINIMIZE HARM YES NO**

|  |
| --- |
| This Nationwide Programmatic Section 4(f) Evaluation and approval may be used only for projects where the FHWA Division Representative, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. |
| 1. | Does the proposed project include all possible planning to minimize harm, appropriate mitigation, and the official(s) with jurisdiction agreement in writing? |  |  |

**COORDINATION** **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 and concurrence in writing been given? List all applicable officials: |  |  |
| 2. | For non-Federal Section 4(f) properties encumbered with Federal interests, has coordination with the official with jurisdiction and with the Federal agency responsible for such encumbrances occurred and concurrence in writing been given? |  |  |
| 3. | Have copies of the final written report required under this programmatic evaluation been offered to the official(s) with jurisdiction over the Section 4(f) property, to other interested parties as part of the normal NEPA project documentation distribution practices and policies, or been made available upon request? |  |  |

**PUBLIC INVOLVEMENT YES NO**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. | Has the project included public involvement activities that are consistent with the specific requirements of 23 CFR 771.111, Early coordination, public involvement and project development? |  |  |
| 2. | For a project where one or more public meetings or hearings are held, has the information on the proposed use of the Section 4(f) property been communicated at the public meeting(s) or hearing(s)? |  |  |

**APPROVAL PROCEDURE** **YES NO**

|  |
| --- |
| This programmatic Section 4(f) approval applies only after the FHWA Division Representative has: |
| 1. | Determined that the project meets the applicability criteria set forth in Applicability section; |  |  |
| 2. | Determined that all of the alternatives set forth in the Findings section have been fully evaluated; |  |  |
| 3. | Determined that 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; |  |  |
| 4. | Determined that the project complies with the Mitigation and Measures to Minimize Harm section of this document; |  |  |
| 5. | Determined that the coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained; and |  |  |
| 6. | Documented the information that clearly identifies the basis for the above determinations and assurances. |  |  |

**SUMMARY AND APPROVAL**

The proposed action meets all criteria regarding the required Alternatives, Findings, and Measures to Minimize Harm, which will be incorporated into this proposed project. This proposed project therefore complies with the December 23, 1986 Programmatic Section 4(f) Evaluation by the U.S. Department of Transportation’s Federal Highway Administration. This approval is made Pursuant to Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303, Section 18(a) of the Federal-Aid Highway Act of 1968, 23 U.S.C. 138, and 23 CFR 774.

**Approved: Date:**

FHWA Representative