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Section 4(f) *De Minimis*

Project Development Division Form 042

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| Project Name |  | Project Number |
|       |  |  |
|  |  |  |
| Control No. |  | Project Location (Town, County, Street) |
|       |  |       |
|  |  |  |
| Project Description |
|       |
|  |
| Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact) |
|       |
|  |
| Official(s) with Jurisdiction |
|       |
|  |
| Total Property Size (in acres) |  | Permanent Impact (in acres) |  | Temporary Impact (in acres) |
|       |  |       |  |       |
|  |  |  |  |  |
| Property Description |
|       |
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|  |
| **Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.** |
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| A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility |
| If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.[ ]  N/A |
| Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?[ ]  Yes  [ ]  No |

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| Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.[ ]  Yes  [ ]  No |
|  |
| Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.[ ]  Yes  [ ]  No |  | Date(s): |
|       |
|  |
| Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?[ ]  Yes  [ ]  No |  | Date(s): |
|       |
|  |  |
|  |
| B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility |
| If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.[ ]  N/A |
|  |
| Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.[ ]  Yes  [ ]  No |
|  |
| Was the effect determination either “no historic properties affected” or “no adverse effect”? \*[ ]  Yes  [ ]  No |
| PQS Date |  | SHPO Date |  | THPO Date |
|       |  |       |  |       |

\* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT’s intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of “N/A” in the field indicates the entity was not the Official with Jurisdiction. “Programmatic” in the SHPO field indicates that a determination of “no historic properties affected” or “no adverse effect” was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

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C. Additional Information

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| Description of Use (Temporary and/or Permanent) |
|       |
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| Avoidance, Minimization, and Mitigation Measures |
|       |
|  |
| Comments |
|       |

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| --- |
| ***De Minimis* Documentation** |
| Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?[ ]  Yes  [ ]  No |
|  |
| Is documentation of public involvement attached?[ ]  Yes  [ ]  No [ ]  N/A (for historic resources) |
|  |
| Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?[ ]  Yes  [ ]  No |
|  |
| Additional Attachments(If Applicable) |
|       |
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| Approval Signatures |
| The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use. |
|  |
| **Preparer** |  | **Date:** |
|       |  |       |
|  |  |  |
| **NDOT Reviewer** |  | **Date:** |
|       |  |       |
|  |  |  |
| **NDOT Section/Unit Manager** |  | **Date:** |
|       |  |       |

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 5, 2018, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

**Federal Highway Administration Date:**

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