



Documentation Standard

Individual Section 4(f) Evaluation

Use this documentation standard (DS) to prepare an Individual Section 4(f) evaluation for Federal Highway Administration (FHWA) projects with impacts to parks, recreation, wildlife and water fowl refuges, and historic sites. This DS is a tool for preparing documentation recording the basis for determining that there is no feasible and prudent avoidance alternative to the use of a Section 4(f) property and that project engineers have undertaken all possible planning to minimize harm to the Section 4(f) property, in accordance with [23 CFR 774](#).

Individual evaluations are processed in two phases: draft and final. For guidance on preparing an individual evaluation, refer to the online [TxDOT Section 4\(f\) Toolkit](#).

I. Cover Page

The cover page of the individual evaluation should include the following components.

- A. The project name (For example: Adding capacity to US 183 from FM 222 to US 195)
 - B. The name of the TxDOT district project sponsor, county name, and CSJ
 - C. The statement, “The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.”
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II. Introduction with a Description of the Proposed Action

The individual evaluation should include a brief introduction identifying the following components.

- A. The reason an individual evaluation is being completed, including a reference stating that the project is listed in the Statewide Transportation Improvement Program (STIP), is listed in the Unified Transportation Plan (UTP) and/or has been approved by the TxDOT Commission for further development via a minute order
 - B. A summary of the proposed preferred action
 - C. A Section 4(f) applicability statement, including the following required text:

“In accordance with 23 CFR 774, the following Section 4(f) evaluation provides an explanation stating that there is no feasible and prudent alternative to the use of the <<name of the property>>, and the proposed action includes all possible planning to minimize harm to the <<type of property>> resulting from such use.”
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III. Description of the Proposed Action

The individual evaluation should briefly describe the proposed action, identifying the following components.

- A. The purpose and need statement
 - B. A description of the project location including the logical termini
 - C. A description of the proposed action including existing and proposed typical sections
 - D. A general description of the build alternatives under consideration, including the no build alternative.
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IV. Description of Section 4(f) Properties

The individual evaluation should include a description of the Section 4(f) property including the following components.

- A. A general description of the Section 4(f) property
- B. The type of Section 4(f) property (park, recreation area, wildlife refuge, etc.)
- C. The ownership of the Section 4(f) resource (city, county, state, or private.)
- D. The function of, or available activities (swimming, golfing, baseball, etc.) on the Section 4(f) property (parks, recreation areas, and wildlife and waterfowl refuges). For historic properties the location of contributing and non-contributing historic features.
- E. The location of all existing and planned facilities (tennis courts, baseball diamond, etc.)
- F. The access (pedestrian, vehicular, etc.)
- G. The usage (approximate number of users, visitors, etc.)
- H. The relationship to other similarly used lands in the vicinity, including any parks, recreation areas, wildlife and waterfowl refuges, or historic sites that are not considered a Section 4(f) property
- I. Any applicable clauses affecting the ownership, such as leases, easements, covenants, restrictions, or conditions, including forfeiture for parks, recreation areas, and wildlife and waterfowl refuges
- J. Any unusual characteristics such as flooding problems, terrain conditions, or other features that either reduce or enhance the value of all or part of the property

V. Impacts to Section 4(f) Properties

The Section 4(f) evaluation should identify and describe the environmental impacts resulting from the direct use (or constructive use*) of each build alternative on each Section 4(f) property. Where possible, the environmental impacts may be quantified and summarized in a comparative manner, such as a table. Any explanations of the following types of impacts should include a conclusion explaining whether the impact substantially impairs the qualities or functions qualifying the property for Section 4(f) protection.

- A. A detailed map or drawing showing the Section 4(f) property, and the area of impact of sufficient scale to:
 - 1. Identify the relationship of the alternatives to the Section 4(f) property
 - 2. Show the property or portions of property was acquired or developed with financial assistance from the Land and Water Conservation Fund
- B. The amount (in acres or square feet) of Section 4(f) property used for transportation purposes
- C. The facilities, functions, activities, features, or attributes affected – including a map
- D. Direct impact to significant functions, activities, or contributing features
- E. The visual impacts
- F. The quantified noise impacts
- G. The water impacts



- H. The land use in the Section 4(f) property's vicinity, including any induced growth impacts by the project
- I. Indirect and cumulative impacts that impairs the qualities or functions qualifying the property for Section 4(f) protection.

* All constructive use determinations must be discussed with TxDOT Environmental Affairs Division

VI. Avoidance Alternatives

The Section 4(f) evaluation should identify each location and design alternative not requiring the use of any Section 4(f) property and evaluate its feasibility and prudence. For each alternative, an explanation answering the following questions should be included.

- A. Can it be built as a matter of sound engineering judgment?
 - B. Does it compromise the project to a degree that makes it unreasonable to proceed with the project in light of its stated purpose and need?
 - C. After reasonable mitigation, does it cause any of the following issues with severity?
 - 1. Social, economic, or environmental impacts
 - 2. Disruption to established communities
 - 3. Disproportionate impacts to minority or low income populations
 - 4. Impacts to environmental resources protected under other federal statutes
 - D. Does it result in additional construction, maintenance, or operational costs of an extraordinary magnitude?
 - E. Does it cause other unique problems or unusual factors of extraordinary magnitude?
 - F. Does it involve multiple factors in Items A through E that, while individually not severe or extraordinary, cumulatively cause unique problems or impacts of extraordinary magnitude?
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VII. Measures to Minimize Harm

If there are no feasible and prudent avoidance alternatives, then the Section 4(f) evaluation should explain how each alternative incorporates all possible planning to minimize harm or mitigate adverse impacts or effects to the Section 4(f) property by outlining the requirements listed below for whichever of the two situations (A or B) is appropriate.

- A. If there are no other feasible project alternatives, all prudent measures that will be included in the project to minimize harm, etc.

OR

- B. If all of the feasible and prudent project alternatives require the use of the Section 4(f) property, the most prudent alternative causing the least overall harm after considering the following factors:
 - 1. The ability to mitigate adverse impacts to the Section 4(f) property, including any measures resulting in benefits to the property
 - 2. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features qualifying the Section 4(f) property for protection
 - 3. The relative significance of the Section 4(f) property, after consulting with the officials with jurisdiction, FHWA, and/or FTA to make this determination
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4. The views of the official(s) with jurisdiction over the Section 4(f) property
 5. The degree to which each alternative meets the purpose and need of 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
 8. Any history of concurrent planning or development for the proposed transportation project and the Section 4(f) property
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VIII. Mitigation

The Section 4(f) evaluation should identify and describe any appropriate mitigation, as specified in [40 CFR 1508.20](#), and any enhancement measures not already included in the proposed action or alternative to offset the specified impacts of each alternative.

- A. Avoid the impact. Identify any possible alternatives not requiring the use of the property.
 - B. Minimize the impact. Take into consideration the views of the official with jurisdiction for the type of Section 4(f) property involved, and identify any minimization measures that are prudent.
 - C. Rectify the impact.
 - D. Compensate for the impact; this is sometimes referred to as mitigation.
 1. Take into consideration the views of the officials with jurisdiction for the type of Section 4(f) property involved, and identify any measures that are prudent.
 2. Identify any measures that will allow the affected property to be replaced. For example, the replacement of recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.
 - E. Enhance the resource. Take into consideration the views of the officials with jurisdiction for the type of Section 4(f) property involved, and identify any measures that are prudent.
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IX. Draft Coordination

The **draft** of the Section 4(f) evaluation should include a summary of any specific coordination with the agencies and persons listed below. The Summary also should include any consultation, determinations, and agreements concerning impacts, measures to minimize harm, and mitigation. Also, include any Section 6(f) of the Land and Water Conservation Fund properties in the explanation when applicable. The following is a list of potential agencies and individuals that may need to be consulted with as part of the Section 4(f) process.

- A. State Historic Preservation Officer (SHPO)
 - B. Tribal Historic Preservation Officer (THPO)
 - C. Advisory Council on Historic Preservation (ACHP)
 - D. Historic societies, museums, or academic institutions
 - E. Section 106 Historic Consulting Party
 - F. Section 106 Archeology Consulting Party
 - G. Official(s) with jurisdiction that own or administer the property
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- H. Washington D.C. office of the U.S. Department of Interior
- I. Regional or local offices of the U.S. Department of Agriculture
- J. Regional office of the U.S. Department of Housing and Urban Development

X. Draft Conclusion

A draft programmatic evaluation may include a tentative conclusion and preferred alternative, but the draft programmatic evaluation must include the following conclusions.

- A. There are no feasible and prudent avoidance alternatives to the use of the Section 4(f) property.
- B. The project includes all possible planning to minimize harm to the Section 4(f) property.
- C. The project complies with other related laws, including Section 6(f) of the Land and Water Conservation Fund Act and Chapter 26 of the Texas Parks and Wildlife Code, when applicable.
- D. The evaluation includes a summary of the reasons for these conclusions, based on the information provided in the Mitigation, Avoidance, Measures to Minimize Harm, and Coordination Sections above.

XI. Final Coordination

A **final** Section 4(f) evaluation should include a summary of any comments (received in any form and appended to the evaluation), from the following agencies and persons in response to the request for coordination and comments on the draft Section 4(f) evaluation.

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

X. Final Conclusion

A final programmatic evaluation must include all of the information required for the draft, plus the conclusion must be updated to address the following criteria.

- A. Update the project description to include information about the preferred alternative selected by FHWA/department delegate and any justification for that decision from FHWA/department delegate.
- B. Incorporate a summary of relevant coordination conducted after the draft preparation, including a description of what parties the draft was circulated to and any comments from those parties.
- C. Include the following statement, completed by entering the project specific information in the text fields.

“Based on the above considerations, there is not a feasible and prudent alternative to the use of land from the <Identify the Section 4(f) property.> and the proposed action includes all possible planning to minimize harm to the <Identify the Section 4(f) property.> resulting from the use.”



XI. Summary

(This is only required if the evaluation will be appended to an EA or EIS)

Summarize the analysis done and conclusions reached. The summary should include enough detail to be inserted in the EA or EIS with only minor modification. The following subsections are required for the Section 4(f) chapter of an EA or EIS.

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



APPENDIX A Revision History

The following table shows the revision history for this document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
December 2019	Version 2 release. Added NEPA assignment disclaimer to list of cover page contents.
August 2014	Version 1 release