

# DE Minimis Impact Determination Compliance Process

**BEGIN:** Consult with the Official with Jurisdiction (OWJ), and conduct any planning necessary to qualify the use as non-adverse. Planning may include measure to minimize harm such as impact avoidance, minimization, and mitigation or enhancement measures.

Historic and Archeological Sites

Parks, Recreation Areas, and Refuges

**STOP:**  
A de minimis impact determination does not apply. Refer to the Section 4(f) Compliance Process for information regarding how to comply with Section 4(f).

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**NO** Is there a Section 106 <sup>\*</sup> determination of no properties affected or no adverse effect?

Are the property's significant activities, features, or attributes actively affected? **YES**

**NO** Inform the OWJ in writing that a de minimis impact determination will be based on their concurrence with the Section 106 finding.  
Do they concur?

**NO** Conduct public involvement, <sup>\*\*</sup> then document and consider all comments. **NO**

Inform the OWJ in writing that a de minimis impact determination will be based on their concurrence that the project will not adversely affect the protected property.  
Do they concur? **NO**

**YES** Prepare a de minimis impact statement, and ensure that the project file includes all appropriate supporting documentation. <sup>\*\*\*</sup>

Prepare a letter requesting approval for the de minimis finding.

Complete the De Minimis Review and Approval Process.

\* No public involvement beyond the Section 106 process is required for a de minimis finding concerning a Section 4(f) historic or archeological site.

\*\* This public involvement requirement can be satisfied while conducting public involvement to satisfy other requirements.

\*\*\* At this time, it is important to ensure that any LWCF Section 6(f) requirements have been addressed.