|  |  |
| --- | --- |
| Logo  Description automatically generated | **Planning and Engineering****Environmental Office**700 E Broadway AvenuePierre, SD 57501-2586O: 605.773.4336dot.sd.gov |

Month ##, 20##

Name, Title

Agency/Company

Street Address

City, State Zip Code

**Subject: Official with Jurisdiction (OWJ) Concurrence for Section 4(f) *De Minimis* Finding for (enter name(s) of Section 4(f) resource)**

**RE: Project #, PCN ####, \_\_\_\_\_ County**

Location

Work Description

Dear Mr./Mrs. Last Name:

Attached is the Approved Scope and map detailing the location of the above referenced project. This project will (describe project). There is (describe work impacting the Section 4(f) property) the (insert Section 4(f) property name) managed by the (insert property owner). I have attached a map showing the work area and the affected Section 4(f) property, (Property Name).

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the Department of Transportation (DOT) Act of 1966, which affords protection to publicly owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction (OWJ) concurs with the listed measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the environmental document:

\*Below are standard measures: Individual measures can be removed if not applicable and additional measures may be included based on consultation with the OWJ

* Access to (insert property name) shall always be maintained during construction activities via flagging operations and/or an approved detour.

OR

* Access to (insert property name) will be restricted for a period of time that is anticipated to last no longer than (insert amount of days, weeks, months, etc.) and will be less than the time needed for construction.

OR

* Access to (insert property name) will be restricted for the duration of construction activities due to safety concerns and lack of a feasible and safe detour.
* Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the existing 4(f) property and the public.
* Appropriate signage shall be installed to alert users of (insert property name) of construction activities, access restrictions or closures, and to direct users to secondary access points.
* The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) property.
* The Contractor shall be required to closely coordinate the construction schedule with SDDOT and (include project sponsor if other than SDDOT, the OWJ, and other entities, as appropriate) prior to the start of construction activities.

In accordance with 23 CFR 774, the proposed project will have a de minimis impact upon (insert name of property), based upon the following assessment:

* All possible planning to minimize harm has been incorporated into project development.
* The nature and magnitude of changes will not adversely affect the recreational activities, features, or attributes that qualified the property for 4(f) protection.
* Proposed measures to minimize harm and resulting mitigation, in regard to protecting the 4(f) property and maintaining access and safety, are considered to be reasonable and acceptable.

Based on the scope of the proposed project and type of work, there will be no adverse effects to the protected recreational activities, features, or attributes associated with (insert property name). If you concur with the measures to minimize harm and the assessment of impacts in regard to the proposed project, please indicate as such by providing your signature in the space provided below at your earliest convenience so the project’s environmental documentation can be completed.

Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me.

Sincerely,

Name

Title

605.773.####

Email Address

Attachments

OWJ Concurrence:

Name Date