

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 ^{*} 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, ^{**} 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. ^{***}

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.