Recreational Section 4(f)/6(f)

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Why Required?

1. 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.

2. Also protects cultural resources.

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

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
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

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
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)

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?
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

M-57 over the Shiawassee River
De minimis Section 4(f) impact
Optimist Park - 6(f) Impact

Before

After

Questions?