Section 4(f) Compliance for Historic Properties

Seminar Overview

Section 4(f) of the DOT Act of 1966 is triggered by projects funded or approved by a U.S. DOT agency that propose the use of historic property or land from a publicly owned park, recreation area, or refuge. Examine the stringent approval standards of this substantive law and discuss ways to better integrate and streamline Sections 4(f) and 106 with the National Environmental Policy Act (NEPA) process.

Agenda

Introduction to the seminar, the participants, the instructor
Look at the substantive requirements of the Department of Transportation's Section 4(f) [a.k.a. Section 303] for use of 4(f)-protected property. Successfully negotiating the 4(f) requirements involves a number of environmental laws and regulations, especially historic preservation laws, regulations, and guidelines. Seminar objectives are to become familiar with the requirements, how they interrelate, and how they can most efficiently, effectively, and responsibly be addressed together.

Definitions
- What are the components of the processes?

Overview of the Laws
- Review the specific requirements of Section 4(f).
- Review how these requirements involve other environmental, historic preservation, and cultural resource requirements.
- Understand what needs to be addressed to ensure compliance.

Principles of Section 4(f)
- Why do a 4(f) analysis?
- What is it intended to accomplish?
- How can these goals be met?

What is the 4(f) Process?
- What are the steps in accomplishing a Section 4(f) analysis, who does them, under what circumstances, and for what reason?

Types of 4(f) Documents
- What is a Programmatic Section 4(f)?
- De Minimis 4(f) impacts.
- What are the requirements of a stand-alone Section 4(f) analysis?
- When is each appropriate?

Understanding Cultural Resource Impacts under Section 4(f)
- Principles, timing, level of detail, reporting, consultation, review.
- What kinds of resources trigger a Section 4(f) requirement?

Summary
- How does it all fit together?
- What have we learned?
- How can we use that information?
- Where do we go from here?