



United States Department of the Interior

Office of the Secretary
Washington, D.C. 20240

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PEP/NRM

PEP - ENVIRONMENTAL REVIEW MEMORANDUM NO. ERM10-7

To: Heads of Bureaus and Offices

From: Michaela E. Noble, Director /s/09/12/2018
Office of Environmental Policy and Compliance

Subject: Section 4(f) of the Department of Transportation Act

PURPOSE

The purpose of this memorandum is to provide information on the Department of Transportation guidance and the OEPC handbook to all departmental officials in the field to make determinations on projects having impacts on areas protected by Section 4(f).

BACKGROUND

Section 4(f) of the Department of Transportation Act provides the Department with a significant tool for the protection and preservation of parklands, recreation areas, wildlife and waterfowl refuges, and historical sites. While there is no veto by agencies over the Department of Transportation (DOT) in these matters, the Secretary of Transportation must determine that there is no feasible and prudent alternative to a proposed DOT action and that such action includes all possible planning to minimize harm to the park or historic resource before approving the action.

PROCESS

The National Park Service is generally the lead bureau in Section 4(f) reviews with consolidated departmental comments being signed by the Office of Environmental Policy and Compliance (OEPC). DOT has published a Section 4(f) policy paper, available online at the [Federal Highway webpage](#). The OEPC maintains a handbook that supplements the DOT policy paper with details of the Department's procedures under Section 4(f). The OEPC handbook is available from the [OEPC website](#).

This guidance should be provided to all departmental officials who have land management or program responsibilities for those areas and resources to which Section 4(f) would apply, in addition to those personnel who normally review DOT NEPA/Section 4(f) documents.

GENERAL

This memorandum replaces ERM 13-3.

This memorandum establishes internal Department guidelines. It does not create any legal rights, substantive or procedural, enforceable at law by any party.