

5.6 DEPARTMENT OF TRANSPORTATION SECTION 4(f) LANDS ¹

This Environmental Impact Statement (EIS) includes an investigation of impacts due to the Proposed Action upon areas such as parks, recreation areas, and wildlife refuges. Historic structures are also included if they are on, or are eligible for inclusion on, the National Register of Historic Places. Areas such as these are considered significant and are protected under Section 4(f) of the Department of Transportation (DOT) Act of 1966 and are known as Section 4(f) lands.²

5.6.1 Federal Regulations

Section 4(f) of the DOT Act of 1966 is currently known as 49 USC Section 303(c). The DOT Act of 1966 was one of the earliest and most significant pieces of transportation legislation relative to environmental protection. Under this act, it is stated that:

“The Secretary shall not approve any program or project which requires the use of any publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, state, or local officials having jurisdiction thereof, or any land from an historic structure of national, state, or local significance as so determined by such officials unless:

- There is no feasible and prudent alternative to the use of such land; and,
- The project includes all possible planning to minimize harm to the land resulting from such use.”³

5.6.1.1 National Historic Preservation Act of 1966, Section 106

Where historic sites are determined to be eligible for inclusion in the National Register of Historic Places, T.F. Green Airport and the Federal Aviation Administration (FAA) are required to comply with all requirements of the NHPA prior to disturbance of a structure or site. Refer to Section 5.8, *Historic, Architectural, Archeological, and Cultural Resources*, for further discussion regarding NHPA Section 106.

5.6.1.2 Land and Water Conservation Act, Section 6(f)

Section 6(f) of the Land and Water Conservation Act (LWCA) is also pertinent to Section 4(f) lands. Section 6(f) prohibits recreational facilities funded under the LWCA from being converted to non-recreational use unless approval is received from the director of the National Park Service (NPS).

¹ Section 4(f) of the Department of Transportation Act of 1966 was recodified as 49 USC, Subtitle I, Section 303(c).

² There has been no Statement of Insignificance issued by any Federal, state, or local official with jurisdiction regarding the historic sites, per 49 USC, Subtitle I, Section 303.

³ DOT and FAA. Order 5050.4A, *Airport Environmental Handbook*. 1985.

5.6.2 Conclusion

None of the proposed alternatives considered in this EIS impact Section 4(f) Lands at T.F. Green Airport. **Exhibit 5.6-1** shows the public use lands within the airport environs. The exhibit was developed by utilizing the Rhode Island Geographic Information System database that lists public lands and historic sites.

As shown on the exhibit, only one park falls within the noise contour area. That park is on land purchased by RIAC for noise abatement purposes, and converted into playing fields for public use. It falls within the Airport's property boundary. It is not considered impacted by any of the alternatives in this study.

There is also one historic site on the north side of the airport. That has been identified as the original airport terminal, and it sits on airport property. Because it is on airport property, and is not utilized as a residence or a public gathering place, it is not considered impacted. Refer to Section 5.7, *Historic, Architectural, Archaeological, and Cultural Resources*, for further discussion relating to historic structures.