**This letter should be printed on TxDOT letterhead. Delete this instruction.**

<Insert Date>

<Insert Name & Address of Official with Jurisdiction>

**SUBJECT: REQUEST FOR CONCURRENCE ON A *DE MINIMIS* IMPACT FINDING UNDERSECTION 4(f) OF THE DEPARTMENT OF TRANSPORTATION ACT OF 1966**

**District:**

**County:**

**CSJ#:**

**Highway:**

**Project Limits:**

**Section 4(f) Property:**

Dear <Insert Name>:

The Texas Department of Transportation (TxDOT) proposes to <Insert brief project description and a description of the “use” for the property>. It is anticipated that Federal funds will be used for this project, and therefore this project is subject to Section 4(f) of the Department of Transportation Act of 1966 (23 USC 138) and the Federal Highway Administration’s (FHWA’s) implementing regulations at 23 CFR 774.3(b). Additional information about Section 4(f) requirements can be found on FHWA’s website: <http://environment.fhwa.dot.gov/(S(1vyep545s3wmhuubnvexkmm2))/4f/index.asp>

TxDOT believes that the above-described use will not adversely affect the features, attributes, or activities qualifying the <insert name of property> for protection under Section 4(f), and therefore intends to make a *de minimis* impact determination under 23 CFR 774.3(b). <Insert a description of any mitigative actions taken and any other facts that provide the basis for concluding that the use will not adversely affect the features, attributes, or activities, such as the percentage of the property that will be used; the features, attributes, or activities that will remain after the project is completed, etc.>

The <insert name of property> will continue to serve as a <park, recreation area, or wildlife/waterfowl refuge> after the project is complete. The relatively minor changes needed to accommodate the transportation project would not adversely affect the features, attributes, or activities that make this property a <park, recreation area, or wildlife/waterfowl refuge>.

TxDOT has provided public notice and an opportunity to comment on this proposed *de minimis* use of <insert name of property>. <Describe the public involvement that was conducted, including details about how the proposed use of the Section 4(f) property was described in the notice, any public comments received regarding that use, etc.>

Under FHWA’s regulations, the official with jurisdiction’s concurrence is required before TxDOT can make a final *de minimis* determination. For the <insert name of property>, the <insert name of entity to whom letter is addressed> is the official with jurisdiction. If the <insert name of entity to whom letter is addressed> concurs that the above-described use would not adversely affect the features, attributes, or activities qualifying the <insert name of property> for protection under Section 4(f), then please endorse this letter below and return it to us by <insert date at least one month from date of this letter>. This concurrence is limited to the required concurrence for a *de minimis* determination under Section 4(f). It does not constitute approval of the above-described project and does not represent the position of <insert name of entity to whom letter is addressed> on any other aspect of the project other than the *de minimis* determination. This *de minimis* determination is just one aspect of TxDOT’s environmental review process under the National Environmental Policy Act (NEPA).

Thank you for your assistance with our environmental review process. If you need further information, please call me at <Insert phone number>.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated July 17, 2025, and executed by FHWA and TxDOT.

Sincerely,

<Insert Name>

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| --- |
| **CONCURRENCE WITH TXDOT’S PROPOSED SECTION 4(F) DE MINIMIS DETERMINATION FOR TXDOT’S PROPOSED USE OF <insert name of property>**  SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  PRINTED NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |