

Appendix F

Department of Transportation Act
Section 4(f)

Department of Transportation Act, Section 4(f)

Under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966, projects that receive funding or approval by any USDOT agency must avoid impacts to Section 4(f) properties. Section 4(f) properties include parks and recreational areas of national, state, or local significance¹ that are both publicly owned and open to the public; publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public; and historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public.

Affected Environment

Based on a review of aerial photos, Geographic Information System (GIS) mapping available from the Town of Poughkeepsie and the Town of Wappinger, and the official websites of the Town of Poughkeepsie² and the Town of Wappinger³, there are no Section 4(f) resources located within the four Project Areas (see **Figure 1**, page F-7). However, there are Section 4(f) resources in its vicinity, which are described as follows.

Parks and Recreational Areas – There are two publicly-owned, public-use parks/recreational areas located adjacent to the Project Area 1 (Airport Drive Park) and Project Area 4 (Stanley Still Sr. Town Sports Park). A review of NYSDEC mapping indicates that there are no wildlife educational sites or state parks within or adjacent to the Project Areas⁴ Finally, there are no parks and recreational areas of national significance located within or adjacent to the Project Area.⁵

Wildlife and Waterfowl Refuges – There are no publicly-owned, public-use wildlife and waterfowl refuges of local importance in the Project Area or its vicinity. This is also true of NYS Wildlife Management Area (WMAs)⁶, state forest lands, and state forest preserves.⁷ According to the USFWS, there are also no National Wildlife Refuges within or adjacent to the Project Areas.⁸

Historic Sites – As discussed in Appendix E (Historic, Architectural, Archeological, and Cultural Resources) there are no National Park Service (NPS) National Register of Historic Places (NRHP) resources (districts, buildings, or landmarks)⁹ or NRHP eligible resources located in the Project Areas or on Airport property. The 2019 Hartgen Phase 1B Archeological Field Reconnaissance for the previous Obstruction Mitigation

¹ Any part of a Section 4(f) property is presumed to be significant unless there is a statement of insignificance relative to the entire property by the Federal, state, or local official having jurisdiction over the property.

² Town of Poughkeepsie. *Town of Poughkeepsie Recreation*. Accessed 3/24/21. Accessible at: <https://www.poughkeepsietownrec.com/info/facilities/>

³ Town of Wappinger. *Enjoy Wappinger Outside*. Accessed 3/24/21. Accessible at: <https://townofwappingerny.gov/town-of-wappinger-parks/>

⁴ NYS DEC State Recreation Lands – Lower Hudson Valley – Region 3, Dutchess County Map. Accessed 3/32/21. Accessible at: <https://www.dec.ny.gov/outdoor/48267.html>

⁵ National Park Service (NPS). *National Parks Listed by State – New York*. Accessed 3/24/21. Accessible at: <https://www.nps.gov/carto/app/#/parks/state/ny>

⁶ NYS DEC. State Recreation Lands - Lower Hudson Valley WMAs – Region 3. Accessed 3/23/21. Accessible at: <https://www.dec.ny.gov/outdoor/8289.html>

⁷ NYS DEC State Recreation Lands – Lower Hudson Valley – Region 3, Dutchess County Map. Accessed 3/32/21. Accessible at: <https://www.dec.ny.gov/outdoor/48267.html>

⁸ USFWS. *Find a Refuge* Interactive Map. Accessed 3/23/21. Accessible at <https://www.fws.gov/refuges/find-a-wildlife-refuge/>

⁹ National Park Service. *National Register of Historic Places Location Webmap*. Accessed on 3/24/21. Available at: <https://public-nps.opendata.arcgis.com/datasets/nps-national-register-of-historic-places-locations>

EA¹⁰ (herein the 2019 Phase 1B) at the Airport identified a previously unrecorded historic site, the Knapp Historic Site and two associated map-documented structures (MDS), located approximately 0.1 miles south of Project Area 4 (located at 195 New Hackensack Road) (see **Figure 1**, F-7). Numerous MDSes were also identified surrounding the Airport, but none were identified in the Project Area.

Archeologically Sensitive Areas – As indicated in Appendix E (Historic, Architectural, Archeological, and Cultural Resources), the 2019 Phase 1B identified the Rysdyk Archeological Site. This 2.75-acre archeological site is primarily pre-contact in nature and is located approximately 0.3 miles northwest of Project Area 1.

Environmental Consequences

This evaluation of environmental consequences examines the Proposed Project's potential to constitute a “use” and/or “constructive use” of Section 4(f) resources.

The “use” of a Section 4(f) resource, as described by the FAA 1050.1F Desk Reference¹¹, Appendix B, paragraph B-2.2.1, would occur if the proposed action or alternative(s) would involve an actual physical taking of Section 4(f) property through the purchase of land or a permanent easement, physical occupation of a portion or all of the property, or alteration of structures or facilities on the property. Additionally, a use of Section 4(f) land may occur from the temporary occupancy of land that would be adverse in terms of the purposes of the resource; or any impacts due to the proximity of the project that would substantially impair the activities, features, or attributes of the resource that qualify for protection.

According to FAA 1050.1F Desk Reference, Appendix B, paragraph B-2.2.2, the concept of a constructive use is that a project that does not physically use land in a park, may still, for example, by means of noise, air pollution, water pollution, or other impacts, dissipate its aesthetic value, harm its wildlife, restrict its access, and take it in a practical sense. Constructive use occurs when the impacts of a project on a Section 4(f) property are so severe that the activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the Section 4(f) property that contribute to its significance or enjoyment are substantially diminished. This means that the value of the Section 4(f) property, in terms of its prior significance and enjoyment, is substantially reduced or lost.

Noise Impact Threshold – The FAA 1050.1F Desk Reference indicates that 14 CFR Part 150 noise-related compatible land use guidelines may be used to determine if there is a constructive use under Section 4(f) where the land use is relevant to the value, significance, and enjoyment of the Section 4(f) property in question. This method of analysis is applicable to both Section 4(f) lands devoted to traditional recreational activities, as well as to historic properties. CFR Part 150 noise-related compatible land use guidelines for various land use designations are provided in Attachment 1, page F-8.¹²

In certain situations, including those in which a quiet setting is recognized as a feature or attribute contributing to a Section 4(f) site's significance, additional factors beyond the CFR Part 150 noise-related

¹⁰ Hartgen Archeological Associates, Inc. (2019). Phase 1B Archeological Field Reconnaissance, Hudson Valley Regional Airport Obstruction Removal Project. Print.

¹¹ FAA. 1050.1F Desk Reference Full Version – February 2020. Accessed 3/20/21. Accessible at: https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/policy/faa_nepa_order/desk_ref/

¹² Code of Federal Regulations Part 150 – Airport Noise Compatibility Planning, Table 1 – Land Use Compatibility with Yearly Day-Night Average Sound Levels. Accessed 3/25/21. Accessible at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=f8e6df268e3dad2cedb848f61b9a0fb51&mc=true&node=pt14.3.150&rgn=div5>

compatible land use guidelines must be weighed. These factors may include, but are not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites including traditional cultural properties. When determining constructive use(s) for these properties, noise resulting from the action would need to be at levels high enough to have negative consequences of a substantial nature that amount to a taking of an entire park or a portion of it for transportation purposes.

For outdoor recreational areas such as parks, athletic fields, and amusements, noise levels of up to Day-Night Average Sound Level (DNL) 70 dB are generally compatible with these uses. For historic resources, a constructive use of a historic property would occur only if the effects substantially impair the affected resource's historical integrity.

In addition to Part 150 noise guidelines, Section 11.2 of the FAA 1050.1F Desk Reference indicates that a noise increase of 1.5 dB associated with a proposed action may constitute an effect on noise-sensitive resources in locations with underlying noise levels of DNL 65 dB and higher. This standard is referenced in the noise evaluation of Section 4(f) resources.

Visual Impact Threshold – Visual impacts constitute a constructive use of a historic property that is protected under Section 4(f) if physical changes resulting from the project alter or obstruct the visual setting of a resource in which visual setting is one of the characteristics in determining its eligibility for, or listing in, the National Register. For other Section 4(f) resources such as parks, recreation areas, and wildlife refuges, a visual impact would constitute a constructive use if the change in visual setting would diminish the Section 4(f) activities, features, or attributes that contribute to the enjoyment of the resource.

Air Quality and Ecology – Air quality or ecological impacts constitute a constructive use of Section 4(f) resources if conditions were to diminish the Section 4(f) activities, features, or attributes that contribute to the significance or enjoyment of the park, recreation area, or wildlife refuge.

No-Action Alternative

The No-Action Alternative will not change existing site conditions. As a result, there would be no impacts to Section 4(f) resources by either a physical or constructive use.

Proposed Project

Use of Section 4(f) Resources

There are no Section 4(f) properties located in the Project Area and the Proposed Project is not anticipated to result in a physical taking or temporary occupancy of any properties afforded protection under Section 4(f) properties.

Constructive Use of Section 4(f) Resources

As discussed below, constructive uses to Section 4(f) properties are also not anticipated.

Noise Impacts – As indicated in the Affected Environment Section, there are two publicly-owned, public-use parks/recreational areas located adjacent to Project Areas 1 and 4, as well as the historic resources discussed above (see **Figure 1**, page F-7). **Table 1** below indicates the potential noise impacts to these parks and recreational areas under the scenarios described in Section 3.4.6 (Noise) of the EA. There are no constructive use impacts anticipated to the historic resources under the Proposed Project.

Table 1 — Proximity to the 65 dB DNL by Scenario for Section 4(f) Park and Recreation Areas

Section 4(f) Park/Recreation Area	Baseline	Future with No Action (No Action)	Future with Action (Proposed Action)
Stanley Still Sr. Town Sports Park	Within the 70 dB DNL	Within the 70 dB DNL	Within the 70 dB DNL
Airport Drive Park	Outside the 65 dB DNL	Outside the 65 dB DNL	Outside the 65 dB DNL

Note: If resource is located within the limits of more than one noise contour, the most demanding is shown in this table.

Source C&S Engineers, Inc.

The Proposed Project will displace the Runway 6 end 193 feet to the northeast, shifting the existing (Baseline) noise contours to the northeast away from their current location. As indicated in **Table 1**, under the Proposed Action small portions of the 70 dB DNL and 65 dB DNL noise contours will be located within Stanley Still Sr. Town Sports Park (approximately 0.74 acres and 8.40 acres respectively). However, as indicated in **Table 1**, Stanley Still Sr. Town Sports Park is currently located within the 70 and 65 dB DNL contours (approximately 1.28 acres and 8.83 acres respectively). This indicates that with the shift in noise contours under the Proposed Action, less of the Stanley Still Sr. Town Sports Park will be located within the 70 and 65 DNL noise contours. Therefore, the Proposed Project will not increase noise levels at the Stanley Still Sr. Town Sports Park

As indicated in **Table 1**, Airport Drive Park is located outside of the 65 dB DNL noise contours under the Proposed Action. Therefore, there will be no noise impacts to this resource.

Finally, the Proposed Project will not result in noise levels in excess of the Part 150 standard for outdoor education or recreational facilities (70-75 dB DNL) and project related noise would not substantially impact the integrity of these Section 4(f) resources at a level that constitutes an effective taking of some or all of the resource.

Visual Impacts – The Proposed Project includes modification to existing sources of light and will occur entirely on-airport in locations adjacent to existing lighted areas. As indicated in Appendix C (Visual Effects Analysis), the Proposed Project will not impact existing tree screens that buffer the Airport from surrounding

residential and Section 4(f) properties. Increased light emissions to nearby Section 4(f) resources are not anticipated, nor are impacts to viewsheds on Section 4(f) properties under the Proposed Project.

Air Quality Impacts – As indicated in Appendix H (Air Quality Assessment), the Proposed Project will not significantly impact air quality. This indicates that air quality impacts will not significantly diminish or substantially impair the activities, features, or attributes that contribute to the significant enjoyment of nearby Section 4(f) resources.

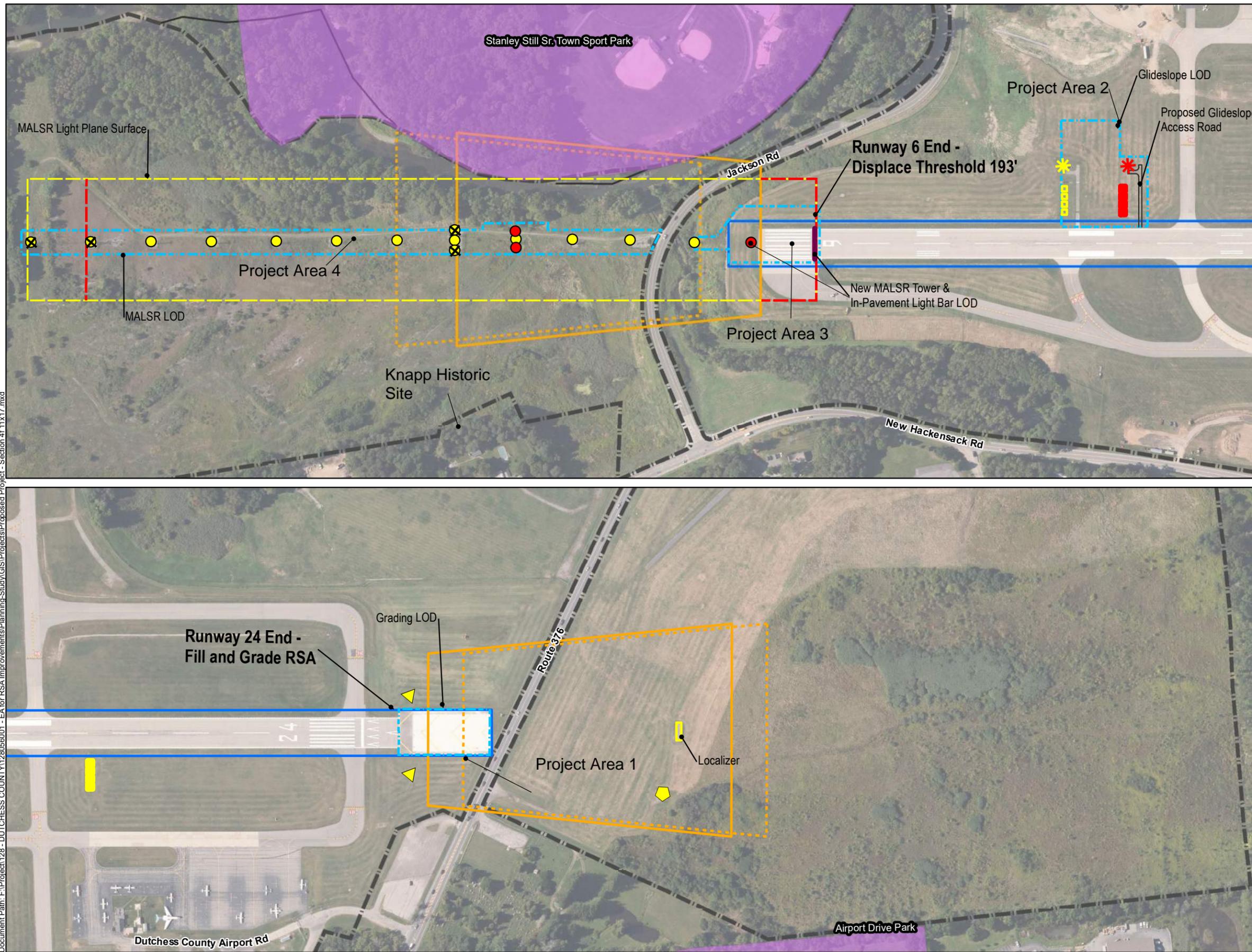
Ecological Impacts – Stanley Still Sr. Town Sports Park is a Section 4(f) resource (located less than 200 feet northwest of Project Area 4 of the Proposed Project). The Park contains a nature trail within a forested habitat that contributes to its value for public use related to outdoor recreation. Section 3.4.3 of the EA addresses potential impacts to ecological resources as a result of the Proposed Project. According to this assessment, no direct impacts to biotic communities/ecological resources at Stanley Still Sr. Town Sports Park will occur as a result of the Proposed Project. There would be no impairment of the Stanley Still Sr. Town Sports Park's use for outdoor recreation due to ecological impacts, and accordingly, no constructive use of the facility.

Mitigation

The Proposed Project will not result in the permanent or temporary use of land from a Section 4(f) resource, nor will it substantially diminish or impair the normal activity or aesthetic value of a public park, recreation area, or wildlife refuge. No properties in or eligible for listing in the NRHP would be impaired by the Proposed Project in such a way that would interfere with the designation of the property. No constructive use of Section 4(f) land would occur. Therefore, no significant impacts to Section 4(f) resources are anticipated and no mitigation measures are required.

Figures

Document Path: F:\Project128 - DUTCHESS COUNTY\128066001 - EA for RSA Improvements\Planning\Study\GIS\Projects\Proposed Project - Section 4(f) 11x17.mxd





Legend

-  Airport Property Line
-  Municipal Boundary
-  Approach RPZ
-  Departure RPZ
-  RSA
-  Limits of Disturbance (LOD)

NAVAIDs & Critical Areas*

-  REIL
-  Glideslope Antenna & Building
-  MALSR
-  MALSR (Removed)
-  Localizer Antenna
-  4-Box PAPI
-  MALSR Light Surface

*Existing NAVAIDs and Critical Areas shown in **YELLOW**
 *Proposed relocated NAVAIDs and Critical Areas shown in **RED**

-  Public Park

1 inch = 300 feet
 When printed at 11" x 17"





Hudson Valley
Regional Airport

Department of
Transportation (DOT)
Section 4(f) Resources

Figure 1

SOURCES: APL from Dutchess County; municipal boundaries from Census Bureau 2016 TIGER files; Section 4(f) properties from C&S; Basemap: 2019

Attachment 1

CFR Part 150 Noise Levels Table

CFR Part 150 - Land Use Compatibility* With Yearly Day-Night Average Sound Levels¹

Land use	Yearly day-night average sound level (L _{dn}) in decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
PUBLIC USE						
Schools	Y	N(1)	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
COMMERCIAL USE						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
MANUFACTURING AND PRODUCTION						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
RECREATIONAL						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N

¹ Code of Federal Regulations Part 150 – Airport Noise Compatibility Planning. *Table 1 – Land Use Compatibility with Yearly Day-Night Average Sound Levels*. Accessed 3/25/21. Accessible at: <https://www.ecfr.gov/cgi-bin/text-id.x?SID=f8e6df268e3dad2edb848f61b9a0fb51&mc=true&node=pt14.3.150&rgn=div5>

Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

*The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

KEY TO TABLE 1

SLUCM = Standard Land Use Coding Manual.

Y (Yes) = Land Use and related structures compatible without restrictions.

N (No) = Land Use and related structures are not compatible and should be prohibited.

NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

NOTES FOR TABLE 1

(1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

(2) Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

(3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

(4) Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.

(5) Land use compatible provided special sound reinforcement systems are installed.

(6) Residential buildings require an NLR of 25.

(7) Residential buildings require an NLR of 30.

(8) Residential buildings not permitted.