



## Parks Plus - Section 4(f) Decision Process Guidance Material

This document is guidance on how to complete the Section 4(f) Decision Process form for Park Plus. This document will aid in determining the Section 4(f) applicability for each park, trail, wildlife area, etc. One form should be completed for each property within the project area. *Text in blue indicates information the NEPA Manager will provide. Text in red indicates information the Project Sponsor/LPA will need to provide.*

County: <i>County</i>	NEPA Classification: <i>NEPA Classification</i>
Project Code: <i>Project Code</i>	NEPA Project Type: <i>Project Type</i>
Phase Number: <i>Phase Number</i>	NEPA ID: <i>NEPA ID</i>
Location: <i>Document Title</i>	

### Property Name

*Provide a location map in relation to the project area (and indicate the areas of impact)*

Ownership: <i>Public/Private (if this is Public, continue to the next questions)</i>
Open to the Public? <i>Yes/no</i>
Is the primary function recreation? <i>Yes/no</i>
Is the secondary function recreation? <i>Yes/no</i>
Does the OWJ consider the property Significant? <i>Yes/no – only the OWJ can determine significance</i>
Is the property a refuge? <i>Yes/no</i>

Property Details:	Impact to the Property:	Duration of Impact:
<i>Total property size in miles or acres</i>	<i>Impact to the property in miles or acres</i>	<i>Temporary, Permanent, or No impact</i>

Attributes of the Property:	Affected Attributes:
<i>Insert attributes of the property, see samples below</i>	<i>Yes/no</i>
<i>Picnic Tables</i>	<i>No</i>
<i>Playground Area</i>	<i>No</i>
<i>Greenspace</i>	<i>Yes</i>
<i>Access</i>	<i>No</i>

OWJ (Official with Jurisdiction)	Date Sent	Date Received	Comments
<i>Person responsible for managing the facility (i.e. City Park Director, County Conservation Board, etc.)</i>			<i>If there will be an impact to a park, coordination with the OWJ is required. Contact your NEPA Manager if the form is needed.</i>  <i>Summarize comments received by the OWJ.</i>

Section 4(f)	Result	Note
<b>Step 1: Is it 4(f)?</b>	Yes/no	<p><i>Enter justification to support the answer to step 1.</i></p> <p><i>A property is considered Section 4(f) if it is Publicly owned, Open to the public, Primarily used for recreation, and Significant for recreation.</i></p> <p><i>Sample: The 2 acre “City Park” is publicly owned, is open to the public, is primarily used for recreation, and is considered significant by the OWI for recreation. The park has picnic tables, a playground area, greenspace, and access.</i></p> <p><b>Do you concur?</b></p>
<b>Step 2: Is there a use of the 4(f) Property?</b>	Yes/no	<p><i>Enter justification to support the answer to step 2.</i></p> <p><i>The following would be considered a <u>use</u>:</i></p> <ol style="list-style-type: none"> <li><i>1. When land is permanently incorporated into a transportation facility.</i></li> <li><i>2. When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in § 774.13(d).</i></li> <li><i>3. There is a use when the 4(f) property is within a temporary easement but will sustain permanent adverse physical impacts.</i></li> </ol> <p><i>There is <u>not a use</u> when the 4(f) property is within a temporary easement if the use duration is temporary, no change in ownership, the scope of work is minor, there are no anticipated permanent adverse physical impacts, property is returned to a condition at least as good as it was previously, and there is documented agreement from the officials with jurisdiction.</i></p> <p><i>Sample (no use): The project will need to temporarily use 0.2 acres of the greenspace to install underground utility. The temporary impact of the park would be minimal as to not adversely impact Section 4(f)’s statutory purpose of preservation of the property; and therefore, does not constitute a use of the property.</i></p>



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		<p><i>Sample (use): The project will widen the road and will need to permanently incorporate 0.2 acres of the greenspace adjacent to current ROW (see figure above).</i></p> <p><b>Do you concur?</b></p>
<b>Step 3: Can the 4(f) Property be avoided?</b>	Yes/no	<p><i>Enter justification to support the answer to step 3.</i></p> <p><i>23 CFR 774.3 (a)(1)(i) – There is no feasible and prudent alternative to the use of land from the property; and</i></p> <ol style="list-style-type: none"><li><i>1. A feasible alternative is one that can be designed to engineering standards and that meets the purpose and need of the project.</i></li><li><i>2. A prudent alternative is one that does not present unique problems, have unusual factors or that the cost, social, economic, or environmental impacts do not reach extraordinary magnitudes.</i></li></ol> <p><i>Sample: Impacts to the 4(f) property cannot be avoided and it is necessary to construct, rehabilitate, or repair the transportation asset.</i></p> <p><b>Do you concur?</b></p>
<b>Step 4: Can the impacts to the 4(f) property be minimized?</b>	Yes/no	<p><i>Enter justification to support the answer to step 4.</i></p> <p><i>23 CFR 774.3 (a)(2) – The action includes all possible planning to minimize harm to the property resulting from such use.</i></p> <ol style="list-style-type: none"><li><i>1. Minimizing harm can include design features that reduce ROW needs such as curb and gutters instead of open ditch sections.</i></li><li><i>2. After measures to minimize harm have been determined, they should be incorporated into a mitigation plan.</i></li></ol> <p><i>Sample (yes): Impacts to the 4(f) property will be minimized to the extent possible by designing the transportation asset to minimal design standards, avoiding excess ROW or easements, and limiting access closures. Design will include a curb and gutter instead of a ditch to minimize impacts.</i></p> <p><b>Do you concur?</b></p>

<b>Step 5: What documentation is needed?</b>	<ol style="list-style-type: none"><li>1. 774.13(d) - <i>Temporary Use</i></li><li>2. 774.13(e) - <i>Park Road/parkway</i></li><li>3. 774.13(f) - <i>Certain trails, paths, bikeways, and sidewalks</i></li><li>4. 774.13(g) - <i>Transportation Enhancement</i></li><li>5. <i>de minimis</i></li><li>6. <i>No Use</i></li><li>7. <i>Individual Section 4(f)</i></li></ol>	<p><i>If there is a use, additional forms and coordination with the OWJ will be required. Contact your NEPA Manager if these forms are needed.</i></p> <p><b>Do you concur?</b></p>
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