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

Month ##, 20##

Name, Title

Agency/Company

Street Address

City, State Zip Code

**Subject: Official with Jurisdiction (OWJ) Concurrence to Section 4(f) Temporary No Use Exception [23 CFR 774.13(d)]**

**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 temporary ROW/occupancy work impacting the 4(f) property) the (insert 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 measures to minimize harm and the assessment of impacts.

A ‘Use’ of Section 4(f) property occurs when:

1. Land is permanently incorporated into a transportation facility;
2. There is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute’s preservationist purposes; or
3. There is a constructive use of a Section 4(f) property.

In accordance with 23 CFR 774.13(d), the temporary occupancy of land associated with (insert property name) will not constitute a “Use”, based on the following assessment:

1. The duration of occupancy is temporary and less than the time needed for construction of the project, and no permanent change in ownership of the land will occur;
2. The scope of work is minor, in that both the nature and magnitude of the changes to the existing 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. And any land to be disturbed will be fully restored and returned to a condition which is at least as good as that which existed prior to the project.

Based on the scope of the proposed project and type of work, no permanent restriction of access or incorporation of land from the (insert property name) into a transportation facility will occur. 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