

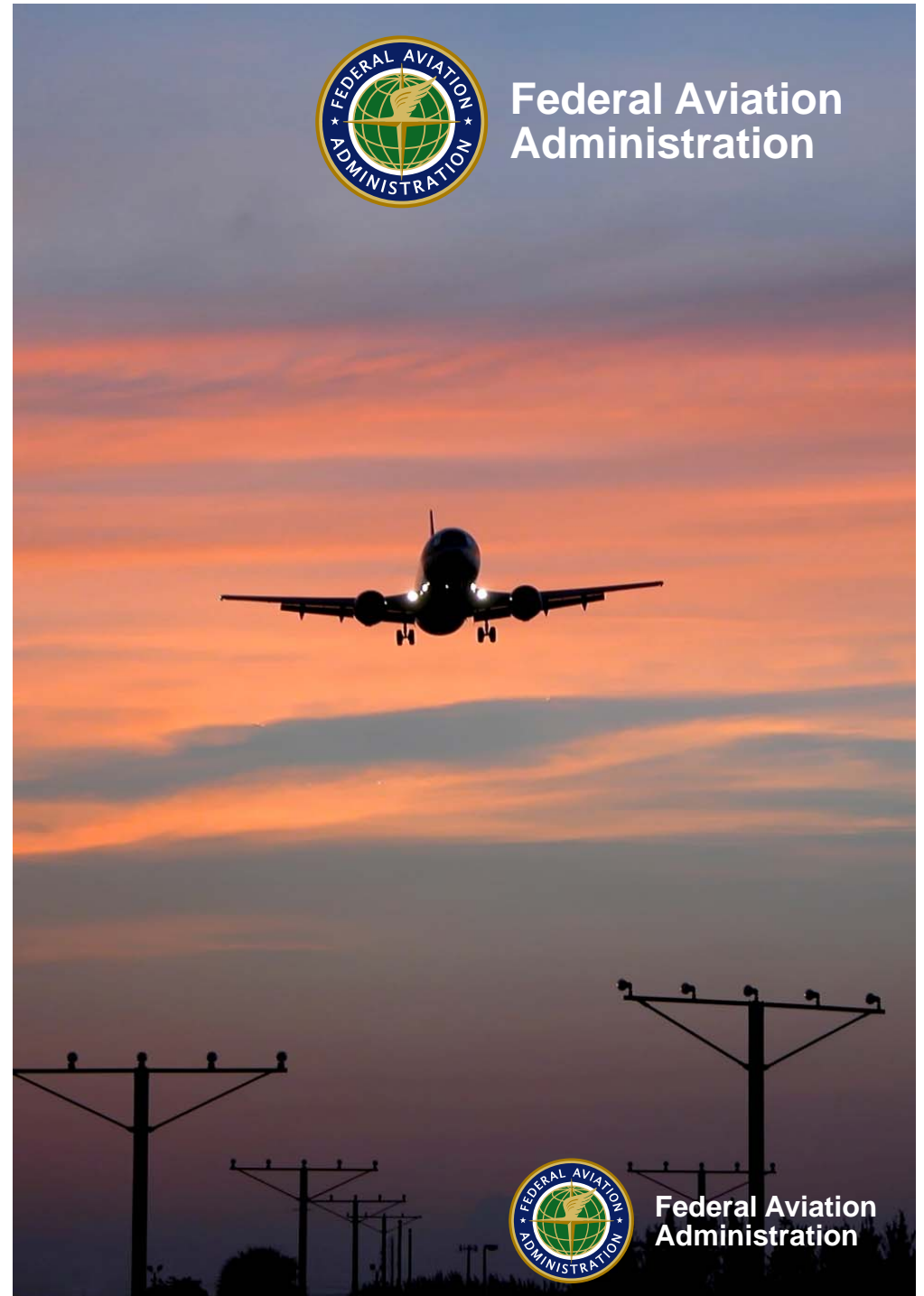
Environmental

Sections 106, 4(f), 6(f) and Tribal Consultation

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Objective

Provide a better understanding about what these are and how to address them in environmental reviews for proposed projects.



Section 106

- National Historic Preservation Act (NHPA)
- For step-by-step guidance, see Chapter 14 of FAA Environmental Desk Reference for Airport Actions.



Section 106 (cont'd)

- Establish Federal undertaking
- Identify appropriate SHPO/THPO
- Plan to involve the public
- Identify other consulting parties



Section 106 (cont'd)

- If proposed action might affect historic resources:
 - Identify historic resources
 - Determine scope of efforts
 - Evaluate historic significance



Section 106 (cont'd)

- If no historic resources affected:
 - Coordinate “negative finding” with SHPO/THPO to ensure concurrence.
 - Barring an objection within 30 days, action may proceed.



Section 106 (cont'd)

- **If historic resources affected:**
 - Assess adverse effects.
 - Apply ACHP criteria of adverse effect.
 - Work with consulting parties to identify measures to avoid, minimize or mitigate adverse effects.
 - Formalize mutually-acceptable measures in Memorandum of Agreement among consulting parties.



Section 106 (cont'd)

- **If failure to resolve adverse effects:**

Terminate Section 106 consultation.



Section 4(f)

- Department of Transportation Act
- For step-by-step guidance, see Chapter 7 of FAA Environmental Desk Reference for Airport Actions.



Section 4(f) (cont'd)

- Subject to exceptions for *de minimis* impacts, Secretary of Transportation may approve a transportation program or project requiring use of a *publicly-owned* land of park, recreational area, or wildlife/waterfowl refuge of national, state, or local significance or land of historic site of national, state, or local significance as determined by the official having jurisdiction over those resources only if:



Section 4(f) (cont'd)

- (1) there is no prudent and feasible alternative that would avoid using those resources, and
- (2) the program or project includes all possible planning to minimize harm resulting from the use.



Section 4(f) (cont'd)

- Physical use
- Constructive use



Section 4(f) (cont'd)

- Section 4(f) statement prepared
- Section 4(f) finding prepared by FAA



Section 6(f)

- Land and Water Conservation Fund Act (L&WCFA)
- For step-by-step guidance, see Chapter 7 of FAA Environmental Desk Reference for Airport Actions.



Section 6(f) (cont'd)

- Replacement satisfactory to the Secretary of the Interior is specifically required as a measure to minimize harm to recreational areas and facilities purchased or developed using funds under the L&WCFA. To meet Section 6(f) requirements, FAA must:



Section 6(f) (cont'd)

- comply with Section 4(f)
- provide the information DOI requires to make findings required under 36 CFR Part 59
- coordinate with NPS and the State agency responsible for the Section 6(f) resource



Tribal Consultation

- Gov't to Gov't consultation
- Tribes are sovereign entities
- FAA initiates consultation



Tribal Consultation (cont'd)

- County/Parish lists of interested tribes available on State Historic Preservation Officer (SHPO) websites



Tribal Consultation (cont'd)

- FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures



Questions?

