Section 4(f) Initial Assessment Form

May 29, 2015

Project Name	Project Number
Elm Creek to Kearney & Odessa to Kearney (WB)	NH-80-5(80) & NH-80-5(81)
Control Number	**Date Completed**
42758 & 42759	4/26/2016
Project Location *(Town, County)*	**Name of Preparer**
Interstate 80 from Elm Creek (MM 257.47) to Kearney (MM 272.25) and Odessa (MM 263.31) to Kearney.	Ryan Walkowiak

The following form was developed as an initial assessment of potential Section 4(f) properties within a project area. The number of each question block corresponds directly to the NDOR Section 4(f) Guidance section with the same number. **One Initial Assessment Form per PROJECT must be included as an attachment to the CE Form or incorporated into the appropriate chapter in the EA/EIS.**

NOTE: At the time the Section 4(f) Initial Assessment Form is filled out, the Section 106 process must be sufficiently complete that historic properties have been identified. A Section 106 Finding of Effect *(No Adverse Effect, Adverse Effect)* must be completed prior to determining whether the project results in a 'use' of an historic property. All Section 106 determinations and findings must be made and documented by NDOR Professionally Qualified Staff (PQS).

1. Identification of Section 4(f) Properties

A. *For historic properties*, based on the NDOR Section 106 Tier Review Form, are there properties that are listed or eligible for listing on the National Register of Historic Places?

☐ Yes ☐ No ☒ N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

N/A

B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within a ¼ mile of the project area?

☒ Yes ☐ No

C. In consultation with the online resources identified in the Section 4(f) Guidance, list the **resources** used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

Google Earth NGPC Public Access Atlas Buffalo County Comprehensive Plan - http://www.buffalogov.org/files/Zoning/2022ComprehensivePlan.pdf City of Kearney Comprehensive Plan - http://www.cityofkearney.org/DocumentCenter/Home/View/988

D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges *(include property name(s)*, *location(s) along project, etc.)*.

If No parks, recreation areas, or wildlife/waterfowl refuges are present, AND no historic properties need consideration from 1.A., indicate in the box below that no potential Section 4(f) properties are present. DOCUMENTATION IS COMPLETE.

Blue Hole WMA (MM 256.50), Blue Hole East WMA (MM 259.93), Coot Shallows WMA (MM 261.76), Union Pacific SRA (MM 263.87), East Odessa WMA (MM 268.48), Kea West WMA (MM 271.50), Kea Lake WMA (MM 272.30)

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2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)

A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

N/A

B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

N/A

C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

N/A

D. List all properties from 1.D. that were NOT called-out in 2.A. or 2.B.; **these properties will be carried forward in the Section 4(f) process. Also be sure to carry forward any multiple-use properties from 2.C. or historic properties from 1.A. that have temporary or permanent right-of-way acquisition or vibratory effects.** If no properties are carried forward, note below and DOCUMENTATION IS COMPLETE.

Blue Hole WMA, Blue Hole East WMA, Coot Shallows WMA, Union Pacific SRA, East Odessa WMA, Kea West WMA, Kea Lake WMA

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3. Determination of Section 4(f) Use

A. Is there a potential *use* of the Section 4(f) applicable properties from 2.D. above? Will the properties be impacted by the project, including access restrictions? (See Guidance Section 3 for definition of *use*.)

☐ Yes ☒ No Is there a potential *permanent* use?

☐ Yes ☒ No Is there a potential *temporary* use (including exceptions)?

☐ Yes ☒ No Is there a potential *constructive* use?

Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

No: state impact avoidance measures below, then DOCUMENTATION IS COMPLETE

B. List impact avoidance measures (for "No" answer only). If justification is needed to support a "No" answer in 3.A., describe below.

Based on the scope of work and the location of the construction on the interstate, there are no anticipated uses of any of the properties. There would be no right-of-way acquired and access would remain open throughout the project.

NDOR Reviewer Approval Signature: Date:

FHWA Environmental Signature: Date:

FHWA signature is only required in the following circumstances:

- If the property is leased
- If the property is considered multiple-use
- If the Official(s) with Jurisdiction claims that the property is NOT significant