

6.D.2 SECTION 4(f) PROPERTIES [RECODIFIED AS 49 U.S.C. 303(c)] AND SECTION 6(f) LAND AND WATER CONSERVATION FUND ACT

This section identifies the potential impacts of the runway development alternatives that could result in the direct or constructive use of Section 4(f) resources and Section 6(f) lands.

A direct use occurs when there is an actual physical taking of a Section 4(f) property. A constructive use of 4(f) property occurs when adverse indirect impacts would substantially impair the use of the property. The FAA relies upon the 14 Code of Federal Regulations (CFR) Part 150 land use compatibility guidelines in determining whether project-related noise impacts would substantially impair a Section 4(f) resource, and therefore constitute a constructive use. See Appendix C, *Noise*, Table C-1 for land use compatibility guidelines for accordance with 14 CFR Part 150 guidelines. While the FAA consults with all appropriate Federal, state, and local officials having jurisdiction over an affected Section 4(f) resource, the FAA is responsible for Section 4(f) applicability and determinations.

Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) concerns transportation projects that propose impacts, or the permanent conversion, of outdoor recreation property that was acquired or developed with LWCFA grant assistance. Passed by Congress in 1965, the act established the Land and Water Conservation Fund, a matching assistance program that provides grants which pay half the acquisition and development cost of outdoor recreation sites and facilities. Section 6(f) of the act prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the Department of Interior's National Park Service (NPS).³

Findings of no historic properties present or affected, or no historic properties adversely affected support determinations of no constructive or physical use under Section 4(f). The FAA has determined that the alternatives would have no effect on historic properties, as documented in Chapter Six, *Environmental Consequences*, Section 6.D.1, *Historic, Architectural, Archeological, And Cultural Resources*.

³ Washington State Department of Transportation, Environmental Compliance, *Section 6(f) Guidance Land and Water Conservation Fund Act and Implementing Procedures*. Internet web site: <http://www.wsdot.wa.gov/Environment/Compliance/Section6FGuidance.htm#section%204f>. Site accessed: February 19, 2008.