

Recreational Section 4(f)/6(f)



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Why Required?

Section 4(f) of the Department of Transportation Act of 1966

- A transportation agency shall not use property from a public park, wildlife, or waterfowl refuge, unless there is no feasible and prudent alternative to such use, and the project includes all possible planning to minimize harm
- Also protects cultural resources

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Examples of Recreational Resources

- Public parks
- Public trails/paths
- Municipal golf courses
- Designated Wild and Scenic Rivers
- Designated State Natural Rivers
- State Game Areas
- Wildlife/Waterfowl Refuges
- Boat launches
- Public beaches
- Public school playgrounds
- Others



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Recent changes to Section 4(f)

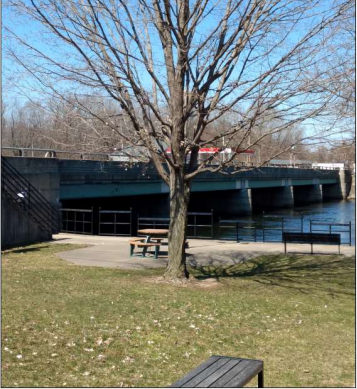

- Section 4(f) was updated in 2005 to include “[De Minimis impacts](#)”
 - Certain uses of Section 4(f) property will have no adverse effect on the protected resource



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De Minimis Impact Requirements

- No impacts to the recreational activities, features, or attributes
- The official(s) with jurisdiction over the resource agrees in writing
- Public involvement
- FHWA approval



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Section 6(f) of the Land and Water Conservation Fund Act of 1965



Must replace property in:

- SIZE
- VALUE
- FUNCTION

.....Similar mitigation applies to properties that utilized DNR grants, but have ability to waive requirements

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Regulatory Agency Coordination

- Federal Highway Administration
- Michigan Department of Natural Resources
- US Department of the Interior
- USDA Forest Service
- Local agencies
- Tribes
- Local, state and federal units of government which have jurisdiction over the public recreational properties (e.g. City of Midland Parks Department)

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Typical Questions

- Will we need any permanent or temporary ROW from a public recreational property for any reason?
- Will access be maintained to the properties during construction?
- Will access be changed or impacted in any way (detour, shifting, temporary path or driveway, driveway closure, etc.)?
- Can the properties be avoided for staging and storage?



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Mitigation Examples

- Tree replacements
- Replacing playground equipment
- Signing pedestrian detour route
- Special Provision for Construction Staging Areas and Recreational Properties 12SP107(E)
- Providing press releases
- Fencing SP



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M-57 over the Shiawassee River De minimis Section 4(f) impact



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Optimist Park - 6(f) Impact



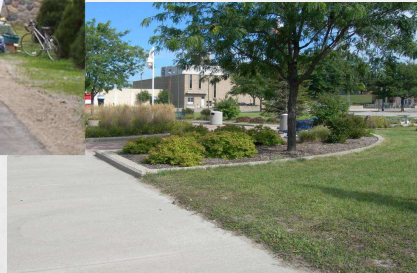
Before



After

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Questions?



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