|  |  |
| --- | --- |
| 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 to Section 4(f) Exception for Transportation Enhancement Activities, Transportation Alternatives Projects, and Mitigation Activities [23 CFR 774.13(g)]**

**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 the TEA, TAP, or mitigation activity work impacting the Section 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(g), Transportation enhancement activities, transportation alternatives projects, and mitigation activities of lands associated with (insert property name) will not constitute a “Use”, based on the following assessment:

* The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and

Based on the scope of the proposed project and type of work, the construction activities are solely for the purpose of preserving and/or enhancing the protected recreational activities, features, or attributes associated with (insert property name) that qualified the property for Section 4(f) protection. If you concur with the measures to minimize harm and the work proposed to preserve or enhance the property 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