

APPENDIX D. SECTION 4(f) *DE MINIMIS* IMPACT DETERMINATION



Section 4(f) *De Minimis* Impact on Public Parks, Recreational Areas, and Wildlife and/or Waterfowl Refuges Form

- Extending existing culverts and pipes, as needed
- Installing or reconstructing lighting, signage, and pavement markings

The second phase includes the construction of the low-volume I-40 EB to US 93 NB and US 93 SB to I-40 WB ramps.

IDENTIFICATION OF SECTION 4(f) PROPERTY:

(Describe the Section 4(f) property as per Chapter 6 of the *Section 4(f) Manual*. Attach a map, photo(s), etc. as appropriate.)

The Cerbat Foothills Recreation Area (CFRA) is a 11,300-acre recreational natural area that extends from north of the intersection of State Route 68 east near the intersection of Fort Beale Drive and Beale Street and south to near the intersection of Shinarump Road and Oatman Road. It occurs within and adjacent to the project limits on both sides of US 93. The CFRA includes day-use trails and picnic sites that are open to the public.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:

1. Identify agency with jurisdiction: BLM
2. Name and title of contact person at agency: Amanda Dodson, Field Manager

APPLICABILITY DETERMINATION:

1. Section 4(f) property

Describe the Section 4(f) property and the use of land from the property (identify amount of the property to be used, including temporary and permanent acquisition):

Approximately 0.8 acre of CFRA land managed by the BLM would be permanently incorporated into the US 93 right-of-way.

2. The project **does not** adversely affect the activities, features, and attributes of the resource that qualify it for protection under Section 4(f). (If this statement cannot be verified as true, *de minimis* does not apply.) YES

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection. Include a description of any avoidance, minimization and mitigation included when making the determination regarding effects to the resource:

The CFRA outside of the affected area would continue to be available to recreational users. All parking areas, trailheads, and trails would remain open and unaffected, and no other attributes or features would be affected by the proposed construction. The project would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).

3. The public was afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the resource. (NOTE: Public input must be received and considered prior to the official with jurisdiction concurring that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.) YES

Identify the opportunity(ies) for public comment and any substantive input received:



Section 4(f) *De Minimis* Impact on Public Parks, Recreational Areas, and Wildlife and/or Waterfowl Refuges Form

The use of the Section 4(f) resource was included in the Draft EA for the project. The Draft EA was available for 30-day review/comment period between 05/07/2020 and 06/06/2020 and a public hearing was held on 05/28/2020. No comment pertaining to the use of the CFRA or the conversion of the recreational land to transportation purposes was received.

4. ADOT has coordinated with the official with jurisdiction over the property regarding ADOT's determination that the project will not adversely affect the property. YES

5. Have Federal Land Water Conservation Funds [LWCF 6(f) funds] been used in the acquisition of, or for any improvements to, the Section 4(f) property? YES NO

If Yes, the National Park Service been coordinated with and is in agreement with the land conversion or transfer. YES

Provide more information regarding the Section 6(f) coordination if appropriate:

N/A

Concurrence by official with jurisdiction over the Section 4(f) property that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	Date: _____
Name of Official with Jurisdiction: Amanda Dodson	
Signature of Official with Jurisdiction	
<i>(Optional: other documentation such as letters or meeting minutes may be used in replacement of signing this page) Check here if other documentation is included in the project file. <input checked="" type="checkbox"/></i>	

SUMMARY AND DETERMINATION:

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 with jurisdiction, the proposed action constitutes a *de minimis* impact as defined in 23 CFR 77417.

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Environmental Planner: Dena Whitaker	
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Approved By: Paul O'Brien, PE	



**Section 4(f) *De Minimis* Impact on
Public Parks, Recreational Areas, and
Wildlife and/or Waterfowl Refuges Form**

Approval Authority

- The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. **326** and a Memorandum of Understanding(s) executed by FHWA and ADOT on January 3, 2018.
- The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. **327** and a Memorandum of Understanding(s) executed by FHWA and ADOT on April 16, 2019.



Section 4(f) *De Minimis* Impact on Public Parks, Recreational Areas, and Wildlife and/or Waterfowl Refuges Form

- Installing or reconstructing lighting, signage, and pavement markings
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The second phase includes the construction of the low-volume I-40 EB to US 93 NB and US 93 SB to I-40 WB ramps.

IDENTIFICATION OF SECTION 4(f) PROPERTY:

(Describe the Section 4(f) property as per Chapter 6 of the *Section 4(f) Manual*. Attach a map, photo(s), etc. as appropriate.)

The Cerbat Foothills Rereation Area (CFRA) is a 11,300-acre recreational natural area that extends from north of the intersection of State Route 68 east near the intersection of Fort Beale Drive and Beale Street and south to near the intersection of Shinarump Road and Oatman Road. It occurs within and adjacent to the project limits on both sides of US 93. The CFRA includes day-use trails and picnic sites that are open to the public.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:

1. Identify agency with jurisdiction: City of Kingman
2. Name and title of contact person at agency: Mike Meersman, Director of Park and Recreation

APPLICABILITY DETERMINATION:

1. Section 4(f) Use

Describe the use of land from the property and identify the amount of the property to be used, including temporary and permanent acquisition:

Approximately 12.65 acres of land managed by the City of Kingman area would be permanently incorporated into the US 93 right-of-way, or a total of 0.11 percent of the total park area.

2. The project **does not** adversely affect the activities, features, and attributes of the resource that qualify it for protection under Section 4(f). (If this statement cannot be verified as true, *de minimis* does not apply.) YES

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection. Include a description of any avoidance, minimization and mitigation when making the determination regarding effects to the resource:

The CFRA outside of the affected area would continue to be available to recreational users. All parking areas, trailheads, and trails would remain open and unaffected, and no other attributes or features would be affected by the proposed construction. The project would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).

3. The public was afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the resource. (NOTE: Public input must be received and considered prior to the official with jurisdiction concurring that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.) YES



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Identify the opportunity(ies) for public comment and any substantive input received:


The use of the Section 4(f) resource was included in the Draft EA for the project. The Draft EA was available for a 30-day review/ comment period between 05/07/2020 and 06/06/2020 and a public hearing was held on 5/28/2020. No comment pertaining to the use of the CFRA or the conversion of the recreational land to transportation purposes was received.

4. ADOT has coordinated with the official with jurisdiction over the property regarding ADOT's determination that the project will not adversely affect the property. YES
5. Have Federal Land Water Conservation Funds [LWCF 6(f) funds] been used in the acquisition of, or for any improvements to, the Section 4(f) property? YES
 NO
- If Yes, the National Park Service been coordinated with and is in agreement with the land conversion or transfer. YES

Provide more information regarding the Section 6(f) coordination if appropriate:


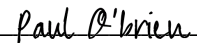
N/A

Concurrence by official with jurisdiction over the Section 4(f) property that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

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Name of Official with Jurisdiction: Mike Meersman Signature of Official with Jurisdiction	
<i>(Optional: other documentation such as letters or meeting minutes may be used in replacement of signing this page)</i> Check here if other documentation is included in the project file. <input type="checkbox"/>	

SUMMARY AND DETERMINATION:

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 with jurisdiction, the proposed action constitutes a *de minimis* impact as defined in 23 CFR 77417.

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Environmental Planner: Dena Whitaker	
DocuSigned by:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <small>69D3A817999345F...</small>	Date: <u>7/20/2020</u>
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